***REVISED**

POLK COUNTY BOARD

MEETING LOCATION:

POLK COUNTY ENVIRONMENTAL SERVICES (TRANSFER STATION)
320 INGERSOLL AVENUE
CROOKSTON, MN

AGENDA
AUGUST 25, 2020

8:00 A.M. **MEETING OPEN/CONVENE**

CALL TO ORDER

REVIEWAL & APPROVAL OF THE AGENDA

CONSENT AGENDA

1. **Approve for payment Lost Warrant No. 536895 dated May 22, 2020 issued to R&S Northeast, LLC in the amount of $214.00.**
2. **Approve for payment Lost Warrant No. 533931 dated February 11, 2020 issued to Norman-Mahnomen Public Health in the amount of $15,005.43.**

COUNTY BOARD MEMBERS ISSUE FORUM

8:20 ***GREG WIDSETH – COUNTY ATTORNEY**

1. **Appeal of County Ditch No. 39 & the Service of the Polk County Auditor**

8:30 **JIM TADMAN - SHERIFF**

1. **Monthly Sheriff Reports**

8:50 **JON STEINER – ENVIRONMENTAL SERVICES**

1. **CY 2021 Internal MSW Tip Fee**
2. **CY 2021 Market Price**
   a. **Addenda 1 – Worksheet**
   b. **Addenda 2 – Resolution (2020-76) Polk County 2021 Market Price**
3. **Solid Waste Program Updates**

9:10 **RICHARD SANDERS - HIGHWAY**

1. **Resolution (2020-72) Bridge Replacement Priority List**
2. **County Ditch 111 Maintenance Request**
3. **Approve Detour Agreement No. 1044641**
4. **Approve Resolution (2020-73) MnDOT Agreement No. 1044641 With The State Of MN Department Of Transportation**
5. **Approve Detour Agreement No. 1044642**
6. **Approve Resolution (2020-74) MnDOT Agreement No. 1044642 With The State Of MN Department Of Transportation**
7. **Polk County Highway Funding Options**
   a. **Local Options Sales Tax**
   b. **Wheelage Tax**

9:30 **KAREN WARMACK – SOCIAL SERVICES**

1. **Social Worker – Child Protection Specialist (CPS) Replacement Request**
2. **Accounting Edition Of Caseworks**

9:35 **<u>CHUCK WHITING - ADMINISTRATION</u>**

1. **Resolution (2020-75) Of The Polk County Board Of Commissioners Dedicating CARES Funds For Polk County Community Outreach Resources And Service Providers To Respond To The COVID-19 Public Health Crisis**
2. **2021 Budget Status**
   a. **Summary Budget**
   b. **Personnel**

ADJOURN

If you need any type of accommodation to participate in the Polk County Board meeting, please contact Chuck Whiting at (218) 281-5408 at least 1 working day before the meeting. This Board agenda is subject to change without notice.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO:	POLK COUNTY BOARD OF COMMISSIONERS CHUCK WHITING, POLK COUNTY ADMIN.
FROM:	JIM TADMAN - SHERIFF
MEETING DATE:	AUGUST 25, 2020
AGENDA ITEM:	1. Monthly Sheriff Reports
SUMMARY:	Present and discuss the July Sheriff Reports
ACTION:	For information only

	July										
Date:	Reason	Mileage	Deputy/Deputies	Medical	Mental Health	MN Prison/Jails	Out of state	ME	Federal	Other	Hours
8	NWRCC to Altru	2	5028	2							1.75
10	Anoka CBHH	576	5028		576						9.25
10	Roseau Co 10-69 relay	94	5021			94					3
11	RRVJDC to Riverview	2	5029	2							1
14	RRVJDC to Moorhead JDC	135	5005			135					2.5
15	Bottineau County on 10-69	437	5013			437					8
16	Grand Forks Co on 10-69	29	5005				29				1
16	Frazee with juvenile place	207	5008							207	4
20	Federal to Rochester	809	5013/5021						809		33.5
21	Pennington on 10-69	85	5019								2.25
21	NWRCC to Riverview	2	5031	2							1.25
23	Prison run Lino and Shakopee	654	5016/5019			654					27
24	Fertile to ME in GF	105	5021					105			2.75
24	GF County on 10-69	54	5019				54				2
27	RRVJDC to North Homes	307	5008			307					7.25
29	Prison run Lino Lakes	570	5016			570					8.5
29	GF County on 10-69	54	5019				54				1.5
	Totals	4122		6	576	2197	137	105	809	207	116.5

Summary Comparison Transport Log

	2018	2019	2020	2021	2022
January	7318	7638	9712		
February	8009	7565	6536		
March	8800	7314	7868		
April	7732	8179	3563		
May	9707	6606	4045		
June	8490	5965	6052		
Subtotal	50056	43267	37776	0	0
July	7182	11450	4122		
August	6855	10886			
September	8030	8251			
October	9423	14304			
November	5378	8236			
December	9288	7567			
Totals	**96212**	**103961**	**41898**	**0**	**0**

Summary Comparison Transport Log

	2013	2014	2015	2016	2017
January	4507	5093	9735	8421	9255
February	4696	5545	5816	9321	11869
March	8652	5737	8367	13085	9314
April	5103	5385	9039	5719	5385
May	5871	7266	6875	9299	7115
June	5736	5787	7437	5961	13013
Subtotal	34565	34813	47269	51806	55951
July	4130	7762	7097	6324	8698
August	8073	8137	9799	7251	10931
September	4582	6815	7076	4941	7150
October	7260	7299	6417	7388	7867
November	5504	7926	9251	9509	10469
December	5792	9869	10015	4691	5587
Totals	**69906**	**82621**	**96924**	**91910**	**106653**

Transport Log

Miles Comparison by Categories

2020	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January	9712	369	184	4874	4055	228	0	2
February	6536	4	822	4455	1079	176	0	0
March	7868	5	784	3406	2857	641	0	175
April	3563	0	0	2126	968	467	0	2
May	4045	0	334	1885	952	818	0	56
June	6052	0	424	2849	2720	0	0	59
July	4122	6	576	2197	137	207	105	809
August								
September								
October								
Novermber								
December								

2021	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
Novermber								
December								

Transport Log

Miles Comparison by Categories

2018	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other	Medical Examiner	Federal Transport
January	7318	0	1997	3911	891	457	62	0
February	8009	1	2258	1644	3574	254	278	0
March	8800	2	425	4206	3398	670	64	0
April	7732	0	453	5023	1408	391	108	140
May	9707	0	1943	5297	2002	464	0	0
June	8490	3	89	3518	4607	273	0	0
July	7182	74	2302	4050	458	298	0	0
August	6855	7	604	3549	2318	366	0	11
September	8030	13	280	2952	4460	325	0	0
October	9423	10	346	4585	4082	400	0	0
Novermber	5378	10	1247	3213	634	269	0	4
December	9288	7	514	4297	4086	227	155	2

2019	Total Miles	Medical Facility	Mental Health	In-State Prison	Out-State Prison	Other Counties	Medical Examiner	Federal Transport
January	7638	6	1231	3304	2877	220	0	0
February	7565	77	620	3484	2795	251	0	0
March	7314	22	97	3894	2853	442	0	6
April	8179	8	454	4272	2937	176	0	332
May	6606	378	867	3931	1012	416	0	0
June	5965	53	846	2515	2129	129	291	2
July	11450	4	1549	4595	3222	738	127	0
August	10886	2	1130	4921	4086	487	260	0
September	8251	8	1682	3975	2207	227	68	60
October	14304	0	2705	5405	5664	419	88	0
Novermber	8236	0	1563	3455	2870	268	73	6
December	7567	69	332	5187	1629	291	0	57

Document Service Statistics July 2020

Established Summons & Complaint; Supporting Affidavit	1
Foreclosure Sale	2
Notice; Notice of Motion & Motion	1
Notice of Filing; Order to Appear; Order to Show Cause; Notice of Remote Zoom Hearing	2
Notice of Hearing; Order; Petition	1
Notice of Motion & Motion; Affidavit; Other; Letter	1
Notice of Motion & Motion; Notice of Remote Zoom Hearing; Other; Affidavit	1
Notice; Petition	1
Notice; Summons; Petition	2
Order; Notice of Hearing; Notice of Filing	1
Order to Appear	1
Order to Show Cause; Notice of Motion & Motion; Summons	1
Petition; Notice of Hearing; Other	1
Petition; Summons & Notice; Other	1
Replevin Order	1
Subpoena	8
Summons, Complaint & Acknowledgement; Summons & Complaint	1
Summons; Complaint; Notice of Motion & Motion; Supporting Affidavit	1
Summons & Complaint; Other	8
Summons & Complaint; Supporting Affidavit	7
Summons; Notice of Hearing; Petition	1
Summons; Petition	7
Summons; Petition; Affidavit; Other	1
Summons; Petition for Dissolution of Marriage	1
Amended DANCO	2
Amended OFP after Motion to Modify	1
DANCO	2
Ex Parte Order Granting Petition for Harassment Restraining Order	1
Harrassment Restraining Order	2
Order for Protection	1
Order for Protection Following Hearing	1
Other	1
	64

Paid Services: $2176.08

No Charge Services: $1329.72

POLK COUNTY SHERIFF'S OFFICE

Sheriff James Tadman **Chief Deputy Mike Norland**
600 Bruce Street • P.O. Box 416 • Crookston, MN 56716
218.281.0431 • Fax 218.281.0401
James.Tadman@co.polk.mn.us
www.co.polk.mn.us

CFS By Month and Primary INC Code - PCSO only

Printed on August 1, 2020

Description		Totals
911 Duplicate Call	3	3
911 Handled by Dispatch	74	74
911 Hang Up	69	69
911 Open Line	7	7
911 Pocket Dial	16	16
Abandoned Vehicle	2	2
Alarm - Residential	3	3
Animal Complaint	17	17
Animal Complaint - Mistreatment	6	6
Animal - Lost and Found	3	3
Assault	6	6
Assist Other Agency	38	38
Boat & Water	47	47
Burglar Alarm - Audbile - Business	1	1
Burglar Alarm - Silent - Business	11	11
Burglary	1	1
Burglary Alarm - Audible - Bank	1	1
Burglary Alarm - Silent - Bank	2	2
Chest Pain	1	1
Child Custody Complaint	1	1
Child Protection Report	6	6
Civil Complaint	3	3
Civil Process	98	98
Conservations - Littering/Wildlife	3	3
Damage to Property	8	8
Death - Hospice	2	2
Disorderly Conduct	1	1
Domestic Non-Violent	1	1
Domestic Violent	3	3
Drugs	3	3
Emotional Distress	2	2
Fall	1	1
Fight	2	2
Fire Other	1	1
Fire Vehicle	1	1
Fireworks	4	4
Fraud	11	11
FTA Complaint	4	4
FTA Warrant	2	2

Description		Totals
Harassment	8	8
Info	23	23
Intoxicated Subject	1	1
Juvenile Complaint	1	1
Juvenile - Other	3	3
K9 Search	3	3
Medical - Lift Assist	1	1
Medical - Other	2	2
Missing Person	1	1
Motorist Assist	23	23
MVA Fatal	1	1
MVA Injury	3	3
MVA - Property Damage	11	11
Neglect of Child	1	1
Noise Complaint	7	7
Order Violation - DANCO, OFP, Restraining Order	2	2
Panic Alarm - Audible	1	1
Parking Complaint	7	7
Patrol - Special Detail/Parks	1	1
POR Checks	3	3
Possible DUI Vehicle	2	2
Property - Lost and Found	5	5
Public Assist	29	29
Public Peace	1	1
Public Relations	1	1
Railroad - Other	1	1
Reckless Driver	1	1
Report Not Needed	3	3
Search & Rescue	1	1
Search Warrant	1	1
Security Checks	1	1
Sexual Assaut	1	1
Shooting	1	1
Smoke/Gas Odor	1	1
Special Detail	3	3
Stolen Vehicle	1	1
Suicide	1	1
Suicide Threats	4	4
Suspicious Activity	11	11
Suspicious Person	10	10
Suspicious Vehicle	7	7
Theft	6	6
Theft - Gas Drive Off	2	2
Threats	2	2
Traffic - All Other	14	14
Traffic Complaint	28	28

Description		Totals
Traffic Control	2	2
Traffic Hazard	7	7
Traffic Stop	224	224
Transport - Medical by Officer	3	3
Transport - MN Prison or Jail	4	4
Transport - Other	8	8
Transport - Out of State	2	2
Trespass	1	1
Unattended Death	1	1
Unwanted Person	3	3
Vandalism	1	1
Vehicle Complaint	4	4
Vehicle Lock Out	3	3
Verbal Dispute	1	1
Violation of Court Order	1	1
Vulnerable Adult	3	3
Warrant	6	6
Welfare Check	13	13
Totals	993	993

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: August 25, 2020

AGENDA ITEM: CY 2021 Internal MSW Tip Fee

SUMMARY:

1. Polk County uses a variety of revenue sources to fund solid waste operations at its Regional Solid Waste facilities at the Landfill Complex (LF) near Gentilly, Mn and Resource Recovery Facility (RRF) in Fosston, MN.

2. Revenue steams include: steam sales (RRF), recyclable material sales (LF & RRF) and tip fees (LF & RRF).

3. Tip Fees at both facilities have been relatively stagnant for years. Twenty-five years ago the tip fee was $65/ton. The tip fee is currently $65/ton. The tip fee has fluctuated +/- $10/ton during that time.

4. On June 23, 2020, the Polk County Board approved the MSW tip fee for CY 2021 at the rate of $75.00/ton for the RRF and LF..

5. On June 30, 2020, the Polk County Board approved CY2021 fees for other materials for the RRF, LF and Transfer Station (TS) in Crookston, MN. While some fees increased, other fees remained the same.

6. It is important to note that the internal tip fee rate of $25.00/ton for MSW transferred from the RRF to the LF was not changed – which has importance in distinguishing that rate. As the rate was not changing, and it was not included in the 6/23/20 MSW Tip Fee approval, nor indicated on the 6/30/20 Material List approval, a separate distinction needs to be made.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Action: Approve the continuation of the existing Internal MSW Tip Fee of $25.00/ton for CY2021 going forward until otherwise approved changes are made by the Board.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS
CHUCK WHITING, POLK COUNTY ADMIN.

FROM: JON STEINER, ENVIRONMENTAL SERVICES ADMIN.

MEETING DATE: August 25, 2020

AGENDA ITEM: Resolution (2020-76) Polk County CY 2021 Market Price

SUMMARY:

1. Polk County (except EGF) has a zero tip fee for burnable MSW at its waste management facilities. The zero tip fee is considered by the State of MN as a subsidy.

2. Each government entity in MN that subsidizes the solid waste tip fee for its businesses or residents is required to evaluate and set a 'Market Price' for solid waste disposal each year.

3. The Market Price is used as the base rate tip fee from which Polk may calculate the amount of Solid Waste Management Tax (SWMT) to remit to the MN Dept of Revenue each year.

4. The State of MN assesses SWMT to all waste management services including container rental, collection, transportation and disposal at a rate of 9.75% for residential and 17% for self-haul residential and commercial waste.

5. The Market Price for CY2020 was set at $28.29/ton.

6. Market Price rate for 2021 shall be submitted to MPCA for review by October 31, 2020.

7. The 2021 Market Price rate is a composite of different hauling and tip fee rates which are available in the area, but not necessarily tied together nor the fee paid. It identifies the "lowest rate available in the area" based on the composite.

8. The 2021 Market Price rate is calculated for Polk County at $28.50/ton.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Approve resolution (2020-76) to set the Polk County CY2021 Market Price for remittal of Solid Waste Management Tax at a rate of $28.50/ton. (see attached draft resolution)

Line #	Status Quo & Market Price	Name and Location of Facility	Taxable Tip Fee/Ton	MMSW Subsidy/Ton (1)	Round Trip Miles (2)**	Cost/Ton Mile	Transportation Cost/Mile/Ton (Column G x H)	Total Cost/Ton (3) (Add Columns D, F and I)
1	Polk Co RRF $0.00/ton	Polk County RRF Fosston, MN	$65/ton	$65/ton				$0.00
2	Polk Co LF $0.00/ton	Polk County LF Gentilly, MN	$65/ton	$65/ton				$0.00
3	Beltrami Co Market Price	Polk Landfill Gentilly, MN	$25.00		78	$0.10	$7.80	$32.80
4	Clearwater Co Market Price	Polk Landfill Gentilly, MN	$25.00		50	$0.10	$5.00	$30.00
5	Hubbard Co Market Price	Polk Landfill Gentilly, MN	$25.00		78	$0.10	$7.80	$32.80
6	Mahnomen Co Market Price	Polk Landfill Gentilly, MN	$25.00		50	$0.10	$5.00	$30.00
7	Norman Co Market Price	Polk Landfill Gentilly, MN	$25.00		35	$0.10	$3.50	$28.50
8	Polk Co Market Price	Polk Landfill Gentilly, MN	$25.00		35	$0.10	$3.50	$28.50

** *Indicates that only one-way haul is used. The Polk LF has provides quotes to various customers using one-way hauling as they have a paid "back-haul" going the other direction. Our regional hauling contract via Beltrami County utilizes its own paid hauls (payloads) both ways. There is no reason to calculate an empty (unpaid) backhaul into the market price when the backhaul is full (paid) by another party. Therefore, this column only addresses one-way hauling as calculated into the market price determination.*

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

RESOLUTION (2020-76)

Polk County 2021 Market Price

The following resolution (2020-76) was offered by Commissioner:

WHEREAS, MS 297H.02 requires certain political subdivisions to identify by Resolution a Market Price for solid waste management tax purposes if the political subdivision subsidizes the cost of Municipal Solid Waste (MSW) disposal at a facility, or directly bills for organized collection of MSW on property tax statements; and

WHEREAS, The political subdivision will be liable for any Solid Waste Management Tax (SWMT) based only on the Market Price identified by Resolution; and

WHEREAS, Market Price is defined in the State Statute as the "lowest price available in the area"; and

WHEREAS, The County of Polk declares the Market Price for all MSW generated in Polk County during CY2021 to be $28.50 per ton, based upon the lowest price available in the area. Polk County's identified Market Price includes both the cost per ton-mile for transportation and the cost per ton for disposal, assuming disposal at the Gentilly Landfill. All costs were calculated using current hauling and tip fee rates offered in the region.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote: YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original filed in my office the 25th day of August 2020 and that the same is true and correct copy of the whole thereafter.

WITNESS my hand and Official Seal of Polk County and Crookston, Minnesota this 25th day of August 2020.

_____
Charles S. Whiting
Polk County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: JON STEINER, ENV. SVS. ADMIN.

MEETING DATE: August 25, 2020

AGENDA ITEM: Solid Waste Program Updates

SUMMARY:

1. General updates on projects and permits for the Transfer Station, Landfill, Resource Recovery Facility.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Information Only: Status Updates & Input.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Richard Sanders, County Engineer

MEETING DATE: 08-25-2020

AGENDA ITEM: Resolution (2020-72) Bridge Replacement Priority List

SUMMARY:

1. State requests a resolution prioritizing bridge replacements in Polk County
2. Helps determined funding needs for each year

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. Approve Resolution (2020-72) Bridge Replacement Priority List

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

Bridge Replacement Priority List

RESOLUTION (2020- 72)

The following resolution (2020-72) was offered by Commissioner:

WHEREAS, Polk County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by local citizenry and local units of government; and

WHEREAS, Polk County has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years;

WHEREAS, Polk County has determined that the following deficient bridges on the County State Aid Highway, County Road and Township systems are a high priority and require replacement or rehabilitation and

Bridge No.	New Bridge No.	Road No.	Estimated Proj. Cost	Federal	Local	Bridge Funds	Proposed Const. Yr.
7041	60567	CSAH 1	800,000		400,000	400,000	2021
7042	60568	CSAH 1	800,000		400,000	400,000	2021
5767	60565	CSAH 1	4,000,000		500,000	3,500,000	2021
LT10	60L49	Brandsvold	150,000		10,000	140,000	2021
60504		CSAH 9	600,000		300,000	300,000	2021
L7619	60570	Columbia	800,000		10,000	790,000	2021
LT10	60L51	Euclid	75,000		5,000	70,000	2021
LT10	60L52	Euclid	75,000		5,000	70,000	2021
LT10	60L53	Grove Park	75,000		5,000	70,000	2021
7097	60569	CSAH 7	4,000,000		500,000	3,500,000	2021
L7510		Euclid	65,000		5,000	60,000	2022
L5792		Kertsonville	75,000		5,000	70,000	2022
L7624		Lessor	75,000		5,000	70,000	2022
L5788		Chester	400,000		20,000	380,000	2022
L7522		Scandia	400,000		20,000	380,000	2022

WHEREAS, Local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems, and

WHEREAS, The State's support for the replacement or rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the county and townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above; and

WHEREAS, Polk County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when Funds are available.

FURTHERMORE, Polk County does hereby request authorization to replace, rehabilitate, or remove such bridges; and

FURTHERMORE, Polk County does hereby request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law.

NOW THEREFORE BE IT RESOLVED, That Polk County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote: YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator, do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 25th day of August 2020 and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 25th day of August 2020.

_____
Charles S. Whiting
County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Richard Sanders, County Engineer

MEETING DATE: 08-25-2020

AGENDA ITEM: County Ditch 111 Maintenance Request

SUMMARY:

1. MNDOT is doing a construction project on TH 2 between Mentor and TH 32.
2. They need to replace 5'x5' box culvert under East Bound Lanes of TH 2
3. A 60" RCP is under the West Bound Lanes of TH 2
4. Requesting replacing box with 60" RCP

ACTION REQUESTED:

Motion by _____ Seconded by _____ to approve the work in CD 111 and name Richard Sanders as engineer over the project.

POLK COUNTY DRAINAGE SYSTEM -- REQUEST FOR MAINTENANCE FORM

Polk County Ag & Drainage Department
820 Old Highway 75 South - Crookston, MN 56716
Phone (218) 281-3952 Fax (218) 281-3976

Request Date: 7/30/20 Drainage System No.: CD 111
Township Name: Badger Section No(s) of requested repair. 30
Give a description of the type of maintenance that is requested and draw a layout and location on the township map below.

Description:
MnDOT Project Number 6004-26. Propose to replace highway culvert under EB lanes at RP 52.8 (on CD 111 just east of 180th Ave SE intersection). Existing 5'x'5 box under orignal road bed from 1929 was extended to the south with 60" RCP in 1971. Culvert will be replaced with 60" RCP and tie into existing 60" RCP under WB lanes.

6	**5**	**4**	**3**	**2**	**1**
7	**8**	**9**	**10**	**11**	**12**
18	**17**	**16**	**15**	**14**	**13**
19	**20**	**21**	**22**	**23**	**24**
30	**29**	**28**	**27**	**26**	**25**
31	**32**	**33**	**34**	**35**	**36**

For the maintenance described above, signatures are required (below) from landowners that pay assessments into the drainage system needing the repair. If it is a cleaning, it's also required to get the signatures (below) of the landowners of where the spoil is going to be placed. Generally, it will be leveled in such a manner that it can be farmed over.

Request for Maintenance and Spoil Placement Signatures (below)

We the landowners who pay drainage assessments on J.D. / C.D. do respectfully request the Polk County Board of Commissioners, to spend money for the repair/cleaning/maintenance as described above.

	Date	Landowner	Phone No.	Sect. No.	Township
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Reviewed by

County Highway Department _____ ☐ Approved
Engineer

County Board _____ ☐ Approved
District Commissioner

Ditch Authority _____ ☐ Approved
Chairperson

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Richard Sanders – County Engineer

MEETING DATE: 08-25-2020

AGENDA ITEM:

1. Approve Detour Agreement No. 1044641
2. Approve Resolution (2020-73) MnDOT Agreement No. 1044641 With The State Of MN Department Of Transportation
3. Approve Detour Agreement No. 1044642
4. Approve Resolution (2020-74) MnDOT Agreement 1044642 With The State Of MN Department Of Transportation

SUMMARY:

1. MNDOT is going to reconstruct TH 2 and TH 59 and needs to detour traffic on Polk County Roadways.
2. Roads that will be used are: CSAH 1, CSAH 8, CSAH 12, CSAH 41 and CSAH 49.

ACTION REQUESTED: (INFORMATION ONLY/MOTION/RESOLUTION)

1. A motion was made by _____ seconded by _____ to approve Detour Agreement 1044641 and allow the Administrator and Chair of the Board to sign the agreement.

2. Approve Resolution (2020-73) MnDOT Agreement No. 1044641 With The State Of MN Department Of Transportation

3. A motion was made by _____ seconded by _____ to approve Detour Agreement 1044642 and allow the Administrator and Chair of the Board to sign the agreement.

4. Approve Resolution (2020-74) MnDOT Agreement 1044642 With The State Of MN Department Of Transportation

Northwest District
3920 Hwy 2 West
Bemidji, MN 56461
Office Telephone: (218) 755-6572

August 14, 2020

To: Rich Sanders
Polk County Engineer

Subject: Proposed Detour Agreement No. 1044641 Polk County
S.P. 6004-26 (T.H. 2=008)
State cost compensation for road life consumed by T.H. 2 detour

Dear Mr. Sanders:

The purpose of this memo is to confirm our earlier conversation with your office concerning MnDOT District 2's upcoming T.H. 2 project. The project includes, among other things, grading, concrete pavement, r-cut, lighting, ADA improvements and Bridge No. 91262 rehab, which require a detour of T.H. 2. During the r-cut construction, MnDOT will require the use of C.S.A.H. No. 49, No. 12, and No. 41 as a Temporary Trunk Highway Detour for approximately 28 days. The detour will begin on approximately 01 June 2021. This detour will be maintained at a 10-ton load limit. Over-weight and over-size vehicles will not be approved by the permit process to use this detour, except in case of emergency. It has been estimated that the State's cost for road life consumed by the T.H. 2 detour is $2,971.92, computed by the "Gas Tax Method" formula.

Transmitted herewith are the proposed agreement and resolution. This agreement provides for payment by the State to the County for road life consumed on the aforementioned County Highways used as a Temporary Trunk Highway detour.

Please present this agreement to the Board of County Commissioners for their approval and execution. It is requested that the executed agreement and resolution including notarization be forwarded to this office at your earliest convenience. A copy will be returned to the County when fully executed.

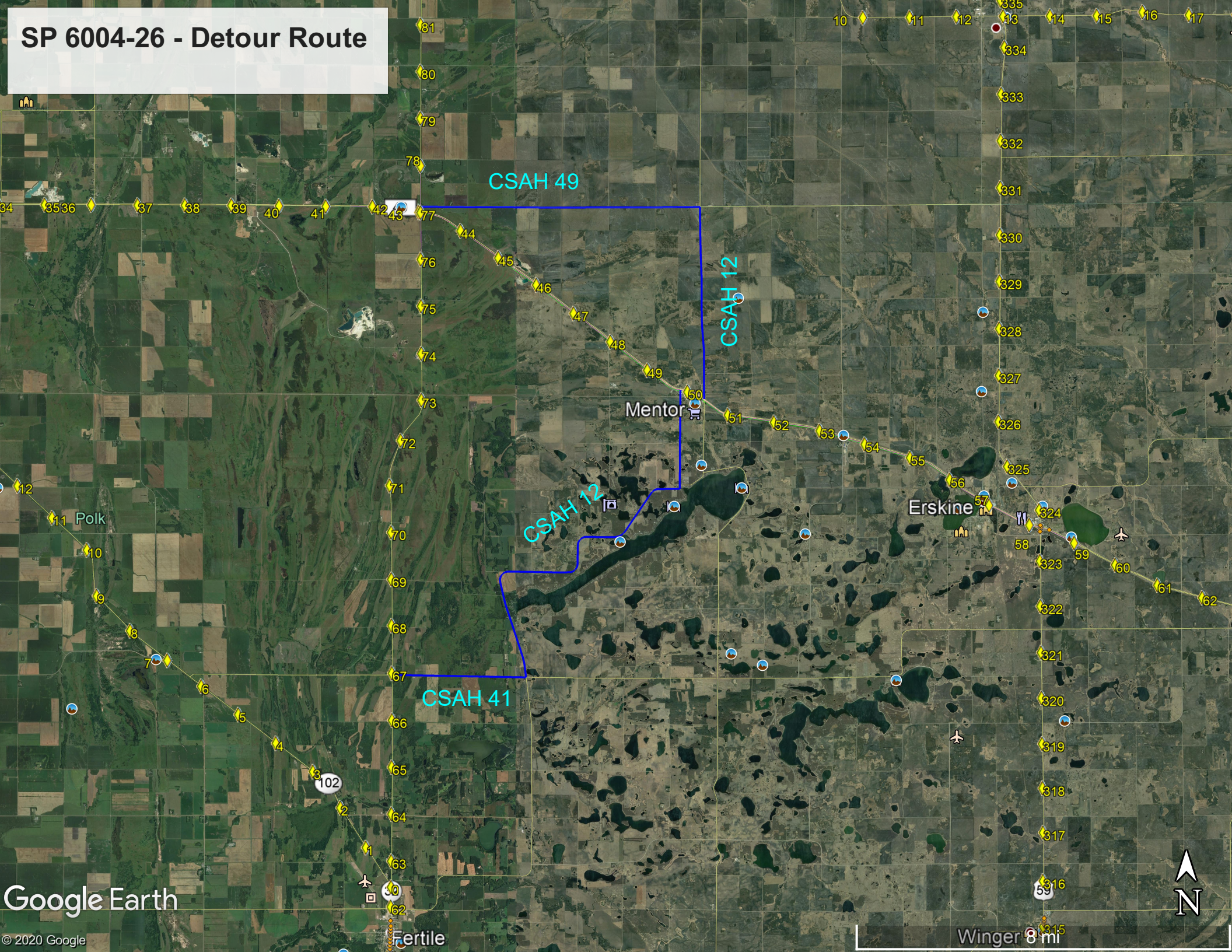
If you have any additional questions, please contact me at 218-328-4797.

Sincerely,

Laura Hadrava
Assistant District Traffic Engineer

cc: MnDOT-Cooperative Agreements, File

SP 6004-26 - Detour Route



MnDOT Contract No.: 1044641

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
POLK COUNTY
DETOUR AGREEMENT
For Trunk Highway No. 2 (at TH 32 intersection) Detour

State Project Number (S.P.): **6004-26**
Trunk Highway Number (T.H.): **2=008**

Original Amount Encumbered
$2971.92

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Polk County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform grading, concrete pavement, r-cut, lighting and ADA improvements and Bridge No. 91262 construction upon, along, and adjacent to Trunk Highway No. 2 from 0.84 Miles West of T.H. 32 to 1.04 Miles East of T.H. 59 under State Project No. 6004-26 (T.H. 2 = 008); and
2. The State requires a detour to carry T.H. 32 traffic on County State Aid Highway (C.S.A.H.) No. 49, C.S.A.H. No. 12 (north of T.H. 2), C.S.A.H. No. 12 (south of T.H. 2) and C.S.A.H. No. 41 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement; Incorporation of Exhibits

1.1. ***Effective Date.*** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.

1.2. ***Expiration Date.*** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. ***Detour.***

A. ***Location.*** The State will establish the T.H. 2 detour route on the following County roads as detailed in the project plans or Special Provisions:

On C.S.A.H. No. 49, C.S.A.H. No 12 (north of TH 2), C.S.A.H. No 12 (south of T.H. 2) and C.S.A.H. No 41 for a total distance of 22.2 miles.

B. ***Modification of the Detour Route.*** The State may modify the detour route or may add additional roadways to the official detour during construction. The State will request concurrence from the

County for changes to the detour route. If such change increases the States total payment amount over the maximum obligation in Article 3.2, the Agreement will be amended.

C. ***Axle Loads and Over-Dimension Loads.*** The County will permit 10-ton axle loads on the detour route. Over-dimension loads will not be permitted except in cases of extreme emergency.

D. ***Traffic Control Devices.*** The State may install, maintain, and remove any traffic control devices it considers necessary to properly control the detoured traffic. The State may paint roadway markings, such as the centerline, edge lines, and necessary messages.

E. ***Detour Maintenance.*** The State will perform any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the County roads used for the detour, at no cost or expense to the County. Bituminous patching is defined as any work, including continuous full width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and ordinary maintenance will be credited against the road life consumed reimbursement due the County.

F. ***Duration.*** The State will provide the County with advance notice identifying the dates the State intends to place and remove the detour signing.

2.2. ***Basis of State Cost (Road Life Consumed).*** The State will reimburse the County for the road life consumed by the detour using the following methods, as set forth in the Detour Management Study Final Report dated January 1991, and updated by MnDOT's Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government.

A. The "Gas Tax Method" formula, multiplies the Combined Tax Factor per mile times the Average Daily Traffic ("ADT") count of vehicles diverted from the Trunk Highway times the county road length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour. If an ADT changes, the parties will amend the Agreement.

B. The County may, at its option, perform an "Equivalent Overlay Method" analysis. A State-approved firm, at no cost or expense to the State, must perform the testing and analysis. The County will keep records and accounts to verify any claim it might bring against the State for additional costs using the "Equivalent Overlay Method".

3. Payment

3.1. ***For Road Life Consumed.*** **$2971.92** is the State's estimated cost for the road life consumed by the detour based on the data below:

Stage 1	Tax Factor	ADT	Road Length (Miles)	Duration (Days)	Cost
C.S.A.H. 49	0.00513	1150	6.0	28	$991.12
C.S.A.H. 12	0.00513	1150	4.1	28	$677.26
C.S.A.H. 12	0.00513	750	9.2	28	$991.12
C.S.A.H. 41	0.00513	750	2.9	28	$312.42
				Road Life Consumed Amount:	$2971.92

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

3.2. ***Maximum Obligation.*** **$7400.00** is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.

3.3. ***Conditions of Payment.*** The State will pay the County the State's total road life consumed payment amount after performing the following conditions.

A. Execution of this Agreement and the County's receipt of the executed Agreement.

B. State's encumbrance of the State's total payment amount.

C. State's removal of all detour signs.

D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.

E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the county roads used as a T.H. 2 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title:	Laura Hadrava, Senior Engineer (or successor)
Address:	3920 Hwy 2 West, Bemidji, MN 566001
Telephone:	218-328-4797
E-Mail:	laura.hadrava@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title:	Rich Sanders (or successor)
Address:	820 Old Highway 75 South, Crookston, MN 56716
Telephone:	218-470-8253
E-Mail:	rsanders@co.polk.mn.us

6. Assignment; Amendments; Waiver; Contract Complete

6.1. ***Assignment.*** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

6.2. ***Amendments.*** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

6.3. ***Waiver.*** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.

6.4. ***Contract Complete.*** This Agreement contains all prior negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

7. Liability

The County and State will be responsible for their own acts and omissions, to the extent authorized by law. Minnesota Statutes § 3.736 governs the State's liability. Minnesota Statutes, Chapter 466 governs the liability of the County.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

The County and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the County or the State.

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

11.1. ***By Mutual Agreement.*** This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. ***Termination for Insufficient Funding.*** The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. ***Suspension.*** In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: 3000550607

POLK COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

POLK COUNTY

RESOLUTION

IT IS RESOLVED that Polk County enter into MnDOT Agreement No. 1044641 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 49, County State Aid Highway No. 12, County State Aid Highway No. 12 and County State Aid Highway No. 41 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 2 from 0.84 Mi West of Trunk Highway 32 to 1.04 Miles East of Trunk Highway 59 under State Project No. 6004-26 (T.H. 2 = 008).

IT IS FURTHER RESOLVED that the _____
(Title)

and the _____
(Title)

are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Polk County] at an authorized meeting held on the _____ day of _____, 2020, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this
_____ day of _____, 2020

Notary Public _____

My Commission Expires _____

_____
(Signature)

_____
(Type or Print Name)

_____
(Title)

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

RESOLUTION (2020- 73)

MnDOT Agreement No. 1044641
With The State Of MN, Department Of Transportation

The following resolution (2020-73) was offered by Commissioner:

IT IS RESOLVED, That Polk County enter into MnDOT Agreement No. 1044641 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 49, County State Aid Highway No. 12, County State Aid Highway No. 12 and County State Aid Highway No. 41 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 2 from 0.84 Mi West of Trunk Highway 32 to 1.04 Miles East of Trunk Highway 59 under State Project No. 6004-26 (T.H. 2 = 008).

IT IS FURTHER RESOLVED, That the Polk County Administrator and the Polk County Chair are authorized to execute the Agreement and any amendments to the Agreement.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote: YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator, do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 25th day of August 2020 and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 25th day of August 2020.

_____
Charles S. Whiting
County Administrator
Clerk of the Board

Northwest District
3920 Hwy 2 West
Bemidji, MN 56461
Office Telephone: (218) 755-6572

August 14, 2020

To: Rich Sanders
Polk County Engineer

Subject: Proposed Detour Agreement No. 1044642 Polk County
S.P. 6008-17 (T.H. 59=030)
State cost compensation for road life consumed by T.H. 59 detour

Dear Mr. Sanders:

The purpose of this memo is to confirm our earlier conversation with your office concerning MnDOT District 2's upcoming T.H. 59 project. The project includes, among other things, bituminous milling, bituminous surfacing, culvert replacement, grading and ADA construction, which require a detour of T.H. 59. During the culvert and grading construction, MnDOT will require the use of C.S.A.H. No. 1 and No. 8 as a Temporary Trunk Highway Detour for approximately 21 days. The detour will begin on approximately 01 June 2021. This detour will be maintained at a 10-ton load limit. Over-weight and over-size vehicles will not be approved by the permit process to use this detour, except in case of emergency. It has been estimated that the State's cost for road life consumed by the T.H. 59 detour is $1,770.01 , computed by the "Gas Tax Method" formula.

