



AGENDA ITEM NO. C-19

COUNTY OF HUMBOLDT

For the meeting of: December 6, 2016

Date: November 7, 2016

To: Board of Supervisors

From: Thomas K. Mattson, Public Works Director

Subject: Regional Surface Transportation Program Allocation for Humboldt County Tribal Transportation Commission for Fiscal Year 2015-16; Supplemental Budget (4/5 vote required)

RECOMMENDATION(S): That the Board of Supervisors:

- 1. Authorize County Public Works to be the designated administrator and receive Regional Surface Transportation Program (RSTP) funds on behalf of the North Coast Tribal Transportation Commission (NCTTC);
2. Authorize the Public Works Director to sign and submit to the Humboldt County Association of Governments (HCAOG) the RSTP documents required in order to receive tribal fund allocations;
3. Adopt the following supplemental budget for FY 2016-17 (4/5 vote required):
Revenue: 1200888-503040 State RSTP \$ 200,000
Expenditure: 1200321-2118 Professional & Special Service \$ 200,000
4. Authorize the Public Works Director to sign and submit RSTP documents required to receive the annual tribal fund allocations in the future.

SOURCE OF FUNDING: Humboldt County Association of Governments

DISCUSSION: Beginning in FY 2008-09, the HCAOG Board approved allocating a portion of the RSTP funds to the Native American tribes using the same formula applied to small cities which is based on population. Payments to the tribes have been suspended until a single point administrator was obtained. The Public Works Department functions as the administrators for the unincorporated county Local Transportation Fund (LTF) and RSTP funds and acts as a pass-through entity whereby funds from HCAOG are claimed through the county and disbursed to the final fund recipients. To date the tribe has \$268,680

Prepared by Josielyn N. Gilbaugh

CAO Approval Karen Clower

REVIEW: Auditor MSJ County Counsel Sm Personnel Risk Manager Other

TYPE OF ITEM: X Consent Departmental Public Hearing Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT Upon motion of Supervisor Fennell Seconded by Supervisor Bass Ayes Sundberg, Fennell, Lovelace, Bohn, Bass Nays Absent Absent

PREVIOUS ACTION/REFERRAL:

Board Order No.

Meeting of:

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Dec. 6, 2016 By: Kathy Hayes, Clerk of the Board

available for projects.

On October 21, 2016, the Public Works Department received a letter from the Humboldt County Tribal Transportation Commission (HCTTC) seeking to utilize \$200,000 RSTP tribal funds to contract with a transportation planner. The goal is to develop a data management system that will establish a database for qualitative and quantitative baseline data for performance measures relevant to tribal communities in the county. Priorities include: (1) Developing the management system, (2) Identifying transportation projects based on the criteria for existing funding sources, and (3) Assisting in the development of funding applications that will improve the performance of the regional transportation system.

In order to draw down the tribal fund allocation from HCAOG, the county is required to submit documentary requirements on behalf of the HCTTC consisting of: (1) Letter of request from the HCTTC, (2) Description of Project or Purposes of Expenditures for FY 2015-16 funding, and (3) County Board approval to sign and submit the fund request to HCAOG.

This requested action will authorize the Public Works Director to sign and submit the required documentation to draw down the FY 2015-16 RSTP tribal fund allocation and all future annual tribal fund allocations when requested by the tribal commissions. The supplemental budget will establish the revenue and expenditure line items for the funds.

FINANCIAL IMPACT: The RSTP allocation for FY 2015-16 amounts to \$268,680, however, HCTTC is requesting \$200,000 with the remaining \$68,680 retained by HCAOG and reserved for a future project. There will be no impact to the General Fund nor to the Roads fund as the amount of \$200,000 will merely pass through the County and will subsequently be disbursed to HCTTC.

The requested action conforms to the Board of Supervisors' Core Roles of providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT: HCAOG

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board could choose to not approve this request. It is not recommended because it would result in a loss of \$200,000 in tribal fund allocation for HCTTC that intends to utilize to contract with a transportation planner.

