

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE appropriating \$136,143.00 from the undesignated fund balance of the 2012 Grant Fund, in acceptance of the Emergency Management Performance Grant awarded by the Missouri State Emergency Management Agency.

ORDINANCE NO. 4483, November 27, 2012

INTRODUCED BY Scott Burnett, County Legislator

WHEREAS, the Missouri State Emergency Management Agency has awarded an Emergency Management Performance grant to the Jackson County Department of Emergency Preparedness in the amount of \$136,143.00; and,

WHEREAS, an appropriation is necessary to place the grant funds in the proper spending accounts; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation from the undesignated fund balance of the 2012 Grant Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Grant Fund			
Emergency Management Perf.			
010-1250	45752 - Increase Revenue	\$136,143	
010-2810	Undesignated Fund Balance		\$136,143
010-2810	Undesignated Fund Balance	\$136,143	
010-1250	55010 – Regular Salary		\$103,191
010-1250	55040 – FICA		\$ 7,894

010-1250	55050 – Pension	\$ 9,287
010-1250	56140 – Travel	\$ 750
010-1250	57510 – Small Tools/Minor Equip	\$ 821
010-1250	57010 – Office Supplies	\$ 750
010-1250	56620 – Rent – Buildings	\$ 13,450

and,

BE IT FURTHER ORDAINED that the County Executive and other County officials be and hereby are authorized to execute any and all documents necessary to give effect to said grant.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4483, introduced on November 27, 2012, was duly passed on December 3, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

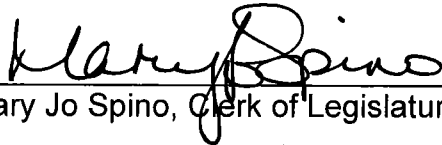
Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

12.3.12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4483.

12/04/2012
Date


Michael D. Sanders, County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 010 2810
ACCOUNT TITLE: Grant Fund
Undesignated Fund Balance
NOT TO EXCEED: \$136,143.00

November 19, 2012
Date


Director of Finance and Purchasing

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4483

Sponsor(s): Scott Burnett

Date: November 27, 2012

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: Requesting an ordinance appropriating \$136,143.00 from the undesignated fund balance of the 2012 Grant Fund in acceptance of the Emergency Management Performance Grant (EMPG) awarded to Jackson County Department of Emergency Preparedness by Missouri -State Emergency Management Agency (SEMA).</p>										
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="321 590 1203 968"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$136,143.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>136,143 \$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT 010 Grant Fund 2810 - Undesignated fund Bal \$136,143.00 TO ACCT 010 Grant Fund: 1250 - EMPG \$136,143.00</td> </tr> </table> <p><i>SM 11/16/12</i></p> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$136,143.00	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	136,143 \$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT 010 Grant Fund 2810 - Undesignated fund Bal \$136,143.00 TO ACCT 010 Grant Fund: 1250 - EMPG \$136,143.00
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<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): <u>#3996 June 2, 2008</u> <u>#4084 Feb. 2, 2009</u> <u>#4213 June 14, 2010</u> <u>#4364 October 10, 2011</u></p> <p>Prior resolutions and (date):</p>										
<p>CONTACT INFORMATION</p>	<p>RLA drafted by (name, title, & phone): Michael Curry/Director Of Emergency Preparedness</p>										
<p>REQUEST SUMMARY</p>	<p>RLA drafted by Michael Curry/Director of Emergency Preparedness 881-4625 / 304-4624 requesting an ordinance appropriating \$136,143.00 from the undesignated Fund Balance of the 2012 Grant in acceptance of the Emergency Management Performance Grant (EMPG) awarded to Jackson County Department of Emergency Preparedness by SEMA. The EMPG Grant was announced on September 7, 2012, in the amount of \$136,143.00 And is a performance grant that is reviewed and awarded by quarter. SEMA announced that actual submittals could begin by the end of October, 2012. The quarterly performance periods begin January 1, 2012, and ends December 31, 2012 (award # EMW-2012-EP-00018-S01). The intent of the award is to assist in funding the Department of Emergency Preparedness / Jackson County. This is a performance award that is a 50% match to Funds expended from the Department of Emergency Preparedness budget. The EMPG Award is awarded and renewed on an annual basis.</p>										

SM 11/16/12	TO: 010-Grant Fund: 1250 Emergency Management Performance; 55010 - Regular salary \$103,191.00	
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 55040 - FICA	7,119.00 7,894
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 55050 - Pension	7,433.00 9,287
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 56140 - Travel	750.00
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 57510 - Small Tool	3,450.00 821
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 57101 - Office supplies	750.00
	TO: 010-Grant Fund: 1250 Emergency Management Performance; 56620 - Rent/Buildings	13,450.00
57010		
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	Award Letter, Award document + Special conditions SM 11/16/12	
REVIEW	Department Director: <i>M. Delgado</i>	Date: 11-12-12
	Finance (Budget Approval): If applicable <i>Baral Mac</i>	Date: 11/16/12
	Division Manager: <i>[Signature]</i>	Date: 11/16/12
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

SM 11/16/12

Account Number:	Account Title:	Amount Not to Exceed:
010 - 2810	Grant Fund - Undesignated Fund Balance	\$ 136,143

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Jeremiah W. (Jay) Nixon
Governor

Jerry Lee
Director of Public Safety

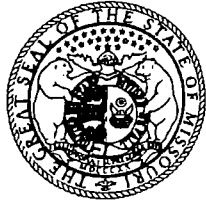
STATE OF MISSOURI

EMERGENCY MANAGEMENT AGENCY

Paul D. Parmenter
Director

DEPARTMENT OF PUBLIC SAFETY

PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mosema@sema.dps.mo.gov



September 7, 2012

Michael Curry, Director
Jackson County
201 W. Lexington, Suite 201
Independence, MO 64050

Dear Mr. Curry:

Enclosed is the approval for the FY 2012 (January 1, 2012 through December 31, 2012) Emergency Management Performance Grant (EMPG) award in the amount of \$136,143.00 (federal share). **The authorized signature on Page 1 and initials on the lower right hand corner of each page certifies acceptance of this award.** You are required to return the original forms back to the Missouri State Emergency Management Agency at the following address by Monday, October 8, 2012 prior to reimbursements being made to your jurisdiction.

Randy Silvey
Emergency Performance Grant Awards
PO Box 749
Jefferson City, MO 65102

The CFDA number for the Emergency Management Performance Grant is CFDA 97.042. Missouri's Award Number is EMW-2012-EP-00018-S01.

This award is subject to all administrative and financial requirements as outlined in the FY 2012 EMPG Guidance and Application Kit, Grant Award Special Conditions (see attached), and the DHS FEMA approved application submitted on behalf of SEMA. This includes the timely submission of all financial and programmatic reports.

Thank you for your support and cooperation with this effort. You may email Randy Silvey at randy.silvey@dps.mo.gov with questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Parmenter".

Paul D. Parmenter
Director

PDP:rs



A Nationally
Accredited
Agency



State Emergency Management Agency
 2302 Militia Drive
 Jefferson City, MO 65101

Telephone: 573-526-9100

GRANT AWARD

DATE
 September 7, 2012

Award Number
 EMW-2012-EP-00018-S01

Amendment No.
 0

GRANTEE NAME
 Jackson County

GRANTEE VENDOR NUMBER
 44-6000524

ADDRESS
 201 W. Lexington, Suite 201
 Independence, MO 64050

ISSUING AGENCY
 MO State Emergency Management Agency
 PO Box 116
 Jefferson City, MO 65102

GRANT INFORMATION

FY 2012 Emergency Management Performance Grants

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) No
 97-042.

PERFORMANCE PERIOD
 FROM: 1/1/2012 TO: 12/31/2012

FEDERAL AMOUNT AWARDED

\$136,143.00

LOCAL COST SHARE

\$136,143.00

TOTAL PROJECT COST

\$272,286.00

CONTACT INFORMATION

EMPG GRANT SPECIALIST

GRANTEE PROJECT DIRECTOR

NAME
 Randy Silvey

NAME
 Michael Curry

MAILING ADDRESS
 randy.silvey@dps.mo.gov

E-MAIL ADDRESS
 Mcurry@jacksongov.org

TELEPHONE
 573-751-3401

TELEPHONE
 816-304-4624

SUMMARY DESCRIPTION OF PROJECT

The purpose of the EMPG Program is to make grants to States to assist State, local, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). Title VI of the Stafford Act authorizes FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, States, and their political subdivisions. The Federal Government, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards.

TYPED NAME AND TITLE OF SEMA OFFICIAL

Paul D. Parmenter, Director

TYPED NAME AND TITLE OF GRANTEE AUTHORIZED OFFICIAL

Mike Sanders, Jackson County Executive

SIGNATURE OF APPROVING SEMA OFFICIAL

DATE
 September 7, 2012

SIGNATURE OF GRANTEE AUTHORIZED OFFICIAL

DATE
 9-7-2012

THIS GRANT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH ON THE ATTACHED SPECIAL CONDITION(S). BY SIGNING THIS GRANT AGREEMENT, THE GRANTEE IS AGREEING TO READ AND COMPLY WITH ALL SPECIAL CONDITIONS.

Emergency Management Performance Grants Special Conditions

In these Grant Award of Contract Special Conditions, the term "sub-recipient" means any EMPG sub-recipient of the Missouri State Emergency Management Agency.

