

**RESOLUTION NO. 2440-09**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
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**, the Town of Windsor (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$503,000.00 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Los Amigos Road Resurfacing 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 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 PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that 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 Town of Windsor is authorized to execute and file an application for funding under the American Recovery and Reinvestment Act of 2009 for Los Amigos Road Resurfacing Project; and be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. 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 APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional ARRA or MTC-programmed funds; and
2. 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. 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. 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 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 APPLICANT to deliver such PROJECT; and be it further


**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for ARRA funding for the 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.

**PASSED, APPROVED AND ADOPTED** this 18th day of March 2009, by the following vote:

**AYES:** COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND  
MAYOR GOBLE  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** NONE

  
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**ROBIN R. GOBLE, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**