



**Resource  
Management Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** August 13, 2019

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010		

**SUBJECT:** Claim to the Tulare County Association of Governments for RSTP/RSTBGP Funds

**REQUEST(S):**

That the Board of Supervisors:

1. Approve a claim to the Tulare County Association of Governments (TCAG) in the amount of \$1,116,357 for Regional Surface Transportation Program/Regional Surface Transportation Block Grant Program (RSTP/RSTBGP) Funds in Exchange for State Highway Account Funds for FY 2018/2019, pending TCAG Board approval to receive and distribute, and
2. Authorize the Resource Management Agency Fiscal Services Director to sign the claim.

**SUMMARY:**

Tulare County receives funding for road maintenance from a variety of sources including federal, state and local origins. One of these sources is the Federal Regional Surface Transportation Program (RSTP) and now the Regional Surface Transportation Block Grant Program (RSTBGP). Through the RSTP/RSTBGP Tulare County receives approximately \$1.9 million annually. Approximately half of these funds are distributed through a claim request to the local Regional Transportation Planning Agency (RTPA) the Tulare County Association of Governments (TCAG). The remaining portion is disbursed directly to the County through the State of California via Caltrans. RSTP/RSTBGP funds can be used toward maintenance or street improvements on County maintained roadways.

This item is a request for the approval of a claim for the portion of the RSTP/RSTBGP funds disbursed through TCAG. A separate agenda item on May

**SUBJECT:** Claim to the Tulare County Association of Governments for  
**DATE:** RSTP/RSTBGP Funds  
August 13, 2019

21, 2019 approved an agreement with Caltrans for the direct disbursement portion of RSTP/RSTBGP funds.

On May 1, 2019 Tulare County Association of Governments (TCAG) entered into an agreement with the State of California, Department of Transportation (DOT) in the amount of \$2,291,380 for local assistance to all municipalities in Tulare County for fiscal year 2018/2019. Tulare County's allocated portion under this program for fiscal year 2018/2019 is \$1,116,357. The funds will be deposited into the County Road fund for use on the County's rural road maintenance program. Along with rehabilitation and maintenance projects. The specific locations of these projects will be identified through the County's Transportation Improvement Plan (CTIP), the funding, projects will be designated by staff and advertised for competitive bidding and construction through contract. It is expected that projects utilizing this funding will begin construction during the fall of 2019.

**FISCAL IMPACT/FINANCING:**

No Net County Costs.

County costs will be reimbursed by the Tulare County Association of Governments through the 2018/2019 Surface Transportation Program (RSTP/RSTBGP) Funds.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Strategic Initiative 1: Safety and Security includes the goal of improving and maintaining adequate transportation infrastructure. The funding to be received hereunder would allow the County to better maintain its road infrastructure through reconstruction or overlay projects as identified through the County's Road Maintenance and Rehabilitation Plan.

**ADMINISTRATIVE SIGN-OFF:**



Sherman Dix, CPA  
Assistant Director- Fiscal



Reed Schenke  
Director

cc: County Administrative Office

Attachment(s): Attachment A – Agreement between TCAG/State  
Attachment B – RSTP/RSTBG Claim form to TCAG

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF CLAIM TO THE )  
TULARE COUNTY ASSOCIATION OF ) Resolution No. \_\_\_\_\_  
GOVERNMENTS FOR RSTP/RSTBGP ) Agreement No. \_\_\_\_\_  
FUNDS

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 13, 2019,  
BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

**WHEREAS**, the Tulare County Association of Governments (TCAG) and the California Department of Transportation (Caltrans) have entered into a Standard Agreement contract to exchange unobligated balances of federal Regional Surface Transportation Program and Regional Surface Transportation Block Grant Program (RSTP/RSTBGP) funds with non-federal State Highway Account funds; and

**WHEREAS**, Caltrans Division of Programming releases a 5-year ESTIMATE of RSTP/RSTBGP Exchange Program apportionments for inclusion in the Federal Transportation Improvement Program (FTIP) Programming document every 2-years to California Metropolitan Planning Organizations (MPO's); and

**WHEREAS**, TCAG is the designated MPO for Tulare County; and

**WHEREAS**, the Annual RSTP/RSTBGP Exchange Program fund apportionment is an ESTIMATE and subject to change during the fiscal year (2018/2019) due to many Federal Surface Transportation Bill variables including the annual Appropriations Act as well as other Congressional action (i.e. rescissions); and

