

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

ADOPTING THE 2023 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND GOAL FOR PETALUMA TRANSIT, AND FINDING THIS ITEM IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15378 AND 15061(B)(3)

WHEREAS, the federal government enacted 49 Code of Federal Regulations (CFR) Part 26 to create a level playing field on which Disadvantaged Business Enterprises (DBEs) and Small Business Enterprises (SBEs) can compete fairly for contracts and subcontracts relating to Petaluma Transit's construction, procurement, and professional services activities; and

WHEREAS, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 and Section 5339 grants for a project shall be required to follow all published FTA guidance documents; and

WHEREAS, the City of Petaluma is an eligible project sponsor for FTA Section 5307 and Section 5339 funds and is obligated to comply with any and all FTA regulations; and

WHEREAS, the City of Petaluma has benefitted greatly from inclusion into the FTA Section 5307 and 5339 Funding Programs, and wishes to continue eligibility for these funds for projects, such as bus replacements, facility renovations, communication equipment procurement, and operating assistance/preventative maintenance; and

WHEREAS, FTA requires that grant recipients, such as Petaluma Transit and Paratransit, submit a Council-approved Program every three years documenting compliance with 49 CFR Part 26; and

WHEREAS, the City of Petaluma is committed to a Diversity Program for the participation of Disadvantaged Business Enterprises ("DBEs") and Small Business Enterprises ("SBEs") in Petaluma Transit's contracting opportunities; and

WHEREAS, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons:

1. The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that the creation of the DBE Program does not meet CEQA's definition of a "project," because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
2. The proposed action is exempt under the common-sense exemption, CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action could have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Petaluma hereby:

1. Declares that the above recitals are true and correct and are hereby incorporated into this resolution.

2. Adopts the 2023 DBE Program for Petaluma Transit, attached hereto, and incorporated herein as Exhibits A and B, which shall apply to all FTA—funded transit programs.
3. Directs staff to submit the adopted 2023 DBE Program for Petaluma Transit for approval of the FTA.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 3rd day of April 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor