

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT'S MUSEUM GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and,

WHEREAS, the California Cultural and Historical Endowment has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and,

WHEREAS, said procedures established by the California Cultural and Historical Endowment require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and,

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. That the above recitals are all true and correct.

Section 2. The City Council approves the filing of an application for the Cabot's Pueblo Museum; and

Section 3. Determines Applicant is eligible to apply for a State grant due to status as a 501(c)3 non-profit organization, government entity, or Federally Registered tribe; and

Section 4. Certifies that applicant understands the assurances and certification in the application herein; and

Section 5. Certifies applicant organization has long-term control of the property and will provide satisfactory documentation of the long-term control as part of the grant agreement development process; and

Section 6. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and

Section 7. Certifies the proposed project/organization is free of any legal challenges that could undermine progress on the project; and

Section 8. Gives State permission to publish any provided digital image to its website and to crop or resize the image; and

Section 9. Agrees to acknowledge State's support in any news media, brochures, articles, publications, seminars, exhibits, buildings, displays, products, or other promotion materials about the funded project; and

Section 10. Certifies that it will comply with the provision of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 40 Funds; and

Section 11. Agrees that projects construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with all current laws and regulations which apply to the Project, including, but not limited to, labor codes related to prevailing wage, legal requirements for construction contracts, building codes, environmental laws, health and safety codes, disabled access and historic preservation laws and environmental laws. Grantee will be required to certify that, prior to commencement of construction, all applicable permits and licenses (e.g., state contractor's license) will be obtained; and

Section 12. Agrees to adhere to the Americans with Disabilities Act of 1990 (ADA) and the 2010 ADA Standards for Accessible Design. Title III of the ADA covers places of public accommodation (such as museums, libraries, and educational institutions) and includes a specific section regarding new construction and alterations in public accommodations; and

Section 13. Agrees that projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with the National Historic Preservation Act and NAGPRA (Native American Graves Protection and Repatriation Act); and

Section 14. Waives all rights to privacy and confidentiality of the material submitted to State; and

Section 15. Agrees to execute a grant agreement prior to the encumbrance deadline of June 30, 2019, and will caused work on the project to be commenced within a reasonable time after encumbering the funds, so that the project will be complete and the final invoice submitted to the State by May 1 of the stated year; and

Section 16. Agrees that for all property acquired or developed with Museum Grant funds, applicant will accept, sign, notarize and record a declaration of covenants, conditions and restrictions (deed restrictions) which attaches the conditions of the grant, as set forth in the grant agreement, on the use and enjoyment of the property until the end land tenure date specified in the grant agreement; and

Section 17. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED by the City Council of the Desert Hot Springs at a regular meeting held on this 5th day of July, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on July 5, 2017, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: July 5, 2017

City Clerk of the City of Desert Hot Springs

[SEAL]