

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 21-21

A RESOLUTION OF THE INCORPORATED COUNTY OF LOS ALAMOS COUNCIL AUTHORIZING APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2023+ TRANSPORTATION ALTERNATIVES PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDS FOR THE NM4 CROSSING AND MULTI-USE TRAIL IMPROVEMENT PROJECT

WHEREAS, the Incorporated County of Los Alamos ("County"), New Mexico, has the legal authority to apply for, receive and administer federal funds; and

WHEREAS, County wishes to submit a grant application for Federal Fiscal Year 2023+ (FFY23+) New Mexico Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Program funds in the amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00), as set forth by the Federal legislation, Fixing America's Surface Transportation Act (FAST Act) and as outlined in NMDOT's guides for each funding program; and

WHEREAS, the NM4 Crossing and Multi-Use Trail Improvement Project ("Project") in White Rock is named in the TAP and CMAQ applications as an eligible project under New Mexico TAP, CMAQ and the FAST Act; and

WHEREAS, County acknowledges availability of a required local match of 14.56% and the availability of funds to pay all costs upfront, as TAP and CMAQ are cost reimbursement programs; and

WHEREAS, County shall, to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council, pay any costs that exceed the project amount if the application is selected for funding; and

WHEREAS, County shall maintain the project constructed with TAP and/or CMAQ funding for the useable life of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos that:

Section 1. The Los Alamos County Council, by adopting this Resolution, does hereby authorize the County Engineer to submit applications for Federal Fiscal Year 2023+ (FFY23+) New Mexico Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) funds in the amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) to the New Mexico Department of Transportation (NMDOT) on behalf of the citizens of the County.

Section 2. County assures the NMDOT that if TAP and/or CMAQ funds are awarded, sufficient funding for the local match and for upfront project costs are available, since TAP and CMAQ are reimbursement programs, and that any costs exceeding the award amount shall be paid for by County to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council.

Section 3. County assures the NMDOT that if awarded TAP and/or CMAQ funds, sufficient funding for the operation and maintenance of the TAP and/or CMAQ project shall be available for the life of the project to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council.

Section 4. The County Manager is authorized to enter into Cooperative Project Agreements with the NMDOT for design and construction of the project using TAP and/or CMAQ funds as set forth by the FAST Act on behalf of the citizens of the County. The County Engineer is also authorized to submit additional information as may be required and act as the official representative of County in this and subsequent related activities.

Section 5. That County assures the NMDOT that County is willing and able to administer all activities associated with the proposed project.

PASSED AND ADOPTED this 7th day of September 2021.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS, NEW MEXICO**

**Randall T. Ryti,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**