

## AUTHORIZING RESOLUTION TEMPLATE

Resolution No. R 9

Resolution authorizing the filing of an application for a grant under Section 5311/5339 of the Federal Transit Act, as amended.

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital, operating and feasibility study assistance projects for nonurbanized public transportation systems under Section 5311 of the FTA Act of 1964, as amended.

WHEREAS, the Office of Transit, Indiana Department of Transportation (INDOT) has been designated by the Governor to make Section 5311/5339 grants for public transportation projects.

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs.

NOW, THEREFORE, BE IT RESOLVED BY DeKalb County Commissioners:

1. That William L. Hartman on behalf of DeKalb County Commissioners is authorized to make the necessary assurances and certifications and be empowered to enter into an agreement with INDOT for the provision of rural public transportation services.
2. That Meg Zenk of the DeKalb County Council on Aging is authorized to execute and file an application on behalf of DeKalb County Commissioners with the INDOT to aid in the financing of transit assistance projects pursuant to Section 5311 of the Federal Transit Act; as amended.
3. That Meg Zenk of the DeKalb County Council on Aging is authorized to furnish such additional information as INDOT may require in connection with the application.
4. That Meg Zenk of the DeKalb County Council on Aging is authorized to execute grant contract agreements on behalf of DeKalb County Commissioners.

### CERTIFICATE

The undersigned duly qualified and acting President, of the DeKalb County Commissioner's, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the DeKalb County Commissioners held on. 05/04/2020

  
Signature of Recording Officer

May 4, 2020  
Date

### LOCAL FINANCIAL ASSURANCES

The DeKalb County Commissioners hereby assures and certifies with respect to this application for Section 5311/5339 assistance that:

1. The Applicant has the requisite fiscal, managerial, and legal capability to carry out the Section 5311/5339 Program and to receive and disburse federal and state funds.
2. Some combination of state, local, and/or private funding sources has or will be committed to provide the required local share through the period of service identified within the grant contract.
3. The Applicant has or will have by the time of delivery, sufficient funds to operate the vehicles and/or equipment purchased under this project, as applicable.
4. Private for-profit transit and paratransit operators have been afforded a fair and timely opportunity by the applicant to participate to the maximum extent feasible in the planning and provision of the proposed transit services.
5. The Applicant has to the maximum extent feasible coordinated with other transportation providers and users, including social service agencies capable of purchasing service.



Signature of Authorized Official

President, DeKalb County Commissioner

Title of Authorized Official

May 4, 2020

Date

## CATEGORICAL EXCLUSION CLASSIFICATION OF CAPITAL PROJECTS CHECKLIST

The following checklist identifies transit projects that are considered Categorical Exclusions (CEs) by FTA. Please check the category or categories under which your project should be classified. If your project does not fall under any of the standard categories, but you feel it meets the criterion of a CE (the project will have no significant impact on the environment), then provide project information justifying a Categorical Exclusion classification.

The DeKalb County Commissioner's capital project is a categorical exclusion because it is for:

- ☐ Planning and technical studies which will not fund the construction of facilities or acquisition of capital equipment.
- ☐ Engineering to define the elements of a proposal or alternatives sufficiently so that environmental effects can be assessed.
- ☐ Ridesharing activities and transportation corridor fringe parking facilities.
- ☐ Program administration and technical assistance activities by the applicant to administer Section 5311 funds.
- ☐ Project administration and operating assistance to continue existing service or increase service to meet demand.
- ☒ Purchase of vehicles of the same type (same mode) either as replacements or to increase the size of the fleet where such increase can be accommodated by existing facilities or by new facilities which themselves are within a categorical exclusion.
- ☐ Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where no additional land is required and there is no substantial increase in the number of users.
- ☐ Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant physical impacts off the site where the facility is located.
- ☐ Installation of signs, small passenger and bus shelters, and traffic signs where no substantial land acquisition or traffic disruption will occur.
- ☐ Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- ☐ Acquisition of land in which the property will not be modified, the land use will not be changed, and displacements will not occur. For projects other than FTA advance land loans, this categorical exclusion is limited to the acquisition of minor amounts of land. This is undertaken for the purpose of maintaining the current land use and preserving alternatives to be considered in the environmental process. Advance land acquisition shall not limit the evaluation of alternatives, including shifts in alignment for a construction project, which may be required in the National Environmental Policy Act process.
- ☐ Emergency repairs under 23 U.S.C. 125 which do not substantially change the design and are commenced during or immediately after the occurrence of a natural disaster or catastrophic failure.

  
\_\_\_\_\_  
Authorizing Representative of Applicant Signature

May 4, 2020  
Date

**CERTIFICATION of USE of PROJECT EQUIPMENT AND FACILITIES**

On behalf of DeKalb County Commissioners, I hereby certify that Project equipment, facilities and property purchased with federal transit funding continues to be used in accordance with the terms and conditions of all applicable capital and operating grant agreements, and that no part of the local contribution has been refunded or reduced.

