

May 11, 2010

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**Subject:** First Amendment to Cooperative Agreement between the County of Marin and the Sonoma Marin Area Rail Transit District (SMART) dated December 18, 2007 to increase funding amounts necessary for the completion of the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway Project

Dear Board Members:

**RECOMMENDATION:** 1) Authorize the President to execute the First Amendment to the agreement between the County of Marin and SMART. 2) Authorize Department of Finance to increase appropriations and revenue per the Fiscal Impact Section below.

**SUMMARY:** The Cooperative Agreement by and between the County of Marin and the Sonoma Marin Area Rail Transit District for development, use and maintenance of the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway was entered into on December 18, 2007. This agreement outlined the commitment of SMART to fund one half of the costs of the Cal Park Project. Ultimately, SMART has committed \$11,680,000 to fund the project. Due to additional costs associated with unanticipated construction cost increases in Phase A, there remain insufficient funds to complete Phase B. Consequently, SMART has agreed to allocate an additional amount of Regional Measure 2 (RM2) funds in the amount of \$1,725,520 for a total allocation of \$13,405,520.

**FISCAL IMPACT:** As outlined in our April 20, 2010 letter to your Board, SMART's \$1,725,520 RM2 allocation request for the Cal Park Hill Tunnel project has been approved by Metropolitan Transportation Commission. The April 20th letter appropriated \$717,088 for award of Phase B. This request appropriates the balance of RM2 funds (\$1,008,432) per the attached SMART/County agreement to be used for the construction of Phase B. There is no impact to the General Fund.

Fund	Fund Center	Commitment Item #	Increase Appropriations/ Expenditures Amount	Offset by Local-Grant Revenue
10000 (GF)	4100993002 (Cal Park Hill Tunnel Rehab.)	5220400 (Construction)	\$1,008,432	
10000 (GF)	4100993002 (Cal Park Hill Tunnel Rehab.)	4570120 (Local Grant Revenue)		\$1,008,432

**REVIEWED BY:**      ☒ Department of Finance      ☐ N/A  
                                 ☒ County Counsel                      ☐ N/A  
                                 ☐ Human Resources                      ☒ N/A

Respectfully submitted,

Ernest Klock  
Principal Civil Engineer

Attachment

C: Heidi Davaloo  
David Bernardi

Merit Doc. # 100013025