Report to the Auburn City Council

Action Item

Agenda Item No. 2

City Manager Approval

To:	Mayor and City Council Members
From:	Bernie Schroeder, Director of Public Works Megan Siren, Administrative Analyst/Transit Manager
Date:	March 24, 2014
Subject:	Proposition 1B Transit Security Grant Program – Emergency Generator for Corporation Yard

The Issue

Shall the City of Auburn apply for transit security grant funds available through the California Emergency Management Agency?

Conclusion and Recommendation

Staff recommends, BY RESOLUTION, authorize the City Manager and/or Director of Public Works to submit and execute on behalf of the City of Auburn a grant application for the California Transit Security Grant Program.

Background

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the California voters as Proposition 1B at the November 6, 2006 general election. Proposition 1B included $1 billion for the Transit Security and Safety Account. Placer County Transportation Planning Agency (PCTPA) received the published estimated amounts for the fiscal year 2013/14. The PCTPA Board at their August 28, 2013 board meeting approved the fund allocation by jurisdiction for the 2013/14 Transit System Security and Disaster Response Account (TSSDRA).

The California Governor's Office of Emergency Services is administering the grant funds. Funds shall be available for capital projects that provide increased protection against a security and safety threat for transit operators.

The Transit Division decided to pursue the eligible grant funds for an Emergency Generator for the Corporation Yard to ensure security by providing continuous power throughout the site in case of a power outage. Staff received notification of project eligibility on January 27, 2014 and now must submit the grant assurances, governing body resolution and the authorized agent form to continue process the grant application.

Alternatives Available to Council; Implications of Alternatives

1. Proceed with Staff Recommendation

2. Do not proceed with staff recommendation

Fiscal Impact

Staff is recommending that $8,794 is added as revenue to the Transit Fund (Fund 27) once funds are received from the state. The capital project is estimated to cost $40,500 with funding from the TSSDRA in the amount of $8,794 and a funding agreement with PCTPA for the remainder amount of $31,706.

Attachments: Resolution
Grant Assurances

California Transit Security Grant Program
California Transit Assistance Fund

Name of Applicant: City of Auburn

Grant Cycle: FY 2013-14 Grant Number: 6661-0002

Address: 1225 Lincoln Way

City: Auburn State: CA Zip Code: 95603

Telephone Number: (530) 823-4211

E-Mail Address: bschroeder@auburn.ca.gov

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Governor's Office Emergency Services (Cal OES).

2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.

3. Will give the State of California generally and Cal OES in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or Cal OES directives.

4. Will provide progress reports and other information as may be required by Cal OES.

5. Will initiate and complete the work within the applicable timeframe after receipt of Cal OES approval.

6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply with all California and federal statues relating to nondiscrimination. These include but are not limited to:

a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794) which prohibits discrimination on the basis of handicaps;
d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
i. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
j. The requirements on any other nondiscrimination statute(s) which may apply to the application.

8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

9. Will comply with applicable environmental standards which may be prescribed pursuant to California or federal law. These may include, but are not limited to, the following:

   a. California Environmental Quality Act. California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
   b. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO)11514;
   c. Notification of violating facilities pursuant to EO 11738;
   d. Protection of wetlands pursuant to EO 11990;
   e. Evaluation of flood hazards in floodplains in accordance with EO 11988;
   f. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
   g. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
   h. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and

i. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. seq.) related to protecting components or potential components of the national wild and scenic rivers system.

11. Will assist Cal OES, as appropriate, in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §§ 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq).

12. Will comply with Standardized Emergency Management System requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

13. Will:
    a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by Cal OES;
    b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
    c. CTSGP-CTAF funds must be kept in a separate interest bearing account. Any interest that is accrued must be accounted for and used towards the approved Prop1B project approved by Cal OES.

14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

15. Agrees that equipment acquired or obtained with grant funds:

    a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;

    b. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

16. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.

17. Will comply with all applicable requirements, and all other California and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

18. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

    a. The applicant certifies that it and its principals:

        1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
        2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for 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; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
        3. Are 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 enumerated in paragraph (1)(b) of this certification; and (d) have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

19. Will retain records for thirty-five years after notification of grant closeout by the State.

20. Will comply with the audit requirements set forth in the Office of Management and Budget (OMB) Circular A-133, "Audit of States, Local Governments and Non-Profit Organizations."

21. Grantees and subgrantees will use their own procurement procedures which reflect applicable state and local laws and regulations.

22. Grantees and subgrantees will comply with their own contracting procedures or with the California Public Contract Code, whichever is more restrictive.

23. Grantees and subgrantees will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: Bernie Schroeder

Title: Director of Public Works Date: _____

RESOLUTION NO. 14-

RESOLUTION AUTHORIZING THE SUBMITTAL OF THE FY 13/14 TRANSIT SYSTEM SAFETY, SECURITY AND DISASTER RESPONSE ACCOUNT GRANT.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

Whereas, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes he issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems; and

Whereas, he California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account under the California Transit Security Grant Program (CTSGP); and

Whereas, the City of Auburn is eligible to receives CTSGP funds; and

Whereas, the City of Auburn will apply for FY 13/14 CTSGP funds in the amount up to $8,794 for the Emergency Generator for Corporation Yard Project; and

Whereas, the City of Auburn recognizes that it is responsible for compliance with all Cal OES CTSGP grant assurances, and state and federal laws, including, but not limited to, laws governing the use of bond funds; and

Whereas, Cal OES requires City of Auburn to complete and submit a Governing Body Resolution for the purposes of identifying agents authorized to act on behalf of the City of Auburn to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances, and state and federal laws.

THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE OF AUBURN that the City Manager or the Director of Public Works is hereby

authorized to execute for and on behalf of the City of Auburn, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Governor's Office of Emergency Services under the CTSGP.

DATED: March 24, 2014

_____
Bridget Powers, Mayor

ATTEST:

_____
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular session meeting of the City Council of the City of Auburn held on the 24th day of March 2014 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Stephanie L. Snyder, City Clerk

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