William L. Hartman

Name of Authorized Official of Applicant

President

Title of Authorized Official of Applicant



Signature of Authorized Official of Applicant

May 4, 2020

Date

**STATEMENT OF ACCEPTANCE OF THE  
SPECIAL SECTION 5333(b) WARRANTY**

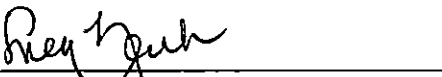
All Applicants/Recipients must execute the following statement of acceptance:

The (enter applicant name) and (enter name of agency providing transit service), agree to make use of the Special Section 5333(b) Warranty developed for exclusive application to the Rural and Small Urban Transit Assistance Program – Section 5311 of the Federal Transit Act, as amended.

The Applicant and Recipient/Contract Provider agree to be bound by the terms and conditions of the Special Section 5333(b) Warranty for its pending Section 5311 assistance grant. This warranty shall become a part of any contract between INDOT and the applicant.

  
Signed by Applicant

May 4, 2020  
Date

  
Signed by Transit Provider

May 4, 2020  
Date

100 S. Main Street (Applicant Address)

Auburn, In 46706

(260) 925-0509 (Telephone #)

(260) 925-5948 (Fax #)

jbauman@co.dekalb.in.us (E-Mail Address)

NOTE: The Warranty is provided in Appendix F for review.

**FTA requires that each sub-recipient post the entirety of the Special Warranty Provisions and all signature pages where affected employees may see it.**

## **Pass-through Agreement**

THIS AGREEMENT made this 4<sup>th</sup> day of May, 2020 among DeKalb County, acting through the county commissioners and/or agency planning/governing board (hereinafter referred to as the "Applicant") and DeKalb County Council on Aging a private nonprofit corporation, (hereinafter referred to as the "Service Provider"), by its duly authorized representative(s), whose mailing address is: 1800 E. 7<sup>th</sup> St., Auburn, IN 46706

### **WITNESSETH**

WHEREAS, the Applicant has made application for the Operating and/or Capital Assistance Program under section 5311 of the Federal Transit Act with the Application incorporated and made a part of this Agreement.

WHEREAS, the goals of the Operating and Capital Assistance Programs are to enhance access to people in non-urbanized areas for purposes such as health care, shopping, education, recreation, public services, and employment.

WHEREAS, the Service Provider has the expertise and desire to provide said transportation; and

WHEREAS, the Applicant has agreed by resolution, or such similar instrument, to subcontract with the Service Provider.

NOW THEREFORE, in consideration of the mutual promises and covenants herein set forth, the Applicant and Service Provider agree as follows:

### ***SECTION I: Purpose***

The purpose of this Agreement is to provide for the undertaking of rural public transportation services to the general public in and around DeKalb County **for which federal 5311 funding is allocated**), Indiana.

### ***SECTION II: Project Implementation***

The Service Provider agrees, based on the Grant Assistance provided, to undertake and complete the Project as filed with the approval of the Indiana Department of Transportation ("INDOT") and the Federal Transportation Administration ("FTA") in accordance with the terms and conditions of this Agreement.

### ***SECTION III: Project Duration***

The Service Provider shall commence activities associated with the Project from 01/01/2021 to 12/31/2021, as described in the 5311/5339 Application and other required documents requested by FTA and INDOT.

### ***SECTION IV: Level of Funding***

Reimbursement to the Service Provider shall be through a cost reimbursement contract. These expenditure levels are contingent upon the necessary State and Federal funds to operate the Project. If State or Federal funding sources are not available and alternative funding cannot be obtained, the Project will be adjusted so as not to incur un-reimbursable expenses.

IN WITNESS WHEREOF, (enter service provider) and (enter name of applicant) have caused this Agreement to be executed in their respective names.

EXECUTED THIS 4th DAY OF May, 2020

Date: 5-4-2020

By: W L Harte

Signature of Authorized Representative of Applicant

Date: May 4, 2020

By: Greg Bynum

Signature of Authorized Service Provider Representative

**CERTIFICATION OF APPLICANT'S ATTORNEY**

I affirm that to the best of my knowledge the Applicant and Service Provider are in total compliance with all items and conditions of the grant agreement executed between the Indiana Department of Transportation and the Applicant.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or threatened that might adversely affect the validity of these certifications and assurances or of the performances of the Project.

Furthermore, if I become aware of circumstances that change the accuracy of the foregoing statements, I will notify the Applicant, Service Provider and INDOT.

By: James P. McCanna

(Name of Applicant Attorney)

James P. McCanna

(Signature of Applicant Attorney)

May 4, 2020

Date

**FEDERAL FISCAL YEAR 2020 FTA CERTIFICATIONS AND ASSURANCES**  
(Required of all Applicants for federal assistance to be awarded by FTA in FY 2020)

**AFFIRMATION OF APPLICANT**

Name of the Applicant: DeKalb County Commissioners

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 laws, regulations, and requirements, 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 2020, 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 Award for which it now seeks or may later seek federal assistance to be awarded during federal fiscal year 2020.

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 William L. Hartman Date: May 4, 2020

Name William L. Hartman Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

James P. McCanna

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 assisted Award.

Signature James P. McCanna Date: May 4, 2020

Name James P. McCanna Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*