

APPROVAL OF AMENDMENT NO. 3 TO THE ORANGE COUNTY TRANSPORTATION
AUTHORITY'S MASTER FUNDING AGREEMENT FOR THE COMPREHENSIVE
TRANSPORTATION FUNDING PROGRAM
September 10, 2013
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RECOMMENDATION

It is recommended that the City Council:

- Approve Amendment No. 3 to the Orange County Transportation Authority's Master Funding Agreement for the Comprehensive Transportation Funding Program, and
- Authorize the Mayor to execute the agreement on behalf of the City, including any minor modifications as appropriate.



WILLIAM E. MURRAY, P.E.
Public Works Director



By: Ana Neal
Administrative Analyst

Attachment: Amendment No. 3 to Master Funding Agreement No. C-1-2764

Recommended for Approval



Matthew Fertal
City Manager

AMENDMENT NO. 3

MASTER FUNDING AGREEMENT NO. C-1-2764

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF GARDEN GROVE

FOR

M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS

THIS AMENDMENT NO. 3 is effective this ____ day of _____ 2013, by and between the Orange County Transportation Authority ("AUTHORITY"), and the City of Garden Grove, a municipal corporation (hereinafter referred to as "AGENCY").

WITNESSETH:

WHEREAS, by Agreement No. C-1-2764 dated August 30, 2011, as last changed by Letter Agreement No. 2, AUTHORITY and AGENCY entered into a Master Funding Agreement that defines the specific terms and conditions and funding responsibilities between AUTHORITY and AGENCY for Comprehensive Transportation Funding Programs (CTFP) and Local Fair Share Program Net Revenues;

WHEREAS, AUTHORITY is revising the audit provision language with no change to the maximum cumulative obligation; and

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and AGENCY that Agreement No. C-1-2764 is hereby amended in the following particulars only:

1. Amend **ARTICLE 3. RESPONSIBILITIES OF AUTHORITY**, page 4 of 10, Paragraph G, to delete in its entirety and in lieu thereof insert:

“AUTHORITY, or agents of AUTHORITY, may upon close-out off each PROJECT(s) under this Agreement, perform a technical or field review to ensure that CTFP Guidelines were followed.

Such review may be performed after an acceptable final report has been submitted for each

**AMENDMENT NO. 3 TO
AGREEMENT NO. C-1-2764**

1 PROJECT(s). If the review determines that any of the activities performed are ineligible for
2 CTFP funding, AGENCY must return the amount of funding used to perform the ineligible
3 activity to AUTHORITY in accordance with Article 4.G.”

4 2. Amend **ARTICLE 6. AUDIT AND INSPECTION**, page 7 of 10, line 1, to delete “a period
5 of four (4) years” and in lieu thereof insert “a period of five (5) years.”

6 The balance of Agreement No. C-1-2764 remains unchanged

7 **IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 3 to Agreement
8 C-1-2764 to be executed as of the date first above written.

9 **CITY OF GARDEN GROVE**

ORANGE COUNTY TRANSPORTATION AUTHORITY

10 By: _____

By: _____

11 Bruce Broadwater
12 Mayor

Meena Katakia
Manager, Capital Projects

13 **ATTEST:**

14 By: _____

15 Kathleen Bailor
16 City Clerk