

RESOLUTION NO. 2015-53

RESOLUTION BY THE FINANCE AND HUMAN RESOURCES COMMITTEE AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FFY 2016 EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA) GRANT IN THE AMOUNT OF \$36,933.00 AND EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) IN THE AMOUNT OF \$100,731.00 FROM THE STATE OF WISCONSIN DIVISION OF EMERGENCY MANAGEMENT

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED by the Racine County Board of Supervisors that the application for and acceptance of an Emergency Planning and Community Right to Know Act (EPCRA) Grant for Federal Fiscal Year (FFY) 2016 in the amount of \$36,933.00 and an Emergency Management Performance (EMPG) Grant for FFY 2016 in the estimated amount of \$100,731.00 from the State of Wisconsin Division of Emergency Management, by the Racine County Office of Emergency Management, is hereby authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the acceptance of the Grants require that the Racine County Board of Supervisors does hereby assure and certify to comply with the regulations, policies, guidelines and requirements stated in the Grant Assurances which are summarized in Exhibit "A," that is attached hereto.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that any two of the County Executive, the County Board Chairman and/or the County Clerk as well as the Chairman of the Local Emergency Planning Committee are hereby authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading _____

FINANCE AND HUMAN RESOURCES COMMITTEE

2nd Reading _____

BOARD ACTION

Q.A. Shakoor, II, Chairman

Adopted _____

For _____

Against _____

Absent _____

Robert N. Miller, Vice-Chairman

VOTE REQUIRED: Majority

Thomas Pringle, Secretary

Prepared by:
Corporation Counsel

Janet Bernberg

Donnie Snow

John A. Wisch

Brett A. Nielsen

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6 **The foregoing legislation adopted by the County Board of Supervisors of**
7 **Racine County, Wisconsin, is hereby:**

8 **Approved: _____**

9 **Vetoed: _____**

10
11 **Date: _____,**

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14 _____
15 **Jonathan Delagrave, County Executive**

16
17 **INFORMATION ONLY**

18
19 **WHEREAS**, on an annual basis, Racine County receives money by way of an
20 EPCRA Grant and an EMPG Grant from the State of Wisconsin Division of Emergency
21 Management; and

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23 **WHEREAS**, there is a 50/50 match on the EMPG grant and no match for the
24 EPCRA grant.
25

EPCRA Planning and Administration Grant

EPCRA ASSURANCES

The Applicant hereby assures and certifies that it shall comply with the regulations, policies, guidelines, and requirements as they relate to the application acceptance and use of emergency planning grant funds. Also, the Applicant assures and certifies with respect to the grant:

1. It possesses legal authority to apply for the grant; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the Applicant's governing body; authorizing the person identified as the official representative of the Applicant to act in connection with the application and to provide such additional information as may be required.
2. It agrees that (a) funds granted as a result of this request shall be expended for the purposes set forth in this application and in accordance with all applicable laws, regulations, policies and procedures of the State of Wisconsin; (b) no expenditures will be eligible for inclusion if occurring prior to the effective date of the grant; (c) funds awarded by Wisconsin Emergency Management (WEM) may be terminated at any time for violation of any terms and requirements of this agreement.
3. In connection with the performance of work under this agreement the Applicant agrees not to discriminate against any employee or Applicant for employment because of age, race, religion, color, handicap, sex, physical condition, or developmental disability as defined in s. 51.01(5) Wis. Stats., arrest or conviction record, sexual orientation, as defined in s. 111.32(13m) Wis. Stat. or national origin, or ancestry, or marital status. This provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship. Except with respect to sexual orientation, the Applicant further agrees to take affirmative action to ensure equal employment opportunities. The Applicant agrees to post in conspicuous places, available for employees and Applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
4. It shall comply with Section 504, rehabilitation Act of 1973 which prohibits discrimination on the basis of a physical condition or handicap and the Age Discrimination Act of 1975, which prohibits discrimination because of age.
5. It shall ensure the establishment of safeguards to prevent employees, consultants, or members of the governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business, or other ties as specified in Wisconsin Statutes 946.10 and 646.13.
6. The Applicant agrees that, if required by the State Single Audit Guidelines issued by the Department of Administration, it shall provide to the Department of Military Affairs (DMA) an independent financial audit in compliance with such guidelines.
7. It shall give WEM, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant. This provision shall also apply in the event of termination of this agreement. Any charges for copies provided by the Applicant of books, documents, papers, records, computer tapes, or computer printouts shall not exceed the actual cost thereof to the Applicant and shall be reimbursed to the Applicant by WEM.
8. It shall maintain such records as required by State and Federal law. The minimum acceptable financial records consist of: 1) documentation of employee time; 2) documentation of all materials, supplies, and travel expenses; 3) inventory records and supporting documentation for allowable equipment purchased to carry out the program scope; 4) rational supporting allocation of space charges; 5) any other records that support charges to program funds. The Applicant must maintain sufficient segregation of program accounting records from other programs and / or projects.
9. This grant shall be governed under the laws of the State of Wisconsin.
10. The Applicant will indemnify and save harmless the State and all of its officers, agents, and employees from all suits, actions, or claims of any character brought for or on account of any injuries or damages received by any persons or property resulting from the operations of the Applicant, or of any of its contractors, in prosecuting work under this agreement.
11. It shall comply at all times with and observe all State, Federal, and Local laws, ordinances, and regulations that are in effect during the period of this grant and that in any manner affect the work or its conduct.
12. In carrying out any provisions of the Agreement or in exercising any power or authority granted on behalf of WEM, there shall be no personal liability upon WEM, being understood that in such matters WEM acts as agent and representative of the State.

SUMMARY SHEET FOR ASSURANCES AND CERTIFICATIONS

Racine County/Tribe

FFY 2016

PART 1 - EMERGENCY MANAGEMENT PERFORMANCE GRANT

This summary sheet includes Assurances and Certifications that must be printed, read, signed, and submitted as part of the EMPG Application.

OMB Number: 4040-0007
Expiration Date: 06/30/2014

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

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

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

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

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: nondiscrimination. These include but are not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis – Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction sub agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

SUMMARY SHEET FOR ASSURANCES AND CERTIFICATIONS

- 12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Super Circular Subpart F of 2 C.F.R. Part 200, "Audits of States, Local Governments, and Non-Profit Organizations."
- 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
- 19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or sub awards under the award.
- 20. Will not knowingly enter into any lower tier covered transaction with a person who is disbarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into the transaction. The Applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower Tier Covered Transaction", provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17)

Standard Form 424B (Rev. 7-97) Back

SIGNATURE OF AUTHORIZED CERTIFIED OFFICIAL

Jonathan Delagrave

TITLE

County Executive

APPLICANT ORGANIZATION

Racine

DATE SUBMITTED