RESOLUTION NO. 3568

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY, TO ENTER INTO A STATE-LOCAL DISASTER ASSISTANCE AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE MONTANA DISASTER AND EMERGENCY SERVICES DIVISION FOR THE HAZARD MITIGATION GRANT PROGRAM

WHEREAS, the City of Miles City has applied for a grant from the Federal Emergency Management Agency (FEMA) and The Montana Disaster and Emergency Services Division (DES) to provide funding for the mitigation of hazards for the purpose of purchasing and installing ArcGIS software for the City of Miles City.

AND WHEREAS, the FEMA and DES are willing to provide such grant funds pursuant to the terms and conditions of State-Local Disaster Assistance Agreement #DR-1996-P-5-F a copy of which is attached hereto as Exhibit "A" and made a part hereof;

AND WHEREAS the City Council finds that it is the best interest of the City of Miles City to enter into such State-Local Disaster Assistance Agreement with the FEMA and DES for such grant funds and that the terms and conditions of the aforementioned contract are fair and reasonable;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AS FOLLOWS:

- 1. The attached State-Local Disaster Assistance Agreement DR-1996-P-5-F between the City of Miles City, Montana and FEMA and DES is approved and adopted by this Council;
- 2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said State-Local Disaster Assistance Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
- 3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said State-Local Disaster Assistance Agreement and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11TH DAY OF DECEMBER, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

STATE-LOCAL DISASTER ASSISTANCE AGREEMENT HAZARD MITIGATION GRANT PROGRAM

This agreement between the State of Montana and Miles City and is effective on the date signed by the state and the applicant. It shall apply to all Hazard Mitigation Grant Program (HMGP) funds provided by or through the state from DR-1996-P-5-F to the applicant for the purpose of purchasing and installing ArcGIS software for Miles City.

The designated representative of the applicant certifies that:

- 1. He/she has legal authority to apply for assistance on behalf of the applicant.
- 2. The applicant will appoint by resolution an Applicant's Representative to act on the city's behalf and will establish and maintain a proper accounting system to record expenditures of disaster assistance funds in accordance with generally accepted accounting standards or as directed by the Governor's Authorized Representative. [NOTE: Attach a copy of the resolution to the applicant.]
- 3. The applicant will provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state disaster assistance.
- 4. The applicant agrees to provide necessary local share of funding for completion of the project.
- 5. The local cost share funding will be available within the specified time.
- 6. The applicant will use disaster assistance funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative to include utilizing qualified and experienced contractors, preferably those who have been authors of prior FEMA approved Plans.
- 7. The applicant will give state and federal agencies designated by the Governor's Authorized Representative access to and the right to examine all records and documents related to use of disaster assistance funds.
- 8. The applicant will return to the state, within 15 days of such request by the Governor's Authorized Representative, any advanced funds which are not supported by audit or other federal or state review of documentation maintained by the applicant.
- 9. The applicant will comply with all applicable codes and standards as it pertains to this project and agrees to provide maintenance as appropriate.
- 10. The applicant will comply with all applicable provisions of federal and state law and regulation in regard to procurement of goods and services.
- 11. The applicant will begin project work within 90 days of approval of the grant and complete all items of work within the period of performance specified by FEMA unless an exception is granted by FEMA to extend the time frame.
- 12. The applicant will comply with all federal and state statutes and regulations relating to non-discrimination.
- 13. The applicant will comply with the provisions of the Hatch Act limiting the political activities of public employees.
- 14. The applicant will comply with the National Flood Insurance Program purchase requirements as required.

- 15. The applicant will not enter into cost-plus-percentage-of-cost contracts for completion of Hazard Mitigation Grant Projects.
- 16. The applicant will not enter into contracts for which payment is contingent upon receipt of state or local funds.
- 17. The applicant will not enter into any contract with any party that is disbarred or suspended from participating in federal assistance programs.
- 18. The applicant will comply with one of the following (as appropriate for the type of applicant) for all audit requirements: OMB CIRCULAR NO. A-128 (Single Audit Act); or A-133 (for Private Non-profit Organizations); or 7 CFR Ch. XVII Subpart B-REA Audit Requirements Subsection 1773(d).
- 19. The applicant will comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
- 20. The State reserves the right to withhold 10% of the total Federal Funds until the project is complete and approved by FEMA.

SIGNED FOR THE APPLICANT:

Mayor -Signatury

C. A. Grenz Signature Mayor

December 11,2012

SIGNED FOR THE STATE:

Ed Tinsley

Governor's Authorized Representative (GAR)

Signature