



COUNTY BOARD ADDENDUM

County of Champaign, Urbana, Illinois
Thursday, August 20, 2015 – 6:30 p.m.

Lyle Shields Meeting Room, Brookens Administrative Services
1776 East Washington Street, Urbana, IL 61801

XVI. New Business:

A. Highway & Transportation

1. Adoption of Resolution No. 9371 Authorizing Acceptance of Section 5311 – Downstate Operating Assistance Program for Champaign County Rural Public Transportation

*Roll Call

**Roll call and 15 votes

***Roll call and 17 votes

****Roll call and 12 votes

Except as otherwise stated, approval requires the vote of a majority of those County Board members present.



PLANNING & COMMUNITY DEVELOPMENT

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TO: Champaign County Board
FROM: Rita Morocoima-Black, CCRPC/CUUATS Planning and Community Development Director
Zoe Keller, CCRPC/Program Compliance and Oversight Monitor for Champaign County
Rural Public Transportation
DATE: August 20th, 2015
RE: FY2016 Section 5311 Rural Public Transportation and Downstate Operating Assistance
Program Combined Grant Agreement (Grant No: OP-16-06-FED, Contract No. 4607)

REQUESTED ACTION:

Approve attached resolution accepting Section 5311-Downstate Operating Assistance Program (DOAP) Grant Agreement for Champaign County Rural Public Transportation.

BACKGROUND:

On May 28, 2015 the Champaign County Board authorized the application for Section 5311 and DOAP funding with Resolution #9210. Champaign County submitted two grant applications to IDOT for Champaign County Rural Transit System (C-CARTS) based on the two possible reimbursement scenarios as requested by IDOT. In previous fiscal years, the reimbursement rate for DOAP was 65% of eligible expenses with a local match of 35%. However, due to the State's fiscal deficit, Governor Bruce Rauner proposed budget cuts in the form of a 55% reimbursement rate with a 45% local match.

On August 12, 2015 CCRPC staff received from IDOT the 65% reimbursement grant agreement for Champaign County's partial execution. The agreement provides an estimated Downstate Operating Assistance Program (DOAP) amount that is based on preliminary numbers from the general assembly in SB 2033. The estimated DOAP amount has not been approved by the Governor nor signed into law, and may be subject to further action by the Governor and/or State Legislature. It is important that Champaign County submit the partially executed contract to IDOT so that the department can fully execute the agreements upon enactment of legislation which includes the final SFY16 DOAP appropriations.

IN WITNESS WHEREOF, the Parties have entered into this Agreement by their duly authorized officials for the period July 1, 2015 through June 30, 2016.

Accepted on behalf of Champaign County:

Signature of Authorized Representative

Debra Busey
Type or Print Name of Authorized Representative

Date

County Administrator
Type or Print Title of Authorized Representative

Accepted on behalf of the State of Illinois, Department of Transportation:

Randall S. Blankenhorn, Secretary

Date

By: _____
John Oimoen, Acting Director
Division of Public and Intermodal Transportation

Date

EXHIBIT F

CERTIFICATION BY GRANTEE NOT TO ENGAGE
IN SCHOOL BUS OPERATIONS

Pursuant to Section 49.19(6) of the Civil Administrative Code of Illinois (20 ILCS 2705/49.19(b)), as a condition of receiving grant monies from the Illinois Department of Transportation, the Grantee certifies that it is not engaged in school bus operations exclusively for the transportation of students and school bus personnel in competition with private school bus operators where such private school bus operators are available to provide adequate transportation at reasonable rates in conformance with applicable safety standards.

If the Grantee does engage in school bus operations exclusively for the transportation of students and school bus personnel as described above, then the Grantee certifies that it operates a school system in the area to be served and operates a separate and exclusive school bus program for the school system.

The Grantee further agrees and certifies that it shall immediately notify the Department in writing of its involvement in or its intention to become involved in any school bus operation prohibited by Section 49.19(6) of the Civil Administrative Code of Illinois after the date of this certification.

Accepted on behalf of Champaign County:

Signature of Authorized
Representative

County Administrator
Title

Date

EXHIBIT G

STATE OF ILLINOIS DRUG FREE WORKPLACE CERTIFICATION

This certification is required by the Drug Free Workplace Act (30 ILCS 580/1 *et seq.*). The Drug Free Workplace Act, effective January 1, 1992, requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor has certified to the State that the grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

Grantee certifies and agrees that it will provide a drug free workplace by:

- (a) Publishing a statement:
 - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the Grantee's workplace.
 - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
 - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
 - (A) abide by the terms of the statement; and
 - (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (b) Establishing a drug free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the Grantee's policy of maintaining a drug free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon an employee for drug violations.
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the grant and to post the statement in a prominent place in the workplace.
- (d) Notifying the Department within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.

