CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Fire – Emergency Management**

AGENDA DATE: **April 3rd, 2007**

CONTACT PERSON/PHONE: **Don Berger 771-1010**

DISTRICT(S) AFFECTED: All

CITY CLERK DEPT.
07 MAR 28 PM 2:49

SUBJECT:

That the City Manager sign the Closeout Grant Adjustment Notice for the FY04 Law Enforcement Terrorism Prevention Program Grant in the amount of $3,496.34.

BACKGROUND / DISCUSSION:

The grant period has expired and the funds will be de-obligated back to the State. The funds are not available to the City of El Paso due to the expiration of the grant period. Cost savings and a transfer of the grant from Texas Engineering and Extension Service to the Governor's Division of Emergency Management left some funding available.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes the council has signed grant closeouts in the past.

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AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No funding required.

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

********************REQUIRED AUTHORIZATION***********************

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Roberto Rivera

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: Joyce A. Wilson **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign the 2004 LETPP Closeout Grant Adjustment Notice between the CITY OF EL PASO and the STATE OF TEXAS GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM) de-obligating funds in the amount of $3,496.34.

APPROVED this _____ day of _____, 2007.

CITY OF EL PASO

_____
John Cook
Mayor

ATTEST:

_____
Richarda Momsen
City Clerk

APPROVED AS TO FORM:

_____
Ernesto Rodriguez
Assistant City Attorney

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07 APR -2 PM 12: 32

#29553-Fire/Reso/State Homeland Security Grant FY-04/LETPP Closeout

GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM) HOMELAND SECURITY GRANT PROGRAM (HSGP)	**2004 LETPP Closeout Grant Adjustment Notice For** City of El Paso
1. SUB-RECIPIENT NAME AND ADDRESS: Mayor John Cook #2 Civic Center Plaza El Paso, TX 79901-1196	**4. SUB-AWARD NUMBER:** 2004 HSGP – 24000 **5. PERFORMANCE/BUDGET PERIOD FOR GRANTS:** December 1, 2003 to February 28, 2007
2. FEDERAL GRANT TITLE: 2004 HOMELAND SECURITY GRANT PROGRAM	**6. DATE OF FEDERAL AWARD TO GDEM:** May 26, 2006
3A. FEDERAL GRANT AWARD NUMBER: 2004-GE-T4-4015	**7. AMOUNT OF SUBAWARD:** Previous Award: **$67,513.84** Expended: **$64,017.50** (see breakdown below) De-Obligated Amount: **$3,496.34** Grant Balance: **$0.00**
3B. FEDERAL GRANTING AGENCY: OFFICE OF GRANTS AND TRAINING (G&T) DEPARTMENT OF HOMELAND SECURITY (DHS)	**8. SUBAWARD DATE:** March 15, 2007 **9. ACTION:** GRANT ADJUSTMENT (2) **This supersedes all previous awards.**

10. SPECIAL CONDITIONS:
This Sub award is subject to the ODP FY 2004 Homeland Security Grant Program Guidelines and Application Kit. The Guidelines and Kit can be accessed at http://www.ojp.usdoj.gov/odp/grants_programs.htm. The ODP periodically publishes Information Bulletins to release, update, amend or clarify grants and programs which it administers. ODP's Information Bulletins can be accessed at http://www.ojp.usdoj.gov/odp/docs/bulletins.htm and are incorporated by reference into this Sub award. This Sub award is also subject to the Federal Grant Award and to the grant guidance imposed upon GDEM by DHS.

11. STATUTORY AUTHORITY FOR GRANT
This project is supported under Public Law 108-90, the Department of Homeland Security Appropriations Act of 2004.

12. A-133 REPORTING REQUIREMENT:
All sub-recipients must submit an audit report to the Federal Audit Clearinghouse if they expended more than $500,000 in federal funds in one fiscal year. The Federal Audit Clearinghouse submission requirements can be found at http://harvester.census.gov/sac/. A report must be submitted to GDEM - SAA each year this grant is active. Sub-recipient shall comply with the audit requirements set forth in OMB Circular A-133.

13. METHOD OF PAYMENT:
Primary method is reimbursement. See the enclosed instructions for the process to follow in the submission of invoices.

14. DEBARMENT / SUSPENSION CERTIFICATION:
By signing in block 19 below, the sub-recipient official certifies the jurisdiction and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency at http://www.epls.gov.

