

**DAKOTA COUNTY
COMMUNITY SERVICES COMMITTEE OF THE WHOLE**

**April 13, 2021
9:00 AM**

Boardroom, Administration Center, Hastings, MN

View Live Broadcast

<https://www.co.dakota.mn.us/Government/BoardMeetings/CSCommittee/Pages/default.aspx>

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at CountyAdmin@co.dakota.mn.us
Emails must be received by 7:30am, Tuesday, April 13, 2021.
Instructions on how to participate will be sent to anyone interested.

1. Call To Order And Roll Call

Note: Any action taken by this Committee of the Whole constitutes a recommendation to the County Board.

2. Audience

Anyone in the audience wishing to address the Committee on an item not on the Agenda or an item on the Consent Agenda may send comments to CountyAdmin@co.dakota.mn.us and instructions will be given to participate during the meeting. Verbal comments are limited to five minutes.

3. Approval Of Agenda (Additions/Corrections/Deletions)

4. Consent Agenda

- | | | |
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| 4.1 | Approval Of Minutes Of Meeting Held On March 16, 2021 | 3 |
| 4.2 | <i>Social Services</i> - Authorization To Execute 2021 Federal Transit Administration Annual List Of Certifications And Assurances | 11 |
| 4.3 | <i>Social Services</i> - Authorization To Respond To Request For Assessment Of Need/Letter Of Support From Nystrom & Associates, Ltd. | 37 |
| 4.4 | <i>Veterans Services</i> - Distribution Of Funds For 2021 Memorial Day Activities | 41 |

5. Regular Agenda

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| 5.1 | <i>Community Services Administration</i> - Review Of Service Delivery During COVID-19 Pandemic | 43 |
| 5.2 | <i>Community Services Administration</i> - COVID-19 And Vaccination Information Outreach Strategies For City Officials | 45 |

6. Community Services Directors Report

7. Adjournment

For more information please call 651-554-5742.

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<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

Public Comment can be sent to CountyAdmin@co.dakota.mn.us

**DAKOTA COUNTY
COMMUNITY SERVICES COMMITTEE OF THE WHOLE**

Meeting Minutes

**March 16, 2021
Conference Room 520, Northern Service Center**

Call To Order And Roll Call

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Laurie Halverson
Commissioner Mary Hamann-Roland
Also in attendance: Matt Smith, County Manager; Jen Wolf, Assistant County Attorney; Marti Fischbach, Community Services Division Director; Colleen Collette, Administrative Coordinator.

Due to the local state of emergency and social distancing, Commissioners participated in this meeting in a hybrid manner, via both virtual and in-person. The Board meeting was conducted under Minn. Stat. § 13D.021.

The meeting was called to order at 9:00 a.m. by the Chair, Commissioner Joe Atkins. Video of this meeting is available on the Dakota County [website](#). The audio of this meeting is available upon request.

Audience

The Chair, Commissioner Joe Atkins, noted that all public comments can be sent to countyadmin@co.dakota.mn.us.

As of 8:00 a.m. on March 16, 2021, none were received.

Approval Of Agenda (Additions/Corrections/Deletions)

On a motion by Commissioner Mary Hamann-Roland, seconded by Commissioner Kathleen A. Gaylord, the agenda was unanimously approved.

Consent Agenda

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Laurie Halverson, the consent agenda was unanimously approved as follows:

- 4.1 Approval Of Minutes Of Meeting Held On February 9, 2021**
- 4.2 Authorization To Apply For Minnesota Department Of Health Women, Infants, And Children Grant, Accept Grant Funds, And Execute Grant Agreement**

WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board and has responsibility to prevent disease and disability and to promote and protect the health and safety of County residents; and

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WHEREAS, the Dakota County Board of Commissioners has approved the Minnesota Department of Health Women, Infants, and Children (WIC) grant since the onset of the WIC program in Minnesota; and

WHEREAS, since 1978, Dakota County has managed the federally funded Special Supplemental Nutrition Program for the WIC Program, a voluntary program with the purpose to enhance good health care during critical periods of growth and development, prevent occurrence of health problems and improve the health status of participants; and

WHEREAS, the WIC Program has a caseload of approximately 5300 women, infants and children each month, which ensures that families with young children have access to nutrition information and education, counseling, referrals to resources available within the community and through county provided services, and food benefits used to obtain health food from grocery stores who are WIC approved vendors; and

WHEREAS, the target population for the program is at risk for poorer health outcomes that impact brain and physical growth, and development and learning readiness; and

WHEREAS, the WIC grant cycle for administering a local WIC Program is for five years; however, the current grant was to end December 31, 2020 but due to the pandemic, the grant cycle was extended for one more year; and

WHEREAS, the next grant cycle begins January 1, 2022, and ends December 31, 2026, and funding for the program is based on the number of participants served each month with the current rate of reimbursement being \$18.00 per participant; and

