

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2020 [] Consent [] Regular [] Ordinance [X] Public Hearing
Department: Palm Tran

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: Adopt a resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, approving the signing and submission of the FY2019 Section 5310 grant application...

Summary: Palm Tran is submitting an application for the acquisition of ten (10) replacement paratransit vehicles. The vehicles being replaced were purchased in 2015 with Public Improvement Revenue Bond funds...

The grant application contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. The grant requires the County, to the extent permitted by law and in accordance with the provisions of 768.28, Florida Statutes, to indemnify, defend and hold harmless FDOT and all of its officers, agents and employees...

Background and Policy Issues: FDOT has been designated by Florida's Governor to administer the Section 5310 Program funds for the purpose of assisting private nonprofit groups in meeting transportation needs of the elderly and persons with disabilities.

- Attachments: 1. Resolutions (2 copies State required) 2. FY19-5310 Grant Application Packet 3. Public Notice

Recommended By: [Signature] Executive Director Date: 5/19/2020

Approved By: [Signature] Assistant County Administrator Date: 6/5/2020

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures		906,418			
Operating Costs					
External Revenues		(815,776)			
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT		90,642			
#ADDITIONAL FTE		0			
POSITIONS (CUMULATIVE)					

Is Item Included in Proposed Budget? Yes No
Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

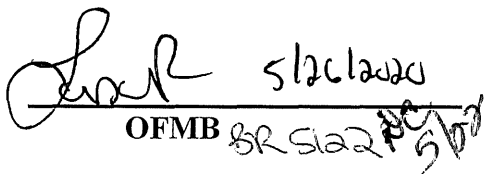
There is no fiscal impact at this time. If awarded, the required match is available in the proposed FY21 Palm Tran budget under Fund 1343.

C. Departmental Fiscal Review:


Jeremy Baker, Interim Director of Admin Services

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


OFMB 5/26/2020
BR 5122 PC 5/20


Contract Dev. & Control
6-1-2020

B. Legal Sufficiency


Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BCC), OF PALM BEACH COUNTY, FLORIDA, APPROVING THE SIGNING AND SUBMISSION OF THE FY2019 SECTION 5310 GRANT APPLICATION, SUPPORTING DOCUMENTS AND ASSURANCES, FOR A TOTAL PROJECT COST OF \$906,418 FOR CAPITAL ASSISTANCE UNDER GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES CFDA 20.513, AS ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, FDOT is authorized to provide funding for mass transportation projects; and

WHEREAS, the BCC has the authority to apply for and accept grants to make purchases and expend funds pursuant to grant awards made by FDOT as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

1. This resolution applies to the Federal Program under 49 U.S.C. Section 5310.
2. The submission of the grant application, supporting documents and assurances to FDOT is hereby approved.
3. The County Administrator or Executive Director of Palm Tran is authorized to furnish such additional information as FDOT may require in connection with the project.
4. The Mayor of the Board of County Commissioners is authorized to execute the grant application, supporting documents, and assurances.
5. This Resolution shall take effect immediately upon its adoption.

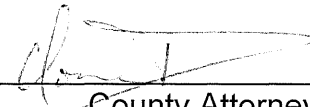
The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Dave Kerner, Mayor	_____
Commissioner Robert S. Weinroth, Vice Mayor	_____
Commissioner Hal R. Valeche	_____
Commissioner Gregg K. Weiss	_____
Commissioner Mary Lou Berger	_____
Commissioner Melissa McKinlay	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the resolution duly passed and adopted this

_____ day of _____, 2020.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  _____
County Attorney

PALM BEACH COUNTY, FLORIDA
by its BOARD OF COMMISSIONERS
Sharon R. Bock, Clerk and Comptroller

By: _____
Deputy Clerk

Florida Department of Transportation



49 U.S.C. Section 5310
Capital & Operating Assistance – FFY 2019
Application

Formula Grants for the Enhanced Mobility of
Seniors and Individuals with Disabilities

CFDA 20.513

Legal Applicant Name: Palm Beach County Board of County Commissioners

First Time Applicant Previous Applicant


Project Type and Service Area of this Application (check all that apply):

Large Urban Service Area

Small Urban Service Area

Rural Service Area

Applicant Information

		49 U.S.C. Section 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities: GRANT APPLICATION	
Agency (Applicant) Legal Name: Palm Beach County Board of County Commissioners			
Physical Address (No P.O. Box): 301 North Olive Avenue			
Applicant's County: If Applicant has offices in more than one county, list county where main office is located			
City: West Palm Beach	State: Florida	Zip + 4 Code: 33401-4705	Congressional District: 18, 20, 21, 22
Federal Taxpayer ID Number: 596000785			
Applicant Fiscal period start and end dates: October 1, 2019 to September 30, 2020 <i>State Fiscal period from: July 1, 20__ to June 30, 20__</i>			
Applicant's DUNS Number: 078470481 <i>Unique 9-Digit number issued by Dun & Bradstreet. May be obtained free of charge at: http://fedgov.dnb.com/webform</i>			
Project's Service Area: Palm Beach County, Florida <i>List the county or counties that will be served by the proposed project.</i>			
Executive Director Mayor: Dave Kerner		Grant Contact Person (if different than Executive Director): Claudia Salazar	
Telephone: 561.355-2203		Telephone: 561.841.4241	
Fax:		Fax:	
E-mail Address: dkerner@pbcgov.org		Email Address: csalazar@pbcgov.org	
Current Vehicle Inventory (Paratransit Service Only) ___ Vans ___ Vans/Lifts 39 Vans with Ramps Enter Number in Fleet Paratransit Service Only 29 Sedans or Minivans 204 Buses/Cutaways _____ Other _____ N/A			




PART I – APPLICANT ELIGIBILITY

Eligibility Questionnaire

If you are a current grant sub-recipient and are not compliant with all FDOT and FTA Section 5310 requirements, then you will not be eligible to receive grant funds until compliance has been determined. You must be in compliance at time of grant award execution/ joint participation agreement execution.

If you are a current grant sub-recipient and have undergone a triennial review, complete the questions below:

Note: This questionnaire does not apply to new sub-recipients and sub-recipients that have not yet been required by their respective FDOT District Office to complete a triennial review. For more information see FDOT’s Triennial Review Process as part of the State Management Plan.

Does your agency have active vehicles purchased with a 5310 grant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Has your agency completed a Triennial Oversight Review?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, is your agency currently in compliance?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A no Triennial Oversight has been completed, 2019 was the first year Palm Beach County received 5310 funds.		
If no, does your agency have a corrective action plan in place to come into compliance? Date of corrective action closeout _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>_____ <i>Signature</i> [blue ink] <i>Dave Kerner, Mayor</i></p> <p>_____ <i>Typed Name and Title</i></p> <p>_____ <i>June 16, 2020</i></p> <p>_____ <i>Date</i></p> </td> <td style="width: 50%; vertical-align: middle; text-align: center;"> <p>APPROVED AS TO FORM AND LEGAL SUFFICIENCY</p>  <p>_____ COUNTY ATTORNEY</p> </td> </tr> </table>		<p>_____ <i>Signature</i> [blue ink] <i>Dave Kerner, Mayor</i></p> <p>_____ <i>Typed Name and Title</i></p> <p>_____ <i>June 16, 2020</i></p> <p>_____ <i>Date</i></p>	<p>APPROVED AS TO FORM AND LEGAL SUFFICIENCY</p>  <p>_____ COUNTY ATTORNEY</p>
<p>_____ <i>Signature</i> [blue ink] <i>Dave Kerner, Mayor</i></p> <p>_____ <i>Typed Name and Title</i></p> <p>_____ <i>June 16, 2020</i></p> <p>_____ <i>Date</i></p>	<p>APPROVED AS TO FORM AND LEGAL SUFFICIENCY</p>  <p>_____ COUNTY ATTORNEY</p>		



Palm Tran

Administrative Offices

3201 Electronics Way
West Palm Beach, FL 33407-4618
(561) 841-4200
FAX: (561) 841-4291

Palm Tran Connection

50 South Military Trail
Suite 101
West Palm Beach, FL 33415-3132
(561) 649-9838
FAX: (561) 656-7156
www.palmtran.org



**Palm Beach County
Board of County
Commissioners**

- Dave Kerner, Mayor
- Robert S. Weinroth, Vice Mayor
- Hal R. Valeche
- Gregg K. Weiss
- Mary Lou Berger
- Melissa McKinlay
- Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
49 U.S.C. Section 5310 APPLICATION FFY2019**

Palm Beach County Board of County Commissioners submits this Application for the Section 5310 Program Grant and agrees to comply with all assurances and exhibits attached hereto and by this reference made a part thereof, as itemized in the Checklist for Application Completeness.

Palm Beach County Board of County Commissioners further agrees, to the extent provided by law (in case of a government agency in accordance with Sections 129.07 and 768.28, Florida Statutes) to indemnify, defend and hold harmless FDOT and all of its officers, agents and employees from any claim, loss, damage, cost, charge, or expense arising out of the non-compliance by the Agency, its officers, agents or employees, with any of the assurances stated in this Application.

This Application is submitted on this 16 day of June 2020 with an original resolution or certified copy of the original resolution authorizing the Mayor to sign this Application.

Palm Beach County Board of County Commissioners (Palm Tran)
Agency Name

Signature (blue ink)

Dave Kerner, Mayor
Typed Name and Title of Authorized Representative

June 16, 2020
Date

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

COUNTY ATTORNEY

Form B-1: Financial Capacity – Proposed Budget for Transportation Program

Estimated Revenues <i>(See Instruction Manual)</i>	Revenue Amount <i>Entire Transportation program</i> <i>(See Instruction Manual)</i>
Passenger Fares for Transit Service (401)	\$11,720,430.28
Special Transit Fares (402)	
School Bus Service Revenues (403)	
Freight Tariffs (404)	
Charter Service Revenues (405)	
Auxiliary Transportation Revenues (406)	\$845,499.05
Non-transportation Revenues (407)	\$185,704.18
Total Revenue	\$12,751,633.51
Other Revenue Categories	<hr/>
Taxes Levied Directly by the Transit System (408)	
Local Cash Grants and Reimbursements (409)	\$63,969,843.40
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	\$15,994,621.42
State Special Fare Assistance (412)	
Federal Cash Grants and Reimbursements (413)	\$13,359,639.89
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations (440)	
Total of Other Revenue	\$93,324,104.71
Grand Total All Revenue	\$106,075,738.22

Estimated Expenses <i>(See Instruction Manual)</i>	Expense Amount <i>Entire Transportation program</i>
Labor (501)	\$34,087,376.47
Fringe & Benefits (502)	\$17,644,433.34
Services (503)	\$4,767,075.27
Vehicle Maintenance (504.01)	\$9,780,441.35
Utilities (505)	\$661,443.23
Insurance (506)	\$603,543.02
Licenses & Taxes (507)	
Purchased Transit Service (508)	\$29,329,754.04
Miscellaneous (509)*	\$329,847.34
Leases & Rentals (512)	\$948,552.26
Depreciation (513)*	
NTD (F-10) Funds Expended on Capital	\$7,923,271.9
Grand Total All Expenses	\$106,075,738.22

* Refer to CFR 200.436 for guidance when entering expenses under "Depreciation".

Shortfall	
Source	Amount
1 - Estimated Revenues (enter number from line 1)	\$106,075,738.22
2 - Estimated Expenses (enter number from line 2)	\$106,075,738.22
3. Shortfall Subtract Line 2 from Line 1	\$0
4. Enter Total Amount Requested from Form 424, Line 18(g)	\$906,418.00
5. *If request (Line 4) is more than needed shortfall identified on Line 3, provide justification:	
The account numbers in parentheses used in Form B-1 are the object code numbers for the line items in FTA National Transit Data Reports (NTD). Palm Beach County reported balanced revenues and expenditures in NTD. No shortfall is reported as Palm Beach County has not reported expenditures for Paratransit vehicles, such expenditures will not occur until the County secures funding for these purchases.	

Note: Line 5 is MANDATORY - do not leave blank. If information is not provided it reflects no urgency for the requested funds. Amount needed should be clearly identified.

Proof of Local Match	
Source	Amount
	\$90,642.00
	\$
	\$
	\$
	\$
	\$
<p style="text-align: center;">Total Local Match 50% of Total Project Cost for operating awards 10% of Total Project Cost for capital awards</p>	\$90,642.00

Attach documentation of match funds directly after this page. Proof may consist of, but not be limited to:

- Transportation Disadvantaged (TD) allocation,
- Written statements from county commissions, state agencies, city managers, mayors, town councils, organizations, accounting firms and financial institutions.

Palm Beach County Board of County Commissioners

Agency Name

Signature [blue ink]

Dave Kerner, Mayor

Typed Name and Title of Authorized Representative

June 16, 2020

Date

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



COUNTY ATTORNEY

Exhibit C: Coordinated Public Transit-Human Service Transportation Plan

The projects selected for funding under the Section 5310 program must be included in a locally developed, coordinated public transit-human services transportation plan (Coordinated Plan) that was “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.”

Reference: FTA C 9070.1G, Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions - Chapter V, Coordinated Planning

Certification

(Agency Name) certifies and assures to the Florida Department of Transportation regarding its application for assistance under 49 U.S.C. 5310 that this grant request is included in a coordinated plan compliant with Federal Transit Administration Circular FTA C 9070.1G.

(a) The name of this coordinated plan:

Palm Beach County Transportation Disadvantaged Service Plan

(b) The agency that adopted this coordinated plan:

Palm Beach County Transportation Disadvantaged Local Coordinating Board

(c) The date the coordinated plan was adopted:

October 30, 2019

(d) Section and page in the coordinated plan that identifies the project or need your agency is fulfilling:

**Page 22 – Section D. Goals, Objectives, Strategies
Palm Tran’s published guiding principles is to promote accessibility to all citizens of Palm Beach County, including people with disabilities, senior citizens and the disadvantaged, through discounted fares, accessible buses and door-to-door paratransit service in accordance with state and federal requirements.**

Palm Beach County Board of County Commissioners

Agency Name

Signature [blue ink]

Dave Kerner, Mayor

Typed Name and Title of Authorized Representative

June 16, 2020

Date

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**


COUNTY ATTORNEY

NOTICE OF PUBLIC HEARING

RE: APPLICATION FOR FY2019 SECTION 5310 CAPITAL ASSISTANCE GRANT

All interested parties within Palm Beach County are hereby advised that the Palm Beach County Board of Commissioners (BCC) is applying to the Florida Department of Transportation for a capital grant under Section 5310 of the Federal Transit Act of 1991, as amended, for the purchase of replacement paratransit vehicles to be used for the provision of paratransit services within Palm Beach County.

This notice is to provide an opportunity for a Public Hearing for this project. This public notice is to ensure that this project and the contemplated services will not duplicate current or proposed services provided by existing transit or paratransit operators in the area.

A Public Hearing has been scheduled for the purpose of receiving comments regarding these projects. The Public Hearing will be held as follows:

DATE: Tuesday, June 16, 2020
TIME: 9:30 a.m.
LOCATION: Jane Thompson Memorial Chambers
6th Floor, Robert Weisman Governmental Center
301 North Olive Avenue
West Palm Beach, FL 33401

A. DESCRIPTION OF PROPOSED PROJECTS

Please Note: The following Proposed Program of Projects for the application of Section 5310 funds will be the final application for this program unless amended by the BCC on June 16, 2020.

CAPITAL ASSISTANCE

Fiscal Year 2019 Section 5310 Grant Application Summary of Projects

1) Purchase 10 Paratransit Vehicles

Section 5310 Grant Contribution	\$725,134
FDOT Share	\$90,642
Local Share	\$90,642
Total FY2019 Section 5310	\$906,418

At the hearing BCC will afford the opportunity for interested parties or agencies to be heard with respect to the social economic and environmental aspects of the projects including requirements under the Clean Air Act the Federal Water Pollution Control Act and other applicable Federal Environmental Statues and consistency with the goals of local urban planning. Interested persons may submit orally or in writing evidence and recommendations with respect to said projects.

Florida Law and Title VI of the Civil Rights Act of 1964 Prohibits Discrimination in Public accommodation on the basis of race, color, religion, sex, national origin, handicap, or of marital status. Persons believing they have been discriminated against on these conditions may file a complaint with the Florida Commission on Human Relations at 850-488-7082 or 800-342-8170 (voice messaging)

Written comments will be received at Palm-Comments@pbcgov.org or at Palm Tran, 3201 Electronics Way, until Friday June 12, 2020. Voice comments will be accepted at 561-841-4360 until 5:00 p.m. Friday, June 12, 2020.

Waiver of Procedure and Formality
Regarding Palm Tran's June 16, 2020 Public Hearing Agenda Items

Palm Tran, through the County Administrator, will present two public hearing agenda items to the Board of County Commissioners (BCC) on June 16, 2020.

One item seeks the BCC's approval of the filing of a grant application with the FTA for FY 2020, in the amount of \$50,701,790.00 from Section 5307 funds appropriated under the Coronavirus Aid, Relief and Economic Security (CARES) Act. Palm Tran will also recommend that the BCC approve a Program of Projects for capital and operating expenses incurred to prevent, prepare for and respond to the Covid-19 Pandemic (Pandemic). Federal law requires the BCC to provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed Program of Projects.

The second agenda item seeks the BCC's approval of the submittal of a Section 5310 grant application in the amount of \$906,418 for an FTA Formula Grant for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This grant application seeks funds to be used to purchase 10 paratransit vehicles and will be submitted to the Florida Department of Transportation (FDOT). The Section 5310 grant program is administered by FDOT for FTA and also has a requirement to provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed Program of Projects.

Section 1.5 of the County's Agenda Preparation Manual (Manual) requires a department to provide the Clerk and Comptroller (Clerk) with proof that a public hearing has been noticed to the public when the department prepares and advertises the public hearing. This section and Section IX of Palm Beach County PPM CW-O-014 both require that "Proof of Publication" of the notice of public hearing be provided to the Clerk prior to the date the BCC holds the public hearing.

The Palm Beach Post (Post), the newspaper required to be used for publication purposes by the County, has advised Palm Tran that it will not be able to provide a notarized affidavit confirming publication of each notice of the public hearing prior to the date of the public hearing. An affidavit of a newspaper publisher made to establish proof of publication must include a copy of the advertisement and notarized sworn statement that the advertisement (*i.e.*, notice of public hearing) was published in the newspaper.

As a result of the Pandemic, the Governor of the State of Florida issued Executive Order No 20-52 declaring a State of Emergency in the State of Florida and authorizing the counties of the State to waive certain procedures and formalities otherwise required of a political subdivision by law. The State of Emergency declared in Executive Order No. 20-52 was extended by Executive Order 20-114 and ratified and reaffirmed, except as amended therein. On March 13, 2020, as a result of the Pandemic, the Mayor of Palm Beach County also issued a local Declaration of a State of Emergency (Emergency Declaration). This Emergency Declaration has been extended and remains in effect.

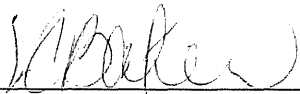
The Emergency Declaration waives the procedures and formalities otherwise required of Palm Beach County as may be necessary to prevent the hindrance, delay, or prevention of any mitigation, response or recovery action necessary to respond to the COVID-19 emergency pertaining to, among others, "...prudent action necessary to ensure the health, safety, and welfare of the citizens of Palm Beach County." Said Emergency Declaration further empowers, authorizes and directs the County Administrator or her

designee to exercise, on behalf of the BCC, the emergency powers necessary to carry out the provisions of Chapter 252, F.S. and Palm Beach County Code, Article II, Section 9-53, to provide for the health and safety of persons. Emergency restrictions are to be tailored to meet the exigency of the circumstances and can be modified by further order at any time as necessary.

Pursuant to the above-described authority vested in the County Administrator, the County Administrator may waive the application of Section IX of PPM CW-O-014 and Section 1.5 of the Manual requiring that an affidavit of proof of publication be received prior to the public hearing. Such waiver is necessary to permit the public hearings to be held on June 16, 2020, so that the BCC may receive and consider public comment, and approve the filing of the grant applications and their proposed Program of Projects. Ultimately, the waiver facilitates Palm Tran's timely receipt of grant funds that will be used to assist Palm Tran with its response to the Pandemic, help ensure the health, safety and welfare of Palm Tran's employees and the citizens utilizing Palm Tran's public transportation services and provide enhanced mobility for seniors and individuals with disabilities.

Palm Tran and the County Attorney's Office have recommended that the waivers described herein be conditioned upon receipt of proof satisfactory to Palm Tran's Executive Director and the County Attorney's Office, that the notice of public hearing for each agenda item was published in the Post prior to the June 16, 2020 public hearing date. Such proof may consist of a copy of the actual public hearing notice(s) published in the Post with a statement from Palm Tran's Grant Coordinator confirming the dates the notices appeared in the newspaper. Palm Tran is to obtain from the Post, a sworn notarized affidavit establishing proof of publication for each public hearing agenda item and, upon receipt, furnish said affidavits to the Clerk so that each may be maintained in the Clerk's records pertaining to the appropriate agenda item. As a result of these waivers, the sworn notarized affidavit for each agenda item may be received and provided to the Clerk after the June 16th public hearing date. Palm Tran must forward a copy of each affidavit to the County Attorney's Office and shall maintain a copy of each affidavit with its records pertaining to the appropriate grant application.

Subject to the conditions set forth above, I hereby approve a waiver of the requirement of Section 1.5 of the Board of County Commissioners' Agenda Preparation Manual and of Section IX of PPM CW-O-014 that Proof of Publication be provided to the Clerk & Comptroller's Office prior to the date of the Board of County Commissioner's public hearing for each of the above-described June 16, 2020 agenda items.

 6/16/2020

Verdenia C. Baker
County Administrator

Date