

FAIRFIELD TOWNSHIP
RESOLUTION NO. 23-146

**RESOLUTION FOR THE DESIGNATION OF THE ADMINISTRATOR AS THE
APPLICANT'S AGENT FOR FUNDS APPROVED FOR FAIRFIELD TOWNSHIP
THROUGH THE HAZARD MITIGATION GRANT PROGRAM.**

WHEREAS: The Board of Trustees must designate an agent to execute agreements for and on behalf of the Board of Trustees for the Fairfield Township Acquisition Project funded under the Hazard Mitigation Grant Program (HMGP); and

WHEREAS: Fairfield Township applied for Federal Emergency Management Agency (FEMA) funding to acquire and mitigate issues associated with 6 residential units located at 3010 Canal Road and agreed to match grant awards with a 10% match (Res 23-026); and

WHEREAS: FEMA approved the grant award for the Fairfield Township Acquisition Project funded under the HMGP in the amount of \$440,740.08; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Fairfield Township, Butler County, Ohio, as follows;

SECTION 1: The Board designates that the Administrator, Julie Vonderhaar, is hereby authorized to execute for and on behalf of the Fairfield Township Board of Trustees, a public entity established under the laws of the State of Ohio this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 23rd Congress) or otherwise available from the President's Disaster Relief Fund.

SECTION 2: The Board hereby affirms that Fairfield Township is a public entity established under the laws of the State of Ohio, and has hereby authorized its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements as listed in the Grant Agreement.

SECTION 3: The Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to RC 504.10, and authorizes the adoption of this resolution upon its first reading.

SECTION 4: This resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

SECTION 5: That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

SECTION 5: This resolution shall take effect at the earliest period allowed by law.

Adopted: November 14, 2023

Board of Trustees

Michael Berding: _____

Shannon Hartkemeyer: _____

Joe McAbee: _____

Vote of Trustees

yes

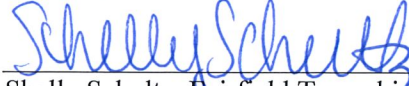
yes

yes

AUTHENTICATION


This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 14th day of November, 2023.

ATTEST:



Shelly Schultz, Fairfield Township Fiscal Officer

APPROVED AS TO FORM:



Lawrence E. Barbieri, Township Assistant Law Director



**Department of
Public Safety**

Emergency Management Agency

ema.ohio.gov

Mike DeWine, Governor Jon Husted, Lt. Governor Andy Wilson, Director

November 9, 2023

FEMA-DR-4507.43-R

Chuck Goins
Assistant Administrator/Zoning Administrator
6032 Morris Road
Fairfield Township, OH 45011

Dear Mr. Goins:

Congratulations! You were recently notified the mitigation project to acquire and demolish six residential structures was awarded by FEMA under the Hazard Mitigation Grant Program as a result federal declaration FEMA-DR-4507-OH. Before the project can be started and funds disbursed, you must complete the following forms and return to my attention at the address above within 30 days of receipt of this letter.

1. State and Local Grant Agreement (enclosed)
2. W-9 Form (enclosed)
3. Sub-award Financial Management Form (enclosed)
4. Resolution designating the person or organization responsible for implementing the mitigation project (sample enclosed)

The State and Local Agreement must be signed by the Chief Official and the Executive Director of the Ohio EMA before funds can be disbursed. The Project Manager is responsible for all activities related to the project and must be able to act on behalf of the community.

If you have questions concerning this project, contact me at 614/799-3539 or Jacob Hoover of my staff at 614/799-3538.

Sincerely,

STEVE FERRYMAN, CFM
State Hazard Mitigation Officer
Mitigation Branch Chief

Cc: Phil Clayton, Ohio EMA, Southwest Regional Office
Jim Bolen, Director, Butler County EMA

Sima S. Merick, Executive Director
2855 West Dublin-Granville Road
Columbus, Ohio 43235-2712 U.S.A.



**Department of
Public Safety**

Mike DeWine, Governor
Jon Husted, Lt. Governor

Thomas J. Stickrath, Director
Sima S. Merick, Executive Director



**STATE-LOCAL GRANT AGREEMENT
HAZARD MITIGATION GRANT PROGRAM - CFDA 97.039
FEMA-DR-4507.14-R-OH
DECLARED MARCH 31, 2020**

This Grant Agreement (the "Agreement") is made and entered into by, and between, the State of Ohio, Department of Public Safety, Ohio Emergency Management Agency, located at 2855 West Dublin-Granville Road, Columbus, Ohio 43235-2712 (herein referred to as the "Recipient"); and, the **Fairfield Township** located at **6032 Morris Road Fairfield Township, OH 45011** herein referred to as the "Sub-recipient").

This agreement will be in effect for the period beginning November 1, 2023 and ending November 1, 2025

1. Pursuant to the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, et. seq. ("Stafford Act") as amended, the Federal Emergency Management Agency ("FEMA") has been authorized by Congress to make grants to states to mitigate natural disasters. The Ohio Emergency Management Agency ("Ohio EMA"), has received grant funds for that purpose.
2. The Ohio Emergency Management Agency has been designated as the Recipient to receive, administer, and disburse FEMA mitigation funds for local government mitigation projects in areas of Ohio and to provide technical assistance with the Hazard Mitigation Grant Program (HMGP). The HMGP is authorized by Section 404 of the Stafford Act, Public Law 93-288. Recipient shall monitor and evaluate the implementation of mitigation projects and control the disbursement of HMGP funds from FEMA.
3. Fairfield Township is the Sub-recipient and has submitted an application, which is incorporated herein by reference, to the Recipient setting forth a list of activities (herein referred to individually as "Project"). The Recipient and FEMA have approved the Projects along with any exceptions that have been made prior to signing of this agreement. The Sub-recipient agrees to complete the Project within two years of FEMA approval, unless a time extension is granted by the Recipient.
4. Sub-recipient shall participate in the development of, and shall coordinate and monitor the implementation of the local hazard mitigation measures; and shall regulate and control development within hazardous areas.
5. Sub-recipient has the legal authority to accept mitigation funds and shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state mitigation funds. The financial management system must comply with 2 Code of Federal Regulations (CFR) Part 200 and Auditor of State Bulletin 99-05.
6. Sub-recipient shall use the mitigation funds solely for the approved scope of work in the Project. Only those costs, which are allowable as defined in 2 CFR 200 will be paid:

- a. This Grant Agreement in the amount of **\$489,712.00** ("Funds") will serve as the contract between the Recipient, Ohio EMA and the Sub-recipient for the purpose of the approved project.
- b. Total estimated cost of the mitigation project is: **\$489,712.00**
Total HMGP (Federal) contribution is: **\$440,740.80**
Local contribution: **\$ 48,971.20**
- c. FEMA has awarded Sub-recipient Management Costs (SRMC) in the amount up to \$24,485.60 to help off-set the costs of project implementation. These funds are 100% Federal and do not require a local match. The SRMC funds must be administered by the Recipient and Sub-Recipient in accordance with:
 - i. Hazard Mitigation Assistance Guidance dated February 27, 2015
 - ii. FEMA Policy #104-11-1
 - iii. 2 Code of Federal Regulations Part 200, and
 - iv. This grant agreement.

In order to receive these funds, the Sub-Recipient must document expenses deemed reasonable, allowable, and necessary as required by this agreement and in the guidance, policy, and regulation above. Reimbursement will be based on documented, actual eligible cost incurred up to 5% of the total project cost at the time of project completion.

- d. Sub-recipient agrees to provide the necessary local cost share as required by 2 CFR Parts 200.306 and 200.434. The funding will be available within the specified period of time for completion of the Project. Documentation of the use of the local cost share is required.
 - e. Obligations of Recipient are subject to provisions of Section 126.07 of the Ohio Revised Code.
7. Sub-recipient shall return to Recipient any HMGP and State funds, which are not supported by audit or other federal or state review of documentation maintained by the Sub-recipient. (2 CFR Part 200-Subpart F)
 8. Sub-recipient shall maintain records for the period set forth in 2 CFR Part 200.333 and shall give access to said records in accordance with 2 CFR Part 200.336.
 9. Sub-recipient shall comply with all applicable state and local ordinances, laws, regulations, building codes and standards applicable to this Project.
 10. Sub-recipient agrees to maintain good standing with the National Flood Insurance Program (NFIP) and comply with local regulations pertaining to the NFIP; and agrees to bring into NFIP compliance all structures identified through Community Assistance Visits (CAV's) to the maximum extent possible. Failure to enforce NFIP requirements for all development in identified flood hazard areas will result in the Sub-recipient repaying the HMGP and state funds related to the Project.
 11. Sub-recipient shall comply with 2 CFR Part 200.318 in all procurements, including the contract provisions found in 2 CFR Parts 200.319 thru 200.326. In particular,
 - a. Sub-recipient shall comply, as applicable, with provisions of federal laws and regulations pertaining to labor standards, and the State of Ohio Prevailing Wages laws and regulations.

- b. Sub-recipient shall not enter into any contract with any party which is debarred or suspended from participating in federal assistance programs, or is otherwise ineligible pursuant to E.O. 12549, Debarment and Suspension, as implemented at 2 CFR Part 200.213.
12. Sub-recipient has read, understands, and shall comply with the State of Ohio Audit Requirements/Compliance Standards (attached), and 2 CFR Part 200 Subpart F – Audit Requirements.
13. Sub-recipient shall submit to the Recipient quarterly progress reports (QPR), due the 15th day of the month following the end of the quarter on the following schedule:
- a.

January – March	Due April 15
April – June	Due July 15
July – September	Due October 15
October – December	Due January 15
 - b. Failure to provide the required reports will result in suspension of grant funds until the required reports are provided and approved by the Recipient.
14. Sub-recipient shall comply with all applicable federal, state and local ordinance, laws, regulations, requirements, labor standards, building codes and standards as pertains to this project and identified in 2 CFR Part 200, and agrees to provide maintenance as appropriate.

15. NONCOMPLIANCE (2 CFR PART 200.338)

- a. If the Sub-recipient fails to comply with the terms of the award, whether stated in a federal statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:
 - i. Temporarily withhold cash payments pending correction of the deficiency;
 - ii. Disallow all of part of the cost of the activity or action not in compliance;
 - iii. Wholly or partly suspend or terminate the current award for the program;
 - iv. Withhold further awards for the program;
 - v. Take other remedies that may be legally available.
- b. In taking an enforcement action, the awarding agency and/or the Recipient will provide an opportunity for such hearing, appeal, or other administrative proceeding to which the Recipient or Sub-recipient is entitled under any statute or regulation applicable to the action involved.
- c. Costs resulting from obligations incurred by the Sub-recipient during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination. Other costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
 - i. The costs result from obligations which were properly incurred before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are not cancelable, and,
 - ii. The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes place.

16. ENVIRONMENTAL COMPLIANCE

- a. Sub-recipient will comply with FEMA Directive 108-1, National Environmental Policy Act (NEPA), and other federal and state environmental laws and regulations in the implementation of the Project. The Recipient will provide the Sub-recipient with a signed copy of the Record of Environmental Considerations (REC) and supporting letters and documentation as soon as FEMA approves the project. The REC will identify any special conditions placed on the project that may impact demolition activities, the elevation of any structures, underground storage tanks, cutting of trees or removal of fences or vegetation and disposal of any materials in approved dump sites and so on.
- b. Failure to comply with any environmental condition or requirement will result in the Sub-recipient reimbursing to the Recipient any federal or state funds expended on a property where environmental non-compliance has occurred.

17. CLOSE-OUT (2 CFR 200.343)

- a. Sub-recipient will notify the Recipient as soon as the Project has been completed, and will provide a Final Progress Report and financial report within 30 days. Recipient will conduct a final site visit within 30 days of receiving the final progress report and financial report, and provide the Sub-recipient with their findings within 30 days of the visit. The findings will outline the results of the site visit and in particular any upward or downward adjustment to allowable costs.
- b. Sub-recipient will immediately refund any balance of un-obligated cash advanced that is not authorized to be retained for use on other grants.
- c. The closeout of the grant does not affect the right of the awarding agency to disallow costs and recover funds on the basis of a later audit or other review, the obligation to return any funds due as a result of later refunds, corrections, or other transactions, records retention as required in 2 CFR Part 200.333, property management requirements in Parts 200.311 and 200.312, and audit requirements in Part 200 Subpart F-Audit Requirements.
- d. Any funds not returned within a reasonable period of time after request, may result in an administrative offset against other requests for assistance, withholding advance payments otherwise due, and other action permitted by law.

18. AUDIT REQUIREMENTS (2 CFR 200 Subpart F)

In accordance with the Single Audit Act of 1984 as amended and 2 CFR 200, the following procedures will assure compliance with those standards in the administration of the Hazard Mitigation Grant Program (HMGP) to eligible Sub-recipients, pursuant to a Presidential Declaration of major disaster in the State of Ohio.

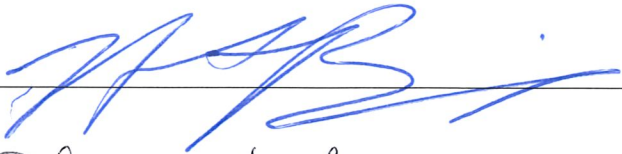
- a. The Governor's Authorized Representative (GAR) will provide the Auditor of State a listing of all State agencies and local governments which have been approved to receive Federal funds under the HMGP. This will serve as notice to State field examiners to inquire about the funds at the time of the respective Sub-recipient's single audit, ensuring at a minimum, the inclusion of those funds in the Audit Report's "Schedule of Federal Financial Assistance".
- b. The Sub-recipient has the obligation to comply with all applicable rules and regulations of the HMGP, to include 2 CFR 200. If the applicant desires copies of 2 CFR 200, they are available from the County and/or State Auditor's Office.

- c. The Single Audit Act of 1984 as amended requires local governments, state agencies/departments, and private non-profit organizations expending a total of \$750,000.00 or more in federal financial assistance in any fiscal year to have a single audit performed. Those local governments, state agencies/departments, or private non-profit organizations expending less than \$750,000.00 in federal financial assistance must supply the GAR with a letter from a clerk/treasurer, for each fiscal year HMGP funds are received, certifying that status.
- d. Audit reports must be sent to the GAR by the Sub-recipients within one (1) month of Audit Report publication. Failure to do so, without reasonable justification, could result in suspension of any further advances of funds or final reimbursement by the GAR under the HMGP.
- e. If during any single audit the Sub-recipient has been informed of non-compliance findings regarding this program, the Sub-recipient shall verbally notify the GAR immediately and prior to publication of the Audit Report.
- f. The Sub-recipients will correct the finding(s) within thirty (30) days of written notification of non-compliance, if not sooner, and notify the GAR in writing of the actions taken.
- g. Findings against the Sub-recipient remaining uncorrected by the Sub-recipient will be deducted from the applicant's final reimbursement by the GAR in the amount of funds questioned in the Audit Report. If the GAR has already dispersed final settlement, and a subsequent audit report identifies non-compliance by the Sub-recipient, collection proceedings will be initiated by the GAR against the Sub-recipient in the amount of the questioned costs.
- h. Throughout the lifetime of the HMGP, it is the responsibility of the Sub-recipient to inform the State (or private) examiner of their participation in this program at the time of their respective single audits.
- i. The GAR will receive a listing from the State Auditor's Office of any regular or single audits completed for each Sub-recipient's jurisdiction/organization. The audits will not be forwarded to the GAR, this is an administrative requirement for each Sub-recipient to complete.
- j. The GAR will review each audit report received to assure that:
 - i. If applicable, the grant(s) received that fiscal year are included in the "Schedule for Federal Financial Assistance" portion of the Audit Report, and that the report properly addresses the HMGP, as required under the Single Audit Act and appropriate OMB guidance;
 - ii. Any of the program activities, which may have been tested by the State Examiner are in compliance with all regulations pertaining to the HMGP and single audit requirements;
 - iii. Audit findings against the Sub-recipient pertaining to this grant will be rectified within thirty (30) days of receipt of the Audit Report by the Sub-recipient, either with guidance from, or, established by the State.
- k. From the onset of application approval, the GAR will work closely with the Sub-recipient to include site mid-program reviews and inspections of completed, approved projects by the GAR.

STATE OF OHIO
HAZARD MITIGATION GRANT PROGRAM (HMGP)
GRANT AGREEMENT

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year set forth below:

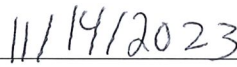
SUB-RECIPIENT – Fairfield Township



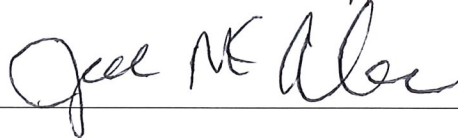


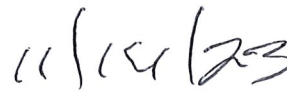
Date





Date





Date

RECIPIENT

Sima S. Merick, Executive Director
Ohio Emergency Management Agency

Date