15. NON-SUPPLANTING CERTIFICATION:
By signing in block 19 below, the sub-recipient official certifies federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Sub-recipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

AGENCY APPROVAL	SUB-RECIPIENT ACCEPTANCE	
16. APPROVING GDEM OFFICIAL **Jack Colley, Chief** **Division of Emergency Management** **Office of the Governor**	**17. TYPED NAME AND TITLE OF AUTHORIZED SUB-RECIPIENT OFFICIAL** Joyce A. Wilson City Manager	
18. SIGNATURE OF APPROVING GDEM OFFICIAL Jack Colley	**19. SIGNATURE OF AUTHORIZED SUB-RECIPIENT OFFICIAL**	**20. DATE**

21. AWARD BREAKDOWN (The amounts below represents expenditures for the above grant.)

CFDA	Grant	Previous	Expended	Deobligated	Balance
97.074	2004 DEM LETPP	$67,513.84	$64,017.50	$3,496.34	$0.00

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APPROVED AS TO FORM:

ERNESTO RODRIGUEZ
Assistant City Attorney

GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM) HOMELAND SECURITY GRANT PROGRAM (HSGP)	**2004 LETPP Closeout Grant Adjustment Notice For** City of El Paso

AWARD NUMBER 2004 HSGP – 24000

SPECIAL CONDITIONS

1) **Purpose** : Sub-grant funds will be used to (a) provide assistance for homeland security and emergency operations planning; (b) purchase specialized equipment to enhance the capability of state and local agencies to prevent, respond to and mitigate incidents of terrorism involving the use of chemical, biological, radiological, nuclear, explosive (CBRNE) and cyber attacks; (c) provide assistance for costs related to design, development and conduct of a state CBRNE and cyber security training programs and attendance at ODP sponsored CBRNE training courses; (d) provide assistance for cost related to the design, development, conduct and evaluation of CBRNE and cyber security exercises; (e) provide assistance for costs associated with implementing state homeland security assessments and strategies.

2) **Overview** : Funds provided shall be used to provide law enforcement and emergency response communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism as described in the Federal Program Guidelines, specifically: planning, equipment, training and exercise needs. All costs under these categories must be eligible under OMB Circular No. A-87 Attachment A, located at http://www.whitehouse.gov/omb/circulars/index.html.

3) The ***Notice of Sub-recipient Award*** is only an offer until the sub-recipient returns the signed copy of the Notification of Sub-recipient Award in accordance with the date provided in the transmittal letter.

4) Sub-recipient agrees to comply with any additional requirements set by their council of governments, i.e. mutual aid agreements and UASI working group approvals.

5) Sub-recipient agrees to comply with the applicable financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide located at http://www.ojp.usdoj.gov/oc/.

6) Sub-recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide.

7) Sub-recipient agrees to make no request for reimbursement prior to return of this agreement and signed by the authorized sub-recipient representative.

8) Sub-recipient agrees to make no request for reimbursement for goods or services procured by sub-recipient prior to the performance period start date of this agreement.

9) Sub-recipient agrees to comply with the U.S. Department of Homeland Security Fiscal Year 2004 Urban Areas Security Initiative Grant Program Guidelines and Application Kit and the Notice of Award from ODP to GDEM.

10) Sub-recipient agrees to monitor the activities of program participants as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that the performance goals are achieved.

11) Notwithstanding any other agreement provisions, the parties hereto understand and agree that GDEM's obligations under this agreement are contingent upon the receipt of adequate funds to meet GDEM's liabilities hereunder. GDEM shall not be liable to the Sub-recipient for costs under this Agreement which exceed the amount specified in the Notice of Sub-recipient Award.

12) Projects identified in the Domestic Preparedness Assessment website (www.texasdpa.com) must identify and relate to the goals and objectives indicated by the applicable Texas Homeland Security Strategic Plan for the grant period of performance.

13) Sub-recipient agrees to comply with all reporting requirements and shall provide such information as required to GDEM for reporting as noted in the 2004 Federal Grant Guidelines.

14) Sub-recipient must prepare and submit quarterly performance reports to GDEM for the duration of the grant performance period or until all grant activities are completed and the grant is formally closed. Sub-recipient may also be required to submit additional information and data requested by GDEM.

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15) Sub-recipient agrees that exercise and training funds will be retained by GDEM (State Administrative Agency) who will contract with National Emergency Response and Training Center (NERTC) to provide training and exercise services for local jurisdictions.

16) Sub-recipient agrees that, during the performance period of this grant, any and all changes to their sub-recipient agreement regarding planning, training, equipment, and exercises must be routed through the appropriate reviewing authority, either the local Council of Government or Urban Areas Security Initiative (UASI) Working Group.

17) During the performance period of this grant, sub-recipient must maintain an emergency management plan at the Basic Level of planning preparedness, as prescribed by GDEM. This may be accomplished by a jurisdiction maintaining its own emergency management plan or participating in an interjurisdictional emergency management program that meets the required standards. If GDEM identifies deficiencies in the sub-recipient's plan, sub-recipient will correct deficiencies within 60 days of receiving notice of such deficiencies from GDEM.

18) During the performance period of this grant, sub-recipient agrees that it will participate in a legally-adopted county and/or regional mutual aid agreement.

19) If the sub-recipient is a participant in a UASI program, during the performance period of this grant, sub-recipient agrees to adhere to the UASI strategy, goals, objectives, and implementation steps.

20) Sub-recipient agrees that, during the performance period of this grant, all communications equipment purchases must be reviewed and approved by the UASI points of contact (voting members) Interoperability Committee.

21) GDEM may perform periodic reviews of sub-recipient performance of eligible activities and approved projects. These reviews may include, without limitation: performance of on-site audit and compliance monitoring - including inspection of all grant-related records and items, comparing actual sub-recipient activities to those approved in the sub-award application and subsequent modifications if any, ensuring that advances have been disbursed in accordance with applicable guidelines, confirming compliance with grant assurances, information provided on performance reports and payment requests, needs and threat assessments and strategies.

22) GDEM may suspend or terminate sub-award funding, in whole or in part, or other measures may be imposed for any of the following reasons: failing to comply with the requirements or statutory objectives of federal law, failing to make satisfactory progress toward the goals or objectives set forth in the sub-award application, failing to follow grant agreement requirements or special conditions, failing to submit required reports, filing a false certification in the application or other report or document.

23) GDEM will close a sub-award after receiving sub-recipient's final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards modifications and payments. If the close out review and reconciliation indicates that the sub-recipient is owed additional funds, GDEM will send the final payment automatically to the sub-recipient. If the sub-recipient did not use all the funds received, GDEM will issue an invoice to recover the unused funds.

24) Sub-recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of ODP.

25) The sub-recipient agrees that all allocations and use of funds under this grant will be in accordance with the Fiscal Year 2004 Homeland Security Grant Program Guidelines and Application Kit and must support the goals and objectives included in the State Homeland Security Strategy and the Urban Area Homeland Security Strategies.

26) When implementing Office of State and Local Government Coordination and Preparedness (SLGCP) funded activities, the sub-recipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The sub-recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting SLGCP funded activities.

27) The sub-recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: 'This Document was prepared under a grant from the SLGCP, United States Department of Homeland Security. Point of view or opinions expressed in the document are those of the authors and do not necessarily represent the official position or policies of SLGCP or the U.S. Department of Homeland Security.

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28) The sub-recipient agrees that any equipment purchased with grant funding shall be prominently marked as follows: 'Purchased with funds provided by the U.S. Department of Homeland Security.' Exceptions to this requirement are limited to items where placing of the marking is not possible due to the nature of the equipment.

29) The sub-recipient 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 project.

30) Approval of this award does not indicate approval of any consultant rate in excess of $450 per day. A detailed justification must be submitted to and approved by GDEM prior to obligation or expenditure of such funds.

31) Sub-recipient acknowledges that SLGCP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The Recipient agrees to consult with SLGCP regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

32) Sub-recipient shall provide the assurances required by ODP. Failure to comply may result in the withholding of funds, termination of the award or other sanctions.

33) Sub-recipient must register as a user of the Texas Regional Response Network (TRRN) and identify all major resources such as vehicles and trailers, equipment costing $5,000 or more and specialized teams/response units equipped and/or trained using grant funds (i.e. hazardous material, decontamination, search and rescue, etc.). This registration is to ensure jurisdictions or organizations are prepared to make grant funded resources available to other jurisdictions through mutual aid.

34) Sub-recipients must maintain an updated inventory of equipment purchased through this grant program.

35) If a financial hardship exists, a sub-recipient may request an advance of grant funds for expenditures incurred under this program. Requests must be made in writing by the chief elected official and submitted to GDEM. Letters must also indicate that a financial hardship exists for the sub-recipient's organization. GDEM will determine whether an advance will be made.

36) If a sub-recipient is approved for an advance, the funds must be deposited in a separate interest bearing account and are subject to the rules outlined in the Uniform Rule 28 CFR Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, at http://www.access.gpo.gov/nara/cfr/waisidx_04/28cfrv2_04.html and the Uniform Rule 28 CFR Part 70, Uniform Administrative Requirements for Grants and Agreements (including sub-awards) with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, at http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr70_03.html . Any interest earned in excess of $100 must, on a quarterly basis, be remitted to:
United States Department of Health and Human Services

Division of Payment Management Services
P.O. Box 6021
Rockville, MD 20852

Sub-recipients must report any interest remitted to GDEM.

37) Notice. All notices or communication required or permitted to be given by either party hereunder shall be deemed sufficiently given if mailed by registered mail or certified mail, return receipt requested, or sent by overnight courier, such as Federal Express, to the other party at its respective address set forth below or to such other address as one party shall give notice of to the other from time to time hereunder. Mailed notices shall be deemed to be received on the third business day following the date of mailing. Notices sent by overnight courier shall be deemed received the following business day.

Jack Colley, Chief
Division of Emergency Management
Office of the Governor
PO Box 4087
Austin, TX 78773-0220

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