

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA WEDNESDAY, JANUARY 21, 2015
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) [Election of Chair](#), [FTA Assurances](#), [2nd Amendment Rights](#), [Room 302 – Functionality](#), [MCCOG & MCEDD Appointments](#), [Letter to OHA](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 1.7.2015 BOCC Regular Session Minutes](#), [Board of Health Reappointment](#)
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9:30 a.m. [EDC's Role in Wasco County](#) – Carrie Pipinich

9:50 a.m. [VSO Quarterly Report](#) – Russell Jones

10:00 a.m. [Planning Commission Strategic Planning](#) – Mike Davis/Angie Brewer

10:30 a.m. [Healthy Start Funding Contract Amendment](#) – Molly Rogers

10:40 a.m. [Title III Reimbursement/Certification](#) – Monica Morris/Kathy White

10:50 a.m. [Executive Session – Per ORS 192.660\(2\)\(h\) Conferring with Legal Counsel & ORS 192.660\(2\)\(g\) Trade Negotiations](#)

NEW / OLD BUSINESS
COMMISSION CALL / REPORTS
ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) – Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 21, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
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. Commissioner Runyon asked that Room 302 Functionality be removed from the Discussion List.

Public Comment – Planning Permits

Richard Murray, Ridge Road, The Dalles, stated that his neighbor, Bob Zeeman, wants to put a camp trailer with power on his property and cannot get power because the power company cannot get a permit to give him power. Mr. Murray provided photos (attached) of nearby dwellings that appear to have power. He went on to say that Mr. Zeeman has been advised by Associate Planner Dawn Baird that the law prevents the Planning Department from issuing the necessary permit. Mr. Murray stated that the rules are written in such a way as to be unfair to the small landowner. He added that Hood River has amended their rules to be responsive to changes in State law and he believes it is time for Wasco County to do the same. He suggested that the Board should grant Mr. Zeeman a variance; there is no reason for him not to have power to his trailer.

Chair Hege said Board members have had some discussions with Planning staff

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about this issue. He asked Mr. Zeeman if he has filled out an application. Mr. Zeeman replied that his son had gone in some time ago to apply but thought it was going to be impossible. He stated that they already had the trench dug for electrical and have given the electric company a deposit but cannot move forward without the permit.

Chair Hege stated that while the Board cannot make a decision today, the information about the power is new information. Interim Planning Director Angie Brewer agreed that there are a couple of requests that are new to her department. Chair Hege encouraged Mr. Zeeman to submit an application so the process can begin.

Ms. Baird commented that the Planning Department does not have the staff to canvas the County searching for violations and therefore relies on a complaint driven system to address compliance issues. She said that if a citizen is aware of a structure that is out of compliance and they feel it should be corrected, they can file a complaint with the Codes Compliance Officer which will trigger an investigation. If a structure is found to be illegal, the Planning Department can require that it be removed.

Mr. Murray pointed out that Mr. Zeeman can already have the trailer on the property, the issue is the power which he cannot get without a permit. He stated that he believes the County should have a committee review the ordinances this summer and come back next summer to make recommendations for revisions. He observed that if Mr. Zeeman hired farm labor, he could have power and asked why Mr. Zeeman could not be considered his own labor force.

Mr. Zeeman explained that one of the reasons he wants to do work on that side of the property is that the trees are infested with black speck; he would like to clear the infested trees to make room for healthy trees. He also does weed control in that area.

Chair Hege thanked them for their comments and said there will be further discussions. He said he understands their concerns and issues and that the County would help as they are able.

Public Comment – Building Codes

Wayne Lease, a Washington electrician licensed to work in Oregon, stated that he is bringing forward information (attached) regarding Building Codes run by MCCOG. He explained that the documents outline requirements for fiscal responsibility in the operation of a Building Codes Department. He stated that there is a discrepancy in the figures reported by MCCOG that needs to be investigated and explained. In addition he said that fees are to be returned to the program but he believes some are being funneled off to other areas. Finally, he pointed out that the law requires a new manual within 30 days of new fees being imposed; MCCOG has not done that and therefore must return those fees collected from the time of their inception until a manual is published.

Mr. Lease complained that the customer service at MCCOG's Building Codes is poor in comparison to other Building Codes he has interacted with from around the State. He noted that he has been in contact with the State and been advised that they do not have the resources to hold MCCOG accountable. He asked that Wasco County take action.

Chair Hege thanked Mr. Lease for bringing his concerns forward.

Agenda Item – EDC's Role in Wasco County

MCEDD Project Manager Carrie Pipinich reviewed the memo included in the Board Packet. She explained that the current role of the EDC, defined by Ordinance, is advisory; however, given the current needs of the community, the EDC believes there is room to revise that role to provide some leadership in economic development. She said this would require a more activity-based model – having work groups meet more frequently and informally with fewer of the formal meetings which would be used for updates on projects. She said they would also modify the priority list less often and place more focus on accomplishing the projects on the list.

EDC Chair Joan Silver echoed Ms. Pipinich's sentiments saying that as currently constituted, the EDC cannot fill the needs of the community. They would like to redefine their role to take an active role in concert with the Board of Commissioners to move projects forward.

Commissioner Kramer stated that he thinks this is a good idea that has been a long-time coming; he would like to see the EDC develop an ordinance to bring to the Board for review.

Commissioner Runyon observed that this is basically what Commissioner Hege started talking about a year ago – it is a good idea that just needs to run through the proper process.

Commissioner Hege said that it is a good concept and he has always wanted to see the EDC be an active organization. He said that if they can draft an ordinance, he believes this can happen fairly quickly.

Agenda Item – VSO Quarterly Reporting

CVSO Russell Jones reviewed the data in his report which is included in the Board Packet. He reported that with access to the database they were able to discover an intended VA decision and had an appeal filed the day before the decision was actually made. He said that they have added over a million dollars in recurring payments to Wasco County veterans while at the same time, some has been lost due to attrition – mostly due to the passing of WWII veterans.

Commissioner Kramer asked that Mr. Jones accept the Board's thanks and extend them to Patrick Wilbern who has recently been certified for veterans' services.

Commissioner Runyon asked about the stability of the volunteer staff. Mr. Jones reported that the numbers hold steady and volunteers are doing a great job. He reported that they are planning an awards ceremony in June and he is hopeful that there will be some money available for training which is being worked on at the State level.

Agenda Item – Planning Commission Strategic Planning

Planning Commission Alternate Mike Davis introduced other members of the Planning Commission – Vicki Ashley, Taner Elliot & Ken McBane. Mr. Davis reviewed the presentation included in the Board Packet. He explained that this is not just about strategic planning but about the documents that need to be updated – the Comprehensive Plan and LUDO. He stated that these documents need to respond to changes in local, regional and state conditions. He reported that it is recommended

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that they be revised every three to seven years; Wasco County's plan was created in 1983 and the last review was done in the mid-90s. He said that most of the changes made were for non-consequential items (grammar corrections, etc.). He reminded the group that these are controlling documents that determine how planning is managed for the County. He asked that the Board charter the Planning Commission to develop a plan for accomplishing the necessary updates; a plan they would present to the Board for consideration. He assured the Board that the development of the plan would not cost the County any money and would require minimal staff time.

The other members of the Planning Commission present were in full support of Mr. Davis' request; Mr. Elliot noted that an appeal recently brought before the Planning Commission highlighted the need for updating the documents. Mr. Davis observed that there is a great deal of talent available through the members of the Planning Commission and urged the Board to take advantage of their talent and enthusiasm for the project.

Ms. Brewer reported that updating LUDO has been on the Planning Department's to-do list for 2 years but there has not been staff to support that project which would have only addressed short-term needs. She said that this proposal will not only address short-term needs but will encompass more long-range needs.

Chair Hege said he appreciates the energy and enthusiasm of the Planning Commission. He stated he has been aware of this need for many years and seen the frustrations that result from the age of the current documents. He suggested that they focus on the Comprehensive Plan and LUDO, placing any strategic planning on hold as it might stall their progress. Mr. Davis agreed saying that he is working with Scott Edelman, Central Oregon Regional Representative for the Oregon Department of Land Conservation & Development who is working to identify possible funding sources for this work.

Mr. Stone said that in working with former Planning Director Roberts he understood that it would take a dedicated person six to nine months to complete this process; that is time that they do not have and this is an opportunity to find another way to accomplish these long-overdue updates. Chair Hege stated that he thinks there may be some resources that can be put toward this project but costs will have to be evaluated.

Ms. Brewer said that she is excited about the momentum and fully supports the idea; she thinks the process may support the garnering of grants. She stated that although she does not have the staff to do this right now, it is important to build a foundation that will allow them to be ready to take advantage of resources that become available.

}}}Commissioner Kramer moved to grant the Planning Commission's request to move forward to develop a plan to create a new Comprehensive Plan and update to LUDO, recommend a complete Leadership Team and submit this plan and team recommendation to the County Commissioners for approval to move forward. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Election of Chair

Chair Hege said that he thinks the 2-year program is working well; there is a transition period when the Chair changes that lasts several months so 2-years is good.

}}}Commissioner Runyon moved to nominate Chair Hege to continue as Chair for the 2015 calendar year. Commissioner Kramer seconded the motion. Chair Hege accepted the nomination and called for a vote. Commissioners Runyon and Kramer voted yea, Chair Hege abstained. The motion passed.}}}

Discussion List – FTA Assurances

Ms. White explained that Ms. Chavez could not be here today. Mr. Stone said that this same document came before the Board last year at which time Dan Schwanz, who directs public transportation for MCCOG, assured the Board that we are in compliance and the Board signed in good faith. Chair Hege said this secures the funding for the Special Transportation Fund and there are only four items we are certifying. County Counsel Kristen Campbell said that while she cannot speak to the County's compliance, the document is very standard with provisions dealt with on a daily basis – it is what she expected to see.

}}}Commissioner Kramer moved to approve the FTA Fiscal Year 2015 Certifications and Assurances. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Healthy Start Funding Contract Amendment

Youth Services Director Molly Rogers reminded the Board that a couple of months ago an amendment from the State increased funding for the Healthy Start program. She explained that the amendment before the Board today passes that increase along to The Next Door who implements that program through home visiting.

Chair Hege asked what the funding is used for. Ms. Rogers replied that NDI does the Home Visiting Network for first births; they do a well-baby visit and screen for services. Ms. Rogers stated that next year the funding will come through the ELC Hub.

{{{Commissioner Runyon moved to approve Amendment #1 to the Funding Agreement between The Next Door, Inc. and Wasco County. Commissioner Kramer seconded the motion which passed unanimously.}}}

Discussion Item – Second Amendment Rights

Commissioner Runyon said that he agrees with Klamath County – good people should not be further restricted. Commissioner Kramer concurred saying that there are enough laws on the books already to regulate guns.

*****The Board was in consensus to draft a letter to the legislature stating opposition to any legislation that would further curtail citizens' Second Amendment right to bear arms.*****

Discussion List – MCCOG/MCEDD Appointments

Commissioner Runyon noted that in a recent edition of The Dalles Chronicle it was reported that the City of The Dalles had made appointments to MCCOG and MCEDD however the appointments in question are County appointments which are usually made based on a recommendation from a municipality. He stated that he supports both appointments which are actually recommendations – the appointees are to represent all municipalities in the County, not just the one in which they reside.

Commissioner Kramer added that outreach was done to other cities within the County and there were no other recommendations offered. Commissioner Runyon added that both candidates will make excellent representatives.

}}}Commissioner Kramer moved to approve Order #15-007 appointing Steve Lawrence as the cities representative on the MCEDD Board of Directors. Chair Hege seconded the motion which passed unanimously.}}}

}}}Commissioner Kramer moved to approve Order #15-007 appointing Taner Elliot as the cities representative on the MCCOG Board of Directors. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Title III Reimbursement Submission/Certification

Ms. Morris stated that the Sheriff's Department's final report and submission for Title III reimbursement is before the Board for approval. She reviewed the details, included in the Board Packet, of the search and rescue adding that further detail is available in her office. She explained that more than \$5,000 in forest money was applied to offset the cost. The submission request is for \$18,139.82.

Ms. Morris further explained that during the rescue, project accounting was applied to provide accurate, up-to-date figures for the work being done. Reporting for the project was very thorough.

Chair Hege noted that the Title III funds represent SRS money that must be dedicated to Title II or Title III projects. Had the Board not assigned the funding to Title III for Search and Rescue, the money would have to come directly from the General Fund. Ms. Morris stated that a related issue is the Sheriff's Department overtime budget which was drained by the search; she is working with Chief Deputy Magill to address the situation.

}}}Commissioner Kramer moved to approve the Title III Project Submission for Reimbursement. Commissioner Runyon seconded the motion which passed unanimously.}}}

Ms. White explained that the Federal Government requires recipients of Title III funding to annually certify expenditures. The document in the packet reports that funding which corresponds with the submission for reimbursement just approved by the Board.

Chair Hege asked if Wasco County has any unobligated funds. Ms. Morris replied that there are no Title III funds that have not been obligated. Chair Hege asked how much remains in that fund. Ms. Morris replied that there is approximately \$170,000 in that fund.

}}}Commissioner Kramer moved to approve the County's Certification of Title III Expenditures and Unobligated Funds. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Letter to OHA

Mr. Stone stated that this is in regards to the Health Department transition process. He said that the County is working with former Health Department Director Kathy Schwartz who has volunteered to help with the development of a transition plan. One piece of that work is to involve the Oregon Health Authority in the process. Ms. Schwartz has been communicating with OHA and they have asked for a formal request for assistance to start that process – this draft letter is intended to be that formal request.

Chair Hege observed that the language in the first paragraph stating that we anticipate the transition of Public Health back to Wasco County is not reflective of our intent to explore all possibilities. He suggested a revision to that language to more accurately describe the intent of the County to be open to whatever is determined to be the best path for the citizens of Wasco County.

*****The Board was in consensus to send the letter, with Chair Hege's suggested revisions, requesting OHA's assistance for the transition of Public health.*****

Consent Agenda – 1.7.2015 Minutes/ BOH Re-appointment

Commissioner Runyon noted some corrections to the minutes:

Page 4 Commission Call. 1st paragraph last line... "efforts to change the OACES formula"

Should be more or less - "efforts to put forward a new formula from OACES that would change how a proposed new gas tax, if approved, would be distributed to the

Counties"

Page 8 Parks and Rec 3rd paragraph last line. - "will be good for communities in the County"

Should be - "will be good for the Community.

He stated he had asked that Ms. White review the recording for confirmation. Ms. White stated that she had reviewed the recording and made the corrections.

Chair Hege asked that the reason for his absence from the 1.7.2015 meeting be noted in the minutes. Ms. White said she would make that addition.

{{{Commissioner Kramer moved to approve the Consent agenda with the noted changes to the minutes. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege called a recess at 10:56 a.m.

The Session reconvened at 10:59 a.m.

Mr. Stone observed that he had sent the Home At Last documents individually to each Commissioner but has not received any feedback. He asked that they respond when possible so that the project can move forward.

At 11:00 a.m. Chair Hege opened an Executive Session pursuant to ORS 192.660(2)(h) and ORS 192.660(2)(g) – conferring with legal counsel and trade negotiations.

At 12:10 p.m. Chair Hege reconvened the session and adjourned the meeting.

Summary of Actions

Motions Passed

- To grant the Planning Commission's request to move forward to develop a plan to create a new Comprehensive Plan and update to LUDO,

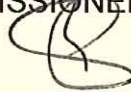
recommend a complete Leadership Team and submit this plan and team recommendation to the County Commissioners for approval to move forward.

- To nominate Chair Hege to continue as Chair for the 2015 calendar year.
- To approve the FTA Fiscal Year 2015 Certifications and Assurances.
- To approve Amendment #1 to the Funding Agreement between The Next Door, Inc. and Wasco County.
- To approve Order #15-007 appointing Steve Lawrence as the cities representative on the MCEDD Board of Directors.
- To approve Order #15-007 appointing Taner Elliot as the cities representative on the MCCOG Board of Directors.
- To approve the Title III Project Submission for Reimbursement.
- To approve the County's Certification of Title III Expenditures and Unobligated Funds.
- To approve the Consent agenda with the noted changes to the minutes.

Consensus

- To draft a letter to the legislature stating opposition to any legislation that would further curtail citizens' Second Amendment right to bear arms.
- To send the letter, with Chair Hege's suggested revisions, requesting OHA's assistance for the transition of Public health.

WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 21, 2015**

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [Election of Chair](#)
2. [FTA Assurances](#) – Teresa Chavez
3. [2nd Amendment Rights](#)
4. [Room 302-Functionality](#)
5. [MCEDD & MCCOG Appointments](#)
6. [OHA Letter](#)

Discussion Item
Election of Chair

- [No documents have been submitted for this item](#)
[– RETURN TO AGENDA](#)

Discussion Item

FTA Assurances

- [Preface](#)
- [Assurances](#)

FTA FISCAL YEAR 2015 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) in the form of a Federal Grant, Cooperative Agreement, Loan, Line of credit, or Loan Guarantee 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. Among other things, the Authorized Representative must be duly authorized by the Applicant to sign these Certifications and Assurances and bind its compliance. You, as your Applicant's Authorized Representative, must select all Certifications and Assurances that your Applicant must provide to support its application(s) for FTA funding during Federal fiscal year (FY) 2015.

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 in Federal funding, you must also select the "Lobbying" Certification in Group 02, unless your Applicant is an Indian tribe, Indian 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. Instead of selecting individual Groups of Certifications and Assurances, however, 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, as your Applicant's Authorized Representative, 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 any 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 each Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each will be responsible for compliance with the Certifications and Assurances that you select on its behalf, and whether the member will serve as a Recipient, Subrecipient, or Third Party Contractor.

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 for Federal FY 2015, MA(21), is available at <http://www.fta.dot.gov>, and contains a list of most of those requirements.

We expect you to submit your Applicant's FY 2015 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2015 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 2015 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Groups of Certifications and Assurances that 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,*
- *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,*
- *The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and*
- *Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014 and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.*

With certain exceptions, Projects financed in FY 2015 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 your Applicant's behalf, you must

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

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 Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any 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 any other Third Party Participant 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.

01.A. Certification and Assurance of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent your 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, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute the Grant Agreement, Cooperative agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking FTA funding,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

01.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 its Grant Agreement or Cooperative Agreement with FTA 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,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

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. 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 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 requirements will apply to 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 and apply in lieu of 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 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 2015 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

(This 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 49 U.S.C. 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

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 it has 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.

01.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 all parts of its facilities, as well as its facilities operated in connection with its Project,
 - b. This assurance applies to its entire Project and to all parts of its facilities, as well as its facilities operated to implement its Project,

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- c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - (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:
 - (1) While the property is used for the purpose that the Federal funding is extended, or
 - (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, or
 - (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 applicable 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:

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- (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. 5307(c)(1)(D)(ii), you assure that:
- a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Group 01.D Assurance, 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 any benefit 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.

01.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,

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- (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 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 preceding statements of subsections 2.a – 2.d of this Group 01.E Certification, 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
- 5. 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 Group 01.E Certification.

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01.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, and 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 for Federal funding, 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. As required, it will give access and the right to examine Project-related materials to entities or individuals including, but not limited to the:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) State, through an appropriate authorized representative,
 - 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,

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- (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,
 - (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:

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- (1) It will provide for fair and equitable treatment of any displaced persons, or any persons whose property is acquired as a result of federally-funded programs,
- (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
 - 2 Displaced corporations, associations, or partnerships,
 - (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:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships,
 - (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,

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- (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
 - (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 prescribed to implement Federal laws and executive orders, including, but not limited to:
 - (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and following 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,

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- (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 (also known as “Section 4f”),
- (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, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded 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 subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, it will 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. It will 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. It will 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(1)(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,

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- k. It will 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. It will comply with all other Federal laws or regulations that apply, and
- m. It will 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 any 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 any other Third Party Participant 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, Loan Guarantee, or Loan Insurance, 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 your Applicant or on its behalf to any person to influence or attempt to influence:

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- (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, or
 - (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, or
 - (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
 - (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:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) 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 your Applicant is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

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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 any 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 any other Third Party Participant 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 any 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 any other Third Party Participant 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.

04.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:

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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 the preceding section 1 of this Group 04.A 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.

04.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:
 - 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

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- (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 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 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,

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- 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).

04.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:
 - 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,

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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 Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any 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 any other Third Party Participant 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.

05.A. Rolling Stock Reviews.

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

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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.

05.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 as defined in FTA’s Bus Testing regulations, 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 new bus or new bus model until:
 - (1) That new bus or new bus model 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 or new bus model, and
 - b. It will not authorize final acceptance of that new bus or new bus model until:
 - (1) That new bus or new bus model 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 or new bus model,
3. It will ensure that the new bus or new bus model 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),

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- (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 regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, it will ensure that the new bus or new bus model 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 any 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 any other Third Party Participant 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:
 - 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.

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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 any 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 any other Third Party Participant 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 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. chapter 53 to support interest, or financing, or leasing 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, 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 any other Third Party Participant in its Project, except as FTA determines otherwise in

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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 any other Third Party Participant 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.

08.A. Interest and Financing Costs.

If your Applicant intends to use FTA funding to support interest or any 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 any 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.

08.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 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:

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- 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 any 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 any other Third Party Participant 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.

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

09.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,

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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 any 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 any other Third Party Participant 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 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

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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 BECAME EFFECTIVE.

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 your Applicant's 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 any 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 any other Third Party Participant 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
 - 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

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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 your Applicant's 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 any 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 any other Third Party Participant 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 your Applicant's behalf, you must also select the Certifications in Group 13, 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 any 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

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Subrecipient and any other Third Party Participant 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 your Applicant's 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 any 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 any other Third Party Participant to assure the validity of the

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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 Certifications 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 [5339]”; 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 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 any 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 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,

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- 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 Federal 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:

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,

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- 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 your Applicant's 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 any 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 any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

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

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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, 2014, and 2015 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 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 any 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. 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 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,

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- 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 Federal 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. It will assure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to its 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 its urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1),

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- 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.*), and

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- 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 Federal 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. It will assure that at least one (1) percent of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be spent for public transportation security

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Projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or 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 its 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,

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- 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(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 any 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. 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)(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,
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.D apply to your Applicant, except as FTA determines otherwise in writing.

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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 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:

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- 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,
 - (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

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- 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/ 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 your Applicant's 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 any 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 any other Third Party Participant 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.

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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:
 - (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 in the preceding subsection 1.b(3) of this Group 16.A Certification 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:

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- (1) The recipient possessing 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 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

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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 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),

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- 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 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).

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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:
 - (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, and
 - 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:

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- 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 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*

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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 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 your Applicant's 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 any 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 any other Third Party Participant 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):

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- 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,
 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 possessing 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 FTA 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

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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):
 - 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 possessing 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,

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- (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 FTA 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.

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 its Grant Agreement with FTA. It acknowledges that it is under a continuing obligation to comply with the terms and conditions of the Grant Agreement with FTA for its Project. 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 2015

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are included in these FTA Certifications and Assurances for FY 2015. 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 (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS 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).*

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 your Applicant’s 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 any 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 any other Third Party Participant 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

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- 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 PROGRAMS

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 either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant’s 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 any 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 any other Third Party Participant 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, United States Code requires the following Certifications for Low or No Emission Vehicle Deployment Program funding

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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,
 - 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.*), 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 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 Federal 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

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- 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.

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.*),

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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,
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 your Applicant’s 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 any 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 any other Third Party Participant 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.

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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
 - (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), and 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,

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- (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.

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 your Applicant's 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 any 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 any other Third Party Participant 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:

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- a. Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 CFR 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 CFR 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.

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 your Applicant's 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 Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any 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 any other Third Party Participant 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

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Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to any other Certifications and Assurances you must select on your Applicant's 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 any 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 any other Third Party Participant 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:

- 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 any 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 any other Third Party Participant 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.

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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 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) 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,

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- (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 Federal 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,
- 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 any 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.

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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,
 - 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 Grant Agreement with FTA,
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,

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- 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 any 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.*), and
 - (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 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 Federal 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,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- 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 any 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 2015 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

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

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2015 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 2015, 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 2015.

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 Item
2nd Amendment Rights

- [Klamath Falls Letter to State Legislature](#)



Klamath County Commissioners

Tom Mallams, Commissioner
Position One

Dennis Linthicum, Commissioner
Position Two

Jim Bellet, Commissioner
Position Three

December 22, 2014

To: All Oregon State Representatives & Senators
From: Klamath County Commissioners


Throughout the State of Oregon a long history exists supporting the rights held within the 2nd and other Constitutional Amendments pertaining to the use of firearms. The legal use of firearms in Klamath County for hunting, target shooting and self-defense continues to be held in the highest regard by its citizens.

The recent direction of our State Legislatures attempts to create additional restrictive laws' pertaining to these Constitutional Amendments is extremely alarming.

To this end, the intent of the Klamath County Board of Commissioners is to formulate an ordinance, denying the use of County funds or resources, which may support or enforce additional restrictions.

We encourage you, as representative of the citizens of Oregon, to oppose any additional restrictive laws infringing on our Constitutional Rights.

Sincerely,


James Bellet, Chair


Tom Mallams, Commissioner


Dennis Linthicum, Commissioner



Discussion Item
Room 302 Functionality

- [No documents have been submitted for this item](#)
– [RETURN TO AGENDA](#)

Discussion Item
MCCOG & MCEDD Appointments

- [City Email – Recommendations](#)
- [Order 15-007 Appointing Steve Lawrence to MCEDD](#)
- [Order 15-008 Appointing Russ Brown to MCCOG](#)



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

Museum Commission Appointment

Julie Krueger <jkrueger@ci.the-dalles.or.us>

Fri, Jan 16, 2015 at 3:35 PM

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

Here is what they did. Let me know if you need anything more.

J

Assignment of City Councilors to Various Committees and Boards

It was moved by Spatz and seconded by Miller to accept the Council assignments as proposed. The motion carried unanimously.

Budget Committee, all Councilors serve

Airport Board, Tim McGlothlin

Sister City Association, Dan Spatz

Historic Landmarks Commission, Linda Miller

Traffic Safety Commission, Russ Brown

Urban Renewal Advisory Committee, Linda Miller

QLife Agency Board, Dan Spatz and Taner Elliott

Mid Columbia Economic Development District, Steve Lawrence

Mid Columbia Council of Governments, Russ Brown

Community Outreach Team, Steve Lawrence

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

Sent: Friday, January 16, 2015 3:26 PM

[Quoted text hidden]

[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 APPOINTMENT OF)
STEVE LAWRENCE TO THE MID-COLUMBIA) O R D E R
ECONOMIC DEVELOPMENT DISTRICT BOARD) #15-007
OF DIRECTORS.)

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 Dan Spatz resigned from his term as a City Representative on the Mid-Columbia Economic Development District Board of Directors; and

IT FURTHER APPEARING TO THE BOARD: That Steve Lawrence is willing and is qualified to be appointed to the Mid-Columbia Economic Development District Board of Directors to fill the unexpired term of Dan Spatz.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Steve Lawrence be and is hereby appointed to the Mid-Columbia Economic Development District Board of Directors; said term to expire on August 31, 2015.

DATED this 21st day of January, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

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

IN THE MATTER OF THE APPOINTMENT OF)
RUSS BROWN TO THE MID-COLUMBIA) ORDER
COUNCIL OF GOVERNMENTS BOARD) #15-008
OF DIRECTORS)

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 Carolyn Wood's term on the Mid-Columbia Council of Governments Board of Directors expired in December 18, 2014 creating a vacancy on that Board; and

IT FURTHER APPEARING TO THE BOARD: That Russ Brown is willing and is qualified to be appointed to the Mid-Columbia Council of Governments Board of Directors.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Russ Brown be and is hereby appointed to the Mid-Columbia Council of Governments Board of Directors; said term to expire on December 31, 2016.

DATED this 21st day of January, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

Rod L. Runyon, Commission Chair

Scott C. Hege, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Discussion Item
Letter to OHA

- [Letter to Lillian Shirley, OHA Director](#)



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*

Lillian Shirley, Public Health Director
Oregon Health Association
800 NE Oregon Street, Suite 930
Portland, OR 97232

Director Shirley,

On December 17, 2014 Wasco County voted to withdraw from the North Central Public Health District in concert with the expiration of the initial five year term of the IGA. The County anticipates transitioning public health services and authority back to Wasco County over the next six to twelve months. This move was a difficult decision in light of the efforts that have been made over the last six years but we feel a necessary one given ongoing challenges with the health district.

It is our hope that this process will provide Wasco County with a unique opportunity to restructure and reorganize public health programs and service delivery systems in concert with our local partners, Coordinated Care Organizations and the Public. A county resident and Wasco County's former Public Health Director Kathy Schwartz has volunteered to work with the County to help make this a seamless transition. Kathy will be working on setting up the transition plan and evaluating services and organizational structure as part of this transition.

Additionally, the County would request a meeting with Oregon Health Authority (OHA) representatives to begin the process of information gathering and transition planning. With the expertise of OHA and Kathy Schwartz we feel that a smooth transition process can be developed and implemented over the next twelve months. Your assistance in putting us in contact with the appropriate people within OHA is much appreciated. Any correspondence or scheduling can be coordinated through Kathy White our Executive Assistant at 541-506-2520 or kathyw@co.wasco.or.us. Your assistance in this process is truly appreciated.

Sincerely,

Steve Kramer
Wasco County Commissioner

Cc: Priscilla Lewis
Bobby Green
Jan Kaplan

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 21, 2015**

CONSENT AGENDA

1. [1.7.2015 BOCC Regular Session Minutes](#)
2. [Order 15-003 Reappointing Fred Schubert to BOH](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 7, 2015

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

At 9:00 a.m. Acting Chair Runyon opened Regular Session of the Board of Commissioners with the Pledge of Allegiance. Mr. Stone added contracting rules for an ongoing project to the discussion list.

Public Comment – Strategic Planning

Mike Davis, Alternate on the Wasco County Planning Commission, stated that he was representing the Planning Commission to request that the Planning Commission be added to the January 21, 2015, Board Session agenda to present their request to be sanctioned by the Board to analyze and revise the County's Comprehensive Strategic Plan which is 30 years old; most counties update the plan annually. He reported that the Planning Commission is unanimous in their commitment to the project. Acting Chair Runyon responded that the Board would welcome their input and stated that they should work with Ms. White to be added to the agenda.

Discussion Item – Introduction of County Counsel

Acting Chair Runyon asked County Counsel Kristen Campbell to share her

background. Ms. Campbell said she is a transplant from Michigan where she gained 10 years of experience in a variety of municipal capacities. More recently, she has done work in Hood River.

Acting Chair Runyon noted that Ms. Campbell will also be able to help with land use and the County hopes to save money for legal services in the long-run.

Department Input – Public Works

Interim Public Works Director Arthur Smith reported that the annual SAIF review of claims and loss-time injuries revealed that in 2014 the County Road Department had no claims. Mr. Smith noted that this is the first time in the history of the Department that there were no claims; in addition, there have been no loss-time injuries for two years. He stated that this exceptional record is a testament to the crew and Jeff McCall who heads up the Safety Program.

Discussion List – Application for Information

Interim Planning Director Angie Brewer explained that this is a request connected to an ODOT and City of The Dalles project to complete a study of the transportation system plan. ODOT will need cooperation from the County necessitating the sharing of plan data with County staff. The confidentiality agreement extends to all County staff.

Commissioner Kramer asked if the County will receive a copy of the study. Ms. Brewer replied affirmatively. She added that ODOT is not requesting any information from the County and the data will help the County identify opportunities. Mr. Smith concurred, saying there is a benefit to the County.

*****The Board was in consensus to sign the confidentiality agreement for the Transportation System Plan on behalf of the County.*****

The Board asked that Ms. Brewer keep them up to date on the project. Acting Chair Runyon asked Ms. Brewer how things are going at the Planning Department. Ms. Brewer said that it is busy – 20 new contacts and 5 new applications last week. She said that staffing is down but it is going well.

Discussion Item – Agreement 143684 Amendment 4

Senior Deputy District Attorney Leslie Wolf said that this is an amendment to an existing contract providing funding similar to the Juvenile Dependency Grant. She said that the additional \$6,000 is for work she has already done.

Acting Chair Runyon asked Ms. Wolf to address the concerns expressed by Finance Director Monica Morris regarding the funds not being requested from the State in accordance with the contract. Ms. Wolf replied that each quarter she submits invoices for the Juvenile Dependency Grant – these are the same invoices that apply to the Title IV 143684 Grant. She explained that the invoices she submitted for Juvenile Dependency did not go to Title IV as they are administrated in separate offices. She stated that she had not gotten used to the process for the two separate grants; yesterday she submitted invoices up to September 2014 for reimbursement for the Title IV grant. She said that in looking at the Juvenile Dependency Grant, no funds have come in to the County. She has a call into the DOJ – she suspects the confusion is that the invoices already submitted to one are not getting to the right department.

{{{Commissioner Kramer moved to approve Amendment 4 to Agreement 143684. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Discussion List – Ongoing Project Contracting Rules

Mr. Stone reminded the Board that at the 12.17.2014, session the Board approved the Phase II Environmental Study with the stipulation that the award of the contract was within the Wasco County Contracting Rules. He stated that under exemption rule #21, 3(a) subsection “i” this is a continuation of the work done by Yinger for the Phase I Environmental Study. The Board thanked him for following up.

**Consent Agenda – 12.17.2014 Regular Session Minutes, 12.22.2014
Public Hearing Minutes**

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

Agenda Item – Uncollectible Taxes

Assessment and Taxation Office Manager Marci Beebe explained that there is only one account on the list for Wholly Uncollectible Property Taxes. She stated that the

structure has been completely destroyed by fire. Although taxes are owed, there is nothing to foreclose against, therefore, the taxes will need to be written off.

{{{Commissioner Kramer moved to approve Order #15-001 Cancelling Uncollectible Taxes. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Gonzales Deed

Ms. Beebe said this is following up on a piece of foreclosed property where the heir asked to buy back the property which was approved by the Board at an earlier session. The documents in the packet are to accomplish the decision of the Board to sell the property back to the trust for back taxes, penalties and staff time. Mr. Stone noted that this has been a long, onerous process; selling this back to the trust alleviates the County from having to engage a property management firm. The trust will now own the property and will be able to properly convey it to the heir. This action is in the best interest of the County and will save time and money.

{{{Commissioner Kramer moved to approve Order 15-002 in the Matter of the Transfer of Certain County Owned Real Property to the Estate of Jesus Gonzales. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Commission Call

Acting Chair Runyon reported that he had attended the Leadership Summit in Portland where several hundred leaders from around the State gathered. He stated that the Governor spoke about the budget which will include funding for roads and he hopes that Wasco County will receive some support for roads maintenance in that process. In addition he explained that there are efforts to change the OACES formula which would increase the funding to counties.

Acting Chair Runyon said that he had also attended a Lower John Day meeting which had one of the largest turnouts he has seen. At the conclusion of that meeting there was an opportunity to put forward projects. He asked Mr. Smith to outline the Wasco County projects put forward at the meeting. Mr. Smith explained that available funding is project-driven through the Federal Highway Administration Western Lands. He said that they have funding available to improve the road system

that increases tourism on public lands. The projects Wasco County is putting forward qualify for that funding – ¾ mile of Wamic Market Road and 2 miles of Dufur Market Road.

Mr. Smith stated that the program is one of the best available for funding; it pays 90% of project costs. The remaining 10% match required from the County can be met with labor and materials – the County has valuable aggregate that can be used for the match. He added that he hopes to get letters of support that will help with application approval.

Commissioner Kramer reported that he met with Ranger Sams and Mr. Wallace two weeks ago and developed a plan to compose a collaborative team for the Mt. Hood National Forest. He stated that a meeting has been scheduled with partners to give a brief overview and identify additional partners for a repeat of the meeting in February.

Commissioner Kramer stated that through Regional Solutions and Phil Chang from Senator Merkley's office he now has contacts for technical assistance to move forward the burn clean up at Rock Creek Reservoir. Mr. Sams has a team and a plan – this will support his efforts. He announced that there will be community outreach at a meeting on Monday at CGCC and on the 13th in Maupin – Mr. Chang will be at both meetings. Commissioner Runyon noted that Mr. Chang is very knowledgeable and these efforts will help clear fuel and put people to work.

Agenda Item – Sister Communities

Mr. Smith reported that at the Fall OACES meeting the Public Works Director for Tillamook County brought forth the idea of Sister Counties to help fill leadership voids that might be a result of a coastal earthquake and/or tsunami. He explained that staffing for most Oregon counties is limited and staff could be injured during an incident rendering them unable to respond. The planned relationships would be forged among coastal, valley and eastern Oregon county groups. These relationships will help create knowledge for Sister Counties to be able to step into leadership roles should that be needed in the event of a disaster. The relationships are to be sustainable – should an eastern Oregon county experience an emergency, their valley and/or coastal Sister County would be available to offer assistance.

Wasco County Emergency Manager Kristy Beachamp showed the Board the Cascadia Earthquake Playbook developed to guide a response to an anticipated major coastal earthquake. She noted that there is a section covering public works and transportation – there is a good chance that in the event of a major earthquake coastal staff will be victims and the counties will need to have additional support. She said that the state of Oregon is focusing on this issue and is planning a full-scale drill – they are applying significant homeland funding to these efforts.

Mr. Smith observed that it is important to look at other areas of response outside of the typical emergency services such as fire, medical and law enforcement. He said that these relationships are valuable. He stated that the Lincoln County Public Works Director is applying for funding to reimburse Sister Counties for staff time and travel related to building this program.

Acting Chair Runyon pointed out that this ties in with the summit meeting and ACT meeting for John Day. He said that ODOT has specific plans for this as well. Mr. Smith stated that if this event happens, the thought is that eastern Oregon will not be nearly as impacted – efforts would be Redmond-based with resources coming from eastern Oregon. He reported that bridges and overpasses are being retrofitted to withstand an earthquake – they will start east and move west. Acting Chair Runyon said that although this is a 50-year project, it is important to get the work done.

*****The Board was in consensus to have Wasco County move forward to participate in the Sister County program for emergency response.*****

Mr. Smith said he is looking at Lincoln County as a Sister County. Ms. Beachamp agreed saying that she has an excellent relationship with Lincoln County's Emergency Manager. Mr. Smith added that their Public Works Director is new to the position and it would be a good opportunity to forge a relationship.

Agenda Item – Rail Hollow Overlay

Mr. Smith stated this match agreement is part of a FLAP funding grant for pavement maintenance on a road leading from Dufur with maintenance occurring on 2.3 miles of road to just past Rail Hollow. The grant was approved and accepted by the Board in 2014; the total cost of the project is \$445,000. Wasco County has provided labor and materials for most of their match responsibility; the remaining \$20,850 of

matching funds are included in the 2014-15 fiscal year budget. Should the project come in under-budget, that amount will be reduced but it will not be any higher than the budgeted amount.

\$\$\$Commissioner Kramer moved to approve the Federal Lands Access Program Match Agreement for OR Wasco 104(1), Rail Hollow Overlay Project. Acting Chair Runyon seconded the motion which passed unanimously.\$\$\$

Acting Chair Runyon called for a recess at 9:54 a.m.

The session reconvened at 10:00 a.m.

Agenda Item – 2014 Frost/Freeze Damage

Professor Lynn Long, Wasco County OSU Extension Service Horticulturist, reviewed a handout he provided to the Board (attached). He explained that the severity of the 2014 fall freeze has not been seen since a freeze recorded in 1955. He reviewed the test results which confirm damage but stated that the extent and impact of that damage cannot be fully known until the growing season. He pointed out that cherries are hardy and bud damage can be recoverable; however, the tests show significant portions of the trees' conductive system have sustained varying degrees of damage which can result in underdeveloped or early-dropped fruit. Orchards around the County experienced temperatures ranging from -4° to 7°. Professor Long added that secondary damage from bacterial canker is a significant hazard; 2012 freeze damage in Parkdale orchards resulted in bacterial canker that killed many trees.

FSA County Executive Director Kevin McIntyre explained that the process has changed since Wasco County last experienced a damaging freeze. He provided handouts that outlined the necessary steps (attached) and explained that the first step is for the County to make a request of the Local Emergency Board to petition the State Emergency Board to declare the freeze a disaster. The new system is intended to fast-track requests.

Acting Chair Runyon noted that the declaration will not cost the County but will open opportunities for affected orchardists to have access to low-interest loans. Mr. McIntyre noted that anyone can ask the Local Emergency Board to petition the State for a disaster declaration.

*****The Board was in consensus to send a letter of request to the Local Emergency Board requesting they petition the State Emergency Board for a disaster declaration and asked Ms. White to work with Mr. McIntyre to draft an appropriate letter of request.*****

The Board asked Professor Long and Mr. McIntyre to return in May for a follow-up report.

Acting Chair Runyon called for a recess at 10:23 a.m.

The Session reconvened at 10:25 a.m.

Agenda Item – Parks & Rec Enterprise Zone Funding

The Dalles City Manager Nolan Young reminded the Board that the City and County are partners for an Enterprise Zone that included an initial \$1.2 million dollar payment with agreements in place directing the distribution of those funds. \$100,000 of the initial payment has been directed to the Northern Wasco County Parks and Recreation District under the condition that their plan for the application of those funds meets with the approval of both the City and the County. He stated that the City of The Dalles has approved NWCP&R's plan to apply the funding to the Thompson/Ted Walker pool construction project. He then introduced Phil Lewis, Executive Director of NWCP&R.

Mr. Lewis explained that the project is supported with a bond which is falling short of the construction cost – the Enterprise Zone money will help to fill the funding gap. He stated that the project will bring tourism to the area through sports and recreational opportunities. It will include a 3-season splash park which is an added amenity to the community; a splash park is an at-grade feature with water features similar to fountains but intended for recreational use. In addition the project will have a climbing wall, a diving board, water slide and 8-lane, 50 meter competitive pool. Swim meets have already been scheduled for June, 2015.

Acting Chair Runyon said that this is part of the original plan and today they are determining if this meets the criteria of the agreement. He said he believes that it does and that this project will be good for communities in the County.

{{Acting Chair Runyon moved to approve the Thompson/Ted Walker Pool project for the disbursement of Enterprise Zone funds. Commissioner Kramer seconded the motion which passed unanimously.}}

Acting Chair Runyon asked Mr. Lewis to introduce himself to those in attendance. Mr. Lewis said that he started in his position in December, 2014. Previously he has worked in the Pacific Northwest, most recently with Portland's parks and recreation department. He reported that he has a master's degree in parks management and is grateful to be part of this community.

Mr. Stone stated that he has been corresponding with legal counsel regarding the Home at Last (HAL) deed/lease. He asked if the Board would like to review the documents prior to him sending it to HAL. After a brief discussion, the Board advised that they would like to see it on an individual basis prior to it going to HAL.

Acting Chair Runyon adjourned the session at 10:38 a.m.

Summary of Actions

Motions Passed

- To approve Amendment 4 to Agreement 143684. To approve the Wasco County Community Corrections Contract Agreement for Level II Substance Abuse Treatment Program.
- To approve the Consent Agenda.
- To approve Order #15-001 Cancelling Uncollectible Taxes.
- To approve Order 15-002 in the Matter of the Transfer of Certain County Owned Real Property to the Estate of Jesus Gonzales.
- To approve the Federal Lands Access Program Match Agreement for OR Wasco 104(1), Rail Hollow Overlay Project.
- To approve the Thompson/Ted Walker Pool project for the disbursement of Enterprise Zone funds.

Consensus

- To sign the confidentiality agreement for the Transportation System Plan on behalf of the County.

- **To have Wasco County move forward to participate in the Sister County program for emergency response.**
- **To send a letter of request to the Local Emergency Board requesting they petition the State Emergency Board for a disaster declaration**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve 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)
FRED SCHUBERT TO THE NORTH CENTRAL) O R D E R
PUBLIC HEALTH DISTRICT BOARD OF) #15-003
HEALTH.)

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 Fred Schubert's term on the North Central Public Health District Board of Health will expired on December 31, 2014; and

IT FURTHER APPEARING TO THE BOARD: That Fred Schubert is willing and is qualified to be reappointed to the North Central Public Health District Board of Health for another term to represent the Health Professional Position on said Board.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Fred Schubert be and is hereby reappointed to the North Central Public Health District Board of Health for a term to expire on December 31, 2017.

DATED this 21st day of January, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Agenda Item
EDC's Role in Wasco County

- [Memo](#)

Memorandum

Date: December 23, 2014
To: Wasco County Board of County Commissioners
From: Joan Silver, EDC Chair and Carrie Pipinich, EDC Coordinator
Re: Economic Development Commission Role

Background

Through conversations with the Board of County Commissioners and undertaking its own planning and projects, the Wasco County Economic Development Commission has begun to discuss revisiting its role in the county to better reflect current conditions and needs.

The original role was defined in the EDC's establishing Ordinance adopted in 1986 as:

“The Commission shall be advisory only and that the general purposes of the Commission are as follows: 1. To be an information source; 2. To provide advice and guidance to the Court on countywide economic development and quality of life issues from citizens at the grass roots level; and 3. To be a forum for citizens to request assistance from the Court on accomplishing economic development projects and solving economic development problems.”

This role was developed to help the County meet the Oregon Regional Economic Development Act requirements, as well as to provide a structure for an ongoing dialogue between the smaller communities throughout the County and the Board of County Commissioners on their economic development needs.

Proposed Role

The EDC sees an opportunity to fulfill its traditional role as an information aggregator and conduit for expressing community needs to the Board of County Commissioners while also taking additional responsibility for moving priority projects identified through these efforts forward. The EDC would propose that its role be updated to:

The Commission will act as the economic development arm of Wasco County with final approval from the BOCC, focusing on job creation and increasing capacity throughout the County. The EDC is directly responsible for: keeping the BOCC apprised of economic development activity, opportunities, and needs throughout the County; collaborating with, and providing technical assistance to, local entities to accomplish projects focused on the above outcomes and to bring further investment into Wasco County; providing leadership on countywide economic development efforts.

Proposed Structure

In conjunction with this shift in role, the EDC also proposes a move toward a structure that provides a dual focus on both engagement and action. This structure would include

hosting fewer formal Economic Development Commission meetings (currently required at least six times a year) with more frequent “working group” meetings that will focus on accomplishing the priority projects recommended by the full EDC and leveraging its Commissioners interests with staff time to create additional impact. The Full EDC Meetings would provide an opportunity to hear from communities throughout the County as well as gather input on project progress, challenges, and opportunities.

Additionally, the EDC will review the Community Enhancement Project Prioritization in an effort to focus the process further toward opportunities that relate more directly with capacity building and job creation, and assistance in moving projects from the project list to completion. This will likely include reducing the frequency of the process, and providing additional staff resources for working with communities to pursue funding opportunities and implementation strategies.

Request

The Economic Development Commission requests input on this new direction from the Board of County Commissioners at this time. Additionally, a consensus on proceeding with next steps that would include updating the EDC’s Ordinance and creating a revised scope of work that reflects these changes for FY 2015/2016.

Agenda Item
VSO Quarterly Report

- [Quarterly Activity Report](#)
- [Fiscal Year Report to Date](#)



COUNTY VETERANS SERVICE OFFICER QUARTERLY REPORT OF ACTIVITIES

TO: Oregon Department of Veterans' Affairs Veterans' Services Division 700 Summer ST NE, Suite 150 Salem OR 97301-1289	FROM: (Name of County) Wasco Mailing Address (for Remittance): Wasco County Veterans Services 511 Washington Street, Suite 101
---	--

Fiscal Year	<input type="checkbox"/> 1st Quarter (July-August-September) *	<input type="checkbox"/> 3rd Quarter (January - February - March) *
2014/15	<input checked="" type="checkbox"/> 2nd Quarter (October - November- December) *	<input type="checkbox"/> 4th Quarter (April - May - June) *

NOTE: * Completed reports must be received by ODVA within 30 days after the end of each fiscal quarter*.

INTERVIEW PROCESS		
	In-Office Interviews Completed	Out-Of-Office Interviews Completed
U.S. Dept. of Veterans Affairs (DVA) Subjects	383	6
GRAND TOTAL INTERVIEWS	389	

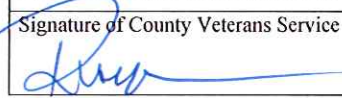
CLAIMS PROCESS		
U.S. DVA (Original 526s or 534s)	ODVA Representation	Other Representation
Filed	29	3
Granted	17	2
Denied	9	1
Reopened	9	0
10-10EZ	22	0

APPEALS PROCESS		
U.S. DVA Appeals	ODVA Representation	Other Representation
NOD's Filed	2	1

ODVA PROGRAM REFERRALS		
TOTAL REFERRALS	88	7

OTHER ACTIVITIES
Recoveries\$117,963.48
VSO Meetings/Conventions/Outreach (Explain on additional sheet of paper if more space is needed)
Wasco County Veterans Advisory Committee meetings (monthly)
Mid-Columbia Veterans Ad-hoc committee meetings (monthly)
KODL Coffee Break radio program (monthly)
Volunteer Group meetings (monthly)
ODVA Training Conference
Patrick Wilbern received accreditation credentials, 2 full-time accredited VSOs now in the office
Working with the VocRehab office in Warm Springs to assist tribal veterans
Outreach Day to local National Guard unit w/new DVOP from WorkSource Oregon

Expansion and Enhancement Update <i>(Explain on additional sheet of paper if more space is needed)</i>

This report is submitted to qualify for funds available from the Oregon Department of Veterans' Affairs and is certified to be true and correct to the best of my knowledge and belief.	
Signature of County Veterans Service Officer 	Date Signed 11/13/2015

DEFINITIONS FOR CVSO QUARTERLY REPORT OF ACTIVITIES

US DVA SUBJECTS

Number of sit-down interviews regarding compensation, pension, DIC, Death pension, GI Bill, Home Loan Guarantees, VA health care.

- In-Office Count sit-down *(face-to-face)* interviews only.
- Out-of-Office Count sit-down *(face-to-face)* interviews only.

US DVA Claims

- Filed: Original VA Fm 21-526 or 21-534 completed and filed during the period for which this report is prepared.
- Granted: Number of Award Letters
- Denied: Number of Denial Letters
- Reopened: Any Claims reopened
- 10-10EZ: Any original applications for VA Healthcare

US DVA Appeals

- Filed: Original NODs completed and filed during the period for which this report is prepared.

ODVA Program Referrals

Count sit-down *(face-to-face)* interviews only.

Recoveries

Count recoveries for VA award letters received during the period for which this report is prepared. The recovery amount is handwritten on the bottom of award letters received from ODVA. When the veteran has selected a different POA, the recovery amount can be found on the TINQ screen on the BDN.

VSO Meetings/Conventions

Local or statewide meetings you attend in your capacity as a County Veterans' Service Officer or Assistant.

CVSO Activity Report 2015

Month	Retroactive Payments	Monthly Payments	Decisions Received	Decisions with Award	Issues Awarded	Issues Denied	New Client Files	Claims Filed	Informal	Readjudications and Appeals Filed	Healthcare Applications	Contacts	Volunteer Hours
July 2014	\$37,847.99	\$4,295.49	10	7	7	6	40	24	13	1	1	523	341
August 2014	\$5,349.44	\$440.93	5	3	6	21	33	11	9	7	11	362	253
September 2014	\$58,427.72	\$4,620.30	11	7	9	14	18	12	9	10	5	326	257
October 2014	\$25,331.58	\$2,482.09	11	5	13	18	37	5	6	4	19	341	333
November 2014	\$33,868.91	\$5,710.15	9	7	6	2	38	16	12	4	15	277	278
December 2014	\$58,762.99	\$3,633.39	6	5	10	15	30	8	4	3	16	300	276
January 2015													
February 2015													
March 2015													
April 2015													
May 2015													
June 2015													
2015	\$219,588.63	\$21,182.35	52	34	51	76	196	76	53	29	67	2,129	1,738
Cumulative Monthly Payments	\$68,958.75												
Total Cumulative + Retroactive	\$288,547.38												

December 2014

14.29 Contacts per working day (Includes in-person, telephone, email and regular mail)
 0.38 Formal Claims per working day
 0.57 Formal + Informal claims per working day

83.33% Claim award rate
 40.00% Issue award rate

6.74 Average Age (months) of claims awarded (Increased due to wins on Appeal)
 6.78 Portland VARO average completion time March 2014 from VA Monday Morning Report December 29, 2014

Fiscal Year to Date 2014/15

17.31 Contacts per working day (Includes in-person, telephone, email and regular mail)
 0.62 Formal Claims per working day
 1.05 Formal + Informal claims per working day

65.38% Claim award rate
 40.16% Issue award rate

7.73 Average Age (months) of claims awarded
 6.84 Portland VARO average completion from VA Monday Morning Report December 29, 2014

Agenda Item
Planning Commission – Strategic Planning

- [Presentation](#)

“Within a strategy, each victory is not just for today but for tomorrow.”

– Max McKeown, *The Strategy Book*

“People in any organization are always attached to the obsolete - the things that should have worked but did not, the things that once were productive and no longer are. This is why timely updating Strategies are critical”

– Peter F. Drucker

Wasco County

What are we asking?

Pledge of Support from the Commissioners to Charter a recommend team that would:

1. Explore the steps necessary to create a overall update to the Wasco County Comprehensive Plan (last update 1983).
2. Explore the steps necessary to update & modernize the Wasco County LUDO
3. Extend support to complete the Wasco County Strategic Plan. An overall Wasco County Strategic Plan will define where our county is going, how we are going to get there and how we measure our results.



Wasco County

Why do we want to expedite the completion the Strategic Plan?

- 1.Ensures the most effective use of every Departments limited resources
- 2.Focus on key priorities.
- 3.Enables Planning,
- 4.Energizes & Galvanizes citizens
- 5.Provides framework for all Departments.
- 6.Increases Transparency to the Public
- 7.Provides accountability structure
- 8.Result driven



Wasco County

Why do we want to update LUDO and the Comprehensive Plan?

1. Encourages the most appropriate use of land
2. Minimizes confusion and interpretation
3. Improve Customer Service.
4. Enables Planning.
5. Enables Economic Development
6. Energizes & Galvanizes citizens
7. Provides framework for Landowners.
8. Increases Transparency to the Public
9. Provides accountability structure
10. Modernizes Land Use
11. Aligns our ordinances to State guidelines



How do we create this plan?

- ❖ Establish a Process (current request)
- ❖ Charter a leadership team
 - ❖ Create work groups
 - ❖ Engage Citizens, Employees, Departments, Organizations.
 - ❖ Draft a review document
 - ❖ Solicit Public Comment
- ❖ Adopt



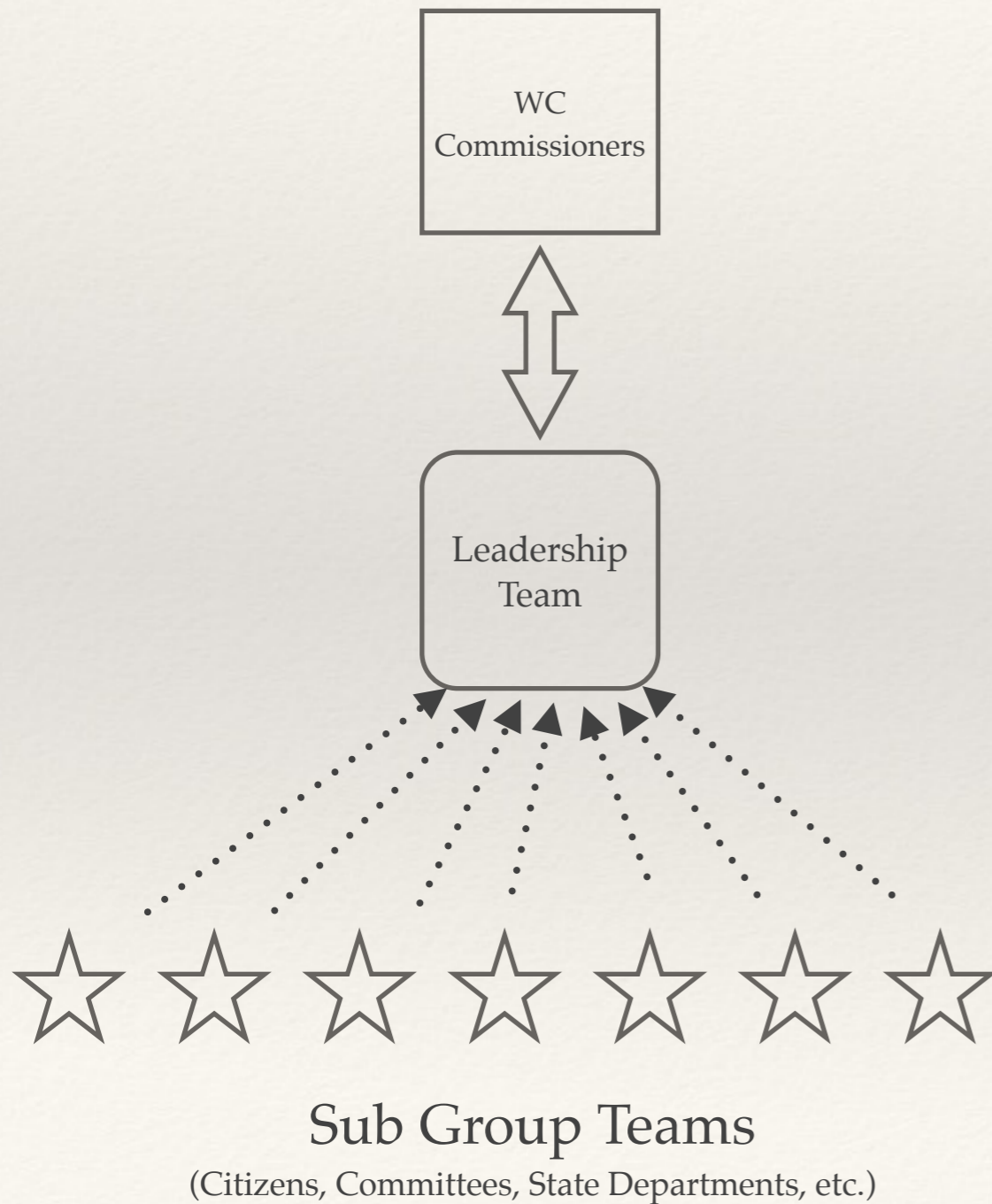
What is the first step?

- ❖ County Commissioners Charters an initial Team to recommend the process.
 - ❖ Conduct necessary research
 - ❖ Determine what it takes
 - ❖ Establish a recommended approach
 - ❖ Submit to County Commissioners
- ❖ Second Step: County Commissioners would approve (or not) moving forward with the development of the Plans



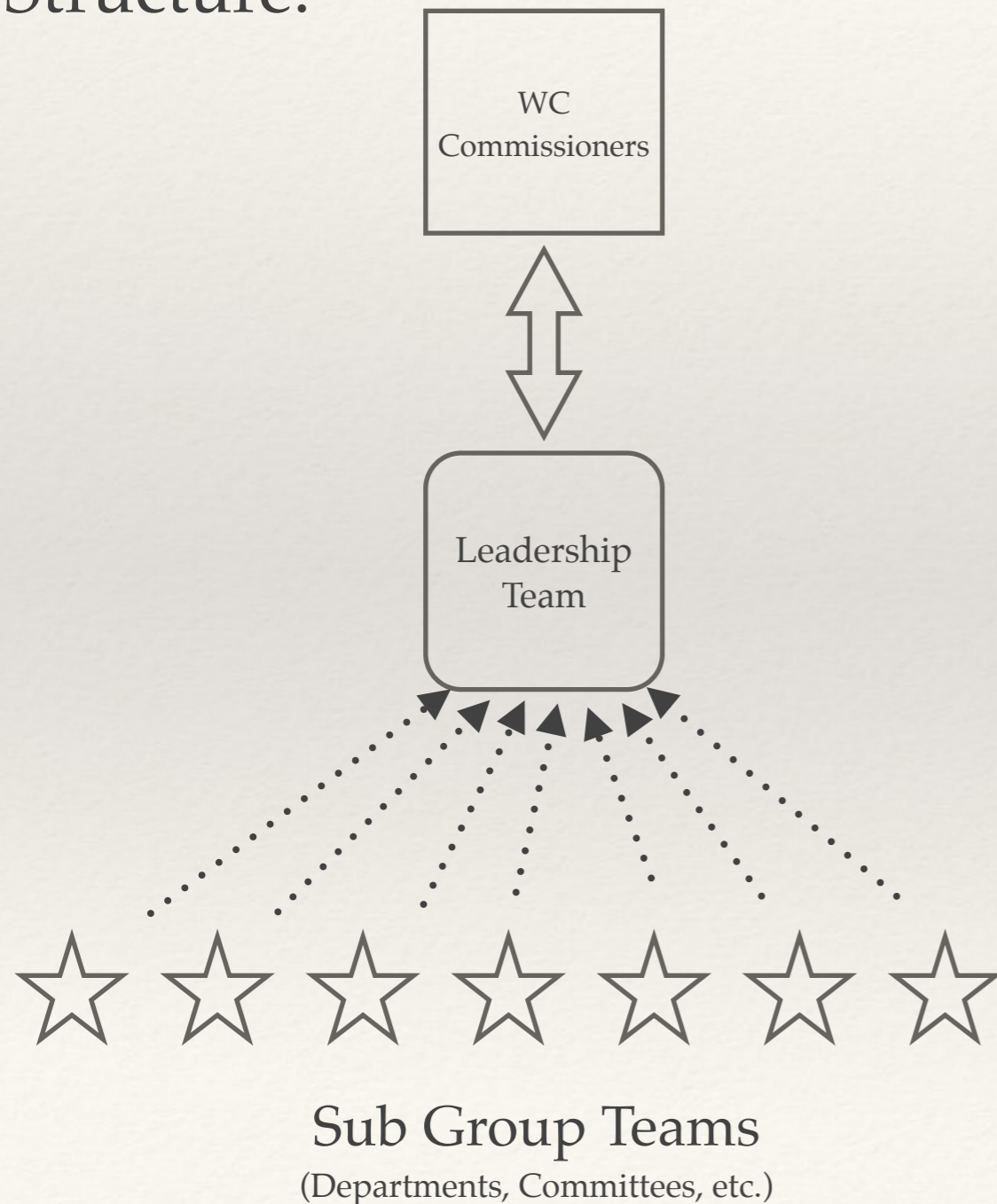
Structure & Recommendation

Structure:



Structure & Recommendation

Structure:



Recommended Leadership Team

(Three from Planning Department)

- Mike Davis (initial process)
- Russell Hargrave (initial process)
- TBD

(four to five from various geographical areas)

- TBD
- TBD
- TBD
- TBD
- TBD

(Leadership Team would be approved by the WC Commissioners)

Request

We are requesting that the Wasco County Commissioners
Charter the initial team to:

1. Develop a process to create a new Comprehensive Plan and an update to LUDO
2. Recommend a complete Leadership Team
3. Submit plan to the County Commissioners for approval to move forward.
4. Assist in finalizing and the adoption of the Wasco County Strategic Plan

Agenda Item
Healthy Start Funding Agreement
Amendment #1

- [Amendment #1 to Funding Agreement with The Next Door Inc.](#)



WASCO COUNTY

Funding Agreement AMENDMENT #1

This is an amendment to the agreement, made and entered into by and between The Next Door, Inc. hereinafter referred to as “Provider” and Wasco County, Oregon a political subdivision of the State of Oregon, hereinafter referred to as “County”

Agreements

1. Effective Date

This agreement is effective July 1, 2013 and until June 30, 2015. It is understood by both parties that no commitments have been or are made by either party beyond the termination of the Agreement.

2. The contract is amended as follows with new language indicated by underlying and [deleted language is indicated by brackets]:

6.0 ESTIMATE OF COST

6.1 Healthy Start	[\$135,122.00] <u>\$164,422.00</u>
[6.2 Mixed State General Funds	\$22,175.00]
6.4 Total Estimated Funds	<u>\$164,422.00</u>
<u>6.3 State Medicaid Matching Funds</u>	<u>Not to Exceed</u> <u>\$55,000</u>

EXPLANATION OF AWARD

The Award set forth above reflects the maximum amount of financial assistance County will provide the Provider under this agreement in support of Activities in the specified Funding area. The CFDA Number 93.556 specifies Title IV-B(2). Social Service Act, Subpart 2, Family Preservation and Family Support Services Program, funds.

Except as expressly amended above, all other terms and conditions of original Agreement are still in full force and effect. Provider 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.

SIGNATURES

“Provider”

Janet Hamada, Executive Director
The Next Door, INC.

Date

“County”

Scott Hege, Chair Board of Commissioners

Date

Rod Runyon, Commissioner

Date

Steve Kramer, Commissioner

Date

Approved as to Form
Kristen Campbell, County Counsel

Date

Statement of Work – Attachment “A”

Healthy Start

1.0 OBJECTIVE

- 1.1 Increase readiness to enter Kindergarten;
- 1.2 Improve health outcomes for children and their families;
- 1.3 Reduce the incidence of child abuse and neglect

2.0 BACKGROUND

- 2.1 Healthy Start was created by the Oregon Legislature in 1993 as a statewide program within Oregon’s system of supports and services for families with young children. Healthy Start promotes wellness for Oregon families with newborns by offering universal, accessible and non-stigmatizing services tailored to each family’s unique situation.

Healthy Start offers consenting families of newborns universal access to screening and personalized referral to community services. Families may also receive a Welcome Baby give packet filled with information about parenting and child development. Families determined to be at higher risk for adverse childhood outcomes (through the use of a standardized research-based screening tool) are offered on-going home visiting services.

Home visiting services continue for as long as the family wants to remain engaged, for up to three years, with some exceptions for longer service. Visits assist families in achieving goals around parenting and improved family functioning. Healthy Start services are based on building family strengths.

3.0 REQUIREMENTS

- 3.1 Abide by Oregon Revised Statutes and Oregon Administrative Rules pertaining to Healthy Start (ORS 417.795)
- 3.2 Participate in Federal Medicaid (Title XIX) Administrative Claiming as outlined by Oregon Education Investment Board.
- 3.3 Maintain accurate and up to date records of all employees who are eligible to participate in Federal Medicaid (Title XIX) Administrative Claiming. Information to include: Employee name, title, job description, education level, salary, and other personnel expenses, time study records, records to indicate the nature and extent of services provided, and other resources that have been applied to offset costs.
- 3.4 Ensure that all services including those that are Medicaid eligible are offered to clients strictly on a volunteer basis.

- 3.5 Abide by the policies and procedures as outlined in the *Healthy Start Program Policies & Procedures Manual* published by the Oregon Commission on Children and Families and by reference incorporated herein.
- 3.6 Abide by the guidelines outlined by the Oregon Education Investment Board.

4.0 REPORTING REQUIREMENTS

- 4.1 Submit all information as required and/or requested by Wasco County Department of Youth Services, Oregon Education Investment Board, and contracted research agencies through Oregon Education Investment Board.
- 4.2 Submit accurate financial statement including Wasco County Program Expenditures, program donations, volunteer hours, and in-kind donations on a Quarterly basis.
- 4.3 Participate in local sub-committees by providing reports and/or information as requested to the Wasco County Department of Youth Services.
- 4.4 Present an annual report to the Wasco County Board of Commissioners or entity of their designation.

5.0 PERIOD OF PERFORMANCE

- 5.1 Project Initiate Date: July 1, 2013
- 5.2 Project Completion Date: June 30, 2015

6.0 ESTIMATE OF COST

- 6.1 Healthy Start \$135,122.00
- 6.2 Mixed State General funds \$22,175.00

- 6.3 Total Estimated Funds \$157,297.00

Agenda Item

Title III Reimbursement

- [Title III Project Reimbursement Form](#)
- [Project Financial Detail](#)
- [Incident Summary](#)
- [Invoice](#)
- [Project Transaction Detail Report](#)
- [Reimbursement Totals](#)
- [Certification](#)

PL 110-343 Title III Project Submission Form For
Wasco County

“Secure Rural Schools and Community Self-Determination Act of 2000”

Name of Project: Frog Lake Search Gerren Kirk

Date Project Submission Form To Be Returned To Wasco County
Court: 01/15/15_____

Date Project Submitted: 01/15/15_____

Project Sponsor: Sgt Scott Williams
Sponsor's Address: 511 Washington St Suite 102 The Dalles OR

Contact Person: Sgt Scott Williams
Phone: 541-506-2593 Fax: 541-506-2581 E-Mail: scottw@co.wasco.or.us

Project Is Authorized Under The Following Category: (see Sec. 302(b), attached)

- Search, Rescue and Emergency Services
- Community Service Work Camps
- Easement Purchases
- Forest Related Education Opportunities
- Fire Prevention And County Planning
- Community Forestry

Project Location: Frog Lake/ Twin Lakes Wasco County Oregon

Other Identifiers: (geographic location, road name or number, stream name)

US National Forest Lands

Project Description: Search for Gerren Kirk Missing Person

*include work windows or other limitations / restrictions / public or private land

Project Goals and Objectives: Locate Gerren Kirk

Is There An Opportunity To Tie To An Associated Title II Project? Explain:No

Proposed Method Of Accomplishment:

Contract Volunteers Agency (FS/BLM) Employees County

County Corrections (adult / juvenile) Non-Profit

Other _____

Current Status Of Project Preparation: Suspended

Contact Person(s) For Project Specific Documentation:Sgt Scott Williams

Telephone Number(s) For Contact(s) 541-506-2593

Does Project Meet The Purpose Of The Legislation? (see Sec. 302(b), attached)

Explanation: Yes

How Does The Project Benefit The Community? Provides a safe environment for recreation in USFS lands in Wasco County

How Does The Project Improve Cooperative Relationships Among People That Use Federal Lands And Federal Management Agency? Provides a safe environment for recreation in USFS lands in Wasco County

Duration Of The Project: Suspended until further leads develop _____

Anticipated Cost of Project (itemize): See Exhibit #4

- Review And Consultation Costs: _____
- Engineering Costs: _____
- Contract Preparation And Administration Costs: _____
- Materials And Supplies: _____
- Monitoring: _____
- Other Costs: _____
- Indirect Costs (overhead): _____

TOTAL COST ESTIMATE: \$18,139.82 _____

Estimated Start Date Of Project: 12/08/14 _____

Estimated Completion Date of Project: 12/14/14 suspended _____

Is This A Multi-Year Funding Request? [] Yes [X] No (if yes, display by fiscal year)

FY02 Request: _____ **FY03 Request:** _____ **FY14 Request:** _____ x
FY05 Request: _____ **FY06 Request:** _____

Identify Source(s) Of Other Funding For Project: US Forest Patrol contract line item 101.16.5131.412.636, \$5462.58 was billed to this account for Deputies time spent on this search. Per exhibit 1 attached with time sheets there was a total of \$12,587.07 spent on wages and overtime. \$7124.49 remains to be paid for hours spent on search _____

Project Accomplishments / Expected Outcomes: Project suspended, Kirk never located/ Expected outcome is to find Kirk at a later time _____

How Is Project In The Public Interest? To create a safe environment for recreation in Wasco County _____

Will Project Create a Product Or Benefit To The Federal Resource? Yes, to create a safe environment for recreation in Wasco County and the National Forest _____

Monitoring And Reporting Plan To Measure Outcome (what measure or evaluation will be made to determine how well the proposed project meets the desired objectives): A thorough search will be done until we have expended resources and risk vs. reward will be evaluated. _____

Other Comments: _____

Submitted To Wasco County By: Sgt Scott Williams_____

Address: 511 Washington St suite 102 The Dalles Or 97058_____

Telephone:541-506-2593 _____

Date: 01/15/15_____

VER. 7 OREGON EMERGENCY MANAGEMENT VER. 7
SEARCH AND RESCUE INCIDENT SUMMARY

CFM Number 2014-2663 County Case Number S140720 Date of Incident Dec. 8,

Report prepared by (Name) Gaven Marble Phone 541-506-2580
County Wasco

WAS ASSISTANCE PROVIDED

By another Agency, County, or State to you? Which one(s)? USFS, HOOD RIVER COUNTY, CLACKAMAS COUNTY, MULTNOMAH COUNTY, WASHINGTON COUNTY, WALLOWA COUNTY, LAKE COUNTY, CLICKITAT COUNTY,
 By you to another Agency, County, or State? Which one(s)? _____

SAR INCIDENT TYPE - What type of incident did this involve?

This mission involved more than one type of incident
 Aviation Beacon searches False - callout reason _____
 Missing person (land) Evidence search (land) Rescue (land) Body recovery from
 Missing person (water) Evidence search (water) Rescue (water) land water
 Training Public event Other water incident
 Emergency Management (disasters) Other (specify) _____

SUBJECT ACTIVITY - What was the subject doing?

Helicopter Fixed wing Other aviation _____ Military aircraft?
 ATV Motor vehicle - Intentions _____
 Caving Climbing Hiking / camping Horseback riding
 Government work Other work Bicycling
 Mushroom picker Other picker Other forest activity _____
 Fishing Hunting (game) Hunting (bird)
 Cross country skiing Snowboarding Snowmobile Other snow sports
 Powered watercraft Non-powered watercraft - What type? Drift Boat
 SCUBA / snorkeling Swimming Other water activity _____
 Suicide Wandering Criminal Unknown
 Any other activities _____

SUBJECT DATA AND MISSION RESULTS: List subjects by age

Age(s): Males 31 Age(s): Females _____
 Oregon resident? Home county: Clackamas or Home state: OR

Results:

Recovered	Condition	Found by		Fitness	
Alive: _____	Well: _____	Self-recovered: _____	SAR dogs: _____	Excellent: _____	Good: <u>X</u>
Deceased: _____	Injured: _____	Family / friends: _____	Air SAR: _____	Fair: _____	Poor: _____
Missing: <u>X</u>		Ground SAR: _____	Other: _____	Unk: _____	N/A: _____

Distance traveled on foot from IPP: _____ feet Straight line Actual Track offset: _____ feet
 IPP coordinates: LAT 45deg, 13'45.42" N, LONG 121deg 41'57.27"W Datum: _____
 Altitude: _____ feet
 Find coordinates: _____ Datum: _____ Altitude: _____ feet

MENTAL STATE - Describe the mental status of the subject (if applicable)

For multiple subjects with different status, identify by age and sex: subject 1 31 subject 2 _____ subject 3 _____
 ¹ ² ³ Alzheimer's ¹ ² ³ Mental illness ¹ ² ³ Autism ¹ ² ³ Mood disorder
 ¹ ² ³ Dementia type ¹ ² ³ Mental handicaps ¹ ² ³ Other mental condition _____
 ¹ ² ³ Alcohol ¹ ² ³ Methamphetamine ¹ ² ³ Cocaine ¹ ² ³ Opiate ¹ ² ³ Marijuana
 ¹ ² ³ Hallucinogen ¹ ² ³ Other drug pill addiction

Last seen date: 12-03-14 Overdue date: 12-06-14 Reported date: 12-08-14 Found date: _____
 Last seen time: 12:00 Overdue time: _____ Reported time: 17:00 Found time: _____

SIGNALING - What did the subject use?

- ELT EPIRB PLB SPOT MLU Cell Phone Radio Mirror
Fire/smoke Flare/pyro Sound (gun, whistle) Visual (markers, flags) Project Lifesaver

ID USE - On whose land did the incident initiate?

- Private County State ODF Parks & Rec. Native
Dept. of Interior USFS BLM Other (specify) _____

ENVIRONMENTAL DATA - Describe the environment of the search area

Population: <small>(Choose one)</small>	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	Terrain: <small>(Choose one)</small>	<input checked="" type="checkbox"/> Mountains	<input type="checkbox"/> Hilly
	<input type="checkbox"/> Rural	<input checked="" type="checkbox"/> Wilderness		<input type="checkbox"/> Flat	<input checked="" type="checkbox"/> Water

WEATHER - (Check one only)

- Clear Partly cloudy Overcast Foggy Drizzle Showers Rain
Hail Sleet Flurries Snow Blizzard Smoky Windy

SAR ASSETS USED

TRANSPORTATION (Enter h (hours) or m (miles))

- [____h] [____m] Helicopter [3h] [____m] Fixed wing [____h] [____m] ATVs
 [8h] [____m] Helicopter (military) [____h] [____m] Fixed wing (military) [____h] [____m] Motorcycle
 [16h] [____m] Snowmobile [____h] [____m] Snow-Cat [____h] [____m] Watercraft
 [____h] [1400m] 4-wheel drive [____h] [____m] Specialized vehicles [____h] [____m] 2-wheel drive
 [____h] [____m] Other _____

PERSONNEL - PAID (hours)

- [____] CAP [____] Divers [____] BLM
 [124] Forest Service [88.5] Federal agency (other) [____] Explorers
 [____] Mt. Rescue [____] Dog team (dog & handler) [____] Jeep club
 [____] Ski patrol [____] Horse team (horse & rider) [____] Fire service
 [276.50] Law enforcement [____] Sheriff's SAR team [____] State agency
 [____] Other ground SAR (who?) _____

PERSONNEL - VOLUNTEER (hours)

- [____] CAP [____] Divers [____] BLM
 [____] Forest Service [____] Federal agency (other) [543.25] Explorers
 [____] Mt. Rescue [339.75] Dog team (dog & handler) [____] Jeep club
 [____] Ski patrol [____] Horse team (horse & rider) [____] Fire service
 [____] Law enforcement [157] Sheriff's SAR team [____] State agency
 [250.5] Other ground SAR (who?) _____ [222] Amateur radio

DIRECT COSTS - Non-budgeted expenses paid during the mission.

- [614.90] Food [____] Fuel [____] Lodging
 [____] Other expenses (describe) _____

NARRATIVE - briefly describe incident

Subject with moderate level of outdoor experience told family he was going hiking/camping for a few days and did not return. Subject's vehicle was located at Frog Lake Snow Park by deputies. After 12, 12 hr op periods searching the Twin Lakes, Frog Lake and Clear Lake areas of Mt Hood National Forest, no definitive clues were found and the search was suspended.

EXHIBIT #1

Wasco County Sheriff Office

INVOICE

Attn: Brenda Borders
511 Washington Street, Suite 102
The Dalles, OR 97058
Phone (541) 506-2580 Fax (541) 506-2581

DATE: December 30, 2014
INVOICE # Dec 2014/Wasco County
USDA U.S. Forest Service
Cooperative Agreement 12-LE-11060600-010 M2
FOR: Forest Patrol
Cooperative Law Enforcement Annual Operating Plan &
Financial Plan Between Wasco County Sheriff's Department
and USDA, Forest Service
Mt. Hood National Forest
\$45.91/hr regular rate; \$60.41 overtime rate
\$90.00 per 10 hour day vehicle rate

BILL TO:
U.S. Forest Service
Albuquerque Service Center
Payments-Grants and Agreements
101B Sun Ave NE
Albuquerque, NM 87109

Frog Lake Search

DESCRIPTION	Reg Hours	Overtime	AMOUNT
Dec. 11 Deputy Hall -regular time	10.00		\$ -
Dec. 11 Deputy Hall - overtime		\$ 6.50	\$ -
Dec. 12 Deputy Hall - regular time	10.00		\$ -
Dec. 12 Deputy Hall - overtime		\$ 6.50	\$ -
Dec. 13 Deputy Hall - regular time	4.00		\$ -
Dec. 13 Deputy Hall - overtime		\$ 11.00	\$ -
Dec. 14 Deputy Hall - overtime		\$ 12.50	\$ -
Dec. 9 Deputy Marble - regular time	10.00		\$ -
Dec. 9 Deputy Marble - overtime		\$ 4.75	\$ -
Dec. 10 Deputy Marble regular	10.00		\$ -
Dec. 10 Deputy Marble - overtime		\$ 7.00	\$ -
Dec. 11 Deputy Marble - regular time	10.00		\$ -
Dec. 11 Deputy Marble - overtime		\$ 6.75	\$ -
Dec. 12 Deputy Marble - regular time	10.00		\$ -
Dec. 12 Deputy Marble - overtime		\$ 6.75	\$ -
Dec. 13 Deputy Marble - overtime		\$ 16.50	\$ -
Dec. 14 Deputy Marble - overtime		\$ 14.50	\$ -
Dec. 8 Sgt. McNeel - overtime		\$ 3.00	\$ -
Dec. 10 Sgt. McNeel - overtime		\$ 15.50	\$ -
Dec 11 Sgt. McNeel - overtime		\$ 8.50	\$ -
Dec. 10 Deputy Thomas - overtime		\$ 5.75	\$ -
Dec. 12 Deputy Thomas - overtime		\$ 4.25	\$ -
Dec. 13 Deputy Thomas - overtime		\$ 14.75	\$ -
Dec. 8 Deputy Ward - regular time	10.00		\$ -
Dec. 8 Deputy Ward - overtime		\$ 5.50	\$ -
Dec. 11 Sgt Williams - overtime		\$ 4.00	\$ -
Dec. 12 Sgt. Williams - overtime		\$ 17.50	\$ -
Dec. 13 Sgt. Williams - overtime		\$ 17.00	\$ -
Dec. 14 Sgt. Williams - overtime		\$ 14.00	\$ -
search at Frog Lake			\$ -

Project Expense Transaction Detail Report

12/29/2014 2:53PM

Wasco County

12/1/2014 through 12/15/2014

Project Number 16013 FY 2014 FOREST PATROL OPERATING PLAN

Frog Lake Search

Date	Reference	Description	Account #	Labor	Benefits	TIMECARD Hours	DAILY Hours	Other
Phase #	1631	EMPLOYEE 1						
12/15/2014	101	Wages	E 101.16.5131.51111	10,081.29	TOTAL -	<u>276.50</u>		
		4546 JEFFREY HALL		1,986.08		<u>60.50</u>		
		4601 GAVEN MARBLE		3,059.63		<u>96.25</u>		
		2779 CHRISTOPHER MCNEEL		1,281.42		<u>27.00</u>		
		4628 RAYMOND THOMAS		879.86		<u>24.75</u>		
		4478 CURTIS WARD JR		443.29		<u>15.50</u>		
		4394 SCOTT WILLIAMS		2,431.01		<u>52.50</u>		
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51701		141.39			
		4546 JEFFREY HALL			27.80			
		4601 GAVEN MARBLE			43.09			
		2779 CHRISTOPHER MCNEEL			17.41			
		4628 RAYMOND THOMAS			11.90			
		4478 CURTIS WARD JR			5.94			
		4394 SCOTT WILLIAMS			35.25			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51701		604.53			
		4546 JEFFREY HALL			118.91			
		4601 GAVEN MARBLE			184.21			
		2779 CHRISTOPHER MCNEEL			74.43			
		4628 RAYMOND THOMAS			50.87			
		4478 CURTIS WARD JR			25.39			
		4394 SCOTT WILLIAMS			150.72			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51705		5.30			
		4546 JEFFREY HALL			1.25			
		4601 GAVEN MARBLE			1.52			
		2779 CHRISTOPHER MCNEEL			0.59			
		4628 RAYMOND THOMAS			0.55			
		4478 CURTIS WARD JR			0.29			
		4394 SCOTT WILLIAMS			1.10			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51705		262.59			

Project Expense Transaction Detail Report

12/29/2014 2:53PM

Wasco County

12/1/2014

through

12/15/2014

Project Number 16013

FY 2014 FOREST PATROL OPERATING PLAN

Date	Reference	Description	Account #	Labor	Benefits	Hours	Materials	Other
		4546 JEFFREY HALL			52.09			
		4601 GAVEN MARBLE			76.94			
		2779 CHRISTOPHER MCNEEL			34.46			
		4628 RAYMOND THOMAS			23.87			
		4478 CURTIS WARD JR			12.95			
		4394 SCOTT WILLIAMS			62.28			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51721		1,321.72			
		4546 JEFFREY HALL			368.02			
		4601 GAVEN MARBLE			566.95			
		4478 CURTIS WARD JR			82.14			
		4394 SCOTT WILLIAMS			304.61			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51721		161.97			
		2779 CHRISTOPHER MCNEEL			161.97			
12/15/2014	101	Benefits/Contributions	E 101.16.5131.51731		8.28			
		4546 JEFFREY HALL			2.63			
		4601 GAVEN MARBLE			3.40			
		4628 RAYMOND THOMAS			1.43			
		4478 CURTIS WARD JR			0.82			
Phase Total: 1631		EMPLOYEE 1		10,081.29	2,505.78	276.50	0.00	0.00
Project Number Total: 16013		FY 2014 FOREST PATROL OPERATING PLAN		10,081.29	2,505.78	276.50	0.00	0.00
GRAND TOTAL:				10,081.29	2,505.78	276.50	0.00	0.00

12,587.07

Exhibit #4

Gerren Kirk Search 12/08/14 – 12/14/14

1. Hours for Deputies from Exhibit #1
 -276.50 hours at 45.00 per hour = \$12,442.50
2. Vehicle mileage for SAR vehicles using 70 miles 1 way from SAR compound to Frog Lake (X2= 140 miles daily per vehicle). 12/09/14 to 12/14/14, 10 vehicles @ 140 miles (info. From exhibit #2)
 \$770.00
3. Misc. Receipts from Exhibit #3 \$614.90
4. Volunteer hours from radio logs/sign in sheets:

Date	Sar member	Assignment	Hours
12/08/14	-	-	-
12/09/14	R34	Mantracking team	11.75
12/10/14	R16	Scout snowmobile	13
	R42	Scout snowmobile	13
	R9	Support	13
	R12	Support	6
	R30	Scout drive roads	6
	R32	Scout drive roads	6
12/11/14	-	-	-
12/12/14	-	-	-
12/13/14	R9	Support	12.75
	R12	Support	12.75
2/14/14	R12	Support	11.75
	R30	Support	11.75
	R8	Support	11.75
	R9	Support	11.75
	R15	Mantracking	11.75
	R34	Mantracking	With above R15
	R36	mantracking	With above R15

Totals:

Mantracking 23.5hrs @ \$125.00	\$2937.50
Scouts 42 hrs @ \$75.00	\$3150.00
Support personnel 91.50 hrs @ \$25.00	\$2287.50
5. Snowmobile 8 hrs X 2 machines @ \$50.00	\$800.00
6. Generator 10 hrs X 3 days @ \$20.00	\$600.00
Total expenditures	\$23,602.40
Forest patrol line item 101.16.5131.412.636 billed	-\$5462.58
Article 3 reimbursement total	\$18,139.82

**Secure Rural Schools and Community Self-Determination Act of 2000
County's Certification of Title III Expenditures and Unobligated Funds.**

Name of participating county and state:	Wasco County, OR
Calendar year for which this report is submitted:	2014

EXPENDITURES	
Amount of title III funds expended this year to carry out authorized activities under the Firewise Communities program:	\$
Amount of title III funds expended this year to reimburse the participating county for emergency services performed on Federal land, as defined in the Act, and paid for by the participating county:	\$18,139.82
Amount of title III funds expended this year to develop community wildfire protection plans in coordination with the appropriate Secretary:	\$
Total amount of title III funds expended this year for authorized uses:	\$18,139.82

FUNDS NOT OBLIGATED	
Amount of title III funds received since October 2008 not obligated by September 30 of the year for which this report is submitted.	\$0.00

CERTIFICATION	
<p>The expenditures reported above were for the uses authorized under section 302(a) of the Act. The proposed uses had a publication and comment period and were submitted to the appropriate Secure Rural Schools Act resource advisory committee(s) as required in Section 302(b) of the Act.</p> <p>The amounts reported as unobligated on September 30 are accurate and consistent with the county's accounting practices.</p> <p>Signature of certifying official: _____</p>	
Print or type name and title of certifying official:	Date of certification:
Scott C. Hege, Chair Wasco County Board of Commissioners	1.21.2015

Agenda Item
Executive Session

- [Held pursuant to ORS 192.660\(2\)\(h\) Conferring with Legal Counsel & ORS 192.660\(2\)\(g\) Trade Negotiations – Return to Agenda](#)

Rule and Law for Electricians

Oregon Revised Statutes are the laws passed by the legislative assembly.

The most important ones to the electrical industry are;

ORS

183

455

479

183 pertains to administration procedures and indicates how state agencies are to develop policy and communicate with their stakeholders. It contains information about legal proceedings for resolving conflicts and appeals of decisions made by local jurisdictions.

455 is titled building codes, and is specific to the building codes division. It contains direction for the building codes division to require permits and inspections for construction activities. It also gives the division authority to require licensing of companies and individuals making certain types of installations.

479 contains the Electrical Safety Law. It gives the division statutory authority to write rules and issue licenses to individuals intending to make electrical installations. It also contains exemptions for specific issues, and defines the requirement for product certification.

Oregon Administrative Rules are written by the division. The ones most pertinent to the electrical industry are as follows;

OAR Chapter 918, Division;

- 001 procedural guidelines, civil penalties, appointment of chiefs, etc.
- 008 development of code programs, amendments, interpretations, enforcement, etc.
- 030 general licensing applications, examination process, continuing education requirements, etc.
- 035 continuing education provider course and instructor approval, course content, etc.
- 098 certification of inspectors, scope of work allowed by limited programs, etc.
- 100 special alternative inspection program rules, (minor label, master permit, etc.)
- 251 electrical and elevator board created definitions
- 261 exemptions created by the board
- 271 role of inspectors, corrections, mandatory inspections, etc.
- 281 certification of electrical inspectors
- 282 electrical licenses for contractors and individuals, scope of work and responsibilities, etc.
- 283 electrical training program standard and responsibilities
- 305 Oregon Electrical Specialty Code
- 306 electrical product certification and listing requirements.
- 308 municipal administration of building code requirements, program assumption, etc.
- 309 permit and fee computation, master permits, minor labels, etc.
- 311 miscellaneous; design authority for supervisors, plan review, etc.

4

2

State of Oregon
Building Codes Division

*Certificate of
Professional Development
Presented to*

WAYNE D. LEASE

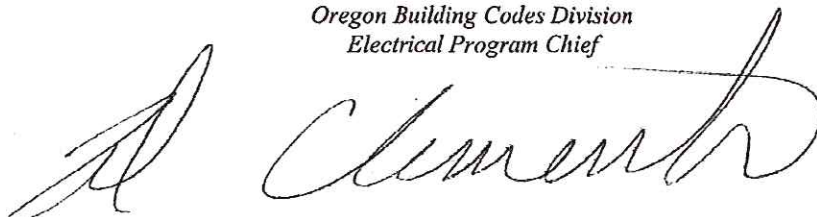

for participation in BCD's

**2011 NEC Code Changes, Oregon
Amendments, License and Permit
Requirements in Rule and Law**

Presented on October 22nd, 2013 at the
Cousins Conference Room, The Dalles, Oregon

Conducted for the Building Codes Division for
4 hours Rule and Law continuing education credit. Presented by

Dennis Clements
Oregon Building Codes Division
Electrical Program Chief

3



Building Codes Division (BCD)

BCD Home
About Us
Contact Us
Building Codes

Electrical Program - Training and Continuing Education

☞ [Receive updates to the electrical continuing education information by e-mail](#)

BCD Closure Dates
Building Dept Lookup
Consumer Assistance Green
Building Jobs with BCD
Publications Regional Services
Oregon Smart Guides

New - [Changes to continuing education requirements after October 1, 2012](#)

- [1% training program course calendar](#)
- [2011 Electrical Continuing Education Code-Change Course Content Matrix](#)
- [BCD correspondence courses](#)
- [Continuing education requirements for electrical licensees](#)
- [Continuing education providers](#)
- [Electrical program presentations](#)
- [Forms](#)

Certification Continuing Education Enforcement Forms
License holder search
Licensing News

Continuing Education Requirements for Electrical Licensees

Continuing education is part of the requirements for renewing most electrician licenses. The table below gives the requirements by license type. Please notice that a portion of continuing education credits must be from code change courses. You have not met the continuing education requirements for license renewal if you do not have the correct amount of code change continuing education credits.

Boards Committees Rules & Rulemaking Statutes

Code Programs ePermitting Services Interpretations Jurisdictions Minor Label Program Permits State Inspections

Site Map Oregon.gov

License Type	Required Code Change (CC) credits	Total required Continuing Education credits to renew. (All credits may be in Code Change)
General Supervising Electrician (S)	12	24
Limited Supervising Electrician (PS)	12	24
General Journeyman Electrician (J)	8 including Oregon Rule & Law - see below	24
Limited Journeyman Manufacturing Plant Electrician (PJ)	8	16
Limited Residential Electrician (LR)	8 including Oregon Rule & Law - see below	16
Limited Maintenance Electrician (LME)	2	8
Limited Energy Technician Class A (LEA)	8	8
Limited Energy Technician Class B (LEB)	2	8

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COPY FROM FY-2013-2014 AUDIT REPORT
 SUBMITTED TO OREGON SECRETARY
 OF STATE OFFICE

4

Building Codes Services Fund

The Building Codes Services program enforces the uniform statewide building codes relating to structural, mechanical, plumbing, electrical and manufactured homes, including all related plan review requirements. The program issues permits, conducts inspections, provides code and rule interpretation, dispute resolution and enforces license requirements in the four county area of Wasco, Sherman, Gilliam, and Wheeler. In addition, MCCOG is in contract with Hood River County for inspection services.

**Building Codes Services Fund
 Budget vs Actual**

	2013-14			2012-13	
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>Budget</u>	<u>Actual</u>
<u>Revenue Sources:</u>	1,289,320	1,549,036	259,716	1,410,064	1,085,078
<u>Expenditures:</u>					
Personal Services	842,745	780,085	62,660	849,344	825,690
Materials & Services	404,700	496,635	(91,935)	450,845	433,459
Capital Outlay	-	-	-	80,000	81,481
Debt Service	-	-	-	-	-
Total Expenditures	<u>1,247,445</u>	<u>1,276,720</u>	<u>(29,275)</u>	<u>1,380,189</u>	<u>1,340,630</u>
Sale of Assets	-	-	-	-	-
Transfers	-	10,055	10,055	(150,000)	(100,000)
Beginning Fund Balance	<u>1,176,660</u>	<u>1,176,661</u>	<u>1</u>	<u>1,532,213</u>	<u>1,532,213</u>
Ending Fund Balance	<u>1,218,535</u>	<u>1,459,032</u>	<u>240,497</u>	<u>1,412,088</u>	<u>1,176,661</u>

The revenue variance was primarily due to:

- It was not anticipated that a major project would begin – that which commanded large permit fees. \$ 500,000
- The 20% fee increase implemented January 2014 is insufficient to cover expense \$(240,000)

The PS expenditures differences are due to the retirement of one employee.

The MS expenditure difference is primarily the increase in State surcharge fees due to the increase in permit revenue.

The Transfers In was the return of a portion of the \$100,000 loan to the Transportation Fund when it was discovered it would not be needed.

S

t	fund 4		
	BCS		
	actual	budget	
	1,168,565 91%	1,289,320	1,4
	1,176,661 100%	1,176,660	1
	<u>0</u>	<u>0</u>	
	2,345,226	2,465,980	1,5
	322,292	654,523	
	<u>90,903</u>	<u>188,222</u>	
	413,195 49%	842,745	2
	217,039	396,185	1,
	<u>8,793</u>	<u>8,515</u>	
	225,832 56%	404,700	1,0
	0	0	
	0	0	
	0	0	
	<u>0</u>	<u>0</u>	
	0	0	
	639,027 51%	1,247,445	1,3
	1,706,199	1,218,535	1

Revenue that is unique and exceptional totals approx. \$785,000 (or 67%) of the \$1,168,565 collected. Without this one-time opportunity Revenue would be at 30% of budget and unable to cover expenses.

* Due reimp has b

* Service to Grant Co. ended 11/30/13
 * 20% fee increase will be applied beginning January 1, 2014.
 * Building Official has announced his retirement June 30, 2014.

* Net that thus and This

BCS: Building Codes Services

CAT:
 PT: F
 FT: F

Mid-Columbia Council of Governments
FY 13/14 Financial Report

July 1, 2013 to December 31, 2013
6 months of 12 = 50%

	fund 1 WIA		fund 2 AAA		fund 3,5,6 GEN		fund 4 BCS		fund 7 TRANS		fund 9 IFS	
	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget
REVENUE												
Resources	233,424	623,484	215,221	501,662	222,531	458,865	1,168,565	1,289,320	1,418,737	4,282,270	95,083	180,221
Beginning Balance	0	0	721	700	157,016	150,000	1,176,661	1,176,660	82,664	82,671	0	0
Interfund Transfers	0	0	0	50,000	0	0	0	0	0	0	0	0
Revenues	233,424	623,484	215,942	552,362	379,547	608,865	2,345,226	2,465,980	1,501,401	4,364,941	95,083	180,221
EXPENSE												
Program PS	121,968	296,920	62,856	145,282	185,150	337,484	322,292	654,523	208,604	415,242	59,878	121,385
Admin. PS	11,982	25,204	7,327	38,153	0	0	50,903	188,222	55,452	108,638	4,689	8,882
Personal Svcs.	133,937	322,624	70,183	183,435	185,150	337,484	413,195	842,745	264,056	523,880	64,527	130,272
Program MS	92,032	288,845	139,581	366,186	22,100	106,247	217,039	396,185	1,051,522	2,297,475	27,385	48,400
Admin. MS	7,034	12,015	2,297	2,751	0	0	8,293	8,515	4,544	4,915	1,296	1,549
Materials & Svcs.	99,066	300,860	141,878	368,927	22,100	106,247	225,832	404,700	1,056,066	2,302,390	28,681	49,949
Capital Outlay	0	0	0	0	0	8,000	0	0	0	1,381,000	0	0
Debt Svc.	0	0	0	0	8,765	17,530	0	0	0	0	0	0
Working Capital	0	0	0	0	89,604	89,604	0	0	0	0	0	0
Interfund Transfers	0	0	0	50,000	0	50,000	0	0	0	0	0	0
	0	0	98,369	165,134	0	0	0	0	0	1,381,000	0	0
Expenses	233,003	623,484	212,061	552,362	305,619	608,865	639,027	1,247,445	1,320,122	4,207,270	93,208	180,221
BALANCE/Reserve	421	0	3,881	0	73,928	0	1,706,199	1,218,535	181,279	157,671	1,875	0

Comments:
 Expenses at 37% leave the program on track for a 20% carry-forward to next FY - the maximum allowed. An additional \$9500 received from TOC as a result of reallocation of DW funds.
 WIA: "Salt money" is \$169,218 (25%) of this year's budget. While some is used for program, the remainder will be returned for 3 more years in February.
 The Interfund Transfer is fr GEN
 Debt Svc. is the financing print on 3 vehicles
 Working Capital balance allows debts to be paid timely while waiting for Grantor reimbursement.
 Revenue that is unique and exceptional (about approx. \$785,000 (or 67%) of the total) is not included in the one-time opportunity revenue. Without this one-time opportunity revenue would be at 30% of budget and unable to cover expenses.
 Due to the increased Medicaid client reimbursement activity, a PT employee has been made FT.
 This fund houses the grants of JOBS and ABAWD
 The balance of \$1,875 is due to incentive goals achieved in the JOBS program. This amount will go to support the program. It is not budgeted for in case goals are not reached.
 An increase in funding has allowed the program to continue services out of the Hood River office

Significant Issues:
 CDD position ended 12/31/13
 6R program will cease 2/28/14
 Service to Grant Co. ended 11/30/13
 20% fee increase will be applied beginning January 1, 2014.
 Building Official has announced his retirement June 30, 2014.
 New software is beginning to be utilized that will make ride dispatching more efficient than saving client time. The software is being tested and will be delivered. This opportunity was cost-shared with CAT.
 Service to Grant Co. ended 11/30/13
 20% fee increase will be applied beginning January 1, 2014.
 Building Official has announced his retirement June 30, 2014.
 New software is beginning to be utilized that will make ride dispatching more efficient than saving client time. The software is being tested and will be delivered. This opportunity was cost-shared with CAT.

Acronyms:
 WIA: Workforce Investment Act
 OJT: On-the-Job Training
 DW: Dedicated Worker
 TOC: The Oregon Consortium
 AAA: Area Agency on Aging
 OAA: Older Americans Act
 OPI: Oregon Project Independence
 CEP: Client Employed Provider
 SEU: Service Employees Int. Union
 CDD: Community Development Director
 6R: Six Rivers Community Mediation
 BCS: Building Codes Services
 CAT: Columbia Area Transit
 PT: Part-time
 FT: Full-time
 IFS: Integrated Family Services
 ABAWD: Able-Bodied Adult Without Dependents

Handwritten notes and signatures at the bottom of the page, including a large signature on the right side.

**Mid-Columbia Council of Governments Surcharge
by Month**

7

Month	Year	Surcharge Percent	Electrical Surcharge	Total Surcharge
7	2013	0.12	1,605.84	5,865.30
8	2013	0.12	1,527.49	4,799.89
9	2013	0.12	1,719.63	4,268.76
10	2013	0.12	2,333.52	5,216.38
11	2013	0.12	1,536.72	24,824.28
12	2013	0.12	24,703.18	39,452.78
1	2014	0.12	1,894.99	8,696.45
2	2014	0.12	1,206.00	3,562.71
3	2014	0.12	1,989.17	5,592.67
4	2014	0.12	1,869.16	4,917.07
5	2014	0.12	1,732.44	4,965.93
6	2014	0.12	1,741.97	5,542.22
FY 2013-14 Total			43,860.11	117,704.44

Month	Year	Surcharge Percent	Electrical Surcharge	Total Surcharge
7	2014	0.12	2,204.09	5,753.64
8	2014	0.12	2,032.82	6,090.52
9	2014	0.12	1,960.76	4,644.84
10	2014	0.12	1,866.79	5,580.79
11	2014	0.12	1,465.15	4,748.99
12	2014	0.12		
1	2015	0.12		
2	2015	0.12		
3	2015	0.12		
4	2015	0.12		
5	2015	0.12		
6	2015	0.12		
FY 2014-15 Total			9,529.61	26,818.78

FY 2013-2014 Month 12: Declared to date total amount of 12% surcharge tax paid to date to the Oregon BCD: \$84,427.39 divided by .12 equals \$703,562.00

**DIVISION 308
MUNICIPAL ADMINISTRATION**

Delegation and Oversight

918-308-0000

Electrical Delegation Rules

The rules in OAR 918-308-0000 to 918-308-0430 shall be referred to as the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96

918-308-0010

Standards for Delegation

Administration and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

(1) The municipality shall be ready, willing and able to fully operate the electrical program on the effective date of delegation, July 1, except when a municipality is assuming the program from the division.

(2) The municipality shall create and maintain minimum services at least reasonably the same level as the electrical administrative, enforcement, and inspection services presently provided to the area. Minimum administrative, enforcement, and inspection services include the "Ongoing Requirements" in the Electrical Delegation Rules.

(3) Operation of the program shall be financially feasible without unduly increasing short or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area.

(4) The municipality shall demonstrate its ability to carry out the proposed electrical program.

(5) The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220, for municipalities that apply to undertake inspection programs.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0100; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0020

Check List for Application for Delegation of Electrical Program

Except when a municipality requests responsibility for an electrical program administered by the division, a municipality seeking delegation or renewal of delegation of the electrical program shall:

- (1) Comply with ORS 455.148 or 455.150; and

(2) File an application for delegation of the electrical program under the Electrical Delegation Rules if the municipality is applying for delegation for the first time. The application shall:

(a) Be filed by the governing body of the municipality by October 1 prior to the year for which delegation is sought;

(b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules;

(c) Include a proposed ordinance for administration and enforcement of the electrical program;

(d) Include an operating plan showing it meets the minimum standards for delegation in the Electrical Delegation Rules; and

(e) Note any differences in services or inspections from present services and inspections to be provided upon delegation.

(3) If the municipality is requesting its first renewal, it shall file relevant amendments or updates to its initial application and note this is its first renewal application.

(4) A municipality requesting delegation of the electrical program administered by the division must meet the requirements of ORS 455.148 (7) and 11(c). Notwithstanding the timelines in ORS 455.148 (11)(c), a municipality assuming the program from the division must submit an assumption plan prior to administering the program.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0130; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0030

Check List for Proposed Ordinance

The proposed ordinance establishing the municipal electrical program shall, among other things, adopt:

(1) The Oregon Electrical Specialty and Oregon Residential Specialty Codes by reference;

(2) Identical or compatible administrative provisions for the electrical program, including requirements for permits and authority to issue stop work and correction orders;

(3) Enforcement authority dealing with persons who start work without permits, fail to call for inspections, fail to make corrections, or otherwise violate the electrical requirements;

(4) Plan review requirements, if any;

(5) Minor label and bulk label procedures, as applicable;

(6) Temporary permit procedures; and

(7) Electrical fees.

How much of the permit reference was from Electrical Program?

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0140; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0040

Check List for Operating Plan and Documentation

An "operating plan" is the municipality's strategy for carrying out the goals and objectives of its electrical inspection program. "Strategy" means what, how, and when it will be done. The operating plan for a municipality assuming the electrical program from another municipality shall include:

(1) Strategies and written agreements, where relevant, for handling the transition from the losing municipality to applicant, including arrangements made for:

- (a) Open permits and inspections ongoing as of July 1;
- (b) Enforcement actions pending on July 1;
- (c) Being fully operational on July 1, including staffing and training of permit and other personnel;
- (d) Informing contractors and others of the changeover of inspecting jurisdictions, jurisdictional boundaries and requirements covering permits and procedures, inspection procedures, temporary permit procedures, plan review requirements, and fees; and
- (e) Employees presently providing the electrical inspection services in the area covered by the application and how applicant will deal with ORS 236.605:

(A) If the matter was resolved by the applicant and losing jurisdiction, or with the jurisdiction and the inspector, provide a copy of the agreement and a statement by applicant's municipal council that all employee rights under ORS 236.605 were preserved;

(B) Any assertion that ORS 236.605 is not applicable to the transaction must be from applicant's municipal council.

(2) Strategies for electrical operations including:

(a) Inspectors and inspections:

(A) When will certified electrical inspectors be hired, how will applicant be operational by July 1, and how will inspectors be used to carry out the program;

(B) Where more than one inspection office is involved, how will inspectors be deployed;

(C) If the electrical program is offered jointly with another municipality or parts of another municipality, the agreement between municipalities, which ordinances will apply in the different areas, what offices and staff assignments will be made and what boundaries are involved; and

(D) If electrical services will be provided by a contractor, the operating plan to be followed including inspection, coverage of prolonged absences and

administration and an agreement by the contractor to be bound by the Electrical Delegation Rules.

(b) Code interpretations. How will code interpretations be provided and when will electrical inspectors be available to provide them. This should cover each office;

(c) Conflict resolution. How will conflicts in electrical code interpretations between inspectors, or inspectors and the public, be resolved at the local level, what rights of appeal will the public be advised of, and how will conflicts of interest involving staff be resolved;

(d) Plan review. Will plan review be required and if so, which installations require plan review;

(e) Turn-around time. What will be the response time to inspection requests, what correction notices will be used, when will reinspection be required, and how and where will permit and inspection records be kept. If a contractor is used, will contractor records be made available at the municipality's offices in the event of a review of electrical operations. Attach related forms to be used;

(f) Enforcement. How and when will license checks and permit and code compliance be monitored, who will be involved and how will corrections be enforced. If the electrical inspector is not full time with the municipality, who will do license checks and other enforcement during the inspector's absence;

(g) Use of labels. What labels will be used and what internal procedures will be followed for minor installation labels and bulk labels if the municipality uses bulk labels;

(h) Temporary permits. What temporary permit procedures are adopted by the municipality to deal with OAR 918, division 309 or for days during a regular workweek when the municipality is not open for permit sales;

(i) Forms and records. What electrical permit application, appeal, and other forms will be used and where will formal permit and inspection records be kept. Attach forms:

(j) Accounting. How will electrical revenues, direct and indirect including interest earned, be segregated from other revenues and accounted for, how will payments from and charges to that account be accounted for, and if there are electrical surpluses, will these be carried over for the electrical program between fiscal years. How will overhead, including all administrative costs, be allocated;

(k) Projections. What is applicant's projection for electrical income and expenses for the fiscal period for which the application is filed and what assumptions, such as growth or increased inspections, are relied on. What are the projections for following periods if losses are projected for the first period. If losses are projected, how these will be funded. If a contractor is used, show projections for the municipality and the contractor.

(l) Contingency plan. A plan for "back-up" inspection services.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0150; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0050

Effect on Losing Municipality

(1) The division shall request the municipality losing inspection territory to provide:

(a) Projected revenue loss if the area involved is delegated, strategies for operations and advice if fee increases will be necessary to sustain its electrical program;

(b) Estimates of impact on staffing and continuity of services on remaining territory;

(c) Comments concerning assertions made by the applicant regarding enforcement and services presently provided; and

(d) Estimated monthly number of calls for electrical inspections and days per week required to serve the area.

(2) Responses from the losing municipality shall also be provided to applicant.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0160

918-308-0060

Review and Approval Process

(1) The division shall, after review of the application, submit the application to the board for comments and recommendations, and grant or deny the application, or seek clarification or corrections. If additional information or technical corrections are necessary, comments may be provided and the municipality may be allowed to submit changes.

(2) If a complete and acceptable plan is not on file by January 1, the request for delegation shall be denied for that year. An extension may be granted if agreed to by the municipality, division, and county involved, if the municipality is a city.

(3) If a municipality whose authority was previously revoked reapplies for delegation of the electrical program, it shall, in addition to its application, show how past deficiencies were corrected and how they will be prevented in the future.

(4) A new delegation of authority shall be provisional for a year. A municipality receiving a provisional delegation shall amend its application, if necessary, to reflect desired changes. If no amendments are filed by January 1, the prior application shall be

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used. The division shall make site visitations as necessary to inform itself of how the electrical program is being administered and how the operating plan is being followed and file its report with the application. Once the application is renewed no new applications are necessary unless the delegation is revoked or yielded by the municipality.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0170; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

Follow-Through Requirements

918-308-0070

Filing of Municipal Ordinance and Review of Operations

Within 60 days of delegation of the electrical program, the municipality shall file its electrical program ordinance, including adoption of local fees, with the division.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0200

918-308-0080

Updating by Existing Municipalities

(1) If a municipality is unable to implement the program following delegation, the municipality shall notify the division explaining why and outlining how enforcement will be accomplished.

(2) Municipalities with ongoing electrical programs shall update their ordinances and operating plans, to reflect current operations according to the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0210

Ongoing and Minimum Requirements

918-308-0090

Employment of Electrical Specialty Code Electrical Inspector

(1) Each municipality shall employ at least one electrical inspector certified to inspect under the **Oregon Electrical Specialty Code**. This requirement may be satisfied by contracting with another

municipality having a qualified inspector. Regardless of how the staffing is provided, the minimum operating requirements in these rules shall also be met.

(2) The municipality shall provide the division with names and qualifications of its certified inspectors for general electrical and for one- and two- family dwelling inspections.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0250; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0100

Public Contact Procedure

Each office having electrical inspectors shall publicize and post regular office hours providing at least one hour per day when electrical inspectors are available to take calls and provide interpretations.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0260

918-308-0110

Code Interpretation Dispute Resolution

Municipalities shall provide:

(1) A reasonable method to resolve conflicts in code interpretation within the municipality; and

(2) Information concerning appeal rights to the division under ORS 479.853.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0270; Suspended by BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05

Permits and Permit Issuance

918-308-0120

Permit Sales Office

A municipality shall establish at least one office within each noncontiguous service area where electrical permits can be obtained directly or have self-issuing or temporary permit procedures for all regular work days, which excludes weekends and holidays.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0280

918-308-0130

Electrical Permits

Notwithstanding OAR 918-309-0010, which requires uniform permit forms and procedures, a municipality may include legal descriptions of the property where the electrical installation will be made or other information on the electrical permit application as long as the permit applicant is not required to provide the information.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0290; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0140

Internal Operations

The municipality shall have written handouts or instructions on:

(1) Whether electrical plan review is required and when plan

review is required; and

(2) How the municipality will deal with the temporary permit requirements.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0300

918-308-0150

Plan for Inspection Operations

The municipality shall:

(1) Offer and provide inspection services within its service area excluding weekends and holidays, to meet the electrical 48-hour inspection notice requirements in the inspection section of the electrical rules.

(2) Establish a written policy showing estimated response time for inspection requests, how and when correction notices will be used, when reinspection will be required, and how and where permit and inspection records will be kept.

(3) Provide inspections normally between 7 a.m. and 6 p.m. unless otherwise agreed to by the inspecting authority and the permit holder.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0320; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0160**Plan for Compliance**

The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0330

918-308-0170**Accounting Plan**

The municipality shall have an accounting system which segregates electrical revenues, shows the source of electrical income including interest earned on held funds, shows charges, and where electrical revenues were spent. If overhead charges to the inspecting organization are based on allocations, the allocations must be supportable under general accounting principles.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0340; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0180**Formation of Municipal Program**

(1) Municipalities combining electrical programs shall, to the extent practicable, centralize administration and use similar procedures, regulations, permit application, and permit fees within the area served.

(2) Nothing in this rule prevents a municipality from being served by more than one combination of municipalities.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0350; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

Maintenance and Amendment of Plans**918-308-0190****Review and Update of Plans and Ordinances**

Each municipality shall annually review and update its electrical ordinance and operating plan to meet the requirements of the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0400

918-308-0200**Amendment of Plans by All Municipalities with Electrical Programs**

All municipalities providing electrical inspections shall submit:

(1) Ordinance amendments and intended effective dates and change of electrical fees, regardless of whether fees are adopted by ordinance, at least 45 days prior to the adoptive date.

(2) Amendments and intended effective dates regarding the operating plan at least 30 days prior to implementation.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0410; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03

918-308-0210**Automatic Renewal**

(1) A municipality finishing its first term of operations under its delegation must reapply for delegation the second term as provided in the Electrical Delegation Rules.

(2) Subject to OAR 918-020-0070 through 918-020-0220, once a municipality receives a renewal of delegation when it provides subsequent timely notice prior to January 1, as required by ORS 455.148 and 455.150, the electrical delegation is continued without further action by the division, unless during the interim the division revokes the delegation.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0420; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

Program Review**918-308-0300****Review of Municipality Program**

(1) The division shall conduct a comprehensive review of each municipality delegated administration of the electrical program at least every five years.

(2) A comprehensive review shall be conducted by a minimum team of:

(a) One local building official;

(b) One electrical contractor or contractor's representative;

(c) Division chief electrical inspector or Oregon Electrical Specialty Code inspector if the chief inspector is unable to serve; and

(d) One division representative;

(e) Optionally, a general contractor registered with the Construction Contractors Board, if nominated by the municipality involved;

(f) Optionally, additional persons, depending on the size and complexity of the municipality involved, as determined and selected by the division.

(3) A single purpose review shall be conducted by the division chief electrical inspector or designee and others selected by the division if the operations of the municipality are at variance with its approved operating plan.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0010; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0310

Notice of Review

(1) The division shall notify a municipality 60 days in advance of a comprehensive review.

(2) The division shall notify a municipality at least 48 hours in advance of a single purpose review.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0020

918-308-0320

Initial Interview

(1) The division shall conduct an initial interview with the building official or designated representative as the first step in the comprehensive review process.

(2) The initial interview shall give the building official or representative an understanding of the manner in which the review will be performed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0030

918-308-0330

Review of Records

(1) The municipality shall maintain and make records available for division review. For the purpose of

this rule except where the context requires otherwise, a "previous year" is the last full fiscal year for the municipality. The required records are:

(a) Electrical permits issued during the previous two years;

(b) Minor installation labels issued during the previous year;

(c) Inspections performed by electrical inspectors during the previous fiscal year;

(d) Written code interpretations made during the previous two years;

(e) Written or recorded complaints about the program lodged with the municipality and disposition of the matters for the previous fiscal year; and

(f) Records of revenues from electrical permits, inspections, and penalties, and expenses incurred in the administration and enforcement of the electrical program for the previous fiscal year.

(2) The municipality shall report the number of electrical, structural, mechanical, plumbing, and manufactured structures set-up permits issued, the number of minor labels issued, and the number of electrical inspections performed by the municipality during the previous fiscal year.

(3) The program review team:

(a) Will review the operating plan for program delegation submitted to the division under these rules to determine if the municipality is following the plan;

(b) May require additional financial information if municipal records do not satisfactorily show application of permit and inspection funds, including interest, to the electrical program or shows charges not related to the electrical program.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0040; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0340

Inspection Review

The division shall reinspect jobs previously inspected by municipality inspectors and accompany municipality inspectors on inspections.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0050

918-308-0350

Inspector Performance Ratings

(1) During a comprehensive review, the division shall review selected electrical inspections.

(2) The reviewer shall assess points for any electrical violation not noted by the inspector on the following basis:

(a) Ten points for each mandatory item in OAR 918, division 271;

(b) One-tenth point for each secondary item in OAR 918, division 271.

(3) An individual performance rating for selected municipality inspectors shall be determined by dividing the total points assessed for all inspection items missed by the number of inspections reviewed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0060

918-308-0360

Program Inspection Rating

An inspection rating for the municipality program shall be determined by dividing the combined points assigned for all inspections reviewed pursuant to these rules by the total number of inspections reviewed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0070

918-308-0370

Exit Interview

(1) Immediately following completion of a comprehensive review, the division shall conduct an exit interview with the building official or designated representative.

(2) The exit interviewer shall provide:

(a) The general result of the review;

(b) Formal notification of any items requiring immediate attention; and

(c) Specific information to the extent such is available.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0080

918-308-0380

Program Report

The division shall provide the municipality a written report of its findings within 60 days of completion of a comprehensive review or within 15 days of completion of a single-purpose review.

Stat. Auth.: ORS 479.855

OAR Chapter 918, Division 308

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0090

Deficiency Citation

918-308-0400

Deficiency Citation

(1) Notice of deficiencies shall only be issued following a comprehensive or single-purpose review of the municipal electrical program.

(2) A notice of deficiency shall be served on the building official by certified mail when:

(a) The municipality has an inspection rating of over 6.0;

(b) Any inspector has an inspection rating over 8.0;

(c) The municipality fails to provide minimum services as outlined in its plan; or

(d) The municipality fails to comply with the Electrical Delegation Rules.

(3) Within 30 days from the date of receipt of the deficiency notice, the municipality shall file with the division a written proposal for correcting the deficiencies noted in the audit report. The proposal shall include:

(a) Specific methods by which the municipality intends to correct the deficiencies; and

(b) A proposed timeline for completing the corrections.

(4) The division shall review the proposed correction plan and notify the municipality in writing of any items in the plan found to be unsatisfactory. The division shall set a date for submission of the final correction plan.

(5) Subject to OAR 918-308-0410 providing for a contested case hearing, if no objection is made, it will be presumed that the municipality agrees to the terms of the deficiency notice or correction requirements.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-304-0010

918-308-0410

Appeal of Deficiency Citations

A municipality aggrieved by a notice of deficiency or the denial of proposed correction procedures may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-304-0020

918-308-0420**Notice of Program Revocation**

(1) A municipality shall be considered to be failing to comply with standards adopted by the board or as not effectively carrying out duties assumed by the municipality under ORS 479.855 if it:

- (a) Receives an inspection rating that exceeds 6.0 and fails to submit an acceptable correction plan; or
- (b) Fails to submit a corrective plan after receiving a notice of deficiency.

(2) The provisions of section (1) of this rule are not intended to limit the conditions when the division can seek revocation under ORS 479.855.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-304-0030

918-308-0430**Appeal of Program Revocation**

A municipality served with a notice of proposed program revocation under ORS 479.855 may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-304-0040

Approval of Field Evaluation Firms

- 918-306-0340 General Requirement for Approval of Field Evaluation Firms
 918-306-0350 Checklist for Applicants
 918-306-0360 Examination Schedule for Field Evaluation Firms

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- 918-306-0380 Quality Control Manual
 918-306-0390 Field Evaluation Firm Personnel
 918-306-0400 Electrical Evaluation Equipment
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- 918-306-0510 Special Deputy Certification Procedures
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 918-308-0010 Standards for Delegation
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Maintenance and Amendment of Plans

- 918-308-0190 Review and Update of Plans and Ordinances
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Deficiency Citation

- 918-308-0400 Deficiency Citation
 918-308-0410 Appeal of Deficiency Citations
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DIVISION 309**ELECTRICAL PERMITS AND FEES**

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 918-309-0010 Electrical Permit Form and Format
 918-309-0020 State Electrical Permit Fees
 918-309-0025 Phased Permitting
 918-309-0030 Permits for Residential Wiring
 918-309-0040 Permit for the Installation, Alteration or Relocation of an Electrical Service or Feeder
 918-309-0050 Permits for the Temporary Service or Temporary Feeder
 918-309-0060 Branch Circuits
 918-309-0070 Miscellaneous
 918-309-0080 Temporary Electrical Permit Rule
 918-309-0090 Rules for Electrical Contractors Desiring to Make Electrical Installations Under Working Permits

Master Permit Program

- 918-309-0100 Master Permit Program Under ORS 479.560(3)

Oregon Administrative Rules
Chapter 918
Department of Consumer and Business Services
Building Codes Division

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918-008-0030	Proposed Code Amendment Requirements
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- Oregon Revised Statutes (ORS): The codified body of statutory law governing the US state of Oregon, as enacted by the Oregon Legislative Assembly and occasionally by citizen initiative. The statutes are subordinate to the Oregon Constitution.
- Oregon Administrative Rules (OAR): Compilations of rules and regulations having the force of the law in the US state of Oregon. They are the regulatory and administrative corollary to Oregon Revised Statutes authored to provide agency directive, standard, regulation, or statement of general applicability which implements, interprets, or prescribes law or policy.
- Ordinance: Local ordinance is a law made by municipality or other local authority. NOTE: A local ordinance should not supersede the intent of the ORS or OAR.
- Mid-Columbia Building Code Services (MCBCS): Building Codes Compliance Program, Operating Plan, 03/30/10: The operating plan shall establish specific goals consistent with the program standards described in ~~ORS 455.153 and OAR 918-020-0090~~. Delegation of Authority for administration and enforcement for six building codes was granted on July 1 of 2007 under the authority of ORS 455.153 and 479.855 and adopted locally by Mid-Columbia Council of Governments (MCCOG) by Ordinance number 10-001.
- Administrative Standards: Page 4 of operating plan
- Ordinance Number 10-001: More specifically ORS 190.030 and ORS 203.045

← PROCEDURES FOR ADOPTING ORDINANCE

9

2013 ORS § 455.210¹

Fees

- appeal of fees
- surcharge
- reduced fees
- rules

- (1) Fees shall be prescribed as required by ORS 455.020 (Purpose) for plan review and permits issued by the Department of Consumer and Business Services for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130 percent of the fee schedule printed in the Uniform Building Code, 1979 Edition, and in the Uniform Mechanical Code, 1979 Edition, both published by the International Conference of Building Officials. Fees are not effective until approved by the Oregon Department of Administrative Services.
- (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Department of Consumer and Business Services may prescribe for a limited plan review for fire and life safety as required under ORS 479.155 (Plan of proposed construction or alteration) shall be 40 percent of the prescribed permit fee.
- (3) (a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs). A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 (Opportunity for public comment on new fee or fee increase) regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published under ORS 294.426 (Budget committee meeting).

(b) Ten or more persons or an association with 10 or more members may appeal the adoption of a fee described in this subsection to the Director of the Department of Consumer and Business Services. The persons or

association must file the appeal no later than 60 days after the director receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this subsection. However, if the municipality failed to give notice to the director, an appeal may be filed with the director within one year after adoption of the new or increased fee. Upon receiving a timely appeal, the director shall, after notice to affected parties and hearing, review the municipality's fee adoption process and the costs of administering and enforcing the specialty code or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the director feels the fee is necessary and reasonable. If the director does not approve the fee upon appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees that have been submitted for a vote and approved by a majority of the electors voting on the question.

- (c) Fees collected by a municipality under this subsection shall be used for the administration and enforcement of a building inspection program for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs).
- (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable the director shall consider whether:
 - (A) The fee is the same amount as or closely approximates the amount of the fee charged by other municipalities of a similar size and geographic location for the same level of service;
 - (B) The fee is calculated with the same or a similar calculation method as the fee charged by other municipalities for the same service;
 - (C) The fee is the same type as the fee charged by other municipalities for the same level of service; and
 - (D) The municipality, in adopting the fee, complied with ORS 294.160 (Opportunity for public comment on new fee or fee increase), 294.361 (Contents of estimate of budget resources) and 294.426 (Budget committee meeting) and this section and standards adopted by the director under ORS 455.148 (Comprehensive municipal building inspection programs) (11) or 455.150 (Selective municipal building inspection programs) (11).
- (4) Notwithstanding any other provision of this chapter:
 - (a) For the purpose of partially defraying state administrative costs, there is imposed a surcharge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.
 - (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a

permit, two percent of the total hourly charges collected.

- (c) For the purpose of defraying the cost of administering and enforcing the state building code, there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees. The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.
 - (d) For the purpose of defraying the cost of developing and administering the electronic building codes information system described in ORS 455.095 (Electronic access to building codes information and services) and 455.097 (Electronic access system development and implementation), there is imposed a surcharge in the amount of five percent on permit fees, or if the applicant chooses to pay an hourly rate instead of purchasing a permit, five percent of the total hourly charges collected. However, the department may adopt rules to waive a portion of the surcharge imposed under this paragraph if the department determines that the amount collected by the surcharge imposed under this paragraph exceeds the actual cost to the department of developing and administering the electronic building codes information system described in ORS 455.095 (Electronic access to building codes information and services) and 455.097 (Electronic access system development and implementation).
- (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section to the director as provided in ORS 455.220 (Surcharge on building permit fees).
- (6) The director shall adopt administrative rules to allow reduced fees for review of plans that have been previously reviewed. [Subsections (1) to (5) formerly 456.760; subsection (6) enacted as 1987 c.604 §6; 1997 c.856 §1; 1999 c.432 §1; 1999 c.1045 §24; 1999 c.1082 §9; 2001 c.573 §9; 2001 c.673 §1; 2005 c.193 §1; 2005 c.833 §3; 2007 c.69 §5; 2011 c.473 §29]

Note: The amendments to 455.210 (Fees) by section 6, chapter 69, Oregon Laws 2007, become operative January 2, 2018. See section 8, chapter 69, Oregon Laws 2007. The text that is operative on and after January 2, 2018, including amendments by section 30, chapter 473, Oregon Laws 2011, is set forth for the users convenience.

455.210 (Fees). (1) Fees shall be prescribed as required by ORS 455.020 (Purpose) for plan review and permits issued by the Department of Consumer and Business Services for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130 percent of the fee schedule printed in the Uniform Building Code, 1979 Edition, and in the Uniform Mechanical Code, 1979 Edition, both published by the International Conference of Building Officials. Fees are not effective until approved by the Oregon Department of Administrative Services.

- (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Department of Consumer and Business Services may prescribe for a limited plan review for fire and life safety as required under ORS 479.155 (Plan of proposed construction or alteration) shall be 40 percent of the prescribed permit fee.
- (3) (a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs). A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 (Opportunity for public comment on new fee or fee increase) regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published under ORS 294.426 (Budget committee meeting).
- (b) Ten or more persons or an association with 10 or more members may appeal the adoption of a fee described in this subsection to the Director of the Department of Consumer and Business Services. The persons or association must file the appeal no later than 60 days after the director receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this subsection. However, if the municipality failed to give notice to the director, an appeal may be filed with the director within one year after adoption of the new or increased fee. Upon receiving a timely appeal, the director shall, after notice to affected parties and hearing, review the municipality's fee adoption process and the costs of administering and enforcing the specialty code or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the director feels the fee is necessary and reasonable. If the director does not approve the fee upon appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees that have been submitted for a vote and approved by a majority of the electors voting on the question.
- (c) Fees collected by a municipality under this subsection shall be used for the administration and enforcement of a building inspection program for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs).
- (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable the director shall consider whether:
- (A) The fee is the same amount as or closely approximates the amount of the fee charged by other municipalities of a similar size and geographic location for the same level of service;
- (B) The fee is calculated with the same or a similar calculation method as

the fee charged by other municipalities for the same service;

- (C) The fee is the same type as the fee charged by other municipalities for the same level of service; **and**
- (D) The municipality, in adopting the fee, complied with ORS 294.160 (Opportunity for public comment on new fee or fee increase), 294.361 (Contents of estimate of budget resources) and 294.426 (Budget committee meeting) and this section and standards adopted by the director under ORS 455.148 (Comprehensive municipal building inspection programs) (11) or 455.150 (Selective municipal building inspection programs) (11).
- (4) Notwithstanding any other provision of this chapter:
- (a) For the purpose of partially defraying state administrative costs, there is imposed a surcharge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.
- (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, two percent of the total hourly charges collected.
- (c) For the purpose of defraying the cost of administering and enforcing the state building code, there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees. The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.
- (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section to the director as provided in ORS 455.220 (Surcharge on building permit fees).
- (6) The director shall adopt administrative rules to allow reduced fees for review of plans that have been previously reviewed.

...

§§ 455.010 (Definitions for ORS chapter 455) to 455.230 (Use of Consumer and Business Services Fund moneys)

(formerly 456.750 to 456.890)

Notes of Decisions

Although state structural specialty code sets standard requiring only single wall

construction, home rule city was entitled to enact ordinance requiring new homes to use double wall construction. State ex rel Haley v. Troutdale, 281 Or 203, 576 P2d 1238 (1978)

Atty. Gen. Opinions

Authority of State Fire Marshal to adopt regulations, (1974) Vol 36, p 1102

Related Statutes³

- 215.439
Solar energy systems in residential or commercial zones
- 227.505
Solar energy systems on residential and commercial structures
- 455.020
Purpose
- 455.157
Process for municipal imposition of monetary penalties
- 455.188
Fee revenue generated under agreement
- 455.195
Fees charged following surrender or abandonment of municipal building inspection program
- 455.198
Fee surcharge use
- 455.345
Permit, fee, plan check and inspection provisions apply
- 455.465
Department and municipalities to designate persons licensed to conduct specialty code inspection and plan review
- 455.471
Specialty code inspection and plan review fee authority
- 479.155
Plan of proposed construction or alteration

¹ Legislative Counsel Committee, *CHAPTER 455—Building Code*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors455.html (2013) (last accessed Apr. 27, 2014).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 455*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano455.html (2013) (last accessed Apr. 27, 2014).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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2013 ORS § 455.210¹

Fees

6-7 disciplines

- appeal of fees
- surcharge
- reduced fees
- rules

- (1) Fees shall be prescribed as required by ORS 455.020 (Purpose) for plan review and permits issued by the Department of Consumer and Business Services for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130 percent of the fee schedule printed in the Uniform Building Code, 1979 Edition, and in the Uniform Mechanical Code, 1979 Edition, both published by the International Conference of Building Officials. Fees are not effective until approved by the Oregon Department of Administrative Services.
- (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Department of Consumer and Business Services may prescribe for a limited plan review for fire and life safety as required under ORS 479.155 (Plan of proposed construction or alteration) shall be 40 percent of the prescribed permit fee.
- (3) (a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs). A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 (Opportunity for public comment on new fee or fee increase) regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published under ORS 294.426 (Budget committee meeting).

(b) Ten or more persons or an association with 10 or more members may appeal the adoption of a fee described in this subsection to the Director of the Department of Consumer and Business Services. The persons or association

this subsection. However, if the municipality failed to give notice to the director, an appeal may be filed with the director within one year after adoption of the new or increased fee. Upon receiving a timely appeal, the director shall, after notice to affected parties and hearing, review the municipality's fee adoption process and the costs of administering and enforcing the specialty code or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the director feels the fee is necessary and reasonable. If the director does not approve the fee upon appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees that have been submitted for a vote and approved by a majority of the electors voting on the question.

(c) Fees collected by a municipality under this subsection shall be used for the administration and enforcement of a building inspection program for which the municipality has assumed responsibility under ORS 455.148 (Comprehensive municipal building inspection programs) or 455.150 (Selective municipal building inspection programs).

(d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable the director shall consider whether:

(A) The fee is the same amount as or closely approximates the amount of the fee charged by other municipalities of a similar size and geographic location for the same level of service;

(B) The fee is calculated with the same or a similar calculation method as the fee charged by other municipalities for the same service;

(C) The fee is the same type as the fee charged by other municipalities for the same level of service; and

(D) The municipality, in adopting the fee, complied with ORS 294.160 (Opportunity for public comment on new fee or fee increase), 294.361 (Contents of estimate of budget resources) and 294.426 (Budget committee meeting) and this section and standards adopted by the director under ORS 455.148 (Comprehensive municipal building inspection programs) (11) or 455.150 (Selective municipal building inspection programs) (11).

(4) Notwithstanding any other provision of this chapter:

(a) For the purpose of partially defraying state administrative costs, there is imposed a surcharge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

(b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, two

MID-COLUMBIA BUILDING CODES SERVICES

Building Codes Compliance Program
Operating Plan
07/01/14

(4) Final Decision. The administrator shall issue a written decision revoking a municipality's authority to administer and enforce a building inspection program. The decision shall be based on the final report delivered to the building official, any correction plans submitted by the municipality and recommendations, if any, submitted by a review panel appointed by the administrator. Judicial review of the decision will be available as provided for in statute.

Stat. Auth.: ORS 455.030

Stats. Implemented: ORS 455.150

Hist.: BCD 9-1996, f. 7-1-96, cert. ef. 10-1-96; BCD 14-1998, f. 9-30-98, cert. ef. 10-1-98

918-020-0220

Fee Adoption Standards

(1) In addition to the standards set forth in ORS 455.210 and 479.845, a municipality intending to adopt building inspection program fees for any specialty code administered and enforced by the municipality shall comply with all of the following standards:

(a) The municipality shall notify the division of such adoptions 45 days prior to the adoptive date. The notification shall include a summary of the following:

- (A) The affected specialty code or program areas;
- (B) A description of the proposed building inspection program fees including the approximate percentage increase when applicable;
- (C) The proposed effective date;
- (D) The date of the last fee increase in the specialty code or program area if applicable;
- (E) The anticipated date, time and location of the local municipal hearing scheduled pursuant to ORS 294.160;

(F) The name, phone number and title of a contact person; and

(G) A narrative explaining the purpose of the proposed fee adoption.

(b) Upon notification from the division that an appeal request has been received under ORS 455.210 or 479.845, the municipality shall submit further documentation to be received by the division within 15 days following notification. This documentation shall include, but not be limited to:

(A) A narrative explaining why the building inspection program fees are necessary at the level proposed;

(B) The municipality's newly adopted fee schedule and, if applicable, the prior fee schedule;

(C) Revenue and expense information for the building inspection program including the current fiscal year, including a minimum of 12 months actual and 12 months projected revenues and expenses;

(D) An explanation of the municipality's cost allocation method(s) for expenses;

(E) An explanation of all reserve and ending fund balances;

(F) A determination of whether the fee is reasonable, including an analysis of whether the fee is:

(i) Comparable to fees charged by other municipalities of similar size and geographic location for the same level of service;

(ii) Established through the same or similar calculation methods used by other municipalities; and

(iii) The same type as those charged by other municipalities for similar services; and

(G) The identification of any potential building inspection program changes that are anticipated as a result of the proposed fee.

(c) The municipality shall update its operating plan on file with the division within 30 days of the adoption of a new building inspection program fee schedule including sufficient information for the division to determine the fee revenue will be used within the building inspection program.

(2) The division shall establish and maintain a list of all interested persons who wish to receive notice of all planned fee adoptions for building inspection programs. The division shall notify in writing all interested persons on the division's mailing list within 15 days of receiving a municipal notice of intent to adopt building inspection program fees.

(3) Upon a determination that the municipality failed to meet any of the fee adoption standards, the director may deny a fee adoption or require a municipality to rescind that portion of a local ordinance or regulation and readopt building inspection program fees. A municipality shall refund all building inspection program fees collected under the rescinded ordinance that exceed the prior building inspection program fee schedule, unless a waiver is approved by the director upon written request from the municipality. Copies of the waiver request shall be forwarded by the division to the interested parties list.

Stat. Auth.: ORS 455.030, 455.148 & 455.150

Stats. Implemented: ORS 455.148, 455.150, 455.210 & 479.845

Hist.: BCD 9-1996, f. 7-1-96, cert. ef. 10-1-96; BCD 14-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 15-2002, f. & cert. ef. 7-1-02

Statewide Master Builder Program

918-020-0400

Application, Scope and Purpose

The purpose of OAR 918-020-0400 to 918-020-0490 is to allow building officials to delegate plan review and verification authority to qualified builders. The division shall set statewide criteria to approve applications and administer testing for a master builder certification.

Stat. Auth.: ORS 455.805 & 455.810

Stats. Implemented: ORS 455.805 & 455.810

Hist.: BCD 6-2002, f. 3-25-02, cert. ef. 4-1-02