



RESOLUTION NO. 2009-213

A RESOLUTION OF THE COUNCIL OF FRESNO, AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF FUNDS FROM THE COUNCIL OF FRESNO COUNTY GOVERNMENTS 2009 CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ) "CALL FOR PROJECTS" AND AUTHORIZING THE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR, THE TRANSPORTATION DIRECTOR, AND THE GENERAL SERVICES DIRECTOR OR DESIGNEES

WHEREAS, AB 1012 has been enacted into State Law in part to provide for the "timely use" of State and Federal funding; and

WHEREAS, the City is able to apply for and receive Federal and State funding under the 2009 Federal Transportation Act; and

WHEREAS, the City desires to ensure that its projects are delivered in a timely manner to preclude the Fresno Region from losing those funds for non-delivery; and

WHEREAS, it is understood by the City that failure for not meeting project delivery dates for any phase of a project may jeopardize Federal or State funding to the Region; and

WHEREAS, the City must demonstrate dedicated and available local matching funds.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FRESNO HEREBY:

SECTION 1. Agrees that the City will ensure that all projects delivery deadlines for all project phases will be met or exceeded; and

SECTION 2. Finds that failure to meet project delivery deadlines may be deemed as sufficient cause for the Council of Fresno County Governments Policy Board to terminate an agency's project and reprogram Federal/State funds as deemed necessary; and

Adopted \_\_\_\_\_  
Approved 10/15/09  
Effective \_\_\_\_\_

2009-213



SECTION 3. Directs the City Manager and City Engineer to ensure all projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the City Council; and

SECTION 4. Appoints and authorizes the Directors of Public Works, Transportation, and General Services or chosen designees, and each of them as agents for the City of Fresno to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on which may be necessary for the completion of the aforementioned Projects Selection, subject to prior approval as to form by the City Attorney's Office.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 15th day of October, 2009.

AYES: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
NOES: None  
ABSENT: None  
ABSTAIN: None

Mayor Approval: \_\_\_\_\_ N/A \_\_\_\_\_, 2009  
Mayor Approval/No Return: \_\_\_\_\_ N/A \_\_\_\_\_, 2009  
Mayor Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 2009  
Council Override Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 2009

REBECCA E. KLISCH  
City Clerk

By: Rebecca Klisch  
~~Deputy~~

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By: R  
Loyle

Date: 10-07-09