

To be eligible for Federal-aid transportation project funds the county must have a full-time public employee on staff that has completed training to serve as a Responsible Charge (RC). Wayne County does not currently have an RC on staff. The City of Wayne is willing to provide the services of Joel Hansen as RC until the county has someone trained.

Motion by Wurdeman, second by Burbach, to approve the Interlocal Agreement stating the City of Wayne agrees to provide the services of an employee to act as a RC to Wayne County. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Motion by Burbach, second by Wurdeman, to approve Resolution No. 10-23. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Resolution No. 10-23: WHEREAS, the City of Wayne has a full-time public employee on staff, who is fully qualified and has time and interest in serving as “Responsible Charge”; and

WHEREAS, Wayne County has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with the City of Wayne for the services of a qualified “Responsible Charge” (RC) for Federal-Aid projects; and

WHEREAS, the City of Wayne and Wayne County have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Wayne County Board of Commissioners that James Rabe is hereby authorized to sign on behalf of Wayne County, the Receiving Public Entity, the Nebraska Local Public Agency Interlocal Cooperation Act Agreement for Federal-Aid projects. ###

Motion by Wurdeman, second by Burbach to approve Resolution No. 10-24. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Resolution No. 10-24: Whereas: the City of Wayne has a full-time public full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

Whereas: the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

Full-time public employee means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

Public employee means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

Responsible charge means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

Now, Therefore Be It Resolved: by Wayne County that Joel Hansen is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the Federal-aid transportation projects.

Wayne County assures and agrees that:

- 1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 2) The RC is a full-time public employee.
- 3) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
- 5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 6) It will provide necessary office space, materials and administrative support for the RC.
- 7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
- 8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
- 9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
- 12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

Wayne County understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- f) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects. ###

Notice was received from the Nebraska Department of Roads approving the change in the National Functional Classification of that portion of Centennial Road from South Logan Creek to 855th Road, and Mile 576 of 855th Road to Collectors. These roads are now eligible for federal paving funds.

Motion by Wurdeman, second by Burbach to add a project to replace a culvert and grade the road on 856th Road about one mile east of Highway 35 to the current One-Year Plan as Project C-90 (580). Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

The 2010-2011 Annual Road/Street Program Report is being worked on and must be completed by October 31, 2010.

An application submitted by Randy L. Hays for SourceGas Distribution, LLC. to place polyethylene pipeline in county road right-of-way was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

An application submitted by Qwest to place telephone line in county road right-of-way was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Comments were received on the proposed updates to the county personnel policy.

Motion by Wurdeman, second by Burbach to approve the substitution of Cusip #3134G1NP5 as submitted by First National Bank of Wayne. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Motion by Wurdeman, second by Burbach to take the following action on lodging tax requests: Wayne County Information Guide – approve \$400, Northeast Nebraska Discover Guide – approve \$500,

Nebraska Life Magazine – Approve \$1282, Nebraska Travel Conference – approve \$300, 2011 Guest Directory – disapprove. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.