WHEREAS, staff recommends that the Dakota County Board of Commissioners authorizes the Public Health department to apply for the MDH WIC grant application up to \$1,300,000 per year for the period of January 1, 2022 through December 31, 2026; and

WHEREAS, Dakota County Public Health is considering using the funds to support a supervisor, two Coordinators, five Registered Dietitians (RDs), 4 part time RDs, six Nutrition Specialists and administrative staff; and

WHEREAS, staff recommends that the Dakota County Board of Commissioners authorizes the Community Services Director to accept up to \$1,300,000 MDH WIC grant funds and execute the grant agreement, effective January 1, 2022 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to apply for the Minnesota Department of Health Women, Infants, and Children grant; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to accept up to \$1,300,000 Minnesota Department of Health Women, Infants, and Children grant funds, and execute the grant agreement, effective January 1, 2022 through December 31, 2026; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Division Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds, consistent with County contracting policies and inclusion of grant funds in future yearly recommended and adopted budgets, subject to approval by the County Attorney's office as to form.

4.3 Authorization To Submit Grant Application To Minnesota Department Of Health For Women, Infants, And Children Peer Mentoring, Accept Grant Funds, Execute Grant Agreement, And Add 1.25 Full-Time Equivalent Grant-Funded Staff

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WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board and has responsibility to prevent disease and disability, and to promote and protect the health and safety of County residents; and

WHEREAS, breastfeeding promotion and support are a priority for the Women, Infants, and Children (WIC) Program with experts agreeing that it is the best source of nutrition for most infants, reducing the risk of certain health conditions for both infants and mothers; and

WHEREAS, the WIC Peer Breastfeeding Support Program was implemented in Minnesota in 2005 to support mothers who breastfeed and 29 counties having a Peer Breastfeeding Program currently; and

WHEREAS, Dakota County would like to launch a program where the major focus is to have peer counselors work with other mothers to increase breastfeeding initiation and duration; and

WHEREAS, Dakota County is looking to hire five peer counselors, who each work approximately 10 hours a week, recruited from the communities they serve, often speaking the same language and having similar life circumstances and experiences as their clients; and

WHEREAS, peer counselors are familiar with the resources available to WIC participants and the questions a new breastfeeding mother may ask, while instructed to recognize when to refer mothers to other resources when issues outside their scope of practice arise; and

WHEREAS, peer counselors are trained in the management of normal breastfeeding and in client-centered counseling skills, striving to help each mother reach her personal breastfeeding goals; and

WHEREAS, on January 27, 2021, the Minnesota Department of Health (MDH) notified the Minnesota counties of its intent to release a Request for Proposal (RFP) for application for its WIC Peer Mentoring Grant; and

WHEREAS, by April 16, 2021, Dakota County will submit its application for the MDH WIC Peer Mentoring grant RFP up to \$130,000 annually with a total of up to \$650,000 over the 5 year grant cycle for the period of January 1, 2022 through December 31, 2026; and

WHEREAS, Dakota County Public Health plans to use the funds to hire five peer counselors working 10 hours per week and .35 FTE WIC Coordinator time; and

WHEREAS, staff recommends that the Dakota County Board of Commissioners authorizes the Public Health Department to apply for the MDH WIC Peer Mentoring grant through the RFP process; and

WHEREAS, staff recommends that the Dakota County Board of Commissioners authorizes the Community Services Director to accept up to \$130,000 annually with a total of up to \$650,000 over the 5 year grant cycle for MDH WIC Peer Mentoring grant funds, effective January 1, 2022 through December 31, 2026, and execute the grant agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Public Health Department to submit an application to the Minnesota Department of Health for Women, Infants, and Children Peer Mentoring grant through its Request for Proposal process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept up to \$130,000 annually with a total of up to \$650,000 over the 5-year grant cycle from the Minnesota Department of Health Women, Infants, and Children Peer Mentoring grant funds, effective January 1, 2022 through December 31, 2026, and execute the grant agreement; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the

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Community Services Director to use the grant funds of up to \$130,000 annually with a total of up to \$650,000 over the 5-year grant cycle to cover expenses for 1.25 full-time equivalent employees in the Public Health Department; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Division Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds and continue grant-funded full-time equivalents (if relevant), consistent with County contracting policies and inclusion of grant funds in future yearly recommended and adopted budgets, subject to approval by the County Attorney's office as to form.

4.4 Ratification Of Application For Strong Foundations Family Home Visiting Grant, And Authorization To Accept Grant Funds, Execute Grant Agreement, Add 1.0 Full-Time Equivalent Grant-Funded Employee, And Amend 2021 Public Health Budget

WHEREAS, the mission of the Family Health program is to prevent, promote and protect the health of mothers, infants and children, with a focus on the whole family, reaching across multiple ages, communities, settings and partners; and

WHEREAS, Public Health has a long history of providing home visiting to pregnant mothers and parenting families in the County with Public Health nurses providing assessment and intervention, and working with other home visiting staff to target specific needs of families; and

WHEREAS, family home visiting is a proven prevention strategy with measurable outcomes that should be offered to every family who meets the criteria; and

WHEREAS, the family home visiting program guides it's work by adhering to two evidence-based models, which are The Healthy Families America (HFA) model and the new Maternal Early Childhood Sustained Home-Visiting (MECSH) model which was adopted by the Minnesota Department of Health (MDH) in 2019 and fully implemented in Dakota County on January 1, 2021; and

WHEREAS, to increase the availability of evidence-based home visiting models and to support and expand family home visiting services throughout Minnesota, MDH released a Request for Proposal for the Strong Foundations Grant of which Dakota County applied for in early February and was awarded full funding in the amount of \$370,863; and

WHEREAS, the Strong Foundations Grant was competitive and is effective April 1, 2021 through December 31, 2022, with additional funding made available from the MDH to extend beyond 2022; and

WHEREAS, the goal of this grant is to support and sustain MECSH, align both the HFA and MESCH models to address the growing complexity of the family health program, and continue to show strong outcomes for families in Dakota County; and

WHEREAS, to manage the grant and provide supervision for family home visiting staff, MDH agreed to fund a 1.0 FTE Operations Manager from April 2021 through June 2021 and then a .6 FTE from July 2021 through December 2022; and

WHEREAS, the MDH will amend our current Maternal Infant Early Child Home Visiting (MIECHV) grant to fund the additional .4 FTE needed on July 1, 2021, to make the Operations Manager position whole, and staff plans to take this action to the County Board in April 2021 for authorization; and

WHEREAS, a portion of the levy funded public health nurses (PHNs) doing the work related to this grant will be offset by the Strong Foundations grant funding.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the application to the Minnesota Department of Health for the Strong Foundations Grant; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept grant funds in the amount of \$370,863, effective April 1, 2021 through December 31, 2022; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to fund a 1.0 full-time equivalent (FTE) Operations Manager from April 1, 2021 through June 30, 2021, 1.0 FTE Operations Manager from April 2021 through June 2021 and then a .6 FTE from July 2021 through December 2022;

BE IT FURTHER RESOLVED, That a portion of the levy funded public health nurses doing the work related to this grant and program expenses will be offset by grant funding; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Division Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds and continue grant funded full-time equivalents, consistent with County contracting policies, and inclusion of grant funds in future yearly recommended and adopted budgets, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, that the 2021 Public Health Adopted Budget is hereby amended as follows:

Expense

Personnel Costs (1.0 FTE for 3 months)	\$ 32,435
Personnel Costs (0.6 FTE for 6 months)	\$ 38,922
Program Expenses	\$ <u>12,854</u>
Total Expense	\$ 84,211

Revenue

Strong Foundations Revenue	\$169,565
Use of Fund Balance	<u>(\$ 85,354)</u>
Total Revenue	\$ 84,211

4.5 Authorization To Amend 2021 Social Services Budget For Emergency Solutions Grant Coronavirus Funds

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, enacted on March 27, 2020, appropriated \$4 billion in Emergency Solutions Grant Coronavirus (ESG-CV) funds to respond to the COVID-19 pandemic; and

WHEREAS, these funds are administered by the U.S. Department of Housing and Urban Development (HUD) and must be used for activities that prevent, prepare for, and respond to the coronavirus; and

WHEREAS, because Dakota County is classified as an "urban county" (having a population over 200,000), Dakota County (the County) received a special allocation of ESG-CV funds in addition to the annual entitlement funds received by the County; and

WHEREAS, the ESG-CV funds must adhere to the original program rules in addition to addressing the impacts caused by the COVID-19 pandemic; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the entitlement ESG funds

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on behalf of Dakota County; and

WHEREAS, the ESG-CV funds must address the needs of individuals or families who are homeless or are at risk of homelessness because of the coronavirus and must support those eligible activities that mitigate the impacts of COVID-19; and

WHEREAS, the proposed activities include emergency shelter, rental assistance to individuals and families at-risk of homelessness, stabilization services for these same groups, costs associated with the Homeless Management Information System, and grant administration; and

WHEREAS, by Resolution No. 20-597 (December 1, 2020), the 2019 Action Plan for federal funds was amended by the Dakota County Board of Commissioners with Dakota County receiving \$2,109,564 of the ESG-CV funds; and

WHEREAS, the grant agreement with HUD for the ESG-CV funds was executed on January 7, 2021, and all ESG-CV funds must be fully expended by January 6, 2023; and

WHEREAS, Dakota County Social Services will be using part of the ESG-CV allocation to fund shelter activities through 2021 and into 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves an amendment to the 2021 Social Services budget as follows:

REVENUE

Emergency Solutions Grant Coronavirus Funds \$1,784,417

TOTAL REVENUE \$1,784,417

EXPENSE

Emergency Solutions Grant Coronavirus Funds \$1,784,417

TOTAL EXPENSE \$1,784,417

4.6 Authorization To Respond To Request For Assessment Of Need/Letter Of Support From Sutton Outpatient Services

WHEREAS, under Minnesota Rule 9530.6800, the need for additional or expanded chemical dependency treatment programs must be determined, in part, based, on the recommendation of the county board of commissioners of the county in which the program will be located and the documentation submitted by the applicant at the time of application; and

WHEREAS, under Minnesota Rule 9530.6810, when an applicant for licensure for chemical dependency treatment services requests a written statement of support for a proposed chemical dependency treatment program, the county board of commissioners of the county in which the program is to be located shall submit a statement to the Minnesota Department of Human Services (DHS) Commissioner that either supports or does not support the need for the applicant's program; and

WHEREAS, on February 3, 2021, Dakota County received a request from Robert Sutton, Owner at Sutton Outpatient Services, requesting a written statement that supports the need for the program; and

WHEREAS, local needs assessment information suggests a need for the type of chemical dependency treatment services proposed; and

WHEREAS, Dakota County is not taking any positions about Sutton Outpatient Service's qualifications or ability to

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meet identified needs; and

WHEREAS, DHS will process Sutton Outpatient Service's request for a license to provide an outpatient chemical dependency program in their location in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to issue a letter to the Minnesota Department of Human Services stating the following: "Please consider this letter as Dakota County's support for an outpatient chemical dependency program in Dakota County as proposed by Sutton Outpatient Services."

Regular Agenda

5.1 Housing Business Plan Update

Evan Henspeter, Director of Social Services, and Madeline Kastler, Deputy Director, Social Services presented on this item and stood for questions. Direction was sought from the Board, and the following was received:

- Reconvene a work group. Commissioners Atkins and Holberg are willing to continue, and at the last meeting of the previous group, most were also willing to be part of the group. A few members are unable to continue, so the group will need to seek out some new members.
- Analyze best practices for eviction prevention given potential upcoming surge.
- Analyze best practices for emergency shelter, including what is a more sustainable solution.
- Analyze best practices for permanent housing solutions to inform future Housing Business Planning.

Community Services Directors Report

Marti Fischbach, Community Services Director, provided a written report. The highlights include an update on the Emergency Rental Assistance Program and a video of a panel presentation encouraging vaccination in communities disproportionately impacted by COVID-19.

Adjournment

On a motion by Commissioner Mike Slavik, seconded by Commissioner Mary Hamann-Roland, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,

Colleen Collette, Administrative Coordinator
Community Services Division

DAKOTA COUNTY COMMUNITY SERVICES COMMITTEE

Authorization To Execute 2021 Federal Transit Administration Annual List Of Certifications And Assurances

Meeting Date: 4/13/2021	Fiscal/FTE Impact:
Item Type: Consent-Action	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Community Services	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Social Services	<input type="checkbox"/> New FTE(s) requested
Contact: Henspeter, Evan	Board Goal: A great place to live
Contact Phone: (651) 554-6344	Public Engagement Level: N/A
Prepared by: Kastler, Madeline	

PURPOSE/ACTION REQUESTED

Authorize execution of 2021 Federal Transit Administration (FTA) Annual List of Certifications and Assurances.

SUMMARY

By Resolution No. 19-614 (July 23, 2019), the Dakota County Board of Commissioners authorized the County Manager to execute a Section 5310 Elderly and Disabled Assistance grant with the Minnesota Department of Transportation to improve access to transportation service and public transportation alternatives to seniors, persons with disabilities and individuals who are system involved and transportation dependent.

Before the FTA may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, or loan guarantee, certain pre-award Certifications and Assurances are required. By Resolution No. 20-240 (May 19, 2020), the Dakota County Board of Commissioners authorized the Community Services Director to execute the 2020 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements in connection with federally funded projects and grants. The Certifications and Assurances are required annually, encompassing a wide range of funding programs overseen by the FTA.

All categories have been reviewed by staff in the Dakota County Attorney's Office and the Community Services Division Contracts Unit. Staff has determined that Dakota County complies with the applicable terms set forth in the 2021 FTA Certifications and Assurances as highlighted in Attachment A. Attachment B, 2021 FTA Summary of Changes, reflects the changes between the 2020 FTA Certifications and Assurances and the 2021 FTA Certifications and Assurances.

RECOMMENDATION

Staff recommends authorization to execute the 2021 FTA Annual List of Certifications and Assurances.

EXPLANATION OF FISCAL/FTE IMPACTS

There is a \$0 net County cost as a result of this action. Reviewing and signing off on these Certifications and Assurances is a recurring requirement in order for Dakota County to receive 5310 grant funds.

Supporting Documents:

Attachment A: 2021 Federal Transit Administration Annual List of Certifications and Assurances
 Attachment B: 2021 Federal Transit Administration Summary of Changes

Previous Board Action(s):

19-614; 7/23/19
 20-240; 5/19/20

RESOLUTION

WHEREAS, by Resolution 19-614 (July 23, 2019), the Dakota County Board of Commissioners authorized the County Manager to execute a Section 5310 Elderly and Disabled Assistance grant with the Minnesota Department of Transportation to improve access to transportation service and public transportation alternatives to seniors, persons with disabilities, and individuals who are system involved and transportation dependent; and

WHEREAS, before the Federal Transit Administration (FTA) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, or loan guarantee, certain pre-award Certifications and Assurances are required; and

WHEREAS, by Resolution No. 20-240 (May 19, 2020), the Dakota County Board of Commissioners authorized the Community Services Director to execute the 2020 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements in connection with federally funded projects and grants; and

WHEREAS, these Certifications and Assurances are required annually and encompass a wide range of funding programs overseen by the FTA; and

WHEREAS, all categories have been reviewed by staff in the Dakota County Attorney's Office and the Community Services Division Contracts Unit; and

WHEREAS, it has been determined as a result of that review that Dakota County complies with the applicable terms set forth in the Certifications and Assurances; and

WHEREAS, staff recommends authorization to execute the 2021 FTA Annual List of Certifications and Assurances.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute the 2021 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements in connection with federally funded projects and grants, upon the advice of the Community Services Director and the County Attorney, subject to approval by the County Attorney's Office as to form.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.

Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) 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.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply 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 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) 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, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) 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;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) 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;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with 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.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) 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.);
 - (6) 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.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply 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.
- (m) Will assist the awarding agency 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 protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.326 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 CFR § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider’s Accountable Executive

(as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant’s lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or

an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other

use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for

Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least

- 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
- (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
- (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
- (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
- (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
- (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE
EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS
PILOT PROGRAM.**

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO
EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent

transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks (“SIB”) Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA’s Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA’s regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 659, “Rail Fixed Guideway Systems; State Safety Oversight”;
- (b) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (c) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.

Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
 - (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

**FEDERAL FISCAL YEAR 2021 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: _____

The Applicant certifies to the applicable provisions of categories 01–21. _____

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

Certifications and Assurances

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs _____
- 13 State of Good Repair Grants _____
- 14 Infrastructure Finance Programs _____
- 15 Alcohol and Controlled Substances Testing _____
- 16 Rail Safety Training and Oversight _____
- 17 Demand Responsive Service _____
- 18 Interest and Financing Costs _____
- 19 Construction Hiring Preferences _____
- 20 Cybersecurity Certification for Rail Rolling Stock and Operations _____
- 21 Tribal Transit Programs _____

FEDERAL FISCAL YEAR 2021 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2021)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2021, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2021.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to

Certifications and Assurances

FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____ Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____ Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Certifications & Assurances

Fiscal Year 2021

For Federal fiscal year 2021, FTA made the following changes to the annual Certifications and Assurances. This document is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Added coronavirus relief and CARES Act certification

The Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Pub. L. 116–260, Div. M), requires that, to the maximum extent possible, funds made available under the Act and in title XII of division B of the CARES Act (Pub. L. 116–136) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation), unless the recipient certifies that it has not furloughed any employees.

Removed certification regarding restricted telecommunications and video surveillance equipment and services

The John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115–232, § 889 (Aug. 13, 2018), prohibits FTA from obligating or expending grant funds to acquire “covered telecommunications equipment or services” from companies based in the People’s Republic of China after August 13, 2020. For Fiscal Year 2020, FTA required applicants to certify that they would not use Federal funds to acquire the covered equipment or services after the effective date. The covered equipment and services still are ineligible for Federal funding, however, in August 2020, the U.S. Office of Management and Budget added a new regulation, 2 CFR § 200.216 (“Prohibition on certain telecommunications and video surveillance services or equipment”), rendering FTA’s certification unnecessary.

Updated certification regarding public transportation agency safety plans (PTASP)

For Fiscal Year 2020, FTA required this certification from each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d) by July 20, 2020. FTA updated the annotation before this certification to reflect that the effective date has passed and certification is required.

(*Note: On April 22, 2020, FTA published a temporary Notice of Enforcement Discretion stating that, in light of the extraordinary operational challenges presented by the COVID-19 public health emergency, FTA would refrain from taking enforcement action until December 31, 2020, if an FTA recipient or subrecipient subject to the PTASP regulation is unable to certify that it has established an Agency Safety Plan that complies with the regulation. On December 11, 2020, FTA published a second Notice of Enforcement Discretion extending the period of nonenforcement to July 20, 2021.*)

Added catch-all certification for Public Transportation on Indian Reservations Formula and Discretionary Programs (Tribal Transit Programs)

To reduce confusion and administrative burden on federally recognized Indian tribes, FTA created a catch-all certification for the Tribal Transit Programs. Tribal Transit Program applicants may certify to this catch-all Category and Category 1 (Certifications and Assurances Required of Every Applicant), and need not make any other certification to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

DAKOTA COUNTY COMMUNITY SERVICES COMMITTEE

Authorization To Respond To Request For Assessment Of Need/Letter Of Support From Nystrom & Associates, Ltd.

Meeting Date: 4/13/2021	Fiscal/FTE Impact:
Item Type: Consent-Action	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Community Services	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Social Services	<input type="checkbox"/> New FTE(s) requested
Contact: Henspeter, Evan	Board Goal: Excellence in public service
Contact Phone: (651) 554-6344	Public Engagement Level: N/A
Prepared by: Schug, Emily	

PURPOSE/ACTION REQUESTED

Authorize staff to provide a letter to the Minnesota Department of Human Services (DHS) supporting the need for an outpatient 245G counseling program at the Lilydale Clinic, in response from Nystrom & Associates, Ltd.

SUMMARY

Under Minnesota Rule 9530.6800, the need for additional or expanded chemical dependency treatment programs must be determined, in part, based on the recommendation of the county board of commissioners of the county in which the program will be located, and the documentation submitted by the applicant at the time of application to DHS for licensing.

Under Minnesota Rule 9530.6810, when an applicant for licensure for chemical dependency treatment services requests a written statement of support for a proposed chemical dependency treatment program, the county board of commissioners of the county, in which the proposed program is to be located shall submit a statement to DHS Commissioners that either supports or does not support the need for the applicant's program.

On March 2, 2021, Dakota County received a request from Kevin Evenson, Director of Substance Use Disorder Treatment Services at Nystrom & Associates, Ltd., requesting that Dakota County provide a written statement that supports the need for the program (Attachment A). The letter requests support for a location to provide an outpatient 245G counseling program at the Lilydale Clinic in Dakota County.

In response to the request, Dakota County staff reviewed the results of the County's local needs assessment, including data showing the need for outpatient 245G counseling programs in Dakota County, which supports a need for the type of programming that Nystrom & Associates, Ltd., is providing and will continue to provide at their Lilydale Clinic location in Dakota County.

Dakota County is not taking any position about Nystrom & Associates, Ltd.'s, qualifications or ability to meet identified needs. The letter of need will be sent to DHS as DHS processes the license applications for chemical dependency services.

RECOMMENDATION

If authorized, staff will send a letter to DHS stating Dakota County supports the need for an outpatient 245G counseling program at the Lilydale Clinic in Dakota County, as proposed by Nystrom & Associates, Ltd.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:

Attachment A: Letter from Nystrom & Associates, Ltd.

Previous Board Action(s):

RESOLUTION

WHEREAS, under Minnesota Rule 9530.6800, the need for additional or expanded chemical dependency treatment programs must be determined, in part, based on the recommendation of the county board of commissioners of the county in which the program will be located and the documentation submitted by the applicant at the time of application; and

WHEREAS, under Minnesota Rule 9530.6810, when an applicant for licensure for chemical dependency treatment services requests a written statement of support for a proposed chemical dependency treatment program, the county board of commissioners of the county in which the proposed program is to be located shall submit a statement to the need for the applicant's program; and

WHEREAS, on March 2, 2021, Dakota County received a request from Kevin Evenson, Director of Substance Use Disorder Treatment Services at Nystrom & Associates, Ltd., requesting a written statement that supports the need for the program; and

WHEREAS, local needs assessment information suggests a need for the type of chemical dependency treatment services proposed; and

WHEREAS, Dakota County is not taking any positions about Nystrom & Associates, Ltd.'s, qualifications or ability to meet the identified needs; and

WHEREAS, the Minnesota Department of Human Services will process Nystrom & Associates, Ltd.'s request for a license to provide outpatient 245G counseling programs at the Lilydale Clinic location in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to issue a letter to the Minnesota Department of Human Services stating the following: "Please consider this letter as Dakota County's support for an outpatient 245G counseling program at the Lilydale Clinic in Dakota County, as proposed by Nystrom & Associates, Ltd."

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management

County Manager

Nystrom & Associates, Ltd.

Brighton Professional Building
1900 Silver Lake Road, Suite 110
New Brighton, MN 55112
www.nystromcounseling.com
(651) 628-9566 Fax (651) 628-0411

March 2, 2021

Evan Henspeter
Dakota County Social Services Director
1590 Hwy 55
Hastings MN 55033
Evan.Henspeter@Co.Dakota.MN.US

Dear Evan,

Nystrom & Associates, Ltd. is requesting a letter of need from Dakota County in adherence to Minnesota Rule 9530.6660. We would like to open an outpatient 245G counseling program at 991 Sibley Memorial Highway, Lilydale, MN 55118. We will be providing substance use disorder treatment services for adults and adolescents who have co-occurring disorders. The services we plan to deliver include Rule 25 assessments, treatment coordination, comprehensive assessments, group therapy, psychoeducational groups, individual counseling, peer recovery support, and outpatient milieu. Our program would also have a family component. We would be providing outpatient programming at the American Society of Addiction Medicine (ASAM) Levels 0.5, 1.0, and 2.1.

Our facility can provide additional resources for our clients such as nutrition services, mental health therapy, psychiatry, psychological testing, and numerous other services. Our substance use disorder clients with co-occurring disorders will get a holistic treatment plan addressing a majority of their needs in one location.

Lilydale, Minnesota is located in Dakota County and covers .8 square miles of land. The population of the city is 900 people. Dakota County covers 587 square miles and its population is 398,552 people. The Department of Human Services has stated Substance Use Disorders affect 10% of the nation's individuals and that puts over 39,000 individuals in Dakota County having a substance use disorder. The Department of Human Services (DHS) and Substance Abuse and Mental Health Services Administration (SAMHSA) has also stated only 10% of these individuals are getting the necessary services they need to move this disease into remission. That leaves 90% of these individuals untreated.

From information garnered from the internet, it appears that Lilydale has no SUD providers.

We would like to make our programs more accessible to those individuals in this area of the state. Our experience in treating individuals with substance use disorders and mental health issues is central to our mission and we have a proven track record in treating both disorders.

Research shows that 50% of clients entering into a SUD program will not be successful in their first attempt at recovery. Individuals benefit from being in a program that offers an array of services. Sometimes exposure to the same knowledge, but from a different perspective, makes all the difference in the world. Individuals suffering from a substance use disorder usually have a small window for

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engagement in service before motivation deteriorates. I believe we can help those individuals get into service promptly to help them into a life in recovery. We would work collaboratively with local providers and the county in hopes of developing a full spectrum of services for those suffering from substance use disorders.

Statewide DAANES report run for 1/1/20 to 6/30/20 shows that 60% of the state's population entering services for a Substance Use Disorder needs additional services for mental illness. Our facility will include mental health counseling to address these needs in an integrated fashion. Adding these mental health services aligns with State SUD Reform moving from episodic attempts at treatment to a longitudinal approach between levels of service. Providers will be increasing and decreasing the client's level of service based on severity of symptoms, and will continue working with clients for the necessary period like a primary care physician does. Our organization will engage with clients over the long term to ensure they have the services they need to live productive lives in remission from this disease.

I would expect to receive the following number of referrals: from Rule 25 Assessors 25, Direct access 25, Courts 5, Child Protection Services 10, Jails 10, Churches 10, Employee Assistance Programs 15, Self-referrals 10, Residential Programs 50, Mental Health Professionals 25, Primary Care 20, Tribes 5, Probation 15, and Department of Public Safety 20. While this is more than likely not an all-inclusive list, I believe it is a pretty good estimate for the first year. Our facility will allow us to increase capacity and grow with increasing demand for services.

Nystrom & Associates, Ltd. is currently in the process of building a residential program in Big Lake, Minnesota so we should be able to provide most of the American Society of Addiction Medicine (ASAM) levels of care to those we are serving.

There is an epidemic afflicting our states residents, it is substance use disorders. According to the Center for Disease Control, deaths resulting from this epidemic are still rising and more treatment programs are needed to offer services to those in need.

I hope you will be able to approve our request for this letter of need. Should you require more information from me, please email me at the email address below or call me at 218-289-4703.

Thank you.

Sincerely,

Kevin J. Evenson, Director of Substance Use Disorder Treatment Services
1900 Silver Lake Road, Suite 110, New Brighton, MN 55112
KEvenson@nystromcounseling.com

DAKOTA COUNTY COMMUNITY SERVICES COMMITTEE**Distribution Of Funds For 2021 Memorial Day Activities**

Meeting Date: 4/13/2021	Fiscal/FTE Impact:
Item Type: Consent-Information	<input type="checkbox"/> None <input type="checkbox"/> Other
Division: Community Services	<input checked="" type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Veterans Services	<input type="checkbox"/> New FTE(s) requested
Contact: Thomas, Lisa	Board Goal: A great place to live
Contact Phone: (651) 554-5631	Public Engagement Level: N/A
Prepared by: Collette, Colleen	

PURPOSE/ACTION REQUESTED

Veterans Services annual gift distribution to Dakota County Veteran Service Organizations in support of 2021 Memorial Day events and activities.

SUMMARY

By Minn. Stat. § 375.35, the County Board has specific statutory authority to appropriate an annual gift up to \$300 to military service organizations to defray Memorial Day expenses. As in past years, each Veteran Service Organization listed below will receive \$100 for its use in funding Memorial Day activities in the organization's community. Memorial Day is observed on Monday, May 31, 2021.

If COVID-19 restrictions prevent Veteran Service Organizations from holding or sponsoring Memorial Day events, funds can be utilized to purchase items to support Memorial Day including flags or plaques, etc., that honor and commemorate military personnel.

- Apple Valley American Legion Post 1776
- Apple Valley VVA Chapter 363
- Burnsville American Legion Post 1700
- Burnsville American Legion Post 5833
- Dakota County La Societe Des 40 Hommes, et 8 Chevaux Voiture 1457
- Dakota County Vietnam Veterans of America, Chapter 492
- DAV South Metro Chapter #40 (Lakeville)
- Eagan American Legion Post 594, Daniel R. Olsen Post
- Farmington Clifford Larson American Legion Post 189
- Farmington Sypal-Lundgren VFW Post 7662
- Hastings AMVETS Post 10
- Hastings Lyle Russell VFW Post 1210
- Hastings Nelson-Lucking American Legion Post 47
- Inver Grove Heights Legion Post 424
- Lakeville John Vessey American Legion Post 44
- Lakeville Oscar & John Soberg VFW Post 210
- Mendota AMVETS Raymond T. Furlong-Zigmund Post 1
- Mendota Vasatka-Goers VFW World War II Post 6690
- Rosemount American Legion Post 65
- Rosemount VFW Post 9433
- South St. Paul Abner Rude American Legion Post 481
- South St. Paul Military Order of the Purple Heart Chapter #5
- South St. Paul Gallagher-Hansen VFW Post 295
- West St. Paul Challenger American Legion Post 521

RECOMMENDATION

Information only; no action requested.

EXPLANATION OF FISCAL/FTE IMPACTS

The funds for this event are included in the 2021 Veterans Services Adopted Budget.

Supporting Documents:

Previous Board Action(s):

RESOLUTION

Information only; no action requested.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

DAKOTA COUNTY COMMUNITY SERVICES COMMITTEE

Review Of Service Delivery During COVID-19 Pandemic

Meeting Date: 4/13/2021	Fiscal/FTE Impact:
Item Type: Regular-Information	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Community Services	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Community Services Administration	<input type="checkbox"/> New FTE(s) requested
Contact: Lerner, Kate	Board Goal: A great place to live
Contact Phone: (651) 554-5759	Public Engagement Level: N/A
Prepared by: Collette, Colleen	

PURPOSE/ACTION REQUESTED

Receive a review of service delivery across the Community Services division during the COVID-19 pandemic.

SUMMARY

With the onset of the COVID-19 pandemic, the Dakota County Community Services division implemented adaptations to service and program delivery methods to protect the health and safety of program recipients and staff. Preliminary feedback about these adaptations has been gathered from program recipients and will be shared to help inform subsequent discussions about the Dakota County workplace of the future.

RECOMMENDATION

Information only; no action requested.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:

Previous Board Action(s):

RESOLUTION

Information only; no action requested.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

DAKOTA COUNTY COMMUNITY SERVICES COMMITTEE

COVID-19 And Vaccination Information Outreach Strategies For City Officials

Meeting Date: 4/13/2021	Fiscal/FTE Impact:
Item Type: Regular-Information	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Community Services	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Community Services Administration	<input type="checkbox"/> New FTE(s) requested
Contact: Fischbach, Marti	Board Goal: A great place to live
Contact Phone: (651) 554-5618	Public Engagement Level: N/A
Prepared by: Collette, Colleen	

PURPOSE/ACTION REQUESTED

Discuss and provide direction on informing local officials of Dakota County's response to COVID-19 and vaccinations.

SUMMARY

Multiple methods have been used to keep the community informed about COVID-19 and the vaccination roll-out in Dakota County. In general, this has included the County website, social media and email newsletters to the general public, targeted updates via online meetings for state, federal and township elected officials, and online town-hall forums geared toward certain geographic areas or population groups, among other approaches.

For elected and appointed city officials, to date the County's specific outreach efforts have included weekly email newsletters from Public Health, and periodic updates to city managers at their monthly meetings. No countywide online forum for city officials has yet been held.

Staff seeks the Board's input and direction on additional outreach and communications efforts to reach city officials with current information on COVID-19 and vaccination status and availability.

RECOMMENDATION

Information only; no action requested.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:

Previous Board Action(s):

RESOLUTION

Information only; no action requested.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager