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City of Las Cruces[®]
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Council Action and Executive Summary
 Item # 18 Resolution # 10-098 Council District: All

For Meeting of September 21, 2009
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO ACCEPT AN AWARD OF SECTION 5307 FORMULA FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$1,291,703 REQUIRING A CITY MATCH OF \$1,291,703 FOR THE PURPOSE OF ROUTINE TRANSIT OPERATING SUPPORT IN FISCAL YEAR 2010 AND ADJUST THE BUDGET ACCORDINGLY.

PURPOSE(S) OF ACTION: This Resolution would authorize the Transit Administrator to accept and obligate a formula Section 5307 grant from the Federal Transit Administration for \$1,291,703. This is the Federal Fiscal Year 2009 apportionment to the City of Las Cruces that was signed in to law by President Obama on March 11, 2009. This grant will be used in the FY 2010 operations of the RoadRUNNER transit system and requires an equal local match of \$1,291,703 for a total operating project of \$2,583,406.

Name of Drafter: Michael Bartholomew <i>[Signature]</i>		Department: Public Services / Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Originating Department	<i>[Signature]</i>	528-3477	Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2071
Legal	<i>[Signature]</i>	2121	City Manager	<i>[Signature]</i>	2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 15, 2009 in Resolution 09-308, City Council authorized Transit staff to apply for Federal Transit Administration (FTA) funding in the amount of \$1,291,703 from a Federal FY 2009 Section 5307 (formula) apportionment awarded to the City of Las Cruces. Staff submitted this request to FTA in June and now authorization to accept is being requested. This funding will be used towards Transit Operations in City FY 2010 and requires a 50% local match. This project is included in the State Transportation Improvement Program (STIP).

Section 5307 formula funds are received annually by the City for operating its public transit service. As a small urban system, Section 5307 funds can be used for both capital and operating projects. The entire amount apportioned in FY 2010 has been programmed for operating expenses.

This funding was already included in the City FY 2010 Budget for the Transit Section as approved by the City Council at its May 18, 2009 meeting. However, the estimated

apportionment at the time the budget was submitted was \$1,313,400. Because Congress has not yet passed a new transportation funding bill, apportionment was kept the same as last year and was slightly less than estimated for the City's FY 2010 Budget. Therefore we are also requesting a minor budget adjustment to reflect the lower apportionment.

Approval of this Resolution formally allows the Transit Administrator to accept and obligate the grant award.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Revenue FY2010	Budget Amount FY2010
FTA Operating Assistance 59680020-551004-24110	\$ 2,583,406	\$ 2,583,406
FTA Share	\$ 1,291,703	\$ 1,291,703
City Share (Gas Tax, General Fund)	\$ 1,291,703	\$ 1,291,703

1. Resolution.
2. Exhibit "A" – The FTA Section 5307 Grant in the amount of \$1,291,703.
3. Exhibit "B" – Budget Adjustment.

OPTIONS / ALTERNATIVES:

1. Approval of the Resolution will enable the Transit Administrator to accept and obligate the Section 5307 grant in the amount of for \$1,291,703 to be used to offset transit operating expenses incurred during City FY 2010.
2. Not approve the Resolution which will result in a critical loss of operating revenue for the transit system and severe cutbacks in transit service.
3. Modify the Resolution and provide alternative direction to Staff.

RESOLUTION NO. 10-098

A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO ACCEPT AN AWARD OF SECTION 5307 FORMULA FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$1,291,703 REQUIRING A CITY MATCH OF \$1,291,703 FOR THE PURPOSE OF ROUTINE TRANSIT OPERATING SUPPORT IN FISCAL YEAR 2010 AND ADJUST THE BUDGET ACCORDINGLY.

The City Council is informed that:

WHEREAS, the City of Las Cruces receives annual apportionments of transit funding through the Section 5307 (formula) funding program as authorized by Congress; and

WHEREAS, the City has programmed this apportionment towards Transit Operation in FY 2010; and

WHEREAS, a transit operating project for Las Cruces is included for FY2010 in the State Transportation Improvement Program (STIP); and

WHEREAS, on June 15, 2009, in Resolution 09-308, City Council authorized transit staff to submit a grant request for \$1,291,703 in formula Section 5307 funds apportioned by Congress to the City of Las Cruces on March 11, 2009; and

WHEREAS, the City wishes to accept award of these funds for the purpose of offsetting operating costs in the City FY 2010; and

WHEREAS, the City Council approved the City budget, which includes this funding of the Transit Section Budget, on May 18, 2009. The budget needs to be amended to reflect the change from the estimated apportionment of \$1,313,400 to the actual apportionment of \$1,291,703.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Transit Administrator is hereby authorized to accept and obligate a Section 5307 grant award from the Federal Transit Administration in the amount of \$1,291,703, to be used for eligible transit operating expenses in FY 2010.

(II)

That the Budget adjustment reflected in exhibit "B" is hereby adopted and authorized.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2009.

APPROVED:

(SEAL)

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Archuleta: _____
Councillor Small: _____
Councillor Jones: _____
Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

DOT



FTA

U.S. Department of Transportation

Federal Transit Administration

Application

Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Project ID:	NM-90-X092-00
Budget Number:	1 - Budget Pending Approval
Project Information:	5307 funds to be used for City FY10

Part 1: Recipient Information

Project Number:	NM-90-X092-00
Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Address:	P.O. Box 20000 , LAS CRUCES, NM 88004 0000
Telephone:	(575) 541-2500
Facsimile:	(575) 541-2545

Union Information

Recipient ID:	1580
Union Name:	STEELWORKERS UNION
Address 1:	
Address 2:	
City:	, 00000 0000
Contact Name:	
Telephone:	() -
Facsimile:	() 0-0000
E-mail:	
Website:	

Recipient ID:	1580
Union Name:	UNITED STEELWORKERS OF AMERICA, AFL-CIO/CLC
Address 1:	1880 N. Solano
Address 2:	
City:	Las Cruces, NM 88001

Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this portion of the project application

Comments to DOL

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Aug. 04, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<p>The Federal Transit Administration's (FTA) projected timetable for acting upon the subject grant is 35 days from the date of this application. In order to meet the timetable, Department of Labor certification is requested not later than two weeks prior to that date. Please establish a time schedule for negotiations pursuant to 29 DFR 215.3(d). Based on the time deadlines in the 12/7/95, DOL guidelines, please advise us of the 49 USC sec 5333(b) terms and conditions for inclusion in the grant contract.</p> <p>Person to notify at FTA: Tony Ogboli, Community Planner 819 Taylor Street Room 8A36 Forth Worth, TX 79102 Phone 817-978-0566 tony.ogboli@dot.gov</p>

Part 8: Results of Reviews

The reviewer did not find any errors

Part 9: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-15, October 1, 2008)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(15), October 1, 2008, <http://www.fta.dot.gov/documents/15-Master.pdf>
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

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FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No: NM-90-X092-00

Grantee: CITY OF LAS CRUCES

Citation of Statute(s) Authorizing Project: 49 USC 5307 - Urbanized Area Formula (FY2006 forward)

Estimated Total Eligible Cost (in U.S. Dollars): \$2,583,406

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$1,291,703

Amount of This FTA Award (in U.S. Dollars): \$1,291,703

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date:

Project Description:

5307 funds to be used for City FY10

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

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**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**SUPPLEMENTAL AGREEMENT
(Attachment to FTA G-15, October 1, 2008)**

It is the practice of the Federal Transit Administration to enter into a formal agreement with the Designated Recipient for projects that the Designated Recipient does not carry out directly. Under this Grant Agreement, the Grant Recipient is not the Designated Recipient. Therefore, the Designated Recipient hereby agrees to permit the Grant Recipient under this Grant Agreement to receive and dispense the Federal assistance funds described in this Grant Agreement. The Designated Recipient further agrees that the Grant Recipient shall assume all responsibilities set forth in this Grant Agreement.

The Federal Government and the Grantee under this Grant Agreement hereby agree that the Designated Recipient is not in any manner subject to or responsible for the terms and conditions of this Grant Agreement and is a party to this Grant Agreement only to assign the right to receive and dispense Federal funds to the Grantee as described above.

