

RESOLUTION NO. 2009-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN
RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING AND STATING
THE ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, City of Los Altos (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$700,000 in funding from the Federal American Recovery and Reinvestment Act of 2009 (ARRA) for the San Antonio Road Rehabilitation project (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885) (herein referred as PROGRAM); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised applicable to federal ARRA fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

WHEREAS, as part of the application for ARRA funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and
- 2) that the PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3885); and the PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that the PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Altos hereby authorizes the execution and filing an application for funding under the American Recovery and Reinvestment Act of 2009 for the PROJECT; and be it further

RESOLVED that the City Council of the City of Los Altos, by adopting this resolution, does hereby state that:

1. The APPLICANT understands that the ARRA funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City of Los Altos from other funds, and that City of Los Altos does not expect any cost increases to be funded with additional ARRA or MTC-programmed funds; and
2. The APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. The PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. The PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; and be it further

RESOLVED that there is no legal impediment to the APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT or the ability of the APPLICANT to deliver such project; and be it further

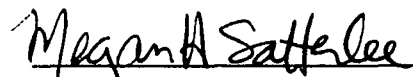
RESOLVED that the APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for ARRA funding for the San Antonio Road Rehabilitation project as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

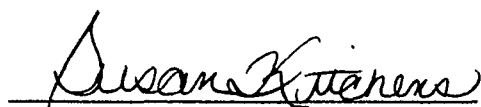
RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 24th day of February, 2009 by the following vote:

AYES:	PACKARD, CARPENTER, CASAS, BECKER, SATTERLEE
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE


Megan Satterlee, MAYOR

Attest:


Susan Kitchens, CITY CLERK