Transmitted herewith are the proposed agreement and resolution. This agreement provides for payment by the State to the County for road life consumed on the aforementioned County Highways used as a Temporary Trunk Highway detour.

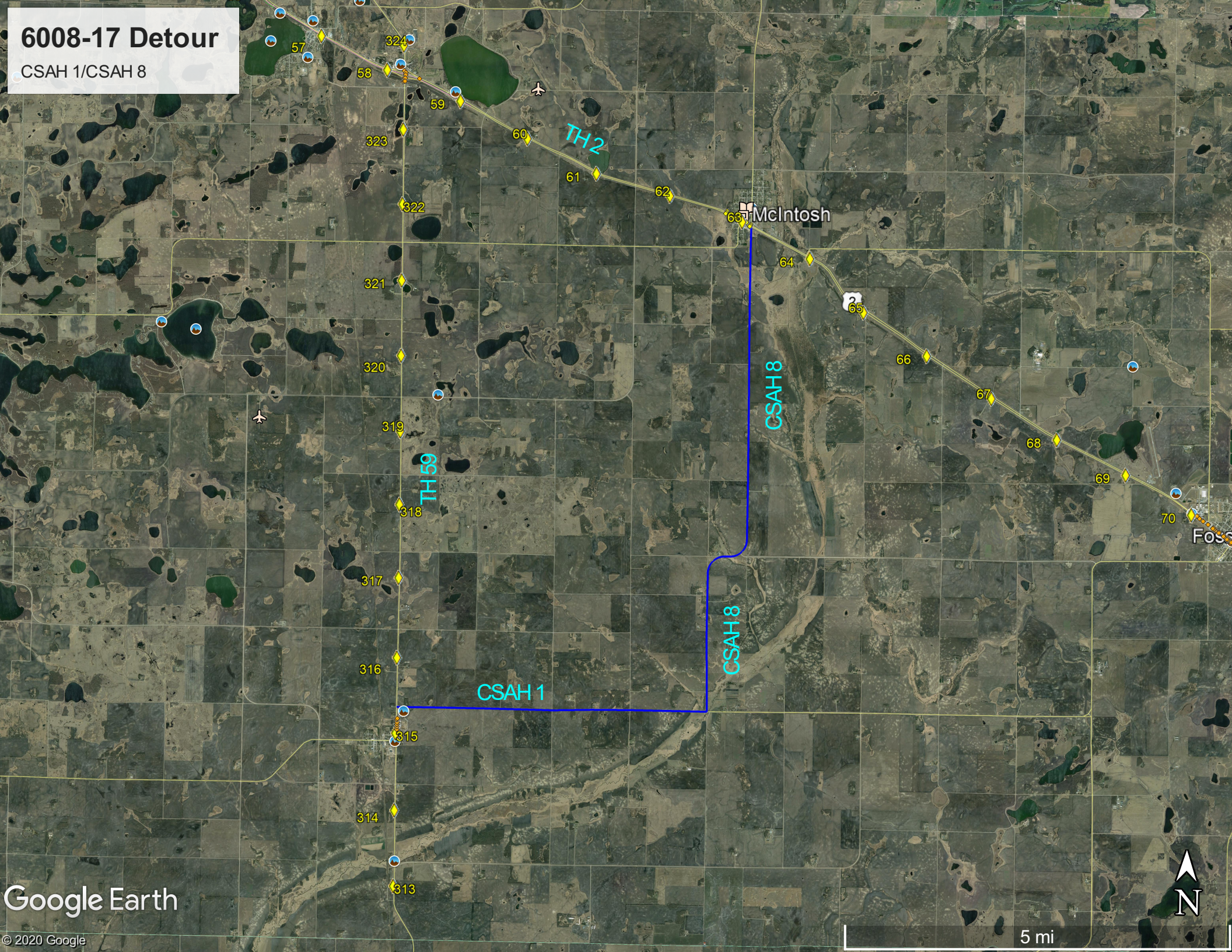
Please present this agreement to the Board of County Commissioners for their approval and execution. It is requested that the executed agreement and resolution including notarization be forwarded to this office at your earliest convenience. A copy will be returned to the County when fully executed.

If you have any additional questions, please contact me at 218-328-4797.

Sincerely,

Laura Hadrava
Assistant District Traffic Engineer

cc: MnDOT-Cooperative Agreements, File


6008-17 Detour
CSAH 1/CSAH 8
TH 2
TH 59
CSAH 8
CSAH 8
CSAH 1
McIntosh
Foss
57
58
59
60
61
62
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MnDOT Contract No.: 1044642

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
POLK COUNTY
DETOUR AGREEMENT
For Trunk Highway No. 59 Detour

State Project Number (S.P.): **6008-17**
Trunk Highway Number (T.H.): **59=030**

Original Amount Encumbered
$1770.01

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Polk County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform bituminous milling, bituminous surfacing, culvert replacement, grading and ADA construction upon, along, and adjacent to Trunk Highway No. 59 from 0.8 miles North of Sand Hill River to 477 Ft. South of T.H. 2 under State Project No. 6008-17 (T.H. 59 = 030); and
2. The State requires a detour to carry T.H. 59 traffic on County State Aid Highway (C.S.A.H.) No. 1, and C.S.A.H. No. 8 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement; Incorporation of Exhibits

1.1. ***Effective Date.*** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.

1.2. ***Expiration Date.*** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. ***Detour.***

A. ***Location.*** The State will establish the T.H. 59 detour route on the following County roads as detailed in the project plans or Special Provisions:

C.S.A.H. No. 1 and C.S.A.H. No. 8 for a total distance of 10.6 miles.

B. ***Modification of the Detour Route.*** The State may modify the detour route or may add additional roadways to the official detour during construction. The State will request concurrence from the County for changes to the detour route. If such change increases the States total payment amount over the maximum obligation in Article 3.2, the Agreement will be amended.

C. ***Axle Loads and Over-Dimension Loads.*** The County will permit 10-ton axle loads on the detour route. Over-dimension loads will not be permitted except in cases of extreme emergency.

D. ***Traffic Control Devices.*** The State may install, maintain, and remove any traffic control devices it considers necessary to properly control the detoured traffic. The State may paint roadway markings, such as the centerline, edge lines, and necessary messages.

E. ***Detour Maintenance.*** The State will perform any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the County roads used for the detour, at no cost or expense to the County. Bituminous patching is defined as any work, including continuous full width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and ordinary maintenance will be credited against the road life consumed reimbursement due the County.

F. ***Duration.*** The State will provide the County with advance notice identifying the dates the State intends to place and remove the detour signing.

2.2. ***Basis of State Cost (Road Life Consumed).*** The State will reimburse the County for the road life consumed by the detour using the following methods, as set forth in the Detour Management Study Final Report dated January 1991, and updated by MnDOT's Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government.

A. The "Gas Tax Method" formula, multiplies the Combined Tax Factor per mile times the Average Daily Traffic ("ADT") count of vehicles diverted from the Trunk Highway times the county road length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour. If an ADT changes, the parties will amend the Agreement.

B. The County may, at its option, perform an "Equivalent Overlay Method" analysis. A State-approved firm, at no cost or expense to the State, must perform the testing and analysis. The County will keep records and accounts to verify any claim it might bring against the State for additional costs using the "Equivalent Overlay Method".

3. Payment

3.1. ***For Road Life Consumed.*** **$1770.01** is the State's estimated cost for the road life consumed by the detour based on the data below:

Stage	Tax Factor	ADT	Road Length (Miles)	Duration (Days)	Cost
C.S.A.H. 1	0.00513	1550	4.02	21	$671.27
C.S.A.H. 8	0.00513	1550	6.58	21	$1098.74
				Road Life Consumed Amount:	$1770.01

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

3.2. ***Maximum Obligation.*** **$4400.00** is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.

3.3. ***Conditions of Payment.*** The State will pay the County the State's total road life consumed payment amount after performing the following conditions.

A. Execution of this Agreement and the County's receipt of the executed Agreement.

B. State's encumbrance of the State's total payment amount.

C. State's removal of all detour signs.

D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.

E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the county roads used as a T.H. 59 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title:	Laura Hadrava, Senior Engineer (or successor)
Address:	3920 Hwy 2 West, Bemidji, MN 566001
Telephone:	218-328-4797
E-Mail:	laura.hadrava@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title:	Rich Sanders (or successor)
Address:	820 Old Highway 75 South, Crookston, MN 56716
Telephone:	218-470-8253
E-Mail:	rsanders@co.polk.mn.us

6. Assignment; Amendments; Waiver; Contract Complete

6.1. ***Assignment.*** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

6.2. ***Amendments.*** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

6.3. ***Waiver.*** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.

6.4. ***Contract Complete.*** This Agreement contains all prior negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

7. Liability

The County and State will be responsible for their own acts and omissions, to the extent authorized by law. Minnesota Statutes § 3.736 governs the State's liability. Minnesota Statutes, Chapter 466 governs the liability of the County.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

The County and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the County or the State.

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

11.1. ***By Mutual Agreement.*** This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. ***Termination for Insufficient Funding.*** The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. ***Suspension.*** In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

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STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: 3000551321

POLK COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

POLK COUNTY

RESOLUTION

IT IS RESOLVED that Polk County enter into MnDOT Agreement No. 1044642 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 1 and County State Aid Highway No. 8 as detour routes during the construction to be performed upon, along, and adjacent to Trunk Highway No. 59 from 0.8 miles north of Sand Hill River to 477 Feet south of Trunk Highway 2 under State Project No. 6008-17 (T.H. 59 = 030).

IT IS FURTHER RESOLVED that the _____
(Title)

and the _____
(Title)

are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Polk County] at an authorized meeting held on the _____ day of _____, 2020, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this
_____ day of _____, 2020

Notary Public _____

My Commission Expires _____

_____
(Signature)

_____
(Type or Print Name)

_____
(Title)

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

RESOLUTION (2020- 74)

MnDOT Agreement No. 1044642
With The State Of MN, Department Of Transportation

The following resolution (2020-74) was offered by Commissioner:

IT IS RESOLVED, That Polk County enter into MnDOT Agreement No. 1044642 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 1 and County State Aid Highway No. 8 as detour routes during the construction to be performed upon, along, and adjacent to Trunk Highway No. 59 from 0.8 miles north of Sand Hill River to 477 Feet south of Trunk Highway 2 under State Project No.6008-17 (T.H. 59 = 030).

IT IS FURTHER RESOLVED, That the Polk County Administrator and the Polk County Chair are authorized to execute the Agreement and any amendments to the Agreement.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote: YEAS: NAYS:

STATE OF MINNESOTA)
) ss
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator, do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 25th day of August 2020 and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 25th day of August 2020.

_____
Charles S. Whiting
County Administrator
Clerk of the Board

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: Richard Sanders, County Engineer

MEETING DATE: 08-25-2020

AGENDA ITEM: Polk County Highway Funding Options

SUMMARY:

1. Local Option Sales Tax
2. Wheelage Tax

ACTION REQUESTED:

Motion by _____ Seconded by _____ to approve enacting a $20 Wheelage Tax for transportation purposes.

Motion by _____ Seconded by _____ to approve increasing the Polk County Local Option Sales Tax to 0.5% from 0.25%.

POLK COUNTY SOCIAL SERVICES

612 North Broadway, Room 302, Crookston, MN 56716-1452
Phone (218) 281-3127 * Fax (218) 281-3926
Toll Free (877) 281-3127
www.co.polk.mn.us

DATE: August 25, 2020

TO: Polk County Board of Commissioners

FROM: Karen Warmack, Director

AGENDA ITEM: Social Worker-Child Protection Specialist (CPS) Replacement Request

SUMMARY: Replacement of a Social Worker-Child Protection Specialist based in the Crookston Office working with the Child Protection Unit conducting assessments and ongoing child protection services.

ACTION REQUESTED: (MOTION)

Board approval to refill Social Worker-Child Protection Specialist, and any internal subsequent position vacancies occurring because of this action.

POLK COUNTY SOCIAL SERVICES

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Phone (218) 281-3127 * Fax (218) 281-3926
Toll Free (877) 281-3127
www.co.polk.mn.us

DATE: August 25, 2020

TO: Polk County Board of Commissioners

FROM: Karen Warmack, Director

AGENDA ITEM: Accounting Edition of Caseworks

SUMMARY: Purchase the accounting edition of casework to provide electronic document management system throughout all departments. This will improve the agencies scanning/capture, storage, approval and retrieval requirements for fiscal essential job responsibilities.

ACTION REQUESTED: (MOTION)

Board approval to purchase accounting edition of caseworks and ongoing support from Next Chapter Technology for 2020 in the amount of $65,363, after federal participation $43,793.

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452

TO: POLK COUNTY BOARD OF COMMISSIONERS

FROM: CHUCK WHITING, POLK COUNTY ADMINISTRATOR

MEETING DATE: August 25, 2020

AGENDA ITEM: Resolution 2020-75 Regarding CARES Funds

SUMMARY: This resolution is meant to declared the County's purpose for using the nearly $4m in CARES funds it received. As reviewed with the Board last week, the intent is to get funds into community organizations that work with the County, its populations of need and our small business community.

1. The resolution is self-explanatory on how the funds would be distributed. I still have work to do with staff on how best to work with the groups listed and assure the funds are spent on COVID-19 eligible expenses. I see getting to that after the resolution is adopted, but essentially it will be like having a grant agreement laying out what the funds can be used for and how to document properly for the County, which is subject to audit.

2. There will be other groups not on this list that may come forward seeking County CARES funds. This is problematic since the County will not be in a position time wise to delay too long in getting these funds out. In addition, to those receiving the funds, they must be used by November or returned (or kept) by the County. The County has until the end of December to use the funds, or return what is unused to the state.

3. On this last point, Commissioners will note that $2m is retained by the County for recovering County operations costs. These will certainly exceed $2m, so if the other funds are not all distributed to the groups listed there will be some flexibility either to use with other groups or simply recoup County costs in operations.

ACTION REQUESTED: Motion and action adopting Resolution 2020-75.

RESOLUTION OF THE POLK COUNTY
BOARD OF COMMISSIONERS

RESOLUTION (2020-75)

Resolution Of The Polk County Board of Commissioners Dedicating CARES Funds For Polk County Community Outreach Resources And Service Providers To Respond To The COVID-19 Public Health Crisis

The following resolution (2020 -75) was offered by Commissioner:

WHEREAS, In March 2020, Governor Tim Walz issued a series of Emergency Executive Orders in response to the COVID-19 pandemic which closed public and private schools, closed bars, restaurants, and other places of accommodation and generally required Minnesotans to stay at home; and

WHEREAS, Emergency Executive Order 20-15 recognizes that the State's response to the COVID-19 pandemic will result, either directly or indirectly, in the closure of many of Minnesota's small businesses, increased public health demands and related assistance needs in our communities; and

WHEREAS, In an effort to mitigate the economic and public health distress caused by the COVID-19 pandemic, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide funding to States and local governments to cover costs associated with the COVID-19 pandemic; and

WHEREAS, Guidance issued by the federal government provides that CARES Act funding is intended to cover a variety of costs incurred by State and local governments in responding to and mitigating the effects of the COVID-19 public health crisis, including expenses to enable compliance with public health measures such as facilitating distance learning and improving telework capabilities; and

WHEREAS, Polk County finds that in addition to impacting the health and safety of residents, the unprecedented economic environment created by the COVID-19 pandemic has resulted in numerous business and social support service shutdowns, income loss, and unemployment in the County; and

WHEREAS, Although the State of Minnesota is currently allowing businesses to reopen under certain limited conditions, Polk County recognizes that additional community support is needed to allow residents to begin to return to work and school under public health guidance and protocols; and

WHEREAS, Polk County further recognizes that there are many obstacles residents face in obtaining necessary housing, food, child-care, telework and distance learning capabilities and general access to health services during the COVID-19 public health crisis; and

WHEREAS, The County further recognizes the need to provide support and resources to all County populations negatively impacted by the COVID-19 public health crisis; and

WHEREAS, The County desires to collaborate with community support organizations to help meet the needs of all Polk County residents during the COVID-19 public health crisis; and

WHEREAS, Polk County seeks to use CARES funds following guidance from the United States Treasury entitled "Coronavirus Relief Fund Frequently Asked Questions" and its periodic updates to apply CARES funds to eligible COVID-19 expenses and attached to as Exhibit A.

NOW THEREFORE BE IT RESOLVED, By the Polk County Board of Commissioners as follows:

1. Utilizing its Public Health partnership, Polk County shall utilize its allocation of CARES funding to provide necessary community support and resources, either directly or through grants and/or loans to non-profit organizations based in Polk County, to meet the needs of residents in obtaining or maintaining safe housing, food, elderly and vulnerable populations, education, and access to health and mental health services. A minimum $775,000 of federal funding from the Coronavirus Relief Fund shall be made available for this initiative utilizing the following Polk County Public Health partnerships and administered by the Polk County Public Health Department:

Public Health Partnerships	Earmarked
School Districts and private schools	$250,000
Northwest Mental Health	$75,000
New American Integration Center	$10,000
North Country Food Bank	$100,000
Tri Valley	$100,000
Inter-County	$70,000
Migrant Health Services	$10,000
Care N Share	$10,000
Long-term care facilities in County (12)	$120,000
University of Minnesota-Crookston	$15,000
Northland Community Tech	$15,000

2. Utilizing its Polk County Partnerships with supporting quasi-governmental service providers and Social Services support relationships, Polk County shall utilize its allocation of CARES funding to provide support for recovering operational losses and expenses due to COVID-19 for these organizations and the populations they serve. A minimum of $450,000 of federal funding from the Coronavirus Relief Fund shall be made available for this initiative for the following Polk County partnerships administered by Polk County Administration:

Polk County Partnerships	Earmarked
Tri-County Community Corrections	$100,000
East Polk Soil Water Conservation District	$10,000
West Polk Soil Water Conservation District	$10,000
Polk County HRA	$140,000
Polk County DAC	$100,000
Fosston DAC	$25,000
ODC	$25,000
PC Social Services Elderly home care (2) vendors	$40,000

3. Utilizing Polk County relationships with its cities and townships, Polk County shall utilize its allocation of CARES funding to provide emergency grant funding to sustain operations for small businesses and to help eligible local businesses with costs associated with reopening under public health guidance and protocols. Eligible businesses are those that are locally owned and operated, have an establishment within Polk County and have at least two and no more than 50 employees. A minimum of $775,000 of federal funding from the Coronavirus Relief Fund shall be made available to Polk County city partnerships administered by Polk County Administration for them to work through their economic development organization as follows:

Small Business Relief	Earmarked
City of Crookston	$250,000
City of East Grand Forks	$250,000
City of Fosston	$150,000
Rest of County's cities and townships	$125,000

4. Polk County shall utilized its allocation of CARES funding to recover COVID-19 related costs of operations changes due to the virus, including acquisition of personnel protective equipment, enhanced sanitary and cleaning supplies acquisition, social distancing modifications to workplace and building environments, telecommuting costs and personnel costs resulting from time incurred for adjusting to, working on and servicing COVID-19 related initiatives, programs and work place adjustments. A minimum of $2,000,000 of federal funding the Coronavirus Relief Fund shall be utilized by Polk County to recover these costs and expenses.

County Administration is authorized to proceed and implement the distribution, accounting of and approvals required for the COVID-19 related community support pursuant to this Resolution and relevant guidelines to be approved by the Board of Commissioners.

Commissioner seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: NAYS:

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

I, Charles S. Whiting, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 25th day of August 2020 and that the same is true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 25th day of August 2020.

_____
Charles S. Whiting
Polk County Administrator
Clerk of the Board

Coronavirus Relief Fund
Frequently Asked Questions
Updated as of August 10, 2020[1]

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance").[2] Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

A. Eligible Expenditures

1. ***Are governments required to submit proposed expenditures to Treasury for approval?***

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. ***The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?***

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. ***The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?***

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

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[1] On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

[2] The Guidance is available at https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. ***May a State receiving a payment transfer funds to a local government?***

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. ***May a unit of local government receiving a Fund payment transfer funds to another unit of government?***

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. ***Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?***

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

7. ***Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?***

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. ***Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?***

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. ***Are States permitted to use Fund payments to support state unemployment insurance funds generally?***

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. ***Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?***

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. ***The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?***

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. ***In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?***

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. ***If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?***

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. ***May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. ***May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. ***Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contact tracing are eligible.

17. ***To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. ***May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. ***May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. ***Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. ***May recipients create a "payroll support program" for public employees?***

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. ***May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?***

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. ***May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?***

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. ***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?***

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. ***The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?***

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. ***May Fund payments be used to assist impacted property owners with the payment of their property taxes?***

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. ***May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?***

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. ***Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?***

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. ***The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of "hazard pay"?***

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. ***The Guidance provides that ineligible expenditures include "[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency." Is this intended to relate only to public employees?***

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers' employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. ***May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?***

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. ***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?***

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. ***Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?***

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum $1.25 billion allocation and had one county with a population over 500,000 that received $250 million directly. The State should distribute 45 percent of the $1 billion it received, or $450 million, to local governments within the State with a population of 500,000 or less.

34. ***May a State impose restrictions on transfers of funds to local governments?***

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. ***If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?***

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. ***May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?***

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. ***Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?***

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. ***May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?***

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. ***May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?***

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. ***May recipients use Fund payments to provide loans?***

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. ***May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?***

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. ***May funds be used to satisfy non-federal matching requirements under the Stafford Act?***

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. ***Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?***

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. ***May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?***

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. ***May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?***

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. ***May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?***

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. ***The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?***

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. ***May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?***

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. ***Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including "lost wages assistance" authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?***

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. ***At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?***

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the "covered period"), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. ***If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?***

Please see the answer provided by the Internal Revenue Service (IRS) available at https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions.

52. ***If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?***

Please see the answer provided by the IRS available at https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions.

B. Questions Related to Administration of Fund Payments

1. ***Do governments have to return unspent funds to Treasury?***

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. ***What records must be kept by governments receiving payment?***

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. ***May recipients deposit Fund payments into interest bearing accounts?***

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. ***May governments retain assets purchased with payments from the Fund?***

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. ***What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?***

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. ***Are Fund payments to State, territorial, local, and tribal governments considered grants?***

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. ***Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?***

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. ***Are Fund payments subject to other requirements of the Uniform Guidance?***

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. ***Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?***

Yes. The CFDA number assigned to the Fund is 21.019.

10. ***If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?***

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend $750,000 or more in federal awards during their fiscal year.

11. ***Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?***

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. ***If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?***

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.