RULES

Of the Oklahoma Cooperative Circuit Engineering Districts Board Concerning the Implementation of the Emergency and Transportation Revolving Fund Program

Approved 10/27/10

I. *Authority*

The Emergency and Transportation Revolving Fund Program (ETR) was created by HB 2381 (creating Title 69 § 687.3), passed by the Second Session of the 51st State Legislature in May 2008. The legislation directed that rules and policies be adopted by the Oklahoma Cooperative Circuit Engineering Districts Board (OCCEDB) concerning the use of the ETR. The fund consists of a one time transfer of 25 million dollars originating from the Oklahoma Department of Transportation's State Highway Construction and Maintenance Fund.

II. *Purpose*

The purpose of the ETR is to provide to Oklahoma County government financial flexibility for funding transportation projects by allowing Counties to begin construction on projects for which money has been committed but not received. Thus, allowing projects to be completed sooner and at no additional cost to the County or the State.

III. *Distribution of Funds*

The 25 million dollars appropriated to the OCCEDB shall be divided among the eight Circuit Engineering Districts and will be segregated into separate subaccounts as follows:

	District Funding Limit	Number of Counties
CED 1	$ 3,571,428	11
CED 2	$ 2,597,403	8
CED 3	$ 3,246,753	10
CED 4	$ 2,597,403	8
CED 5	$ 2,272,727	7
CED 6	$ 2,597,403	8
CED 7	$ 3,571,428	11
CED 8	$ 4,545,455	14
Total	$25,000,000	77

IV. ***Qualifications for ETR Funding***

A. Any County in "good standing" may apply to the ETR for transportation project funding to the extent that funds are be available in its respective Circuit Engineering District (CED).
B. To be in "good standing", a County must:
   1. Construct all projects with approved materials, standards or methods. Appropriate standards are the County Roads Design Guidelines, County Bridge Standards or other CED approved standards or methods.
   2. Complete all projects and reimburse any and all ETR funds within one year of construction start date, unless an extension has been granted by the OCCEDB.
   3. Notify the respective CED and the OCCEDB of the construction start and completion date of each project and provide all supporting documentation as required by OCCEDB.
   4. Provide its CED and the OCCEDB before and after digital pictures of the project.
   5. Set up a special account under the T2 account to keep these ETR funds from co-mingling with other funds.
C. County Commissioners may only approve this contract agreement if they are proven to succeed themselves in office. During an election year Title 19 § 333(B) prohibits a county commissioner that is not seeking reelection or is defeated in any primary or general election or by any other manner, from approving new contracts. The affective period is usually between June thru December of each election year (Title 26 § 5-110).

V. ***Projects Eligible for Funding***

A. Any type of transportation project that is on the County Highway System (Title 69 § 601).
B. All project types under the "County Built" program pursuant to Title 69 § 662 utilizing County Bridge and Road Improvement (CBRI) funds.
C. Projects reimbursed by the Federal Emergency Management Administration (FEMA), Bridge Replacement (BR), Surface Transportation Program (STP), tribal funds, County Improvements for Roads and Bridges (Title 69 § 507).
D. A combination of any of the funding sources stated above.

VI. ***Criteria and Priority for ETR Projects***

A. Priority.
   1. Restoring routes for emergency services such as fire and ambulance.
   2. Restoring routes for school buses and mail carriers.
   3. Restoring other routes.
   4. Prohibit loss of potential matching funds such as tribal, FEMA, ER, REAP, Lake Access, Industrial Access, etc..
   5. Bridge projects based upon lowest existing load rating on Collector routes first then all other routes.
   6. Repairs/replacement to roads or bridges that are needed to maintain the viability and safety of the infrastructure.

B. Criteria**.** In order to receive a distribution from the ETR a project shall:
   1. Meet all appropriate standards and guidelines;
   2. Have State and/or Federal money committed to the project;
   3. The County must have a satisfactory reimbursement history;
   4. Be a priority project as set forth in paragraph A. of this section;
   5. Meet all eligibility requirements set forth in Section V;
   6. The requesting County must comply with the Application Process in Section VII and, after approval, execute all necessary contracts or agreements with the OCCEDB;
   7. Satisfy and/or meet all federal, state, or local laws, regulations, and guidelines; and be the best use of ETR funds as determined by the OCCEDB.

