

RESOLUTION NO. 20-089

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES ROADRUNNER TRANSIT PROGRAM AND THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION THAT IDENTIFIES MUTUAL RESPONSIBILITIES, REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA), IN CARRYING OUT THE METROPOLITAN TRANSPORTATION PROCESS.**

The City Council is informed that:

**WHEREAS**, the City of Las Cruces is a recipient of Federal Transit Administration (FTA) operating and capital funding for the benefit of the City's RoadRUNNER Transit (Transit) operation; and

**WHEREAS**, the FTA regulation 23 CFR 450.314 requires a written agreement between Transit and the local Mesilla Valley Metropolitan Planning Organization (MVMPO), defining shared responsibilities in carrying out the metropolitan transportation process; and

**WHEREAS**, the MVMPO is governed by a Policy Committee which includes three City Councilors, and the City is the fiscal agent for the MVMPO; and

**WHEREAS**, Transit and MVMPO staff have developed a formal Memorandum of Understanding (MOU) as required in 23 CFR 450.314; and

**WHEREAS**, this MOU formally memorializes shared responsibilities that have always occurred between Transit and the MVMPO, and

**WHEREAS**, approval of this MOU creates no additional budgetary or operational impacts, and

**WHEREAS**, this MOU was approved by the MVMPO Policy Committee on December 11, 2019.

**NOW, THEREFORE,** Be it resolved by the Governing Body of the City of Las Cruces:

(I)

**THAT** the City hereby approves and authorizes the Mayor to sign the MOU as shown in Exhibit "A", attached hereto and made part of this Resolution.

(II)

**THAT** City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

**DONE AND APPROVED** this 6 day of January, 2020.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
Christine Rivera  
City Clerk - Acting  
(SEAL)


VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Gandara:	<u>Aye</u>
Councillor Abeyta- Stuve:	<u>Aye</u>
Councillor Vasquez:	<u>Aye</u>
Councillor Bencomo:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Flores:	<u>Aye</u>

Moved by Vasquez

Seconded by Sorg

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION (MVMPO)  
AND  
ROADRUNNER TRANSIT, A SECTION OF THE CITY OF LAS CRUCES (RoadRUNNER/City of Las  
Cruces)**

**WHEREAS**, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) promulgated regulations 23 CFR 450.314, and

**WHEREAS**, federal requirements stipulate that the MVMPO and RoadRUNNER/City of Las Cruces shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, and

**WHEREAS**, these responsibilities shall be clearly identified in written agreements between the MVMPO and RoadRUNNER/City of Las Cruces, serving as the transit provider for a part of the MVMPO Metropolitan Planning area, and

**WHEREAS**, the federal regulations require the written agreement to include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan, the metropolitan Transportation Improvement Program (TIP), and the development of the Annual Listing of Obligated Projects, and

**WHEREAS**, the federal regulations require that the MPO and RoadRUNNER/City of Las Cruces shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance to be used in tracking progress toward the attainment of critical outcomes for the region and the MPO, and the collection of data for the State Asset Management Plan for the National Highway System (NHS).

**NOW THEREFORE, BE IT RESOLVED THAT** the parties herein mutually agree as follows:

**1. PARTIES**

The parties to this agreement are the Mesilla Valley MPO (MVMPO), governed by the Mesilla Valley MPO Policy Committee, and RoadRUNNER Transit, a part of the City of Las Cruces (RoadRUNNER/City of Las Cruces).

The MVMPO has been designated by the State of New Mexico to fulfill the transportation planning requirements of 23 CFR 450.314 in the Mesilla Valley Metropolitan Planning Area in Central Doña Ana County. The Mesilla Valley MPO is created by a Joint Powers Agreement dated to 2013 between the City of Las Cruces, Doña Ana County, and the Town of Mesilla. The MPO Policy Committee consists of three elected officials from the City of Las Cruces, three elected officials from Town of Mesilla, three elected officials from Doña Ana County, and NMDOT District 1.

## **2. PURPOSE**

It is the purpose of this memorandum to make provision for cooperative mutual responsibilities in carrying out the Metropolitan Planning Process and Performance Based Planning and Programming in the Mesilla Valley Metropolitan Planning Area and to provide a single agreement between the MVMPO and RoadRUNNER/City of Las Cruces in accordance with current Federal Legislation and as required by 23 CFR 450.314.

## **3. RESPONSIBILITIES OF ALL PARTIES**

All parties will:

- A. Cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process in a performance-based planning format and final form. Decide upon and adopt performance targets for this planning process in accordance with Federal and State requirements and guidance.
- B. Make provisions for cooperatively developing and sharing information related to the development of financial plans that support the Metropolitan Transportation Plan (MTP) the Transportation Improvement Program (TIP).
- C. Ensure RoadRUNNER/City of Las Cruces and MVMPO shall cooperatively develop a listing of projects that comprehensively address the transportation system within the MPO boundaries. Identified projects shall include both roadway and transit initiatives, including but not limited to investments in pedestrian walkways and bicycle transportation facilities for which federal funds were obligated in the preceding fiscal year.
- D. Ensure that the MPO's Unified Planning Work Program (UPWP) will detail and document these responsibilities, deliverables, and associated costs.

## **4. RESPONSIBILITIES OF MVMPO**

MVMPO will:

- A. Work in consultation with RoadRUNNER/City of Las Cruces in developing the financial plan portion of the MTP.
- B. Work in consultation with RoadRUNNER/City of Las Cruces in developing the financial plan for the TIP.
- C. Conduct Bicycle and Pedestrian Facilities Advisory Committee, Technical Advisory Committee, and Policy Committee meetings as required and necessary.
- D. Work in consultation with RoadRUNNER/City of Las Cruces to update the MTP, TIP, and the Annual Listing of Obligated Projects in accordance with State and Federal laws.
- E. Invite RoadRUNNER/City of Las Cruces to participate in all public participation processes.
- F. Conduct comprehensive, cooperative, and continuous transportation planning for the Mesilla Valley Metropolitan Planning Area.

- G. Establish necessary transportation performance targets and share information related to the performance data, and work to document the reporting of performance to be used in tracking progress toward attainment of critical outcomes within the MPO planning area.
- H. Cooperate with RoadRUNNER/City of Las Cruces on the provision of technical transit-related assistance.

## **5. RESPONSIBILITIES OF ROADRUNNER/CITY OF LAS CRUCES**

RoadRUNNER/City of Las Cruces will:

- A. Work in consultation with MVMPO in developing short-range and long-range plans for transit for inclusion in the MTP.
- B. Assist in the validation of data used as input into the MTP.
- C. Work in consultation with MVMPO in developing the financial plan for the MTP.
- D. Work in consultation with MVMPO in developing the financial plan for the TIP.
- E. Provide MVMPO with the Annual Listing of Obligated Projects information.
- F. The RoadRUNNER Administrator, or designee, shall serve on the MVMPO Technical Advisory Committee.
- G. Las Cruces City Councilors shall serve on the MVMPO Policy Committee on behalf of RoadRUNNER/City of Las Cruces.
- H. Notify MVMPO of changes to projects that would affect the MTP or TIP.
- I. Invite MVMPO to participate in all public participation processes.
- J. Establish transit asset management performance targets and share with MVMPO and other interested parties.
- K. Cooperate with MVMPO on the provision of technical assistance.

## **6. TERM**

This Memorandum shall become effective as to each Party when approved and executed by that Party. It shall remain in full force and effect until such time it is terminated in writing by one or both of the parties.

## **7. VALIDITY AND ENFORCABILITY**

If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this memorandum and shall operate to amend this memorandum to the minimum extent necessary to bring this memorandum into conformity with the requirements of the limitations, and so modified, this memorandum shall continue in full force and effect.

## **8. GOVERNING LAW AND VENUE**

This memorandum shall be governed by the laws of the State of New Mexico. Venue for an action arising under this agreement shall lie exclusively in Doña Ana County, New Mexico.

## **9. SEVERABILITY**

If a provision contained in this memorandum is held invalid for any reason, the invalidity does not affect other provisions of the memorandum and can be given effect without the invalid provision, and to this end the provisions of this memorandum are severable.

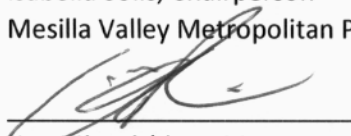
#### 10. FEDERAL REGULATIONS

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of MTPs and TIPs may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience. Any required changes will be fully accommodated through a negotiated process between the parties.

EXECUTED by the parties hereto, each respective entity acting by and through its duly authorize official as required by law.


  
Isabella Solis, Chairperson  
Mesilla Valley Metropolitan Planning Organization

Date: 12/12/19

  
Ken Miyagishima, Mayor  
City of Las Cruces

Date: 1-6-2020

Approved as to form:

  
Assistant City Attorney, City of Las Cruces and Legal Agent for the Mesilla Valley Metropolitan Planning Organization

Date: 01.07.2020



# City of Las Cruces<sup>®</sup>

## MOUNTAINS OF OPPORTUNITY

### Council Action and Executive Summary

Item # 8

Ordinance/Resolution# 20-089

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of January 6, 2020  
(Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL

☐ LEGISLATIVE

☒ ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES ROADRUNNER TRANSIT PROGRAM AND THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION THAT IDENTIFIES MUTUAL RESPONSIBILITIES, REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA), IN CARRYING OUT THE METROPOLITAN TRANSPORTATION PROCESS.

