

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SUBMIT A GRANT APPLICATION TO THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY UNDER THE HABITAT CONSERVATION FUND PROGRAM FOR THE THOMPSON CREEK REACH 1A (TULLY ROAD TO QUIMBY ROAD) TRAIL PROJECT IN AN AMOUNT NOT TO EXCEED \$200,000, TO ACCEPT THE GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the people of the State of California ("State") have enacted the California Wildlife Protection Act of 1990, which provides funds to the State for grants to local agencies to acquire, enhance, restore or develop facilities for public recreation and fish and wildlife habitat protection purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the Habitat Conservation Fund ("HCF") Program, setting up necessary procedures governing project application under the HCF Program; and

WHEREAS, the City of San José ("City") desires to submit an application for grant funding for the Thompson Creek Reach 1A (Tully Road to Quimby Road) Trail Project ("Project"), in an amount not to exceed \$200,000; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the City to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the City will enter into a contract with the State of California to complete the project(s) if awarded the grant requested;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager, or designee, is authorized to file an application for the Habitat Conservation Fund Program for the Thompson Creek Reach 1A (Tully Road to Quimby Road) Trail Project in an amount not to exceed \$200,000; and
2. The City has or will have available, prior to commencement of any work on the Project included in this application, the required match and sufficient funds to complete the Project if the grant is awarded; and
3. The City has or will have sufficient funds to operate and maintain the Project; and
4. The City has reviewed, understands and agrees to the provisions contained in the contract shown in the grant administration guide; and
5. The City Manager, or designee, is further authorized to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project, and to accept the grant on behalf of the City.
6. The City will comply with all applicable federal, state and local laws, or ordinances, rules, regulations and guidelines.

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk