

RESOLUTION NO. 7-08

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND  
AUTHORIZING THE PORT DIRECTOR OR HIS DESIGNEE TO TAKE  
ALL ACTIONS NECESSARY TO APPLY FOR PORT SECURITY  
GRANT FUNDING IN ACCORDANCE WITH THE CALIFORNIA PORT  
AND MARITIME SECURITY GRANT PROGRAM

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WHEREAS, the City of Richmond operates various terminal facilities at the Port of Richmond requiring security; and

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (the "Act"), approved by the voters as Proposition 1B at the November 7, 2006 general election, authorizes the issuance of nineteen billion nine hundred twenty five million (\$19,925,000,000) in general obligation bonds for specified purposes, including grants for port security projects; and

WHEREAS, Section 8879.23 (c)(3) of the Act directs that one hundred million dollars (\$100,000,000) be made available upon appropriation by the legislature for grant to eligible entities for eligible port and maritime security projects; and

WHEREAS, Funding appropriated for the FY 2007 California Port and Maritime Security Grant Program ("CPMSGP") is forty million dollars (\$40,000,000); and

WHEREAS, Eligible applicants for CPMSGP funding are publicly owned ports, harbors, and ferryboat and ferry terminal operators; and

WHEREAS, CPMSGP applicants must adhere to the *Program Guidelines and Application Kit* issued on November 9, 2007 (the "Guidelines"); and

WHEREAS, the *Guidelines* require projects submitted for funding to be reviewed and approved in a three phase process: Phase 1: Investment Justifications, Phase 2: Project Funding Plan and Phase 3: Notice of Project Approval; and

WHEREAS, the *Guidelines* require Phase 1: Investment Justifications to be accompanied by a resolution of the Governing Body that designates an Authorized Agent with the authority to apply for and take any actions necessary for the purpose of procuring CPMSGP assistance; and

WHEREAS, the City of Richmond is the Governing Body for the purpose of applying for CPMSGP funding; and

WHEREAS, it is desirable to designate the Port Director or his designee as the Authorized Agent with the authority to apply for CPMSGP funding.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Richmond hereby designates the Port Director or his designee as Authorized Agent and authorizes the Port Director or his designee to apply for CPMSGP funding in accordance with the *Guidelines*.

BE IT FURTHER RESOLVED that that this resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the City of Richmond or any officer or employee of the City of Richmond. This resolution approves and authorizes the execution of grant application documents in accordance with the terms of this resolution. Unless and until a written agreement is duly authorized and executed on behalf of the City of Richmond, signed as approved as to form and legality by the City Attorney, and delivered to other contracting party, there shall be no valid or effective agreement.

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I certify that the foregoing Resolution was passed and adopted by the Council of the City of Richmond, California, at a regular meeting held on January 22, 2008, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin  
NOES: None  
ABSTENTIONS: None  
ABSENT: None

DIANE HOLMES  
Clerk of the City of Richmond  
(SEAL)

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

LOUISE RENNE, Interim  
City Attorney

State of California            }  
County of Contra Costa       : ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 7-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on January 22, 2008/