

Presented for Adoption on March 22, 2001

**Policies and Administrative Procedures
of
The Board of County Commissioners
The County Assistance Road System (CARS) Program**

County Assistance Road System Program Policies

GENERAL PROVISIONS

101: GENERAL PURPOSE STATEMENT

This Policy, adopted by the Board of County Commissioners for the County Assistance Road System (CARS) Program, is intended to promote interlocal co-operation between the County Government and the cities in the planning, maintenance, and construction of streets and associated roadway improvements in Johnson County and to establish a program structure through which the County Government may provide financial or other assistance to the cities in order to assure an adequate, safe and integrated transportation network in the County's developing and incorporated areas.

102: APPLICATION OF POLICY

This Policy shall be effective and shall apply from the date of its adoption to all actions of the Board which relate to the expenditure of County's funds for the planning, maintenance, or construction of streets, associated roadway improvements or bridges located within Johnson County.

Nothing contained within this policy shall affect any interlocal agreement, bond authorization or issuance, tax levy or assessment, contract commitment or expenditure authorization which was approved and effective prior to the adoption of this Policy.

103: BOARD RESPONSIBILITIES

The Board shall be responsible for establishing project eligibility for the program; for defining and approving terms, conditions, and qualifications for interlocal agreements; and for establishing and authorizing policies for the CARS Program.

The County Administrator, under the direction and supervision of the Board, shall be responsible for establishing Administrative Procedures for the Public Works Department of the County to ensure, to the extent practical, consistent administration of CARS projects.

104: POLICY REVIEW, REVISION, AND AUTHORITY

The Board shall review, at least annually, its CARS Program policy and administrative procedures and may change or supplement any of its policies or procedures.

This Policy is adopted pursuant to the authority of the Board of County Commissioners under K.S.A. 19-101 and other statutory provisions.

II. PROJECT ELIGIBILITY

201: PROJECT REQUESTS

Any city located within Johnson County is eligible to participate in the CARS Program. All applicants must submit project requests in the form provided in the Administrative Procedures.

202: PROJECT CRITERIA

Projects shall be considered for inclusion in the CARS Program for financial or other assistance based upon the following criteria:

- A. The project is a proposed public improvement of a street, intersection, bridge, sidewalk or bikeway which is an integral part of the County's major or minor collector roadway system as designated by the Board. Minor collector routes must carry an Average Daily Traffic (ADT) of at least 3,500 vehicles in the urbanized area and 1,500 vehicles in the areas outside the urbanized area to be eligible for CARS participation.
- B. The project, upon completion, will produce one or more of the following results:
 - 1. Capacity (traffic flow) improvement;
 - 2. Bridge replacement projects;
 - 3. Major renovation of functionally or structurally deficient roadways, bridges, or intersections.
 - 4. Directly promote economic development;
 - 5. Improve traffic safety or access.

6. Major maintenance or renovation activities include reconstruction of an existing roadway, overlays 2" or more, mill and overlay, significant full depth patching, joint repair projects, significant curb repair projects, bridge deck replacements and guardrail repairs or upgrades.
7. Construction of sidewalks, bikeways, or streetlights adjacent to or integral with an eligible major or minor collector street.

203: FISCAL YEAR PLAN

The Board shall annually adopt a Fiscal Year Plan for the CARS Program. No project shall be considered for County assistance under the CARS Program for any year unless the project is included in the Fiscal Year Plan for that year.

The Board shall approve specific, designated projects for inclusion in program funding for each fiscal year and shall establish the maximum expenditure authority for each approved project.

204: CONTINUATION REQUESTS

Projects which cannot reasonably be completed during the fiscal year for which the project has been authorized or for which funding has been deferred by the Board for inclusion in any subsequent Fiscal Year Plan shall be considered continuation projects. Continuation projects shall be considered a first priority project for any Fiscal Year Plan.

III. FUNDING PROVISIONS

301: FUNDING LEVEL

It is the policy of the Board to establish and maintain the CARS Program on a "pay-as-you-go" cash basis, without the use of debt-financing.

Funding levels for any Fiscal Year Plan shall be contingent upon the annual budget appropriation of the Board and all appropriations or expenditure authorizations shall be strictly contingent upon the availability of funds to the County.

302: FUNDING PARTICIPATION

The Board may provide financial assistance for eligible CARS projects, through interlocal agreements, in any amount up to but not exceeding fifty percent (50%) of the eligible, local share of the construction costs of the project. The eligible local share of such costs shall be defined in the Administrative Procedures.

In no event shall the County be obligated to pay any amount which exceeds the authorized expenditure authority or budget appropriation or for which funds are not available to the County.

303: USE OF FUNDS AND UNEXPENDED FUNDS

Funds authorized and appropriated as a part of any Fiscal Year Plan for any designated improvement project shall be expended only for eligible local share of construction costs of that specific project and for no other. However, the Board may, at its sole discretion, appropriate any unexpended funds for other eligible CARS projects.

Any funds which are authorized as an expenditure authority and appropriated for any project as a part of the Fiscal Year Plan and which are not expended for eligible project costs shall inure to and be credited for the benefit of the County, and no city or cities shall have any entitlement to the use or reappropriation of those unexpended funds.

IV. ADMINISTRATIVE PROVISIONS

401: PROGRAM ADMINISTRATION

The CARS Program shall be managed by the Director of Infrastructure or his designees, and shall be administered in accordance with all applicable policies, procedures or directives of the Board.

The Director of Infrastructure shall provide monthly reports to the Board concerning the status of all ongoing projects.

402: INTERLOCAL AGREEMENTS

Interlocal Agreements shall be required and executed, in a form and content specified in the Administrative Procedures for all projects. The County shall not participate in the cost of any project for which an appropriate Agreement is not executed.

The Chairman of the Board of County Commissioners is authorized to execute Interlocal Agreements on behalf of the County, without separate action or approval of the Board, for any authorized and approved CARS project. All executed Interlocal Agreements shall be filed with the Board and noted upon the record in the Board's official Minutes and Journal.

403: INDEMNIFICATION AND HOLD HARMLESS

The city administering any project approved and authorized under the CARS Program shall agree to indemnify and hold the County and its officials harmless for and from any costs or liabilities not expressly agreed to by the County or which result from actions or omissions of the city or its contractor or agents or which result from compliance with these Policies or the Administrative Procedures.

Administrative Procedures for the County Assistance Road System Program

Purpose:

The Board of County Commissioners (Board) has adopted a policy to govern the purpose, funding level and project eligibility of the County Assistance Road System (CARS) Program. In recognition of the fact that non-policy administrative procedures need to be uniformly applied to CARS projects, the following Administrative Procedures have been established.

Provision 1. Submitting Project Applications

- A. By February 1st each year, the Director of Infrastructure ("Director") will send each Johnson County city the CARS Policy, CARS Administrative Procedures, CARS project application and report forms, and a definition of eligible CARS routes.
- B. Project Applications (CARS Form A) must be submitted for all project proposals and all continuation requests.
- C. Applications must be received by the Johnson County Public Works Department by March 1st for consideration in the 5-year plan or Fiscal Year Plan which begins January 1st of the following year.

Provision 2. 5-Year Plan and Fiscal Year Plan Recommendations

- A. The Director will, after reviewing all project applications, recommend a Fiscal Year Plan for the CARS Program to the Board and present a 5-year Plan for the Program. These plans will be presented on the first Board meeting in May or as soon thereafter as is practical. The Fiscal Year Plan is to include a list of all projects recommended for funding in the next following fiscal year budget. The 5-year Plan shall list those projects identified by the cities in their applications as projects they wish to have considered in future fiscal years and which are deemed by the Director to satisfy the criteria established by the Board in its CARS Policy.
- B. To be eligible for inclusion in the Fiscal Year Plan, the following conditions must be satisfied:
 - 1. The project must be an approved project on the 5-year Plan;
 - 2. The project must be scheduled to begin construction during the next fiscal year;

3. The city proposing the project must submit a signed resolution of its governing board certifying intent to proceed with the project as scheduled during the next fiscal year and providing assurance that the city has funding authority to proceed; and
 4. The city proposing the project must, unless an exception has been granted, have submitted a preliminary engineering report containing a description of the project scope and limits, alternatives evaluated, a current project construction cost estimate prepared and sealed by a registered professional engineer, a typical section, and other pertinent project information to the Director. An exception can be granted by the Director only for those cities, which, due to size and staff availability, cannot practically produce the report. However, a current construction cost estimate and documentation of traffic count and accident data are required for all Fiscal Year Plan submittals.
- C. For each project recommended for funding in the Fiscal Year Plan, the Director will submit for Board's consideration a CARS Briefing Form. As part of this form, the Director will certify that the proposed project satisfies the terms of the CARS Policy.
 - D. Some proposed projects may involve special inter-governmental cost sharing, local match funding, cost participation restrictions or other conditions which deviate from the Administrative Procedures. The CARS Briefing Form will enumerate any such deviations so that the Board will be aware of these deviations before they approve and authorize a CARS Project. The provisions of the CARS Briefing Form as discussed and approved by the Board are incorporated by reference into the Fiscal Year Plan and shall be included, to the extent necessary, in the interlocal agreements which are subsequently executed.

Provision 3. Notification to Cities and Formal Adoption

- A. Copies of the Fiscal Year Plan adopted by the Board and the 5-Year Plan will be sent to each city by June 15th.
- B. No project contained in the CARS Fiscal Year Plan is deemed funded until the County budget authorizing that project for the following fiscal year is formally approved, published, and adopted.

Provision 4. Interlocal Agreements

- A. Interlocal agreements for each project in the CARS Program will be prepared and negotiated by the County.
- B. Each interlocal agreement must be approved and authorized by express action of the governing body of each participating city and will be executed in triplicate, first by the city and then by the County.
- C. Continuation projects will be undertaken pursuant to the terms of the interlocal agreement that was executed at the time the project was first funded, unless the Board and the participating city explicitly adopt revised terms in addenda executed for subsequent years.

Provision 5. Project Administration

- A. Generally, projects located within the incorporated limits of a city or cities will be administered by representatives of that city or cities. The County will administer those projects located in the unincorporated area of the County and those specifically designated by Board's action to be administered by the County.
- B. Plans and specifications for each authorized project must be submitted to the Director for approval prior to any advertisement for construction bidding.
- C. All projects must be constructed under construction contracts. A copy of all executed contracts and plans must be filed with the Director. All contracts for authorized CARS projects must be let through competitive, public bid procedures.
- D. The city must receive from the Director a notice to proceed before initiating construction on a project receiving funding through the CARS Program.
- E. Before construction begins on any CARS project, the city shall erect signs with the dimensions and content as specified by the Director.
- F. The Project Administrator shall complete project status reports at the request of the Director. The Project Administrator must complete and return the project status report to the Director by the date specified on the Director's request. Each year at the first meeting of the Board held in March, the Director will report on all projects for which there is evidence of insufficient project progress. The Board may then act to revoke funding approval from these projects.
- G. The Project Administrator must receive the prior written approval of the County for change orders and project scope modifications as follows:
 - 1. Change orders can be approved by the Director which do not expand the scope of the project and which, in aggregate, do not exceed 10% of the total project costs or \$75,000 (County's share), whichever is greater;
 - 2. Project scope modifications or major change orders must be separately and specifically approved by the Board.

Provision 6. County Project Cost Participation Limits

- A. For each project in the Fiscal Year Plan adopted by the Board and following the execution of a project interlocal agreement, the Finance Director will set a project expenditure authorization equal to 100% of the County's share of project costs enumerated in the interlocal agreement. The Finance Director can increase the project expenditure authorization above the maximum County's share of project costs enumerated in the

interlocal agreement in accordance with Provision 5G(1)(2) of the Administrative Procedures.

- B. Eligible local share of construction costs, as used in the CARS Program, means those which the participating city is obligated to pay pursuant to project construction contracts. The County **will not** reimburse any city for costs of land acquisition, right-of-way acquisition, utility relocation, legal costs, design engineering services, project administration, financing costs, taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or other like charges.
- C. The County **will not** participate in project cost overruns, project scope modifications or major change orders which are not specifically approved by the Board; or minor change orders which are not approved by the Director as provided in Administrative Procedures, Provision 5G(1).
- D. The eligible local share of project construction costs are also limited to those costs which the participating city pays from general revenue sources of the city and **shall not** include any portion of costs which are to be paid to or on behalf of a city by any governmental entity or source other than the taxpayers of that city. Notwithstanding these provisions, a city may apply any Community Development Block Grant funds which were approved for that project toward the city's local share.
- E. Notwithstanding the total project appropriation approved by the Board for any CARS Project, the County shall not pay more than an amount equal to the authorized percentage times the actual construction costs incurred under construction contracts.
- F. The County **will not** pay more than the authorized expenditure authority or budget appropriation, or for which funds are not available to the County.

Provision 7. Reimbursement Requests and Project Accounting

- A. During construction, the Project Administrator must submit requests for reimbursement on a monthly basis by the date provided in the interlocal agreement. Requests must be sent to the Director of Infrastructure for review and approval. Requests must include the following documentation: copy of the contractor's pay request which shows progress on payment items, verification by the project administrator that the work claimed in the payment request has been completed, and proof that the city has paid the amount requested.
- B. The Director will have 10 business days from receipt of a reimbursement request to verify expenditure information. After verification, the Director will forward the reimbursement request to the Finance Department for payment. The Finance Department has 10 business days in which to process the reimbursement request or to notify the Director with an explanation of why reimbursement is being delayed. Either the Director or the Finance Director may appeal to the County Administrator for resolution of disputes arising from the reimbursement request. Payment shall be made to the city within 30 days from receipt of a valid reimbursement request; provided, however, no city shall have any claim for damages for the failure to make such payment within the 30-day period.

- C. Within 60 days following the completion of a CARS project, the Project Administrator must provide final project accounting information to the Director of Infrastructure sufficient to verify total project cost and the County's share. This requirement may be waived by the Director for projects which are participating in the Federal Aid program and are awaiting a final audit by the Kansas Department of Transportation, or like circumstances.
- D. In cases where funding participation of federal or state agencies in a project requires funding to be made prior to completion of construction, the Director may authorize such payment.

Provision 8. Revising Approved Projects

- A. If the project scope changes significantly from the project originally approved by the Board, the Director must submit a request for Modified Project Approval to the Board for consideration and action.

Provision 9. Administrative Procedures Review

- A. Each year by January 15th, the Director will notify the Board of any suggested changes to the Administrative Procedures. A copy of the revised Administrative Procedures will be distributed to each the city in accordance with Provision 1(A).

MINUTES OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS, HELD ON THURSDAY, MARCH 15, 2001

A regular meeting of the Board of County Commissioners of Johnson County, Kansas, was held on Thursday, March 15, 2001, with the following members being present and participating. to-wit:

Chairman Douglas E. Wood
Commissioner Susie Wolf
Commissioner Annabeth Surbaugh
Commissioner George R. Gross

WHEREUPON, there came before the Board for consideration the matter of adopting revised Policies and Administrative Procedures for the County Assistance Road System (CARS) Program.

The Board, after thorough discussion and consideration, upon a motion duly made, seconded and carried, adopted the following Resolution, to-wit:

RESOLUTION

Resolution No. 019-01

WHEREAS, the Board of County Commissioners of Johnson County, Kansas, by Resolution No. 88-91, and amendments thereto, adopted the Policies and Administrative Procedures of the Board of County Commissioners for the County Assistance Road System (CARS) Program, to cover the participation of the County, by interlocal agreement, in street and roadway construction projects within the developing and incorporated areas of Johnson County; and

WHEREAS, the Board deems it necessary and desirable to revise the Policies and Administrative Procedures to re-define the method of CARS funding and to make certain technical revisions.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Johnson County, Kansas, that the Policies and Administrative Procedures hereby adopted shall supersede and replace the Policies and Administrative Procedures adopted by Resolution No. 88-91, as amended, for CARS Program interlocal agreements that may be entered into after the adoption of this Resolution.

ADOPTED THIS 15TH DAY OF MARCH, 2001.

Douglas E. Wood, Chairman

The seal is circular with a dashed outer border. Inside the border, the text "JOHN A. BARTOLAC" is written in a semi-circle at the top, and "JOHNSON COUNTY, KANSAS" is written in a semi-circle at the bottom. In the center of the seal, the words "COUNTY CLERK" are printed in a bold, sans-serif font.

APPROVED AS TO FORM:

cc Public Works
Legal

