



RESOLUTION No. 23-216

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING SUBMITTAL OF APPLICATION FOR \$138,749 IN FISCAL YEAR 2022/23 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) PUC 99313 AND 99314 FUNDING AND AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE LCTOP ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

WHEREAS, the County of Nevada, Department of Public Works, Transit Services Division, is an eligible project sponsor and may receive State funding now and sometime in the future from the Low Carbon Transit Operations Program (LCTOP) that provides operating and capital assistance for transit agency projects to reduce greenhouse gas emissions and improve mobility; and

WHEREAS, the Fiscal Year 2022/23 LCTOP PUC 99313 and 99314 allocation amount available to Nevada County is \$138,749; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible sponsors; and

WHEREAS, the County of Nevada, Department of Public Works, Transit Services Division submitted an application for a LCTOP eligible operating project for the provision of Low-Income Passes for qualifying individuals with an annual income of between 138 – 200 percent of Federal poverty level; and

WHEREAS, it is necessary for the Board of Supervisors to approve the Application for Fiscal Year 2022/23 LCTOP funds in the amount of \$138,749 for the Low-Income Fare Subsidy Program for use on all Nevada County Connects fixed route buses; and

WHEREAS, funds shall be deposited into Transit Services Fund 4281-91003-707-1000/445090; and

WHEREAS, the County of Nevada, Department of Public Works, Transit Services Division wishes to delegate authorization to execute these documents and any amendments thereto the Director of Public Works.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves the Fiscal Year 2022/23 LCTOP application for the Low-Income Fare Subsidy Pass Program for use on all Nevada County Connects fixed route buses in the amount of \$138,749 with the Department of Public Works, Transit Services Division the Lead Sponsor, and the Nevada County Transportation Commission (NCTC) a Contributing Sponsor.
2. Directs the County of Nevada, Department of Public Works, Transit Services Division, to comply with all conditions and requirements set forth in the Certifications and Assurances document and all applicable statutes, regulations and guidelines for all LCTOP funded transit projects.
3. Authorizes the Chair of the Board of Supervisors to appoint the Director of Public Works to be authorized to execute the application(s) and all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation (Caltrans) on behalf of the County of Nevada; and
4. The Department of Public Works will bring to the Board of Supervisors a Resolution to accept any award made to the County of Nevada under this application process.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of May, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

5/23/2023 cc: PW*
AC*



FY 2022-2023 LCTOP

Authorized Agent

AS THE Chair of the Board of Supervisors

(Chief Executive Officer/Director/President/Secretary)

OF THE County of Nevada

(Name of County/City/Transit Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Trisha Tillotson, Director Community Development Agency

OR

(Name and Title of Authorized Agent)

Heba El-Guindy, Director of Public Works

OR

(Name and Title of Authorized Agent)

Robin Van Valkenburgh, Transit Services Division Manager

OR

(Name and Title of Authorized Agent)

Click here to enter text.

OR

(Name and Title of Authorized Agent)

Ed Scofield

(Print Name)

Chair of the Board of
Supervisors

(Title)



(Signature)

Approved this 23 day of May, 2023



FY 2022-2023 LCTOP Certifications and Assurances

Lead Agency: County of Nevada Transit Services Division

Project Title: Low-Income Pass Subsidy Program

Prepared by: Robin Van Valkenburgh, Transit Services Division Manager

The California Department of Transportation (Caltrans) has adopted the following Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). As a condition of the receipt of LCTOP funds, Lead Agency must comply with these terms and conditions.

A. General

1. The Lead Agency agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
2. The Lead Agency must submit to Caltrans a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

1. The Lead Agency certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The Lead Agency assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The Lead Agency certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The Lead Agency certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on LCTOP funds must be used only on approved LCTOP projects.
8. The Lead Agency must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).



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9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

C. Reporting

1. The Lead Agency must submit the following LCTOP reports:

- a. **Annual Project Activity Reports October 27th each year.**
 - b. **A Close Out Report within six months of project completion.**
 - c. **The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.**
 - d. **Project Outcome Reporting as defined by CARB Funding Guidelines.**
 - e. **Jobs Reporting as defined by CARB Funding Guidelines.**
2. Other Reporting Requirements: CARB develops and revises Funding Guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with CARB's Funding Guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

1. The Lead Agency agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The Lead Agency agrees, and will assure that its contractors and subcontractors 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 allow ability of individual project cost items and
 - b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with



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Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3. Any project cost for which the Lead Agency has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the Lead Agency to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs subject to repayment by the Lead Agency to the State. Should the Lead Agency fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the Lead Agency from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

A. Record Retention

1. The Lead Agency agrees and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP) and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the 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



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during the entire project period and for three (3) years from the date of final payment.

The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency shall furnish copies thereof if requested.

3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

Caltrans may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at Caltrans' discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

Ed Scofield

(Print Authorized Agent)



(Signature)

Chair, Board of Supervisors

(Title)

5/23/2023

(Date)



California Air Resources Board
Benefits Calculator Tool for the
Low Carbon Transit Operations Program
California Climate Investments

Step 3: Review the Estimated GHG Emission Reductions for the Proposed Project

Project Name: Nevada County Connects Low-Income Pass Fare Subsidy Program

Project Information	
FY 2022-23 LCTOP GGRF Funds Requested (\$)	\$ 138,749
Total LCTOP GGRF Funds (\$)	\$ 138,749
Total GGRF Funds (\$)	\$ 138,749
Non-GGRF Leveraged Funds (\$)	-
Total Funds (\$)	\$ 138,749

GHG Summary	
Total FY 2022-23 LCTOP GHG Emission Reductions (MTCO ₂ e)	49
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Total GHG Emission Reductions per FY 2022-23 LCTOP GGRF Funds (MTCO ₂ e/\$million)	354
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Click here to enter text. OR
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Ed Scofield

(Print Name)

Chair of the Board of
Supervisors

(Title)


(Signature)

Approved this 23 day of May, 2023



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Ed Scofield

(Print Authorized Agent)


(Signature)

Chair, Board of Supervisors

(Title)

5/23/2023
(Date)