

IN THE COMMISSIONERS COURT  
OF  
CLAY COUNTY, TEXAS

**RESOLUTION AND ORDER  
APPROVING THE COUNTY TRANSPORTATION  
INFRASTRUCTURE FUND GRANT PROGRAM AGREEMENT,  
DESIGNATING AUTHORIZED REPRESENTATIVE,  
AND MAKING SPECIFIC FINDINGS  
REQUIRED BY THE  
TEXAS DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Clay County has received a Notice of Eligible Grant Award from the Texas Department of Transportation (“TxDOT”) in the amount of \$417,163.00; and

**WHEREAS** the Commissioners Court of Clay County has determined that it is in the best interests of the citizens of Clay County to enter into an Agreement with TxDOT concerning the County Transportation Infrastructure Fund Grant Program; and

**WHEREAS** TxDOT has created County Transportation Infrastructure Fund Grant Program Implementation Procedures that Clay County is required to follow to receive the grant funding; and

**THEREFORE, IT IS ORDERED ADJUDGED AND DECREED** that Clay County designates Kenneth Liggett and/or John McGregor as its County Representative and authorizes the County Representative to sign all project-related documents on behalf of the County, including any certifications required by the Grant Program; and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Clay County Commissioners Court hereby approves the attached County Transportation Infrastructure Fund Grant Program Agreement (“the Agreement”) and authorizes the County Representative to execute the Agreement between Clay County and the Texas Department of Transportation.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Clay County Commissioners Court hereby approves the attached revised Prioritized List of road projects to be funded with the County Transportation Infrastructure Fund Grant.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Commissioners Court of Clay County makes the following findings in the exercise of discretion and authority extended to said Commissioners Court by Texas Law, and such findings are made upon due

inquiry and satisfactory proof that such findings are factual and based upon commonly accepted practices and standards by Texas Counties:

**IT IS THE FINDING OF THIS COMMISSIONERS COURT** that the county has experience in the construction and maintenance of all county roads currently in the County road maintenance inventory, and that the county has suitable equipment, experience and personnel to properly repair such roads without the utilization of outside contractors, or, if such contractors are required in the prudent expenditure of county and grant funds, that such contractors will be selected upon demonstrated competence and the lowest and most suitable bid, if competitive bidding is required. In this regard, the County has suitable design standards, specifications and quality assurance procedures in place to assure that resulting road maintenance projects are properly constructed with suitable materials and that appropriate safety and environmental procedures will be utilized. The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that Clay County will utilize generally accepted cost accounting practices in the financial aspects of this grant administration, and that proper documentation of all expenditures will be maintained by the appropriate county officials responsible for financial aspects of the grant administration.

The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that with the following exceptions, all road right-of-way involved in projects identified for funding under this grant is presently within the county road maintenance inventory, and no new right of way, except as noted, is required:

[REDACTED]

The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that Clay County will notify all public utilities, water supply corporations, and common carriers of record of their plans to repair, renovate or construct the project roads identified in the Grant application, and will cooperate with the said utilities and common carriers for protection of such

infrastructure. It is not anticipated that any relocation of utilities will be required. The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** pursuant to 40 C.F.R. §1500, and specifically §1508.4 et seq, and 33 U.S.C. §1344, (f)(1)(B) and (C), county road maintenance projects are not prohibited by the National Environmental Protection Act (NEPA), nor the Water Pollution Prevention and Control Act, and that as a categorical exclusion, such projects pose no significant effect on the human or natural environment, and which this Court finds to have no such adverse impact, and therefore do not require an environmental impact assessment of the projects contemplated in this grant, in that no federal funds are being used by the County in meeting the grant requirements. The County shall comply with applicable state environmental standards, as applicable, such as 30 TAC §111.147, and as such, this finding further authorizes the County Representative to make certifications regarding compliance with environmental requirements of the Grant, which is expressly approved by this Commissioners Court.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that as a public roadway, open to all residents for use as a public road designed for vehicular traffic, as defined by statute and other applicable law, that the road projects subject to this grant are in full compliance with the Texas Accessibility Standards and the Americans with Disabilities access standards, as the same may apply, and the County Representative is hereby expressly authorized to certify to such.

Finally, **IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that where necessary, any materials required for the completion of this project shall be solicited by a standard that is known to be suitable for use in road construction and repair projects, and the County will require such testing as may be deemed appropriate to determine that such materials meet any applicable standards, either by specification or by direct inquiry with the provider or vendor of such materials. The County Representative is hereby expressly authorized to certify to such.

Read and Adopted this 28 day of April, 2014, by a vote of  
5 ayes and 0 nays.

Kenneth Ljett  
County Judge

B. L. Lindy Croate  
Commissioner, Precinct 1

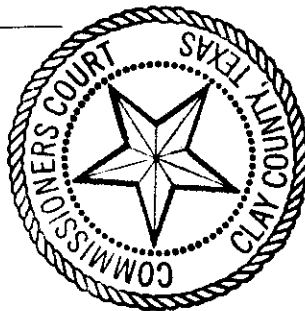
Johnny Ray See  
Commissioner, Precinct 2

John M. Gray  
Commissioner, Precinct 3

A. J. Reed  
Commissioner, Precinct 4

ATTEST:

Dasha Wilson  
County Clerk



## ATTACHMENT B

### Amount of Grant Award and Funding Commitments

County of:	<u>Clay</u>
Amount of Grant Funds Awarded by State:	<u>\$ 417,163</u>
Minimum amount of County Matching Funds*:	<u>\$ 104,291</u>

\* The State Share will be 90% for counties determined to be "economically disadvantaged" by Transportation Code 222.053. These counties will have a minimum of 10% county matching funds. The State Share will be 80% for counties not determined to be "economically disadvantaged" by Transportation Code 222.053. These counties will have a minimum of 20% matching funds.

County Name Clay County

Project Name \_\_\_\_\_

**CERTIFICATION**  
County Transportation Infrastructure Fund Grant Program

***Environmental Permitting and Regulatory Issues***

By submitting this form, signed and dated by an authorized representative of the County, the County certifies to TxDOT the following:

The County certifies that the Project consists of improving an existing county road that is part of the county road system and that has previously been maintained by the County. The improvements listed in the Project may include the resurfacing and repairing of the existing county road. The County is unaware of any applicable federal, state, and local environmental laws and regulations that would require permitting for the Project. Further, the County has no requirement for coordination and environmental clearance for the Project. The County has not identified any environmental problems associated with the Project that require costs for mitigation and/or remediation. Finally, the County is not required to provide any public meetings or public hearings for assessing and mitigating environmental issues for the Project.

County Authorized Representative Signature Kenneth Liggett

County Authorized Representative Name Kenneth Liggett

Date 4-28-2014

Title County Judge

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County Name Clay

### CERTIFICATION FORM 1

#### County Transportation Infrastructure Fund Grant Program

By submitting this form, signed and dated by an authorized representative of the county, the county certifies to TxDOT each item indicated below.

Please mark the appropriate certification block(s) below, sign and date the form, include attachments as noted and deliver to TxDOT's designated district representative.

#### Within 30 Days after Execution of Grant Agreement with TxDOT

- County Signature Authority** — County Commissioners Court has adopted the attached resolution authorizing county employee(s) signature authority for this program. (attach resolution)
- Define Design Criteria and Specifications** — County certifies design standards, specifications and quality assurance requirements have been adopted for projects under this program. (no attachment required)
- List of Transportation Infrastructure Projects** — County has developed the attached List of Transportation Infrastructure Projects for all projects to be performed with the funds awarded. (attach List of Transportation Infrastructure Projects)
- Reimbursement of Funds** — County certifies reimbursement requests under this program will be prepared following generally accepted cost accounting practices and the Texas Uniform Grant Management Standards. (no attachment required)

#### Periodic Requirements

##### Reimbursement Requests (Monthly when charges occur):

- Billing** — County shall submit billing statements including certification of work performed and copies of all paid invoices and/or force account documentation for eligible and not previously submitted expenses. (attach billing statement)

##### Schedule Updates (No less than semi-annually):

- List of Transportation Infrastructure Projects** — County has developed an update to the List of Transportation Infrastructure Projects for all projects reflecting the current estimated development timeline for all funded projects. (attach updated List of Transportation Infrastructure Projects)
- List of Transportation Infrastructure Projects** — There are no material changes to the most recently submitted List of Transportation Infrastructure Projects. (no attachment required)

County Authorized Representative Signature Kenneth Liggett Date 4-28-2014  
County Authorized Representative Name Kenneth Liggett Title County Judge

Counties are required to keep all program and project records related to the County Transportation Infrastructure Fund Grant Program for three years from its receipt of final payment from TxDOT.

County Name

Clay

Project Name

\_\_\_\_\_

### CERTIFICATION FORM 2

#### County Transportation Infrastructure Fund Grant Program

By submitting this form, signed and dated by an authorized representative of the county, the county certifies to TxDOT each item indicated below.

Please mark the appropriate certification block(s) below, sign and date the form, include attachments as noted and deliver to TxDOT's designated district representative.

#### Prior to Starting Construction on a Project

- Acquisition of Right of Way and Real Property Acquisition** — County certifies it has all required right of way or has obtained all necessary right of entry for performance of this project. County also certifies all right of way acquired for this project since award of County Transportation Infrastructure Fund Grant has been in accordance with applicable requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A., Section 4601 et seq. (no attachment required)
- Relocation of Utilities** — County certifies all impacted utilities have been relocated and identified on the plans. (no attachment required)
- Environmental Permitting and Regulatory Issues** — County has obtained written certification by a qualified professional that an appropriate level of environmental investigation and analysis has been performed for this project, all identified environmental problems have been remediated, and all required permits and clearances from appropriate regulatory agencies have been obtained. (attach certification)
- Compliance with Texas Accessibility Standards and ADA** — County certifies the plans for the transportation infrastructure project are in compliance with applicable Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Texas Government Code, Chapter 469. TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act, Title 42 U.S.C., Section 12101 et seq. (no attachment required)
- Material Testing** — County certifies it will follow adopted quality assurance requirements during construction. (no attachment required)

#### County-Performed Work

- Self-performed Design** — County certifies no engineering, architectural or surveying consultants have been or will be used in performance of this project. (no attachment required)
- Self-performed Construction** — County certifies all maintenance and construction work on this project will be performed with county personnel and work will be performed in accordance with adopted design standards, specifications and quality assurance requirements. (no attachment required)

#### Contracted Work

- Selection of Engineering, Architectural and Surveying Consultants** — County certifies procurement of engineering, architectural and surveying consultants have followed and will follow applicable state qualifications-based selection procedures. (no attachment required)
- Construction Documents** — County has obtained written certification from a Texas Registered Professional Engineer that the construction documents were developed using the selected/adopted design criteria and specifications. (attach certification)
- Advertisement for Construction Work** — County certifies it has followed and will follow state-required advertisement laws and regulations applicable to construction projects. (no attachment required)
- Construction Contract Procurement** — County certifies it has followed and will follow state laws and regulations applicable to procurement and selection of a construction contractor for this project. (no attachment required)

County Authorized Representative Signature

Kenneth Liggett

Date

4-28-2014

County Authorized Representative Name

Kenneth Liggett

Title

County Judge

Counties are required to keep all program and project records related to the County Transportation Infrastructure Fund Grant Program for three years from its receipt of final payment from TxDOT.



County Name SLAY Project Name \_\_\_\_\_

**TXDOT APPROVAL TO COMMENCE CONSTRUCTION**  
 County Transportation Infrastructure Fund Grant Program

Based on the certifications and representations by the county to TxDOT, the requirements listed below for the transportation infrastructure project identified above have been completed by the county in accordance with the terms and conditions of the grant agreement.

Received	Not Applicable	Certification Received	Date Received
<b>Applicable for All Projects</b>			
<input type="checkbox"/>	<input type="checkbox"/>	Acquisition of right of way and real property acquisition	
<input type="checkbox"/>	<input type="checkbox"/>	Relocation of utilities	
<input type="checkbox"/>	<input type="checkbox"/>	Environmental permitting and regulatory issues	
<input type="checkbox"/>	<input type="checkbox"/>	Compliance with Texas Accessibility Standards and ADA	
<input type="checkbox"/>	<input type="checkbox"/>	Material testing	
<b>Applicable for County-Performed Work</b>			
<input type="checkbox"/>	<input type="checkbox"/>	Self-performed design	
<input type="checkbox"/>	<input type="checkbox"/>	Self-performed construction	
<b>Applicable for Contracted Work</b>			
<input type="checkbox"/>	<input type="checkbox"/>	Selection of engineering, architectural and surveying consultants	
<input type="checkbox"/>	<input type="checkbox"/>	Construction documents	
<input type="checkbox"/>	<input type="checkbox"/>	Advertisement for construction work	
<input type="checkbox"/>	<input type="checkbox"/>	Construction contract procurement	

**TxDOT hereby grants its approval for the county to proceed with construction of the project.**

TxDOT Authorized Representative Signature \_\_\_\_\_ Date \_\_\_\_\_

TxDOT Auth. Rep. Printed Name \_\_\_\_\_ Title \_\_\_\_\_