**WHEREAS**, a FINAL RSTP/RSTBGP Exchange apportionment amount is published at the end of the FY 2018/2019 and can be different than the ESTIMATE RSTP/RSTBGP Exchange apportionment figure; and

**WHEREAS**, Annually, Caltrans send TCAG a Standard Agreement contract that includes an RSTP/RSTBGP Exchange Program apportionment figure; and

**WHEREAS**, TCAG applies a RSTP/RSTBGP population-based distribution formula using current Department of Finance (DOF) population estimates (January 2019) to the RSTP/RSTBGP apportionment to determine the amount of RSTP/RSTBGP Exchange funds to be distributed to TCAG member jurisdictions; and

**WHEREAS**, the County of Tulare has an ESTIMATE RSTP/RSTBGP Exchange Program fund apportionment amount available to claim in FY 2018/2019 of \$1,116,357; and

**WHEREAS**, payment of the ESTIMATE RSTP/RSTBGP Exchange fund claim will be subject to all conditions specified in the fully executed standard contract agreement between TCAG and Caltrans, as well as the TCAG RSTP/RSTBGP Exchange Claim form requirements: Projects to be funded with this claim are only those projects that are defined under Sections 133(b) and 133(c) of Title 23, United States Code and Article XIX of the California State Constitution, implemented in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code; and

**WHEREAS**, if the FINAL RSTP/RSTBGP Exchange apportionment figure is higher for FY 2018/2019 than the ESTIMATE RSTP/RSTBGP Exchange apportionment figure, Caltrans would have to revise the RSTP/RSTBGP Exchange Standard Agreement contract with the higher RSTP/RSTBGP figure before TCAG could instruct the Tulare County Auditor Controller's Office to distribute a greater amount of RSTP/RSTBGP Exchange Program funds to member agencies, than identified in this resolution; and

**WHEREAS**, if the FINAL RSTP/RSTBGP Exchange apportionment figure is lower for FY 2018/2019 than the ESTIMATE RSTP/RSTBGP Exchange apportionment amount, Caltrans does not have to revise the RSTP/RSTBGP Exchange contract with the lower amount before TCAG could recalculate the available RSTP/RSTBGP Exchange Program funds using the same population-based formula and then instruct the Tulare County Auditor Controller's Office to distribute the lower FY 2018/2019 FINAL RSTP/RSTBGP Exchange Program fund amount to member agencies; and

**WHEREAS**, the County of Tulare has established special gas tax street improvement funds as a requirement to receive the RSTP/RSTBGP Exchange Program funds; and

**WHEREAS**, it is deemed in the best interest of the County of Tulare that the Fiscal Manager is authorized to sign the FY 2018/2019 RSTP/RSTBGP Exchange Program fund claim form and to submit the claim form to TCAG for processing.

**NOW THEREFORE**, be it resolved that the Resource Management Agency Fiscal Services Director of Tulare County is authorized and directed to sign and file the above described FY 2018/2019 RSTP/RSTBGP Exchange Program fund claim on behalf of the County of Tulare in the amount of \$1,116,357.

# **Attachment “A”**

Agreement between TCAG/State

FEDERAL APPORTIONMENT EXCHANGE PROGRAM  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
REGIONAL TRANSPORTATION PLANNING AGENCY

District: 06  
Agency: Tulare County Association of Governments

Agreement No. X19-6094(033)  
AMS Adv ID:0619000157

THIS AGREEMENT is made on May 1st 2019 by Tulare County Association of Governments, a Regional Transportation Planning Agency (RTPA) designated under Section 29532 of the California Government Code, and the State of California, acting by and through the Department of Transportation (STATE).

WHEREAS, RTPA desires to assign RTPA's portion of federal apportionments made available to STATE for allocation to transportation projects in accordance with Section 182.6 of the Streets and Highways Code (Regional Surface Transportation Program/Regional Surface Transportation Block Grant Program [RSTP/RSTBGP] funds) in exchange for nonfederal State Highway Account funds:

NOW, THEREFORE, the parties agree as follows:

1. As authorized by Section 182.6(g) of the Streets and Highways Code, RTPA agrees to assign to STATE the following portion of its estimated annual RSTP/RSTBGP apportionment:

\$2,291,380.00 for Fiscal Year 2018/2019

The above referenced portion of RTPA's estimated annual RSTP/RSTBGP apportionment is equal to the estimated total RSTP/RSTBGP apportionment less (a) the estimated minimum annual RSTP/RSTBGP apportionment set for the County under Section 182.6(d)(2) of the Streets and Highways Code, (b) any Federal apportionments already obligated for projects not chargeable to said County's annual RSTP/RSTBGP minimum apportionment, and (c) those RSTP/RSTBGP apportionments RTPA has chosen to retain for future obligation.

2. RTPA agrees the exchange for County's estimated annual RSTP/RSTBGP minimum apportionment under Section 182.6(d)(2) of the Streets and Highways Code will be paid by STATE directly to Tulare County.


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For Caltrans Use Only

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I hereby Certify upon my own personal knowledge that budgeted funds are available for this encumbrance

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 Accounting Officer | Date 3/27/19 \$ 2,291,380.00

3. Subject to the availability of STATE funds following the receipt of an RTPA invoice evidencing RTPA's assignment of those estimated RSTP/RSTBGP funds under Section 1 to STATE, STATE agrees to pay to RTPA an amount not to exceed \$2,291,380.00 of non-federal exchange funds ("Funds") that equals the sum of the estimated RSTP/RSTBGP apportionment assigned to State in Section 1 above.

4. RTPA agrees to allocate all of these Funds only for those projects implemented by cities, counties, and other public transportation agencies as are authorized under Article XIX of the California State Constitution, in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code.

5. RTPA agrees to provide to STATE annually by each August 1 a list of all local project sponsors allocated Funds in the preceding fiscal year and the amounts allocated to each sponsor.

6. RTPA agrees to require project sponsors receiving those Funds provided under this AGREEMENT to establish a special account for the purpose of depositing therein all payments received from RTPA pursuant to this Agreement: (a) for cities within their Special Gas Tax Street Improvement Fund, (b) for counties, within their County Road Fund, and (c) for all other sponsors, a separate account.

7. RTPA agrees, in the event a project sponsor fails to use Funds received hereunder in accordance with the terms of this AGREEMENT, to require that project sponsor to return those exchange Funds to RTPA for credit to the account established under Section 6 above. In the event of any such requirement by STATE, RTPA shall provide written verification to STATE that the requested corrective action has been taken.

8. STATE reserves the right to reduce the STATE Funds payment required hereunder to offset such additional obligations by the RTPA or any of its sponsoring agencies against any RSTP/RSTBGP federal apportionments as are chargeable to, but not included in, the assignment made under Section 1 above.

#### 9. COST PRINCIPLES

A) RTPA agrees to comply with, and require all project sponsors to comply with Office of Management and Budget Supercircular 2 CFR 200, Cost Principles for State and Local Government and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

B) RTPA will assure that its fund recipients will be obligated to agree that (A) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, Et Seq., shall be used to determine the allowability of individual project cost items and (B) Those parties shall comply with Federal Administrative Procedures in accordance with 2 CFR 200, Uniform Administrative Requirements for Grants and Cooperative Agreements To State And Local Governments. Every sub-recipient receiving funds as a contractor or sub-contractor under this agreement shall comply with Federal administrative procedures in accordance with 2 CFR 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C) Any fund expenditures for costs for which RTPA has received payment or credit that are determined by subsequent audit to be unallowable under Office of Management and Budget Supercircular 2 CFR 200 are subject to repayment by RTPA to STATE. Should RTPA fail to reimburse fund moneys due STATE within 30 days of demand, or within such other period as may be agreed in writing between the parties, hereto, STATE is authorized to intercept and withhold future payments due RTPA and STATE or any third-party source, including but not limited to, the State Treasurer, The State Controller and the CTC. The implementation of the Supercircular will cancel 49 Cfr Part 18.

#### 10. THIRD PARTY CONTRACTING

A) RTPA shall not award a construction contract over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of STATE.

B) Any subcontract or agreement entered into by RTPA as a result of disbursing Funds received pursuant to this AGREEMENT shall contain all of the fiscal provisions of this Agreement; and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors.

C) In addition to the above, the preaward requirements of third party contractor/consultants with RTPA should be consistent with Local Program Procedures as published by STATE.

#### 11. ACCOUNTING SYSTEM

RTPA, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate Fund expenditures by line item. The accounting system of RTPA, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices.

#### 12. RIGHT TO AUDIT

For the purpose of determining compliance with this AGREEMENT and other matters connected with the performance of RTPA's contracts with third parties, RTPA, RTPA's contractors and subcontractors and STATE shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times for three years from the date of final payment of Funds to RTPA. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent for audits, examinations, excerpts, and transactions, and RTPA shall furnish copies thereof if requested.



13. TRAVEL AND SUBSISTENCE

Payments to only RTPA for travel and subsistence expenses of RTPA forces and its subcontractors claimed for reimbursement or applied as local match credit shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules.

If the rates invoiced are in excess of those authorized DPA rates, then RTPA is responsible for the cost difference and any overpayments shall be reimbursed to STATE on demand.

STATE OF CALIFORNIA  
Department of Transportation

Tulare County Association of Governments

By: Christian P. Jensen  
Office of Project Implementation  
Division of Local Assistance

Date: 5-1-2019

By: [Signature]  
Title: DIRECTOR TCAG  
Date: 4/25/19

BEFORE THE  
TULARE COUNTY ASSOCIATION OF GOVERNMENTS  
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

EXCHANGING 2018/2019 REGIONAL	)	
SURFACE TRANSPORTATION	)	
PROGRAM FUNDS FOR STATE	)	Resolution No.2019-118
HIGHWAY ACCOUNT FUNDS	)	

WHEREAS, MAP-21 designates Regional Surface Transportation Program (RSTP) funds for distribution to counties and Metropolitan Planning Organizations (MPOs); and

WHEREAS, the Tulare County Association of Governments (TCAG) is the designated MPO for Tulare County; and

WHEREAS, as result of the 2010 census the cities of Visalia, Tulare, Exeter, Farmersville and a portion of the unincorporated county have been designated as a Transportation Management Area (TMA) for the Visalia Urbanized Area; and

WHEREAS, California's *Intermodal Surface Transportation Enhancement Act (ISTEA)* implementing legislation created the option for Counties and MPOs with 1990 urbanized area populations of 200,000 or less to exchange all of their RSTP funds for non-Federal State Highway Account funds on a dollar-for-dollar basis; and

WHEREAS, the new designation results in only a portion of RSTP available for state exchange for the 2018/2019 fiscal year; and

WHEREAS, California's *Intermodal Surface Transportation Enhancement Act (ISTEA)* implementing legislation also created the option for Counties and MPOs with 1990 urbanized area populations over 200,000 to exchange what is determined as the remaining rural portion of their RSTP funds (Small Area Funds) in the non-urbanized areas for non-Federal State Highway Account funds on a dollar-for-dollar basis; and

WHEREAS, a portion of Tulare County is not located in the Visalia Urbanized Area.

NOW, THEREFORE, BE IT RESOLVED, that the TCAG Board of Governors approves the exchange of its 2018/2019 RSTP Small Area funds for State Highway Account funds on a dollar-for-dollar basis; and

BE IT FURTHER RESOLVED, that if the County of Tulare desires to exchange its portion of eligible RSTP funds, this Board will support said exchange.

The foregoing Resolution was adopted upon motion of Member Vander Poel, seconded by Member Kimball, at a regular meeting held on the 15<sup>th</sup> day of April, 2019, by the following vote:


AYES: Crocker, Vander Poel, Shuklian, Valero, Townsend, Reynosa, Kimball, Flores, Jones, Link, Gomez, Holscher, Shammer, and Ishida

NOES:

ABSTAIN:

ABSENT: Petty, Macareno, and Mendoza

  
\_\_\_\_\_  
Kuyler Crocker  
Chair, TCAG

  
\_\_\_\_\_  
Ted Smalley  
Executive Director, TCAG

BEFORE THE  
TULARE COUNTY ASSOCIATION OF GOVERNMENTS  
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

DISTRIBUTING THE REGIONAL )  
SURFACE TRANSPORTATION )  
PROGRAM FUNDS FOR FY 2018/2019 )

Resolution No.2019-119

WHEREAS, MAP-21 designates Regional Surface Transportation Program (RSTP) funds for distribution to Counties and Metropolitan Planning Organizations (MPOs); and

WHEREAS, the Tulare County Association of Governments (TCAG) is the designated MPO for Tulare County; and

WHEREAS, RSTP funds in the amount of \$887,784 are available to the County of Tulare for the 2018/2019 fiscal year; and

WHEREAS, the RSTP fund amount available to the County of Tulare and TCAG for the 2018/2019 fiscal year has been estimated as apportioned in the amount of \$6,131,838; and

WHEREAS, the estimated RSTP fund amount available to TCAG is \$5,244,054 for the 2018/2019 fiscal year; and

WHEREAS, the RSTP funds available to the County of Tulare and TCAG for 2018/2019 fiscal year have not been finalized; and

WHEREAS, California's *Intermodal Surface Transportation Enhancement Act (ISTEA)* implementing legislation created the option for Counties and MPOs with 1990 urbanized area populations over 200,000 to exchange what is determined as the rural portion of their RSTP funds (Small Area Funds) in the non-urbanized areas for non-Federal State Highway Account funds on a dollar-for-dollar basis; and

WHEREAS, a portion of Tulare County is not located in the Visalia/Tulare Urbanized area; and

WHEREAS, the Urbanized Area amount available to TCAG for federal programming is \$2,952,674; and

WHEREAS, the Small Area (Rural) amount available to TCAG for exchange is \$3,179,164; and

WHEREAS, TCAG approved the exchange and distribution of Small Area STP Funds for State Highway Account Funds on June 17, 2013 via Resolution.

NOW, THEREFORE BE IT RESOLVED, that the TCAG Board of Governors approves the distribution 2018/2019 RSTP apportionments for Small Area state exchange and the allocation and programming of federalized urban area funds for programming into the Federal Transportation Improvement Program (FTIP).

NOW, BE IT FURTHER RESOLVED, that if member agencies desire to exchange federalized portions of eligible RSTP funds for other types of funds under agreed upon conditions, this Board will support said exchange.

The foregoing Resolution was adopted upon motion of Member Vander Poel, seconded by Member Kimball, at a regular meeting held on the 15<sup>th</sup> day of April, 2019 by the following vote:

AYES: Crocker, Vander Poel, Shuklian, Valero, Townsend, Reynosa, Kimball, Flores, Jones, Link, Gomez, Holscher, Shammer, and Ishida

NOES:

ABSTAIN:

ABSENT: Petty, Macareno, and Mendoza

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



Kuyler Crocker  
Chair, TCAG



Ted Smalley  
Executive Director, TCAG

# **Attachment “B”**

**RSTP/RSTBGP Claim form to TCAG**

**Claim to the Tulare County Association of Governments  
for Regional Surface Transportation Program (RSTP) Funds in Exchange for  
State Highway Account Funds FY2018-2019**

**Claimant:**                    **County of Tulare**

**FY18/19 Claim Amount:**   **\$1,116,357**

**Claim Guidelines:**

Projects outlined in the table below to be funded with this claim are only those projects that are defined under Sections 133(b) and 133(c) of Title 23, United States Code and Article XIX of the California State Constitution, implemented in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code.

**Claim Instructions:**

1. List (print or type) each **INDIVIDUAL** project to be funded with this claim.
2. List the amount of funds to be used for each project.
3. If the project is not a capacity expanding project and is exempt from the air quality conformance analysis check the “Exempt” box. ()
4. If the project is a capacity expanding project and the “build” alternative of the air quality conformance analysis has been completed for the project as required check the “Air Quality” box. ()

Project	Cost of Project	Air Quality	Exempt
1. Various Roadways Rehabilitation Projects	\$1,116,357	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.	\$	<input type="checkbox"/>	<input type="checkbox"/>
3.	\$	<input type="checkbox"/>	<input type="checkbox"/>
4.	\$	<input type="checkbox"/>	<input type="checkbox"/>

**Claim to the Tulare County Association of Governments  
for Regional Surface Transportation Program (RSTP) Funds in Exchange for  
State Highway Account Funds FY 2018-2019**

**Claimant: County of Tulare**

**FY 2018-2019 Claim Amount: \$1,116,357**

It is understood by **County of Tulare**, (claimant) that payment of this claim is subject to approval by the TCAG Governing Board and must be in accordance with the TCAG and Caltrans Agreement. Said monies (and the interest earned on such monies subsequent to allocation) will be used only for those purposes for which the claim is approved.

The undersigned claimant, by accepting these funds agrees to establish a special account for the purpose of depositing funds received from TCAG pursuant to this agreement:

- a. For cities, within their Special Gas Tax Street Improvement Fund; or
- b. For the county, within their County Road Fund

The undersigned claimant, by accepting these funds, agrees to grant the State of California auditors access to their books and records for the purpose of verifying that funds paid hereunder are properly accounted for and proceeds are expended in accordance with the terms of this agreement. All documents will be available for inspection by authorized Caltrans agents at any time during the project development and for a four-year period from the date of completion of the project, or one year after the audit is completed or waived by Caltrans, whichever is later.

If the undersigned claimant fails to use funds received hereunder in accordance with the terms of the agreement, the claimant agrees to return the exchange funds to TCAG for credit to the special account described above.

Further, the **Director, Fiscal Services** of the claimant certifies that the financial information contained herein, is reasonable and accurate to the best of his/her knowledge.

Authorized Representative:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director, TCAG

\_\_\_\_\_  
Print Name