2013-391

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

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RESOLUTION APPROVING, ACCEPTING, AND AUTHORIZING THE CHAIRMAN TO SIGN THE "FINAL GRANT ADJUSTMENT NOTICE" FOR THE 2012 EMERGENCY MANAGEMENT PERFORMANCE GRANT

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, an Emergency Management Performance Grant (EMPG) has been made available through the Nebraska Emergency Management Agency (NEMA) to Sarpy County Emergency Management Agency; and,

WHEREAS, Sarpy County desires to approve and accept the Final Grant Adjustment Notice (GAN) for the 2012 EMPG in order to finalize the 2012 EMPG expenditure of funds.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT this Board hereby approves and accepts the GAN, a copy of which is attached hereto, and any other related documents, the same being approved and adopted by the Board.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk are hereby authorized to execute on behalf of this Board, the GAN.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 5th day of November, 2013.

Sarpy County Board Chairman

Attest:

SEAL

DEBRA J. HOUGHTALING, COUNTY CLERK
SEAL
SARPY COUNTY, NEBRASKA

County Clerk

SARPY COUNTY
EMERGENCY MANAGEMENT
1210 GOLDEN GATE DRIVE
PAPILLION, NE 68046
Phone: 402-593-5785

To: Sarpy County Board

From: Lynn Marshall, Director

RE: 2012 Emergency Management Performance Grant (EMPG)

On November 5, 2013, the County Board will be asked to approve a resolution authorizing the approval to accept the Final 2012 Grant Adjustment Notice (GAN) for the Emergency Management Performance Grant (EMPG). The EMPG grant funds are Federal Emergency Management Agency (FEMA) funds administrated to the Nebraska Emergency Management Agency (NEMA) through the federal application process. The EMPG funding awarded to NEMA is then offered, by application, to all eligible counties that have Emergency Management programs that meet the required criteria based on state and federal performance measures and guidelines. The 2012 EMPG funds have been utilized to maintain/sustain the Sarpy County Emergency Management Program for compliance and to adhere to those performance standards set forth by FEMA and NEMA.

The Final GAN supersedes all awards for the 2012 EMPG and will close out the expenditure process for those funds. The attached documents support the request for Board approval by resolution for the 2012 EMPG Final GAN in the amount of $200,606.83 awarded to Sarpy County, Sarpy County Emergency Management. Upon Board approval, all signed documents will be returned to NEMA for final signature.

I am available to answer any questions you may have prior to the November 5, 2013, County Board meeting so please don't hesitate to contact me at 402-593-5785.

Respectfully,

Lynn Marshall

Lynn Marshall, Director, Sarpy County Emergency Management

November 1, 2013

Cc: Mark Wayne

Scott Bovick

Deb Houghtaling

Brian Hanson

Bonnie Moore

NEBRASKA EMERGENCY MANAGEMENT AGENCY	FINAL Grant Adjustment Notice FOR Sarpy County
1. SUB-RECIPIENT NAME AND ADDRESS: 1210 Golden Gate Dr Papillion, NE 68046	**4. SUB-AWARD NUMBER:** 2012 EMPG – 8750 **5. PERFORMANCE/BUDGET PERIOD FOR GRANTS:** FROM Jul 1, 2012 – Jun 30, 2013
2. FEDERAL GRANT TITLE: 2012 Emergency Management Performance Grant	**6. DATE OF FEDERAL AWARD TO NEMA:** October 1, 2011
3A. FEDERAL GRANT AWARD NUMBER: 2012-EP-00002	**7. AMOUNT OF 2012 EMPG SUBAWARD:** Previous Award: **$240,352.00** This Award: **$200,606.83** De-Obligated Amount: **$39,745.17**
3B. FEDERAL GRANTING AGENCY: OFFICE OF GRANTS AND TRAINING (G&T) DEPARTMENT OF HOMELAND SECURITY (DHS)	**8. SUBAWARD DATE:** October 15, 2013 **9. ACTION:** GRANT ADJUSTMENT (2) **This supersedes all awards.**

10. SPECIAL CONDITIONS:
This Sub award is subject to the ODP FY 2005 Homeland Security Grant Program Guidelines and Application Kit. The Guidelines and Kit can be accessed at http://www.ojp.gov/fundopps.htm. The ODP periodically publishes Information Bulletins to release, update, amend or clarify grants and programs which it administers. ODP's Information Bulletins can be accessed at http://www.ojp.usdoj.gov/odp/docs/bulletins.htm and are incorporated by reference into this Sub award. This Sub award is also subject to the current Nebraska Homeland Security Grant Program (HSGP) Grant Instructions, the Federal Grant Award and to the grant guidance imposed upon NEMA by DHS. The Nebraska Grant Instructions are intended to complement rather than replace the Federal Program Guidelines published by the ODP and are incorporated by reference into this Sub-award together with the attached Special Conditions.

