

November 3, 2014

RESOLUTION NO. 2014-81

RESOLUTION BY THE FINANCE AND HUMAN RESOURCES COMMITTEE AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FFY 2015 EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA) GRANT IN THE AMOUNT OF \$36,969.00 AND EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) IN THE AMOUNT OF \$100,781.28 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) 2015 in the amount of \$36,969.00 and an Emergency Management Performance (EMPG) Grant for FFY 2015 in the estimated amount of \$100,781.28 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

Russell A. Clark

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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:** _____

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11 **Date:** _____,

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13 _____
14 **James A. Ladwig, County Executive**

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16
17 **INFORMATION ONLY**

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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.
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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

FFY 2015

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.

As the duly authorized representative of the Applicant, I hereby certify that the Applicant will comply with the identified (attached) Assurances and Certifications.

James A. Ladwig County Executive

Typed Name of County Board Chair / Executive / Administrator Title

Signature of County Board Chair / Executive / Administrator Date

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including OMB Circulars Nos. A-102 and A-87, as they relate to the application, acceptance, and use of the Federal funds for all Federally assisted projects to be carried out under the terms of this agreement. The Applicant also assures and certifies that:

- 1. It possesses the legal authority to apply for the grant and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the performance contract as outlined in this application.
2. It shall give the sponsoring agency or the Comptroller General of the United States, and if appropriate, the State of Wisconsin, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant, and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. It shall comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) 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. Section 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. Section 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972, as amended (P.L. Law 92-255) which prohibits discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcohol Prevention Treatment and Rehabilitation Act of 1970, as amended (P.L. Law 91-616) relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) Section 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290-dd-3 and 290-ee-3) relating to confidentiality of alcohol and drug abuse patient's records; (h) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601 et seq.) relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statutes under which application for Federal assistance is being made; (j) the requirements of any other non-discrimination statutes which may apply to the application.
4. It shall establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
5. It shall comply, if applicable, with the 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.
6. It shall 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 (1) of the nineteen (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).

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7. It shall 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 (42 U.S.C. 4321 et seq.) and Executive Order 11514; (b) notification of violating facilities pursuant to Executive Order 11738; (c) protection of wetlands pursuant to Executive Order 11990; (d) evaluation of flood hazards in floodplains in accordance with Executive Order 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. 93-5230); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
8. It shall comply with the provisions of the Davis-Bacon Act (40 U.S.C. 276a - 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.
9. It shall comply with requirement of the provisions of Title II and III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides 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 interest in real property acquired for project purposes regardless of Federal participation in purchases.
10. It shall comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328), which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal funds.
11. It shall cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
12. It shall 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)
13. It shall comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
14. It has adopted and is compliant with requirements established for the National Incident Management System (NIMS).
15. It shall 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.
16. It shall 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.).
17. It shall 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.
18. For Sub-Grantees that are State, Indian Tribes, or Local Governments and if the Sub-Grantee receives total
 - a. Obtain a financial and compliance audit made in accordance with the Single Audit Act of 1996 (P.L. 104-156) and the Federal Office of Management and Budget (OMB) Circular A-133. The law and circular provide that the audit shall cover the entire operations of the Sub-Grantee government. It may cover departments, agencies, or establishments that received, expended, or otherwise administered Federal financial assistance during the year.
 - b. State, Indian Tribes, or Local Governments shall make audits annually unless the State or Local Government has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. For those governments, the cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by governments that have an administrative policy calling for audits less frequent than annual, but only for Federal Fiscal years beginning before January 1, 1987.
 - c. An independent auditor shall make the audit. An independent auditor is a State or Local Government auditor or a public accountant who meets the independence standards specified in the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
 - d. The audit report shall state that the auditor performed the audit in accordance with the provisions of OMB Circular A-133.
 - e. The reporting requirements for audit reports shall be in accordance with the American Institute of Certified Public Accountants (AICPA) audit guide, "Audits of State and Local Governmental Units" issued in 1986. The Federal government has approved the use of this audit guide.

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f. In addition to the audit report, the Sub-Grantee shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned, and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, a statement describing the reason it is not shall accompany the audit report.

g. The Sub-Grantee agrees that the Grantor, the Legislative Auditor, the State Auditor, and any independent auditor designated by the Grantor shall have such access to Sub-Grantee records and financial statements as may be necessary for the Grantor to comply with the Single Audit Act and OMB Circular A-133.

h. The Federal Government also requires Grantees of Federal financial assistance from Sub-Grantees to comply with the Single Audit Act and OMB Circular A-133.

i. The Sub-Grantee agrees to retain documentation to support the schedule of Federal assistance.

j. State, Indian Tribes, or Local Governments must file required audit reports with the State Legislative Audit Bureau and with the Department of Military Affairs (DMA), Wisconsin Emergency Management (WEM) Division, within six (6) months of the Sub-Grantees Fiscal Year end. If the Federal government assigns a Federal cognizant audit agency for the Sub-Grantee, the Sub-Grantee will file copies of the required audit reports with that agency also.

k. Address the audit report to Wisconsin Department of Military Affairs, Emergency Management Division, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53707-7865.
