

RESOLUTION NO. 43-14  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher  
THE 20<sup>th</sup> DAY OF October, 2014.

A RESOLUTION RATIFYING THE ACTION TAKEN BY THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY, OHIO EMERGENCY MANAGEMENT AGENCY, TO ACCEPT A GRANT FOR ELECTRIC STORM SHUTTERS FOR FOUR WINDOWS IN THE EMERGENCY OPERATIONS CENTER AT CENTERVILLE POLICE HEADQUARTERS.

WHEREAS, pursuant to the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, et. seq. ("Stafford Act") as amended, the Federal Emergency Management Agency, ("FEMA") has been authorized by Congress to make grants to states to mitigate natural disasters. The Ohio Emergency Management Agency ("Ohio EMA") has received grant funds for that purpose.

WHEREAS, the Ohio Emergency Management Agency has been designated as the Grantee to receive, administer, and disburse FEMA mitigation funds for local government projects in Ohio and to provide technical assistance with the Hazard Mitigation Grant Program.

WHEREAS, The City of Centerville submitted an application for a grant for electric storm shutters for four windows at the Emergency Operations Center that has been determined to be eligible for funding.

WHEREAS, an agreement with time-sensitive signatures was required for the acceptance of said grant.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the action taken by the City Manager signing the agreement accepting funding in the amount of \$11,850.00 from FEMA and \$1,975.00 from the State of Ohio for the electric storm shutters at the Emergency Operations Center be and is hereby ratified. A copy of said agreement is marked as Exhibit "A" and attached hereto.

Section 2. That this resolution shall become effective at the earliest date allowed by law.

PASSED this 20<sup>th</sup> day of October,  
2014.

C. Melb Krupel  
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James  
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies that the foregoing is a true and correct copy of Resolution Number 43-14 passed by the Council of the City of Centerville, Ohio on the 20<sup>th</sup> day of October, 2014.

Debra A. James  
Clerk of Council

Approved as to form, consistency  
with existing Ordinances, the  
Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney

- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol



Emergency Management Agency  
2855 West Dublin-Granville Road  
Columbus, Ohio 43235-2206  
(614) 889-7150  
www.ema.ohio.gov

**STATE-LOCAL GRANT AGREEMENT  
HAZARD MITIGATION GRANT PROGRAM - CFDA 97.039  
FEMA-DR-(4098)-OH  
DECLARED (January 03, 2013)**

This Grant Agreement (the "Agreement") is made and entered into by, and between, the State of Ohio, Department of Public Safety, Ohio Emergency Management Agency, located at 2855 West Dublin-Granville Road, Columbus, Ohio 43235-2712 (herein referred to as the "Grantee"); and, City of Centerville located at 155 W. Spring Valley Rd. Centerville, Ohio 45458 (herein referred to as the "Sub-grantee").

**This agreement will be in effect for the period beginning (September 16, 2014) and ending (March 16, 2016).**

1. Pursuant to the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, et seq. ("Stafford Act") as amended, the Federal Emergency Management Agency ("FEMA") has been authorized by Congress to make grants to states to mitigate natural disasters. The Ohio Emergency Management Agency ("Ohio EMA"), has received grant funds for that purpose.
2. The Ohio Emergency Management Agency has been designated as the Grantee to receive, administer, and disburse FEMA mitigation funds for local government mitigation projects in areas of Ohio and to provide technical assistance with the Hazard Mitigation Grant Program (HMGP). The HMGP is authorized by Section 404 of the Stafford Act, Public Law 93-288. Grantee shall monitor and evaluate the implementation of mitigation projects and control the disbursement of HMGP funds from FEMA.
3. City of Centerville is the Sub-grantee and has submitted an application, which is incorporated herein by reference, to the Grantee setting forth a list of activities (herein referred to individually as "Project"). The Grantee and FEMA have determined the Project to be eligible along with any exceptions that have been made prior to signing of this agreement. The Sub-grantee agrees to complete the Project within two years of FEMA approval, unless a time extension is granted by the Grantee.
4. Sub-grantee shall participate in the development of, and shall coordinate and monitor the implementation of the local hazard mitigation measures; and shall regulate and control development within hazardous areas.
5. Sub-grantee has the legal authority to accept mitigation funds and shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state mitigation funds. The financial management system must comply with 44 Code of Federal Regulations (CFR) Part 13, OMB Circular A-87, and Auditor of State Bulletin 99-05.
6. Sub-grantee shall use the mitigation funds solely for the approved scope of work in increment 1 of the Project. Only those costs, which are allowable as defined in 44 CFR Part 13, Part 206, Part 207 and OMB Circular A-87, will be paid:
  - a. This Grant Agreement is for the project in the amount of **\$15,800.00**

**Mission Statement**

*"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."*

("Funds") will serve as the contract between the Grantee, Ohio EMA and the Sub-grantee for the purpose of increment 1 of the project. This grant amount represents the total Federal, State and Local share of the cost of increment 1 of the Project plus one-half the in-direct management cost allowance as described below.

b.	Total estimated cost of the mitigation project is	\$ <u>15,800.00</u>
	HMGP (Federal) contribution is:	\$ 11,850.00
	Total State of Ohio contribution is:	\$ 1,975.00
	Local contribution:	\$ 1,975.00

c. Total in-direct management cost allowance of the project is \$1000.00. In-direct management cost funds are to be used to offset in-direct costs, administrative expenses, and other expenses not directly chargeable to a specific project that are reasonably incurred in administering and managing the mitigation project (e.g., travel, telephone, supplies, etc.).

d. Sub-grantee agrees to provide the necessary local cost share as required by 44 CFR Part 13.24 and the funding will be available within the specified period of time for completion of the Projects. Documentation of the use of the local cost share is required.

e. Obligations of Grantee are subject to provisions of Section 126.07 of the Ohio Revised Code.

f. Funds obligated pursuant to this HMGP Project (4098.10) are subject to expenditure time limits imposed under Section 904(c) of the Disaster Relief Appropriations Act, 2013, P.L. 113-2, and are required to be expended by the grantee or sub-grantee (paid as an outlay of money if furtherance of the grant purpose) within 730 days of the date FEMA obligates the funds for the project in its financial system. Any funds not expended by the grantee or sub-grantee within 730 days will be de-obligated by FEMA within 30 days from the end of this 730 day period and any funds withdrawn and not expended must be returned to FEMA within 30 days from the end of the 730 day period, ceasing FEMA's financial liability.

7. Sub-grantee shall return to Grantee any HMGP and State funds, which are not supported by audit or other federal or state review of documentation maintained by the Sub-grantee. (44 CFR Part 13.26)
8. Sub-grantee shall maintain records for the period set forth in 44 CFR Part 13.42 and shall give state and federal agencies access to, and the right to examine all records and documents related to use of mitigation funds.
9. Sub-grantee shall comply with all applicable state and local ordinances, laws, regulations, building codes and standards applicable to this Project.
10. Sub-grantee agrees to maintain good standing with the National Flood Insurance Program (NFIP) and comply with local regulations pertaining to the NFIP; and agrees to bring into NFIP compliance all structures identified through Community Assistance Visits (CAV's) to the maximum extent possible. Failure to enforce NFIP requirements for all development in identified flood hazard areas will result in the Sub-grantee repaying the HMGP and state funds related to the Project.
11. Sub-grantee shall comply with 44 CFR Part 13.36 in all procurements, including the contract provisions found in subsection 13.36 (i)(I)- (13). In particular,

- a. Sub-grantee shall comply, as applicable, with provisions of federal laws and regulations pertaining to labor standards, and the State of Ohio Prevailing Wages laws and regulations.
  - b. Sub-grantee shall not enter into any contract with any party which is debarred or suspended from participating in federal assistance programs, or is otherwise ineligible pursuant to E.O. 12549, Debarment and Suspension, as implemented at 44 CFR Part 67.
12. Sub-grantee has read, understands, and shall comply with the State of Ohio Audit Requirements/Compliance Standards (attached), and OMB Circular A-133.
13. Sub-grantee shall submit to the Grantee quarterly progress reports (QPR), due the 15<sup>th</sup> day of the month following the end of the quarter on the following schedule:
- |    |                    |                |
|----|--------------------|----------------|
| a. | January – March    | Due April 15   |
|    | April – June       | Due July 15    |
|    | July – September   | Due October 15 |
|    | October – December | Due January 15 |
- b. Failure to provide the required reports will result in suspension of grant funds until the required reports are provided and approved by the Grantee.
14. Prior to project close-out, the sub-grantee is responsible for entering project summary data into the State Hazard Analysis Resource and Planning Portal (SHARPP). Examples of data to be entered into SHARPP include but are not limited to: property photos, copies of deed restrictions, project financial information, latitude/longitude of mitigated properties etc. The Sub-grantee also agrees to utilize SHARPP to monitor properties acquired with Hazard Mitigation Assistance funds to ensure compliance with open space requirements.
15. Sub-grantee shall comply with all applicable federal, state and local ordinance, laws, regulations, requirements, labor standards, building codes and standards as pertains to this project and identified in 44 CFR Part 13, and agrees to provide maintenance as appropriate.
16. ENFORCEMENT (44 CFR PART 13.43)
- a. If the Sub-grantee fails to comply with the terms of the award, whether stated in a federal statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:
    - 1) Temporarily withhold cash payments pending correction of the deficiency;
    - 2) Disallow all of part of the cost of the activity or action not in compliance;
    - 3) Wholly or partly suspend or terminate the current award for the program;
    - 4) Withhold further awards for the program;
    - 5) Take other remedies that may be legally available.
  - b. In taking an enforcement action, the awarding agency and/or the Grantee will provide an opportunity for such hearing, appeal, or other administrative proceeding to which the Grantee or Sub-grantee is entitled under any statute or regulation applicable to the action involved.
  - c. Costs resulting from obligations incurred by the Sub-grantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination. Other costs during suspension or after termination which are necessary and

not reasonably avoidable are allowable if:

- 1). The costs result from obligations which were properly incurred before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are not cancelable, and,
- 2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes place.

#### 17. ENVIRONMENTAL COMPLIANCE

- a. Sub-grantee will comply with 44 CFR Part 10 Environmental Considerations, National Environmental Policy Act (NEPA), and other federal and state environmental laws and regulations in the implementation of the Project. The Grantee will provide the Sub-grantee with a signed copy of the Record of Environmental Considerations (REC) and supporting letters and documentation as soon as FEMA approves the project. The REC will identify any special conditions placed on the project that may impact demolition activities, the elevation of any structures, underground storage tanks, cutting of trees or removal of fences or vegetation and disposal of any materials in approved dump sites and so on.
- b. Failure to comply with any environmental condition or requirement will result in the Sub-grantee reimbursing to the Grantee any federal or state funds expended on a property where environmental non-compliance has occurred.

#### 18. CLOSE-OUT (44 CFR PART 13.50)

- a. Sub-grantee will notify the Grantee as soon as the Project has been completed, and will provide a Final Progress Report and financial report within 30 days. Grantee will conduct a final site visit within 30 days of receiving the final progress report and financial report, and provide the Sub-grantee with a their findings within 30 days of the visit. The findings will outline the results of the site visit and in particular any upward or downward adjustment to allowable costs.
- b. Sub-grantee will immediately refund any balance of un-obligated cash advanced that is not authorized to be retained for use on other grants.
- c. The closeout of the grant does not affect the right of the awarding agency to disallow costs and recover funds on the basis of a later audit or other review, the obligation to return any funds due as a result of later refunds, corrections, or other transactions, records retention as required in Part 13.42, Property management requirements in Parts 13.31 and 13.32, and audit requirements in Part 13.26.
- d. Any funds not returned within a reasonable period of time after request, may result in an administrative offset against other requests for assistance, withholding advance payments otherwise due, and other action permitted by law.

19. AUDIT REQUIREMENTS (OMB Circular A-133)

In accordance with the Single Audit Act of 1984 as amended and guidance described in OMB Circulars A-102, A-110 (if applicable), and A-133, the following procedures will assure compliance with those standards in the administration of the Hazard Mitigation Grant Program (HMGP) to eligible Sub-grantees, pursuant to a Presidential Declaration of major disaster in the State of Ohio.

- a. The Governor's Authorized Representative (GAR) will provide the Auditor of State a listing of all State agencies and local governments which have been approved to receive Federal funds under the HMGP. This will serve as notice to State field examiners to inquire about the funds at the time of the respective Sub-grantees single audit, ensuring at a minimum, the inclusion of those funds in the Audit Report's "Schedule of Federal Financial Assistance".
- b. The Sub-grantee has the obligation to comply with all applicable rules and regulations of the HMGP, to include OMB Circulars A-87, A-102, A-110, A-128 and A-133, if appropriate. If the applicant desires copies of the OMB Circulars, they are available from the County and/or State Auditor's Office.
- c. The Single Audit Act of 1984 as amended requires local governments, state agencies/departments, and private non-profit organizations expending a total of \$500,000.00 or more in federal financial assistance in any fiscal year to have a single audit performed.

Those local governments, state agencies/departments, or private non-profit organizations expending less than \$500,000.00 in federal financial assistance must supply the GAR with a letter from a clerk/treasurer, for each fiscal year HMGP funds are received, certifying that status.

- d. Audit reports must be sent to the GAR by the Sub-grantees within one (1) month of Audit Report publication. Failure to do so, without reasonable justification, could result in suspension of any further advances of funds or final reimbursement by the GAR under the HMGP.
- e. If during any single audit the Sub-grantee has been informed of non-compliance findings regarding this program, the Sub-grantee shall verbally notify the GAR immediately and prior to publication of the Audit Report.
- f. The Sub-grantees will correct the finding(s) within thirty (30) days of written notification of non-compliance, if not sooner, and notify the GAR in writing of the actions taken.
- g. Findings against the Sub-grantee remaining uncorrected by the Sub-grantee will be deducted from the applicant's final reimbursement by the GAR in the amount of funds questioned in the Audit Report. If the GAR has already dispersed final settlement, and a subsequent audit report identifies non-compliance by the Sub-grantee, collection proceedings will be initiated by the GAR against the Sub-grantee in the amount of the questioned costs.
- h. Throughout the lifetime of the HMGP, it is the responsibility of the Sub-grantee to inform the State (or private) examiner of their participation in this program at the time of their respective single audits.
- i. The GAR will receive a listing from the State Auditor's Office of any regular or single audits completed for each Sub-grantees jurisdiction/organization. The audits will not be forwarded to the GAR, this is an administrative requirement for each Sub-grantee to complete.
- j. The GAR will review each audit report received to assure that:

1. If applicable, the grant(s) received that fiscal year are included in the "Schedule for Federal Financial Assistance" portion of the Audit Report, and that the report properly addresses the HMGP, as required under the Single Audit Act and appropriate OMB guidance;
  2. Any of the program activities, which may have been tested by the State Examiner are in compliance with all regulations pertaining to the HMGP and single audit requirements;
  3. Audit findings against the Sub-grantee pertaining to this grant will be rectified within thirty (30) days of receipt of the Audit Report by the Sub-grantee, either with guidance from, or, established by the State.
- k. From the onset of application approval, the GAR will work closely with the Sub-grantee to include site mid-program reviews and inspections of completed, approved projects by the GAR.



STATE OF OHIO  
HAZARD MITIGATION GRANT PROGRAM (HMGP)  
GRANT AGREEMENT

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year set forth below:

SUB-GRANTEE - (Sub-grantee), (City)

  
\_\_\_\_\_

10-13-2014  
Date

  
\_\_\_\_\_

10/13/14  
Date

  
\_\_\_\_\_

10-13-14  
Date

GRANTEE

\_\_\_\_\_  
Nancy J. Dragani, Executive Director  
Ohio Emergency Management Agency

\_\_\_\_\_  
Date