

MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2021-86

A RESOLUTION ACCEPTING A NATURAL RESOURCE CONSERVATION
SERVICES PROPOSAL AND PROJECT FOR STREAM/ROAD BANK
IMPROVEMENTS ALONG SLATE LICK BRANCH ROAD

WHEREAS, the Madison County Fiscal Court was asked by the USDA-Natural Resources Conservation Service if there was a desire to accept a cost share project to improve the stream/road bank along Slate Lick Branch Road in Madison County at site 37.5524, 84.3043; and

WHEREAS, the County has met with the local Natural Resource Conservation Service (NRCS) staff and have asked for the project to include the installation of crib and rail in order to stabilize the stream/road bank; and

WHEREAS, this project will be a cost share of 75% NRCS, 25% County with a possibility of the County's 25% being split as 12% State and 13% County; and

WHEREAS, this project has been reviewed by the Madison County Judge Executive, Madison County Road Department, and Emergency Management staff and is believed to be in the best interest of the County; and

WHEREAS, the team above is requesting the Fiscal Court's approval to accept this project;

NOW, THEREFORE, BE IT RESOLVED THAT THE FISCAL COURT DOES HEREBY APPROVE THIS RESOLUTION AND AUTHORIZES THE JUDGE EXECUTIVE TO EXECUTE SAME ON BEHALF OF THE COUNTY.

Motion made by John Tudor, seconded by Roger Barger.

Vote:	Yes	No
Judge Reagan Taylor	<u>✓</u>	<u> </u>
Magistrate Paul Reynolds	<u>✓</u>	<u> </u>
Magistrate John Tudor	<u>✓</u>	<u> </u>
Magistrate Roger Barger	<u>✓</u>	<u> </u>
Magistrate Tom Botkin	<u>✓</u>	<u> </u>

Signed:

Reagan Taylor
Madison County Judge Executive

Attested:

Kenny Barger
Madison County Clerk

**ASSURANCES RELATING TO
REAL PROPERTY ACQUISITION**

A. PURPOSE — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

B. PROJECT MEASURES COVERED —

Name of project Slate Lick Branch

Identity of improvement or development stream/road bank

Location Slate Lick Branch road in Madison County, KY. Site @ 37.5524,84.3043

C. REAL PROPERTY ACQUISITION ASSURANCE —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

D. ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

Madison County Fiscal Court	This action authorized at an official meeting _____ _____ on _____ day of _____, 19_____, at _____ State of _____ Attest: _____ (Name) _____ (Title)
_____ (Name of Sponsor)	
By: _____	
Title: _____	
Date: _____	

Madison County Fiscal Court	This action authorized at an official meeting _____ _____ on _____ day of _____, 19_____, at _____ State of _____ Attest: _____ (Name) _____ (Title)
_____ (Name of Sponsor)	
By: _____	
Title: _____	
Date: _____	

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

- (1) 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with 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.
- (2) 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.
- (3) 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.

Madison County Fiscal Court

Slate Lick Branch, DSR 008

Organization Name

PR/Award Number or Project Name

Reagan Taylor Judge Executive

Name and Title of Authorized Representative

R-39

Signature

8-3-2021

Date

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application		
* 2. Type of Application: ☒ New ☐ Continuation ☐ Revision		
* If Revision, select appropriate letter(s): * Other (Specify): 		
* 3. Date Received: 		4. Applicant Identifier:
5a. Federal Entity Identifier: 		5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: Madison County Fiscal Court		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 		* c. Organizational DUNS:
d. Address:		
* Street1:		
Street2:		
* City:		
County/Parish:		
* State: KY: Kentucky		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code:		
e. Organizational Unit:		
Department Name:		Division Name:
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: * First Name:		
Middle Name:		
* Last Name:		
Suffix:		
Title:		
Organizational Affiliation:		
* Telephone Number:		Fax Number:
* Email:		

Application for Federal Assistance SF-424		
* 9. Type of Applicant 1: Select Applicant Type: 		
Type of Applicant 2: Select Applicant Type: 		
Type of Applicant 3: Select Applicant Type: 		
* Other (specify): 		
* 10. Name of Federal Agency: 		
11. Catalog of Federal Domestic Assistance Number: 		
CFDA Title: 		
* 12. Funding Opportunity Number: 		
* Title: 		
13. Competition Identification Number: 		
Title: 		
14. Areas Affected by Project (Cities, Counties, States, etc.): Add AttachmentDelete AttachmentView Attachment		
* 15. Descriptive Title of Applicant's Project: 		
Attach supporting documents as specified in agency instructions. Add AttachmentsDelete AttachmentsView Attachments		

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant	* b. Program/Project
Attach an additional list of Program/Project Congressional Districts if needed.	
	Add Attachment Delete Attachment View Attachment
17. Proposed Project:	
* a. Start Date:	* b. End Date:
18. Estimated Funding (\$):	
* a. Federal	
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
☐ a. This application was made available to the State under the Executive Order 12372 Process for review on	
☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
☐ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
☐ Yes ☐ No	
If "Yes", provide explanation and attach	
	Add Attachment Delete Attachment View Attachment
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
☐ ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	* First Name:
Middle Name:	
* Last Name:	
Suffix:	
* Title:	
* Telephone Number:	Fax Number:
* Email:	
* Signature of Authorized Representative:	* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 06/30/2014

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

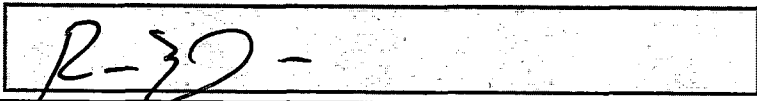
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

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

1. 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 costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. 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 non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms 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.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. 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.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of 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 C.F.R. 900, Subpart F).
9. 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.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) 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; (b) 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; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) 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; (g) §§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; (h) 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; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. 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 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the 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.
13. 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.
14. Will comply 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.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) 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.); (f) 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.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. 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.
17. 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).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. 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.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Judge Executive
APPLICANT ORGANIZATION	DATE SUBMITTED
Madison County Fiscal Court	8-3-2021

Madison County, Slate Lick Branch EWP

5/10/2021

DRAFT BASED ON " NOT APPROVED ENGINEERING DESIGNS"

Quantities and Cost Estimate

AS OF 07 02 21. FOR PLANNING ONLY NO WORK WILL START UNTIL PROJECT AGREEMENT IS SIGNED. DRAFT

Item	Description	Construction Specification	unit	quantity	unit cost	cost
1	Clearing and Shaping	4	Lump Sum	1	XXXXXXX	\$1,350.00
2	Seeding	6	Lump Sum	1	XXXXXXX	\$225.00
3	Mobilization	8	Lump Sum	1	XXXXXXX	\$1,000.00
4	Excavation, common	21	Lump Sum	1	XXXXXXX	\$2,050.00
5	Rock riprap, Class III	61	TON	275	\$45.00	\$12,375.00
6	Geotextile	81	SY	250	\$4.00	\$1,000.00
7	Contractor Quality Control	94	Lump Sum	1	XXXXXXX	\$1,000.00

TOTAL ESTIMATED COST - DRAFT

total cost	\$19,000.00
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DRAFT BASED ON "NOT APPROVED ENGINEERING DESIGNS"

AS OF 07 02 21. FOR PLANNING ONLY NO WORK WILL START UNTIL PROJECT AGREEMENT IS SIGNED. DRAFT

By: *Troy Williams*

5/11/2021

THIS IS A SAMPLE ATTORNEY'S OPINION <SPONSOR OR REPRESENTING FIRMS LETTERHEAD>

OPINION OF TITLE

<Date>

Greg Stone
State Conservationist
USDA-Natural Resources Conservation Service
771 Corporate Drive, Suite 300, Lexington, KY 40503

RE: Assurances Relating to Real Property Acquisition
Slate Lick Branch Road, Madison County, KY.

Dear Mr. Stone

As Attorney for the <Town/Village/County of _____>, I certify an examination of the real property instruments and files for the referenced project were made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

<Signature of Attorney>
<Title Block>

FORCE ACCOUNT - PLAN OF OPERATIONS

PROJECT: Slate Lick Branch

SPONSOR: Madison County Fiscal Court

COOPERATIVE AGREEMENT NO. _____

DSR No.(s) 21-06-21-5071-008

1. SCOPE

The scope of work consists of stabilization of approximately 80 linear feet of eroded streambank/road bank along Slate Lick Branch as described in the approved Damage Survey Report and/or approved construction drawings and specifications.

The following work described in this Plan of Operations is an estimate of the material, equipment and labor needed to complete the work.

The actual cost to complete the work shall be documented in the Job Cost Detail Report including invoices for material incorporated into the work, daily time records for each employee showing name, classification, wage rate, hours and dates actually employed on the work. Equipment records shall show the rate, hours and dates actually used on the work. Reimbursement to the Sponsor will be at the cost share rate and is not to exceed the approved amount as described in the Cooperative Agreement.

- | | |
|---------------------|----------------------------|
| <u>Work Item 1.</u> | Clearing and Shaping |
| <u>Work Item 2.</u> | Seeding and Mulching |
| <u>Work Item 3.</u> | Mobilization |
| <u>Work Item 4.</u> | Excavation, common |
| <u>Work Item 5.</u> | Rock riprap, Class III |
| <u>Work Item 6.</u> | Geotextile |
| <u>Work Item 7.</u> | Contractor Quality Control |

2. ADMINISTRATIVE COSTS

Administrative costs will be borne by the Sponsor.

3. MATERIALS

The following materials are anticipated for this work:

Material	Quantity	Unit	Unit Cost	Amount
Rock riprap, Class III	275	ton		
Class I Non Woven Geotextile	250	SY		
Total Estimated Material Cost				

4. EQUIPMENT

Suitable equipment shall be used by the Sponsor for the installation of the EWP project measures described in Section 1. Scope. Equipment shall be of the type and in the condition to efficiently perform the work. Equipment will be charged at agreed to rates or actual rental rate for rental equipment. No additional costs shall be charged for fuel, service or repairs. Hand tools such as shovels, power saws and hammers used by the Sponsor will be furnished at no charge to NRCS.

Chargeable hours for equipment shall be recorded while the equipment is in use at the site and exclude standby or down time.

Equipment anticipated for use on site includes:

Equipment	Hourly Rate	Estimated Hours	Amount
Total Estimated Equipment Cost			

5. PERSONNEL

Appropriately training and qualified Sponsor personnel will be utilized for the installation of the measures described in Section 1. Scope. The rate of pay for each employee shall be their current hourly rate described below and exclude administrative costs and overhead.

*Hourly Wage Rate = Basic hourly wage rate + Benefits (insurance, vacation etc.)

Hourly Wage Rate shall not exceed the basic hourly wage rate x 1.5. The hourly rate shall be increased 1.5 times for overtime hours beyond an 8 hour day or 40 hours per week.

Chargeable hours to the project shall be recorded while at the work site and exclude travel to and from the site.

Personnel, job classification/title, hourly rate, estimated hours and cost anticipated for use on site include:

Personnel – Name/Title	Hourly Rate*	Estimated Hours	Amount
Total Estimated Personnel Cost			

6. ESTIMATED COST SUMMARY

Description	Amount
Material	
Equipment	
Personnel	
TOTAL ESTIMATED COST	

7. CONSTRUCTION SCHEDULE

The normal workweek shall consist of a 5-day workweek, Monday through Saturday, 8 hours per day.

Construction is to begin on _____ with work to be completed as specified in the Cooperative Agreement.

8. CONSTRUCTION SAFETY

All work shall be performed in accordance with OSHA Safety Standards.

BUDGET INFORMATION - Construction Programs			
NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.			
COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$	\$	\$
2. Land, structures, rights-of-way, appraisals, etc.	\$	\$	\$
3. Relocation expenses and payments	\$	\$	\$
4. Architectural and engineering fees	\$	\$	\$
5. Other architectural and engineering fees	\$	\$	\$
6. Project inspection fees	\$	\$	\$
7. Site work	\$	\$	\$
8. Demolition and removal	\$	\$	\$
9. Construction	\$	\$	\$
10. Equipment	\$	\$	\$
11. Miscellaneous	\$	\$	\$
12. SUBTOTAL (sum of lines 1-11)	\$	\$	\$
13. Contingencies	\$	\$	\$
14. SUBTOTAL	\$	\$	\$
15. Project (program) income	\$	\$	\$
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$	\$	\$
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c Multiply X 75 % Enter the resulting Federal share.			\$