**PURPOSE(S) OF ACTION:**

Approve Memorandum of Understanding.

<b>COUNCIL DISTRICT:</b> N/A		
<b><u>Drafter/Staff Contact:</u></b> Michael Bartholomew	<b><u>Department/Section:</u></b> Quality of Life/Transit	<b><u>Phone:</u></b> 541-2537
<b><u>Interim City Manager Signature:</u></b> William F. Studer, Jr.	<i>Acting for Interim City Manager</i> <i>William F. Studer, Jr. 12/30/2019</i>	

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The Federal Transit Administration (FTA) requires a written agreement between the Mesilla Valley Metropolitan Planning Organization (MVMPO) and the City of Las Cruces RoadRUNNER Transit Program (Transit). The basis of this requirement is federal code 23 CFR 450.314, the Metropolitan Planning Agreement, which requires Metropolitan Planning Organizations, FTA funding recipients (i.e. Transit), and the State of New Mexico (State) to develop written agreements that identify their mutual responsibilities in carrying out the metropolitan transportation process.

These agreements are required to address; (1) the grant recipient's (Transit) responsibilities, (2) the development and sharing of information for financial plans that support the metropolitan transportation plan, and (3) the development of the annual listing of projects that go into the metropolitan Transportation Improvement Program (TIP). The FTA encourages, but does not require, the MPO, grant recipients, and the State to develop a single agreement. After consultation between the MVMPO, Transit, and the New Mexico Department of Transportation (NMDOT), the NMDOT requested that the MPO and the City enter into their own agreement. The MVMPO and NMDOT will develop a separate agreement at a later date. Although the City is also the fiscal

(Continue on additional sheets as required)

agent for the MVMPO, a written agreement is required to satisfy the cooperation requirements between Transit and the MVMPO.

MVMPO and Transit staff drafted the MOU that was reviewed and approved by the City's Legal Department, which represents both entities. The MOU, presented as Exhibit "A", addresses all the required elements of the agreement including shared responsibilities and individual agency responsibilities. Transit and the MVMPO have always shared these responsibilities; this MOU formally commits these activities to a written agreement. There is no budgetary or operational impact created by this MOU.

The MVMPO Policy Committee has approved this MOU at its December 11, 2019 meeting. This resolution will authorize the MOU to be signed by the Mayor on behalf of the City.

### **SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A". Memorandum of Understanding Between the Mesilla Valley Metropolitan Planning Organization (MVMPO) and the City of Las Cruces RoadRUNNER Transit Program.

### **SOURCE OF FUNDING:**

Is this action already budgeted?  N/A			
	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the (# and Fund Name) Fund.	
Does this action create any revenue?  N/A			
	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: (Fund #) in the amount of \$_____ for FY_____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

### **BUDGET NARRATIVE**

N/A



**FUND EXPENDITURE SUMMARY:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
N/A	N/A	N/A	N/A	N/A	N/A

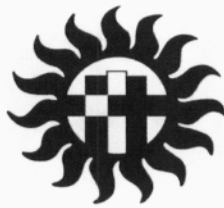
**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Resolution and authorize the MOU between the City and the MVMPO.
2. Vote "No"; this will not approve the Resolution, which will which will delay finalization of a required MOU.
3. Vote to "Amend"; this would require direction from City Council.
4. Vote to "Table"; this would delay will delay finalization of a required MOU.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A



# City of Las Cruces<sup>®</sup>

## MOUNTAINS OF OPPORTUNITY

### COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of January 6, 2020  
(Adoption Date)

**TITLE:**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES ROADRUNNER TRANSIT PROGRAM AND THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION THAT IDENTIFIES MUTUAL RESPONSIBILITIES, REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA), IN CARRYING OUT THE METROPOLITAN TRANSPORTATION PROCESS.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact/Michael Bartholomew, Transit Administrator	<i>Michael Bartholomew</i>	541-2537	12/27/19
Department Director/K. Lynn Gallagher, J.D., Quality of Life Director	<i>K. Lynn Gallagher</i>	541.2559	12/30/19
Budget	<i>Matthew Sny</i>	2102	12/31/19
Interim Assistant City Manager/Barbara DeLeon	<i>Barbara DeLeon</i>	541-2100	12/30/19
Assistant City Manager/David P. Dollahon	<i>David Dollahon</i>	541-2271	12/30/2019
Jennifer Vega-Brown/City Attorney	<i>Jennifer Vega-Brown</i>	541-2128	12/31/19
Christine Rivera/Acting City Clerk	<i>Christine Rivera</i>	541-2115	12/31/19