Based on applications submitted to the OCCEDB pursuant to the Section VII, at each meeting to approve the funding of projects, the highest priority projects in a CED will receive funding first. If two or more counties in the same CED have a priority project on the same level, all the priority projects will be funded if there are sufficient funds. If there are insufficient funds, the projects will be funded on a pro rata basis.

VII. ***Application Process***

A. Any Board of County Commissioners may make application to their CED for approval of the use of ETR funds for a transportation project.
B. Along with the application the County shall submit to the CED and OCCEDB all documentation regarding the project including, but not limited to, a description, location, agreements, applications, resolutions, before and after construction pictures and other project information.
C. Each CED shall review the County applications and approve those that meet the approved OCCEDB criteria and are within their funding limit. The CED shall then submit to the OCCEDB a list of CED approved prioritized projects and provide the supporting documentation for each.
D. The OCCEDB shall review and have the final approval of all CED approved projects.
E. The Board of County Commissioners shall enter into a contract with the OCCEDB.
F. A CED may request additional funding from another CED. If the other CED has funding available and agrees to the request, the CEDs shall enter into an agreement, which shall describe the project, any additional funding limitations, repayment terms and any other conditions that might apply. Such agreement shall be executed by the President or other executive Board member of each CED by signing the agreement.
G. The OCCEDB shall submit a claim and a certificate from the OCCEDB stating that all the projects listed meet the requirements of state law and the rules adopted by the OCCEDB to the Office of State Finance for payment.
H. The Office of State Finance shall authorize payments to the counties from the monies held in the State Treasury in the ETR fund upon receipt of a completed claim form.
I. Upon completion of a project the CED shall verify that the project was constructed and completed according to an approved standard or method and notify the OCCEDB.
J. The CED shall provide all final documentation as requested by OCCEDB.
K. The County shall issue or cause to be issued repayment to the “State of Oklahoma ETR Fund” and send the warrant to the Office of State Finance.

L. The Office of State Finance shall send monthly reports of warrants issued and repayments received for ETR fund to the OCCEDB.

VIII. ***Reimbursement of funds***

A. The Emergency and Transportation Revolving fund may be reimbursed by any funding source or combination of funding sources approved by the Board of County Commissioners.
B. Payments may be made by the County over time or in a lump sum as long as balance is paid in full by due date or, if an extension is granted, by the extended due date.
C. No interest shall be charged for the County's use of ETR funds.
D. If a County chooses to reimburse the ETR fund by using County Bridge and Road Improvement (CBRI) funds, the project must comply to SB 2173.
F. The Contract Agreement shall automatically terminate and all funds reimbursed by the county to the Emergency and Transportation Revolving Fund, unless renewed in accordance with terms set forth below, at the end of the current fiscal year.
G. A County may renew the Contract Agreement for additional terms not to exceed one fiscal year each, upon the same terms and conditions. The exercise of any such option shall be accomplished the County signing and returning the Contract Agreement Renewal Resolution, furnished by OCCEDB, before the beginning of each Fiscal Year, to the CED board for its approval. The resolution shall then be forwarded to OCCEDB for its approval.
H. If the County does not fulfill its obligations to comply with the repayment deadlines and/or amounts of any ETR funds borrowed, the OCCEDB will not consider future ETR funding requests from said County.

IX. ***OCCEDB Responsibilities***

The OCCEDB shall:

1. Manage the ETR fund and all its' subaccounts
2. Incur all costs of managing and auditing the ETR fund.
3. Coordinate and communicate with ODOT, CED's, State Auditors' office, State Treasurer's Office and the Office of State Finance.
4. Provide all auditing documentation to the State Auditors' Office.
5. Provide documentation for the Legislature.