



**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: June 2, 2020

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: State Standard Agreement for Reimbursement of Transit Operating Expenses under the 5311 Program

REQUEST(S):
That the Board of Supervisors:

1. Approve Standard Agreement No. 64BO19-00948 with the State of California, Department of Transportation, for cost reimbursement of transit operating expenses under the 5311 Program, in the amount of \$360,325, retroactive to July 1, 2018 through July 31, 2020. The agreement is retroactive due to the Department of Transportation providing the agreement after the term had commenced. It was impractical for the board to take action before July 1, 2018 due to the fact that the County did not receive the State-approved contract until after the term had commenced.
2. Find that the Board had the authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorize the Chair of the Board to sign Standard Agreement No. 64BO19-00948 and the reimbursement request upon approval of the agreement by the State.

SUMMARY:
Section 5311 of the Federal Transit Act provides for federal grants, made through the State, for public transportation projects. 5311 Program funds are used to reimburse Tulare County Area Transit (TCaT) for general expenses incurred operating the TCaT fixed-route and paratransit (dial-a-ride) systems.

The agreement will provide reimbursement for operations during federal fiscal year 2019, but the effective term of the agreement is for the period of July 1, 2018 to July 31, 2020 to allow for this reimbursement. The agreement is retroactive because it

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was not presented to the County for approval until after the July 1, 2019 date, hence the Department of Transportation extended the term of the agreement to allow the County an extra year to submit a request for reimbursement. The State requests that the County approve the Agreement to allow reimbursement to the County for the Federal share of the operating costs.

Federal reimbursement will be \$360,325, which must be at most 55.33% of the operating costs. The agreement references a local share of \$2,832,056, which is total transit costs as provided to Caltrans by Tulare County Association of Governments and includes non-operating costs as well and greatly exceeds the local match requirement of 44.67%, or \$290,904. This local match requirement was previously met and exceeded by TCaT on-going operating expenses in Fiscal Year 2019, which are largely funded by state transit funds. The application for this assistance funding was approved by your Board on July 31, 2018 (Resolution 2018-0647).

County Risk Management has previously reviewed the insurance coverage maintained by the contracted operator (MV Transportation, Inc.) and found the insurance to be adequate to meet the required insurance coverage for this contract. For your Board's information, this agreement substantively deviates from County contracting protocol by containing a unilateral termination clause and a unilateral indemnification clause in favor of the State. These terms are substantially similar to terms approved under the same program in previous federal fiscal years.

The Certifications and Assurances for the County's participation in this program were recently approved by your Board in Resolution 2020-0242.

FISCAL IMPACT/FINANCING:

There will be No Net County Cost to the General Fund.

This is an agreement with the State to reimburse the County for \$360,325 of transit operating expenses incurred during the operating period of July 1, 2018 through July 31, 2020. This reimbursement was included in the Transit Budget and the local match required thereby is covered by other designated transit funds such as State Transit Assistance fund or Local Transportation Fund.

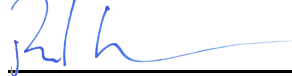
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This program links to Strategic Initiative 1: Safety and Security includes the goal of improving and maintaining adequate transportation infrastructure. The proposed action meets this initiative by allowing receipt of federal funds for use in providing public transportation.

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ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment(s): Agreement 64BO19-00948 with California Department of Transportation

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

IN THE MATTER OF STATE STANDARD)
AGREEMENT FOR REIMBURSEMENT OF) Resolution No. _____
TRANSIT OPERATING EXPENSES) Agreement No. _____
UNDER THE 5311 PROGRAM)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 2, 2020, BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

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2. Found that the Board had the authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorized the Chair of the Board to sign Standard Agreement No. 64BO19-00948, and the reimbursement request upon approval of the agreement by the State.