

RESOLUTION No. 2010-14

A RESOLUTION TO ADOPT FORMATTED RESOLUTION (APPENDIX F-1 - Certification of Pre-Construction Phase) REGARDING A COOPERATIVE PROJECT AGREEMENT, CONTROL ES 11240, UNDER THE AMERICAN RECOVERY AND INVESTMENT ACT (ARRA) OF 2009 FOR SILVER CITY STREETS.

WHEREAS, funds have been made available to the Town of Silver City through the ARRA for certain construction involving Silver City streets; and

WHEREAS, a formatted Resolution entitled Exhibit F was made part of the Cooperative Project Agreement dated July 2, 2009 which Agreement was executed between the Town and New Mexico Department of Transportation; and

WHEREAS, said form of Resolution must be adopted as provided to the Town, which form is not consistent with formatted Resolutions previously adopted by the Town; and

WHEREAS, in order to retain uniformity of Town adopted Resolutions, while at the same time complying with the format required in said Cooperative Agreement, it is deemed appropriate to authorize the Mayor, as representative of and with the assent of the Town Council to sign such Resolution in the format provided;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Silver City that:

1. The Mayor is authorized to sign said Appendix F-1 Resolution in the form and manner required by the Cooperative Project Agreement, and that said Town Council does pass, approve and adopt said Resolution.

PASSED, ADOPTED and APPROVED this 13th day of April, 2010.

(Seal)

/s/
James R. Marshall, Mayor
Attest:

/s/
Yolanda C. Holguin, Acting Town Clerk

APPENDIX F-1

Certification of Pre-Construction Phase and Resolution No. 2010-14

Whereas, funds from the American Recovery and Reinvestment Act (ARRA) of 2009, (Pub.L. 111-5) appropriated by the United State Congress, signed into law on February 17, 2009 and apportioned on March 2, 2009 are available to local governments through the Federal Surface Transportation Program administered by the New Mexico Department of Transportation (Department); and

Whereas, it is necessary for the local government to enter into an agreement with the Department in order to receive funding from ARRA; and

Whereas, the Town of Silver City and the Department entered into the American Recovery and Reinvestment Act of 2009, Cooperative Project Agreement on the 2nd day of July, 2009 (Agreement); and

Whereas, the governing body of the Town met on the 13th day of April 2010, and adopted the resolution set forth below for Control No. ES11240;

NOW THEREFORE BE IT RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE CITY:

1. That the Town has complied with all applicable terms, conditions and certification requirements of the Agreement.
2. That the Town has completed environmental coordination and obtained Department and FHWA approval of the environmental, Right of Way, Utility, and Railroad documents and completed the consultation process with the State Historic Preservation Officer as required by law. Furthermore, the Town has complied with all applicable requirements listed in Section four of the Agreement.
3. The project has received the Town's full review and vetting required by law and the Town accepts responsibility for the project. The Town further certified that the federal funding amount is an appropriate use of taxpayer dollars.
4. By requesting ARRA funds the Town commits to fulfill all reporting requirements listed in Section Two of the Agreement. The Department may withdraw ARRA funds if the Town fails to meet any of the applicable requirements.

PASSED, APPROVED and ADOPTED this 13th day of April, 2010.

(Seal)

/s/
James R. Marshall, Mayor
Attest:

/s/
Yolanda C. Holguin, Acting Town Clerk