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

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FUND	DIVISION		FUND TYPE	
Transit Fund 5920	Public Services		Enterprise	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ (103,373)	590,020		590,020
REVENUES				
543711 NMSU Bus Subsidy	\$ 191,155	250,000		250,000
543712 Bus Fares	114,645	112,000		112,000
543714 Token Fares	4,297	3,905		3,905
543715 Bus Passes	34,705	61,000		61,000
543716 Mesilla Subsidy	13,500	11,730		11,730
543731 Dial A Ride Bus Fares	4,534	4,525		4,525
543732 Dial A Ride Bus Tokens	20,718	21,625		21,625
551004 Fed Trans Admin	1,497,006	1,313,400	(21,697)	1,291,703
551004 Federal Transit Capital	1,416,467	946,683		946,683
551006 Federal GSA	0	0		0
552007 Rideshare State Hwy	31,000	31,000		31,000
552008 NMEMNR - Rideshare	21,500	30,000		30,000
560046 Transit Donations Dial-A-Ride	1,700	2,240		2,240
590020 Sale of Property/Materials	9,900	0		0
592001 Other Reimbursed Expenses	177	100		100
Total Revenues	\$ 3,361,304	2,788,208	(21,697)	2,766,511
Total Resources	\$ 3,257,931	3,378,228	(21,697)	3,356,531
EXPENDITURES				
Public Services Department				
Administration 59685010				
Personnel	\$ 228,052	262,651		262,651
Operating	125,801	140,556		140,556
Capital	0	71,178		71,178
Depreciation	128,700	248,230		248,230
Total - 59685010	\$ 482,553	722,615	0	722,615
Fixed Route 59685020				
Personnel	\$ 1,303,027	1,263,775		1,263,775
Operating	733,851	682,233		682,233
Capital	1,661,584	385,000		385,000
Depreciation	236,490	133,900		133,900
Total - 59685020	\$ 3,934,952	2,464,908	0	2,464,908
Dial-A-Ride 59685030				
Personnel	\$ 731,242	743,223		743,223
Operating	214,042	209,838		209,838
Capital	109,000	496,000		496,000
Depreciation	0	0		0
Total - 59685030	\$ 1,054,284	1,449,061	0	1,449,061

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

EXHIBIT "B" CONTINUED

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010

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FUND	DIVISION		FUND TYPE	
Transit Fund 5920	Public Services		Enterprise	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
Bus Maintenance 59685040				
Personnel	\$ 313,394	317,123		317,123
Operating	68,464	47,600		47,600
Capital	5,600	180,400		180,400
Total - 59685040	\$ 387,458	545,123	0	545,123
Rideshare 59685050				
Personnel	\$ 34,615	36,443		36,443
Operating	26,191	31,587		31,587
Total - 59685050	\$ 60,806	68,030	0	68,030
GSA Operating Assistance 59685070				
Personnel	\$ 0	0		0
Operating	0	0		0
Total - 59685070	\$ 0	0	0	0
5% reduction	0	0		0
Total Expenditures	\$ 5,920,053	5,249,737	0	5,249,737
OTHER FINANCING SOURCES (USES)				
Transfer from Fund 1000 - General Fund	\$ 2,049,000	1,134,067		1,134,067
Transfer from Fund 1200 - VAF Fund	275,000	132,350		132,350
Transfer from Fund 2171 - Older Americans Act Fund	71,752	71,752		71,752
Transfer from Fund 2810 - Gasoline Tax Fund	530,000	1,000,000		1,000,000
Transfer to Fund 1000 - General Fund for Bldg R & M	(15,500)	(15,500)		(15,500)
Transfer to Fund 5921 - Transit Intermodal Ctr	0	0		0
Transfer to Fund 6340 - Liability Claims Fund	(23,300)	(39,941)		(39,941)
Total Other Financing Sources (Uses)	\$ 2,886,952	2,282,728	0	2,282,728
ENDING BALANCE With Non-Cash Expense	\$ 224,830	411,219	(21,697)	389,522
Plus: Non-Cash Expense	365,190	382,130	0	382,130
Adjustment due to change in accruals.	0	0		0
ENDING BALANCE	\$ 590,020	793,349	(21,697)	771,652

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.