11. STATUTORY AUTHORITY FOR GRANT
This project is supported under Public Law 108-334, the Department of Homeland Security Appropriations Act of 2005.

12. A-133 REPORTING REQUIREMENT:
All sub-recipients must submit an audit report to the Federal Audit Clearinghouse if they expended more than $500,000 in federal funds in one fiscal year. The Federal Audit Clearinghouse submission requirements can be found at http://harvester.census.gov/sac/. A report must be submitted to NEMA - SAA each year this grant is active. Sub-recipient shall comply with the audit requirements set forth in OMB Circular A-133 and as further described in the current edition of the OJP Financial Guide.

13. METHOD OF PAYMENT:
Primary method is reimbursement. See the 2012 Nebraska Homeland Security Grant Program Guidelines for further instructions on obtaining reimbursement. (2005 Guide will be sent under separate letter)

14. DEBARMENT / SUSPENSION CERTIFICATION:
By signing in block 19 below, the sub-recipient official certifies that any contractors utilized are not listed on the excluded parties listed system at http://www.epls.gov.

15. NON-SUPPLANTING CERTIFICATION:
By signing in block 19 below, the sub-recipient official certifies federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Sub-recipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

AGENCY APPROVAL	SUB-RECIPIENT ACCEPTANCE	
16. APPROVING NEMA OFFICIAL Al Berndt, Ass't. Director	**17. TYPED NAME AND TITLE OF AUTHORIZED SUB-RECIPIENT OFFICIAL** Jim Warren, County Board Chair	
18. SIGNATURE OF APPROVING NEMA OFFICIAL	**19. SIGNATURE OF AUTHORIZED SUB-RECIPIENT OFFICIAL**	**20. DATE** 11/5/13

NEBRASKA EMERGENCY MANAGEMENT AGENCY (NEMA) HOMELAND SECURITY GRANT PROGRAM (HSGP)	Notice of Grant Adjustment Notice For Sarpy County

AWARD NUMBER: 2012 HSGP – 8750

SPECIAL CONDITIONS

1) **Purpose** : Sub-grant funds will be used to provide law enforcement and emergency response communities with enhanced capabilities for preparing and responding to the potential threats of manmade and natural disasters.

2) **Overview** : Funds provided shall be used to provide law enforcement and emergency response communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism as described in the Federal Program Guidelines, specifically: planning, equipment, training and exercise needs . All costs under these categories must be eligible under OMB Circular No. A-87 Attachment A, located at http://www.whitehouse.gov/omb/circulars/index.html.

3) The ***Notice of Sub-recipient Award*** is only an offer until the sub-recipient returns the signed copy of the Notification of Sub-recipient Award in accordance with the date provided in the transmittal letter.

4) Sub-recipient agrees to comply with the applicable financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide located at http://www.ojp.usdoj.gov/oc/ and OMB Circular A-87.

5) Sub-recipient agrees to use the Nebraska Grant Management System for all financial transactions and tracking for all grants from NEMA, https://www.nebraskagms.com.

6) Sub-recipient agrees to make no request for reimbursement prior to return of this agreement and signed by the authorized sub-recipient representative.

7) Sub-recipient agrees to make no request for reimbursement for goods or services procured by sub-recipient prior to the performance period start date of this agreement.

8) Prior to disbursement of any FY2005 grant funds, subgrantee will have:
   a. FY2004 5-year Training and Exercise Calendar submitted to NEMA
   b. FY2005 5-year Training and Exercise Calendar submitted to NEMA
   c. Current County Local Emergency Operations Plan (L.E.O.P)

9) Sub-recipient agrees to comply with the U.S. Department of Homeland Security Fiscal Year 2005 Homeland Security Grant Program Guidelines and Application Kit and the Notice of Award from ODP to NEMA.

10) Sub-recipient agrees to monitor the activities of program participants as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that the performance goals are achieved.

11) Notwithstanding any other agreement provisions, the parties hereto understand and agree that NEMA's obligations under this agreement are contingent upon the receipt of adequate funds to meet NEMA's liabilities hereunder. NEMA shall not be liable to the Sub-recipient for costs under this Agreement which exceed the amount specified in the Notice of Sub-recipient Award.

12) Projects identified in the Negraska GMS website (www.nebraskagms.com) must identify and relate to the goals and objectives indicated by the applicable Nebraska Homeland Security Strategic Plan for the grant period of performance.

13) Sub-recipient agrees to comply with all reporting requirements and shall provide such information as required to NEMA for reporting as noted in the 2005 Federal Grant Guidelines. All sub-recipients are required to complete and submit the Biannual Strategy Implementation Report (BSIR) each July 15 and January 15 until the end of the grant. A final BSIR is due at the time the grant is closed. The BSIR is accessed through the on-line Grant Reporting Tool at www.reporting.odp.dhs.gov.

14) Sub-recipient must prepare and submit quarterly performance reports to NEMA for the duration of the grant performance period or until all grant activities are completed and the grant is formally closed. Sub-recipient may also be required to submit additional information and data requested by NEMA.

15) NEMA may perform periodic reviews of sub-recipient performance of eligible activities and approved projects. These reviews may include, without limitation: performance of on-site audit and compliance monitoring - including inspection of all grant-related records and items, comparing actual sub-recipient activities to those approved in the sub-award application and subsequent modifications if any, ensuring that advances have been disbursed in accordance with applicable guidelines, confirming compliance with grant assurances, information provided on performance reports and payment requests, needs and threat assessments and strategies.

16) NEMA may suspend or terminate sub-award funding, in whole or in part, or other measures may be imposed for any of the following reasons: failing to comply with the requirements or statutory objectives of federal law, failing to make satisfactory progress toward the goals or objectives set forth in the sub-award application, failing to follow grant agreement requirements or special conditions, failing to submit required reports, filing a false certification in the application or other report or document.

17) NEMA will close a sub-award after receiving sub-recipient's final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards modifications and payments. If the close out review and reconciliation indicates that the sub-recipient is owed additional funds, NEMA will send the final payment automatically to the sub-recipient. If the sub-recipient did not use all the funds received, NEMA will issue a new GAN to de-obligate the unused funds..

18) Sub-recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of ODP.

19) The sub-recipient agrees that all allocations and use of funds under this grant will be in accordance with the Fiscal Year 2005 Homeland Security Grant Program Guidelines and Application Kit and must support the goals and objectives included in the State Homeland Security Strategy and the Urban Area Homeland Security Strategies.

20) When implementing the Office of State and Local Government Coordination and Preparedness (SLGCP) funded activities, the sub-recipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The sub-recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting SLGCP funded activities.

21) The sub-recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: 'This Document was prepared under a grant from the SLGCP, United States Department of Homeland Security. Point of view or opinions expressed in the document are those of the authors and do not necessarily represent the official position or policies of SLGCP or the U.S. Department of Homeland Security.'

22) The sub-recipient agrees that any equipment purchased with grant funding shall be prominently marked as follows: 'Purchased with funds provided by the U.S. Department of Homeland Security.' Exceptions to this requirement are limited to items where placing of the marking is not possible due to the nature of the equipment.

23) Title to equipment costing $5,000 or more and acquired by the subgrantee with funds provided under this award shall vest in the subgrantee. When the equipment is no longer needed by the subgrantee and the per unit fair market value is less then $5,000, the subgrantee may retain, sell, or dispose of the equipment with no further obligation to NEMA. If, on the other hand, the per unit fair maket value is $5,000 or more, then the subgrantee must submit a written request to NEMA, for disposition instructions.

24) The sub-recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

25) Approval of this award does not indicate approval of any consultant rate in excess of $450 per day. A detailed justification must be submitted to and approved by NEMA prior to obligation or expenditure of such funds.

26) Sub-recipient acknowledges that SLGCP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The Recipient agrees to consult with SLGCP regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

27) Sub-recipient shall provide the assurances required by ODP. Failure to comply may result in the withholding of funds, termination of the award or other sanctions.

28) Sub-recipients must implement the National Incident Management System (NIMS) at the local level. The requirement to train personnel on the IS-700 course, National Incident Management System (NIMS), An Introduction, has been extended into FY 06. Grant recipients should still complete the following other four aspects of this task no later than October 1, 2005: *(1) Formally recognize the NIMS and adopt the NIMS principles and policies, (2) Establish a NIMS baseline by determining which NIMS requirements are met, (3) Establish a timeframe and (4) Develop a strategy for full NIMS implementation and institutionalize the use of the Incident Command System (ICS).*

29) Sub-recipients must maintain an updated inventory of equipment purchased through this grant program.

30) Notice. All notices or communication required or permitted to be given by either party hereunder shall be deemed sufficiently given if mailed by registered mail or certified mail, return receipt requested, or sent by overnight courier, such as Federal Express, to the other party at its respective address set forth below or to such other address as one party shall give notice of to the other from time to time hereunder. Mailed notices shall be deemed to be received on the third business day following the date of mailing. Notices sent by overnight courier shall be deemed received the following business day.

Jurisdiction information