

RESOLUTION NO. 2011-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
AUTHORIZING AND APPROVING AMENDMENT NO. 1 TO THE
COOPERATIVE FUNDING AGREEMENT NO. M20005 (MEASURE M)
BETWEEN THE SONOMA COUNTY TRANSPORTATION AUTHORITY AND
CITY OF ROHNERT PARK

WHEREAS, in 2004, the residents of Sonoma County and Rohnert Park passed Measure M, a 0.25% sales tax for transportation programs;

WHEREAS, Rohnert Park receives an allocation of Measure M sales tax proceeds for local street maintenance in accordance with the terms of the Cooperative Funding Agreement Between Sonoma County Transportation Authority and the City of Rohnert Park ("Agreement");

WHEREAS, Rohnert Park receives its allocation at the end of the third quarter each fiscal year, as do all of the local agencies except Sonoma County, which receives its funds quarterly;

WHEREAS, SCTA staff has recommended that all local agencies receive quarterly payments instead of annual payments;

WHEREAS, an amendment to the Measure M cooperative agreement is necessary to allow SCTA to make this change;

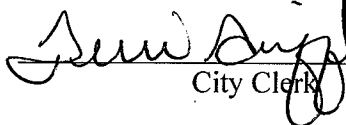
WHEREAS, SCTA has provided the attached *Amendment No. 1 to the Cooperative Funding Agreement No. M20005 (Measure M) Between the Sonoma County Transportation Authority and City of Rohnert Park* for the City's consideration; and

WHEREAS, changing Measure M local road maintenance payments from an annual basis to a quarterly basis will provide better cash flow to the City.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Rohnert Park that *Amendment No. 1 to the Cooperative Funding Agreement No. M20005 (Measure M) Between the Sonoma County Transportation Authority and City of Rohnert Park* is hereby approved and the mayor is authorized to execute the amendment.

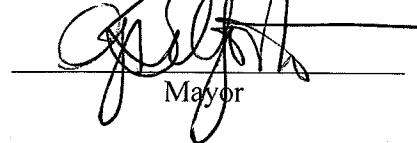
DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 9th day of August, 2011.

ATTEST:


City Clerk



CITY OF ROHNERT PARK


Mayor

AHANOTU: <u>AYE</u>	CALLINAN: <u>AYE</u>	MACKENZIE: <u>AYE</u>	STAFFORD: <u>AYE</u>	BELFORTE: <u>AYE</u>
AYES: (5)	NOES: (0)	ABSENT: (0)	ABSTAIN: (0)	

**AMENDMENT NUMBER 1 TO
COOPERATIVE FUNDING AGREEMENT NO. M20005
(MEASURE M)**

**BETWEEN
THE SONOMA COUNTY TRANSPORTATION AUTHORITY
AND
CITY OF ROHNERT PARK**

This Amendment No. 1 to the Agreement is made and entered into as of _____, 2011 (“Effective Date”) by and between the City of Rohnert Park, herein referred to as “**CITY**” and the Sonoma County Transportation Authority, herein referred to as “**AUTHORITY**.”

RECITALS

1. **AUTHORITY** and **CITY** entered into a Cooperative Funding Agreement No. M20005 to define a framework to enable the two parties to work cooperatively in allocating funding for local road maintenance, Intelligent Transportation System implementation and related eligible work as described in the Strategic Plan.

2. Cooperative Agreement No. M20005 specified that **AUTHORITY** shall distribute funds for Local Maintenance Projects on an annual basis.

3. In order to better accommodate fluctuations in sales tax revenue and provide a more consistent cash flow to the **CITY**, **AUTHORITY** recommended and authorized Cooperative Funding Agreement No. M20005 be amended to provide quarterly distributions of such funding.

In consideration of the recitals set forth and the covenants contained herein, **CITY** and **AUTHORITY** mutually agree as follows:

1. SECTION II, Article 1. is hereby replaced in its entirety with the following:

Allocation of Funding. Consistent with its Strategic Plan, to make available Measure M funds to **CITY** for such Local Maintenance Projects (also referred to as Local Street Rehabilitation or “**LSR**”) based on the formula set forth in Measure M. **AUTHORITY** shall distribute such funds to **CITY** on a quarterly basis.

2. Except to the extent the Agreement is specifically amended or supplemented hereby, Cooperative Agreement M20005 shall continue to be in full force and effect as originally executed, and nothing contained herein shall be construed to modify, invalidate or otherwise affect any other provision of the Agreement or any right of SCTA arising there under.

3. CITY warrants the person affixing his or her signature hereto is authorized to execute this agreement on behalf of CITY.

SCTA AND CITY HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number 1 to Measure M Agreement No.M20005 as set forth below.

City of Rohnert Park

Sonoma County Transportation Authority

By: _____

By: _____

Mayor

Chair

ATTEST:

APPROVE AS TO FORM:

By: _____

By: _____

APPROVED AS TO LEGAL FORM

By: _____

By: _____

City Attorney

Authority Counsel