



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 23, 2020 – REVISED

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 type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Approve the CARES Act Invoice/Pre-Agreement with the California Department of Transportation

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve the Coronavirus Aid, Relief and Economic Security Act (CARES Act) Invoice/Pre-Agreement #1622-2020-3 for transit funding through the Federal Transit Administration 5311 program with the State of California, Department of Transportation, for cost reimbursement of transit operating expenses in the amount of \$413,637, retroactive to January 20, 2020 through June 3, 2020. The pre-agreement is retroactive due to the Department of Transportation providing the pre-agreement after term had commenced. It was impractical for the board to take action before January 20, 2020 due to the fact that the County did not receive the State-approved pre-agreement until after the term had commenced.
2. Find that the Board had the authority to enter into the proposed pre-agreement as of January 20, 2020 and that it was in the County's best interest to enter into the pre-agreement on that date; and
3. Ratify the signature of the Director of the Resource Management Agency on the CARES Act Invoice/Pre-Agreement #1622-2020-3.

SUMMARY:

The recently enacted "Coronavirus Aid, Relief, and Economic Security Act", or CARES Act, was passed by Congress with overwhelming, bipartisan support and signed into law by President Trump on March 27, 2020. The CARES Act includes provisions for new transit funding to assist providers during the COVID-19 pandemic. California's allocation of these funds under the Federal Transit Administration (FTA) Section 5311 Formula Grants for Rural Areas Program is

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\$94,976,667. These funds will be distributed to eligible agencies by Caltrans' Division of Rail and Mass Transportation (DRMT).

The pre-agreement will serve as the basis for the first invoice and reimbursement under for transit expenses under the CARES Act for projects supporting FTA 5311 eligible transit service and also those intended to prevent, prepare for, or respond to COVID-19. The pre-agreement is retroactive because it was not presented to the County for execution until after the January 20, 2020 date. The pre-agreement will need to be ratified because the State requested that it be reviewed, approved, and returned shortly after it was presented to comply with the CARES Act. Further, signing and returning the pre-agreement quickly prevented the County from having any delays in receiving the final funding agreement. In addition, the County will be able to expedite its reimbursement for the period from January 20, 2020 through June 3, 2020 for lost fare revenues and other eligible costs under the program.

Federal reimbursement will be \$413,637 and there is no local match. The funds are non-competitive allocations for transit services which use funds under the FTA 5311 program, including Tulare County Area Transit (TCaT). Requirements for participation in this program will be included in a forthcoming agreement with the State, which is expected to have terms similar to the County's current 5311 Standard Agreement (TC Agreement No 29672). In addition, TCaT already adheres to the FTA's Certifications and Assurances (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 \$413,637 of transit operating expenses incurred during the operating period of January 20, 2020 through June 3, 2020.

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.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment(s): Invoice/Pre-Agreement #1622-2020-3 with California Department of Transportation

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

IN THE MATTER OF APPROVE THE)
CARES ACT INVOICE/PRE-AGREEMENT) Resolution No. _____
WITH THE CALIFORNIA DEPARTMENT OF) Agreement No. _____
TRANSPORTATION)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 23, 2020, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

1. Ratified and approved the Coronavirus Aid, Relief and Economic Security Act (CARES Act) Invoice/Pre-Agreement #1622-2020-3 for transit funding through the Federal Transit Administration 5311 program with the State of California, Department of Transportation, for cost reimbursement of transit operating expenses in the amount of \$413,637, retroactive to January 20, 2020 through June 3, 2020. The pre-agreement is retroactive due to the Department of Transportation providing the pre-agreement after term had commenced. It was impractical for the board to take action before January 20, 2020 due to the fact that the County did not receive the State-approved pre-agreement until after the term had commenced.
2. Found that the Board had the authority to enter into the proposed pre-agreement as of January 20, 2020 and that it was in the County's best interest to enter into the pre-agreement on that date; and
3. Ratified the signature of the Director of the Resource Management Agency on the CARES Act Invoice/Pre-Agreement #1622-2020-3.

Attachment

**Invoice/Pre-Agreement #1622-2020-3 with California
Department of Transportation**



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron R. Bock Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

Bill to: California Department of Transportation

CARES Act Invoice/Pre-Agreement #: _ 1622-2020-3 _

*Division of Rail and Mass Transportation
Office of Transit Grants and Contracts*

Invoice and Pre-Agreement for Coronavirus Aid, Relief and Economic Security Act (CARES Act) Funding (FTA 5311)

This Invoice and Pre-Agreement sets forth anticipated requirements to be contained in the Standard Agreement to be executed between the State of California Department of Transportation Division of Rail and Mass Transportation and the Subrecipient transportation provider named in this Pre-Agreement and Invoice.

1. The Governor of the State of California has designated the California Department of Transportation (Caltrans) Division of Rail and Mass Transportation (DRMT) as the sole agency to receive Federal Transit Administration (FTA) Section 5311 Rural and Intercity Bus Program funds. FTA receives its authority from Chapter 53 of Title 49 of the United States Code.
2. The following terms, when appearing in all capitals within this Agreement, are defined as follows.
 - A. PRE-AGREEMENT: This Document, including all of its incorporated references, as signed by the transportation provider named below. This Document will form the initial invoice for expenses that are eligible for CARES Act funding dating from January 20, 2020, through the date this Document is signed by the Subrecipient.
 - B. APPLICATION: The Application for federal assistance to be filed by the Subrecipient or by DRMT on its behalf. The Application shall be kept on file by Caltrans DRMT and become the basis for the Standard Agreement.
 - C. SUBRECIPIENT: The transportation provider, generally a local agency providing public transit services, that has executed this Pre-Agreement, and that has been granted FTA funds by Caltrans DRMT as described in the CARES Act for the purposes of ameliorating the effects of the 2020 Coronavirus pandemic (COVID-19) on transit services operated by the Subrecipient.
 - D. PROJECT: Operation of transportation services in response to COVID-19 impacts as described in CARES Act provisions applicable to transit agencies and which are performed by the Subrecipient. Projects are funded by FTA grants administered by Caltrans DRMT and are subject to the terms of this Pre-Agreement and the subsequent Standard Agreement.
 - E. STANDARD AGREEMENT: The contract form used by Caltrans DRMT that governs the CARES Act subaward that is subject to this Pre-Agreement and normally used to stipulate the terms and conditions for the use of annually-apportioned FTA Section 5311 funding administered by the STATE.
 - F. STATE: The State of California, acting by and through its Department of Transportation, Division of Rail and Mass Transportation, a governmental subdivision of the State of California.
 - G. SUBCONTRACTOR: A third-party subrecipient or subawardee that performs work related to this Project for the Subrecipient. Federally-required clauses in this Pre-Agreement or the subsequent Standard Agreement that apply to the Subrecipient also apply to subcontractors, subrecipients and/or subawardees of the Subrecipient.
3. Expenses eligible for CARES Act funds to be awarded to the SUBRECIPIENT and spent in any way that is not in full conformance with the provisions of the CARES Act shall be returned to the STATE. This includes any costs incurred before January 20, 2020, are not due to COVID-19 impacts, or are determined by the STATE to be ineligible.
4. Funds received as a result of this PRE-AGREEMENT derive from the federal CARES Act. FTA resources and information related to the CARES Act may be found at the following website: <https://www.transit.dot.gov/cares-act>. FTA updates this website from time to time. Agencies are strongly advised to refer to this website regularly for the latest updates, including Frequently Asked Questions.
 - A. The CARES Act may be referenced as Public Law No: 116-136.
5. Execution of this PRE-AGREEMENT is a condition of receiving reimbursement from CARES Act funds through the STATE. As soon as practicable, but in no event later than fourteen (14) calendar days of receipt of the full STANDARD AGREEMENT, Subrecipient shall execute and return to Caltrans DRMT the STANDARD AGREEMENT. Subrecipient shall abide by all STATE and FTA requirements governing the use of CARES Act funds.

Pre-Award Amount: \$ _____ Standard Agreement No.: _____