DEPARTMENT: Fire Protection

RECOMMENDED ACTION AND JUSTIFICATION:
Resolution authorizing the Fire Chief to sign the grant application [page 1]
Resolution authorizing Fire Chief and CAO and Chairperson of the Board as signature authorities [page 2]
Resolution authorizing Fire Chief to sign the Grant Assurances [page 10]

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This grant is annual and requires a 1:1 match. Department salaries are our soft match. The grant provides funding to continue upgrades on the Emergency Plan. Revenue and expenditures will be reflected in the FY 2008-2009 budget.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Forgo an opportunity to fund plan updates.

Financial Impact? ( ) Yes (x) No Current FY Cost: $
Budgeted in Current FY? ( ) Yes (x) No ( ) Partially Funded
Amount in Budget: $ __________  Annual Recurring Cost: $
Additional Funding Needed: $ __________
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

CLERK'S USE ONLY:
Res. No. Ord. No. _____
Vote - Ayes: Noes: _____
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ______
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ______
Deputy

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion
Comments:

CAO: ______

Revised Dec. 2002
FY08 Emergency Management Performance Grant
Application for Assistance

Applicant: Mariposa County

P.O. Box 162
Mariwosa, CA 95338

Authorized Agent Mailing Address
City, State, Zip Code

Contact Information:
Jim Wilson, Fire Chief
Name/Title
209-966-4330
Area Code/Office Telephone Number
jwilson@MariposaCounty.org
E-Mail Address

Allocated Amount (from Appendix A) $82,162.00

Amount Requested per Budget Worksheet $82,162

Application Checklist – The following items must be included with this subgrant application package:

___ Application for Assistance
___ Program Narrative
___ Budget Worksheet
___ Governing Body Resolution (if required)
___ Grant Assurances (if required)

Certification and Signature of Authorized Agent

I hereby certify I am vested with the authority, and have the approval of the Operational Area, to enter into this subgrant award agreement, and all funds received pursuant to this agreement will be spent exclusively on the purposes specified. The grant recipient signifies acceptance of this grant award and agrees to administer the subgrant in accordance with the laws, regulations, guidance documents that apply to this grant program; the State OES Recipient Subgrant Guide for Local Governments; and the State OES audit requirements.

__________________________
Signature of Authorized Agent

Fire Chief
Title

Date 5/13/08

For State OES USE ONLY

Application Reviewed/Subgrant Award Approved: ____________________________

Signature ____________________________ Date ____________________________

Subgrant Performance Period: October 1, 2007 to June 30, 2009
OES ID # ___________ -00000 Catalog of Federal Domestic Assistance #97.042 Award # EMF-2008-GR-_________
Governing Body Resolution

BE IT RESOLVED BY THE Board of Supervisors

(Governing Body)

OF THE County of Mariposa THAT

(Name of Applicant)

Fire Chief OR

(Name or Title of Authorized Agent)

County Administrative Officer OR

(Name or Title of Authorized Agent)

Chairperson of the Board of Supervisors

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and subgranted through the State of California.

Passed and approved this 27th day of May, 2008

Certification

I, Tracy Gauthier, duly appointed and Deputy Clerk of the Board of the Mariposa County Board of Supervisors

(Official Position)

(Name)

(Title)

(Governing body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Supervisors of the County of Mariposa on the

27th day of May, 2008

Deputy Clerk of the Board

(Signature)

Tracy Gauthier

(Date)

5-28-08
# PROGRAM NARRATIVE

**Overview:**
The County of Mariposa’s mission is to support comprehensive emergency management and to encourage the improvement of mitigation, preparedness, response, and recovery capabilities for all hazards. Funds provided under EMPG will be used to support activities that contribute to Mariposa county’s capability to prevent, prepare for, mitigate against, respond to and recover from emergencies and natural disasters, whether natural or man-made.

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITY</th>
<th>MILESTONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3</td>
<td>Continuation of the GIS survey of structures throughout the County</td>
<td>Conduct risk surveys in communities in the County</td>
</tr>
<tr>
<td>B1</td>
<td>Continuation of NIMS compliance</td>
<td>Continue NIMS compliance for FY08</td>
</tr>
<tr>
<td>B3</td>
<td>Continuation of upgrading the County’s Emergency Operation Plan</td>
<td>Continue developing/enhancements to EOP for the FY08</td>
</tr>
<tr>
<td>B6</td>
<td>Promotion of volunteer organizations throughout the county</td>
<td>Work with volunteer groups in the community</td>
</tr>
</tbody>
</table>
BUDGET WORKSHEET

Double click on the chart below to open it as an Excel spreadsheet

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$ 82,162.00</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>Pass thru to locals</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 82,162.00</td>
</tr>
</tbody>
</table>
ASSURANCES

The applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-87, A-102, A-133; Executive Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. It 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.

3. It will give the awarding agency, the General Accounting Office, or the State of California, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance, and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63.


7. It will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs;

8. It will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

9. It will initiate and complete the work within the approved performance period after receipt of approval of the State of California.
10. It will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.

11. It has complied with Homeland Security Presidential Directive #5, dated February 2003 which directed the establishment of a nationwide incident management system for all hazards, which is the National Incident Management System, or NIMS, and will continue to comply each year. Current compliance includes integration of NIMS into training, preparedness, and emergency plans.

12. It has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant’s application for federal assistance. It will after the receipt of federal financial assistance, through the State of California, agree to the following:

a. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures.

b. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

13. In general, grantees are not required to comport with the restrictions of the Buy American Act (41 U.S.C. 10a). However, grants authorized under the Stafford Act, including the EMPG program, must follow these standards. The Buy American Act requires that all materials purchased be produced in the United States, unless such materials are not available, or such a purchase would not be in the public interest.

CERTIFICATIONS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug- Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the State of California determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING: As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 CFR Part 69, the applicant certifies that:

   (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting 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 the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions found at www.whitehouse.gov/omb/grants.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT):

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (A)(2) of this certification; and

(4) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS; AND DRUG FREE WORKPLACE REQUIREMENT: This certification, which is a required component of the on-line application, commits the applicant to compliance with the certification requirements under 28 CFR part 67, Government-wide Debarment and Suspension (Non-procurement); 28 CFR part 69, New Restrictions on Lobbying; and 28 CFR part 83 Government-wide Requirements for Drug-Free Workplace (Grants). All of these can be referenced at: http://www.access.gpo.gov/nara/cfr/waisidx_04/28cfrv2_04.html.
4. SWEATFREE CODE OF CONDUCT:

a. All applicants contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the subgrant have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The applicant further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The applicant agrees to cooperate fully in providing reasonable access to the applicant’s records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor’s compliance with the requirements under paragraph (a).

5. DOMESTIC PARTNERS: For subgrants executed or amended after July 1, 2004, the applicant may elect to offer domestic partner benefits to the applicant’s employees in accordance with Public Contract Code section 10295.3. However, the applicant cannot require an employee to cover the costs of providing any benefits which have otherwise been provided to all employees regardless of marital or domestic partner status.

TERMS AND CONDITIONS

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Applicant needs to be aware of the following provisions regarding current or former state employees. If subgrantee has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

   Current State Employees (Public Contract Code §10410):

   1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

   2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

   Former State Employees (Public Contract Code §10411):

   1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If applicant violates any provisions of above paragraphs, such action by applicant shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Applicant needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and applicant affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Applicant assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. APPLICANT NAME CHANGE: An amendment is required to change the applicant’s name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

6. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the applicant shall not be:
   (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district;
   (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or
   (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and applicant may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the applicant has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)
I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective jurisdiction to the assurances and certifications listed above.

<table>
<thead>
<tr>
<th>Jurisdiction (Printed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>By (Authorized Signature)</th>
</tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Wilson, Fire Chief</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Executed</th>
<th>5/13/08</th>
</tr>
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