Article I - Administrative Requirements

The sub-recipient shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

Administrative Requirements

-44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

-2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)

Cost Principles

-2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

-2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)

-2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)

Audit Requirements

-OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

In addition, the sub-recipient is required to adhere to the FY 2012 Emergency Management Performance Grants (EMPG) Program Funding Opportunity Announcement (FOA) and the applicable administrative requirements of the Missouri Office of Homeland Security's "Administrative Guide for Homeland Security Grants" and Information Bulletins which are available at: <http://dps.mo.gov/dir/programs/ohs/grantstraining/>.

Article II - THIRA Submission Requirement

The sub-recipient is required to provide planning support for the Threat and Hazard Identification and Risk Assessment (THIRA) and the State Preparedness Report (SPR) annually.

Article III - GPD - Trafficking Victims Protection Act of 2000

The sub-recipient will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the sub-recipient - (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) Uses forced labor in the performance of the award or subawards under the award. Full text of the award term is provided at 2 CFR § 175.15.

Article IV - GPD - Drug-Free Workplace Regulations

The sub-recipient will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The sub-recipient must notify SEMA if an employee of the sub-recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 2 CFR 3001.

Article V - Fly America Act of 1974

The sub-recipient will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 amendment to Comptroller General Decision B138942.

Article VI - Lobbying Prohibitions

None of the funds provided under an award may be expended by the sub-recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. § 1352.

Article VII - Activities Conducted Abroad

The sub-recipient will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article VIII - Acknowledgement of Federal Funding from DHS

The sub-recipient will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article IX - Copyright

The sub-recipient will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the sub-recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The sub-recipient shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under an award.

Article X - Use of Official Seal, Logo and Flags

The sub-recipient must obtain approval from the appropriate agency prior to using the seal, logos, crests or reproductions of flags or likenesses of agency officials from DHS and the United States Coast Guard.

Article XI -DHS Specific Acknowledgements and Assurances

The sub-recipient must acknowledge and agree and require any contractors, successors, transferees, and assignees acknowledge and agree to comply with applicable provisions governing SEMA access to records, accounts, documents, information, facilities, and staff.

1. The sub-recipient must cooperate with any compliance review or complaint investigation conducted by SEMA/OHS/DHS.
2. The sub-recipient must give SEMA access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by SEMA/OHS/DHS regulations and other applicable laws or program guidance.
3. The sub-recipient must submit timely, complete, and accurate reports to the appropriate SEMA officials and maintain appropriate backup documentation to support the reports.
4. The sub-recipient must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the sub-recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the sub-recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to SEMA for submission to the OHS/DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the sub-recipient or the sub-recipient settles a case or matter alleging such discrimination, the sub-recipient must forward a copy of the complaint and findings to SEMA. The United States has the right to seek judicial enforcement of these obligations.

Article XII - Civil Rights Act of 1964

The sub-recipient will comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Article XIII - Civil Right Act of 1968

The sub-recipient will comply with Title VIII of the Civil Rights Act of 1968, which prohibits sub-recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability

discrimination includes the requirement that new multifamily housing with four or more dwelling units- i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see 24 CFR § 100.201).

Article XIV - Americans with Disabilities Act of 1990

The sub-recipient will comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits sub-recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).

Article XV - Age Discrimination Act of 1975

The sub-recipient will comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article XVI - Title IX of the Education Amendments of 1972

The sub-recipient will comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part 19.

Article XVII - Rehabilitation Act of 1973

The sub-recipient will comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

Article XVIII - Limited English Proficiency

The sub-recipient will comply with the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, the sub-recipient must take reasonable steps to ensure that LEP persons have meaningful access to the awarded programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The sub-recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

Article XIX - Animal Welfare Act of 1966

The sub-recipient will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. The sub-recipient must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

Article XX - Clean Air Act of 1970 and Clean Water Act of 1977

The sub-recipient will comply with the requirements of 42 U.S.C. § 7401 et seq. and Executive Order 11738, which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.

Article XXI - Protection of Human Subjects

The sub-recipient will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that sub-recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. The sub-recipient must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

Article XXII - National Environmental Policy Act (NEPA) of 1969

The sub-recipient will comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. § 4331 et seq., which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, SEMA requires the environmental aspects of construction grants (and certain non-construction projects as specified by the Component and awarding office) to be reviewed and evaluated before final action on the application. The sub-recipient shall not undertake any project having the potential to impact Environmental and Historical Preservation (EHP) resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. The sub-recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbance activities occur during project implementation, the sub-recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the sub-recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated prior to the full environmental and historic preservation review could result in non-compliance finding. For your convenience, here is the screening form link: (The Screening Form is available at: (www.fema.gov/doc/government/grant/bulletins/info329_final_screening_memo.doc)). For these types of projects, the sub-recipient must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01) and submit it, with all supporting documentation, to SEMA for submission to OHS/FEMA. The sub-recipient should submit the FEMA EHP Screening Form for each project as soon as possible upon receiving their grant award.

Article XXIII - National Flood Insurance Act of 1968

The sub-recipient will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part 63.

Article XXIV - Flood Disaster Protection Act of 1973

The sub-recipient will comply with the requirements of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of floodprone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

Article XXV - Coastal Wetlands Planning, Protection, and Restoration Act of 1990

The sub-recipient will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part 9.

Article XXVI - USA Patriot Act of 2001

The sub-recipient will comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The act also establishes restrictions on access to specified materials. "Restricted persons," as defined by the act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.

Article XXVII – Additional Requirements

A. The sub-recipient agrees to sign and return this award within thirty (30) days after the award date to SEMA.

B. The sub-recipient agrees to submit a Quarterly Performance Progress Report to SEMA that includes financial and programmatic progress updates and training and exercise progress updates as required by grant guidance and these special conditions. A final progress report is due to SEMA within 30 days of the grant closeout. (See Section D for 2012 Reporting Requirements.)

C. The sub-recipient agrees that it shall comply with following training and exercise requirements:

1. To participate in the development of a Multi-Year Training and Exercise Plan (TEP) that will incorporate linkages to the National Preparedness Goal (NPG) core capabilities by all EMPG sub-recipients. The TEP will be updated annually.
2. All EMPG program funded personnel shall complete the following training requirements and record proof of completion. National Incident Management System (NIMS) Training: IS 100, IS 200, IS 700, and IS 800. FEMA Professional Development Series: IS 120.a, IS 230.a, IS 235.a, IS 240.a, IS 241.a, IS 242.a, and IS 244.a. The local Emergency Management Director (EMD) must take the L-146 "Homeland Security Exercise and Evaluation Program (HSEEP) Training Course" within 2 years of appointment or by 12/31/2012, whichever comes later. Progress towards this requirement is to be reported to SEMA quarterly by submission of a list of EMPG Program funded personnel along with the training completed. This report is due throughout the entire grant period of performance to retain historical progress for future grant cycles.
3. All EMPG program funded personnel shall participate in no less than three exercises in the calendar year of the award (January 1, 2012 to December 31, 2012). Progress towards this requirement is to be reported to SEMA quarterly by submission of a list of EMPG Program funded personnel along with the exercises completed. An After Action Report/Improvement Plan (AAR/IP) shall be completed for each exercise and submitted to SEMA. Any corrective action identified in the After Action Report will be addressed by the affected party. The SEMA Exercise Section will be notified in writing (letter or email) by the sub-recipient of the completion of the corrective action and the responsible party.

D. The sub-recipient agrees that it shall utilize the Electronic Grants Management System (EGMS) for all sub-recipient budget applications, budget modifications and reimbursement requests.

1. The sub-recipient agrees to submit a Progress Report and reimbursement requests for each of the first three quarters (January 1, 2012 to March 31, 2012, April 1, 2012 to June 30, 2012, and July 1, 2012 to September 30, 2012) into EGMS by October 31, 2012.
2. The sub-recipient agrees to submit a 4th Quarter (October 1, 2012 to December 31, 2012) Progress Report and reimbursement requests for 4th Quarter costs into EGMS by January 30, 2013.

E. The sub-recipient shall maintain, or revise as necessary, jurisdiction wide all hazard emergency operations plans consistent with CPG 101 v.2.

F. The sub-recipient is required to provide the AEL number for all equipment purchased with grant award funding (plus a description of the equipment and the quantity purchased of each item) to SEMA once the items are procured as part of periodic programmatic grant reporting. Additionally, the sub-recipient is required to provide an inventory listing of all equipment purchased with EMPG funds from FY 2004 to date. This inventory is required to be submitted by December 31, 2012 to SEMA or entered directly into the Homeland Security Information Network (HSIN) portal. Failure to submit by this deadline may result in the withholding on FY 2012 EMPG funds and/or the sub-recipient's ineligibility to apply for FY 2013 EMPG funding.

G. Use of FY 2012 EMPG Program funds to support emergency communications activities should comply with the FY 2012 SAFECOM Guidance for Emergency Communication Grants.

H. The FY 2012 EMPG award requires sub-recipients to provide a 50% match for all Federal funds. Sub-recipient funds used in meeting cost sharing or matching requirements of Federal awards are subject to all conditions set forth in these special conditions and must be supported in the same manner as those claimed as allowable costs under Federal awards.

I. Extensions may be granted to FY 2012 awards based on the de-obligation and reallocation of unexpended funds at the close of the initial twelve month performance period. Progress Reports and reimbursement requests for each quarter of the extension period will be due by the 10th day of the month following each quarter.