- (e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION.

Accepted on behalf of Champaign County:

Signature of Authorized
Representative

County Administrator
Title

Date

Exhibit H

GRANTEE'S OPINION OF COUNSEL

I, the undersigned, am an attorney licensed and duly admitted to practice law in the State of Illinois, and am counsel and attorney for Champaign County ("Grantee"). In this capacity, my opinion has been requested concerning the Grantee's eligibility for grant assistance under the provisions of the Department of Transportation Law, 20 ILCS 2705/2705-01 et. seq. and the Public Works Finance Act, 30 ILCS 370/1 ("Acts"). I have also reviewed the Non-Metro Area Transportation Operating, Operating Capital and Administrative Assistance & Downstate Public Transportation Operating Assistance Grant Agreement, Contract No. 4607 ("Agreement") tendered by the State of Illinois ("State") to the Grantee. Please be advised of the following:

1. The Grantee is an eligible participant as defined in the Acts;
2. There are no provisions in the Grantee's charter or in the statutes of the State of Illinois, the United States of America, or any municipal or other local ordinances that preclude or prohibit the Grantee from entering into a Non-Metro Area Transportation Operating, Operating Capital and Administrative Assistance and Downstate Public Transportation Operating Assistance grant contract;
3. Upon execution by both parties, the Agreement will be legally binding upon the Grantee and its successors and assigns;
4. I have no knowledge of any pending or threatened litigation in either federal or state courts which would adversely affect this grant contract or which would prevent the Grantee from contracting with the State for the purpose of receiving a Non-Metro Area Transportation Operating, Operating Capital and Administrative Assistance & Downstate Public Transportation Operating Assistance grant contract; and
5. I have reviewed and searched the website, www.sam.gov, and found that the Grantee has no active exclusion from receiving federal funds.

Based upon the foregoing, I am of the opinion that the Grantee is an eligible participant under the provisions of the Acts, and that the Grantee is fully empowered and authorized to enter into this Agreement and to accept the grant from the State.

Signature: _____
Barbara Mann

Date: _____

Attorney for: Champaign County

ARDC Number

**BIDDER'S CERTIFICATION ACKNOWLEDGEMENT – APPENDIX A, 49 CFR PART 20 –
CERTIFICATION REGARDING LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned Contractor certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government-wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96)].

(3) The undersigned shall require that the language of this certification be included in the award documents for all subaward at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, Champaign County, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. 3801, et seq., apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

Pattsi Petrie, County Board Chair Name and Title of Contractor's Authorized Official

_____ Date

Resolution Number 9371

Acceptance of Section 5311- Downstate Operating Assistance Program for Champaign County Rural Public Transportation

WHEREAS, the provision of public transit service is essential to the people of Illinois; and

WHEREAS, 49 U.S.C. § 5311 ("Section 5311"), makes funds available to the State of Illinois to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, the Downstate Public Transportation Act (30 ILCS 740/2-1 *et seq.*) ("Act") authorizes the State of Illinois, acting by and through the Illinois Department of Transportation, to provide grants and make funds available to assist in the development and operation of public transportation systems; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311 or the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF *CHAMPAIGN COUNTY*:

Section 1. That an application be made to the Division of Public and Intermodal Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 and the Act for fiscal year 2016, for the purpose of off-setting a portion of the Public Transportation Program operating expenses and deficits of *Champaign County*.

Section 2. That while participating in said operating assistance program *Champaign County and Champaign Urbana Mass Transit District (CUMTD)* will work together to seek a diverse mix of local match funding sources. *Champaign County Staff* will twice a year identify potential sources of local match revenue currently not being sought by the operator, and work with *CUMTD* to develop a strategy to access these other local funds. *CUMTD* will be responsible for providing all cost estimates associated with the development of any service contracts.

Section 3. That the *County Administrator of Champaign County* is hereby authorized and directed to execute and file on behalf of *Champaign County* such application.

Section 4. That the *County Administrator of Champaign County* is authorized to furnish such additional information as may be required by the Division of Public and Intermodal Transportation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That the *County Administrator of Champaign County* is hereby authorized and directed to execute and file on behalf of *Champaign County* a Section 5311-Downstate Operating Assistance Grant Agreement ("Agreement") with the Illinois Department of Transportation and amend such Agreement, if necessary, in order to obtain grant assistance under the provisions of Section 5311 and the Act for fiscal year 2016.

Section 6. That the *County Administrator of Champaign County* is hereby authorized to provide such information and to file such documents as may be required to perform the Agreement and to receive the grant for fiscal year 2016.

PRESENTED and ADOPTED this 20th day of August, 2015

Patti Petrie, Champaign County Board Chair

Gordy Hulten, Champaign County Clerk

Date

Date