



## Board Report

File #: 2016-0762, File Type: Resolution

Agenda Number: 13.

### PLANNING AND PROGRAMMING COMMITTEE OCTOBER 19, 2016

**SUBJECT: AUTHORIZATION TO NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL FUNDING DOCUMENTS**

**ACTION: AUTHORIZE CEO OR DESIGNEE TO NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL FUNDING DOCUMENTS**

#### RECOMMENDATION

AUTHORIZE the Chief Executive Officer to adopt:

- A. the attached resolution (Attachment A) **authorizing the Chief Executive Officer (CEO) or the CEO's Designee to negotiate, execute, and file federal, state, regional and local funding documents** for Board-approved projects and activities; and
- B. the attached resolution (Attachment B) authorizing the CEO or the CEO's Designee to **execute and file Federal Transit Administration funding documents** for Board-approved projects and activities.

#### ISSUE

For Metro to apply and be awarded grants or other grant-related funding assistance, the Board of Directors must adopt certain resolutions allowing the CEO or the CEO's Designee to negotiate, execute and file funding documents on behalf of Metro. Funding documents may include agreements, contracts, memoranda of understanding, certifications, assurances, and all other necessary covenant documentation required to secure federal, state, regional and local revenue sources for Board-approved projects and activities. The current resolution was originally adopted in 1995 and re-certified in 2005.

#### DISCUSSION

Currently, we have a general authorizing resolution that covers all fund source types and which the Board of Directors last re-certified a little over ten years ago. The Board originally adopted the first authorizing resolution on November 20, 1995, and that resolution allowed us to do what we needed administratively to secure federal, state, and local funding for Board-approved transportation projects and activities. That general resolution also authorized the CEO or the CEO's Designee to provide any

additional information needed to secure such funding.

Since the general authorizing resolution was adopted and updated, there have been opportunities available for Metro to obtain new grant funding from grantors who require more recent evidence from staff that the Board has authorized staff to secure grants for Board-approved projects and activities. More recently, the Federal Transit Administration (FTA) has requested that an updated resolution with more specific language be adopted before executing a Section 5309 New Starts Full Funding Grant Agreement for Westside Purple Line Extension Section 2.

To address the need for these administrative resolutions, we have attached two recommended resolutions for Board consideration. Attachment A provides an update to the previous Board authorizations, reaffirms the commitments made by the previous general resolution, and certifies Metro compliance with all applicable statutes and requirements to obtain such funding. Attachment B contains a resolution that specifically addresses the recent FTA request and contains updated language from the previously adopted resolution that pertained to FTA funding.

#### **DETERMINATION OF SAFETY IMPACT**

The recommended actions will have no impact on Metro's established safety standards.

#### **FINANCIAL IMPACT**

In adopting the attached resolutions, the Board of Directors would be authorizing us to secure federal, state, regional and local sources of revenue needed for Metro to meet its capital and operating budget requirements for Board-approved projects and activities.

#### **ALTERNATIVES CONSIDERED**

The alternative to adopting the attached resolutions is to bring each grant application, agreement or contract, and its related documents to the Board of Directors for individual direction and approval. We do not recommend such an alternative because executing and filing federal, state, regional and local funding documents constitutes an administrative assignment that can be completed more efficiently and timely by staff, and will ensure strict deadlines are met in a timely manner.

#### **NEXT STEPS**

Once approved, we will provide a copy of the certified resolution contained in Attachment A to federal, state, regional and local grantor agencies upon request when grants and other funding assistance is being pursued to support Board-approved projects and activities. We also will file a copy of the certified resolution presented in Attachment B with the FTA for FTA-specific grant assistance as required.

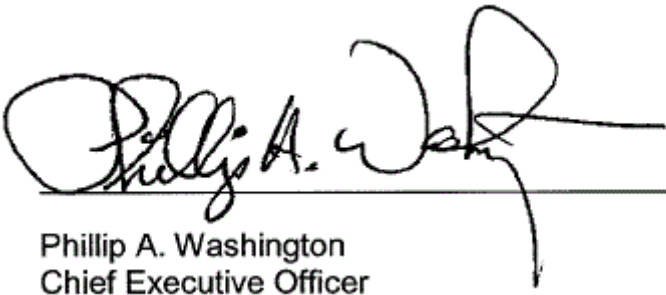
**ATTACHMENTS**

Attachment A - Updated Resolution to Negotiate, Execute and File Federal, State, Regional and Local Funding Documents for Board-Approved Projects and Activities.

Attachment B - Updated Resolution Authorizing the Filing of Applications with the Federal Transit Administration

Prepared by: Nathan Maddox, Transportation Planner, Regional Grants Management, (213) 922-7368  
Cosette P. Stark, Deputy Executive Officer, Regional Grants Management, (213) 922-2822  
David Yale, Senior Executive Officer, Countywide Planning and Development, (213) 922-2469

Reviewed by: Therese W. McMillan, Chief Planning Officer, (213) 922-7077



Phillip A. Washington  
Chief Executive Officer

**RESOLUTION AUTHORIZING CHIEF EXECUTIVE OFFICER OR DESIGNEE TO NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL FUNDING DOCUMENTS FOR BOARD-APPROVED PROJECTS AND ACTIVITIES**

**WHEREAS**, federal, state, regional and other local revenue sources are needed in addition to local revenue sources of the Los Angeles County Metropolitan Transportation Authority (“Metro”) to help meet budget goals and objectives established and adopted by the Board of Directors for approved projects and activities for Los Angeles County; and

**WHEREAS**, the Board of Directors adopts a Long Range Transportation Plan for Los Angeles County that identifies, schedules, and programs funding for transportation projects and activities (including planning, capital, training, demonstration, research, and operating programs); and

**WHEREAS**, federal, state, regional and local sources of revenue are needed in addition to Metro’s own sources of revenue to help finance projects and activities approved by the Board through its Long Range Transportation Plan for Los Angeles County, separate directives, and/or budget actions; and

**WHEREAS**, to access or draw down on such federal, state, regional and local sources of revenue that are managed and administered by Federal, State, and Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors (including those providing private sector contributions or funding), Metro will be required to apply for such federal, state, and local funding; seek and negotiate related approvals; and execute funding agreements, contracts, and memoranda of understanding with said funding parties; and

**WHEREAS**, agreements, contracts, and memoranda of understanding with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for such federal, state, regional and local sources of revenue may impose specific matching funding requirements by each agreement, contract, or memorandum of understanding for projects and activities; and

**WHEREAS**, agreements, contracts, and memoranda of understanding with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for such federal, state, regional and local sources of revenue also may impose certain obligations upon Metro, including but not limited to provisions that indemnify and hold harmless said funding parties on Board-approved projects and activities and that require certain certifications and assurances as condition for providing such sources of revenue needed for Board-approved projects and activities; and



**WHEREAS**, with this resolution the Board is updating its authorization for negotiating, executing and filing all federal, state, regional and local funding documents and reaffirming its commitment to comply with federal, state, regional and local state funding requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority that:

1. The Chief Executive Officer or the Chief Executive Officer's Designee is authorized to execute and file applications, agreements, contracts, memoranda of understanding, certifications, assurances, amendments and all other necessary documents on behalf of Metro with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors to secure the federal, state, regional and local sources of revenue needed for Board-approved projects and activities; and
2. The Chief Executive Officer or the Chief Executive Officer's Designee is authorized to furnish such additional information as may be required by Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors to secure the federal, state, regional and local sources of revenue needed for Board-approved projects and activities.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Los Angeles County Metropolitan Transportation Authority:

1. Certifies that Metro will comply with all applicable statutes, regulations, executive orders, circulars, policies, and other administrative provisions required by agreements, contracts, and memoranda of understanding providing federal, state, regional and local funding from Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for Board-approved projects and activities; and
2. Understands that many of those provisions or requirements will be specifically identified in said agreements, contracts, and memoranda of understanding, and that applicable statutes, regulations, executive orders, circulars, policies, and administrative practices may be modified from time-to-time and will affect the implementation of Board-approved projects and activities; and
3. Agrees that the latest applicable federal, state, regional and local requirements will apply to Board-approved projects and activities, unless Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors determine otherwise.

## **CERTIFICATION**

The undersigned, duly qualified and acting as the Board Secretary of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct copy of the Resolution adopted at a legally convened meeting of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority held on this 27th day of October, 2016.

DATED:

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Michele Jackson, Board Secretary

Los Angeles County Metropolitan Transportation Authority

**RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE  
FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF  
THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL  
TRANSPORTATION ASSISTANCE AUTHORIZED BY CHAPTER 53 OF TITLE 49 OF  
THE UNITED STATES CODE AND ANY OTHER FEDERAL STATUTES  
ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION**

**WHEREAS**, the Federal Transit Administration has been authorized to provide funding to support public transportation under 49 U.S.C. Chapter 53;

**WHEREAS**, grants or cooperative agreements for Federal financial assistance will impose certain obligations upon the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) and may require LACMTA to provide the non-Federal share of transportation-related expenses supported with Federal financial assistance;

**WHEREAS**, LACMTA is legally authorized under Federal, state, or local law to apply for and receive Federal assistance;

**WHEREAS**, LACMTA has received authority from the Southern California Association of Governments (“SCAG”) to apply for and receive Urbanized Area Formula Program assistance authorized by 49 U.S.C.5307.

**WHEREAS**, LACMTA is required to provide certain certifications and assurances to the Federal Transit Administration at least annually;

**NOW, THEREFORE, BE IT RESOLVED BY** the Metro Board of Directors:

1. That the Chief Executive Officer or designee is authorized to execute and file an application for Federal assistance on behalf of LACMTA with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53 or any other Federal statutes authorizing activities administered by the Federal Transit Administration.
2. That the Chief Executive Officer or designee is authorized to execute and file with the Federal Transit Administration the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the Chief Executive Officer is authorized to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of LACMTA.
4. That the Chief Executive Officer or designee is authorized to draw payments against available grant funding using the ECHO web system or other Federal Transit Administration automated application used to request payments from grant awards.



## CERTIFICATION

The undersigned duly qualified Board Secretary, acting on behalf of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct copy of the Resolution adopted at a legally convened meeting of the Board of Directors, of the Los Angeles County Metropolitan Transportation Authority held on this 27th day of October, 2016.

DATED:

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Michele Jackson, Board Secretary  
Los Angeles County Metropolitan Transportation Authority