ATTACHMENTS:

Attachment #1	Agreement No. X14-6133(042) between the HCAOG and State Department of Transportation
Attachment #2	Letter of request from the HCTTC
Attachment #3	Description of Project or Purposes of Expenditures for FY 2015-16 funds

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

District: 01

Agency: Humboldt County Association of Governments

Agreement No. X16-6133(047)

AMS Adv ID:0116000159

THIS AGREEMENT is made on MAY 12, 2016, by Humboldt County Association of Governments, a Regional Transportation Planning Agency (RTPA) designated under Section 29532 of the California Government Code, and the State of California, acting by and through the Department of Transportation (STATE).

WHEREAS, RTPA desires to assign RTPA's portion of apportionments made available to STATE for allocation to transportation projects under "Moving Ahead for Progress in the 21st Century Act" (MAP-21), as modified in accordance with Section 182.6 of the Streets and Highways Code (Regional Surface Transportation Program (RSTP) funds) in exchange for nonfederal State Highway Account funds:

NOW, THEREFORE, the parties agree as follows:

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

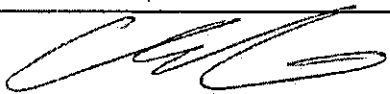
\$1,176,549.00 for Fiscal Year 2015/2016

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

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

For Caltrans Use Only

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



Accounting Officer

Date 4/28/16 \$ 1,176,549.00

3. Subject to the availability of STATE funds following the receipt of an RTPA invoice evidencing RTPA's assignment of those estimated RSTP funds under Section 1 to STATE; STATE agrees to pay to RTPA an amount not to exceed \$1,176,549.00 of non-federal exchange funds ("Funds") that equals the sum of the estimated RSTP apportionment assigned to State in Section 1 above.

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

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

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

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

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

9. COST PRINCIPLES

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

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

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

10. THIRD PARTY CONTRACTING

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

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

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

11. ACCOUNTING SYSTEM

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

12. RIGHT TO AUDIT

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

13. TRAVEL AND SUBSISTENCE

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

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

STATE OF CALIFORNIA
Department of Transportation

Humboldt County Association of Governments

By: Adam Ambrosini
Office of Project Implementation
Division of Local Assistance
Date: 5-12-16

By: [Signature]
Title: EXECUTIVE DIRECTOR
Date: 5-4-16

STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION
PROGRAM SUPPLMENT AND CERTIFICATION FORM
 PSCF (REV. 01/2010)

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816		DATE PREPARED: 4/26/2016	PROJECT NUMBER: 0116000159
		REQUISITION NUMBER / CONTRACT NUMBER: RQS 011600000320	

FROM:
Department of Transportation

SUBJECT:
Encumbrance Document

VENDOR / LOCAL AGENCY:
HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

CONTRACT AMOUNT:
\$ 1,176,549.00

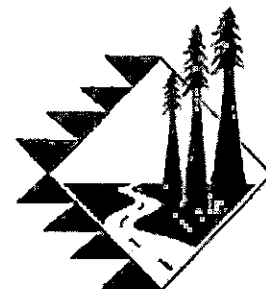
PROCUREMENT TYPE:
Local Assistance

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	COE/Category	AMOUNT
10	2015	2660-102-0042	2015/2016	2030010850	2240/0400	\$ 1,176,549.00

ADA Noti For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

Humboldt County Tribal Transportation Commission

Big Lagoon Rancheria, Blue Lake Rancheria, Elk Valley Rancheria, Hoopa Valley Tribe, Karuk Tribe
Resgini Rancheria, Rohnerville Rancheria, Tolowa Dee-ni' Nation, Trinidad Rancheria, Wiyot Tribe, Yurok Tribe



An intertribal association formed for the purpose of fostering collaborative dialog on transportation issues of mutual concern. Open to all federally recognized tribes in Northern California. Regular meeting held 2nd Thursday of each month.

October 21, 2016

Tom K. Mattson
Director, Humboldt County Public Works Department
1106 2nd St.
Eureka, CA 95501

**Humboldt County Association of Governments (HCAOG) – Regional Surface Transportation Program (RSTP):
Tribal Share**

Dear Mr. Mattson:

As you know, North Coast Tribal Transportation Commission (NCTTC or Commission), has been deliberating and discussing the use of the RSTP, Tribal Share Funds for quite some time now. I am happy to report that we have reached consensus regarding the most efficient and prudent use of a portion of these funds. The Commission proposes to utilize \$200,000 of the available \$268,680 to contract with a Transportation Planner.

While the consultant will perform a variety of planning tasks, the overarching goal is to develop a data management system. This system will establish a database for qualitative and quantitative baseline data for performance measures relevant to tribal communities in Humboldt County. We have identified priorities such as: 1) developing the management system, (2) identification of transportation projects based upon the criteria for existing funding sources (Highway Safety Improvement Program, Safe Routes to School, Transportation Access Program, etc.), (3) Assist in the development of funding applications that will improve the performance of the regional transportation systems. The staff person will also seek funding to continue services to NCTTC. Additionally, the consultant would assist the NCTTC Member Tribes in planning and coordination for meetings, preparation of documents, and record keeping for the Commission. The NCTTC Planner will attend meetings, such as, Humboldt County Association of Governments meetings, as well as the Cal Trans Native American Advisory Committee, and local assistance meetings as needed.

We appreciate your assistance and enjoyed meeting with you and Marcella Clem, HCAOG Director. In our discussion, you indicated we would work on a template that may be appropriate for the Request for Proposal (RFP), using an HCAOG template. Please don't hesitate to contact me and discuss next steps and any information or work we can support you with.

We truly appreciate your assistance and leadership in working with the Commission.

Best Regards,

Jacque Hostler-Carmesin, Chairperson
North Coast Tribal Transportation Commission

Cc: Marcella Clem, HCAOG
NCTTC

P.O. Box 630 Trinidad California 95570
Phone 707-677-0211 Fax 707-677-3921

Name and Address of Claimant:
 County of Humboldt Public Works Dept.
 On behalf of the Humboldt County
 Tribal Transportation Commission
 1106 2nd Street
 Eureka, CA 95501

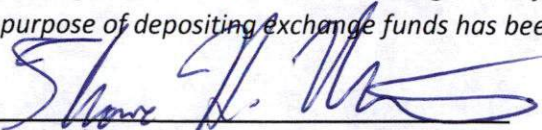
Humboldt County Association of Governments
Regional Surface Transportation Program (RSTP)
Section 182.6(d)(1)

FY 2015-16

Description of Project or Purposes of Expenditures (FY 15-16)	Est. Cost	Check one to indicate use of funds:
Contract with Transportation Planner to perform planning tasks and develop a data management system	\$ 200,000.00	<input type="checkbox"/> Street and Road Purposes <input type="checkbox"/> Public Transit - Operating <input type="checkbox"/> Public Transit - Capital <input type="checkbox"/> 2% Bicycle and Pedestrian Account Purposes <input checked="" type="checkbox"/> Other: Establishment of a database for performance measures relevant to tribal communities.
Reporting of Previous RSTP Funds (FY 14-15)	Est. Cost	<input checked="" type="checkbox"/> RSTP funds are being carried over as described: \$68,680 is being reserved for a future project
Not applicable	\$ -	

Pursuant to the Regional Surface Transportation Program Section 182.(d)1 program, the undersigned claimant hereby acknowledges that he/she has received a copy of the Exchange Agreement dated **May 12, 2016** between HCAOG and the State Department of Transportation (Caltrans), and agency agrees to comply with the applicable required conditions contained therein.

Undersigned claimant also acknowledges that jurisdictions receiving State RSTP funds have complied with Section 1220.4(6) *A special fund for the purpose of depositing exchange funds has been established within a jurisdiction's special gas tax street improvement fund or county road fund.*



 Authorized Signature

11/7/16

 Date

Thomas K. Mattson, Public Works Director
 Printed Name and Title