

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative/Office of Emergency Services	(2) MEETING DATE April 4, 2006	(3) CONTACT/PHONE Ron Alsop (805) 781-5011
(4) SUBJECT Request for: 1) Approval to Accept the Annually Recurring Federal Emergency Management Performance Grant; 2) Approval of Ongoing Signature Authority for Certain Federal and State Grants and Related Programs; 3) Approval of a Grant Related Document Providing Assurances the County Will Comply with Certain Laws and Regulations; and, 4) Approval of a Project Application for Federal Assistance Related to the January 2006 Storm Disaster Recovery Efforts		
(5) SUMMARY OF REQUEST This agenda item is requesting approval to accept an annually recurring grant from the Federal Emergency Management Agency which matches 50% of salary and some supply costs related to certain emergency management and planning activities. Up to \$79,372 in matching funds are available. A second request related to the grant is to ask the Board to approve a signature authority resolution which allows certain staff to sign grant and related documents on behalf of the County. A third request is asking the Board to approve a related grant required document which assures the County will follow certain legal requirements. The fourth request to approve a project application with certain legal assurances in order for the County to be reimbursed certain federal and state disaster recovery funds as a result of damages from the late 2005 and early 2006 winter storms.		
(6) RECOMMENDED ACTION It is recommended that your Board 1) approve the Office of Emergency Services' (OES) request to accept the annually recurring federal Emergency Management Performance Grant; 2) approve and instruct the Chairperson to sign the Related Federal and State Required "FY 06 Emergency Management Performance Grant Assurances, Certifications, Terms and Conditions" document; 3) approve OES' request to update an existing Governing Body Resolution currently on file with State OES and the State Office of Homeland Security (OHS) designating selected County staff positions the authority to sign certain federal and state grant and other fiscal program related documents on behalf on the County; 4) approve and instruct the Chairperson to sign a "Project Application for Federal Assistance" document required in order to obtain federal and state disaster assistance related to the January 2006 storm damages.		
(7) FUNDING SOURCE(S) FEMA, State OES, and the U.S. Department of Homeland	(8) CURRENT YEAR COST \$79,372 (EMPG) \$973,000 (Storm costs)	(9) ANNUAL COST \$79,000 (EMPG)
(10) BUDGETED? (as revenue) <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): State Office of Emergency Services, State Office of Homeland Security, FEMA, and DHS		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(16) EXECUTED DOCUMENTS <i>In required State format</i> <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(19) ADMINISTRATIVE OFFICE REVIEW OK Sun Grant		

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(4/4/06)**

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: Board of Supervisors

DAVID EDGE
COUNTY ADMINISTRATOR

FROM: Ron Alsop, Office of Emergency Services

A handwritten signature in black ink that reads "Ron Alsop".

DATE: April 4, 2006

SUBJECT: Request for 1) Approval to Accept the Annually Recurring Federal Emergency Management Performance Grant; 2) Approval of Ongoing Signature Authority for Certain Federal and State Grants and Related Programs; 3) Approval of a Grant Related Document Providing Assurances the County Will Comply with Certain Laws and Regulations; and, 4) Approval of a Project Application for Federal Assistance Related to January 2006 Storm Disaster Recovery Efforts

Recommendation

It is recommended that your Board 1) approve the Office of Emergency Services' (OES) request to accept the annually recurring federal Emergency Management Performance Grant; 2) approve and instruct the Chairperson to sign the Related Federal and State Required "FY 06 Emergency Management Performance Grant Assurances, Certifications, Terms and Conditions" document; 3) approve OES' request to update an existing Governing Body Resolution currently on file with State OES and the State Office of Homeland Security (OHS) designating selected County staff positions the authority to sign certain federal and state grant and other fiscal program related documents on behalf on the County; 4) approve and instruct the Chairperson to sign a "Project Application for Federal Assistance" document required in order to obtain federal and state disaster assistance related to the January 2006 storm damages.

Discussion

The Federal Emergency Management Agency (FEMA) funds an annually recurring program titled Emergency Management Performance Grant (EMPG), which allows the County to obtain financial assistance to offset the costs of certain emergency planning and preparedness activities. EMPG funds are budgeted annually as revenue by OES (Fund Center 138) and are used to match 50% of salary costs and some supply and related ongoing costs for general emergency management planning and related readiness efforts.

A requirement to receive funding from the EMPG program includes submitting certain assurances with the grant documents; the required "FY 06 Emergency Management Performance Grant Assurances, Certifications, Terms, and Conditions" is included as an attachment to this item.

Handwritten initials in black ink that appear to be "B-4" with a flourish underneath.

Another requirement of the EMPG, as well as other grants and funding programs processed through State OES and State OHS, is to have a Governing Body Resolution on file with State OES and/or State OHS listing the name or title of employees (referred to as Authorized Agents) authorized to sign grant and related documents on behalf of the County.

While State OES and State OHS do have a Governing Body Resolution listing Authorized Agents on file for our County, it is from previous grant approvals authorized by your Board for specific programs. In order to not have to bring the Governing Body Resolutions designating Authorized Agents to your Board from time to time for each specific funding program, OES is requesting approval for a new Governing Body Resolution to be the recognized document designating "Authorized Agents" to be used for the EMPG as well as for other ongoing uses, such as signing San Simeon Earthquake disaster recovery financial documents, January 2006 storm disaster recovery, and for other grant programs related to State OES and State OHS which have been or will be approved by your Board in the future.

The following titles are currently listed as the County's Authorized Agents on the Governing Body Resolution which State OES and OHS has on file: County Administrator, Assistant Administrative Officer, and Emergency Services Coordinator.

The following titles will be listed on the new Resolution as the County's Authorized Agents: County Administrator or Deputy County Administrator or Emergency Services Coordinator.

The request to your Board to approve and instruct the Chairperson to sign a "Project Application for Federal Assistance" document is needed in order for the County to receive federal and state disaster assistance funds related to response and recovery costs resulting from the late December 2005 and early January 2006 storm damages.

Other Agency Involvement

Other agencies involved include the State Office of Emergency Services, the State Office of Homeland Security, the Federal Emergency Management Agency, and the federal Department of Homeland Security.

Financial Considerations

EMPG funds, as in past years, match 50% of certain emergency management and planning tasks performed by the County, thus offsetting our General Fund costs for such efforts. The federal fiscal year 2006 award is a match in an amount of up to \$79,372. Thus, the County General Fund match will be up to \$79,372 however these are already budgeted funds for ongoing emergency management and related operations within the OES budget.

Costs to the County for response to and recovery from the effects of the late December 2005 and early January 2006 storms that may be eligible for federal and state disaster assistance programs are estimated to be about \$973,000. As a result, the County could be reimbursed up to \$912,188 in

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federal and state funds to offset these costs. Approval of the attached Project Application for Federal Assistance is necessary to receive these funds.

Results

Specific to EMPG, enhance the County's continued ability to develop and maintain effective emergency plans and procedures, which in turn results in a coordinated response to disasters by public and related agencies. This in turn helps OES meet the Communitywide goal of a safe community.

Specific to disaster response and recovery, obtaining federal and state disaster assistance will allow the County to be reimbursed for up to about 94% of certain General Fund expenditures related to storm costs.

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Governing Body Resolution

BE IT RESOLVED BY THE BOARD OF SUPERVISORS
(Governing Body)

OF THE COUNTY OF SAN LUIS OBISPO THAT
(Name of Applicant)

COUNTY ADMINISTRATOR, OR
(Name or Title of Authorized Agent)

DEPUTY COUNTY ADMINISTRATOR, OR
(Name or Title of Authorized Agent)

EMERGENCY SERVICES COORDINATOR,
(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 4th day of APRIL, 2006

Certification

I, _____, duly appointed and
(Name)
_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by the _____ of the _____ on the _____ day of _____, 20_____.

(Official Position)

(Signature)

(Date)

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**FY 06 EMERGENCY MANAGEMENT PERFORMANCE GRANT
ASSURANCES, CERTIFICATIONS, TERMS AND CONDITIONS**

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.
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
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.

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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 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.

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)

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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. DRUG-FREE WORKPLACE REQUIREMENTS: Applicant will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
 - 1) the dangers of drug abuse in the workplace;
 - 2) the person's or organization's policy of maintaining a drug-free workplace;
 - 3) any available counseling, rehabilitation and employee assistance programs; and,
 - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed Agreement will:
 - 1) receive a copy of the company's drug-free workplace policy statement;
 - 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement and,
 - 3) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- d. Notify the agency, in writing, within 10 calendar days after receiving notice under subparagraph (c)(3) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant.

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- e. Take one of the following actions, within 30 calendar days of receiving notice under subparagraph (c)(3), with respect to any employee who is so convicted.
 - 1) Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - 2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), and (e).

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

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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.

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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.

<i>Jurisdiction (Printed)</i>	
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	
<i>Date Executed</i>	

APPROVED AS TO FORM
AND LEGAL EFFECT

JAMES B. LINDHOLM, JR.
COUNTY COUNSEL
SAN LUIS OBISPO COUNTY

By 
Deputy County Counsel

Date 3/17/06

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PROJECT APPLICATION FOR FEDERAL ASSISTANCE

SUBGRANTEE'S NAME: County of San Luis Obispo
(Name of Organization)

ADDRESS: County Government Center, Room D-430

CITY: San Luis Obispo STATE: CA ZIP CODE: 93408

TELEPHONE: (805) 781-5011 FAX NUMBER: (805) 781-5005

AUTHORIZED AGENT: _____ TITLE: _____

EMAIL ADDRESS: _____

ASSURANCES - CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the subgrantee named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. 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 gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will comply with all federal statutes relating to nondiscrimination. 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. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

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10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply 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 \$5,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. 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.
16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subgrantee application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
 - b. 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 as accepted by final audit of the federal or state government.
 - c. 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.
19. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

The undersigned represents that he/she is authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee.

**APPROVED AS TO FORM
AND LEGAL EFFECT**

**JAMES B. LINDHOLM, JR.
COUNTY COUNSEL
SAN LUIS OBISPO COUNTY**

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

By *Amela*
Deputy County Counsel

TITLE

DATE

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