

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AMENDMENTS AND/OR SUPPLEMENTS TO THE MASTER FUNDING AGREEMENT WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)

WHEREAS, on December 1, 2018, the City of San José entered into a Master Funding Agreement with the Metropolitan Transportation Commission (MTC) which provides a streamlined procedure for the acceptance of grant funds through the execution of subsequent amendments and/or supplements to the master agreement for specific projects that receive MTC grant funding for a term commencing on December 1, 2018 and ending on November 30, 2028 (“Master Funding Agreement”); and

WHEREAS, the Master Funding Agreement for grants awarded by MTC contains the basic terms to implement federally funded projects; and

WHEREAS, for specific projects selected for funding from federal grant programs, the Master Funding Agreement requires that the City execute an amendment and/or supplement to the Master Funding Agreement in a format attached to the Master Funding Agreement, referred to as a “amendment” or “supplement to the master” which describes the project scope and the grant funding amount for certain phases of project implementation, including, but not limited to, land use planning, environmental clearance, project design, right-of-way acquisition, and construction; and

WHEREAS, the City Council wishes to authorize the City Manager to execute amendments and/or supplements to the Master Funding Agreement in order to efficiently process grant authorizations subject to the limitations specified below;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager is hereby authorized to negotiate and execute any and all subsequent amendments or supplements to the December 1, 2018 Master Funding Agreement with the Metropolitan Transportation Commission (MTC) for federal-aid funding to enable the City to receive federal funds for qualifying projects, subject to all of the following limitations:

a.i. The City Manager's authority to execute such amendments and/or supplements is limited to no more than \$1,000,000 total expenditure by the City of San José for each project; and

a.ii. Any expenditure by the City of San José for a project shall be budgeted and appropriated for that project prior to execution of the amendment and/or supplement to the Master Funding Agreement.

b. Any change to the insurance, liability, or indemnification provisions of the Master Funding Agreement shall have the prior approval of the City's Risk Manager and City Attorney.

2. This resolution shall have no further force and effect upon termination of the Master Funding Agreement.

//
//
//
//
//
//

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk