

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA Wednesday, March 5, 2014
LOCATION: Wasco County Courthouse, Room #302
511 Washington Street, The Dalles, OR 97058

Public Comment: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments to five minutes, unless extended by the Chair.

Departments: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900.

9:00 a.m.

CALL TO ORDER

Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.

- Corrections or Additions to the Agenda
- Administrative Officer - Tyler Stone: Comments
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda) [Fair Board Appointments](#), [DHS/DA IGA Amendment](#), [FTA Certification](#), [DS21 Property Transfer](#), [BOCC Session Schedule](#), [Dog Ordinance Violation – Disposition of Dogs](#), [Limeroth Letter of Support](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 2.19.2014 Regular Session](#)

9:30 a.m. [Supplemental Budget Hearing](#) – Monica Morris

9:45 a.m. [CCO Update](#) – Molly Rogers

10:00 a.m. [LiDAR](#) – John Roberts

10:15 a.m. [River Trail Way Easement](#) – Lyle Stevens & Marty Matherly

10:30 a.m. [Surplus Vehicles](#) – Dan Sanders & Marty Matherly

10:40 a.m. [Weed Department IGA](#) – Marty Matherly

10:50 a.m. [Wamic Grade Reconstruction](#) – Marty Matherly

NEW / OLD BUSINESS
COMMISSION CALL / REPORTS
ADJOURN



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
March 5, 2014

PRESENT: Scott Hege, Commission Chair
Steve Kramer, County Commissioner
Tyler Stone, County Administrator
Kathy White, Executive Assistant
ABSENT: Rod Runyon, County Commissioner

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance.

Changes to the Agenda

Commissioner Kramer asked to add a letter of support for the ETIC and predator control to the Discussion list.

Mr. Stone asked to Strategic Planning to the Discussion List.

Discussion List – Dog Ordinance Violation

Ken Polehn, owner of the injured/killed livestock said that he is fine with the agreement struck with the dog owners by DDA Sally Carpenter. DDA Carpenter reported that the dog owners had responded rapidly to relinquish the dogs and make restitution to the Polehns; she recommended no further penalty. Mr. Polehn noted that he would like to make sure that Home at Last (HAL) places the dogs appropriately.

Commissioner Kramer asked if there had been any contact made with HAL as far as the costs incurred for housing the animals. DDA Carpenter responded that she did not ask for it in this case since it had resolved so rapidly. Commissioner Kramer observed that a precedence had been set during the last dog case that came before the Board – he would like to continue to consider HAL costs when

resolving dog ordinance violation cases in the future. DDA Carpenter agreed that she would take that into consideration going forward.

{{{Commissioner Kramer moved to approve Order #14-024 in the matter of the disposition of the black and tan Husky/Shepherd dog and yellow Husky/Lab dog owned by Tommy & Valerie Smith. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – Limeroth Letter of Support

Jeremy Thompson, Wildlife Biologist with the Oregon Department of Fish & Wildlife (ODFW), stated that the letter of support being considered is similar to an earlier letter sent by the Board. This letter is in support of a grant to help ODFW attain property. They have \$650,000 in committed funding; outstanding grants that will raise 2/3 of the money needed. They hope to have the funding to acquire the property by next spring.

Chair Hege asked the location of the property. Mr. Thompson replied that it is all in Wasco County's Deschutes River Canyon – from Twin Springs to Ferry Canyon. He explained that this will bring scattered parcels into centralized ownership. Chair Hege expressed his concern that lands taken out of private ownership will no longer generate tax revenue. Mr. Thompson explained that unlike the Federal Government, the State of Oregon pays fees in lieu of taxes in the amount of the estimated tax. Mr. Thompson added that the property owners had approached the ODFW in regard to the possible acquisition.

Chair Hege asked if the intent would be to use the land for public recreation. Mr. Thompson replied affirmatively, saying that there will be a couple of public access points for biking, hiking and equestrian activities.

*****The Board was in consensus to provide a letter of support to the ODFW for a Recovery Land Acquisition grant for FY 2014.*****

Mr. Thompson stated that he is trying to put together a tour of the property and invited the Board to attend; he said he would contact Commissioners for available dates.

Discussion List – Fair Board Appointments

Mr. Polehn, Fair Board Member, reported that the Fair Board is unanimous in their support of the re-appointments being considered by the Board.

{{{Commissioner Kramer moved to approve Order #14-016 in the matter of the re-appointment of Michael Hunt to the Wasco County Fair Board. Chair Hege seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Order #14-017 in the matter of the re-appointment of Colleena Tenold-Sauter to the Wasco County Fair Board. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – FTA Certifications and Assurances

Ms. White explained that she had spoken to District Attorney Nisley who had communicated that he would not be comfortable signing anything more than that Mr. Stone had told him that the County is in compliance if Mr. Stone were to tell him that. She reported that she had spoken to Joni Bramlett, Regional Transit Coordinator, who had conveyed that MCCOG certifies as to the particulars of the programs while the County certifies to the broader items – 1 through 4 and 16.

Mr. Stone observed that the County has been signing this for a number of years; if it is not signed, the money for the program will not be forthcoming. However, he pointed out that the document is vague and very broad. It would be time consuming and financially burdensome to verify each item in the 65 page document – the work would likely have to be contracted out. He reported that MCCOG says they are in compliance; the County is the pass-through agency to MCCOG. He concluded that while there is some risk, it would not be the best use of County resources to pursue.

Chair Hege agreed that the document borders on the ridiculous. He asked if Mr. Stone remembers this coming through before. Mr. Stone replied that he remembers the grant, but not this particular document. Chair Hege stated that it is beyond the County's capacity to know if they are in compliance; he said that while he does not believe it will cause an issue for the County, it is troublesome.

Mr. Stone said he would be sending the document to the Federal delegation for further action.

{{{Commissioner Kramer moved to approve the FTA Fiscal Year 2014 Certifications and Assurances. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – DHS/DA IGA Amendment

Mr. Stone explained that the amendment increases by \$8,000 the amount of money coming through this IGA. Chair Hege asked the purpose of the funding. Mr. Stone replied that it is basically Title IV funding; this is an amendment to the agreement to fund dependency work in the DA's office which was approved at the last BOCC session. He added that there could be an ask that it be added to the salary stipend but since the funds are not budgeted to the personnel line item, it should not be an issue.

{{{Commissioner Kramer moved to approve the amendment to State of Oregon Intergovernmental Agreement #143684. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – DS21 Property Transfer

Mr. Stone explained this has been on a back burner for several months; the County has a small sliver of property by the School District that is of no use to the County. An easement request sparked research revealing the "island" of property owned by the County. The District has use for the property and will grant the requested easement; the School Board has voted to accept the property. Attorney Jason Corey has completed the work for the transfer.

Mr. Stone stated that one of his projects is to move property out of County ownership and back into private hands. DA Nisley noted that there are 100's of these orphaned properties in the County – one roadblock to moving them into private hands is that new owners will have to pay the back taxes.

Chair Hege asked how this came about and if there is a downside for the County. Mr. Stone replied that the County could try to sell it, but it is a long narrow piece of property that is unusable on its own. DA Nisley added that if you visited the property, you would think it is already owned by the district. He pointed out that the old human-done surveys were just not as accurate as GIS surveys.

Chair Hege requested that future items like this one be accompanied by a map when presented to the Board. DA Nisley added that the word "orphaned" is a clue that it is really someone else's property in that it is a piece of property with a small piece of County property in the center of it – if they have owned the surrounding property for 10 years, it is really the surrounding property owner's land.

Further discussion ensued regarding the ownership of properties as it relates to revenue.

{{{Commissioner Kramer moved to approve Resolution #14-008 in the matter of supporting the transfer of orphaned County property to North Wasco County School District #21. Chair Hege seconded the transfer which passed unanimously.}}}

Agenda Item – Supplemental Budget Hearing

At 9:34 a.m. Chair Hege recessed from the Board session and opened a hearing for the Supplemental Budget; explaining to those in attendance the process to be followed for the hearing. He then asked Finance Manager Monica Morris to present the supplemental budget.

Ms. Morris explained that this is a supplemental budget request for four funds as outlined in the public notice included in the Board Packet. She went on to say that the beginning balance is greater than anticipated; the supplemental budget will transfer some money out into reserve funds; this is money held for any operations in the County to supplement or sustain services in any department at the request of the Board. This protects the resources for future use to help the County be prepared.

Chair Hege asked if there is any public comment. There being none, he closed the public testimony portion of the hearing.

{{{Commissioner Kramer moved to approve Resolution #14-009 in the matter of the Fiscal Year 2013-2014 Supplemental Budget to increase the beginning balance for the 2013-2014 Fiscal Year Budget. Chair Hege seconded the motion which passed unanimously.}}}

Chair Hege closed the Public Hearing at 9:38 a.m. and reconvened the regular Board Session.

Discussion List – CCO Update

Youth Services Director Molly Rogers introduced Coco Yackley, Operational Manager for the Columbia Gorge Health Council and Mark Thomas, Pacific Source Community Health Development Coordinator. Ms. Rogers explained that one of the things the group had wanted from Pacific Source was a local presence; Mr. Thomas provides that for both Hood River and Wasco Counties.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 5, 2014
PAGE 6

Ms. Rogers explained that the CCO made a block of significant decisions in February which resulted in spending recommendations. There were 52 requests made in four categories which totaled over \$3 million. With only \$1.3 million to allocate, the CCO was able to fund 21 of the requests. To manage the selection process, the Health Council developed a rubric. Ms. Rogers noted that there had been no complaints regarding the rubric which gave her confidence that it had been well orchestrated.

Ms. Rogers then reviewed the report, included in the Board Packet, which served as the basis for the press release she distributed to the Board (attached). She explained that the funds being allocated are transformation funds intended to get programs off the ground.

Ms. Yackley stated that Pacific Source has been a good partner for a community based program which she has found lacking in other CCO's. She reported that there is a broad spectrum of community participation. Mr. Thomas agreed saying that there has been an expectation of collaboration to be sure both counties are represented; the health care fate of the two counties are tied together.

Chair Hege noted that the in-house pharmacist will be expensive and asked how they intended to sustain that beyond this one-time infusion of funds. Ms. Yackley responded that they hope to show its value and then address sustainability. She added that they must meet certain criteria to get more funding; there are groups working on that.

Ms. Rogers reported that when doing the Community Health Assessment they took into account neighboring Washington counties to make it comprehensive. The Assessment forms the basis for developing a plan. She stated that she has been working with the Four Rivers Early Learning Hub which collaborates and coordinates with the CCO. Ms. Rogers will be writing the Early Learning portion of the RFA.

Ms. Rogers announced a new partnership with The Little House on the Hill which has moved into the 610 Court Street offices.

Ms. Yackley thanked the County for the support of Ms. Stephens, Executive Assistant. She went on to say that Ms. Rogers has provided a valuable insight for the group and been a representative for children; she commended the Board on their selection of Ms. Rogers to represent the County in the CCO process.

Mr. Thomas concurred adding that Ms. Rogers' ability to strengthen the interface between health care, education and social services has been invaluable.

Chair Hege called for a break at 10:01 a.m.

The session reconvened at 10:04 a.m.

Discussion List – LiDAR (Light Detection and Ranging)

Planning Director John Roberts stated that he was here as a follow-up to the Board's LiDAR discussion from the 2.19.2014 Board Session. He introduced others who were in attendance for the topic:

- Wasco County IS Interim Director Paul Ferguson
- Wasco County Public Works Director Marty Matherly
- Wasco County Surveyor Lyle Stevens
- Unit Forester David Jacobs
- Conservation Planner Josh Thompson, Wasco County Soil and Water Conservation District

He said there were a number of questions the Board had at the last session:

- How much lead time is needed to take advantage of the June LiDAR project? They will need to be notified by the end of March or beginning of April.
- Will a budget adjustment be necessary? Funding will have to be identified.
- Are there other entities interested in participating? Josh Ian has made contacts but people are not always aware of the benefits of LiDAR. ODF has expressed an interest as has the City of The Dalles.
- Can this be a revenue source? Once completed, it is public information. The only revenue would be if customers asked for County staff to do the research/mapping for them – there is a fee for the work.

Mr. Thompson noted that when he wrote the grant he committed the County to \$10,000 using an old letter in which the County had earmarked funds for LiDAR mapping. He asked if the Board would like to dedicate any further funds, noting that this is a very good deal with value to Planning and to Roads as well as to the

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 5, 2014
PAGE 8

community at large. He reported that the City of The Dalles is trying to find funding to map within the City limits.

Mr. Ferguson stated that LiDAR is not something the County could afford on its own – this is a once-in-a-decade opportunity. Not only is it cost-effective, but the benefits will reach far into the future. He said that the mapping provides high-resolution accuracy through technology developed for the guided missile program.

Ms. Morris observed that in previous years some of the department heads set aside funds hoping to get LiDAR mapping. She said that the money continued to sit unspent as it was not enough to pay for the project without partners contributing funds as well. They continued to earmark the funds each year as they wanted it to be deemed important budgetarily.

Mr. Thompson encouraged the Board to take advantage of this low-cost opportunity. He noted that the Soil and Water District has been awarded two grants and will put an additional \$50,000 in to complete the project. He said that They are working with FEMA and USGS for further funding; USGS is adding \$87,000 toward the project for hydro flattening.

Mr. Jacobs added that the Department of Forestry is looking at areas that they might fund to fill in the gaps in mapping, saying that they do not have a lot of money available, but do have some to contribute.

Mr. Matherly stated that the mapping would reduce staff time for surveying and other projects.

Chair Hege reported that Commissioner Runyon has been in touch with Google and is continuing that conversation in an effort to identify some private funding for the project. He asked Mr. Roberts what he was looking for today.

Mr. Roberts said he would like to see the Board shore up their commitment for the \$10,000 and determine how much more the County wants to commit to the project.

Mr. Stone asked Mr. Roberts if what he is asking for is the \$39,000 outlined in his presentation. Mr. Roberts replied he was asking for that plus the original \$10,000.

Chair Hege stated that he is fine with the original \$10,000; for the remainder he would like more information on where the funding will be found. He asked Ms. Morris to do some research on what funding might be available.

*****The Board was in consensus to commit \$10,000 to the LiDAR project and consider more funding once Ms. Morris' research is complete.*****

Mr. Stevens pointed out that it would cost the County more to map one road that it would cost for 10 square miles of LiDAR mapping.

Agenda Item – River Trail Way Easement

Mr. Stevens explains that this has come before the Board before – the Board had requested some language modifications which have been done. The Resolution vacates portions of the old road, recognizing the new alignment of River Trail Way.

{{{Commissioner Kramer moved to approve the Grant of Easement to Northern Wasco County Parks and Recreation District for the purpose of developing, constructing, and maintaining a pedestrian and bicycle trail for the public benefit. Chair Hege seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Resolution #14-007 declaring the new alignment of a portion of River Trail Way as a public road and vacating portions of the old road.}}}

Agenda Item – Surplus Vehicles

Wasco County Road Department Shop Supervisor Dan Sanders reported that there are two road department vehicles, one Weed Department vehicle and a van that he would like to have surplused. He stated that Chair Hege had brought Mosier in as they were interested in acquiring a vehicle – the County has agreed to transfer it to them if they do the title transfer and agree to surplus the vehicle back to the County should they find they no longer need it. Chair Hege reported that Mosier is very happy to get the vehicle.

{{{Commissioner Kramer moved to approve Order #14-023 surplus public works vehicles: Unit #1212 1978 Caterpillar 140G Motor Grader, Unit #2246 1969 Caterpillar 950 Loader, Unit #90-01 1990 Ford Club Wagon 15 passenger van and Unit #209-2001 Dodge Pickup. Chair Hege seconded the motion which passed unanimously.}}}

Agenda Item – Weed Department IGA

Weed Superintendent Merle Keys explained that it is time to renew the IGA with Multnomah County Soil and Water Conservation District (MCSWCD) for the control of the garlic mustard growing in the roadside right of ways on both sides of the Historic Columbia River Highway 100 from milepost 4.5 to milepost 12.5. He stated that the MCSWCD does not have the equipment to do the work and thus contracts with Wasco County each year to have the work done.

Discussion ensued regarding the compensation and costs; Mr. Keys assured the Board that the agreement more than covers the cost of the work.

Chair Hege asked about the scope of the work. Mr. Keys explained that it is just for that particular section and they work around controversial spots such as water, schools, etc.

{{{Commissioner Kramer moved to approve the Intergovernmental Agreement between East Multnomah Soil and Water Conservation District and Wasco County Weed department for the treatment of mustard weed along the specified section of the Columbia River Highway. Chair Hege seconded the motion which passed unanimously.}}}

Agenda Item – Wamic Grade Reconstruction

Mr. Matherly explained that the MOA being considered spells out the responsibilities and process for the project through the construction phase; approval will allow the project to move forward. He noted that the document references a cash requirement along with in-kind services which the County has already agreed to do. He reported that he has met with the federal representatives and believes they have made a good start; he encouraged the Board to move forward with the project.

Chair Hege asked if this will be contracted through Wasco County. Mr. Matherly replied that the federal agency will do almost all of the work with County involvement all along the way. He said the project will go out for bid.

Russ Brown, a citizen in attendance, asked if the project would encompass the grade from top to bottom. Mr. Matherly responded that it would go to about $\frac{3}{4}$ of the way down the grade and will take out some of the really tight spots. Mr. Brown commended them on the project saying that it has been a dangerous road and this will improve the safety for those traveling the road.

Mr. Stevens noted that the project will also include a new view point.
Commissioner Kramer stated that he is pleased to see that it will have an 8 foot shoulder.

Chair Hege reminded everyone that actual construction will not begin until 2015.
Mr. Matherly concurred saying that there is a lot of work to be done behind the scenes before the construction phase begins.

{{{Commissioner Kramer moved to approve the Federal Lands Access Program Project Memorandum of Agreement. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – BOCC Session Schedule

Ms. White reviewed the memorandum, included in the Board Packet, which outlined some recommended changes to the upcoming Board session schedule. The proposed changes addressed scheduling conflicts and noticing requirements.

*****The Board was in consensus to adopt the following schedule for the April, May and June Board sessions:**

Wednesday, April 2

Tuesday, April 15

Wednesday, May 7

Thursday or Friday, May 29th or 30th

Wednesday, June 11

Wednesday, June 25***

Consent Agenda – 2.19.2014 Regular Session Minutes

{{{Commissioner Kramer moved to approve the Consent Agenda. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – Technology Proposal Letter of Support

Commissioner Kramer read a proposed letter of support (attached) for a collaborative partnership between Portland State University and Columbia Gorge Community College regarding engineering technology education.

Chair Hege stated that more technology education in our rural communities will be good.

*****The Board was in consensus to provide the letter of support for Columbia Gorge Community College to work with Portland State in developing the Engineering Technology program.*****

Discussion List – APHIS Predator Control

Commissioner Kramer reviewed the history of the APHIS contract regarding the liability language to which the Board objected. Although efforts have been made over the last 8 months to have the language modified to reduce County liability for Federal employees' actions, no changes have been made. Commissioner Kramer pointed out that 26 other Oregon counties have signed the contract for services and he believes that Wasco County needs to have something in place to provide services for predator control. The contract does not specify annual costs; the amount to be paid for services is determined annually by the Board.

Mr. Stone added that the County tried to pay for the services without signing the contract, but APHIS would not accept payment without a signed contract. He noted that the county's objection to the language had gone all the way to the Attorney General's office to no avail.

{{{Commissioner Kramer moved to approve the contract with APHIS for predator control through June 30, 2018. Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – Strategic Planning

Mr. Stone explained that a group had been formed several years ago to develop the County's strategic plan which validated a mission, vision, values and high-level focus areas. The next step is to move that down into the individual departments – Planning and the Sheriff's Department have already developed plans in line with the overall County plan.

Mr. Stone went on to say that facilitated sessions with the management team will move the process towards completion of strategic plans for every department. He reported that he went out looking for proposals for the facilitation. He had spoken to Patrick McGaughey with Activating People whose time line would not work for this year. Chair Hege expressed his disappointment saying that Mr. McGaughey is very good.

Mr. Stone stated that he had also spoken to Terri Krohn with Terri Krohn Consulting who estimated costs at \$20,000, which is more that he wanted to spend. He also spoke to HR Answers, the vendor who has worked on the

County's Compensation Study. They came in at \$6,000; he asked them to also include work on the performance review process which brought the estimate to \$9,000.

He stated that funds are available to do the work and asked for approval for that amount. He also asked if the Board had any desire to be involved at the department level, saying that the second day of the planned sessions would focus on strategic planning. The meetings are planned for March 11th and 12th. He added that he thinks it might be good for management to do this on their own.

Chair Hege responded that he was involved in the original County strategic planning in which the department heads did not participate. He said it might be a good idea to step back and see if the overall plan needs any modification since 3 or 4 years have passed. He said he would like to be involved in that part of the conversation; adding that he could be there on the morning of the 12th. He said he thinks it would be good for him to hear from the department heads.

Mr. Stone suggested that the department heads could work on it as a team and bring it back to the Board. Chair Hege agreed that it could be done that way but felt it would be good for him to hear the dialog and make sure that the departments are on board with the process so that the document can control and direct the organization.

Further conversation ensued regarding the next steps, with a conclusion that Chair Hege would attend the morning session of the 12th of March. With only one Commissioner in attendance, no noticing will be necessary.

{{{Commissioner Kramer moved to approve the expenditure of up to \$9,000 to engage HR Answers to facilitate department level strategic planning. Chair Hege seconded the motion which passed unanimously.}}}

Commission Call

Commissioner Kramer referenced an email from Senator Merkley regarding moneys that may become available to Oregon counties. Mr. Stone said that it had been added to the agenda for the 19th. Chair Hege observed that that would allow time to look into specific requests. Mr. Stone said he would forward the email on to department heads for feedback.

Mr. Brown stated that he has been attending City Council meetings for several months; he noted that the Board has made more decisions in this 2 ¼ hour

meeting than the City Council has made in the last 3 months. He commended the Board on their process.

Chair Hege thanked Mr. Brown for his comments and said that he wishes more citizens would attend the Board sessions as a lot of decisions are made. He added that he understands that Commissioners are elected to make those decisions on behalf of the citizens.

Chair Hege reported that he has talked to Commissioner Runyon who has been in Washington D.C. with the Outreach Team – Commissioner Runyon has conveyed that he will have a lot to share with the Board upon his return.

Chair Hege announced that the first Wildland Urban Interface Committee meeting is this afternoon.

Chair Hege adjourned the session at 11:20 a.m.

Summary of Actions

Motions Passed

- **To approve Order #14-024 in the matter of the disposition of the black and tan Husky/Shepherd dog and yellow Husky/Lab dog owned by Tommy & Valerie Smith.**
- **To approve Order #14-016 in the matter of the re-appointment of Michael Hunt to the Wasco County Fair Board.**
- **To approve Order #14-017 in the matter of the re-appointment of Colleena Tenold-Sauter to the Wasco County Fair Board.**
- **To approve the FTA Fiscal Year 2014 Certifications and Assurances.**
- **To approve the amendment to State of Oregon Intergovernmental Agreement #143684.**
- **To approve Resolution #14-009 in the matter of the Fiscal Year 2013-2014 Supplemental Budget to increase the beginning balance for the 2013-2014 Fiscal Year Budget.**

- To approve the Grant of Easement to Northern Wasco County Parks and Recreation District for the purpose of developing, constructing, and maintaining a pedestrian and bicycle trail for the public benefit.
- To approve Order #14-023 surplussing public works vehicles: Unit #1212 1978 Caterpillar 140G Motor Grader, Unit #2246 1969 Caterpillar 950 Loader, Unit #90-01 1990 Ford Club Wagon 15 passenger van and Unit #209-2001 Dodge Pickup.
- To approve the Intergovernmental Agreement between East Multnomah Soil and Water Conservation District and Wasco County Weed department for the treatment of mustard weed along the specified section of the Columbia River Highway.
- To approve the Federal Lands Access Program Project Memorandum of Agreement.
- To approve the Consent Agenda: 2.19.2014 Regular Session Minutes
- To approve the contract with APHIS for predator control through June 30, 2018
- To approve the expenditure of up to \$9,000 to engage HR Answers to facilitate department level strategic planning.

Consensus

- To provide a letter of support to the ODFW for a Recovery Land Acquisition grant for FY 2014.
- To commit \$10,000 to the LiDAR project and consider more funding once Ms. Morris' research is complete.
- To adopt the following schedule for the April, May and June Board sessions:
 - Wednesday, April 2
 - Tuesday, April 15
 - Wednesday, May 7

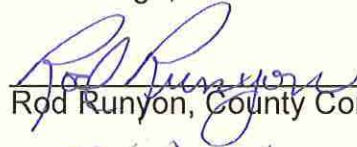
WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 5, 2014
PAGE 16

- Thursday or Friday, May 29th or 30th
 - Wednesday, June 11
 - Wednesday, June 25
- To provide the letter of support for Columbia Gorge Community College to work with Portland State in developing the Engineering Technology program.

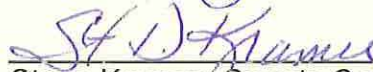
WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 5, 2014**

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [Fair Board Appointments](#)
2. [DHS/DA IGA](#) – Eric Nisley
3. [FTA Certification](#)
4. [DS21 Property Transfer](#) – Tyler Stone
5. [BOCC Session Schedule](#) – Kathy White
6. [Disposition of Smiths' Dogs – Dog Ordinance Violation](#)
7. [Limeroth Letter of Support](#)

Discussion List Item
Fair Board Re-Appointments

- [Introductory Email](#)
- [Order #14-016 Reappointing Michael Hunt to the Wasco County Fair Board](#)
- [Order #14-017 Reappointing Colleena Tenold-Sauter to the Wasco County Fair Board](#)



Kathy White <kathyw@co.wasco.or.us>

Fair Board Appointments

2 messages

Kathy White <kathyw@co.wasco.or.us>
To: Kay Tenold <kktenold@hotmail.com>

Wed, Feb 19, 2014 at 7:36 AM

Good Morning, Kay-

Did the Fair Board form a recommendation for appointments at Monday's meeting?

Thank you for your help.

Thank you,

Kathy White
Executive Assistant
Wasco County
Board of County Commissioners
511 Washington Street
The Dalles, OR 97058
work 541.506.2520
fax 541.506.2551

kay tenold <kktenold@hotmail.com>
To: Kathy White <kathyw@co.wasco.or.us>

Wed, Feb 19, 2014 at 9:15 AM

Yes its in the minutes . Their recommendation is to reappoint colleen tenold sauter and Michael hunt.

--- Original Message ---

From: "Kathy White" <kathyw@co.wasco.or.us>
Sent: February 19, 2014 7:36 AM
To: "Kay Tenold" <kktenold@hotmail.com>
Subject: Fair Board Appointments

[Quoted text hidden]

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE REAPPOINTMENT OF)
MICHAEL HUNT TO THE WASCO COUNTY) ORDER
FAIR BOARD.) #14-016

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That Michael Hunt's term on the Wasco County Fair Board expired on December 31, 2013; and

IT FURTHER APPEARING TO THE BOARD: That Michael Hunt is willing and is qualified to be reappointed to the Wasco County Fair Board.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Michael Hunt be and is hereby reappointed to the Wasco County Fair Board; said term to expire on December 31, 2016.

DATED this 5th day of March, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Rod L. Runyon, Commission Chair

APPROVED AS TO FORM:

Scott C. Hege, County Commissioner

Eric J. Nisley, District Attorney

Steve D. Kramer, County Commissioner

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE REAPPOINTMENT OF)
COLLEENA TENOLD-SAUTER TO THE WASCO) ORDER
COUNTY FAIR BOARD.) #14-017

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That Colleena Tenold-Sauter's term on the Wasco County Fair Board expired on December 31, 2013; and

IT FURTHER APPEARING TO THE BOARD: That Colleena Tenold-Sauter is willing and is qualified to be reappointed to the Wasco County Fair Board.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Michael Hunt be and is hereby reappointed to the Wasco County Fair Board; said term to expire on December 31, 2016.

DATED this 5th day of March, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Rod L. Runyon, Commission Chair

APPROVED AS TO FORM:

Scott C. Hege, County Commissioner

Eric J. Nisley, District Attorney

Steve D. Kramer, County Commissioner

Discussion List Item
DHS/DA IGA Amendment

- [IGA #143684 Amendment #1](#)



Agreement Number 143684

AMENDMENT TO
STATE OF OREGON
INTERGOVERNMENTAL AGREEMENT

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This is amendment number 1 to Agreement Number 143684 between the State of Oregon, acting by and through its Department of Human Services, hereinafter referred to as "DHS" and

Wasco County District Attorney
Eric J. Nisley
511 Washington Street, Suite 302
Dalles, OR 97058
Telephone: (541) 506-2680
Facsimile: (541) 506-2681
ericn@co.wasco.or.us

(the "District Attorney," or "DA,") acting pursuant to Article VII, Section 17 (original) of the Oregon Constitution.

1. This amendment shall become effective on the date this amendment has been fully executed by every party and, when required, approved by Department of Justice.
2. The Agreement is hereby amended as follows:
 - a. Under section "IV PAYMENTS" on page 3 of 24, the maximum not-to-exceed amount payable is amended to add funding in the amount of **\$8,000**; the *language to be deleted or replaced is struck through; new language is underlined and bold.*

IV. PAYMENTS

- A. The maximum not-to-exceed amount payable to County and District Attorney under this Agreement, which includes any allowable expenses, is ~~\$14,114~~ **\$22,114**. DHS shall not pay County any amount in excess of

the not-to-exceed amount for performing the Work, and shall not pay for Work until this Agreement has been signed by all parties.

- b. Section "II A. AGREEMENT DOCUMENTS" is amended as follows, to add Exhibit A, Part 4:

Exhibit A, Part 4: District Attorney Title IV-E Reimbursement Appendix

- c. As a result of adding Exhibit A, Part 4; the following Attachments have been incorporated into the Agreement:

Attachment A: Oregon District Attorney Title IV-E Claim Form Instructions

Attachment B: Example Title IV-E Claim Form

3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. County certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this amendment and with the same effect as though made at the time of this amendment.

Remainder of page left blank intentionally

4. DISTRICT ATTORNEY AND COUNTY DATA AND CERTIFICATION

- A. District Attorney and County Tax Identification. County and District Attorney shall provide County's and District Attorney's federal tax ID number(s) and the additional information set forth below. This information is requested pursuant to ORS 305.385.

Please print or type the following information.

Name (exactly as filed with the IRS) _____

Address _____

Telephone: _____ Facsimile: _____

Federal Tax I.D. _____

The above information must be provided prior to Agreement approval. DHS may report the information set forth above to the Internal Revenue Service ("IRS") under the name and taxpayer identification number provided.

- B. Certification. By signature on this Agreement, the undersigned hereby certifies under penalty of perjury that:

1. The Federal Tax number shown in Section V(A) is County's and District Attorney's correct taxpayer identification and all other information provided in Section V(A) is true and accurate; and
2. County and District Attorney are not subject to backup withholding because:
 - i. County and District Attorney are exempt from backup withholding;
 - ii. County and District Attorney have not been notified by the IRS that either County or District Attorney is subject to backup withholding as a result of a failure to report all interest or dividends; or
 - iii. The IRS has notified County and District Attorney that County and District Attorney are no longer subject to backup withholding.

**COUNTY: YOU WILL NOT BE PAID FOR WORK PERFORMED PRIOR
TO NECESSARY STATE APPROVALS**

5. Signatures.

**Wasco County District Attorney
Approved by:**

| | | |
|---|--------------------------|----------------|
|  | <i>District Attorney</i> | <i>2-27-14</i> |
| Authorized Signature | Title | Date |

**State of Oregon acting by and through its Department of Human Services
By:**

| | | |
|----------------------|-------|-------|
| _____ | _____ | _____ |
| Authorized Signature | Title | Date |

Approved for Legal Sufficiency:

| | |
|--|-------|
| <i>Not Required per OAR 137-045-0030(1)(a)</i> | _____ |
| Assistant Attorney General | Date |

Office of Contracts and Procurement:

| | |
|---------------------|-------|
| _____ | _____ |
| Contract Specialist | Date |

Discussion List Item
FTA Certification

- [Informational Email](#)
- [FTA Fiscal Year 2014 Certifications & Assurances](#)



Kathy White <kathyw@co.wasco.or.us>

Insight

4 messages

Kathy White <kathyw@co.wasco.or.us>

Wed, Feb 26, 2014 at 8:24 AM

To: Dan Schwanz <cat1@gorge.net>, Dan Schwanz <mccogtransnet@gorge.net>

Good Morning, Dan-

Does the attached doc have anything to do with the STF program. I think we have seen this in year's past, but questions are being asked.

Thank you for your help.

Thank you,

Kathy White
Executive Assistant
Wasco County
Board of County Commissioners
511 Washington Street
The Dalles, OR 97058
work 541.506.2520
fax 541.506.2551



FTA Fiscal Year 2014 Certifications and Assurances.pdf

13150K

Dan Schwanz <cat1@gorge.net>

Wed, Feb 26, 2014 at 8:35 AM

To: Kathy White <kathyw@co.wasco.or.us>

Yes, you need to do this for the Section 5310 funds that County Contracts with us to provide.

Historically, I check off only the items that apply to MCCOG or CAT and send them in. I did that this week, but did find a note later I did that last year they wanted the all of them checked even though many don't have anything to do with us.

You do not need an attorney signature.

Dan Schwanz

Executive Director

Hood River County Transportation District

PO Box 1147

Hood River, OR 97031

541-386-4202 (v)

541-386-1228 (f)

<http://community.gorge.net/hrctd/>

<http://www.gorgetranslink.com/>

From: Kathy White [mailto:kathyw@co.wasco.or.us]

Sent: Wednesday, February 26, 2014 8:24 AM

To: Dan Schwanz; Dan Schwanz

Subject: Insight

[Quoted text hidden]

Kathy White <kathyw@co.wasco.or.us>

To: Tyler Stone <tylers@co.wasco.or.us>

Wed, Feb 26, 2014 at 8:36 AM

From Dan - see below

Thank you,

Kathy White
Executive Assistant
Wasco County
Board of County Commissioners
511 Washington Street
The Dalles, OR 97058
work 541.506.2520
fax 541.506.2551

[Quoted text hidden]

Tyler Stone <tylers@co.wasco.or.us>

To: Kathy White <kathyw@co.wasco.or.us>

Wed, Feb 26, 2014 at 9:49 AM

FYI

Tyler Stone
Administrative Officer
Wasco County
511 Washington St. Suite 101
The Dalles, OR 97058
541-506-2552

www.co.wasco.or.us

----- Forwarded message -----

From: **Dan Schwanz** <cat1@gorge.net>

Date: Wed, Feb 26, 2014 at 9:05 AM

Subject: RE: Insight

To: Tyler Stone <tylers@co.wasco.or.us>

Hi Tyler:

Welcome to my world! We are in compliance with all that apply to MCCOG. Those are 1-10, 14, 16 (which is the most direct one that applies to the County), and 17. If they require you and me to check all 24 I'm ok with that as the rest are not funds we use or programs that we are eligible for.

Dan Schwanz

Executive Director

Hood River County Transportation District

PO Box 1147

Hood River, OR 97031

541-386-4202 (v)

541-386-1228 (f)

<http://community.gorge.net/hrctd/>

<http://www.gorgetranslink.com/>

From: Tyler Stone [mailto:tylers@co.wasco.or.us]

Sent: Wednesday, February 26, 2014 8:52 AM

To: Dan Schwanz

Subject: Fwd: Insight

Dan,

I was asked to review and approve this document before it received a signature. I finally got around to reading the document that we are being asked to sign. My response back was as follows:

Hi all,

This has to be the most ridiculous thing I have ever seen. It would take a law office and 10 law students to go through researching all of the references contained herein. I can honestly say that I have no idea if we can certify and/or assure to these provisions or not. It would need to be reviewed by counsel at a minimum.

So my question to you is have you researched all of these references and do you/ we comply with all of these federal rules? Sorry to be a stick in the mud on this one but I was asked if we comply and I honestly can't say for sure that we do. Thanks for your help. Tyler

Tyler Stone
Administrative Officer
Wasco County
511 Washington St. Suite 101
The Dalles, OR 97058
541-506-2552
www.co.wasco.or.us

[Quoted text hidden]

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

PREFACE

Except as the Federal Transit Administration (FTA or We) determines otherwise in writing, before FTA may award Federal transit assistance (funding or funds) to support a public transportation Project, an Authorized Representative (You) of the Project sponsor (Applicant) must select certain Certifications and Assurances required by Federal law or regulation. The Authorized Representative must be duly authorized by the Applicant to, among other things, sign these Certifications and Assurances and bind the Applicant's compliance. You, as the Authorized Representative, must select all Certifications and Assurances required of your Applicant (or it) to support its applications for FTA funding during Federal fiscal year (FY) 2014.

We request that you read each Certification and Assurance and select those that will apply to all Projects for which your Applicant might seek FTA funding. As required by Federal law and regulation, only if you select adequate Certifications and Assurances on your Applicant's behalf, may FTA award Federal funding for its Project.

We have consolidated our Certifications and Assurances into twenty-four (24) Groups. At a minimum, you must select the Assurances in Group 01 on your Applicant's behalf. If your Applicant requests more than \$100,000, you must also select the "Lobbying" Certification in Group 02, unless it is an Indian tribe or organization or a tribal organization. Depending on the nature of your Applicant and its Project, you may also need to select some Certifications and Assurances in Groups 03 through 24. However, instead of selecting individual Groups of Certifications and Assurances, you may make a single selection that will encompass all twenty-four (24) Groups of Certifications and Assurances that apply to all our programs.

FTA, your Applicant, and you understand and agree that not every provision of these twenty-four (24) Groups of Certifications and Assurances will apply to every Applicant or every Project FTA funds even if you make a single selection encompassing all twenty-four (24) Groups. Nor will every provision of all Certifications and Assurances within a single Group apply if that provision does not apply to your Applicant or its Project. The type of Project and Applicant will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant(s) to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

If your Applicant is a team, a consortium, a joint venture, or a partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each member will be responsible for compliance with the

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Certifications and Assurances you select on its behalf, except as FTA determines otherwise in writing.

It is important that your Applicant and You also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. Our FTA Master Agreement MA(20) for Federal FY 2014, available at <http://www.fta.dot.gov>, contains a list of most of those requirements.

We expect You to submit your Applicant's FY 2014 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2014 Certifications and Assurances on its behalf. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups of Certifications and Assurances. If FTA agrees that you cannot submit your Applicant's FY 2014 Certifications and Assurances electronically, you must submit the Signature Page(s) in Appendix A of this Notice, as FTA directs, marked to show the Groups of Certifications and Assurances it is submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- *FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,*
- *The Continuing Appropriations Act, 2014, Pub. L. 113-46, October 17, 2013,*
- *The Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, March 26, 2013,*
- *The Continuing Appropriations Resolution, 2013 (CR), Pub. L. 112-175, September 28, 2012, and*
- *FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

With certain exceptions, Projects financed in FY 2014 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.

GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide funding for your Applicant's Project, in addition to any other Certifications and Assurances that you must select on behalf of your Applicant, you must also select the Certifications and Assurances in Group 01, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.

1.A. Assurance of Authority of the Applicant and Its Authorized Representative.

You certify that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent the Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State, local, or Indian tribal laws and regulations, and its by-laws or internal rules:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, and Agreements binding its compliance,
3. Execute Grant Agreements or Cooperative Agreements, or both, with FTA,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

1.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable Federal statutes and regulations to carry out any FTA funded Project,
2. It is under a continuing obligation to comply with the terms and conditions of the FTA Grant Agreement or Cooperative Agreement for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,
3. It recognizes that Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. It understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,
5. It agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. In light of recent FTA legislation applicable to FTA, except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
 - a. In some instances, FTA has determined that Federal statutory or regulatory

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:

- (1) New grants and cooperative agreements, and
- (2) New amendments to grants and cooperative agreements that:
 - (a) Have been awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, or
 - (b) May be awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, but
- b. In other instances, FTA has determined that MAP-21 will apply to the Federal funds appropriated or made available for FY 2012 or a previous fiscal year, and
- c. For all FTA funded Projects, the following MAP-21 cross-cutting requirements supersede conflicting provisions of previous Federal law and regulations:
 - (1) Metropolitan and Statewide and Nonmetropolitan Transportation Planning,
 - (2) Environmental Review Process,
 - (3) Public Transportation Agency Safety Plans,
 - (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
 - (5) Costs Incurred by Providers of Public Transportation by Vanpool,
 - (6) Revenue Bonds as Local Match,
 - (7) Debt Service Reserve,
 - (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
 - (9) Private Sector Participation,
 - (10) Bus Testing,
 - (11) Buy America,
 - (12) Corridor Preservation,
 - (13) Rail Car Procurements,
 - (14) Veterans Preference/Employment,
 - (15) Alcohol and Controlled Substance Testing, and
 - (16) Other provisions as FTA may determine.¹

1.C. Intergovernmental Review Assurance.

(The assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available for FTA's Tribal Transit Programs authorized by 49 U.S.C. 5311(c)(1).

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that your Applicant has

¹ More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

1.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:
 - a. Federal transit laws, specifically 49 U.S.C. 5332(prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
 - c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
 - d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,
2. It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,
3. As required by 49 CFR 21.7:
 - a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
 - (1) It conducts each Project,
 - (2) It undertakes property acquisitions, and
 - (3) It operates its Project facilities, including:
 - (a) Its entire facilities, and
 - (b) Its facilities operated in connection with its Project,
 - b. This assurance applies to its entire Project and to all parts of its facilities, including the facilities it operates to implement its Project,
 - c. It will promptly take the necessary actions to carry out this assurance, including:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
 - d. If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) While the property is used for the purpose that the Federal funding is extended, and
- (2) While the property is used for another purpose involving the provision of similar services or benefits,
- e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) This assurance,
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit laws, 49 U.S.C. 5332,
- g. It will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
- h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - (1) Subrecipient,
 - (2) Transferee,
 - (3) Third Party Contractor or Subcontractor at any tier,
 - (4) Successor in Interest,
 - (5) Lessee, or
 - (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - (1) Subagreement at any tier,
 - (2) Property transfer agreement,
 - (3) Third party contract or subcontract at any tier,
 - (4) Lease, or
 - (5) Participation agreement, and
- j. The assurances you have made on its behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
 - (1) Federal funding is extended to its Project,
 - (2) Its Project property is used for a purpose for which the Federal funding is extended,
 - (3) Its Project property is used for a purpose involving the provision of similar services or benefits,
 - (4) It retains ownership or possession of its Project property, or
 - (5) FTA may otherwise determine in writing, and
- 4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

5307(c)(1)(D)(ii), you assure that:

- a. It will comply with the following prohibitions against discrimination on the basis of disability listed in Group 1.D.4.b below, of which compliance is a condition of approval or extension of any FTA funding awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in or obtain any benefit from any FTA administered program, and
- b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

1.E. Suspension and Debarment Certification.

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,
2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
 - (1) Debarred,
 - (2) Suspended,
 - (3) Proposed for debarment,
 - (4) Declared ineligible,
 - (5) Voluntarily excluded, or
 - (6) Disqualified,
 - b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
 - (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
 - (2) Violation of any Federal or State antitrust statute, or
 - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
 - c. It is not presently indicted for, or otherwise criminally or civilly charged by a

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,
- d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
 - e. If, at a later time, it receives any information that contradicts the statements of subsections 2.a – 2.d above, it will promptly provide that information to FTA,
 - f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
 - (1) Equals or exceeds \$25,000,
 - (2) Is for audit services, or
 - (3) Requires the consent of a Federal official, and
 - g. It will require that each covered lower tier contractor and subcontractor:
 - (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
 - (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
 - (a) Debarred from participation in its federally funded Project,
 - (b) Suspended from participation in its federally funded Project,
 - (c) Proposed for debarment from participation in its federally funded Project,
 - (d) Declared ineligible to participate in its federally funded Project,
 - (e) Voluntarily excluded from participation in its federally funded Project, or
 - (f) Disqualified from participation in its federally funded Project, and
3. It will provide a written explanation as indicated on a page attached in FTA's TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Certification Group 01.E.

1.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in Group 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, updated as necessary to reflect changes in Federal laws and regulations.

- 1. *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For every Project described in any application it submits, it has adequate resources to properly plan, manage, and complete its Project, including the:
 - (1) Legal authority to apply for Federal funding,
 - (2) Institutional capability,
 - (3) Managerial capability, and
 - (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
 - b. It will give limited access and the right to examine Project-related materials to

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

entities or individuals, as required, including, but not limited to the:

- (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) State, through an authorized representative, if appropriate,
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - (1) A personal or organizational conflict of interest, or personal gain, or
 - (2) The appearance of a personal or organizational conflict of interest or personal gain,
2. *Project Specifics.* On behalf of your Applicant, you assure that:
 - a. Following receipt of an FTA award, it will begin and complete Project work within the time periods that apply,
 - b. For FTA funded construction Projects:
 - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
 - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
 - (3) It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally funded real property,
 - (4) To the extent FTA requires, it will record the Federal interest in the title to FTA funded real property or interests in real property, and
 - (5) It will not alter the site of the FTA funded construction Project or facilities without permission or instructions from FTA by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and
 - c. It will furnish progress reports and other information as FTA or the State may require, and
3. *Statutory and Regulatory requirements.* On behalf of your Applicant, you assure that:
 - a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
 - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) The prohibitions against discrimination on the basis of sex, as provided in:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) The prohibitions against discrimination on the basis of age in federally funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
 - (4) The prohibitions against discrimination on the basis of disability in federally funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
 - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
 - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
 - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
 - (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:
- (1) It will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally funded programs, and
 - (2) It has the necessary legal authority under State and local laws and regulations to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
 - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
 - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
 - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- 2 Displaced Partnerships, corporations, or associations,
 - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such displaced:
 - 1 Families and individuals, and
 - 2 Partnerships, corporations, or associations,
 - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,
 - (e) It will:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
 - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,
 - (h) It will execute the necessary implementing amendments to FTA funded third party contracts and subagreements,
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,
 - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded Project involving relocation or land acquisition, and
 - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,
- d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
 - (1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and
 - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. It will, to the extent applicable, comply with the labor standards and protections for federally funded Projects of:
 - (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
 - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. It will comply with any applicable environmental standards that may be prescribed to implement Federal laws and executive orders, including, but not limited to:
 - (1) Following the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
 - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
 - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,
 - (4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
 - (5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
 - (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
 - (7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
 - (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
 - (9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303,
 - (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
 - (11) Complying with and facilitating compliance with:
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent applicable, comply with the following Federal requirements for the care, handling, and treatment of warmblooded animals held or used for research, teaching, or other activities supported by Federal funding:
 - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
 - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA funded building,
 - i. Comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
 - (1) Participating in the Federal flood insurance program, and
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
 - j. Comply with:
 - (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal loan, grant agreement, or cooperative agreement, and
 - (2) 49 U.S.C. 5323(l)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
 - k. Perform the financial and compliance audits as required by the:
 - (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
 - (2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and
 - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,
 - l. Comply with all other Federal laws or regulations that apply, and
 - m. Follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02. LOBBYING.

Before FTA may provide funding for a Federal grant or cooperative agreement exceeding \$100,000 or a Federal loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Lobbying Certifications in Group 02, unless your Applicant is an Indian Tribe exempt from the requirements of 31 U.S.C. 1352 or FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - (1) For \$100,000 or more in Federal funding for a grant or cooperative agreement, and
 - (2) For \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee, and
 - b. Your Certification on its behalf applies to the lobbying activities of:
 - (1) It,
 - (2) Its Principals, and
 - (3) Its Subrecipients at the first tier,
2. To the best of your knowledge and belief:
 - a. No Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:
 - (1) An officer or employee of any Federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
 - b. It will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - (1) An officer or employee of any Federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
 - c. It will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
 - (1) Third party contracts,
 - (2) Subcontracts,
 - (3) Subagreements, and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (4) Other third party agreements under a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
- 3. It understands that:
 - a. This Certification is a material representation of fact that the Federal government relies on, and
 - b. It must submit this Certification before the Federal government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
- 4. It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEMS.

We request that you select the Procurement and Procurement Systems Certification in Group 03 on behalf of your Applicant, especially if it is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 03 that does not apply will not be enforced.

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

GROUP 04. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide funding for a Project that involves the acquisition of public transportation property or operation of public transportation facilities or equipment, in addition to other Certifications you must select on your Applicant's behalf, you must also select the Private Property Protections Assurances in Group 04.A and enter into the Agreements in Group 04.B and Group 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances and Agreements in Group 04 that does not apply will not be enforced.

4.A. Private Property Protections.

If your Applicant is a State, local government, or Indian tribal government and seeks FTA funding to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Group 04.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

1. It has or will have:
 - a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
 - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
2. It has completed the actions described in Group 4.A.1 of this Certification before it:
 - a. Acquires the property or an interest in the property of a private provider of public transportation, or
 - b. Operates public transportation equipment or facilities:
 - (1) In competition with transportation service provided by an existing public transportation operator, or
 - (2) In addition to transportation service provided by an existing public transportation operator.

4.B. Charter Service Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the Charter Service Agreement in Group 04.B applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
- b. FTA's charter service restrictions extend to:
 - (1) Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. 133 or 142, or
 - (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
 - (2) Any Third Party Participant that receives Federal funding derived from:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. 133 or 142, or
 - (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
- c. A Third Party Participant includes any:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third Party Contractor or Subcontractor at any Tier, and
 - (4) Other Third Party Participant in its Project,
- d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:
 - (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
 - (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
 - (3) Any other Federal Charter Service regulations, or
 - (4) Federal guidance, except as FTA determines otherwise in writing,
- e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
- f. You and your Applicant agree that:
 - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
 - (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
 - (b) Otherwise violating its Charter Service Agreement it has elected in its

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- latest annual Certifications and Assurances, and
- (2) These corrective measures and remedies may include:
 - (a) Barring it or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
 - (b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
 - (c) Any other appropriate remedy that may apply, and
 2. In addition to the exceptions to the charter service restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
 - a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,
 - b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and
 - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).

4.C. School Bus Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the School Bus Agreement in Group 04.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:
 - a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. 133 or 142, or
 - c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
2. FTA's school bus operations restrictions extend to:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
- b. Any Third Party Participant that receives Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
3. A Third Party Participant includes any:
 - a. Subrecipient at any tier,
 - b. Lessee,
 - c. Third Party Contractor or Subcontractor at any tier, and
 - d. Other Third Party Participant in the Project,
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),
 - b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),
 - c. Any other Federal School Bus regulations, or
 - d. Federal guidance, except as FTA determines otherwise in writing,
5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
 - a. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or
 - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide funding for a Project to acquire rolling stock for use in revenue service or to acquire a new bus model, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Rolling Stock Reviews and Bus Testing Certifications in Group 05, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 05 that does not apply will not be enforced.

5.A. Rolling Stock Reviews.

If your Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Certifications in Group 05.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:

1. It will comply with:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(m), and
 - b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR 663.7:
 - a. It will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
 - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

5.B. Bus Testing.

If your Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing, and it will comply with:
 - a. 49 U.S.C. 5318, and
 - b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,
2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
 - a. It will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that bus until:
 - (1) That bus has been tested at FTA's bus testing facility, and
 - (2) That bus has received a copy of the test report prepared on that new bus

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- model, and
- b. It will not authorize final acceptance of the bus until:
 - (1) The bus has been tested at FTA's bus testing facility, and
 - (2) It has received a copy of the test report prepared on that new bus model,
 3. It will ensure that the bus that is tested has met the performance standards consistent with those regulations, including:
 - a. Performance standards for:
 - (1) Maintainability,
 - (2) Reliability,
 - (3) Performance (including braking performance),
 - (4) Structural integrity,
 - (5) Fuel economy,
 - (6) Emissions, and
 - (7) Noise, and
 - b. Minimum safety performance standards established under 49 U.S.C. 5329, and
 4. After FTA has issued regulations authorized by 49 U.S.C. 5318(e)(2), it will ensure that the bus that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

GROUP 06. DEMAND RESPONSIVE SERVICE.

If your Applicant is a public entity, operates demand responsive service, and seeks FTA funding to acquire a non-rail vehicle that is not accessible, before FTA may provide funding for that Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Demand Responsive Service Certifications in Group 06, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 06 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities, and
2. Viewed in its entirety, its service for individuals with disabilities is:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. Provided in the most integrated setting feasible, and
- b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on priorities based on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.

Before FTA may provide funding for an Intelligent Transportation Systems (ITS) Project or a Project in support of an ITS Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Intelligent Transportation Systems Assurances in Group 07, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances in Group 07 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

- 1. Understand that, as used in this assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and
- 2. Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes that is funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

Before FTA may provide funding appropriated or made available for 49 U.S.C.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

chapter 53 to support interest or financing costs of any Project financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, or finance leasing costs, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 08, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 08 that does not apply will not be enforced.

8.A. Interest and Financing Costs.

If your Applicant intends to use FTA funding to support interest or other financing costs for Projects funded by the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, the Interest and Financing Costs Certifications in Group 08.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or other financing costs unless:
 - a. It is eligible to receive Federal funding for those costs, and
 - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. It will comply with the same favorable financing cost provisions for:
 - a. Urbanized Area Formula Grants Projects,
 - b. Projects under Full Funding Grant Agreements,
 - c. Projects with Early Systems Work Agreements,
 - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
 - e. State of Good Repair Projects,
 - f. Bus and Bus Facilities Projects, and
 - g. Low or No Emission Vehicle Development Projects.

8.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks FTA funding to acquire capital assets through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Group 08.B

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available for 49 U.S.C. chapter 53:

1. It will not use Federal funding appropriated or made available for public transportation projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:
 - a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
 - b. It completes these calculations before the later of:
 - (1) Entering into the lease, or
 - (2) Receiving a capital grant for the asset, and
2. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.

Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 09, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 09 that does not apply will not be enforced.

9.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each Subrecipient will:

1. Follow Federal guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

and

2. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.

9.B. Public Transportation Agency Safety Plan.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State government, local government, or any other operator of a public transportation system, the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will:

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. § 5329(d), except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations, before FTA may provide funding for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 10, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 10 that does not apply will not be enforced.

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR 655.83, on behalf of your Applicant, including a State Applicant, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
 - a. An alcohol misuse testing program, and
 - b. A controlled substance testing program,
2. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and

3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

GROUP 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY) AND CAPITAL INVESTMENT PROGRAM IN EFFECT BEFORE MAP-21.

The Certifications in Group 11 apply to the New Starts, Small Starts, or Core Capacity Programs, 49 U.S.C. 5309.

Before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 11, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 11 that does not apply will not be enforced.

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following capabilities to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

GROUP 12. STATE OF GOOD REPAIR PROGRAM.

Certain Certifications and Assurances listed previously are required for the State of Good Repair Program funding under 49 U.S.C. 5337.

Before FTA may provide funding for your Applicant's Project under the State of Good Repair Program, 49 U.S.C. 5337, for your Applicant's Project, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 12, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 12 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

GROUP 13. FIXED GUIDEWAY MODERNIZATION GRANT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Fixed Guideway Modernization Grant Program, former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 13, except as FTA determines otherwise in writing.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 13 that does not apply will not be enforced.

Former 49 U.S.C. 5309(b)(2) and former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, require the following Certifications for Fixed Guideway Modernization Grant Program funding. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 14. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND BUS AND BUS RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM (DISCRETIONARY).

The Certifications in Group 14 are required for funding under:

- 14.A. *The Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, as amended by MAP-21, and*
- 14.B. *The Bus and Bus Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 14, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 14 that does not apply will not be enforced.

14.A. Bus and Bus Facilities Formula Grants Program

If your Applicant seeks FTA funding for its Project under the Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, the Certifications in Group 14.A below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certification for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), which states that “[t]he requirements of section 5307 apply to recipients of grants made under this section.” Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5339, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
 - a. Has made or will make available to the public information on amounts of its

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- funding available to it under 49 U.S.C. 5339,
- b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other United States Government sources,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It will comply with:
- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d)..

14.B. Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).

If your Applicant seeks FTA funding for its Project under the Bus and Bus Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 14.B below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Bus and Bus Related Equipment and Facilities Grant Program (Discretionary) funding are required by former 49 U.S.C. 5309(c)(2), which applies the requirements of former 49 U.S.C. 5307(d)(1)(A), (B), (C), and (H) in effect in FY 2012 or a previous fiscal year to this Program except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 15. URBANIZED AREA FORMULA GRANTS PROGRAMS, PASSENGER FERRY GRANT PROGRAM, AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.

The Certifications in Group 15 are required for funding under:

- 15.A. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for Job Access and Reverse Commute (JARC) Projects and Project Activities,*
- 15.B. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,*
- 15.C. *The Passenger Ferry Grant Program financed with funds appropriated or made available for 49 U.S.C. 5307(h), as amended by MAP-21, and*
- 15.D. *The Job Access and Reverse Commute (JARC) Formula Grant Program financed with funds appropriated or made available for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 15, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Any provision of the Certifications in Group 15 that does not apply will not be enforced.

15.A. Urbanized Area Formula Grants Program under MAP-21.

If your Applicant seeks FTA funding for its Project under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307, as amended by MAP-21, the Certifications in Group 15.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program funding appropriated or made available in FYs 2013 and 2014 are required by 49 U.S.C. 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
 - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
 - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Has published or will publish a Program of Projects in a way that affected

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other United States Government sources,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
10. Each fiscal year:
- a. At least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to the urbanized area must be expended for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Providing emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation system, or
 - b. The Designated Recipients in its urbanized area certify that such expenditures for transportation security Projects are not necessary (Information about the intentions of your Designated Recipients in your Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Associated Transit Improvements,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

as defined in 49 U.S.C. 5302(1),

- b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
 - (1) A list of its Associated Transit Improvement Projects or Project Activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
 - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the funding apportioned to the area for Associated Transit Improvement Projects or Project Activities, or have included the same information in a separate report attached in TEAM-Web, and
 - c. The report of its Associated Transit Improvement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. It will comply with the final Federal regulations, when issued, that implement the safety requirements of 49 U.S.C. § 5329(d).

B. Urbanized Area Formula Grants Program before MAP-21 Became Effective.

You must select the Certification in Group 15.B if your Applicant seeks funding under the Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

The following Certifications for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any elderly individual,
 - b. Any handicapped individual, as described in 49 CFR part 27,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, it will comply with the following provisions as amended by MAP-21:
 - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - c. "Buy America" under 49 U.S.C. 5323(j),
 - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
 - a. Has or will make available to the public information on amounts available to it under 49 U.S.C. 5307 and the Program of Projects it proposes to undertake,
 - b. Will develop or has developed, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be financed,
 - c. Will publish or has published a proposed Program of Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the Applicant or Recipient's performance,
 - d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of citizens on the proposed Program of Projects,
 - e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other U.S. Government sources,
 - f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and
 - g. Will make or has made the final Program of Projects available to the public,
8. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
9. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
10. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
11. Each fiscal year:
 - a. At least one (1) percent of the 49 U.S.C. 5307 funding apportioned to an urbanized area must be spent for public transportation security Projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

more), including:

- (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
- b. It will certify that such expenditures for transportation security Projects are not necessary (Information about its intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
12. If it serves an urbanized area with a population of at least 200,000 individuals:
- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
 - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
 - (1) A list of its Transit Enhancement Project Activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or
 - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and
 - c. The report of its or the Designated Recipients' Transit Enhancement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
13. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

C. Passenger Ferry Grant Program.

If your Applicant seeks FTA funding for its Project under the Passenger Ferry Grant Program, 49 U.S.C. 5307(h), the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Passenger Ferry Grant Program funding are required by 49 U.S.C. 5307(h) and (c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307(h), the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307(h), it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. As required by 49 U.S.C. 5307(d), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
7. As required by 49 U.S.C. 5307(c)(1)(I), it will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
8. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
9. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

D. Job Access and Reverse Commute (JARC) Formula Grant Program.

If your Applicant seeks FTA funding for its Project under the Job Access and Reverse Commute (JARC) Formula Grant Program, former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- a. It will make awards of JARC funding on a competitive basis following:
 - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(A), and
 - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(B) or (C),
 - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
 - c. As required by former 49 U.S.C. 5316:
 - (1) The Projects it has selected or will select for former 49 U.S.C. 5316 funding must be derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated, and
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Human service providers, and
 - (c) Participation by the public,
 - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5336, that Project has been or will have been coordinated with private nonprofit providers of services as required under former 49 U.S.C. 5316(g)(2),
 - e. Before using funds apportioned for Projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:
 - (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and
 - (2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for Projects anywhere in the State, and
 - f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and
2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
 - a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) The legal capacity,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (2) The financial capacity, and
 - (3) The technical capacity,
- b. It has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
- d. To the extent applicable, it will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - (1) Any elderly individual,
 - (2) Any handicapped individual, as described in 49 CFR part 27,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and
 - (5) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- g. It:
 - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5316,
 - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
- i. It has or will have, and will require each Subrecipient to have, a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
- j. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

AND NEW FREEDOM PROGRAMS.

The Certifications in Group 16 are required for funding under:

- 16.A. The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, financed or to be financed with funds appropriated or made available for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,*
- 16.B. The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, and*
- 16.C. The New Freedom Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 16, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 16 that does not apply will not be enforced.

16.A. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, 49 U.S.C. 5310, as amended by MAP-21, the Certifications in Group 16.A apply to your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. Each of its Subrecipients is:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) A private nonprofit organization, or
- (2) A State or local governmental authority that:
 - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
- b. It will comply with the following Project selection and planning requirements:
 - (1) The Projects it has selected or will select for funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (a) Seniors,
 - (b) Individuals with disabilities,
 - (c) Representatives of public, private, and nonprofit transportation providers,
 - (d) Representatives of public, private, and nonprofit human services providers, and
 - (e) Other members of the public,
 - (3) The transportation projects to assist in providing transportation services for seniors and individuals with disabilities are included in a program of projects,
 - (4) A program of projects under Group 16.A.1.b(3) above is or will be submitted annually to FTA, and
 - (5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
- c. As required by 49 U.S.C. 5310(e)(2)(B), it certifies that if it allocates funds received under 49 U.S.C. 5310, to Subrecipients, it will have allocated those funds on a fair and equitable basis,
- d. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
 - (1) The recipient in possession of the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,
- e. As required by 49 U.S.C. 5310(b)(2), it will use at least fifty-five (55) percent of the funds on capital projects to meet the special needs of seniors and disabled, and
- f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Disabilities, authorized by 49 U.S.C. 5310, and

2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications. Therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:
 - a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,
 - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will, and will require each Subrecipient to comply with the:
 - (1) General Provisions of 49 U.S.C. 5323, and
 - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
 - e. It has complied or will comply with, and will require each Subrecipient to comply with:
 - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
 - f. To the extent applicable, it will comply with, and require its Subrecipients to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

16.B. Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program, former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.B apply to your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
 - a. Each of your State Applicant's Subrecipients is:
 - (1) A private nonprofit organization, if the public transportation service that

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:

- (a) Unavailable,
 - (b) Insufficient, or
 - (c) Inappropriate, or
 - (2) A State or local governmental authority that:
 - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,
 - b. The Projects your State Applicant has selected or will select for funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - (1) Locally developed, and
 - (2) Coordinated,
 - c. That public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (1) Elderly Individuals,
 - (2) Individuals with disabilities,
 - (3) Representatives of public, private, and nonprofit transportation providers,
 - (4) Representatives of human services providers, and
 - (5) Other members of the public,
 - d. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,
 - e. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,
 - f. If your State Applicant transfers former 49 U.S.C. 5310 funds to another Project funded under 49 U.S.C. 5336 in accordance with former 49 U.S.C. 5310(b)(2), the Project for which the funds are requested has been coordinated with private nonprofit providers of service under former 49 U.S.C. 5310, and
 - g. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
- a. Your State Applicant and each of its Subrecipients have or will have the following to carry out its proposed Project(s), including the safety and security

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

aspects of the proposed Project(s):

- (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
- b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
 - d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
 - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - f. Your State Applicant:
 - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
 - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
 - g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
 - h. To the extent applicable, your State Applicant will comply with and, as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

16.C. New Freedom Program.

If your Applicant seeks FTA funding for its Project under the New Freedom Program, former 49 U.S.C. 5317, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.C apply to your Applicant, except as FTA determines otherwise in writing.

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will make awards of New Freedom funding on a competitive basis after conducting:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
 - (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),
 - b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
 - c. It will comply with the following Project selection and planning requirements:
 - (1) The Projects it has selected or will select for funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Representatives of public, private, and nonprofit human services providers, and
 - (c) Participation by the public,
 - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
 - (1) The funding to be transferred may be made available only to Projects eligible for funding appropriated or made available for former 49 U.S.C. 5317, and
 - (2) It will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded,
 - e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310. Therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
 - a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
 - d. When carrying out a procurement under former 49 U.S.C. 5317, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
- (3) "Buy America" under 49 U.S.C. 5323(j),
- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
- (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
- (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. It:
 - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
 - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
- g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
- h. To the extent applicable, it will comply with and, as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

GROUP 17. RURAL/OTHER THAN URBANIZED AREAS/APPALACHIAN DEVELOPMENT/OVER-THE-ROAD BUS ACCESSIBILITY PROGRAMS.

The Certifications in Group 17 are required for funding under:

- 17.A. *The Formula Grants for Rural Areas Program financed with funding appropriated or made available for 49 U.S.C. 5311(b), as amended by MAP-21, (Separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a Public Transportation on Indian Reservations Project financed with funding made available for 49 U.S.C. 5311(c))(1), as amended by MAP-21.)*
- 17.B. *The Formula Grants for Other Than Urbanized Areas Program financed with funding appropriated or made available for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, (Separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a "Tribal Transit" Project financed with funding made available for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year.)*
- 17.C. *The Appalachian Development Public Transportation Assistance Program financed with funding appropriated or made available for 49 U.S.C. 5311(c)(2), as amended by MAP-21, and*
- 17.D. *The Over-the-Road Bus Accessibility Program financed with funding appropriated or made available for section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, except as superseded by*

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

MAP-21 cross-cutting requirements that apply.

(Separate Certifications and Assurances have been established for an Indian tribe that is an Applicant for a Tribal Transit Project financed with funding made available for 49 U.S.C. 5311(c).)

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 17, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.

17.A. Formula Grants for Rural Areas Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for Rural Areas Program, 49 U.S.C. 5311, as amended by MAP-21, the Certifications in Group 17.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b). On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program has provided for a fair distribution of Federal funding appropriated or made available for 49 U.S.C. 5311(b), within the State, including Indian reservations,
5. Its program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b), with transportation service funded by other Federal sources,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

6. Its Projects in its Formula Grants for Rural Areas Program are included in:
 - a. The Statewide Transportation Improvement Program, and
 - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. It:
 - a. Has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g),
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient in possession of the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, and
9. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus facilities,
 - (3) Joint-use facilities,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to the Federal Transit Administrator a Certification from the Governor of the State that:
 - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
 - (2) The State's intercity bus service needs are being met adequately.

17.B. Formula Grants for Other Than Urbanized Areas Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for Other Than Urbanized Areas Program, former 49 U.S.C. 5311 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 17.B apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program required under former 49 U.S.C. 5311(b)(2) has provided for a fair distribution of Federal funding appropriated or made available for former 49 U.S.C. 5311(b), within the State, including Indian reservations,
5. Its State program required under former 49 U.S.C. 5311(b)(2) provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b), with transportation service funded by other Federal sources,
6. Its Projects in its Formula Grants for Other than Urbanized Areas Program are included in:
 - a. The Statewide Transportation Improvement Program, and
 - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. It:
 - a. Has or will have the amount of funds required for the local share, as required by former 49 U.S.C. 5311(g),
 - b. Will provide the local share funds sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It may transfer a facility or equipment acquired using a grant under former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient in possession of the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under former 49 U.S.C. 5311, and
9. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its former 49 U.S.C. 5311 funding available for that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus shelters,
 - (3) Joint-use stops and depots,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to the Federal Transit Administrator a Certification from the Chief Executive Officer of the State that:
 - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
 - (2) The State's intercity bus service needs are being met adequately.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

17.C. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks FTA funding for its Project under the Appalachian Development Public Transportation Assistance Program, 49 U.S.C. 5311(c)(2), the Certification in Group 17.C applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its funding made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. 5311(c)(2)(D), it may use the funding for a highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves for such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

17.D. Over-the-Road Bus Accessibility Program.

If your Applicant seeks FTA funding for its Project under the Over-the-Road Bus Accessibility Program, section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, the Assurances in Group 17.D apply to your Applicant, except as FTA determines otherwise in writing.

Your Applicant assures that it will comply with all applicable Federal statutes and regulations, and follow applicable Federal guidance in carrying out any Over-the-Road Bus Accessibility Project supported by the FTA grant. It acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its Project with FTA. It understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the Project.

It assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the Project, except as FTA determines otherwise in writing. Certifications and Assurances for funding to be awarded under this program in FY 2014 are included in these FTA Certifications and Assurances for FY 2014. Each Applicant must submit Group 01 ("Required Certifications and Assurances for Each Applicant"). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, ("Lobbying").

GROUP 18. TRIBAL TRANSIT PROGRAMS.

The Certifications in Group 18 are required for funding under:

- *The Public Transportation on Indian Reservations Formula Program, 49 U.S.C. 5311(c)(1), as amended by MAP-21, and*
- *The Public Transportation on Indian Reservations Discretionary Program, 49 U.S.C. 5311(c)(1).*

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 18, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 18 that does not apply will not be enforced.

FTA has established terms and conditions for Tribal Transit Program grants financed with funding appropriated or made available for 49 U.S.C. 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. It will:
 - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically 49 CFR 18.36, or
 - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations,
6. It will comply with Buy America under 49 U.S.C. 5323(j), and
7. It will comply with the Certifications, Assurances, and Agreements in:
 - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
 - b. Group 05.B (Bus Testing),
 - c. Group 06 (Demand Responsive Service),
 - d. Group 07 (Intelligent Transportation Systems), and
 - e. Group 10 (Alcohol and Controlled Substances Testing).

GROUP 19. LOW OR NO EMISSION/CLEAN FUELS GRANT PROGRAM

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

The Certifications in Group 19 are required for funding under:

- 19.A. The Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, and*
- 19.B. The Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 19, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 19 that does not apply will not be enforced.

19.A. Low or No Emission Vehicle Deployment.

If your Applicant seeks FTA funding for its Project under the Low or No Emission Vehicle Development Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, the Certifications and Assurances in Group 19.A apply to your Applicant, except as FTA determines otherwise in writing.

Section 5312(d)(5)(C)(i) of title 49 requires the following Certifications for Low or No Emission Vehicle Deployment Program funding appropriated or made available for MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability), and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has:
 - a. Informed or will inform the public of the amounts of its funding available under this Program,
 - b. Developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
 - d. Provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Assured or will assure that the proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. 5336 with federally funded transportation services supported by other United States Government sources,
 - f. Considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - g. Made or will make the final list of Projects available to the public,
7. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

19.B. Clean Fuels Grant Program.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

If your Applicant seeks FTA funding for its Project under the Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 crosscutting requirements that apply, the Certifications and Assurances in Group 19.B apply to your Applicant, except as FTA determines otherwise in writing.

Former 49 U.S.C. 5307(d)(1) except as superseded by MAP-21 cross-cutting requirements that apply, requires the following Certifications for Clean Fuels Grant Program funding appropriated or made available for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain the Project equipment and facilities adequately,
4. It will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving Project facilities or equipment supported under former 49 U.S.C. 5308:
 - a. Elderly individuals,
 - b. Individuals with disabilities,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5308, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - c. "Buy America" under 49 U.S.C. 5323(j),
 - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

8. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304,
9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

GROUP 20. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Before FTA may provide funding for your Applicant's Project under the Paul S. Sarbanes Transit in Parks Program, former 49 U.S.C. 5320, in effect in FY 2012 or a previous fiscal year for your Applicant's Project, except as superseded by MAP-21 requirements that apply, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 20, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 20 that does not apply will not be enforced.

1. The following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will consult with the appropriate Federal land management agency during the planning process, and
 - b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and
2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore as specified under former 49 U.S.C. 5307(d)(1) except as superseded by MAP-21 cross-cutting requirements that apply, you certify that:
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) Technical capacity,
- b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain the Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5320, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. It has complied or will comply with the requirements of former 49 U.S.C. 5307(c). Specifically, it:
 - (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the Projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, Projects to be financed,
 - (3) Has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
 - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - (6) Has made or will make the final list of Projects available to the public,
- g. It:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304, and
- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

GROUP 21. STATE SAFETY OVERSIGHT GRANT PROGRAM.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Before FTA may provide funding for your Applicant's Project under the State Safety Oversight Grant Program, 49 U.S.C. 5329(e), as amended by MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 21, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 21 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. When carrying out a procurement for its Project, it will comply with the:
 - a. The Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 C.F.R. part 18,
 - b. General Provisions of 49 U.S.C. 5323, and
 - c. Third Party Contract Requirements of 49 U.S.C. 5325,
5. As required by 49 U.S.C. 5329(e)(6)(C), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds only from sources approved by FTA, and will not be met by:
 - (1) Any Federal funds,
 - (2) Any funds received from a public transportation agency, or
 - (3) Any revenues earned by a public transportation agency, and
 - c. Will provide the local share funds when needed,
6. It meets the applicable requirements of 49 C.F.R. part 659, Rail Fixed Guideway Systems: State Safety Oversight, and
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

GROUP 22. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

Before FTA may provide funding for your Applicant's Project under the Public Transportation Emergency Relief Program, 49 U.S.C. 5324, as amended by MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Assurance in Group 22, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 22 that does not apply will not be enforced.

As required by 49 U.S.C. 5324(d), on behalf of your Applicant, you assure that it will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding appropriated or made available for the Public Transportation Emergency Relief Program.

GROUP 23. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Expedited Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certification in Group 23, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

To the extent that the Certification in Group 23 does not apply, it will not be enforced.

On behalf of your Applicant, you certify that its existing public transportation system or the public transportation system that is the subject of the Project is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.

The Certifications in Group 24 apply to the following programs:

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- 24.A. *The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, 23 U.S.C. 601-609, except as superseded by MAP-21 cross-cutting requirements that apply, and*
- 24.B. *The State Infrastructure Banks (SIB) Program, 23 U.S.C. 610, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide credit assistance under TIFIA for your Applicant's Project or funding for your Applicant to deposit in a SIB, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 24, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 24 that does not apply will not be enforced.

24.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks FTA funding for its Project under the TIFIA Program, the Certifications and Assurances in Group 24.A applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. 5323(o), that Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. 601 – 609.

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on its behalf, you certify that:
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

more than fifty (50) percent of the peak hour fare will be charged to the following individuals:

- (1) A senior,
 - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design, or
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a TIFIA-funded procurement, it will comply with:
- (1) 49 U.S.C. 5323, and
 - (2) 49 U.S.C. 5325,
- f. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
- (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - (5) Has ensured or will ensure that the proposed Program of Projects provides for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and U.S. DOT under TIFIA with federally funded transportation services supported by other United States Government sources,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - (7) Has made or will make the final Program of Projects available to the public,
- g. It:
- (1) Has or will have at least (twenty) 20 percent of the TIFIA net Project costs required for the local share,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
- h. It will comply with:
- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
- j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d),
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:
 - a. It is eligible to receive Federal funding for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*)
4. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 5321 *et seq.*, and will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Project prior to obligation of funds, and
5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d), when required.

24.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a State and seeks FTA funding under the SIB Program to deposit in its SIB, the Certifications and Assurances in Group 24.B applies to your State and its Project, except as FTA determines otherwise in writing.

On behalf of the State organization serving as your Applicant for funding for its SIB Program, you certify and assure that:

1. It will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
 - a. 23 U.S.C. 610, as amended by MAP-21,
 - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
 - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. It will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
 - a. It and FHWA, FRA, and FTA, or
 - b. It and FHWA and FTA,
3. It will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
 - a. 23 U.S.C. 610, as amended by MAP-21,

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
 - d. Federal guidance pertaining to the SIB Program,
 - e. The Cooperative Agreement establishing the State's SIB Program, or
 - f. The FTA Grant Agreement,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),
5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
- a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
 - (1) A senior,
 - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) An individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
 - (4) An individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
 - e. When carrying out a procurement under a SIB-financed Project, it will comply with the:
 - (1) General Provisions of 49 U.S.C. 5323, and
 - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
 - f. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
 - (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
- (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and the SIB Program with federally funded transportation services supported by other United States Government sources,
- (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
- (7) Has made or will make the final Program of Projects available to the public,
- g. It:
 - (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
- h. It will comply with the:
 - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
- j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d),
- 2. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project unless:
 - a. It is eligible to receive Federal funding for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
- 3. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: Wasco County

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. X
OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

| <u>Group</u> | <u>Description</u> | |
|--------------|--|-------|
| 01. | Required Certifications and Assurances for Each Applicant. | _____ |
| 02. | Lobbying. | _____ |
| 03. | Procurement and Procurement Systems. | _____ |
| 04. | Private Section Protections. | _____ |
| 05. | Rolling Stock Reviews and Bus Testing. | _____ |
| 06. | Demand Responsive Service. | _____ |
| 07. | Intelligent Transportation Systems. | _____ |
| 08. | Interest and Financing Costs and Acquisition of Capital Assets by Lease. | _____ |
| 09. | Transit Asset Management Plan and Public Transportation Agency Safety Plan. | _____ |
| 10. | Alcohol and Controlled Substances Testing. | _____ |
| 11. | Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21. | _____ |
| 12. | State of Good Repair Program. | _____ |
| 13. | Fixed Guideway Modernization Grant Program. | _____ |
| 14. | Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary). | _____ |
| 15. | Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program. | _____ |
| 16. | Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program. | _____ |
| 17. | Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs. | _____ |
| 18. | Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs). | _____ |
| 19. | Low or No Emission/Clean Fuels Grant Programs. | _____ |
| 20. | Paul S. Sarbanes Transit in Parks Program. | _____ |
| 21. | State Safety Oversight Program. | _____ |
| 22. | Public Transportation Emergency Relief Program. | _____ |
| 23. | Expedited Project Delivery Pilot Program. | _____ |
| 24. | Infrastructure Finance Programs. | _____ |

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE (Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant: Wasco County

Name and Relationship of the Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

Discussion List Item
DS21 Property Transfer

- [Attorney's Cover Letter](#)
- [Bargain & Sale Deed](#)
- [Resolution #14-008 Transferring Property to](#)
[DS21](#)

DICK, DICK & COREY, LLP

WILLIAM G. DICK II
JASON R. COREY

ATTORNEYS AT LAW
601 WASHINGTON STREET
THE DALLES, OREGON 97058
(541) 296-2152

WILLIAM G. DICK (1916-1992)
EDGAR M. DICK (1924-1986)
ROGER L. DICK (1922-2010)

January 23, 2014

HAND DELIVERED

Tyler Stone
Administrative Officer
Wasco County
511 Washington Street Ste 101
The Dalles, OR 97058

Re: Wasco County - School District 21 Real Property Transfer

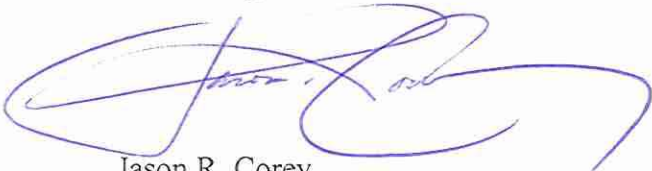
Dear Tyler:

Enclosed please find the Bargain and Sale Deed for the real property the County desires to transfer to District 21. It is my understanding that transfer of this property requires a resolution of the Wasco County Board of County Commissioners. As a result, I have drafted the Bargain and Sale Deed in such a way that affirmatively states that the transfer has been authorized by that resolution.

I spoke to Eric Nisley about the steps necessary to accomplish that resolution. He suggested that I send the deed to your office so that your staff can prepare that resolution for the Board of County Commissioners to pass authorizing Scott as chair to sign the deed. I have also included a signature line for Eric Nisley to sign approving the deed as to its form in his capacity as County Counsel. Once the Commissioners have passed the resolution and Scott has signed the deed, please return it to my office and I will arrange for its recording.

If you have any questions, please feel free to contact me.

Yours truly,



Jason R. Corey

JRC:kjn

Enclosure

Grantor's Name and Address:

Wasco County
511 Washington Street
The Dalles, OR 97058

Grantee's Name and Address:

North Wasco County School District No. 21
3632 W. 10th Street
The Dalles, OR 97058

After recording return to:

DICK, DICK & COREY, LLP
601 Washington St
The Dalles, OR 97058

True and actual consideration:

\$0.00; However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Until a change is requested all tax statements shall be sent to:

North Wasco County School District No. 21
3632 W. 10th Street
The Dalles, OR 97058

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That **WASCO COUNTY, STATE OF OREGON**, hereinafter called the grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **NORTH WASCO COUNTY SCHOOL DISTRICT NO. 21**, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of **Wasco** and State of Oregon, described as follows, to wit:

A tract of land in the Southwest Quarter of Section 29, Township 2 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as:

Beginning at a Point marked by a 1" iron pipe which is 457.36 feet South and 803.52 feet East of the West ¼ Corner of said Section 29, said iron pipe also marks the Northwest Corner of that tract of land conveyed by Fannie D. Emerson to the State of Oregon in Wasco County Deed Volume 116 Page 625 and lies on the East right-of way line of West 13th Street;

Thence along said West right-of-way line North 0° 02' 12" West 60.73' to the South line of that tract of land conveyed by Charles A. Harth to Henry P. Fick in Wasco County Deed Volume 83 Page 540;

Thence along said South line South 89° 55' 22" East 387.12 feet to a 1" iron pipe which marks the Southeast Corner of said Fick tract, also described as being 30' West of the West line of the John Irvine Donation Land Claim;

Thence parallel with said West line of the Irvine Donation Land Claim South 0° 05' 00" East 60.73 feet to the Northeast Corner of the aforementioned tract conveyed to the State of Oregon;

Thence along the North line of said tract North 89° 55' 22" West 387.17' to the Beginning Point.

By this reference made a part hereof is the Survey filed in Wasco County Survey Book 18 Page 032 depicting the above-described tract of land.

Containing 0.54 Acres

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$0.00; However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.**

///

///

IN WITNESS WHEREOF, the grantor has caused its name to be signed by its Chairman duly authorized thereunto by resolution of the Wasco County Board of County Commissioners this ____ day of _____, 2014.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WASCO COUNTY

By _____
Scott Hege, County Commissioner Chair

APPROVED AS TO FORM:

By _____
Eric J. Nisley, County Counsel

STATE OF OREGON)
) ss.
County of Wasco)

Personally appeared **Scott Hege**, who, being duly sworn, did say that he is the County Commissioner Chair for Wasco County Board of County Commissioners and that said instrument was signed in behalf of Wasco County by authority of its resolution as Board of County Commissioners and acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires _____

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

| | | |
|-----------------------------|---|------------|
| IN THE MATTER OF SUPPORTING |) | |
| THE TRANSFER OF ORPHANED |) | RESOLUTION |
| COUNTY PROPERTY TO NORTH |) | #14-008 |
| WASCO COUNTY SCHOOL |) | |
| DISTRICT #21 |) | |

NOW ON THIS DAY, the above titled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board being present.

WHEREAS, it has been determined that the property described below is owned by Wasco County:

A tract of land in the Southwest Quarter of Section 29, Township 2 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as:

Beginning at a Point Marked by a 1" iron pipe which is 457.36 feet South and 803.52 feet West of the West ¼ Corner of said Section 29, said iron pipe also marks the Northwest Corner of that tract of land conveyed by Fannie D. Emerson to the State of Oregon in Wasco County Deed Volume 116 Page 625 and lies on the East right-of-way line of West 13th Street;

Thence along said West right-of-way line North 0° 02' 12" West of 60.73' to the South line of that tract of land conveyed by Charles A. Harth to Henry P. Fick in Wasco County Deed Volume 83 page 540;

Thence along said South line South 89° 55' 22" East 387012 feet to a 1" iron pipe which marks the Southeast Corner of said Fick tract, also described as being 30' West of the West line of the John Irvine Donation Land Claim;

Thence parallel with said West line of the Irvine Donation Land Claim South 0° 05' 00" East 60.73 feet to the Northeast Corner of the aforementioned tract conveyed to the State of Oregon;

Thence along the North line of said tract North 89° 55' 22" West 387.17' to the Beginning Point.

By this reference made a part hereof is the survey filed in Wasco County Survey Book 18 Page 032 depicting the above-described tract of land. Containing 0.54 acres.

WHEREAS, the ownership of this property by Wasco County came about after digital mapping of the County was completed resulting in a parcel not previously part of any survey or map, and can be commonly referred to as an "orphan" parcel;

WHEREAS, during a review of the described property it was determined that ownership of the lot is not beneficial to Wasco County; and

WHEREAS, it was further determined that ownership of said property will be beneficial to North Wasco County School District #21, and further that said property, according to previous non-digital surveys and maps, would be a part of property owned by the school district.

NOW THEREFORE IT IS HEREBY RESOLVED: that the property described herein be transferred to North Wasco County School District #21; and

IT IS HEREBY FURTHER RESOLVED: that the true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00.

Regularly passed and adopted by the Board of Commissioners of the County of Wasco, State of Oregon, this 5th day of March, 2014.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley, District Attorney

Discussion List Item
BOCC Session Schedule

- [Memo](#)

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY WHITE
SUBJECT: BOCC UPCOMING SESSION SCHEDULES
DATE: 2/27/2014

BACKGROUND INFORMATION

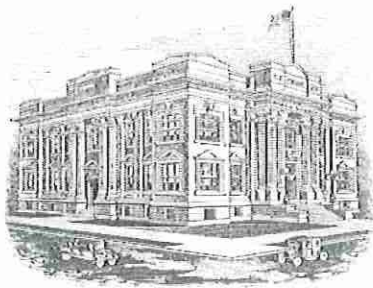
A number of circumstances will have an impact on upcoming BOCC Session scheduling:

- April, 2014 – The Board’s Executive Assistant will be absent for the April 16th Session. Moving the meeting to Tuesday, April 15th will cause the least disruption to County offices.
- May, 2014 – Due to scheduling conflicts, 2014 Budget Meetings could not be set for the third Wednesday of May. Budget Meetings have been set for Thursday and Friday, May 29th and 30th. I am looking for direction from the Board – shall the Budget meetings, set for the 29th and 30th of May, serve as the second BOCC meeting in May OR shall there be a meeting on the third Wednesday of the month (Chair Hege will be absent) and the Budget Meetings will be a Special Session.
- June, 2014 – Budget meetings are scheduled for May 29th and 30th. • Noticing for the Budget Hearings requires that the Budget Adoption Hearing be set for a regular session a minimum of 11 days following the Budget Meetings. • In addition, the Hearing must be held at a regularly scheduled session. • Best practice would also dictate that the Hearing be at the first session in June to allow for an extension of the Hearing to the second session of June – prior to the start of the new fiscal year. • To meet all these criteria, I suggest that the regular sessions of the BOCC be set for the 2nd and 4th Wednesdays in June – June 11th and 25th.

Discussion List Item

Dog Ordinance Violation – Disposition of Dogs

- [Letter from DDA Carpenter](#)
- [Notice of Violation](#)
- [Applicable ORS](#)
- [Release of Dogs](#)
- [Dog Tag](#)
- [Incident Report](#)
- [Disposition Order #14-024](#)



WASCO COUNTY

DISTRICT ATTORNEY

Suite 304

511 WASHINGTON STREET
THE DALLES, OREGON 97058-2237

PHONE (541) 506-2680

FAX (541) 506-2681

ERIC J. NISLEY
DISTRICT ATTORNEY

LESLIE C. WOLF
CHIEF DEPUTY DISTRICT ATTORNEY

SARAH E. CARPENTER
DEPUTY DISTRICT ATTORNEY

CHILD SUPPORT ENFORCEMENT
(541) 506-2679

VICTIM ASSISTANCE
(541) 506-2685

February 26, 2014

Kathy White, Administrative Assistant
Wasco County Board of Commissioners

Re: *In the matter of two dogs owned by Tommy & Valerie Smith*
Violation of Dogs Injuring/Killing Livestock on 2/20/14
Wasco Co. Sheriff's Office case no. S140097

Dear Kathy,

Enclosed for your records is a copy of the Sheriff's Office report documenting an incident on February 20, 2014, in which Tommy and Valerie Smith's two dogs killed a chicken and injured a rooster.

Today, I spoke with dog owner Valerie Smith about this case. She does not want to have a hearing before the Board of Commissioners about this incident. She relinquished ownership of her two dogs to Home at Last on February 20, 2014. Mrs. Smith also reported that she is working to repay the livestock owners for their loss. Today I confirmed with livestock owner Elizabeth Polehn that direct repayment to her is acceptable.

For the County's resolution of the case, Mrs. Smith's relinquishment of ownership is sufficient, and I recommend that the Board assess no fine.

Please let me know when the Board concludes this matter so that Wasco County's impoundment of the dogs terminates, thus allowing Home at Last to relocate the dogs.

Sincerely,

Sally Carpenter
Deputy District Attorney

cc: Valerie Smith

NOTICE OF ALLEGED VIOLATION AGAINST LIVESTOCK
VIOLATION PURSUANT TO ORS 609.156

On 2/20/14 at location: 2690 Three Mile Rd.
The Dalles, OR 97058

Name: Tommy & Valerie Smith
Address: [REDACTED]
The Dalles, OR 97058
Telephone Number: [REDACTED]

Did own or keep animal(s) described as:

| | Animal 1 | Animal 2 | Animal 3 |
|-------------|-----------------------|---------------------------|----------|
| Breed/Type: | <u>Husky/shepherd</u> | <u>Husky / Yellow lab</u> | |
| Color: | <u>Black / tan</u> | <u>Yellow</u> | |
| Sex: | <u>Male</u> | <u>Female</u> | |
| Age: | <u>Approx 1 1/2</u> | <u>Unknown</u> | |
| Name: | <u>Charlie</u> | <u>Brisco</u> | |
| License# | <u>no license</u> | <u>no license</u> | |

Alleged Violation/Behavior Described: Dogs at large. Killed
one chicken and injured a rooster.

YOUR RIGHT TO A HEARING:

If you wish to challenge this allegation, you must request a hearing in the matter, in writing, **within 14 days of this notification** to the Wasco County Court, 511 Washington St, The Dalles, OR 97058. If you do not make a timely request for a hearing, you are conclusively presumed to have admitted the matter alleged and the county may take immediate action under ORS 609.162 and 169.163 (see back of notice).

I understand my right to a hearing.

(owner/keeper signature)

(Date)

609.162 Guidelines for imposing remedial measures, civil penalties or other sanctions. (1) If a county determines under ORS 609.156 (2) or after a full and fair hearing that a dog has engaged in killing, wounding, injuring or chasing livestock, the county shall take action in accordance with the following guidelines:

(a) If the dog has engaged in chasing livestock and has not previously killed, wounded, injured or chased livestock:

(A) The county shall take reasonable measures to prevent a recurrence. Reasonable measures include, but are not limited to, requiring that the dog owner take specific measures to adequately confine the dog and provide a notarized written pledge that the owner will prevent the dog from chasing livestock again; and

(B) The county may impose a civil penalty of not more than \$500.

(b) If the dog has engaged in chasing livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in wounding or injuring livestock and has not previously killed, wounded, injured or chased livestock, the county shall impose a civil penalty of not less than \$250 and not more than \$1,000. In addition to imposing the civil penalty, the county may:

(A) Require the dog owner to surrender the dog for adoption by a new owner approved by the county;

(B) Require the owner to remove the dog to a location where, in the opinion of the county, the dog does not present a threat to livestock; or

(C) Require that the dog be put to death in a humane manner. Before requiring that a dog be put to death under this subparagraph, the county shall make specific findings on the record that other measures are not available, are not adequate to remedy the problem or are otherwise unsuitable.

(c) If the dog has engaged in wounding or injuring livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in killing livestock and has not previously killed livestock, the county shall impose a civil penalty of not less than \$500 and not more than \$1,000. In addition to imposing the civil penalty, the county shall:

(A) Require the dog owner to remove the dog to a location where, in the opinion of the county, the dog does not present a threat to livestock; or

(B) Require that the dog be put to death in a humane manner.

(d) If the dog has engaged in killing livestock and the dog has previously killed livestock, the county shall impose a civil penalty of not less than \$500 and not more than \$1,000. In addition to imposing the civil penalty, the county shall require that the dog be put to death in a humane manner.

(2) In establishing the history of a dog for purposes of this section, or the history of an owner for purposes of ORS 609.163, a county shall consider all known determinations involving the dog or owner by any court, or by a governing body, official or agency of any local or state government, without regard to where or when the incident occurred. [1999 c.756 §5]

609.163 Enhanced civil penalties for habitual violators. (1) If a county assesses a civil penalty under ORS 609.162 against a dog owner who has previously been assessed a civil penalty, fine or forfeiture based upon the killing, wounding, injuring or chasing of livestock in an incident not involving the same dog or dogs as in the matter being determined, the county shall assess an additional civil penalty of not less than \$250 and not more than \$1,000.

(2) If a county assesses a civil penalty under ORS 609.162 against a dog owner who has previously been assessed two or more civil penalties, fines or forfeitures, or a combination thereof, based upon the killing, wounding, injuring or chasing of livestock in two or more incidents not involving the same dog or dogs as in the matter being determined, the county shall assess an additional civil penalty of not less than \$1,000 and not more than \$5,000. A penalty under this subsection is in lieu of a civil penalty under subsection (1) of this section.

(3) In addition to any other civil penalty under this section or ORS 609.162, if a dog that kills, wounds, injures or chases livestock is not licensed as required, the county may assess a civil penalty of not more than \$1,000. A civil penalty imposed under this subsection shall prevent imposition of a fine under ORS 609.990 for violation of ORS 609.100. [1999 c.756 §6]



When you have signed this RELEASE FORM you have transferred ownership of the described animal to Home at Last Humane Society. Home at Last will make every effort to find an acceptable adoptive family for your pet, but cannot assure that this will happen.

☒ I attest that I am the legal owner of the below described animal(s) and I unconditionally relinquish all rights of ownership.

☐ I attest that I found this animal and have attempted to find the rightful owner(s) before releasing it to Home at Last Humane Society.

I understand that if this animal is found to be dangerous or aggressive to people or other animals, this animal may be euthanized. Also in the event that Home at Last cannot find an appropriate adoptive family, the animal may be transferred to another shelter or rescue organization. Home at Last cannot guarantee that we will be successful in finding an adoptive family for your pet.

I release Home at Last Humane Society from any and all losses and damages I may claim from this transaction on behalf of myself, my family and/or my pet.

Animals Name: CHARLIE / BRISCOE Intake Donation: _____

Description (color/collar or tags ect.): Black & TAN / yellow

Reason for releasing animal: Gets out of yard - Dig s

If this animal was brought in as a stray where was it found? _____

To the best of your knowledge, has this animal ever bit a person? YES NO ☒

If yes what were the circumstances? _____

Has this animal ever chased or killed livestock? YES NO ☒

Name: _____ Phone: _____

Address: _____

City State Zip

Signature: Valerie Smith Date: 2-20-14





**Wasco County
Sheriff's Office
INCIDENT REPORT**

S140097

REPORT NUMBER

AGENCY WCSO CAD EVENT 14000767 RELATED CASES
CLASSIFICATION 609.155 Impound for Harming or chasing livestock
MAJOR VIOLATION 609.155 STATUS CLOSED INV
DISPOSITION CLOSED INV
OFFENSES 609.155 Impound for Harming or chasing livestock

REPORTED 02/20/14 08:03 THU OCCURRED 02/20/14 00:00 THU TO 02/20/14 00:00 THU

LOCATION 2690 THREEMILE RD

PREMISE
CITY THE DALLES 97058

AREA 2

N/A

N/A 2

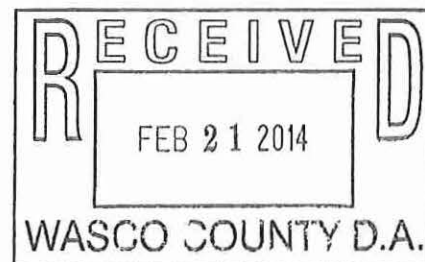
NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Warrant Arrest
☐ Drug Related ☐ Senior Citizen ☐ Search Warrant ☐ Sex Crime
☐ Gang Related ☐ Juvenile ☐ Narcotics ☐ Person Crime
☐ Search & Rescue ☐ National Forest ☐ Marine

OFFICER 41240 ROUTSON, SETH
APPROVED 44386 WILLIAMS, SCOTT

REPORT FILED
APPROVAL DATE 02/21/14 07:39

SYNOPSIS

On Thursday 02/20/14 at 0816 hrs I impounded two dogs at Home at Last for alleged violations against livestock.





Wasco County
Sheriff's Office
INCIDENT REPORT

S140097

REPORT NUMBER

NAMES

CR REFERENCE # 1 SYSTEM # 1 INVOLVEMENT ☐ Juvenile
NAME POLEHN, ELIZABETH A M VI Victim ☐ Non-Disclosure
ADDRESS [REDACTED] TYPE Individual
ALT. ADDRESS [REDACTED] PHONE [REDACTED]
DOB 07/03/1965 AGE [REDACTED] SSN [REDACTED]
DL NO 3648197 FBI ID [REDACTED]
LOCAL ID [REDACTED] STATE ID [REDACTED]
DESCRIPTION SEX F RACE W HAIR BRO EYES BLU HEIGHT 67 WEIGHT [REDACTED] ETHNICITY N
CAUTION [REDACTED]
EMPLOYER [REDACTED] PHONE (541)
ADDRESS [REDACTED] RES. STATUS R
OCCUPATION [REDACTED]
COMMENTS [REDACTED]
ADDITIONAL INFO [REDACTED]
VICTIM OF 609.155 - Impound for Harming or chasing livestock
INJURY [REDACTED]
RELATIONSHIP [REDACTED]

CR REFERENCE # 2 SYSTEM # 2 INVOLVEMENT ☐ Juvenile
NAME POLEHN, KENNETH MARVIN MN Mentioned ☐ Non-Disclosure
ADDRESS [REDACTED] TYPE Individual
ALT. ADDRESS [REDACTED] PHONE [REDACTED]
DOB 10/03/1961 AGE [REDACTED] SSN [REDACTED]
DL NO 2840041 FBI ID [REDACTED]
LOCAL ID [REDACTED] STATE ID [REDACTED]
DESCRIPTION SEX M RACE W HAIR BRO HEIGHT 69 WEIGHT [REDACTED] ETHNICITY N
CAUTION [REDACTED]
EMPLOYER [REDACTED] PHONE (541)
ADDRESS [REDACTED] RES. STATUS R
OCCUPATION [REDACTED]
COMMENTS [REDACTED]
ADDITIONAL INFO [REDACTED]

CR REFERENCE # 3 SYSTEM # 3 INVOLVEMENT ☐ Juvenile
NAME SMITH, TOMMY LEON SU Suspect ☐ Non-Disclosure
ADDRESS [REDACTED] TYPE Individual
ALT. ADDRESS [REDACTED] PHONE [REDACTED]
DOB 12/06/1952 AGE [REDACTED] SSN [REDACTED]
DL NO 2110816 OR FBI ID [REDACTED]
LOCAL ID [REDACTED] STATE ID [REDACTED]
DESCRIPTION SEX M HEIGHT 510 WEIGHT [REDACTED] ETHNICITY N
CAUTION [REDACTED]
EMPLOYER [REDACTED] PHONE (541)
ADDRESS [REDACTED] RES. STATUS R
OCCUPATION [REDACTED]
COMMENTS [REDACTED]
ADDITIONAL INFO [REDACTED]



**Wasco County
Sheriff's Office
INCIDENT REPORT**

S140097

REPORT NUMBER

NAMES

| | | | | | | |
|-----------------|------------------|----------|-------------|-------------|--|---|
| CR REFERENCE # | 4 | SYSTEM # | 4 | INVOLVEMENT | <input type="checkbox"/> Juvenile SU Suspect | <input type="checkbox"/> Non-Disclosure TYPE Individual |
| NAME | SMITH, VALERIE L | | | | | |
| ADDRESS | [REDACTED] | | | | | PHONE [REDACTED] |
| ALT. ADDRESS | [REDACTED] | | | | | PHONE [REDACTED] |
| DOB | 07/14/1952 | AGE | [REDACTED] | SSN | | |
| DL NO | | | | FBI ID | | |
| LOCAL ID | | | | STATE ID | | |
| DESCRIPTION | SEX F | RACE W | ETHNICITY N | | | |
| CAUTION | | | | POB | | |
| EMPLOYER | | | | | | PHONE (541) |
| ADDRESS | | | | | | RES. STATUS R |
| OCCUPATION | | | | | | |
| COMMENTS | | | | | | |
| ADDITIONAL INFO | | | | | | |



Wasco County
Sheriff's Office
INCIDENT REPORT

S140097

REPORT NUMBER

PROPERTY

| | | | | | |
|----------------|--|------------------------|---|--|--|
| CR REFERENCE # | SR1 | INVOLVEMENT | <input checked="" type="checkbox"/> Submitted to Property | <input checked="" type="checkbox"/> Evidence | <input checked="" type="checkbox"/> In Custody |
| TYPE | 75 | DIGITAL PHOTOS | E Evidence | SYSTEM # 1 | PROP.ROOM # |
| QUANTITY | 0 | | NCIC CODE | COLOR | |
| BRAND | | | | MODEL | |
| SERIAL | | | | OAN | |
| LOSS | VALUE \$0.00 | DATE 02/20/2014 | | AGENCY WCSO | |
| RECOVERED | VALUE \$0.00 | DATE | | AGENCY | BY 41240 ROUTSON, SETH |
| COMMENTS | DOWNLOADED TO COMPUTER ON 02/20/14 AT 1116 HRS BY DEPUTY SETH ROUTSON. | | | | |
| | <input type="checkbox"/> Disposed | DATE | | DISPOSITION | |
| | <input type="checkbox"/> Hold | DATE | | BY | |
| TAG | SR1 | BAR CODE I.S140097-001 | | CUSTODY DATE | |
| SECTION | COMPUTER | AREA | | SHED | |

| | | | | | |
|----------------|-----------------------------------|-----------------|---|-----------------------------------|-------------------------------------|
| CR REFERENCE # | 1 | INVOLVEMENT | <input checked="" type="checkbox"/> Submitted to Property | <input type="checkbox"/> Evidence | <input type="checkbox"/> In Custody |
| TYPE | 269 | CHICKEN | P Destroy | SYSTEM # 2 | PROP.ROOM # |
| QUANTITY | 1 | | NCIC CODE | COLOR RED | |
| BRAND | | | | MODEL | |
| SERIAL | | | | OAN | |
| LOSS | VALUE \$20.00 | DATE 02/20/2014 | | AGENCY WCSO | |
| RECOVERED | VALUE \$0.00 | DATE | | AGENCY | BY 41240 ROUTSON, SETH |
| COMMENTS | | | | | |
| | <input type="checkbox"/> Disposed | DATE | | DISPOSITION | |
| | <input type="checkbox"/> Hold | DATE | | BY | |
| TAG | | BAR CODE | | CUSTODY DATE | |
| SECTION | | AREA | | SHED | |

| | | | | |
|--------------|------|-------|-----------------------|------------|
| ASSOC. NAMES | REL. | REF # | NAME | DOB |
| | OW | 1 | POLEHN, ELIZABETH A M | 07/03/1965 |



Wasco County Sheriff's Office INCIDENT REPORT

S140097

REPORT NUMBER

NARRATIVE

REPORTED BY 41240 ROUTSON, SETH

REPORT FILED

On Thursday 02/20/14 at 0804 hrs I was dispatched to 2690 Three Mile Road to take a report on two dogs killing chickens. Dispatch advised the two dogs are contained in the shop.

At approximately 0816 hrs I arrived and made contact with Elizabeth Polehn. Elizabeth said her husband, Ken Polehn, caught two dogs attacking the chickens at approximately 7:30 am today. Elizabeth said Ken corralled the two dogs in the shop. Elizabeth then showed me a dead red in color chicken that was next to the porch. Elizabeth said a rooster was also injured but still alive. Elizabeth showed me several feathers near the chicken coup and said the feathers are from the rooster. I was not able to get close to the rooster because it would run away. When the rooster ran away it was limping really bad.

Digital photos taken of the dead chicken and the feathers from the rooster.

Elizabeth then took me into a the shop where two mid-size dogs were located. One dog was a black and tan male mix. I later found out at Home At Last that the dog was adopted from them and the mix is a Husky/Shepherd mix. Elizabeth gave me a choke chain that she took off the black and tan dog and on the chain was tag with the name "Charlie" and an address and phone number (1300 E/13th Street, 541-296-0747).

The other dog was a yellow looking lab mix. I later found out at Home At Last the yellow dog is a female Husky/Yellow Lab mix with a name of "Brisco".

I asked Elizabeth what she wanted done with the dogs. Elizabeth said she was fine with the dogs being lodged at Home At Last. Elizabeth said she is more worried whether the owners of the dogs have a proper fence to hold the dogs in the yard. I asked Elizabeth if she wanted reimbursement for the chicken. Elizabeth told me if the owners of the dogs paid me \$20 for the chicken that would be fine. Elizabeth said if they didn't pay me that would be fine to.

While talking to Elizabeth, the dogs were very friendly. Dogs were not aggressive towards myself and Elizabeth. Brisco did growl at one of the other dogs that was outside the shop.

I then placed the dogs in my patrol car and transported them to Home At Last. At Home At Last I was advised Charlie was adopted from them and the owners are Tommy and Valerie Smith who live at 1300 E/18th Street. Home At Last also had information on Brisco showing the owners were Tommy and Valerie. While gathering information on the dogs in the Home At Last Office I noticed Brisco was fixated on a rabbit that was inside a pen in the office. Charlie didn't seem to care about the rabbit and was more intent on getting attention from people.

The dogs were then lodged at Home At Last.

At 1000 hrs I made contact with Tommy and Valerie at 1300 E/18th Street. When I made initial contact with Valerie she told me her dogs are missing. I advised Valerie and Tommy the dogs are lodged at Home At Last. I advised both the dogs killed a chicken and injured a rooster. I asked Tommy if the yard is fenced in and he told me yes. Tommy said he has been having issues with the dogs digging under the fence and getting out. Tommy said he has been filling in the holes but they continue to dig under the fence. Tommy said he thinks the dogs got out of the fenced yard last night at approximately 11:30 pm. Tommy said he went and took the recycle box out for pick up and thinks the gate was partially open and that is how the dogs got out.

Tommy told me they adopted Brisco (5 years old) from Newport and Charlie (2 years old) from Home At Last. Tommy said when they adopted Brisco they were advised that Brisco could not be around cats. Tommy said Brisco has had issues with animals that are smaller than her. Tommy said Charlie has not had those issues.

I then handed Tommy paperwork titled, "Notice Alleged Violation Against Livestock Violation Pursuant to ORS 609.156". I advised Tommy the dogs were on a temporary hold at Home At Last until the County Commissioner's could determine what to do with the dogs.



Wasco County Sheriff's Office INCIDENT REPORT

S140097

REPORT NUMBER

NARRATIVE

Action Recommended:

Forward to Deputy DA Sally Carpenter.

Submitted by Deputy Seth Routson.



**Wasco County
Sheriff's Office
INCIDENT REPORT**

S140097

REPORT NUMBER



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



**Wasco County
Sheriff's Office
INCIDENT REPORT**

S140097

REPORT NUMBER



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



**Wasco County
Sheriff's Office
INCIDENT REPORT**

S140097

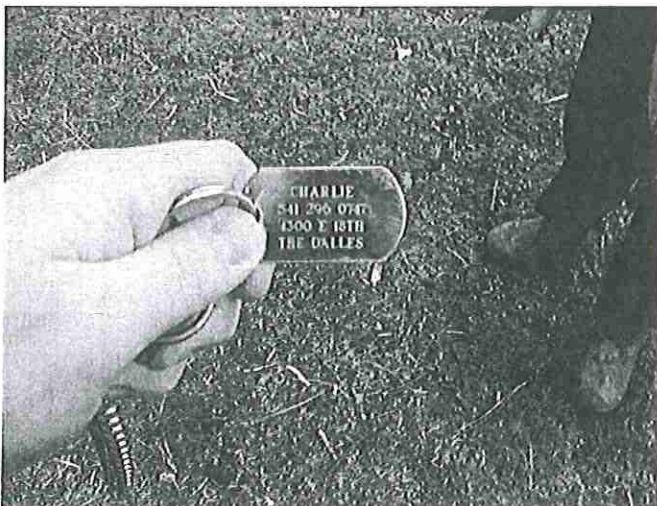
REPORT NUMBER



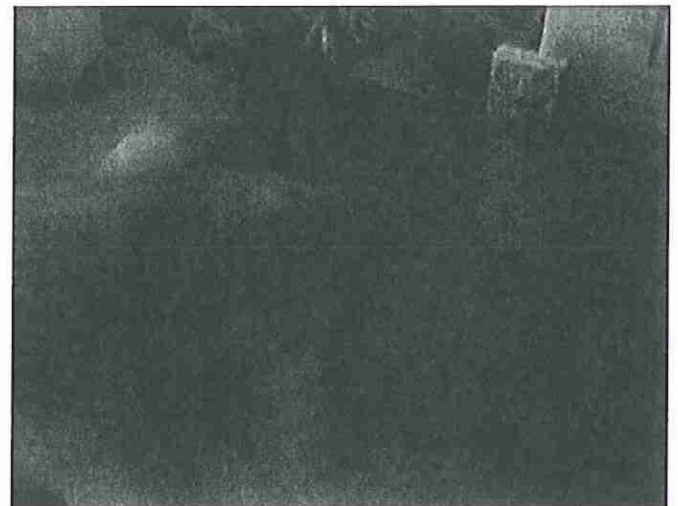
DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG



DATE: 02/20/14 13:02 SOURCE: CATALOG

NOTICE OF ALLEGED VIOLATION AGAINST LIVESTOCK
VIOLATION PURSUANT TO ORS 609.156

On 2/20/14 at location: [REDACTED]
The Dalles, OR 97058

Name: Tommy & Valerie Smith
Address: [REDACTED]
Telephone Number: [REDACTED]

Did own or keep animal(s) described as:

| | Animal 1 | Animal 2 | Animal 3 |
|-------------|-----------------------|---------------------------|----------|
| Breed/Type: | <u>Husky/shepherd</u> | <u>Husky / Yellow lab</u> | |
| Color: | <u>Black / Tan</u> | <u>Yellow</u> | |
| Sex: | <u>Male</u> | <u>Female</u> | |
| Age: | <u>Approx 1 1/2</u> | <u>Unknown</u> | |
| Name: | <u>Charlie</u> | <u>Brisco</u> | |
| License# | <u>no license</u> | <u>no license</u> | |

Alleged Violation/Behavior Described: Dogs at large. Killed
one chicken and injured a rooster.

YOUR RIGHT TO A HEARING:

If you wish to challenge this allegation, you must request a hearing in the matter, in writing, **within 14 days of this notification** to the Wasco County Court, 511 Washington St, The Dalles, OR 97058. If you do not make a timely request for a hearing, you are conclusively presumed to have admitted the matter alleged and the county may take immediate action under ORS 609.162 and 169.163 (see back of notice).

I understand my right to a hearing.

(owner/keeper signature)

(Date)

Animal View Report

Animal

Animal: A20509387

Printed:02/20/2014 08:50AM



Animal Details

A20509387 Charlie Alaskan Husky/German Shepherd, Black/Tan, Medium,
25271 Dog 1 y 6 m 24 d , DOB: 7/27/2012, Spayed/Neutered: Yes
Male Declawed:None
Young Adult Bitten: No Bite History

Animal Point In Time

| Date | Size | Animal Condition | Medical Status | Temp. Status | Bitten | S/N | Temp |
|--------------------------------|--------|------------------|----------------|--------------|----------------------|-------|-------|
| Source | BCS | Aslomar | Age Group | Weight | Danger | Pulse | Resp. |
| 07/30/2013 11:42AM Adoption | Medium | Healthy | Young Adult | | No Bite History N | Y | |
| 07/19/2013 04:18PM Stray | Medium | Healthy | Young Adult | | No Bite History N | N | |

Intake

07/19/2013 04:18PM Stray Jurisdiction: Wasco, Record Owner: Gale Simpson
Status: Completed Public Drop Off Location found: Beherens Rd. Mosier
P16279217 Anton Pinto, (541) 340-9361, 1450 Behrens Road, MOSIER, Wasco, WASCO OR 97040

Outcome

07/30/2013 11:42:48AM Adoption Record Owner: Gale, Simpson, Released: 7/30/2013 11:42:48 AM Outcome Created Date: 7/30/2013 11:43:00 AM Release Created Date:7/30/2013 11:43:17 AM
Status: Onsite Jurisdiction: Wasco
Completed P16343232 Tommy & Valerie Smith, (541) 296-0747, 1300 E 18th Street, THE DALLES, WASCO OR 97058
Immediate Gift, Issue Date:7/30/2013 11:43:00 AM

Ownership / Guardianship

| PersonID | Date From | Person Name | Phone | Address | City | Completed By |
|-----------|-----------|-----------------------|----------------|--------------------|----------------------------|--------------|
| P16343232 | 7/30/2013 | Tommy & Valerie Smith | (541) 296-0747 | 1300 E 18th Street | THE DALLES, WASCO OR 97058 | Gale Simpson |

Stage

| Stage | From (Date/Time) | Review Date | By | Stage Change Reason |
|-----------|-----------------------|-------------|---------------|---------------------|
| Released | 7/30/2013 11:42:48 AM | | Beverly LaGow | |
| Available | 7/27/2013 12:03:21 PM | | Gale Simpson | |
| On Hold | 7/19/2013 4:18:40 PM | | Beverly LaGow | |

Location

| Location | SubLocation | From (Date/Time) | By |
|----------|-------------|-----------------------|---------------|
| Released | | 7/30/2013 11:42:48 AM | Beverly LaGow |

MicrochipMicrochip Number
982000197570817Microchip Provider
24PetWatchMicrochip Issue Date
7/30/2013 12:00:00 AM

Animal Profile

| | | | | | |
|---------------|----------------|--------------|------------------------|-------------------------|----------------|
| Featured Pet | Adoption Price | Housetrained | Housetraining Comments | | |
| No | \$150.00 | Unknown | | | |
| Special Needs | Behavioral | Medical | Historical Environment | Recommended Environment | Service Animal |
| No | | | Unknown | Unknown | No |

Special Needs Comments

| | | |
|--------------|-----------|-------------|
| Veterinarian | Allergies | Medications |
|--------------|-----------|-------------|

Animals

| | | | | | |
|------------|--------------------|-------------------|------------------------|--------------------|---------------------|
| <u>Qty</u> | <u>Animal Type</u> | <u>Lived With</u> | <u>Interacted With</u> | <u>Tested With</u> | <u>Do Not Place</u> |
|------------|--------------------|-------------------|------------------------|--------------------|---------------------|

People

| | | | | | |
|------------|-------------------|-------------------|------------------------|--------------------|---------------------|
| <u>Qty</u> | <u>Age Groups</u> | <u>Lived With</u> | <u>Interacted With</u> | <u>Tested With</u> | <u>Do Not Place</u> |
|------------|-------------------|-------------------|------------------------|--------------------|---------------------|

Activity

| | | | |
|-----------------|---------------------|------------------------|-------------------|
| I enjoy: | I'm afraid of: | People describe me as: | |
| Activity Level: | Vocalization Level: | Off Leash: | Training History: |
| Unknown | Unknown | Unknown | Unknown |

Specific Known Commands:

Animal Profile Comments:



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE DISPOSITION)
OF THE BLACK & TAN HUSKY/SHEPHERD)
DOG AND YELLOW HUSKY/LAB DOG)
OWNED BY TOMMY & VALERIE SMITH)

ORDER
#14-024

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That on February 20, 2014, Tommy and Valerie Smith were cited for an alleged violation against livestock pursuant to ORS 609.156 by their dogs, a black and tan Husky/Shepherd dog and a yellow Husky/Lab dog; and

IT FURTHER APPEARING TO THE BOARD: That subsequent to said citation, Tommy and Valerie Smith relinquished all rights of ownership of above described dogs to the Home at Last animal shelter; and

IT FURTHER APPEARING TO THE BOARD: That Tommy and Valerie Smith have agreed to make restitution to the owners of the livestock killed by their dogs; and

IT FURTHER APPEARING TO THE BOARD: That livestock owner,
Elizabeth Polehn, has agreed to accept the above said restitution; and

IT FURTHER APPEARING TO THE BOARD: That Deputy District Attorney
Carpenter, assigned to this case, recommends no fine or further action.

NOW, THEREFORE IT IS HEREBY ORDERED: That Wasco County's
impoundment of the black and tan Husky/Shepherd dog and a yellow Husky/Lab
dog is terminated; and

IT IS HEREBY FURTHER ORDERED: That Wasco County considers
relinquishment of ownership and restitution sufficient and levies no fine against
Tommy and Valerie Smith.

DATED this 5th day of March, 2014

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

Rod L. Runyon, County Commissioner

Eric J. Nisley
Wasco County District Attorney

Steve D. Kramer, County Commissioner

Discussion List Item
Limeroth Letter of Support

- [Request Email](#)
- [Proposed Letter](#)



Kathy White <kathyw@co.wasco.or.us>

Fwd: Letter of support

1 message

Tyler Stone <tylers@co.wasco.or.us>
To: Kathy White <kathyw@co.wasco.or.us>

Thu, Feb 27, 2014 at 1:38 PM

For the Board

Tyler Stone
Administrative Officer
Wasco County
511 Washington St. Suite 101
The Dalles, OR 97058
541-506-2552
www.co.wasco.or.us

----- Forwarded message -----

From: **Jeremy Thompson** <jeremy.l.thompson@state.or.us>
Date: Thu, Feb 27, 2014 at 1:28 PM
Subject: Letter of support
To: TylerS@co.wasco.or.us
Cc: Steve Kramer <stevek@co.wasco.or.us>

Gentlemen,

Any chance you guys would be willing to sign another letter of support for ODFW's acquisition of the Limmeroth property? This one is geared specifically to the Section 6 grant we are applying for through the US Fish and Wildlife Service. Your support will go a long ways in helping us acquire the funds.

Let me know your thoughts, and if you need more information or have any questions.

JT

Jeremy Thompson
District Wildlife Biologist
Mid-Columbia District
3701 W. 13th St.
The Dalles, OR 97058



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302

The Dalles, Oregon 97058-2237

(541) 506-2520

Fax: (541) 506-2521

Scott Hege, *Chair of the Board*

Rod Runyon, *County Commissioner*

Steve Kramer, *County Commissioner*

Regional Coordinator – Section 6 Grants
U.S. Fish & Wildlife Service
Pacific Region
911 NE 11th Avenue
Portland, Oregon 97232

Dear Mr. Leonard:

The Oregon Department of Fish and Wildlife is submitting a request from the Cooperative Endangered Species Conservation Fund for a Recovery Land Acquisition (RLA) grant for FY 2014.

The project requests \$750,000 in RLA money to be matched with \$2.25 million in other federal and non-federal funds and will enable the state to acquire and protect the 10,128 acre ranch along the Lower Deschutes River. The project will benefit the bull trout and the Middle Columbia River Summer Steelhead – both listed as threatened species.

If acquired, the tract will become part of the Lower Deschutes Management Area, which currently covers 28,500 acres and is co-managed by the state and the Bureau of Land Management. The addition of the ranch to the area will protect ecosystem integrity in the river basin and enable the restoration of aquatic and riparian habitat along Oak Canyon Creek and Ferry Creek. These creeks support spawning and rearing of bull trout and summer steelhead.

The addition of this land to the current ODFW holdings will greatly benefit the citizens of Wasco County. We are pleased to support this project

Wasco County Board
of Commissioners

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

cc: U.S. Senator Ron Wyden
U.S. Senator Jeff Merkley

Steve D. Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 5, 2014**

CONSENT AGENDA

1. [2.19.2014 Regular Session Minutes](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
February 19, 2014

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner
Tyler Stone, County Administrator
Kathy White, Executive Assistant

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance and reviewed the process of Commission Meetings for those present.

Changes to the Agenda

Ms. White asked that the District #21 Property Transfer be removed from the Discussion List, explaining that some of the necessary documents are not yet prepared.

Chair Hege removed the Clean Fuel Letter of Support from the Discussion List stating that the legislation is not moving forward. The standing bill runs through 2015. Commissioner Runyon added that he spoke with State Senator Bill Hansell who communicated that he would not have voted for the bill in any case.

Open to the Public – Hunt Park/ Wasco County Fair

Fair Board Member Ken Polehn reported that he has been working with State Representative John Huffman for the passage of Resolution #203 (attached) recognizing Hunt Park as the home of the Wasco County Fair since 1914. He

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 19, 2014
PAGE 2

expressed his hope that the resolution will be signed by the Governor at a small ceremony. He also announced that the Fair Board had met Monday night and is recommending reappointment to the Fair Board for Mike Hunt and Colleena Tenold-Sauter.

Mr. Polehn reminded the Board that they are to be the Grand Marshalls of the 2014 Wasco County Fair; he said he would like to arrange for photos and a write up in the local newspaper.

Mr. Polehn stated that he would be presenting to the Needs and Issues committee tomorrow for Phase II of the RV park located at Hunt Park. He said that he has developed a plan for accessibility throughout the Fair Grounds. The plan includes sidewalks, gazebos and pavilions. He added that the utilities will need to be updated as well.

Local Electrical Contractor Wayne Lease volunteered that he would be happy to help with any of the underground work.

Chair Hege asked about the septic system at the park. Mr. Pohlen responded that he had not thought about the septic system when he added the project to the Agora Platform, but that it would have to be part of Phase II.

Chair Hege asked about acquiring additional property for the fair grounds. Mr. Polehn replied that there have been some snags in trying to make some property trades but the County has acquired some additional properties that might help make those trades more attractive.

Mr. Polehn reported that Cycle Oregon will be staying at the fair grounds for 2 nights during their week-long Gorge cycling event with approximately 2,000 people staying on-site for the 2 days. Cycle Oregon is offering a \$5,000 fee along with a \$5,000 open-ended grant for the use of the grounds.

Chair Hege noted that next week will be Mr. Polehn's first BOPTA hearing and thanked him for his service.

Open to the Public – MCCOG

Mr. Lease explained that this basic issue he wants to address is the Mid-Columbia Buildings Codes operated by the Mid-Columbia Council of

Governments. He stated that there have been improprieties and advised the Board to discover what Wasco County's obligation will be to fix the mess once it comes to light. He noted that Wasco County has the largest MCCOG population and would likely bear the largest cost. He stated that there has been co-mingling of funds, interdepartmental loans and unaccounted for funds. He stated that his research indicates fraud within the organization. He said that he had consulted with Rob Hamilton who does the accounting for the State of Oregon as well as a man from the Government Accounting Standards Board who participated in writing the new revised Government Accounting Standards; both had advised that what MCCOG is doing as described by Mr. Lease is against the law. Mr. Lease went on to say that the numbers in a MCCOG power point do not match the facts and he believes that there is collusion at MCCOG, warning that Wasco County has been duped.

Chair Hege said that Mr. Lease has provided members of the Board with a great deal of information. He assured Mr. Lease that they are working to review the information and work toward a resolution of the issues that have been raised.

Discussion List – DDA Salary Adjustment

Mr. Stone stated that this topic was discussed thoroughly at the last Board session with two issues being identified: the approval of the IGA and the salary issue. While the IGA was approved, the salary issue was not resolved. The IGA affords revenue to the District Attorney to provide a certain set of services. In the past, these funds have been used as a stipend to supplement the Chief Deputy District Attorney's (DDA) salary. The challenge has been to correct the practice of using the grant to directly pay salary without negatively impacting DDA Wolf's income. He suggested that the Board can increase the salary for that position, adding the amount of the stipend to the base salary and then making any further adjustments through the compensation survey process.

District Attorney Eric Nisley said that while the document is titled as an IGA it is truly a grant that is offered to District Attorneys throughout the State to do this intensive work. He explained that the reason he accepted the grant beginning in 2008 was to provide this stipend recognizing the work being done by the DDA. He stated that if his office did not accept the grant, the DDA would still be required to attend these dependency cases but not as lead attorney; the Department of Justice (DOJ) would take the lead. He indicated that the local District Attorney's office is better able to do this work since they are familiar with

the community. He pointed out that the budget has already been set and the funds allocated; a change in the middle of the year would require a budget process to reallocate the funds. He compared the stipend for the DDA to the County's Maritime Deputy as an example that this is not an isolated practice.

Chair Hege noted that the Maritime Deputy is not receiving a stipend; his hours are being increased through grant funding.

Further discussion ensued regarding the consequences of using grant funds for salaries.

Chair Hege observed that the Compensation Study indicates a substantial adjustment to the DDA's wages. He said it makes sense to pay DDA Wolf retroactively. However, he does not like the idea of working for grant and would rather see employees paid consistently through a regular salary.

{{{Commissioner Runyon said he would like to retroactively honor the DDA stipend as it was budgeted for this year and then explore this through the upcoming budget process. He said he would like to make that a motion. Commissioner Kramer seconded the motion.

Discussion: Chair Hege said he is not sure what the motion is. Commissioner Runyon stated that it would be to do what was budgeted for this year with the grant money – this is not general fund money – and then discuss how this will work for the next year through the budget process.

Mr. Stone interjected that with this change in philosophy, in the future this money would offset general fund expenditures. DA Nisley observed that how the money is currently budgeted does not determine what the County does going forward.

Chair Hege asked if the motion means that for this year it will continue to be a stipend. Commissioner Runyon replied that he believes that we are far enough into the fiscal year that this needs to continue as a salary stipend for the 2013-2014 fiscal year but the second year of the grant funding will be decided in the upcoming budget cycle.

DDA Nisley interjected that in the future the funds can be applied to general funds; there is not a restriction. If there is a salary adjustment, then there will not

be a need to apply these funds as a stipend. Mr. Stone added that the expectation would be that the County would continue to apply for this grant to offset the general fund contribution to the DDA's salary.

Commissioner Runyon added that this stipend is not fair to other departments where extra work is being done but no stipend is being paid; this increase in pay needs to be part of the salary schedule in a fair and equitable manner so everyone understands it.

Chair Hege said that if there is no further discussion, all in favor of the motion that the County continues as we have been for the remainder of this fiscal year say "Aye." The Motion passed unanimously.}}

Discussion List – Assessor's Position

Chair Hege asked Interim Tax and Assessment Director Tom Linhares if he had contributed to the development of the Assessor's job description included in the Board Packet. Mr. Linhares replied that he was given a draft to which he added his comments indicating what revisions he would make. Chair Hege thanked him for his work saying that it is important for prospective candidates to understand the expectations for the position. He noted that compensation is not included in the document. Mr. Stone stated that it had been removed awaiting the completion of the Compensation Survey but can be added back in at the current rate.

Chair Hege emphasized the importance of determining a long term plan for the Assessor's office. He pointed out that even if they do not have an elected Assessor until 2015, an Assessor can be appointed. He noted that there are skills and licensing required for the position; he believes the County should advertise so that people who are interested and qualified can apply for consideration. He stated that the Department of Revenue has pledged to help Wasco County expedite the process. The licensing requirements can act as a filter to distill the applicant list to those most qualified.

Mr. Linhares pointed out that they are assuming no one will file in March to run for the position in the fall. If only one qualified person files, they will be the Assessor in 2015; it will be difficult to find someone to accept an appointment if they will be out of a job in 2015. The filing deadline is in 3 weeks which leaves little time.

Further discussion ensued regarding the appointment process.

{{{Commissioner Kramer moved to approve the Job Description for the Assessor/Tax Collector. Commissioner Runyon seconded the motion which passed unanimously.}}}

*****The Board was in consensus to move forward with the process for appointing an Assessor.*****

Agenda Item – Capacity Management Plan Update

Sheriff Rick Eiesland reported that he has been keeping the Wasco County NORCOR population at or below 50 and the matrix seems to be working. He added that occasionally information from other offices may influence his decision beyond what is dictated by the matrix.

DA Nisley stated that there have been a couple of inmates who have been released on the same day they were to appear in court for sentencing. He added that his office will be more diligent in communicating with NORCOR regarding sentencing dates.

Sheriff Eiesland noted that another consideration is the Moral Recognition Therapy program which requires an inmate to be incarcerated for at least 30 days so they can move on to the outpatient portion of the program.

DA Nisley stated that one of the consequences of matrixing inmates out is they come back having committed more crimes. Sheriff Eiesland agreed, saying that everyone would be happier if the funds were available to keep them incarcerated. DA Nisley stated that it is a frustrating fiscal reality. He said that in terms of NORCOR, the District Attorney's office and The Sheriff, it has worked seamlessly.

Mr. Stone asked how the billing system is working with the new process of keeping the population under 50. Sheriff Eiesland replied that it has worked very well in controlling costs for Wasco County. He doesn't know how the new billing is working for the other partner counties.

Agenda Item – Special Transportation Funding

Dan Schwanz, Executive Director of the Mid-Columbia Council of Government's Transportation Center, reported that at the end of last year more money was added for the transportation system. The MCCOG Transportation System will receive \$30,000 which the STF Advisory Committee recommends putting toward adding more hours for the biennium. He explained that although the example application he provided for the packet indicates matching funds, none are required.

{{{Commissioner Runyon moved to approve the Special Transportation Fund Discretionary Grant Application. Commissioner Kramer seconded the motion which passed unanimously.}}}

Chair Hege expressed some concern for the planned transportation center and asked if a business plan is in place that shows operating revenues and expenses for the center. Mr. Schwanz replied that there is not a specific plan on paper, he is currently running a similar center in Hood River which is doing well. Chair Hege asked if he has projections for expenses. Mr. Schwanz responded that he expects they will be in line with his experience in Hood River and he is comfortable moving forward.

Chair Hege called a recess at 10:04 a.m.

The Session reconvened a 10:08 a.m.

Agenda Item – Attainable Housing

Commissioner Runyon joined Mayor Steve Lawrence in reading the following presentation:

For the last two years, a diverse group of community participants have been involved in the Regional Solutions team, a project put together through a collaborative effort of the Governor's office for different areas of the State and comprised of representatives from State agencies, and local stakeholders in the individual regions. Our Region is comprised of Sherman, Wasco and Hood River counties.

The goal was to take "...a bottom-up approach to economic development projects, working at the local level to identify priorities, solve problems and seize opportunities to complete projects..."

The North Central Regional Solutions team has identified the issue of access to stable, affordable housing for our workforce as a priority issue in each of our counties. That's a commonality. But, the problem and its potential solutions present themselves in different ways in each of the counties. With the Regional Solution Team's focus on this issue and the participation from a number of local partners such as Mid-Columbia Housing Authority and Mid-Columbia Economic Development, the region has an opportunity to move forward and we come to you today to elevate the conversation and request two actions:

- 1) Support our proposal to seek from the State a \$2 million regional Attainable Housing Revolving Loan Fund to help underwrite public and private investment to support housing development and renovation.
- 2) Commit to identify, review and accept recommendations for removing the non-financial barriers to the attainable housing issue and participate in sharing best practices of policies and decisions you make which positively impact the regional housing issue (such as The Dalles vertical housing initiative)

PURPOSE AND CALL TO ACTION:

Our purpose for being here, and the action that we will be asking of you, is that you join us in attaining our objective for both our county and our region. We ask that you do this by supporting our efforts through your own, and coordinating with each other, both in Wasco County, and across the region, to address what the Regional Solutions Team sees as being a critical threat.

Why are we interested? Housing is both a quality of life and an economic issue. If we cannot provide quality housing for our community members and workers, we cannot offer the necessary infrastructure for business success. The regional issue boils down to a shortage of quality housing stock at price ranges and rental levels which are commensurate with the financial capabilities of workers and households in the region. Housing constraints in the region are severe enough to 1) limit the ability to attract and retain businesses and 2) hamper the ability of employers to attract and maintain a professional workforce.

The shortage of quality housing is a deterrent to businesses, particularly those of any size, which seek to employ a local workforce. Mary Margaret Evans of Insitu related to us:

“Housing in the Gorge is often a challenge for our employees. The main challenges include low inventory, such as lack of multi-bedroom apartments and ‘starter homes’ for young families, and high cost. Many of our junior employees and those in lower pay brackets find themselves priced out of both the rental and purchase markets.”

This housing concern manifests itself in different ways for the counties in the region. Therefore solutions must be flexible to address a wide range of housing needs, recognizing that each of the counties in the region will require different approaches to meeting future demand. In addition, through this regional housing perspective, we have an opportunity to learn from other communities. Specific needs include:

- In Wasco County and its communities, needs include: Rehabilitation of existing housing stock as much rental housing is sub-standard, increasing opportunities for senior housing, and using existing spaces in new ways. What we can share are new initiatives, such as the vertical housing initiative which is designed to begin addressing some of the opportunities to encourage use of existing spaces in new ways. (an example: 2nd story development in downtown The Dalles)
- In Sherman County, the primary issue is a shortage of single family housing stock. What the County can share are the new opportunities they are putting in place, leveraging county investments to offer loan guarantees and encourage new developments.
- In Hood River County a primary concern centers on the opportunity for people to live where they work: a limited land supply, increasing demand and a strong vacation rental market have priced homes out of the range of workers in the County. What the County can share is their experience, market studies, and perspective on policies which look at vacation rental market impacts.

OPPORTUNITIES

As we look at these counties as a collective in their needs and contributions, we are focused on “attainable housing” as a term to indicate that we seek solutions that offer housing availability for individuals at all income levels. It encompasses all types of housing as well, including single- and multi-family housing options. The problem is multi-faceted with two general threads:

- 1) Financing issues: the ability to access capital and loans for both development of new and rehabilitation of existing housing stock
- 2) Non financing issues including issues with local ordinances, regulations and policies and the lack of available buildable property with adequate zoning, necessary infrastructure, and proximity to amenities.

WHAT CAN WE DO? REQUEST FOR ACTION

- 1) We need your help to secure the \$2 million revolving loan fund and implement programs to achieve those short-term goals and we ask for your approval for a support letter. We are seeking to establish a new, repeatable funding model to support construction of “attainable” housing that provides a stable housing base for the region’s workforce. This will help serve a transitional role until the regional market meets the demand for attainable housing.
- 2) More importantly, we need your help to tackle the causes of these conditions in the first place, leveraging this initial infusion into real results by continuing the conversation about regional housing needs and the policies and choices we make which will impact our housing options. We ask you to *commit* to the ongoing review and consideration of recommendations for removing the non-financial barriers to the attainable housing issue such as:
 - a. Remain informed and familiar with Goal 10 of the Comprehensive Plan. Identify and assess useful statistics, demographic trends, needed inventory improvements and forecasting to better assess and anticipate housing needs
 - b. Affirmatively support Fair Housing

- c. Continually track opportunities for increased density, density transfers, and in-fill housing.
- d. Work with us to determine how we can further the key objectives for achieving our goal of providing attainable housing in our Region.

We have provided and hope that you will participate by offering a letter of support. We thank you for your time and if you have any questions, we will do our best to answer them.

Mayor Lawrence explained that there is \$10 million available and we are competing with other local governments for the funds. If awarded to the Mid-Columbia Region it would be a \$2 million fund for revolving loans.

*****The Board was in consensus to send the letter of support to MCEDD for the Attainable Housing initiative in the North Central/Mid-Columbia region.*****

Chair Hege noted that the money could go to just build two \$1 million homes; he asked if there are any goals being set for the number of homes they would build. Commissioner Runyon replied that those decisions will be made as they work through the process; the overall plan is to fund developers through loans to complete projects that meet Initiative goals. Mayor Lawrence added that there will be ongoing evaluations taking in consideration the housing study's identified needs as well as the 10 year plan for emergency housing.

Agenda Item – Cycle Oregon

Mayor Lawrence said he had been invited to a presentation in Portland where he learned that The Dalles would be part of the 2014 Cycle Oregon week-long event which will include 2,200 cyclists along with the event's support staff. He reported that the Shilo Inn has already been fully booked by support staff. The bike route begins and ends in The Dalles and will take the cyclists through Dufur, Tygh Valley, Madras, Maupin and across the river to Washington. Event organizers will have employment and volunteer needs during the event; there will also be opportunities for non-profits to host booths. He said in March the event planners will communicate their needs and a local planning committee will be formed. He reported that there were a thousand people at the Portland presentation and they love riding in the Gorge.

The Board offered to help and asked the Mayor to keep them informed.

Agenda Item – Lot Line Vacation

Senior Planner Joey Shearer provided the Board with a revised copy of the proposed vacation (attached). He stated the he is presenting the petition on behalf of James Richardson who is unable to attend today's meeting. He explained that the Mr. Richardson is the owner of adjacent lots with no plans to build a house on the second lot. However, he would like to add some accessory buildings and is limited as long as the lots remain separate. Commissioner Runyon asked if Mr. Richardson understands he cannot build a second house once it is made one lot. Mr. Shearer responded affirmatively.

Commissioner Runyon asked if the Board would be seeing more of these. Mr. Shearer replied that this is only the second application for a lot line vacation in the last 3 years but now that the process is less cumbersome, there may be more people interested in applying.

{{Commissioner Kramer moved to approve Order #14-020 with submitted revisions in the matter of accepting vacation of an interior lot line between lot 10 and lot 11, block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition, and adopting findings of fact contained in PLALLV-14-01-0001. Commissioner Runyon seconded the motion which passed unanimously.}}

Agenda Item – LiDAR Opportunities

Planning Director John Roberts explained that Wasco County has the most antiquated flood plain maps in the State of Oregon and although we are first on FEMA's list for updating, we have been first for some time. LiDAR would be the first step to improving the available maps.

Information Systems Manager Paul Ferguson explained that LiDAR uses laser technology to create a 3-dimensional map that is far more accurate and far more expensive than aerial photography.

Mr. Roberts stated that funding issues made this inaccessible, but its use is widespread. The Wasco County Soil and Water Conservation District has an opportunity to contract for LiDAR mapping at \$560 per square mile. He reminded the Board that they had tasked him with developing a prioritized list of areas

where LiDAR mapping would be most beneficial along with their associated costs.

Mr. Roberts went on to review the maps and recommendations included in the Board Packet, stating that he thinks the County should move forward wherever it can; the benefits to the broader community will be significant. He said he does not know what the process will be to partner with the Soil and Water District, but believes it can be done fairly quickly. He advised that the decision to be made is how much of their resources can the County commit to the mapping.

Commissioner Runyon asked when they would need to know. Mr. Roberts replied that the flight will take place in mid-June. Commissioner Runyon asked if there were other interested agencies that might contribute to the project. Mr. Roberts said there were 10 entities in 2011 that had expressed an interest.

Further discussion ensued regarding what agencies or businesses might benefit from the project. Commissioner Runyon suggested that a presentation be developed to approach those agencies or businesses to contribute to the financing of the project. He offered that the Board could be part of those presentations if it were deemed useful.

Chair Hege asked if the data could integrate with the County's GIS system. Mr. Ferguson replied that it could.

Chair Hege asked City of The Dalles Planning Director Richard Gassman if the City is talking about this. Mr. Gassman replied that they had discussed it in 2011 but did not understand enough about it to move forward. He said the City has 7 or 8 square miles and this may make sense for them. He stated that he would be talking with the City Manager about the benefits; adding that it is not in the budget so money would have to be identified to fund the project.

Mr. Shearer pointed out that these specialized flights do not happen often – the opportunity should not be missed. Mr. Ferguson noted that it cannot wait until June as the LiDAR contractor will need to plan. Mr. Stone stated that there is an upcoming Supplemental Budget of which this could be a part.

Mr. Ferguson observed that it might be possible to use the LiDAR data as a revenue source; access to the mapping data could be part of the Fee Schedule.

*****The Board was in consensus to move forward with exploring how much funding could be made available for the LiDAR mapping.*****

Agenda Item – Hearing on the Adoption of City of the Dalles LUDO

Chair Hege opened the hearing at 10:59 a.m. and turned it over to Mr. Roberts for a staff presentation.

Mr. Roberts outlined the history of a joint management plan between the City of the Dalles and Wasco County adopted in 1980 recognizing the Urban Growth Area (UGA) to be under the management of the City. One tenet of the agreement provides for review and adoption of the City's LUDO by the Board of County Commissioners. The City's LUDO was amended in 1984 and again in 1997. Although the UGA is outside the city limits, the agreement shifts administration of those areas to the City of The Dalles. The County gives the City money each year to oversee these properties which amount to approximately 396 acres; some of those properties fall within the Scenic Area which reduces the UGA properties that fall solely under the City's LUDO to roughly 298 acres.

Mr. Roberts went on to explain that the entire ordinance has been included in the order because the changes occur throughout the Ordinance. Mr. Gassman stated that most of the changes are housekeeping items; the only substantial change is to untie the requirements for public improvements from the minor partition process. This will help people who are interested in that process.

Mr. Gassman stated that changes to the City's LUDO occur every 12-18 months, most being error corrections or clarifications. He asked the Board if they preferred to have the changes brought to them each time or bundle changes together over time.

Commissioner Runyon asked if the changes are communicated to the County Planning Director in real time. Mr. Gassman responded that notices are sent to the Wasco County Planning Department. Commissioner Runyon stated that he feels that the Planning Director can make the decision as to when it needs to be brought before the Board.

Mr. Stone asked if any legal issues might arise without County approval. Mr. Gassman responded that he did not see any since the significant changes have made the code less rigorous and more flexible. Chair Hege noted that this is a

more significant change which was the catalyst for them bringing to the Board at this time. Mr. Gassman agreed.

Further discussion ensued regarding the notification process and the possibility of any further expansion of the UGA.

{{{Commissioner Runyon moved to approve order #14-019 in the matter of adopting the City of The Dalles Land Use and Development Ordinance No. 98-122 as amended by the City of The Dalles. Commissioner Kramer seconded the motions which passed unanimously.}}}

Chair Hege closed the hearing at 11:19 a.m.

Chair Hege asked if there is a map showing the last proposed urban growth boundary. Mr. Gassman said that there is but there are a lot of issues being worked through with stakeholders. One issue is that the Gorge Commission has no rules on how to review applications for UGB expansion, without that any changes to the UGB would be open to challenges. The City has decided to delay until those rules are in place which means it will be at least a year until an application will be submitted.

Mr. Stone observed that this will eventually have to come before the County for approval. He said that it would be better for the County to be involved throughout the process rather than not hearing about it until it comes before the Board for approval. Mr. Gassman responded that there will be no movement on the issue until the Gorge Commission has rules in place. Mr. Roberts added that this is The Dalles' first attempt to do this; they will be seeking a wide range of stakeholders for involvement.

Chair Hege called a recess at 11:26 a.m.

The Session reconvened at 11:30 a.m.

Agenda Item – Veterans Services Advisory Committee (VSAC) Bylaws

Donna Lawrence, Chair of the VSAC, explained that the Committee had been working to clean up the bylaws and recommend approval of the final draft. Commissioner Runyon pointed out that in the revised bylaws there are now 6

members and an additional 2 non-voting members. The VSO has also been designated as a non-voting member of the Committee.

{{{Commissioner Runyon moved to approve the 2014 Revised Veterans Services Advisory Committee Bylaws. Commissioner Kramer seconded the motion which passed unanimously.}}}

Commissioner Runyon complimented Ms. Lawrence on her leadership at the VSAC; the Board thanked her for her service.

| |
|---|
| Agenda Item – Solid Waste Advisory Committee (SWAC) Rate Recommendations |
|---|

Environmental Health Specialist John Zalaznik reported that the SWAC met on January 23, 2014, and approved the Waste Connections rates that the Board had approved on an interim basis in December. SWAC recommends approval for rate increase to be permanent.

Mr. Zalaznik added that he had been in touch with SWAC member Frank Kay who has not been attending SWAC meetings and learned that through an oversight Mr. Kay had not been notified of meetings since his appointment. His current appointment expires in June of this year; he would like to be reappointed at that time.

Commissioner Kramer noted that he has another citizen from Dufur who is interested in serving. He said he hopes to get an application from Richard Lyons in the near future.

{{{Commissioner Kramer moved to approve Resolution #14-003 in the matter of approving rate increases for the Wasco County Landfill. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Resolution #14-004 in the matter of approving rate increases for the Mel's Sanitary, Inc. with a correction of the name to Mel's Sanitary Service, Inc. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Resolution #14-005 in the matter of approving rate increases for the Waste Connections.}}}

Commissioner Runyon seconded the motion which passed unanimously.}}

Mr. Zalaznik stated that the SWAC had some good discussions regarding rates and plans to survey neighboring counties. He said that he gets a few citizen calls regarding rates each month and has been inviting callers to attend SWAC meetings to better understand the process and add their voice to the conversation.

Chair Hege asked who monitors the fiscal status of the Landfill. Mr. Zalaznik replied that the ordinance authorizes them to audit the Landfill's books but he does not believe that has ever been done. He added that it would definitely be something to look into. He said that the rates need to be competitive but not so high as to discourage people from proper disposal of their waste.

Discussion List – Treasurer's Report

There were no questions or comments regarding the Treasurer's Report. Chair Hege reported that he has contacted the Treasurer regarding the progress on the Investment Policy, but has gotten no response.

Discussion List – Museum Commission Appointments

Commissioner Runyon stated that he had attended last month's Museum Commission meeting and encouraged them to develop bylaws to outline officers' positions, terms, duties and responsibilities as well as providing a structure through which the Commission operates. He pointed out that there has been some discord between the Museum Commission and the Museum Foundation which raised funds to support the museum – bylaws can help ease those tensions by clearly defining roles. One of Commissioner Runyon's suggestions is to disqualify Foundation Board members from serving on the Museum Commission but to have a non-voting representative from the Foundation be appointed as an ex-officio member of the Commission to maintain a connection between the two organizations.

Commissioner Runyon went on to say that one of the applicants for the Commission is currently a member of the Foundation and will need to resign from the Foundation to serve on the Commission.

{{Commissioner Kramer moved to approve Order #14-021 in the matter of the appointment of Dalia Thompson to the Wasco County/The Dalles

Museum Commission. Commissioner Runyon seconded the motion which passed unanimously.}}

{{{Commissioner Kramer moved to approve Order #14-022 in the matter of the appointment of Patricia Neal to the Wasco County/The Dalles Museum Commission. Commissioner Runyon seconded the motion this includes the requirement that she resign from the Foundation. The motion passed unanimously.}}}

Consent Agenda – 2.5.2014 Minutes & Dog Ordinance Hearing Order

{{{Commissioner Kramer moved to approve the Consent Agenda. Commissioner Runyon seconded the motion which passed unanimously.}}}

Commission Call

Commissioner Runyon announced that the AOC Veterans tour of The Dalles, cancelled due to the winter storm, has been rescheduled for April 11, 2014. The time has been moved to 9:30 a.m. in order to tour CBOC before 10 a.m. The tour will include CBOC, OVH, the new Armory, the Memorial at the Sirosis Park Overlook, NORCOR and the VSO.

Chair Hege called for a lunch recess at 11:58 a.m.

The session reconvened at 1:04 p.m.

Agenda Item – Compensation Study

Mr. Stone said the Management Team has been advocating for an updated compensation policy for the past 5 or 6 years; budgetary pressures have caused it to be postponed each time it has been proposed. The current system, created in the late 80's or early 90's, did not allow the administration to compare positions internally or externally and has become unmanageable.

The Management Team has spent over a year working on the Compensation Study in partnership with HR Answers. The goal has always been to develop an objective, easily manageable system, readily explained and quantified - a system that will reward performance and learning with a level of fairness. He explained that there has also been a focus on insuring the consistency of application policies and procedures. He introduced Judy Clark from HR to explain and answer questions regarding the Compensation Policy.

Ms. Clark stated that it is important to seek the Board's approval of the Compensation Policy – it outlines what is important to the County and what will be considered in the pay process. She reminded the Board that she has met with each Commissioner individually to explain the process and answer their questions. She added that she has also met with the Management Team to review the policy and they had some suggested changes.

1. The title of Mr. Stone's position is "CEO" in the Policy; historically that position has been titled "Administrative Officer."
2. The Policy says that the "CEO" has the authority to approve pay actions. This has been a consultative process in the past but the Policy does not specify that the "CEO" is to do this in consultation with the Management Team.
3. The Policy states that additional compensation studies will be done to keep up with the market, but does not specify the frequency of those studies. The Management Team is concerned that if a time frame is not established, the studies may get pushed aside in favor of other pressing expenditure needs.

Commissioner Runyon asked if Mr. Stone's position title is based on Statute. Mr. Nisley responded that a County Administrator has the ability to manage departments; an Administrative Officer has slightly less authority. Chair Hege asked if that is according to statute. Mr. Nisley replied that it is not; it came out of a prior Commission.

*****The consensus of the Board was to have Mr. Stone's position title remain "Administrative Officer."*****

Mr. Stone stated that the philosophy of the Policy rests with the Board while the implementation is the province of the Administrative Officer. Chair Hege asked how HR is defined. Discussion ensued regarding the consequences of attaching the HR function to the title of Finance Officer. The concern is that if the HR function moves out of the Finance Office, the policy will not support that. Chair Hege stated that it could be confusing if the Policy is not specific regarding pay action review.

*****The consensus of the Board was that the Administrative Officer would review and approve pay actions followed by a review and approval by the Finance Manager. If that process changes in the future, it will require amending the Compensation Policy.*****

Chair Hege said that it is important to be clear that the Policy has been reviewed and is supported by the Management Team. Mr. Nisley responded that the consensus of the Management Team was to support the Compensation Policy.

Ms. Clark asked the Board to address the issue of frequency for the follow-up compensation studies. She said that typical best practice is every couple of years so as not to get too far behind the market which would make it fiscally difficult to catch up.

Chair Hege observed that this Compensation Study cost over \$40,000 which is more than the County could afford to do every other year. Ms. Clark explained that this level of work would not be necessary for the follow-up studies; they could expect for it to cost in the neighborhood of \$6,500 - \$7,500. Mr. Stone suggested adding language that sets a general goal.

Commissioner Runyon expressed his surprise that there were not more questions from the Management Team. Mr. Stone responded that this was started at the Team Level and has been an open process within that Team. Ms. Clark observed that in 29 years in this field, she has never seen such a high level of transparency – this has been robust, comprehensive and employee-involved. Mr. Nisely concurred, saying that Mr. Stone has done an amazing job of pushing this out and involving management in the process.

Commissioner Runyon asked if they had reviewed similarly titled jobs that actually have different skills and responsibilities. Ms. Clark replied that they reviewed that extensively to be sure they were comparing apples to apples, including the number of hours worked and whether or not the position fell under PERS.

Commissioner Kramer asked about the dissemination of pay program. Ms. Clark stated that the question was whether or not the Administration would be asking employees to talk or not. While County pay levels are public information, the

Policy also recognizes that individuals do not have to talk about their pay if they choose not to do so.

Chair Runyon asked if the Policy being presented for approval is just the groundwork for implementation. Mr. Stone responded affirmatively saying that the Policy will guide Wasco County as they move forward; it gives him the authority to implement. He said they will now begin to look at pay. He added that this is a non-represented policy; he and Ms. Clark will present the policy to the unions today to start that process.

Ms. Clark stated that the next step will be pay ranges along with how to implement the Policy with existing employees taking into consideration the available resources.

Chair Hege stated that he wants to be clear about equity in implementation between existing employees and new-hires. Mr. Stone said they are looking at the pros and cons of the available options; there is not money to make all the changes at once. Ms. Clark interjected that she has recommended implementation begin with the most egregious differences.

Mr. Nisley stated that the reason this is a policy and not an ordinance is so that it allows for changes in response to new information. He expressed his confidence that the Policy is the best possible. Chief Legal Secretary Elizabeth Osborne added that the Policy may not be popular with everyone, but every effort was made to be thorough, fair and equitable.

Sheriff's Deputy Jeff Hall interjected that it is a big day for the unions – while it is easy for the shift workers to judge without knowledge, it is important that they understand that the managers have worked hard and thoughtfully on this. He said there will be some different questions from the unions, but he anticipates that there will be the numbers to support it.

Deputy Hall said that the problem that might arise is the language that leaves an open time period for the follow-up studies; if the unions move away from cost of living allowances (COLA), they will probably not be comfortable with that open time period.

Mr. Stone expressed his opinion that the County has invested in a five-year process to bring this Policy to life; it is important to keep it up-to-date to protect that investment. Ms. Clark added that if the County falls behind the market in any significant way, they risk losing good employees. She stated that in regards to COLA, the market generally surpasses COLA increases. As an example she observed that in 2012 the market increase for IT positions was 12% while the COLA was only 1.8%.

*****The Board was in consensus to set the time period goal for follow-up market studies at 2 to 3 years.*****

Chair Hege asked about year by year adjustments. Ms. Clark replied that there are steps; if an employee is performing competently, they will be eligible for the next step. The pay ranges are tied to the market.

Mr. Stone said that now that they are through the Policy process they can move onto implementation of the program. He observed that the beauty of the program is how it takes into account the market piece as well as the performance piece – employees can earn incremental increases based on performance and continued performance. An average employee will be mid-range; high performers will get more. Under today's system, a 30 year employee could be stuck at step 6 with only COLA increases; the new program will tie them to the market, provide steps and an incentive to perform.

Commissioner Runyon asked who would be making those decisions. Mr. Stone said that is yet to be determined. The Management Team will be working on that – they will have department specific items to consider and Administration will address organizational items. Part of that will be a review of the performance evaluation process. The team will also have to look at available resources. He predicted it will take a couple of years to fully implement.

Facilities Manager Fred Davis said that the policy will also need to be maintained with regular reviews.

Chair Hege expressed his appreciation for the Management Team's work and emphasized the need to support the Policy they have created so as to mitigate any implementation difficulties.

Deputy Hall noted that the worst case scenario is that an employee will learn they have been paid appropriately.

Mr. Stone agreed saying that no one's pay will be reduced as a result of the new policy. Those that learn they have been paid appropriately will still have an opportunity to increase their pay through the performance component.

{{{Commissioner Kramer moved to approve the Wasco County Compensation Policy. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege adjourned the session at 2:01p.m.

Summary of Actions

Motions Passed

- **To retroactively honor the DDA stipend as it was budgeted for this year and then explore this through the upcoming budget process.**
- **To approve the Job Description for the Assessor/Tax Collector.**
- **To approve the Special Transportation Fund Discretionary Grant Application.**
- **To approve Order #14-020 with submitted revisions in the matter of accepting vacation of an interior lot line between lot 10 and lot 11, block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition, and adopting findings of fact contained in PLALLV-14-01-0001.**
- **to approve order #14-019 in the matter of adopting the City of The Dalles Land Use and Development Ordinance No. 98-122 as amended by the City of The Dalles.**
- **To approve 2014 Revised Veterans Services Advisory Committee Bylaws.**

- To approve Resolution #14-003 in the matter of approving rate increases for the Wasco County Landfill.
- To approve Resolution #14-004 in the matter of approving rate increases for the Mel's Sanitary, Inc. with a correction of the name to Mel's Sanitary Service, Inc.
- To approve Resolution #14-005 in the matter of approving rate increases for the Waste Connections.
- To approve Order #14-021 in the matter of the appointment of Daliea Thompson to the Wasco County/The Dalles Museum Commission.
- To approve Order #14-022 in the matter of the appointment of Patricia Neal to the Wasco County/The Dalles Museum Commission.
- to approve the Consent Agenda:
 - 2.5.2014 Regular Session Minutes
 - Dog Ordinance Disposition Order #14-018
- To approve the Wasco County Compensation Policy.

Consensus

- To move forward with the process for appointing an Assessor.
- To send the letter of support to MCEDD for the Attainable Housing initiative in the North Central/Mid-Columbia region.
- To move forward with exploring how much funding could be made available for the LiDAR mapping.
- To have Mr. Stone's position title remain "Administrative Officer.
- That the Administrative Officer would review and approve pay actions followed by a review and approval by the Finance Manager. If

that process changes in the future, it will require amending the Compensation Policy.

- **To set the time period goal for follow-up market studies at 2 to 3 years.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Agenda Item
Supplemental Budget Hearing

- [Notice of Supplemental Budget Meeting](#)
- [Resolution #14-009 Adopting Supplemental Budget](#)

NOTICE OF SUPPLEMENTAL BUDGET MEETING

A public meeting on a proposed supplemental budget for Wasco County, State of Oregon, for the fiscal year July 1, 2013 through June 30, 2014 will be held at the Wasco County Courthouse, Room #302. The meeting will take place on the 5th day of March, 2014 at 9:30 am. The purpose of the meeting is to discuss the supplemental budget with interested persons. A copy of the supplemental budget document may be inspected on or after February 25th, 2014 at the Wasco County Finance Office between the hours of 9:00- 12:00 and 1:00- 4:30pm.

| SUMMARY | Original Appropriation | Supplemental | Revised Appropriation |
|---|---------------------------|--------------|--------------------------|
| <u>RESOURCE</u> | | | |
| BEGINNING FUND BALANCE | 3,900,000 | 1,500,000 | 5,400,000 |
| TOTAL GENERAL FUND | 14,706,122 | 1,500,000 | 16,206,122 |
| <u>REQUIREMENT</u> | | | |
| LABOR COUNSEL | 30,000 | 20,000 | |
| CONTRACTED SERVICES | 0 | 10,000 | |
| MEALS, LODGING & REGISTRATION | 7,500 | 20,000 | |
| EQUIPMENT - NON CAPITAL | 2,500 | 5,000 | |
| TOTAL MATERIALS & SERVICES | 4,008,739 | 55,000 | 4,063,739 |
| TRANSFER TO CAP ACQUISITIONS FUND | 120,120 | 500,000 | |
| TRANSFER TO FACILITIES CAPITAL REPLACEMENT FUND | 200,000 | 500,000 | |
| TRANSFER TO OPERATING RESERVE | 325,000 | 445,000 | |
| TOTAL TRANSFERS OUT | 1,182,876 | 1,445,000 | 2,627,876 |
| GENERAL FUND APPROPRIATIONS | 11,706,122 | 1,500,000 | 13,206,122 |
| TOTAL GENERAL FUND | | | 16,206,122 |

| | | | |
|---------------------------------|---------|---------|-----------|
| <u>RESOURCE</u> | | | |
| TRANSFER FROM GENERAL FUND | 120,120 | 500,000 | 620,120 |
| TOTAL CAPITAL ACQUISITIONS FUND | 772,020 | 500,000 | 1,272,020 |
| <u>REQUIREMENT</u> | | | |
| BLDG IMPROVEMENT | 555,220 | 500,000 | 1,055,220 |
| TOTAL CAPITAL ACQUISITIONS FUND | 772,020 | 500,000 | 1,272,020 |

| | | | |
|--------------------------------|---------|---------|-----------|
| <u>RESOURCE</u> | | | |
| TRANSFER FROM GENERAL FUND | 200,000 | 500,000 | 700,000 |
| TOTAL FACILITY CAPITAL RESERVE | 523,600 | 500,000 | 1,023,600 |
| <u>REQUIREMENT</u> | | | |
| CAPITAL EXPENDITURE | 523,600 | 500,000 | 1,023,600 |
| TOTAL FACILITY CAPITAL RESERVE | 523,600 | 500,000 | 1,023,600 |

| | | | |
|---------------------------------|---------|---------|-----------|
| <u>RESOURCE</u> | | | |
| TRANSFER FROM GENERAL FUND | 325,000 | 445,000 | 770,000 |
| TOTAL GENERAL OPERATING RESERVE | 878,628 | 445,000 | 1,323,628 |
| <u>REQUIREMENT</u> | | | |
| BLDG IMPROVEMENT | 878,628 | 445,000 | 1,323,628 |
| TOTAL GENERAL OPERATING RESERVE | 878,628 | 445,000 | 1,323,628 |

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

| | | |
|--------------------------------------|---|------------|
| IN THE MATTER OF THE FISCAL YEAR |) | |
| 2013-2014 SUPPLEMENTAL BUDGET |) | RESOLUTION |
| TO INCREASE THE BEGINNING BALANCE |) | #14-009 |
| FOR THE 2013-2014 FISCAL YEAR BUDGET |) | |

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

WHEREAS, the County completed their annual audit in December of 2013; and

WHEREAS, the County received an Audit Report for said audit on January 15, 2014; and

WHEREAS, the Audit Report identified a larger beginning fund balance than listed in the 2013-2014 Wasco County Budget; and

WHEREAS, the budget should closely reflect the beginning fund balance prior the adoption of the Wasco County 2014-2015 Fiscal Year Budget; and

WHEREAS, on March 5, 2014, a public meeting was held for the purpose of adopting a Supplemental Budget for Fiscal Year 2013-2014.

NOW, THEREFORE IT IS HEREBY RESOLVED: That the Supplemental Budget for Fiscal Year 2013-2014 is hereby adopted for the total appropriated amount of \$32,209,717 and the total unappropriated amount of \$6,714,401 for a total budget of \$38,924,118; and

BE IT FURTHER RESOLVED: That the appropriations previously approved for Materials and Services category of the General Fund are amended to a new total of \$4,063,739;

BE IT FURTHER RESOLVED: That the appropriations previously approved for the Transfers Out category of the General Fund are amended to a new total of \$2,627,876; and

BE IT FURTHER RESOLVED: That the General Fund Balance previously approved for the General Fund is amended to a new total of \$16,206,122; and

BE IT FURTHER RESOLVED: That the appropriations previously approved for the Total Capital Acquisitions Fund are amended to a new total of \$1,272,020; and

BE IT FURTHER RESOLVED: That the appropriations previously approved for the Total Facility Capital Reserve are amended to a new total of \$1,023,600; and

BE IT FURTHER RESOLVED: That the appropriations previously approved for the Total General Operating Reserve are amended to a new total of \$1,323,628.

DATED this 5th day of March, 2014.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Agenda Item
CCO Update

- [Pacific Source Community Solutions](#)

Transformation Funds Build Health in the Columbia Gorge

PacificSource Community Solutions and the Columbia Gorge Health Council have awarded over \$1,300,000 in one-time transformative investments in health promotion and local health care services. These organizations together lead the PacificSource Columbia Gorge Coordinated Care Organization (CCO), which includes nearly every health care provider in the region and currently serves members of the Oregon Health Plan (OHP), Oregon's Medicaid program. The grants will promote high quality healthcare that also allows patients to have a more convenient, better coordinated, and more cost-effective experience.

Awards

Patient-Centered Primary Care Homes

Primary care clinics are a lead focus area when it comes to meeting these goals. Oregon's program for primary care redesign is called the Patient-Centered Primary Care Home (PCPCH) program. Through PCPCH certification, primary care clinics are better able to meet their patients' needs by adding professionals to the clinic team, for example pharmacists, counselors, or health coaches. Clinics also commit to improve availability of appointments, to add other types of support through phone and email, and to coordinate and monitor patients' health between clinic visits. Over 90 percent of Hood River and Wasco county OHP members today receive care through a primary care clinic that has achieved one of the top two certifications under Oregon's PCPCH program.

By investing in Patient-Centered Primary Care Homes, we expect to see immediate benefits to local OHP members and long-term improvements in the care clinics in the Coordinated Care Organization can provide to our community in the future. A few of the major initiatives that we will be investing in include:

- Integrating pharmacists into primary care clinics
- Incorporating mental health specialists in primary care practices
- Adding physical health services in settings that currently provide mental health care
- Training for care coordinators in primary care clinics
- Creating a technology network to provide secure information exchange among health care providers, social services providers and patients

New Services and Support for People Most At Risk

In addition, transformation funds were allocated to support new services and higher levels of support for people most at risk due to their health conditions or life situation. Some of these initiatives include:

- Utilizing Community Health Workers to assist patients with complex conditions
- Providing meal delivery for fragile patients following surgery
- Expanding the number of peer support specialists in the community
- Educating patients and providers on the best ways to manage chronic pain

Less Traditional Health Care Domains

Many proposals were from community members to work beyond traditional health care domains to improve the health of the community. In the future, we will aspire to be a strong partner in implementing more of these projects. At this point, the following projects have received transformation funding:

- Community Action Coalition for Reducing Childhood Obesity
- Training for social services and providers on Emotional Literacy for children
- Outreach for new OHP members and re-enrollment support for continuing members

| Project | Brief description | Participating organizations |
|--|--|--|
| Clinical pharmacy services | Three pilots for detailed medication review for patients with complex medication regimens | Columbia Gorge Family Medicine, One Community Health – The Dalles & Hood River, Providence Hood River Memorial Hospital, MTMCare, PacificSource Community Services |
| Integrated care pilot | Four pilots for improving the integration of primary care and mental health services | Mid-Columbia Outpatient Clinics - Columbia Hills & Columbia Crest Family Medicine, One Community Health – The Dalles & Hood River, Columbia Gorge Family Medicine, Mid-Columbia Center for Living. |
| Care management training | Nursing education program through OHSU | Mid-Columbia Outpatient Clinics |
| Secure Health Information Exchange | Secure connections with the provider & social service networks to support care coordination | Primary care clinics serving OHP clients, Providence Hood River Memorial Hospital, Mid-Columbia Medical Center, Hood River & Wasco Health departments. |
| Community Health Worker outreach | Outreach and support for select CCO members | The Next Door as coordination point. |
| Community Health Worker Capacitation Center for the Columbia Gorge | Establish local training center for Community Health Workers, Case Managers, Outreach Workers, Front-line staff that deliver services that promote | The Next Door as coordination point. |

| | | |
|--|--|---|
| | health and well-being | |
| Social service network coordination | Utilize standard practices to connect members to social services | TBD |
| Meals on Wheels for post-op patients | Prescription-based meal delivery program for select CCO members following surgery | Meals on Wheels in The Dalles and referring providers with patients in The Dalles area. |
| Intentional Peer Support (IPS) Training | Peer support training for twenty community residents who meet criteria. | Any qualifying peer support staff in Hood River and Wasco Counties |
| Chronic Pain Education for Providers | Comprehensive Provider training on best known techniques for treating patients living with chronic pain | MCMC as coordination point with all prescribing providers in Columbia Gorge CCO. |
| Chronic Pain Education for Patients | Comprehensive 8 week course series helping select patients live with chronic pain | Water's Edge facility and any qualifying OHP member in the Columbia Gorge CCO |
| Health screening of new members | Proactive completion of health screenings and early interventions newly enrolled CCO members | PacificSource Community Solutions in concert with local provider organizations. |
| Oregon Health Plan re-enrollment strategy | Targeted outreach to CCO members to encourage re-enrollment | PacificSource Community Solutions in concert with local organizations. |
| Community Action Plan for Childhood Obesity | Comprehensive wellness program with Wasco County middle school children to improve weight control | North Central Public Health District, North Wasco County Elementary Schools |
| Transforming Health through Emotional Literacy | Education for children, ages 2 -7, and those individuals who impact them the most to improve health through better communication | YOUTHTHINK, Wasco County as lead organization for training |

Agenda Item
LiDAR

- [No documents have been submitted for this item](#)
[– RETURN TO AGENDA](#)

Agenda Item
River Trail Way Easement

- [Introductory Email](#)
- [River Front Trail Easement Grant](#)
- [River Trail Way Resolution](#)



Kathy White <kathyw@co.wasco.or.us>

Fwd: River Trail Way Resolution & Grant of Easement

Marty Matherly <martym@co.wasco.or.us>

Fri, Feb 21, 2014 at 10:57 AM

To: Kathy White <kathyw@co.wasco.or.us>

Cc: Lyle Stevens <lyles@co.wasco.or.us>

Hi Kathy,

We need to bring the River Trail Way easement back to the commissioners for approval. The change they requested can be found on page one in the first paragraph. It reads; "The Grantee shall also be responsible to relocate the trail if the Grantor elects to make improvements where the trail now exist."

We also included a Resolution dedicating the new road alignment and vacating portions of the old road alignment per the survey filed. We will need signatures on both the easement and resolution.

Please schedule at your convenience, just let us know when. Lyle will lead our discussion.

Thanks, Marty

----- Forwarded message -----

From: **Lyle Stevens** <lyles@co.wasco.or.us>

Date: Fri, Feb 21, 2014 at 10:31 AM

Subject: River Trail Way Resolution & Grant of Easement

To: Marty Matherly <martym@co.wasco.or.us>

Marty,

I have attached the Resolution that I have prepared for River Trail Way Public Road and a Grant of Easement for Riverfront Trail affecting a portion of the county owned parcel that the Animal shelter is on.

Thanks,

Lyle

—

Marty Matherly
Public Works Director
Wasco County
2705 East 2nd Street
The Dalles, Oregon 97058
541-506-2646
martym@co.wasco.or.us

2 attachments

Account No.:
Property Address:

After Recording Return to:
Commissioners Journal

GRANT OF EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that **WASCO COUNTY, a political subdivision of the State of Oregon**, hereinafter called Grantor, for the consideration herein stated does hereby grant, bargain, sell and convey unto **NORTHERN WASCO COUNTY PARKS AND RECREATION DISTRICT, a municipal corporation of the State of Oregon**, hereinafter called the Grantee and unto Grantee's heirs, successors and assigns, a perpetual nonexclusive easement for the purpose of developing, constructing, and maintaining a pedestrian and bicycle trail commonly known as Riverfront Trail for the public benefit. The easement is granted on the condition that Grantee shall have the obligation to construct, maintain and improve the easement or trail located thereon. The Grantee shall also be responsible to relocate the trail if the Grantor elects to make improvements where the trail now exists. The easement is further conditioned upon Grantee indemnifying Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's, Grantee's invitees', and the public's use of the easement area and the trail. Grantee assumes all risks arising out of its and the public's use of the easement area and trail, and Grantor shall have no liability to Grantee or to others for any condition existing thereon. The trail to be constructed, maintained and used shall be located within the following easement area located in the County of **Wasco** and State of Oregon and more particularly described as follows:

A 20-foot wide strip of land lying in the NW ¼ of Section 28, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon and being a portion of that property depicted as "Tax Lot 600" of Chenoweth Creek Industrial Subdivision and Property Line Adjustment, filed as 99-5492 in the Office of the Wasco County Clerk on October 19, 1999 and belonging to **Wasco County**, being more particularly described as follows

A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described centerline.

Commencing at the Northwest Corner of said Section 28, Township 2 North, Range 13 East, Willamette Meridian, thence South 52 degrees 44 minutes 23 seconds East a distance 1316.63 feet to the True Point of Beginning of this description; thence South 46 degrees 11 minutes 10 seconds West along said centerline a distance of 33.35 feet to the beginning of a circular curve; said curve being concaved to the left, having a central angle of 69 degrees 29 minutes 51 seconds and a radius of 37.09 feet; (the long chord of which bears South 11 degrees 26 minutes 14 seconds West 42.28 feet); thence South 23 degrees 18 minutes 41 seconds East a distance of 91.89 feet to the beginning of a circular curve, said curve being concaved to the left, having a central angle of 88 degrees 36 minutes 58 seconds and a radius of 92.97 feet; (the long chord of which bears South 67 degrees 37 minutes 10 seconds East 129.89 feet)); thence North 68 degrees 04 minutes 21 seconds East a distance of 51.76 feet to the beginning of a circular curve, said curve being concaved to the right, having a central angle of 49 degrees 34 minutes 40 seconds and a radius of 72.83 feet; (the long chord of which bears South 87 degrees 08 minutes 19 seconds East 61.07 feet); thence South 62 degrees 20 minutes 59 seconds East a distance of 34.78 feet to the beginning of a circular curve, said curve being concaved to the left, having a central angle of 23 degrees 21 minutes 26 seconds and a radius of 72.22 feet; (the long chord of which bears South 74 degrees 01 minutes 42 seconds East 29.24 feet); thence South 85 degrees 42 minutes 25 seconds East a distance of 80.54 feet to point lying within Lot 33 of Chenoweth Creek Industrial Subdivision and Property Line Adjustment Plat said Lot 33 being reserved for Riverfront Trail.

Attached hereto and by this reference made a part hereof is an Exhibit Map showing this parcel of land marked Exhibit A.

To Have and to Hold the same unto the said Grantee and Grantee's heirs successors and assignees forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **None**.

APPROVED AS TO FORM:

_____,
Eric Nisley
Wasco County District Attorney

GRANTOR

WASCO COUNTY, an Oregon Political
Subdivision,

WASCO COUNTY COMMISSIONERS

_____,
Rod Runyon, County Commissioner Chairman

_____,
Scott Hege, County Commissioner

_____,
Steve Kramer, County Commissioner

GRANTEE
NORTHERN WASCO COUNTY PARKS
& RECREATION DISTRICT

THE UNDERSIGNED GRANTEE BY AND THROUGH
THE UNDERSIGNED CORPORATE OFFICERS DULY
AUTHORIZED BY ORDER OF ITS GOVERNING BOARD
DOES HEREBY ACCEPT THE FOREGOING EASEMENT
SUBJECT TO THE CONDITIONS THEREOF. THE
GRANTEE CONVENANTS TO BE BOUND BY SAID
CONDITIONS AND TO DEVELOP AND MAINTAIN
AND USE THE RIVERFRONT TRAIL WITHIN THE
EASEMENT AREA IN ACCORDANCE THEREWITH.

By _____
President

By _____
Secretary

STATE OF OREGON)
) ss.
County of Wasco)

_____, 2013

Personally appeared Rod Runyon, Scott Hege, and
Steve Kramer, who, being sworn, each for himself
and not one for the other, did say that the former is the
Chairman and the latter two, are Commissioners for
Wasco County, a political subdivision, and that said
instrument was signed on behalf of said subdivision
by authority of its governing body; and each of them
acknowledged said instrument to be its voluntary act
and deed.

Before me:

Notary Public for Oregon
My commission expires _____

STATE OF OREGON)
) ss.
County of Wasco)

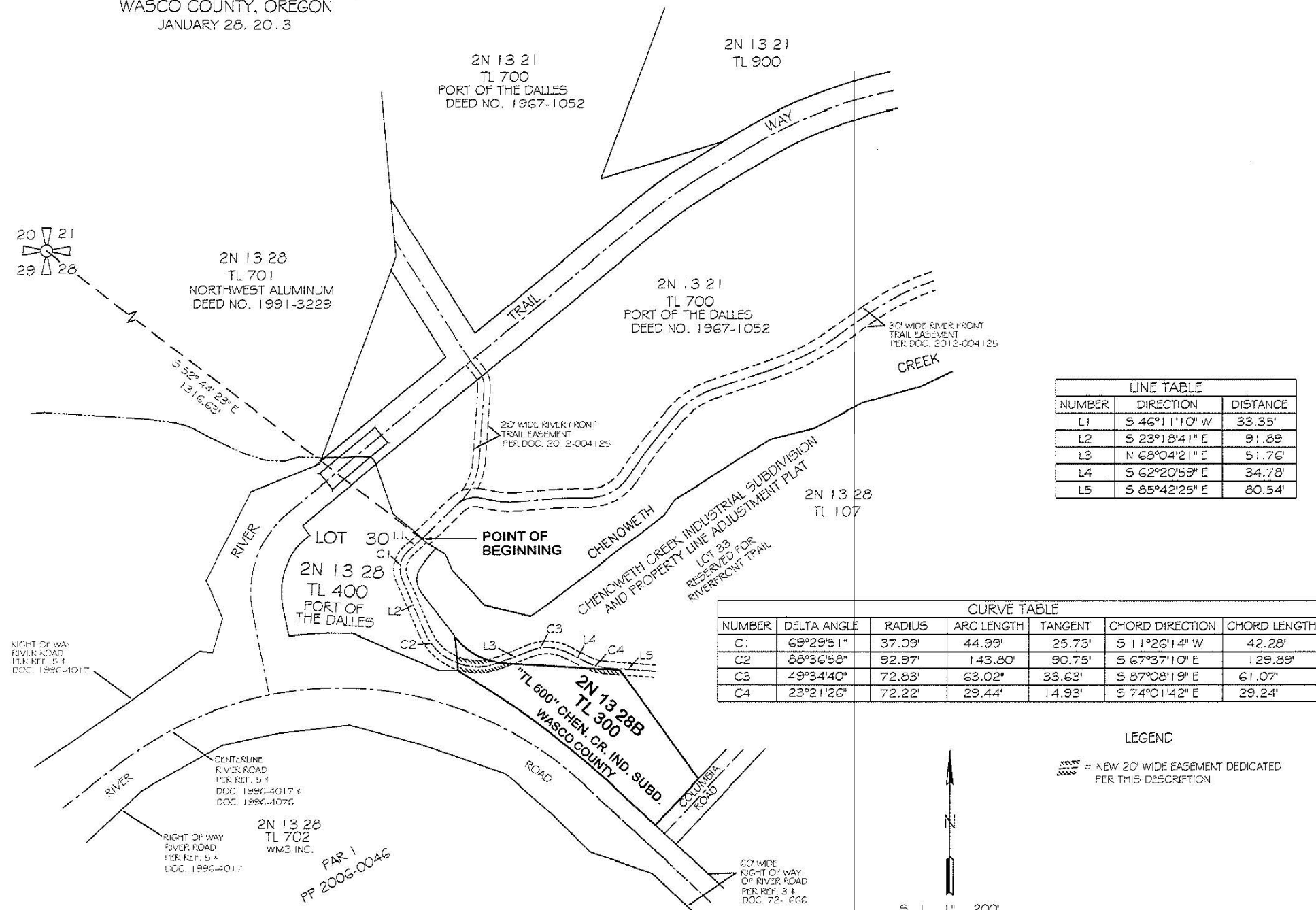
_____, 2013

Personally appeared _____ and
_____ who, being sworn,
each for himself and not one for the other, did say
that the former is the President and the latter, is the
Secretary of Port of The Dalles, a municipal
corporation, that said instrument was signed on
behalf of said corporation by authority of its
governing body; and each of them acknowledged
said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires _____

EXHIBIT A
PORTION OF THE
NW 1/4 OF SEC. 28
TOWNSHIP 2 NORTH, RANGE 13 EAST, W.M.
WASCO COUNTY, OREGON
JANUARY 28, 2013



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

| | |
|----------------------------------|------------|
| IN THE MATTER OF DECLARING THE) | |
| NEW ALIGNMENT OF A PORTION OF) | |
| RIVER TRAIL WAY AS A PUBLIC) | RESOLUTION |
| ROAD AND VACATING PORTIONS OF) | #14-007 |
| THE OLD ROAD) | |

NOW ON THIS DAY, the above entitled matter having come on regularly
to be heard, said date being one duly set in term for the transaction of public
business and a majority of the Court being present; and

WHEREAS, River Trail Way Public Road has been reconstructed in
accord with the Wasco County Road Priority System; and

WHEREAS, said road has been constructed to the design standards
adopted by Wasco County at the time of construction; and

WHEREAS, the said road follows the general alignment of the existing River Trail Way Public Road in some areas and deviates from the alignment of said road in other areas; and

WHEREAS, County Road status has been withdrawn in Wasco County Board of Commissioners Order #11-039, filed March 10, 2011; and

WHEREAS, some portions of the old right-of-way have public utilities located therein; those utility easements need to remain in effect.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That Wasco County shall adopt as a Public Road that portion of River Trail Way Public Road as the road is shown on the official survey map, filed at the Wasco County Surveyor Office, File No. J-14-3A and J-14-3B.

IT IS HEREBY FURTHER RESOLVED: That Wasco County shall also vacate those portions of the old right-of-way and retain as public utility easements those portions of the old right-of-way as depicted on said official strip map (Wasco County Surveyor File No. J-14-3A and J-14-3B) said map being part of this Resolution.

IT IS HEREBY FURTHER RESOLVED: That the portion of River Trail Way Public Road as shown on that certain map, County Surveyor File No. J-14-3A and J-14-3B, is the official location of this road, and that those portions of the old alignment of this road, which are identified on said map to be vacated, are hereby vacated.

Regularly passed and adopted by the Board of Commissioners of the County of
Wasco, State of Oregon, this 5th day of March, 2014.

WASCO COUNTY BOARD
OF COMMISSIONERS

Rod L. Runyon, Commission Chair

Scott C. Hege, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley, District Attorney

Agenda Item
Surplus Vehicles

- [Memo](#)
- [Order #14-023 Surplussing Public Works Vehicles](#)

To: The Wasco County Board of Commissioners
From: Dan Sanders, Wasco County Public Works
February 24, 2014



Re: Surplus Equipment

The Wasco County Public Works Department has the following equipment that has become surplus due to age, mileage, and/or maintenance costs:

2705 EAST 2ND STREET
THE DALLES, OR 97058-4097

541-506-2640
FAX-506-2641

1978 Caterpillar 140G Motor Grader. This grader is the oldest of the motor graders. While in good overall condition, it has been replaced with a much newer model and is used very little.

1969 Caterpillar 950 loader. This machine would require extensive repairs for it to be used as a production loader. It gets such little use that it isn't cost effective to maintain.

1990 Ford Club Wagon 15 passenger van. This vehicle belongs to the Weed department and the funds will go to that department. It is used so rarely that it always requires work before being used. There isn't enough demand to warrant keeping it.

The Public Works Department would like to dispose of these vehicles in a sealed bid type auction to be placed in one or two northwest trade papers. All vehicles would be listed with a minimum bid price.

2001 Dodge Pickup. This vehicle is in need of repairs that would cost greater than its value to us.

The City of Mosier has shown interest in this vehicle to help support their fleet. The Wasco County Public Works Department would like to transfer ownership to the City of Mosier with the understanding that all maintenance and repairs would be their responsibility. Also, at the point when the City of Mosier decides to surplus this pickup, they will transfer ownership back to the Wasco County Public Works.

We therefore respectfully request the Wasco County Board of Commissioners approval to surplus this equipment and dispose of it through the venues explained above.

Thank you for your time.
Sincerely,



Dan Sanders
Shop Supervisor
Wasco County Public Works

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

| | | |
|---|---|---------|
| IN THE MATTER OF SURPLUSSING PUBLIC |) | |
| WORKS VEHICLES: UNIT #1215 1978 |) | |
| CATERPILLAR 140G MOTOR GRADER |) | |
| VIN #72V3163, UNIT #2246 1969 CATERPILLAR |) | ORDER |
| 950 LOADER VIN # 81J1795, UNIT #90-01 |) | #14-023 |
| 1990 FORD CLUB WAGON 15 PASSENGER VAN |) | |
| VIN #1FBJS31H6LHB2363, UNIT #209 2001 |) | |
| DODGE PICKUP VIN #3B7KC26601M283442 |) | |

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That the above said vehicles have become surplus due to age, mileage, lack of use, and/or maintenance costs: and

IT APPEARING TO THE BOARD: That above said vehicles are no longer required by the County.

NOW THEREFORE, IT IS HEREBY ORDERED: That above said vehicles will be considered surplus and disposed of by the Wasco County Public Works, in accordance with state laws governing the disposition of property.

DATED this 5th day of March, 2014

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Steve D. Kramer, County Commissioner

Agenda Item
Weed Department IGA

- [IGA between East Multnomah Soil & Water
Conservation District and Wasco County Weed
Department](#)

INTERGOVERNMENTAL AGREEMENT

Between

East Multnomah Soil and Water Conservation District
5211 N Williams Ave
Portland, OR 97217
(503) 222-7645

"District"

and

Wasco County Weed Department
2705 E. 2nd Street
The Dalles, OR 97058
(541) 506-2650

"Partner"

PURPOSE

This Intergovernmental Agreement (hereinafter "Agreement") is made and entered into by and between the East Multnomah Soil and Water Conservation District (hereinafter "District"), and the Wasco County Weed Department (hereinafter "Partner"). This Agreement defines the roles and responsibilities of the parties in the implementation of a project to control noxious weeds within the boundaries of the District.

EXECUTION OF THIS DOCUMENT

Execution of this document by authorized officers constitutes the entire agreement between the District and the Partner. This Agreement includes:

- Exhibit A: Indemnity Agreement for Third Party Contractors
- Exhibit B: Scope of Work
- Attachment 1: Pages 44 and 45 of the Oregon Department of Transportation's *Oregon Temporary Traffic Control Handbook for Three Days or Less* (Attachment 1) including the use of a shadow vehicle at all times.
- Attachment 2: Pest management measures, spill response, and adverse incident procedures

EFFECTIVE DATE AND DURATION

This Agreement shall be effective upon signing by all parties. Unless earlier terminated or extended by mutual agreement of the parties hereto, this Agreement shall terminate after the final Project Report and invoices are received by the District and final payments are transacted between the District and the Partner, or on June 30, 2014, whichever date occurs first. **All invoices must be received by June 30 of each year to receive payment.**

The work to be conducted under the Scope of Work is anticipated to take place on weekdays only between April 28, 2014 and May 23, 2014.

Funding in an amount not to exceed **\$5,000** is awarded to the Partner for the purpose of carrying out the duties and obligations described in this Agreement. The unit price to be reimbursed by the District is \$110.00 per vehicle per hour. Travel time shall be reimbursed by the District at the rate above. Such funds shall be awarded on a reimbursement basis, based on written documentation acceptable to the District of the Partner's actual costs.

DISTRICT AUTHORITIES

Under ORS 568.550 and ORS 568.552, the District has the authority to enter into written agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier, or both of them, of lands within the District.

PARTNER RESPONSIBILITIES

The Partner is responsible for managing the Project. The Partner is fully accountable for all District funds received. To be eligible for reimbursement, such funds may be used only for purposes approved by the District.

The Partner shall:

1. Carry out the tasks identified in the Scope of Work.
2. Purchase any materials needed for the Project.
3. Carry out, hire or contract for, the Project. The Partner shall be responsible for the employment, supervision, and work assignments of its employees and/or contractors, and for executing and enforcing any contracts and agreements entered into by the Partner to carry out the Project.
4. Rent or provide any equipment needed for the Project.
5. Ensure that practices are installed according to specifications provided by or agreed to by the District.
6. Provide the District with all receipts and invoices (original or photocopy) by June 30, 2014.
7. Complete the Project by the date provided in this Agreement.
8. Provide to District a Project Report by May 31, 2014, as indicated in Exhibit B.
9. Manage the property and maintain the funded practices for their normal design life (as applicable).
10. Repair or replace work that is damaged by normal use or ordinary natural events. (The Partner is not responsible for repair or replacement due to catastrophic natural events.)
11. For the design life of the Project, permit the District, its officers, agents, employees, contractors and invitees to enter onto the property where the Project is located for purposes of inspecting the work as it is carried out, and to monitor the condition and effectiveness of the Project following completion. The District shall provide reasonable notice to the Partner of such entry, which shall be at times agreeable to the Partner.

DISTRICT RESPONSIBILITIES

The District is responsible for providing funding and/or other aid to the Partner to carry out the Project, as described in the Scope of Work.

The District shall:

1. Reimburse the Partner for agreed-upon Project costs incurred during the period of this Agreement, in the amounts established under this Agreement.
2. Monitor progress and effectiveness of the Project at agreed-upon frequencies.
3. Prepare reports about the Project, including but not limited to the results and condition of the work, which shall be public records.
4. Any time it is determined that the work to be completed under this Agreement is not being done in the prescribed time and manner, advise the Partner of any issues or concerns and request, if necessary, an amendment to this Agreement to reflect any adjustments, including the contract amount.

PROJECT MANAGERS

All reports, correspondence, and required documentation shall be directed to the appropriate Project Manager.

For the District:

Lucas Nipp, Conservation Technician
East Multnomah Soil & Water Conservation District
5211 N Williams Ave
Portland, OR 97217
Phone: 503-935-5363
Fax: 503-935-5359
Email: lucas@emswcd.org

For the Partner:

Merle A. Keys, Wasco County Weed Superintendant
Wasco County Weed Department
2705 E. 2nd Street
The Dalles, OR 97058
Phone: 541-506-2650
Fax: 541-506-2651
email: merlek@co.wasco.or.us

OTHER TERMS OF THIS AGREEMENT**Access to records:**

- District, the Secretary of State's Office of the State of Oregon, the federal government and duly authorized representatives shall have access to the books, documents, papers and records of the Partner which are directly pertinent to this specific Agreement for the purpose of conducting record reviews, making audit examination, excerpts, and transcripts.

Amendments:

- This Agreement embodies the entire agreement between Partner and District. There are no promises, terms, conditions or obligations other than those contained herein. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended without a written amendment signed by representatives from both District and Partner.
- No waiver or amendment of any provision of this Agreement shall be deemed, or shall constitute, a waiver or amendment of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

Assignment and subcontracting:

- Contracting of some or all of the work outlined in the Scope of Work is permitted. However, Partner shall not assign, transfer, or convey this Agreement or any part thereof, or any interest herein, nor shall Partner subcontract for the performance of any of its obligations hereunder, without the prior written consent of District. Any such subcontracts and all other arrangements made by Partner in connection with its performance hereunder, including Partner's arrangements with its agents and employees, shall be made subject to, and consistent with, the conditions and limitations of this Agreement.

Ownership:

- After completion of the Project, all improvements funded with District funds and affixed to the land shall become the property of the Partner or Landowner, whichever is applicable. Improvements not affixed to the land and funded with District funds, such as excess materials and portable equipment, shall become the property of the District.

Compliance with applicable law:

- The Partner will comply with all federal, state and local laws and ordinances applicable to the work to be done under this Agreement.

Liability and indemnification:

- The Partner and the District shall each be solely responsible for any damage or any third-party liability which may arise from that party's respective acts or omissions under this Agreement, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution.
- In carrying out its duties and obligations under this Agreement, the Partner shall indemnify and hold harmless the District, its officers, directors, agents and employees, against any and all losses, claims, damages and expenses, including reasonable and necessary attorney's fees, to the extent any such losses, claims, damages and expenses are due to the acts or omissions of the Partner, its officers, directors, agents and employees. The Partner shall have no obligation to indemnify the District should any such losses, claims, damages and expenses result, in whole or in part, from acts, omissions, willful misconduct or gross negligence of the District, its affiliates, officers, directors, agents and employees.
- Any third party that enters into an agreement with the Partner pursuant to this Agreement shall be required to execute the Indemnity Agreement attached hereto as Exhibit A.

Nondiscrimination:

- For work related to this Agreement, the Partner agrees to comply with the District's policy of prohibiting discrimination on the basis of race, color, national origin, age, disability, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisals, or because all or part of an individual's income is derived from any public assistance program.

Return of District funds:

- If any of the practices funded under this Agreement fail within their design life due to circumstances within the Partner's control (e.g., neglect, failure to protect and maintain the practices, destruction of the practice before the expiration of its design life, or other actions which cause the cost-shared practice to become non-viable), the Partner hereby agrees to refund to the District some or all of the funds provided for those practices, as determined by the District.
- The Partner shall not be responsible for, and the District shall not be obligated to replace, failed practices caused by force majeure (e.g., catastrophic weather events, earthquake, wildfire, drought or other acts of God, acts of war, or other significant events beyond either party's control).

Termination of agreement:

- The District or the Partner may terminate this Agreement at any time by giving thirty (30) days written notice to the other.
- If a notice of termination is given, the Partner shall halt work and shall make all reasonable efforts to cancel any commitments that are dependent on District funds.

AGREED:

Partner signature

Print name

Date

District signature

Print name

Date**APPROVED AS TO FORM:**

Eric Nisley, Wasco County District Attorney

EXIDBITA

Indemnity Agreement for Third Party Contractors

**East Multnomah Soil and Water Conservation District
Conservation Landowner Incentive Program Partners
in Conservation Program
General Fund Projects**

This Indemnity Agreement ("Agreement") is entered into by and between East Multnomah Soil and Water Conservation District ("District") and _____ ("Contractor"), and shall be effective upon signing by both parties hereto.

WHEREAS, the Contractor has been retained on behalf of a Cooperator or Partner of the District pursuant to an underlying agreement ("Underlying Agreement") entered into between the District and another party to provide services relating to, or otherwise carry out, a project that is partially or completely funded by the East Multnomah Soil and Water Conservation District ("District"),

THEREFORE, for the mutual consideration contained herein, the District and the Contractor hereby agree as follows:

1. This Agreement shall apply to services performed by the Contractor pursuant to any Underlying Agreement for the purposes herein described, whether or not this Agreement is attached to, or expressly made a part of, such Underlying Agreement.

2. In carrying out its duties and obligations under the Underlying Agreement, the Contractor shall indemnify and hold harmless the District, its officers, directors, agents and employees, against any and all losses, claims, damages and expenses, including reasonable and necessary attorney's fees, to the extent any such losses, claims, damages and expenses are due to the acts or omissions of the Contractor, its officers, directors, agents and employees. The Contractor shall have no obligation to indemnify the District should any such losses, claims, damages and expenses result, in whole or in part, from acts, omissions, willful misconduct or gross negligence of the District, its affiliates, officers, directors, agents and employees.

DATED this _____ day of _____, 20__

CONTRACTOR:

By: _____

Its: _____

DISTRICT:

By: _____

Its: _____

EXHIBITB

Scope of Work

The Partner, Wasco County Weed Department, will:

- The Partner will apply herbicides to all garlic mustard growing in the roadside right of ways on both side of the Historic Columbia River, Highway 100 from milepost 4.5 to milepost 12.5
- The Partner will follow traffic safety requirements as found on pages 44 and 45 of the Oregon Department of Transportation's *Oregon Temporary Traffic Control Handbook for Three Days or Less* (Attachment 1) including the use of a shadow vehicle at all times.
- Herbicide applications shall be made from the spray vehicle.
- The District will prescribe the type(s) and application rates of herbicides and all other chemicals to be used. No substitutions will be accepted without prior written approval by the District. The Partner will not be reimbursed for chemicals purchased other than those approved and prescribed by the District.
- Applications shall be made using Garlon 3A or Element 3A herbicide mixed at a rate of 2 percent and an aquatic surfactant. Dye and/or a drift reducing agent may be used if Partner desires.
- All applicators must have a current State of Oregon pesticide applicator or trainee license.
- The partner will notify the District one day prior to conducting any work under this agreement.
- The Partner will submit a report to the District regarding the type, application rate/strength, amount of herbicides and all other chemicals sprayed.

4.110 Mobile Operation on 2-Lane, 2-Way Road

Diagram 110

Diagram No. 110 covers a typical continuous slow-moving operation in the travel lane of a two-lane, two-way road. It does not include a layout for every possible work situation, but shows the minimum requirements for this type of operation.

Use truck-mounted high-intensity rotating, flashing, oscillating or strobe warning lights with 360° visibility on all work and shadow vehicles. In addition, arrow panels in the caution mode or PCMS may be used.

A shadow vehicle should be used when:

- a. sight distance is less than 750 feet,
- b. dust created by the operation, fog or other low visibility conditions reduces the sight distance to less than 500 feet, or
- c. speed is 45 mph or higher.

The shadow vehicle is also optional when the traffic volume is below 400 ADT.

When a shadow vehicle is used

- a. signs on work vehicle are optional, and
- b. the shadow vehicle may replace the advance warning signs.

The shadow vehicle should:

- a. adjust the space between the work vehicle and between each additional shadow vehicle to deter road users from driving in between,
- b. slow down before vertical or horizontal curves that restrict sight distance, and
- c. maintain a position on the right side of the highway as much as possible.

If a shadow vehicle is not used:

- a. advance warning signs or PCMS should be used, and
- b. signs may cover up to five miles and should include the distance on the sign.

7. When the work vehicle is traveling alone, a TMA should be considered. The initial vehicle, either work or shadow vehicle, which will be exposed to traffic in the travel lane may be equipped with an attenuator.

8. Where practical and when needed, the work and shadow vehicles should pull over periodically to allow motor vehicle traffic to pass.

Use ROAD WORK, SWEEPER or other work-appropriate rear mounted signs with a minimum size of 36". When there will be limited opportunity for passing, the sign may be substituted with a black-on-white, rectangular YIELD TO ONCOMING TRAFFIC or DO NOT PASS sign.

9. A PCMS may be placed at the beginning of the section of road to warn traffic of the work ahead. The sign should state the type of work on panel one and NEXT X MILES on panel two. The distance between the work and the PCMS should be limited to five miles or less.

Mobile Operation on 2-Lane, 2-Way Road

/ t



[Sign optional when using shadow vehicle]

Truck-mounted Attenuator (Optional)

Trailing Distance A
See Table 2-3



(Optional)



H



1! t

Truck-mounted Attenuator (Optional)

Diagram No. 110

Pest Management Measures, Spill Response and Adverse Incident Procedures

To be followed by all contractors conducting herbicide application for East Multnomah SWCD

Pest Management Measures

The Contractor must follow the pest management measures below at all times when applying or preparing to apply pesticides and during cleanup following pesticide applications covered under this contract:

- Perform regular maintenance activities on pesticide application and mixing equipment to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides, including mixing and loading activities.
- Maintain the pesticide application equipment in proper operating condition by calibrating, cleaning and repairing the equipment as necessary to ensure effective and accurate pesticide applications.
 - If any equipment malfunctions, breaks, or leaks stop use immediately and store in a leak-proof container. If any spills occur refer to spills section below.
 - Any such equipment shall be repaired and tested with only water before it will be loaded with a pesticide solution and used under this contract.
- Assess weather conditions (e.g. air and water temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable pesticide application requirements.

Spill Response Procedures

Spill Containment

If a pesticide spill occurs, the Contractor must follow the steps below to contain and clean up the spill:

- Protect yourself. Put on personal protective equipment to avoid contact with the spilled material.
- Stop the source. If the source can be contained, it will be done by placing the leaking container(s) into a larger chemical resistant container. If it cannot be contained, help will be obtained by calling the Oregon Emergency Response System (OERS) at 800-424-0311, Chemtrec at 800-424-9300, and, if necessary, local emergency responders at 911.
- Protect other people. Isolate the spill from people and animals. Rope off the contaminated area if necessary and be aware of flammable materials.
- Contact the EMSWCD project manager immediately

Attachment 2: Pest Management Measures, Spill Response and Adverse Incident Procedures

- Stay at the site. An employee equipped with proper PPE will be at the spill site at all times until it has been cleaned up.
- Confine the spill. When the source of the leak is under control, measures will be taken to keep the spilled material from spreading. Spills will be absorbed by kitty litter if possible. Larger spills will be contained by building a berm or dike, especially if it's moving towards a water source or pathway towards water, and then absorbed.
- Clean and dispose of spilled material and material used in cleanup. Once the spilled material has been absorbed, it and cleanup material will be collected and placed in a chemical resistant container and disposed of as directed on the pesticide label.
- Decontamination. If the spill is on a sealed surface, use water and detergent to remove residue, then absorb this mixture with kitty litter and dispose of as directed on pesticide label. If the spill occurs on soil, contact DEQ for guidance. Soil may need to be excavated with DEQ permission.
- Neutralize. Contact the pesticide manufacturer, Chemtrec, and/or OERS for specific instructions to neutralize the spill.
- Clean up. Decontaminate equipment used in the cleanup process and yourself.

Adverse Incident Response Procedures

Responding to an Adverse Incident

If the Contractor observes an adverse incident that requires emergency medical attention, call 911 immediately. If the incident causes life threatening conditions, perform appropriate first aid/CPR while waiting for paramedics to arrive at the scene. A list of emergency medical centers can be found below. Once any immediate emergency needs have been addressed, contact the EMSWCD project manager immediately.

If an adverse incident as defined below is observed by the contractor, contact the EMSWCD project manager immediately.

An adverse incident is defined as, "an unusual or unexpected incident that you have observed upon inspection or of which you otherwise became aware, in which:

1. A person or non-target organism has likely been exposed to a pesticide residue, (e.g. direct contact or through drinking water) and
2. The non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effect" includes effects that occur within waters of the state on non-target plants, fish or wildlife that are unusual or unexpected (e.g., non-target organisms are those not described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fish
- Washed up or floating fish
- Fish swimming abnormally or erratically

Attachment 2: Pest Management Measures, Spill Response and Adverse Incident Procedures

- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, "toxic or adverse effects," also includes any adverse effects to humans (e.g., skin rashes), or animals that occur either from direct contact with or as a secondary effect (e.g., sickness from consumption of plants or animals containing pesticides) from a discharge to waters of the state and that are temporally and spatially related to exposure to a pesticide residue (e.g. vomiting, lethargy)."

Contact information for nearest emergency medical centers:

- Legacy Mt Hood Medical Center, 24800 SE Stark St, Gresham, OR, 503-674-1122
 - Near (west of) Mt Hood Community College
- Adventist Medical Health Center, 10123 SE Market St, Portland, OR 97216, 503-257-5200
 - Off 1-205 at Stark Street exit
- Providence Portland Medical Center, 4805 Northeast Glisan St, Portland, OR 97213, (503) 215-1111
 - Off 1-84, Northeast Portland
- Legacy Emanuel Medical Center, 2801 N. Gantenbein, Portland, OR, (503) 413-2200
 - Near EMSWCD office off of Vancouver Blvd.

Notification of an Adverse Incident

Following an adverse incident as described above and after any necessary medical care has been obtained, contact the EMSWCD project manager immediately.

Agenda Item
Wamic Grade Reconstruction Project

- [Introductory Email](#)
- [Project Memorandum of Agreement](#)



Kathy White <kathyw@co.wasco.or.us>

Fwd: FW: Project MOA for approval

1 message

Marty Matherly <martym@co.wasco.or.us>

Fri, Feb 28, 2014 at 3:09 PM

To: Kathy White <kathyw@co.wasco.or.us>

Hi Kathy.....guess what?

Yep, we have another action item. Attached is a Memorandum of Agreement with FHA, Western Federal Lands Highway Division and Wasco County. This is for our Wamic Grade Reconstruction Project.

Since next Wednesday is Public Works Day, can we add this agreement to the agenda?

Marty

----- Forwarded message -----

From: <Wendy.Gregg.CTR@dot.gov>

Date: Fri, Feb 28, 2014 at 2:11 PM

Subject: FW: Project MOA for approval

To: martym@co.wasco.or.us

Cc: Thomas.G.Lonergan@dot.gov

From: Gregg, Wendy CTR (FHWA)
Sent: Friday, February 28, 2014 2:10 PM
To: Lonergan, Thomas G (FHWA)
Subject: RE: Project MOA for approval

Attached is the revised Memorandum of Agreement for Wasco County approval. We have made the requested changes. Please sign and return to Wendy.Gregg.CTR@dot.gov and cc Thomas.Lonergan@dot.gov Thanks and have a great weekend. Wendy G

Wendy Gregg

WFLHD/KMEA

360 619-7764

From: Marty Matherly [<mailto:martym@co.wasco.or.us>]
Sent: Friday, February 28, 2014 11:38 AM
To: Loneragan, Thomas G (FHWA)
Cc: Lyle Stevens; Arthur Smith
Subject: Re: Project MOA for approval

Hi Tom,

This is good news, thanks!

Yes, I would like a printout of the milestones. We also noticed a couple changes needed in the point of contact table. Lyles email address is lyles@co.wasco.or.us and please change my phone number to 541-506-2646.

If you can make those changes and send them back to me later today, I should be able to get this MOA on the Board of Commissioners agenda for March 5th.

Thanks again. Marty

On Fri, Feb 28, 2014 at 9:43 AM, <Thomas.G.Loneragan@dot.gov> wrote:

Marty,

I have attached the Memorandum of Agreement for Wasco County approval. If there is anything you need modified prior to approval let me know, otherwise route it through your chain of command for approval. Thank you.

We have officially scheduled the project and are underway, our milestone dates are on this document. If you would like a printout of these from our scheduling software, I can get that to you as well. Let me know if you have any questions.

Thank you

Tom

Thomas G. Loneragan, P.E.

Project Manager

Federal Lands Access Program

Project Memorandum of Agreement

Project / Facility Name: OR PFH 102(4) Cody Road – Wamic Market Grade Reconstruction

Project Route: Cody Road

State: Oregon

County: Wasco

Owner of Federal Lands to which the Project Provides Access: Mount Hood National Forest

Entity with Title or Maintenance Responsibility for Facility: Wasco County

Type of Work: Preliminary Engineering; intermediate through final development of plan; specification; and estimates; and construction management for reconstruction of approximately 0.75 mile of Cody Road.

This Agreement does not obligate (commit to) the expenditure of Federal funds nor does it commit the parties to complete the project. Rather, this Agreement sets forth the respective responsibilities as the project proceeds through the project development process.

Parties to this Agreement: Federal Highway Administration, Western Federal Lands Highway Division and Wasco County, Oregon.

The Program Decision Committee approved this project on June 17, 2013.

AGREED:

Wasco County, Oregon

Date



2.27.2014

Western Federal Lands Highway Division

Date

A. PURPOSE OF THIS AGREEMENT:

This Agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and future maintenance of the subject project. The purpose of the Agreement is to identify and assign responsibilities for the environmental analysis, design, right-of-way, utilities, acquisition and construction as appropriate for this programmed project, and to insure maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

If Federal Lands Access Program funds are used for the development or construction of this project, Wasco County agrees to provide a match funding according to the Match Agreement signed on August 24, 2013.

B. AUTHORITY:

This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204.

C. JURISDICTION AND MAINTENANCE COMMITMENT:

Wasco County, Oregon has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION:

Wasco County has coordinated project development with the Mount Hood National Forest, Barlow Ranger District.

Each party to this agreement who has a primary role in NEPA, design or construction should coordinate their activities with the Mount Hood National Forest.

E. PROJECT BACKGROUND / SCOPE:

The proposed project would begin at approximate Milepost (MP) 0.75 on Cody Road (Forest Service Route 48) and would end at approximate MP 1.40 near the top of the grade. This project is located in Section 9, Township 4 South, Range 13 East, Willamette Meridian.

The project should include realignment of the existing road to soften curves, installing cross-drain culverts with riprap outlet protection, and conducting the secondary activities needed to support these actions. FHWA would construct two 12-foot lanes with a 2-foot shoulder on the cut side of the road and an 8 foot shoulder on the fill side of the road. Guardrails would be installed to protect motorists from the steep fill slopes. Include a scenic viewpoint with interpretive display kiosk and revegetation of cut and fill slopes.

The project will be designed in accordance with the American Association of State Highway & Transportation Officials (AASHTO) Policy on Geometric Design of Highway and Streets, 2004 Edition.

F. PROJECT BUDGET:

See the Match Agreement signed on August 24, 2013.

G. ROLES AND RESPONSIBILITIES:

FHWA is responsible for obtaining environmental clearance for the proposed roadway improvements, and will administer the other phases of project development such as survey, geotechnical investigation, preliminary and final design. The FHWA will obtain, or will require the contractor to obtain, all necessary Federal, State, or local permits. FHWA will seek input from Wasco County Public Works Department throughout development of the project.

The Wasco County Public Works Department will participate in the project's development to the extent that their capabilities and resources permit.

During Project Development, Wasco County will:

- Appoint a representative who will be the primary contact for FHWA's Project Manager.
- As applicable, provide overall direction regarding agency policy, standards, procedures and administration.
- Review and approve the plans and specifications at each phase of the design and for each project.
- Ensure that completed plans, specifications and estimates (PS&E), are consistent with the intended outcome.
- Upon receipt of acceptable plan, specifications and estimates (PS&E), provide written concurrence prior to bids being solicited by FHWA for construction.

During the construction phase, FHWA will appoint a Project Engineer to oversee and inspect the work to ensure a quality product. The construction will be governed by the FP-03, Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects. The Project Engineer is FHWA's designated contact during the construction phase.

The Wasco County Public Works Department will:

- Appoint a representative who will be the primary contact for FHWA's Project Engineer.
- Assist FHWA in considering proposed design changes, evaluate change impacts, and provide construction oversight as needed in issues related to their respective agencies, and ensuring that requests meet the requirements intended in the PS&E,
- Review for approval all proposed design changes (change orders).
- Attend final inspection upon completion of construction.
- Upon completion of construction, a final inspection will be convened by FHWA with attendees from the USFS Mount Hood National Forest and Wasco County Public Works Department, and if it is determined the project has been constructed in substantial conformity with the approved plans and specifications, the Partner Agencies will be asked for their final acceptance of the constructed project.

H. SCHEDULE:

The following project milestones will apply to the project. Significant variation in dates will be addressed via FHWA's Change Management process and coordinated with Wasco County.

Preliminary Design Complete

June 11, 2014

| | |
|------------------------------------|-------------------|
| NEPA Complete | August 13, 2014 |
| Plan-in-hand (70%) Design Complete | October 20, 2014 |
| Final PSE Complete | February 26, 2015 |
| Advertisement | March 31, 2015 |
| Construction Start | June 22, 2015 |

I. PROPOSED DESIGN STANDARDS:

The following design criteria will be applied on the project:

| | |
|----------------------------|---------------------------|
| Functional Classification: | Rural Major Collector |
| Design Speed: | 45 MPH |
| Surface Type: | Asphalt Concrete Pavement |
| Design Volume: | 2400 ADT |

Isolated exceptions to standards, such as individual curves that will not meet the selected design speed, will be documented and approved by FHWA and presented to the Wasco County Public Works Department for concurrence.

J. FUNDING:

The Match Agreement executed on August 24, 2013 contains the funding source and amounts for the project.

K. MATCHING SHARE REQUIREMENTS:

The Match Agreement executed on August 24, 2013 contains the terms and conditions of how the required match will be met. All records associated with valuations or costs shall be accessible and maintained for three years following project close-out.

L. PROJECT TEAM MEMBERS – POINT OF CONTACT:

The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each parties role and responsibility for this agreement.

| NAME / TITLE | ORGANIZATION | TELEPHONE NO. / E-MAIL |
|--|--------------|---|
| Marty Matherly, Public Works Director | Wasco County | (541) 506-2646 martym@co.wasco.or.us |
| Arthur Smith, Project Manager | Wasco County | (541) 506-2645 arthurs@co.wasco.or.us |
| Lyle Stevens, Surveyor | Wasco County | (541) 506-2644 lyles@co.wasco.or.us |
| Tom Lonergan, Project Manager | FHWA | (360) 619-7899 thomas.g.lonergan@dot.gov |
| Denise Steele, Environmental Specialist | FHWA | (360) 619-7593 denise.steele@dot.gov |
| Dan Slanina, Highway Design Manager | FHWA | (360) 619-7617 dan.slanina@dot.gov |

M. CHANGES / AMENDMENTS / ADDENDUMS:

The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; change that alters the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notifications to their management in order to avoid project delivery delays.

N. ISSUE RESOLUTION PROCEDURES MATRIX:

Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by any party. When an issue is resolved, the decision will be communicated to all levels below.

O. TERMINATION:

This agreement may be terminated by mutual written consent of all parties. This agreement may also be terminated if either the NEPA process or funding availability requires a change and the parties are not able to agree to the change. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. If Federal access funds have been expended prior to termination, the party responsible for the match agrees to provide a match in the applicable percentage of the total amount expended on the project prior to the termination.



FOR IMMEDIATE RELEASE

February, 28, 2014

Contact:

Karen Joplin, Chair, Columbia Gorge Health Council, 541-308 5526,

karen.joplin@co.hood-river.or.us

Kathy Jost, PacificSource, 541-684-5283, katherine.jost@pacificsource.com

PACIFICSOURCE COMMUNITY SOLUTIONS AND COLUMBIA GORGE HEALTH COUNCIL

AWARD MORE THAN \$1.3 MILLION IN HEALTH-FOCUSED GRANTS

Transformation Funds Build Health in the Columbia Gorge

(SPRINGFIELD, Ore.)— PacificSource Community Solutions and the Columbia Gorge Health Council recently announced more than \$1.3 million in one-time transformative investments in health promotion and local health care services in the greater Columbia Gorge area. The grants will promote high quality healthcare that also allows patients to have a more convenient, better coordinated, and more cost-effective experience.

Together, PacificSource and Columbia Gorge Health Council lead the PacificSource Columbia Gorge Coordinated Care Organization (CCO), which includes nearly every healthcare provider in the region and currently serves members of the Oregon Health Plan (OHP), Oregon's Medicaid program.

Among the grant recipients is the Patient-Centered Primary Care Home (PCPCH) program. Through PCPCH certification, primary care clinics are better able to meet their patients' needs by adding professionals such as pharmacists, counselors, and health coaches to their clinic teams. Clinics also commit to improving the availability of appointments, adding other types of support through phone and email, and coordinating and monitoring patient health between clinic visits. More than 90 percent of Hood River and Wasco County OHP members today receive care through a

primary care clinic that has achieved one of the top two certifications under Oregon's PCPCH program.

By investing in PCPCH, these organizations expect to see immediate benefits to local OHP members, as well as long-term improvements in the care that clinics in the Coordinated Care Organization can provide to the community in the future. A few of the major initiatives that are being invested in include:

- Integrating pharmacists into primary care clinics
- Incorporating mental health specialists in primary care practices
- Adding physical health services in settings that currently provide mental health care
- Training for care coordinators in primary care clinics
- Creating a technology network to provide secure information exchange among health care providers, social services providers and patients

In addition, transformation funds were allocated to support new services and higher levels of support for people most at risk due to their health conditions or life situation. Some of these initiatives include:

- Utilizing Community Health Workers to assist patients with complex conditions
- Providing meal delivery for fragile patients following surgery
- Expanding the number of peer support specialists in the community
- Educating patients and providers on best practices for chronic pain management

Many proposals were from community members to work beyond traditional health care domains to improve the health of the community. In the future, we will aspire to be a strong partner in implementing more of these projects. At this point, the following projects have received transformation funding:

- Community Action Coalition for Reducing Childhood Obesity
- Training for social services and providers on Emotional Literacy for children
- Outreach for new OHP members and re-enrollment support for continuing members

| Project | Brief description | Participating organizations |
|--|--|--|
| Clinical pharmacy services | Three pilots for detailed medication review for patients with complex medication regimens | Columbia Gorge Family Medicine, One Community Health – The Dalles & Hood River, Providence Hood River Memorial Hospital, MTMCare, PacificSource Community Services |
| Integrated care pilot | Four pilots for improving the integration of primary care and mental health services | Mid-Columbia Outpatient Clinics - Columbia Hills & Columbia Crest Family Medicine, One Community Health – The Dalles & Hood River, Columbia Gorge Family Medicine, Mid-Columbia Center for Living. |
| Care management training | Nursing education program through OHSU | Mid-Columbia Outpatient Clinics |
| Secure Health Information Exchange | Secure connections with the provider and social service networks to support care coordination | Primary care clinics serving OHP clients, Providence Hood River Memorial Hospital, Mid-Columbia Medical Center, Hood River & Wasco Health departments. |
| Community Health Worker outreach | Outreach and support for select CCO members | The Next Door as coordination point |
| Community Health Worker Capacitation Center for the Columbia Gorge | Establish local training center for Community Health Workers, Case Managers, Outreach Workers, Front-line staff that deliver services that promote health and well-being | The Next Door as coordination point |
| Social service network coordination | Utilize standard practices to connect members to social services | TBD |
| Meals on Wheels for post-op patients | Prescription-based meal delivery program for select CCO members following surgery | Meals on Wheels in The Dalles and referring providers with patients in The Dalles area |
| Intentional Peer Support (IPS) Training | Peer support training for twenty community residents who meet criteria. | Any qualifying peer support staff in Hood River and Wasco Counties |
| Chronic Pain Education for Providers | Comprehensive Provider training on best known techniques for treating patients living with chronic pain | MCMC as coordination point with all prescribing providers in Columbia Gorge CCO |
| Chronic Pain Education for Patients | Comprehensive 8 week course series helping select patients live with chronic pain | Water's Edge facility and any qualifying OHP member in the Columbia Gorge CCO |
| Health screening of new members | Proactive completion of health screenings and early interventions newly enrolled CCO members | PacificSource Community Solutions in concert with local provider organizations |
| Oregon Health Plan re-enrollment strategy | Targeted outreach to CCO members to encourage re- | PacificSource Community Solutions in concert with local |

| | enrollment | organizations |
|--|--|---|
| Community Action Plan for Childhood Obesity | Comprehensive wellness program with Wasco County middle school children to improve weight control | North Central Public Health District, North Wasco County Elementary Schools |
| Transforming Health through Emotional Literacy | Education for children, ages 2 -7, and those individuals who impact them the most to improve health through better communication | YOUTHTHINK, Wasco County as lead organization for training |

About the Columbia Gorge Health Council:

The Columbia Gorge Health Council consists of healthcare, county, and other community leaders in Hood River and Wasco Counties who work together to recommend and guide solutions and improvements to the region's healthcare system. They work in partnership with PacificSource Community Solutions to guide the area's Coordinated Care Organization as well as develop strategies and policies to address the needs of the poor and vulnerable in the region.

About PacificSource Community Solutions: PacificSource Community Solutions serves Medicaid members through its coordinated care organizations in Central Oregon and the Columbia Gorge. It is part of the PacificSource family of companies, which has a 77-year history and reputation for taking great care of people. PacificSource employs 700 people, and serves more than 300,000 members with individual, employer, Medicare, and Medicaid plans throughout the Northwest.

###