

## RESOLUTION NO. 2009-79

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ESTABLISH AND SUBMIT THE ANNUAL ANTICIPATED RACE CONSCIOUS DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION LEVEL AND TO SIGN DBE IMPLEMENTATION AGREEMENTS AND RELATED AMENDMENTS WITH CALTRANS AND THE FEDERAL TRANSIT ADMINISTRATION**

**WHEREAS**, as an eligible recipient of federal-aid funding, the City of Elk Grove is required to comply with Title 49 of the Code of Federal Regulations, Part 26, which states that grantees must establish and implement a Disadvantaged Business Enterprise (DBE) program and annually set DBE participation targets; and

**WHEREAS**, the California Department of Transportation (Caltrans) DBE process requires grantees to provide information for the upcoming Federal Fiscal Year that includes the following:

- 1) The local agency's Annual Anticipated Disadvantaged Participation Level (AADPL); and
- 2) The methodology for establishing the AADPL; and
- 3) Identification of the Disadvantaged Business Enterprise Liaison Officer (DBELO); and
- 4) Prompt payment provisions to be used in contracts; and

**WHEREAS**, the Federal Transit Administration (FTA) process requires grantees to provide information annually that includes the following:

- 1) The grantee's AADPL; and
- 2) The methodology for establishing the AADPL; and
- 3) Identification of the DBELO; and
- 4) Prompt payment provisions to be used in contracts; and
- 5) Semi-annual reporting of the Uniform Report of DBE Awards or Commitments and Payments; and

**WHEREAS**, on March 4, 2009, Caltrans established a new DBE Program that includes a Race Conscious component requiring immediate implementation; and

**WHEREAS**, the City was further notified by Caltrans that grantees which fail to transition to the Race Conscious DBE Program would be ineligible for federal fund reimbursement for all federal-aid projects awarded after June 2, 2009; and

**WHEREAS**, the City is required to update the DBE program on file with the FTA each time the program is amended; and

**WHEREAS**, under the Race Conscious DBE Program, the City must calculate Race Conscious DBE goals and incorporate new race conscious contract specifications into all federal-aid consultant, construction, and Transit operating, vehicle and service contracts; and

**WHEREAS**, Caltrans and the FTA has allowed the City to establish a Race Conscious DBE Methodology and Goal for Fiscal Year 2008-09 without the need to amend the Fiscal Year 2008-09 AADPL; and

**WHEREAS**, it would be advantageous for the City to authorize the Public Works Director to take all necessary steps for compliance with the Race Conscious DBE requirements for Fiscal Year 2008-09 and beyond; and

**WHEREAS**, the necessary steps include, but are not limited to, establishment of the Race Conscious DBE goals and signing the DBE Implementation Agreement and any related amendments to the agreement.

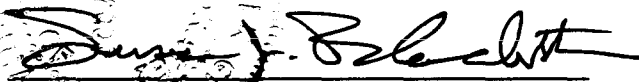
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the Public Works Director to take all necessary steps to establish and submit the Annual Anticipated Race Conscious Disadvantaged Business Enterprise Participation Level and to sign DBE Implementation agreements and any related amendments with Caltrans and the Federal Transit Administration.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove on this 22<sup>nd</sup> day of April 2009.



PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-79**

**STATE OF CALIFORNIA            )**  
**COUNTY OF SACRAMENTO        )**     **ss**  
**CITY OF ELK GROVE             )**

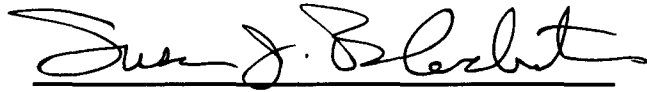
***I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 22, 2009 by the following vote:***

**AYES :            COUNCILMEMBERS:     *Hume, Scherman, Cooper, Davis, Detrick***

**NOES:            COUNCILMEMBERS:     *None***

**ABSTAIN :        COUNCILMEMBERS:     *None***

**ABSENT:          COUNCILMEMBERS:     *None***

---

**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**