

Date: May 9, 2006

Committee Meeting Date: May 18, 2006

Board Meeting Date: June 1, 2006

BOARD MEMORANDUM

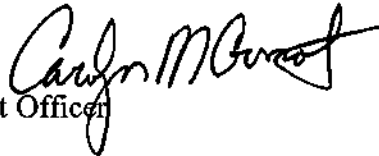
ACTION X DISCUSSION INFO

TO: Administration and Finance Committee
Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Michael T. Burns
General Manager



FROM: Carolyn M. Gonot
Chief Development Officer



SUBJECT: Resolution to Execute Program Supplements, Fund Exchange and Fund Transfer Agreements with the State of California For Federal-Aid Projects

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to execute Program Supplements, Fund Exchange and Fund Transfer Agreements with the California Department of Transportation (Caltrans) for federal-aid projects, as required by the Master Agreement pertaining to such Projects entered into between VTA and Caltrans in 1997.

BACKGROUND:

A Master Agreement entitled "Administering Agency-State Agreement For Federal-Aid Projects" was entered into between VTA and Caltrans on September 8, 1997. The Master Agreement provides procedures and authority whereby VTA can receive federal transportation funds on projects administered by VTA. For such funds to be made available for a specific project, VTA and Caltrans are required to enter into a "Program Supplement" agreement containing certain requirements for the expenditure of the funds on the particular project, and for the maintenance of the project once completed. Fund Exchange and Fund Transfer Agreements may also be required to implement and administer the receipt of funds under the Master Agreement. The Master Agreement requires that the governing body of the Administering Agency (here, VTA) either enter into each Program Supplement, Fund Exchange or Fund Transfer Agreement itself, or adopt a Resolution expressly delegating such authority to an officer of the Agency.

DISCUSSION:

On November 1, 2005, VTA sent a Request for Authorization to Proceed with Right-of-Way Acquisition and Utility Relocations for the State Route 152/156 Improvement Project. Within this document was a request to obligate \$4 million in federal funds for the acquisition and administration of right-of-way. A Right-of-Way Cooperative Agreement (Attachment A) between Caltrans and VTA for the project was executed on January 25, 2006. To make these federal funds available, a project-specific Program Supplement must be entered into between VTA and Caltrans under the subject Master Agreement.

For the SR 152/156 Improvement Project, and for future federal-aid projects, it is proposed that the VTA Board adopt a resolution delegating to the General Manager the authority to execute any such Program Supplements, as well as Fund Exchange and Fund Transfer Agreements and any amendments thereto. On June 1, 2006, the VTA Board will consider adopting the resolution.

ALTERNATIVES:

The VTA Board could approve the Program Supplement or Fund Transfer or Exchange Agreement for each project to comply with the Master Agreement and ensure the receipt of federal funds. However, since those Agreements are essentially form contracts, containing standardized clauses, there is no reason for the VTA Board to review or approve each one separately. It would be more efficient to delegate such responsibility to the General Manager.

FISCAL IMPACT:

The pending Program Supplement Agreement will encumber \$4 million in federal funds for the acquisition and administration of right-of-way activities utility relocations for the SR 152/156 Improvement Project.

Resolution No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AUTHORIZING THE GENERAL MANAGER TO EXECUTE PROGRAM SUPPLEMENTS, FUND EXCHANGE AND FUND TRANSFER AGREEMENTS WITH THE STATE OF CALIFORNIA FOR FEDERAL AID PROJECTS

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is eligible to receive funding for certain Federal Aid Transportation Projects, through the California Department of Transportation; and

WHEREAS, for such purpose, VTA and the California Department of Transportation entered into a "Master Agreement, Administering Agency-State Agreement For Federal Aid Projects" dated September 8, 1997; and

WHEREAS, consistent with the Master Agreement, Program Supplements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation as a condition for receipt of funds for a particular project; and

WHEREAS, VTA wishes to delegate authorization to execute these agreements and any amendments thereto to the General Manager;

NOW, THEREFORE BE IT RESOLVED, that the General Manager be authorized to execute all Program Supplements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto, pertaining to Federal Aid Projects, with the California Department of Transportation.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on June 1, 2006, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

CINDY CHAVEZ, Chairperson
Board of Directors

ATTEST:

MARIA MARINOS, Secretary
Board of Directors

APPROVED AS TO FORM:

Counsel