

W3D2

Memorandum Date:9/5/07  
Order Date:

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Mike Russell, Senior Engineering Associate

**AGENDA ITEM TITLE:** ORDER/IN THE MATTER OF DELEGATING CONTRACT SIGNATURE AUTHORITY TO THE COUNTY ADMINISTRATOR FOR AN AGREEMENT WITH ODOT COVERING EMERGENCY RELIEF PROGRAM EXPENDITURES ON COUNTY ROADS DAMAGED BY A STORM EVENT BEGINNING IN DECEMBER 2005.

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**I. MOTION**

Move approval of Board Order authorizing the County Administrator to sign the contract with the Oregon Department of Transportation for reimbursement of eligible expenditures under the Emergency Relief Program.

**II. AGENDA ITEM SUMMARY**

Beginning in December 2005, a series of storm events caused damage on certain County roads. The Governor of the State of Oregon declared a State of Emergency by Executive Order No. 06-01 that included Lane County. The declaration enabled the federal government to make funds available from the Emergency Relief Program (ER) overseen by the Federal Highway Administration and administered by Oregon Department of Transportation (ODOT).

Lane County identified seven projects eligible to receive the ER funds.

- Sweet Creek Road MP 6.23
- Siuslaw Road MP 5.2
- Siuslaw Road MP 5.75
- Siuslaw Road MP 5.8
- Siuslaw Road MP 32.5
- Siuslaw Road MP 38.0
- West Boundary Road MP 15.1

All of these locations experienced landslides that damaged county roadways.

### **III. BACKGROUND/IMPLICATIONS OF ACTION**

#### **A. Board Action and Other History**

There has been no Board action related to this specific emergency declaration, however, in the past the Board has supported similar efforts.

The Road Maintenance Division has completed the repairs on all but one of the locations. Sweet Creek Road MP 6.23 requires a significant fix requiring a slight realignment of the roadway and retaining structure. Engineering and preparation for work continue and construction is anticipated in October 2007.

ODOT has forwarded the necessary Local Agency Agreement for review and signature.

#### **B. Policy Issues**

This funding is being provided by the Federal Highway Administration through the Western Federal Lands Highway Division office. In close coordination with both ER staff and ODOT staff, each site has been determined to meet the requirements for reimbursement under the ER Program. The work performed by Lane County's Road Maintenance Division staff prior to June 18, 2006 will be reimbursed 100%. This includes all sites except Sweet Creek Road MP 6.23 which will require Lane County to match 10.27% of the actual construction costs.

#### **C. Board Goals**

This action supports the Strategic Plan overall goal to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. *(Lane County Strategic Plan 2001-2005, pg. 13)*

Generally, this action supports Strategic Plan Core Strategy D4 - Pursue intergovernmental revenue and private donations by applying for federal money for the project.

#### **D. Financial and/or Resource Considerations**

The financial implications of not taking action on this item are that the eligible repairs completed by Lane County will not be reimbursed.

The estimated costs-to-date are as follows:

Sweet Creek Road MP 6.23	\$122,300
Siuslaw Road MP 5.2	\$18,600

Siuslaw Road MP 5.75	\$10,500
Siuslaw Road MP 5.8	\$15,000
Siuslaw Road MP 32.5	\$10,500
Siuslaw Road MP 38.0	\$38,500
West Boundary Road MP 15.1	<u>\$40,000</u>
<b>Total Estimate</b>	<b>\$255,400</b>

## **E. Analysis**

In order to satisfy APM Chapter 1, Section 2A, Issue I, the following is the list of questions that need to be answered when a Board agenda item relates to approval of a grant or any project or proposal with limited duration funding.

### **1. What is the match requirement, if any, and how is that to be covered for the duration of the grant?**

For this program, there is no match requirement for work completed before June 18, 2006. After that date, the match requirement is 10.27% of the total project cost. This amount will come from the Road Fund and is estimated to be about \$12,560.

### **2. Will the grant require expenditures for Material and Services or capital not fully paid for by the grant?**

The funding will require the Road Fund to cover a portion of the match as well as any expenditure for Material and Services that are determined not to be eligible.

### **3. Will the grant funds be fully expended before county funds need to be spent?**

No. This will be covered under a reimbursement agreement where the Emergency Relief Program will be used to reimburse the Road Fund for project costs.

### **4. How will the administrative work of the grant be covered if the grant funds don't cover it?**

Grant funds will cover this activity.

### **5. Have grant stakeholders been informed of the grant sunseting policy so there is no misunderstanding when the funding ends? Describe plan for service if funding does not continue.**

The grant is a one-time, project specific allocation that will need to be completed within the agreed to timeline. There is no expectation that there will be continued funding.

**6. What accounting, auditing and evaluation obligations are imposed by the grant conditions?**

The contract cites standard accounting practice and requests availability of all financial records in case of audit. Lane County Public Works maintains a cost accounting system designed for this activity.

**7. How will the department cover the accounting, auditing and evaluation obligations? How are the costs for these obligations covered, regardless whether they are in the department submitting the grant or a support service department? Does the department acknowledge that the county will need to cover these costs and it is an appropriate cost incurred by support service departments?**

These activities will be managed by Public Works staff utilizing, among other tools, the cost accounting system, Support Services staff and Road Maintenance staff.

**8. Are there any restrictions against applying the county full cost indirect charge?**

No.

**9. Are there unique or unusual conditions that trigger additional county work effort, or liability, i.e., maintenance of effort requirements or supplanting prohibitions or indemnity obligations?**

In dealing with ODOT on other programs we have worked out language for these subjects that have been acceptable to both parties. We anticipate the same to be true in this case.

**10. Grants involving technology issues require Information Services department review and approval prior to submission to the Board to ensure compatibility with existing county systems and development tools.**

This is not an IS related project.

**11. Information Services department sign-off is required for all agenda items requesting funding for new or enhanced computer applications/systems that will interface with existing county systems/infrastructure.**

This is not an IS related project.

**12. If this is a grant funded computer/software applications project,  
a. Who is the project sponsor? Who will assume responsibility for the new system after it is developed? Not Applicable**

**b. Who will actually develop the new system/application? Not Applicable**

**c. What will happen to the software application/system after the grant funding has ended? Not Applicable**

**d. Who will pay for ongoing maintenance and staff costs, if any? Not Applicable**

**f. Alternatives/Options**

The Board's options are to approve the motion stated above, to deny the motion, or to take some other course of action.

**V. TIMING/IMPLEMENTATION**

Upon adoption of the order, the County Administrator will sign the Local Agency Agreement provided by ODOT, Lane County staff will prepare a billing for work completed to date, and proceed with the construction on Sweet Creek Road MP 6.23 in October 2007.

**VI. RECOMMENDATION**

Staff is recommending that the Board approve the motion.

**VII. FOLLOW-UP**

Upon completion of all work related to the ER Program, a final billing will be submitted to ODOT for reimbursement.

**VII. ATTACHMENTS**

**- Board Order**

**- Office of the Governor State of Oregon Executive Order NO. 06-01**

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

ORDER NO. ) ORDER/IN THE MATTER OF DELEGATING  
) CONTRACT SIGNATURE AUTHORITY TO THE  
) COUNTY ADMINISTRATOR FOR AN AGREEMENT  
) WITH ODOT COVERING EMERGENCY RELIEF  
) PROGRAM EXPENDITURES ON COUNTY ROADS  
) DAMAGED BY A STORM EVENT BEGINNING IN  
) DECEMBER 2005.

**WHEREAS**, beginning December 22, 2005, and continuing, heavy rains caused flooding, landslides, and erosion throughout several Oregon Counties, resulting in significant damage to the state highway system, **and**

**WHEREAS**, the Governor of the State of Oregon declared a State of Emergency on January 13, 2006 by Executive Order 06-01,

**WHEREAS**, this declaration made federal money available to help fix damaged roads through the Emergency Relief Program, **and**

**WHEREAS**, Lane County identified seven projects eligible for this funding, as follows with estimated costs:

Sweet Creek Road MP 6.23	\$122,300
Siuslaw Road MP 5.2	\$18,600
Siuslaw Road MP 5.75	\$10,500
Siuslaw Road MP 5.8	\$15,000
Siuslaw Road MP 32.5	\$10,500
Siuslaw Road MP 38.0	\$38,500
West Boundary Road MP 15.1	<u>\$40,000</u>
<b>Total Estimate</b>	<b>\$255,400</b>

**and**

**WHEREAS**, The Oregon Department of Transportation has forwarded a Local Agency Agreement to administer the funds under the program,

**NOW THEREFORE, BE IT**

**ORDERED**, that the Board delegates authority to the County Administrator to sign and execute an intergovernmental agreement/contract consistent with this Order, **and**

**ORDERED**, that Public Works staff complete related work as identified.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

APPROVED AS TO FORM

Date 9-13-07 Lane County

\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioners



**EXECUTIVE ORDER NO. 06-01**

**DETERMINATION OF STATE OF EMERGENCY IN BENTON, COOS, CLATSOP, COLUMBIA, CROOK, CURRY, DESCHUTES, DOUGLAS, GILLIAM, JACKSON, JEFFERSON, JOSEPHINE, LAKE, LANE, LINCOLN, LINN, MARION, POLK, SHERMAN, TILLAMOOK, WASCO, WASHINGTON, WHEELER AND YAMHILL COUNTIES DUE TO SEVERE WEATHER AND FLOODING**

Pursuant to ORS 401.055, I find that heavy rains and flooding have created a threat to life, safety and property in Benton, Coos, Clatsop, Columbia, Crook, Curry, Deschutes, Douglas, Gilliam, Jackson, Jefferson, Josephine, Lake, Lane, Lincoln, Linn, Marion, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill counties. Beginning December 22, 2005, and continuing, heavy rains have caused flooding, landslides, and erosion throughout these counties, resulting in significant damage to the state highway system. Currently, damage to the state highway system in these counties is estimated to be \$7,121,398, including damage to federal aid highways.

These findings were made at 10:30a.m. on January 13, 2006 and I now confirm them with this Executive Order.

**NOW THEREFORE IT IS HEREBY ORDERED AND DIRECTED:**

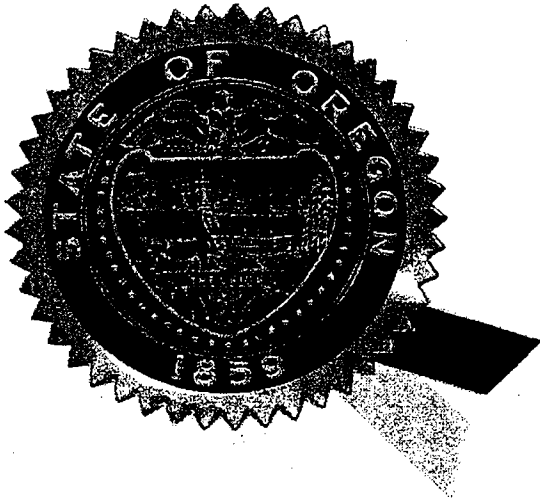
- 1     The Oregon Department of Transportation shall provide appropriate assistance and seek federal resources to effect repair and reconstruction of the federal aid highway system in Benton, Coos, Clatsop, Columbia, Crook, Curry, Deschutes, Douglas, Gilliam, Jackson, Jefferson, Josephine, Lake, Lane, Lincoln, Linn, Marion, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties.
2.     The Office of Homeland Security's Oregon Emergency Management shall implement the State's Emergency Operations Plan, and coordinate with state and local agencies impacted by this severe weather event to facilitate any and all damage assessments that may be necessary as a result of this continuing event.

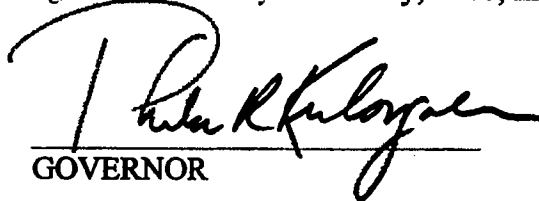
# Office of the Governor State of Oregon



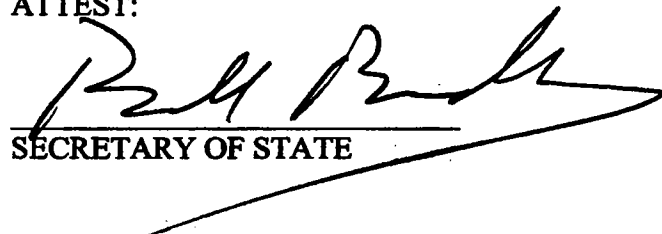
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3. This order was made by verbal proclamation at 10:30a.m. on the 13<sup>th</sup> day of January, 2006 and signed this 17<sup>th</sup> day of January, 2006, in Salem, Oregon.



  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE