



# City of Galveston

## ISLAND TRANSIT STAFF REPORT

**Date** February 18, 2025

**To:** City Manager  
Mayor and City Council Members

**From:** David Smith, Executive Director  
Fleet, Mass Transit and Special Events

James Oliver  
Island Transit General Manager

**Project location:** N/A

**Project:** FTA Requirement of Legal Opinion  
Resolution for Eligibility

**Request:** Consider for the approval of a prerequisite to be a recipient of FTA funding that is demonstrating the legal capacity to carry out the project(s) included in federal assistance awards and authorize the City Managers' staff to execute the subject item upon final approval by the City Attorney.

**Prior Council Action** No prior Council action.

### Background

- A. The Federal Transit Administration (FTA) provides federal assistance awards for different project(s) in public transportation.
- B. A prerequisite to federal assistance awards is the demonstrated legal capacity to carry out the project(s).
- C. A recipient must be eligible and authorized under state or local law to request, receive and spend FTA funds to administer FTA-assisted projects.
- D. FTA has requested from each recipient the following:
  - **Opinion of Counsel:** Each recipient must be legally empowered to carry out the activities specified in the award.





# City of Galveston

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- **Authorizing Resolution:** Each recipient organization must have a resolution or equivalent, from the recipient's Board of Directors or equivalent Authorizing Official, to be responsible for applying for assistance legally committing the applicant or recipient to compliance with terms of an award.

### **Fiscal Impact Report**

Approval of this item follows FTA requirements and allows Galveston to apply for and receive grant funding.

### **Alternatives**

A. Approve.

1. Cost - None
2. Timing - As soon as possible.
3. Departmental Improvements - Will allow Island Transit to apply for and receive federal awards for public transportation.

B. Do not approve.

1. Cost - Loss of grant funding.
2. Timing - N/A
3. Departmental Improvements - Island Transit will be found in non-compliance and will lose eligibility to apply for and receive federal grant funding.

### **Staff Recommendation**

Concur in *Alternative A*; *approve* a prerequisite to be a recipient of FTA funding that is demonstrating the legal capacity to carry out the project(s) included in federal assistance awards and authorize the City Managers' staff to execute the subject item upon final approval by the City Attorney.

### **Attachments**





# City of Galveston

OFFICE OF THE CITY ATTORNEY  
PO Box 779 | Galveston, TX 77553-0779  
[legal@galvestontx.gov](mailto:legal@galvestontx.gov) | 409-797-3530

## LEGAL OPINION

DATE: January 31, 2025

TO: City Council  
City Manager, Brian Maxwell

FROM: Donna Fairweather, Sr. Assistant City Attorney  
CONCUR: Donald Glywasky, City Attorney

Name of Applicant: City of Galveston  
Address: 823 Rosenberg  
P.O. Box 779  
Galveston, Texas 77553

RE: Federal Transit Administration – TrAMS, FTA’s grant management system

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To Members of City Council and City Manager, Brian Maxwell,

To be a recipient of Federal Transit Administration (FTA) funding, the City is required to demonstrate its legal capacity to carry out the projects included in federal assistance awards. This communication will serve as the requisite Opinion of Counsel, to be filed with the FTA, United States Department of Transportation, in connection with the application of the City of Galveston for federal transportation assistance as authorized by 49 U.S.C., Chapter 53; title 23, United States Code; and other federal statutes, authorizing activities administered by the FTA.

The City of Galveston is the Designated Recipient, as defined by 49 U.S.C. 5307(a)(2), to apply for and receive Urbanized Area Formula Program assistance. 49 U.S.C. 5307 makes federal resources available to assist in financing transportation operations, maintenance, and capital projects through Urbanized Area Formula Funding grants.

Citations to laws, regulations, etc. establishing the legal authority of the City of Galveston to carry out transportation projects for which federal assistance is sought is set forth as follows. In accordance with the requirements of 49 U.S.C. 5307(a)(2), the City of Galveston qualifies as a small, urbanized area, having a population of a little more than 50,000, and less than 200,000. The

City of Galveston is authorized to provide and carry out public transportation and transportation projects for which the federal assistance is sought through the grant funding program.

The authority of the City of Galveston to provide funds for the local share of the project is set forth by adoption of the city's annual budget and the processes thereof. The City of Galveston adopted its Fiscal Year 2025 (FY 2025), budget on September 19, 2024, via Ordinance No. 24-058. The Ordinance adopted the city's annual governmental and Proprietary Funds budget, and its fiscal year Capital Funds budget. The approximate funding amount budgeted for FY 2025 is \$975,000.00 in General Funds.

Federal Formula Fund Awards available for FY 2025 are approximately 1.9 to 2 million dollars. The City of Galveston is a Direct Recipient of federal formula funding and has received a split letter award, submitted to the FTA, by the Department of Transportation (DOT).

I have reviewed the pertinent federal, state, and local laws, and I have concluded that there is no legal impediment to the City of Galveston filing an application for the project(s) for which the City of Galveston seeks assistance. Furthermore, as a result of my examination, I find that there is no pending or threatened litigation or other action which might in any way adversely affect the proposed project(s) or the capability of the City of Galveston to carry out the project(s).

Respectfully submitted,

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Donna M. Fairweather,  
Sr. Assistant City Attorney

Cc'd:  
City Secretary, Janelle Williams  
City Finance Director, Csilla Ludanyi  
James Oliver, General Manager of Public Transportation

Enclosure: City of Galveston Resolution No. 25 - \_\_\_\_

**RESOLUTION NO. 25 - \_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, AUTHORIZING THE CITY MANAGER OR DESIGNEE, TO EXECUTE THOSE DOCUMENTS NECESSARY AND RELATED TO THE APPLICATION FOR AND RECEIPT OF FTA FUNDING; ACCEPTING THE LEGAL OPINION OF THE CITY ATTORNEY AS TO THE CITY'S ELIGIBILITY AND AUTHORITY UNDER STATE OR LOCAL LAW TO REQUEST, RECEIVE AND SPEND FEDERAL TRANSIT AUTHORITY (FTA) FUNDS, AND ITS CAPACITY TO CARRY OUT FTA FUNDED PROGRAMS AND PROJECTS; AUTHORIZING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION AND ACCOMPANYING LEGAL OPINION IN SATISFACTION OF THE REQUIREMENTS OF THE FTA'S "TRANSPORTATION AWARD MANAGEMENT SYSTEM" (TRAMS), PROGRAM; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the Federal Transit Authority (FTA) requires recipients of FTA funding to demonstrate their legal capacity to carry out project(s) included in their federal assistance awards. Recipients must be eligible and authorized under state or local law to request, receive, and spend FTA funds to administer FTA assisted projects; and,

**WHEREAS**, the FTA requires the City of Galveston to provide documentation and certification that the city has the legal capacity to carry out FTA funded programs and projects. This requirement is satisfied pursuant to a Legal Opinion from the City Attorney's office and a Resolution of City Council accepting the legal opinion and committing the city to compliance with the terms of any award received; and,

**WHEREAS**, the City Attorney has provided its opinion in the attachment labeled herein as "Legal Opinion", which is fully incorporated for all intents and purposes. The legal opinion affirms that the City of Galveston is a designated recipient and has the legal capacity to carry out FTA funded programs and projects and is eligible and authorized to request, receive and spend FTA funds to administer FTA assisted projects; and,

**WHEREAS**, the City Council of the City of Galveston has reviewed the City Attorney's Opinion and accepts and agrees with said opinion, that the City of Galveston has the legal capacity to carry out FTA funded programs and projects and is eligible and authorized to request, receive and spend FTA funds to administer FTA assisted projects; and,

**WHEREAS**, the City Council of the City of Galveston deems it in the public interest to accept the legal opinion of the City Attorney as to the city's eligibility and authority under state or local law to request, receive and spend Federal Transit Authority (FTA) funds, and its capacity to carry out FTA funded programs and projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The City Council of the City of Galveston hereby accepts the legal opinion of the City Attorney as to the city’s eligibility and authority under state or local law to request, receive and spend Federal Transit Authority (FTA) funds, and its capacity to carry out FTA funded programs and projects.

**SECTION 3.** The City Manager or designee is authorized, and upon final approval of the City Attorney, to execute those documents pertaining to the FTA funded grant applications, activities and programs.

**SECTION 4.** The City Secretary shall send a certified copy of this Resolution and accompanying legal opinion in satisfaction of the requirements of the FTA’s, “Transportation Award Management System” (TrAMS), program.

**SECTION 5.** This Resolution shall be and become effective from and after its adoption in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

\_\_\_\_\_  
DONNA M. FAIRWEATHER  
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City of Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Galveston and its Regular meeting held on February 27, 2025, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Secretary for the City Council  
of the City of Galveston

ATTACHMENT / EXHIBIT FOLLOWS



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 6, 2024

Dear Colleague:

FTA is pleased to announce the release of a recent enhancement in TrAMS, FTA's grants management system of record, specific to the organization and labeling of recipient documents. As you are aware, one of the prerequisites to be a recipient of FTA funding is demonstrating legal capacity to carry out the project(s) included in federal assistance awards. This is generally based on the review of the recipient organization's documentation and certification that it has the legal capacity to carry out FTA-funded programs and projects. Specifically, the recipient must be eligible and authorized under state or local law to request, receive, and spend FTA funds to administer FTA-assisted projects.

- **Opinion of Counsel:** Each recipient must be legally empowered to carry out the activities specified in the award.
- **Authorizing Resolution:** Each recipient organization must have a resolution or equivalent, from the recipient's Board of Directors or equivalent Authorizing Official, to be responsible for applying for assistance and legally committing the applicant or recipient to compliance with terms of an award.

This enhancement provides updated document labels within the Recipient Document profile module for these two required documents, as well as includes an enhanced search functionality for all users to find important documents that may be uploaded in their profile. In an effort to assist with the rollout of this enhancement, TrAMS has attempted to proactively label any documents that were named using these terms for the recipient. However, all recipients are asked to review and confirm that the correct document was properly labeled by the system. Additionally, if the system was unable to locate a document labeled using these terms, recipients must locate and properly identify both documents within their Recipient profile.

Beginning **March 5, 2025**, TrAMS will prevent any recipients that have not properly identified the Opinion of Counsel and Authorizing Resolution in their Recipient Document profile from transmitting or submitting new applications unless they have correctly labeled and/or uploaded their required legal documents.

To prevent any grant making delays please confirm and/or upload in TrAMS current copies of your Authorizing Resolution and Opinion of Counsel for your organization. This can be completed by selecting your organizations record using your Recipient ID under Recipient Organizations. Once your organization has been selected, next click on Related Actions and select the Recipient Documents field. Finally confirm or upload each document using the Opinion of Counsel and Authorizing Resolution Document Types. Information on this enhancement and a short tutorial video are available on [FTA's TrAMS webpage](#).

Sincerely,

*Bruce Robinson*

Bruce Robinson  
Associate Administrator  
Office of Program Management  
Federal Transit Administration