

File No. 130147

Committee Item No. 2

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date 02/27/2013

Board of Supervisors Meeting

Date March 5, 2013

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Information Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Award Letter
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date February 22, 2013

Completed by: Victor Young

Date 2-28-13

1 [Accept and Expend Grant - FY2009 Buffer Zone Protection Program - \$282,506]

2
3 **Resolution amending Resolution No. 529-11. to retroactively increase FY2009 Buffer**
4 **Zone Protection Program grant funds from \$199,820 to \$282,506 for the period of April**
5 **1, 2009, through March 31, 2013.**
6 *8/10/09 2:10 PM*

7 WHEREAS, The Buffer Zone Protection Program (BZPP) is a targeted infrastructure
8 protection program administered by the federal Department of Homeland Security (DHS),
9 through the California Emergency Management Agency (CalEMA), that provides grant funds
10 to build security and risk-management capabilities at the state and local levels that help
11 protect critical infrastructure from acts of terror; and,

12 WHEREAS, In Board Resolution No. 528-11, the Board of Supervisors authorized the
13 Department of Emergency Management to accept and expend a Fiscal Year 2009 BZPP
14 grant in the amount of \$199,820; and,

15 WHEREAS, The City has received a letter from CalEMA notifying it of an additional
16 grant award in the amount of \$82,686; and,

17 WHEREAS, The City has been notified that these funds must be expended by
18 March 31, 2013; and,

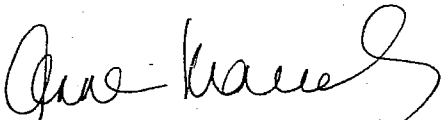
19 WHEREAS, The grant does not require an ASO amendment; and,

20 WHEREAS, The grant does not include any provisions for indirect costs; now,
21 therefore, be it

22 RESOLVED, That the San Francisco Board of Supervisors hereby amends Board
23 Resolution Number 529-11 to authorize the Department of Emergency Management (DEM) to
24 accept and expend an additional \$82,686 as part of the FY 2009 BZPP grant, increasing the
25 total grant amount from \$199,820 to \$282,506; and, be it

1 FURTHER RESOLVED, That the grant does not include any provisions for indirect
2 costs, and indirect costs are hereby waived.
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4

5 Recommended:

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8 ANNE KRONENBERG, Executive Director
9 Department of Emergency Management
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Approved: 

EDWIN LEE, Mayor




For BEN ROSENFELD,
Controller

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Mayor Edwin M. Lee 
RE: Accept and Expend Grant - FY 09 Buffer Zone Protection Program Grant - \$282,506
DATE: February 12, 2013

Attached for introduction to the Board of Supervisors is the resolution amending Resolution Number 529-11 to increase Fiscal Year 2009 Buffer Zone Protection Program grant funds from \$199,820 to \$282,506.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 FEB 12 PM 2:55

130 147 ✓

1 [Accept and Expend Grant - FY09 Buffer Zone Protection Program Grant - \$199,820]

2
3 **Resolution authorizing the Department of Emergency Management to retroactively**
4 **accept and expend a Fiscal Year 2009 Buffer Zone Protection Program grant in the**
5 **amount of \$199,820 from the U.S. Department of Homeland Security, through the**
6 **California Emergency Management Agency, to fund critical infrastructure protection**
7 **needs.**

8
9 WHEREAS, The Buffer Zone Protection Program (BZPP) is a targeted infrastructure
10 protection program that provides grant funds to build security and risk-management
11 capabilities at the state and local levels that help protect critical infrastructure from acts of
12 terror; and,

13 WHEREAS, BZPP grant funds are awarded by the federal Department of Homeland
14 Security (DHS), and in California pass to the recipient through the California Emergency
15 Management Agency (CalEMA); and,

16 WHEREAS, For the Fiscal Year 2009 BZPP program, DHS identified one site in San
17 Francisco for award of grant funding for infrastructure protection activities; and,

18 WHEREAS, The San Francisco Police Department, in conjunction with Federal
19 Security Advisors, conducted a site assessment as a critical element in the BZPP grant award
20 process; and,

21 WHEREAS, Upon completion of these assessments, the San Francisco Police
22 Department submitted a Buffer Zone Plan (BZP) and Vulnerability Reduction Purchasing Plan
23 (VRPP) for the funded site; and,

1 WHEREAS, DHS and CalEMA must approve the BZP and VRPP before procurement
2 and implementation of the project designated in the VRPP can begin at the proposed site;
3 and,

4 WHEREAS, DHS and CalEMA approved the BZP and VRPP for the San Francisco site
5 on August 31, 2011; and,

6 WHEREAS, San Francisco will expend \$194,000 of the grant funds to purchase critical
7 security equipment for the designated site, and retain \$5,820 for management and
8 administration costs associated with the grant; and,

9 WHEREAS, The City must expend BZPP funds no later than December 30, 2011,
10 unless an extension is granted; and,

11 WHEREAS, The grant does not require an ASO amendment; and,

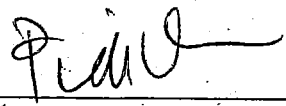
12 WHEREAS, The grant does not include any provisions for indirect costs; now,
13 therefore, be it


14 RESOLVED, That the San Francisco Board of Supervisors hereby authorizes the
15 Department of Emergency Management (DEM) to retroactively accept and expend a FY 2009
16 BZPP grant in the amount of \$199,820 from the DHS through the CalEMA to fund a critical
17 infrastructure need as provided in the award; and, be it

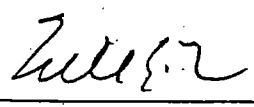
18 FURTHER RESOLVED, That the DEM Executive Director, or designee, is authorized
19 to furnish whatever additional information or assurances the DHS or CalEMA may request in
20 connection with this grant, to execute any and all agreements or other documents, and to take
21 any other steps necessary to accept, distribute and expend the grant funds; and, be it


22 FURTHER RESOLVED, That the grant does not include any provisions for indirect
23 costs, and indirect costs are hereby waived.

1 Recommended:

Approved: 

 EDWIN LEE, Mayor

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3 
4 ANNE KRONENBERG, Executive Director
Department of Emergency Management


for BEN ROSENFELD,
Controller



City and County of San Francisco

Tails Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 111273

Date Passed: December 13, 2011

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2009 Buffer Zone Protection Program grant in the amount of \$199,820 from the U.S. Department of Homeland Security, through the California Emergency Management Agency, to fund critical infrastructure protection needs.

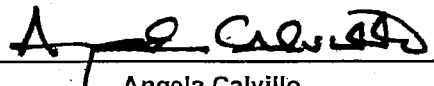
December 07, 2011 Budget and Finance Committee - RECOMMENDED

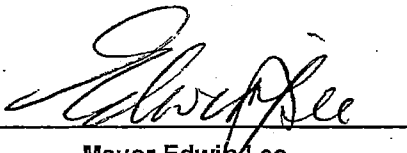
December 13, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111273

I hereby certify that the foregoing
Resolution was ADOPTED on 12/13/2011 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor Edwin Lee

12/20/11
Date Approved

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Anne Kronenberg
DATE: February 6, 2013
SUBJECT: Amended Accept and Expend Resolution for Subject Grant

GRANT TITLE: FY 9 Buffer Zone Protection Program Grant

Attached please find the original and 4 copies of each of the following:

- ☒ X Proposed grant resolution; original signed by Department, Mayor, Controller
- ✓ ☒ X Grant information form, including disability checklist
- ✓ ☒ X Grant budget
- ☒ X Grant application
- ☒ X Grant award letter from funding agency
- ☐ Ethics Form 126 (if applicable)
- ☐ Contracts, Leases/Agreements (if applicable)
- ☒ X Other (Explain): Grant Assurances

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted resolution:

Name: Mary Landers

Phone: 353-5225

Interoffice Mail Address:

Certified copy required Yes ☒

No ☐

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

RECEIVED

2010 FEB -7 PM 3:08

CITY & COUNTY OF S.F.
CONTROLLERS - AOSD



Edwin M. Lee
Mayor

Department of Emergency Management
1011 Turk Street, San Francisco, CA 94102

Division of Emergency Communications
Phone: (415) 558-3800 Fax: (415) 558-3843

Division of Emergency Services
Phone: (415) 487-5000 Fax: (415) 487-5043



Anne Kronenberg
Executive Director

To: Angela Calvillo, Clerk of the Board of Supervisors

From: Anne Kronenberg
Executive Director, Department of Emergency Management

Date: February 6, 2013

RE: Amendment to Resolution Number 529-11 to Accept and Expend additional FY 2009 Buffer Zone Protection Program Grant funds

The Department of Emergency Management is pleased to present the following Grant Report in summary of the above-referenced item submitted by the Department of Emergency Management.

Legislation For Approval: The proposed resolution seeks to amend the Board of Supervisors' previously approved legislation (Resolution #529-11) to increase funding from \$199,820 to \$282,506 for FY 09 Buffer Zone Protection Program Grant funds. Funding comes from an additional award by the Department of Homeland Security through the California Emergency Management Agency (CalEMA).

Departments: **Department of Emergency Management (DEM).** Department will act as fiscal agent.

San Francisco Police Department (SFPD): Department will coordinate all expenditures for the 1 San Francisco site.

Amount: Grant allocation in the amount of \$276,686 for equipment, and \$5,820 to the DEM for M & A expenses.

Grant Period: April 1, 2009 through March 31, 2013

Source of funds: U.S. Department of Homeland Security

Indirect Costs: The proposed resolution waives indirect costs, because the grant program does not allow the charging of indirect costs.

Description:

The proposed amendment to resolution number 529-11 authorizes the Department of Emergency Management to accept and expend an additional \$86,686 in federal grant funding from the FY 2009 Buffer Zone Protection Program Grant (Award # 2009-0026, OES # 075-00000), issued by the U.S. Department of Homeland Security to purchase additional critical security equipment.

Grant funds will be allocated to the following activities to accomplish the following tasks:

- (1) Equipment: \$276,686 has been allocated to purchase critical security enhancement equipment for 1 site.
- (2) Management and Administration: \$5,820 has been allocated for the management and administration of grant funds.

Budget:

The summary budget by activity for the subject grant is as follows:

Equipment:	\$ 276,686
M & A:	<u>\$ 5,820</u>
Total Budget:	\$282,506

Additional Comments:

- There are a no positions funded in this grant.
- None of the additional grant funds have been encumbered or expended.

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: FY 09 Buffer Zone Protection Program Grant

2. Department: Department of Emergency Management

3. Contact Person: Mary Landers

Telephone: 353-5225

4. Grant Approval Status (check one):

☒ [X] Approved by funding agency

☐ [] Not yet approved

5. Amount of Grant Funding Approved or Applied for: \$282,506

6a. Matching Funds Required: \$ N/A

b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: U.S. Department of Homeland Security

b. Grant Pass-Through Agency (if applicable): California Emergency Management Agency

8. Proposed Grant Project Summary: this grant provides funding to prevent, prepare for, respond to, and recover from threats of acts of terrorism.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: April 1, 2009

End-Date: March 31, 2013

10a. Amount budgeted for contractual services: \$0

b. Will contractual services be put out to bid? N/A

c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements?

d. Is this likely to be a one-time or ongoing request for contracting out?

11a. Does the budget include indirect costs?

☐ [] Yes

☒ [X] No

b1. If yes, how much? \$

b2. How was the amount calculated?

c1. If no, why are indirect costs not included?

☒ [X] Not allowed by granting agency

☐ [] To maximize use of grant funds on direct services

☐ [] Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? Unknown

12. Any other significant grant requirements or comments:

****Disability Access Checklist** (Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

<input checked="" type="checkbox"/> Existing Site(s)	<input checked="" type="checkbox"/> Existing Structure(s)	<input checked="" type="checkbox"/> Existing Program(s) or Service(s)
<input type="checkbox"/> Rehabilitated Site(s)	<input type="checkbox"/> Rehabilitated Structure(s)	<input type="checkbox"/> New Program(s) or Service(s)
<input type="checkbox"/> New Site(s)	<input type="checkbox"/> New Structure(s)	

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Terrence Daniel
(Name)

Diane E. Zygantes-Fink (for)

Department ADA Coordinator
(Title)

Date Reviewed:

02-07-13

Diane E. Zygantes-Fink
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Anne Kronenberg
(Name)

Executive Director
(Title)

Date Reviewed:

02-07-13

Anne Kronenberg
(Signature Required)

Alterations to this document may result in delayed application approval, modification requests, or reimbursement requests. Subgrantees may be asked to revise and/or re-submit any altered Financial Management Forms Workbook. **Warning!** Decimal usage is not allowed. Attempts to use decimals will prompt error message.

Bay Area

075-00000

2009-0026

CFDA #

LEDGER TYPE:	Modification
Today's Date:	Monday, January 07, 2013
Expenditure Period:	(Date) From: (Date) To:

3

Item Number	Project	Project Name	Funding Source	Discipline	Solution Area	Solution Area Sub-Category	Total Obligated	Amount Approved Previous	Amount This Request	Match Amount	Total Approved	Remaining Balance	Percentage Complete
	A	Site A	BZPP	LE	Equip	CBRNE Search and Rescue Equipment	282,506	199,820	-	-	199,820	82,686	70.73%
	A	Site A	BZPP	LE	Equip	Interoperable Communications Equipment	123,201	62,593	-	-	109,993	14,594	88.29%
	A	Site A	BZPP	LE	Equip	Power	6,304	6,304	-	-	6,304	-	100.00%
3	A	Site A	BZPP	LE	Equip	Other Authorized Equipment	22,594	15,110	-	-	15,110	7,484	66.88%
4	A	Site A	BZPP	LE	M & A	Hiring of Full or Part-Time Staff	5,820	5,820	-	-	5,820	-	100.00%
5													
6													
7													
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CALIFORNIA EMERGENCY MANAGEMENT AGENCY

AUTHORIZED AGENT

Alterations to this document may result in delayed application approval, modification requests, or reimbursement requests. Subgrantees may be asked to revise and/or re-submit any altered Financial Management Forms Workbook.

CFDA #:

Bay Area
075-00000

2009-0026

Supporting Information for Reimbursement/Advance of State and Federal Funds

This request is for an/a: Modification

This claim is for costs incurred within the grant expenditure period from and does not cross fiscal years.

(Beginning Expenditure Period Date)

through

(Ending Expenditure Period Date)

Under Penalty of Perjury I certify that:

I am the duly authorized officer of the claimant herein. This claim is true, correct, and all expenditures were made in accordance with applicable laws, rules, regulations and grant conditions and assurances.

Statement of Certification - Authorized Agent

By signing below, I hereby certify that I am the duly appointed Authorized Agent and have the authority to apply for the Homeland Security, Transit Security, Non-Profit Security Grant Program, PROP 1B, Urban Area Security Initiative, and the Operational Area's application represents the needs for the State Homeland Security Program.

Craig Dziedzic

Printed Name

Signature of Authorized Agent

Date

1/7/2013

Mail workbooks to:

Peter Town

Homeland Security Grants - CALEMA

California Emergency Management Agency

3650 Schriever Avenue

Iather, CA 95655



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

January 11, 2013

Mary Landers
Regional Grants Manager
Bay Area UASI Program
711 Van Ness Ave., #420
San Francisco, CA 94102

**SUBJECT: NOTIFICATION OF ADDITIONAL GRANT AWARD AND EXTENDED
PERIOD OF PERFORMANCE**
Fiscal Year (FY) 2009 Buffer Zone Protection Program (BZPP)
San Francisco County
Cal EMA ID: 075-00000, Grant # 2009-0026

Dear Ms. Landers:

The California Emergency Management Agency (Cal EMA) has approved San Francisco County for additional FY09 BZPP funds adjusting your new total award to \$282,506. As of the date of this letter you may request reimbursement of eligible FY 2009 BZPP grant expenditures.

Funds awarded under this allocation will be subject to the requirements set forth in the FY 2009 BZPP Federal Program Guidance and Application Kit. **All FY 2009 BZPP funds must be expended by March 31, 2013.**

This grant is subject to all policies and provisions of the Federal Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. Any funds received in excess of current needs, approved amounts, or those found owed as a result of a final review or audit, must be refunded to the State within 30 days upon receipt of an invoice from Cal EMA.

For further assistance, please contact your Cal EMA program representative, Mr. Peter Town at, (916) 845-8409 or via email at peter.town@calema.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Murphy".

BRENDAN A. MURPHY
Assistant Secretary

3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE (916) 845-8511 FAX



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

FY 09 Buffer Zone Protection Program
FY09 Grant Assurances

Name of Applicant: City/County San Francisco

Address: 10 Lombard St. Suite 410

City: San Francisco State: CA Zip Code: 94111

Telephone Number: (415) 705-8520 Fax Number: (415) 705-8510

E-Mail Address: Teresa.serata@sfgov.org

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

1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and sub-granted through the State of California, California Emergency Management Agency (CalEMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs and are prohibited from transferring funds between programs (State Homeland Security Program, Urban Area Security Initiative, Citizen Corps Program, and Metropolitan Medical Response System).
3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
4. Agrees that funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Capability Planning Tool.
5. Will provide progress reports and such other information as may be required by the awarding agency, including the Initial Strategy Implementation Plan (ISIP) within 45 (forty-five) days of the award, and update via a report in the Grant Reporting Tool (GRT) twice each year.
6. Will initiate and complete the work within the applicable time frame after receipt of approval from CalEMA.



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

FY 09 Buffer Zone Protection Program
FY09 Grant Assurances

7. Will comply with FEMA's codified regulation 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including part 13.1 regarding the payment of interest earned on advances.
8. 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 for themselves or others, particularly those with whom they have family, business or other ties.
9. Agrees that to the extent contractors or subcontractors are utilized, grantees and subgrantees shall use small, minority, women-owned, or disadvantaged business concerns and contractors or subcontractors to the extent practicable.
10. Will comply with 2 CFR 215.25, and will notify CalEMA of any developments that have a significant impact on award-supported activities, including changes to key program staff.
11. Will comply, if applicable, 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.
12. Understands and agrees Federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval from FEMA.
13. Will comply with all federal statutes relating to Civil Rights and Nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, 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 gender.
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits 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. 92-255) 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. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G.



Cal EMA

CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

FY 09 Buffer Zone Protection Program
FY09 Grant Assurances

- j. Title 28, CFR, Part 35.
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made.
 - l. Title 44 CFR Parts 7, 16, and 19 relating to nondiscrimination.
 - m. The requirements on any other nondiscrimination statute(s) which may apply to the application.
 - n. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, gender, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
 - o. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
 - p. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1.
14. 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 (42 U.S.C. § 4601 et seq. (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases. Will also comply with Title 44 Code of Federal Regulations, Part 25, Uniform Relocation Assistance and Real Property Acquisition for Federal and federally-assisted programs.
15. Will comply, if applicable, 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 \$10,000 (ten thousand dollars) or more.
16. Will comply with all applicable Federal, State, and local environmental and historical preservation (EHP) requirements. Failure to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Will comply with all conditions placed on any project as the result of the EHP review; any change to the scope of work of a project will require re-evaluation of compliance with these EHP requirements.
17. Agrees not to undertake any project having the potential to impact the EHP resources without the prior written approval of FEMA/CalEMA, including but not limited to communications towers, physical security enhancements, new construction and modifications to buildings that are 50 (fifty) years old or more. Any construction related activities initiated prior to full environmental



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and historic preservation (EHP) review will result in a non-compliance finding. If ground disturbing activities occur during the project implementation, the recipient must ensure monitoring of the ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease activity in that area and notify CalEMA/FEMA and the appropriate State Historic Preservation Office.

18. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities, and will notify CalEMA and the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
19. Will provide any information requested by FEMA/CalEMA to insure compliance with applicable laws including the following:
 - a. Institution of environmental quality control measures under the National Environmental Policy Act, National Historical Preservation Act, Archaeological and Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (EO11988), Wetlands (11990) and Environmental Justice (12898) and Environmental Quality (EO11514).
 - b. Title 44 CFR Parts 9 and 10, referencing floodplain management and environmental considerations.
 - c. Notification of violating facilities pursuant to EO 11738.
 - d. 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.).
 - e. 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.).
 - f. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523).
 - g. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Section 15000-15007.
 - h. 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.
 - i. Applicable provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
 - j. Will comply with all conditions placed on any project as the result of the EHP review; any change to the scope of work of a project will require re-evaluation of compliance with these EHP requirements.
 - k. Agrees not to undertake any project having the potential to impact the EHP resources without the prior written approval of FEMA/CalEMA, including but not limited to



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communications towers, physical security enhancements, new construction and modifications to buildings that are 50 (fifty) years old or more.

20. Will comply with Standardized Emergency Management System (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.
21. Agrees that all publications created or published with funding under this grant shall prominently contain the following statement: *"This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security, points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."* The recipient also agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: *"Purchased with funds provided by the U.S. Department of Homeland Security."*
22. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the submitted application for federal assistance and after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
23. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
24. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
25. Will comply, if applicable, with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
26. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.



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27. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
28. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
29. Agrees 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 other funds 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 an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
 - c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
30. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.



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31. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
32. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, and A-133, E.O. 12372 and the current Administrative Requirements, Cost Principles, and Audit Requirements. Will also comply with Title 28, Code of Federal Regulations, Parts 66 and 70, that govern the application, acceptance and use of Federal funds for federally assisted projects.
33. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, Including:
 - a. Part 18, Administrative Review Procedures.
 - b. Part 20, Criminal Justice Information Systems.
 - c. Part 22, Confidentiality of Identifiable Research and Statistical Information.
 - d. Part 23, Criminal Intelligence Systems Operating Policies.
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities.
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.
 - g. Part 38, Equal Treatment of Faith-based Organizations.
 - h. Part 63, Floodplain Management and Wetland Protection Procedures.
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures.
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act.
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement).
 - n. Part 69, New Restrictions on Lobbying.
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations.
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).
34. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
35. Agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
36. Will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.



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37. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide and the current U.S. Department of Homeland Security (DHS) Financial Management Guide.
38. Agrees that all allocations and use of funds under this grant will be in accordance with the FY 2009 Buffer Zone Protection Program Guidance and Application Kit, and the California Supplement to the FY 2008 Buffer Zone Protection Grant Program Guidance and Application Kit. All allocations and use of funds under this grant must be consistent with the State and/or Urban Area Homeland Security Strategy.
39. Acknowledges that FEMA reserves a royalty-free, non exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: a) the copyright in any work developed under an award or sub-award; and b) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support, the recipient agrees to consult with GPD regarding the allocation of any patent rights that arise from, or are purchased with, this funding.
40. 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."
41. 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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 (1)(b) of this certification; and (d) Have not within a three-year



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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.

42. Agrees to comply with the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 and certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace.
 - (2) The grantee's policy of maintaining a drug-free workplace.
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) 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.
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:



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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.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted.

(1) Taking 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) Requiring 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.

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

43. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

44. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

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

Signature of Authorized Agent: Teresa Serata

Printed Name of Authorized Agent: Teresa Serata

Title: Director of Strategy and Compliance Date: 7/29/11