



BOARD OF COMMISSIONERS MEETING AGENDA

July 27, 2020, 5:30 PM

304 E. Grand River Avenue, Board Chambers, Howell, MI

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

"The mission of Livingston County is to be an effective and efficient steward in delivering services within the constraints of sound fiscal policy. Our priority is to provide mandated services which may be enhanced and supplemented to improve the quality of life for all who work, reside and recreate in Livingston County."

Pages

1. CALL MEETING TO ORDER
2. MOMENT OF SILENT REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
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6. CALL TO THE PUBLIC
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 - b. Minutes of Meeting Dated: July 22, 2020
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11. APPROVAL OF CONSENT AGENDA ITEMS
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Resolution Authorizing the Livingston County Juvenile Court to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services for the Fiscal Year 2021 Child and Parent Legal Representation Grant Program – Juvenile Court

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	Resolution Authorizing the Livingston County Trial Courts – Juvenile Division to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice Fiscal Year 2021 Racial and Ethnic Disparities (RED) Data Collection Grant Program – Juvenile Court	
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12. RESOLUTIONS FOR CONSIDERATION

13. CALL TO THE PUBLIC

14. ADJOURNMENT

LIVINGSTON COUNTY BOARD OF COMMISSIONERS

MEETING MINUTES

July 13, 2020, 5:30 p.m.

304 E. Grand River Avenue, Board Chambers, Howell, MI

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Members Present: Carol Griffith, Kate Lawrence, William Green, Wes Nakagiri, Douglas Helzerman, Robert Bezotte, and Jay Gross

Members Absent: Gary Childs

1. CALL MEETING TO ORDER

The meeting was called to order by Chairwoman Carol Griffith at 5:30 P.M.

2. MOMENT OF SILENT REFLECTION

3. PLEDGE OF ALLEGIANCE TO THE FLAG

All rose for the Pledge of Allegiance to the Flag of the United States of America.

4. ROLL CALL

Roll call by the Clerk indicated the presence of a quorum.

District 5 Commissioner seat is vacant.

5. CORRESPONDENCE

- a. Arenac County Resolution in Support of Enbridge's Proposed Tunnel Replacement
- b. Eaton County Resolution 20-6-65 to Declare Racism a Public Health Crisis
- c. Menominee County Resolution in Support of the Upper Peninsula State Fair
- d. Tuscola County Resolution 2020-05 in Support of Line 5

Motion to receive and place on file the correspondence.

It was moved by K. Lawrence

Seconded by J. Gross

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross and C. Griffith;; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

6. CALL TO THE PUBLIC

Julie Griesse, Green Oak Township, commented on the correspondence regarding Enbridge.

7. APPROVAL OF MINUTES

- a. Minutes of Meeting Dated: June 22, 2020
- b. Minutes of Meeting Dated: July 8, 2020

Motion to approve the minutes as presented.

It was moved by R. Bezotte

Seconded by D. Helzerman

Roll Call Vote: Yes (7): R. Bezotte, C. Griffith, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and J. Gross; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

8. TABLED ITEMS FROM PREVIOUS MEETINGS

None.

9. APPROVAL OF AGENDA

Motion to approve the Agenda as presented.

It was moved by J. Gross

Seconded by D. Helzerman

Roll Call Vote: Yes (7): J. Gross, C. Griffith, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and R. Bezotte; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

10. REPORTS

a. SPARK - Grant Funding Availability

Marcia Gebarowski, Director of Business for Livingston County/SPARK, provided an update on the Small Business Restart Grant funding availability.

Commissioner Green commented on the Governor's requirements for masks.

Commissioner Helzerman commented on the Governor's Executive Order requiring masks. Legal counsel, Rich McNulty, responded to questions as able from the Commissioners.

Commissioner Gross supports Commissioner Helzerman's concerns.

11. APPROVAL OF CONSENT AGENDA ITEMS

Resolutions 2020-07-166 through 2020-07-172

Motion to approve the resolutions on the Consent Agenda.

It was moved by K. Lawrence

Seconded by D. Helzerman

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

11.a 2020-07-166

Resolution Authorizing the Livingston County Courts-Central Services to Apply for and Enter Into Contract with the State of Michigan for Fiscal Year 2020 Coronavirus Emergency Supplemental Funding- Courts

11.b 2020-07-167

Resolution to Concur with the Livingston County Aeronautical Facilities Board to Enter Into a Grant Agreement with the Michigan Department of Transportation Under the CARES Act - Airport

11.c 2020-07-168

Resolution To Concur With The Livingston County Aeronautical Facilities Board To Enter Into A Grant Agreement With The Michigan Department Of Transportation To Fund Design Services To Rehabilitate Taxiway A, B, C & Terminal Apron Repairs & Sealing - Airport

11.d 2020-07-169

Resolution to Concur with the Livingston County Aeronautical Facilities Board to Enter Into a Lease Agreement with Dan's Pc Solutions, LLC for the Old Terminal Building - Airport

11.e 2020-07-170

Resolution Authorizing Renewal of a One Year Enterprise IT Leaders Service Agreement Between Livingston County Information Technology and Gartner, Inc. - Information Technology

11.f 2020-07-171

Resolution Authorizing Information Technology to Apply for Microsoft PIE (Partner Investment Engine) Funding Focused Around Microsoft Azure through SyComm Technologies - Information Technologies

11.g 2020-07-172

Resolution Authorizing an Agreement with Aon Hewitt to Provide Employee Benefits Broker and Consulting Services - Human Resources

12. RESOLUTIONS FOR CONSIDERATION

Resolutions 2020-07-173 through 2020-07-183

12.a 2020-07-173

Resolution Approving the Filling of a Full-Time QI/Education Specialist and Full-Time Road Supervisor Positions in the Emergency Medical Services Department - EMS

Motion to adopt the Resolution.

It was moved by R. Bezotte
Seconded by D. Helzerman

Roll Call Vote: Yes (6): R. Bezotte, C. Griffith, K. Lawrence, W. Green, D. Helzerman, and J. Gross
No (1): W. Nakagiri; Absent (1): G. Childs

MOTION Carried (6-1-1)

12.b 2020-07-174

Resolution Authorizing the Purchase of MERS Service Credit by Deputy Gerald Boyer – Human Resources

Motion to adopt the Resolution.

It was moved by R. Bezotte
Seconded by J. Gross

Discussion

Roll Call Vote: Yes (6): R. Bezotte, C. Griffith, K. Lawrence, W. Green, D. Helzerman, and J. Gross
No (1): W. Nakagiri; Absent (1): G. Childs

MOTION Carried (6-1-1)

12.c 2020-07-175

Resolution Approving the 2020 Plan of Organization for the Health Department

Motion to adopt the Resolution.

It was moved by K. Lawrence
Seconded by D. Helzerman

Discussion

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross
and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.d 2020-07-176

Resolution Authorizing the Livingston County Board of Commissioners' Formal Receipt, Review
and Annual Filing of the Livingston County 2021-2026 Capital Improvement Plan, as Approved by
the Livingston County Planning Commission - Planning Department

Motion to adopt the Resolution.

It was moved by D. Helzerman
Seconded by R. Bezotte

Roll Call Vote: Yes (7): D. Helzerman C. Griffith, K. Lawrence, W. Green, W. Nakagiri, R. Bezotte,
and J. Gross; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.e 2020-07-177 ROLL CALL

Resolution Authorizing a Transfer from Fund 277 Michigan Works to Fund 101 General Fund -
Treasurer

Motion to adopt the Resolution.

It was moved by J. Gross
Seconded by D. Helzerman

Roll Call Vote: Yes (7): J. Gross, C. Griffith, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and
R. Bezotte; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.f 2020-07-178

Resolution Authorizing the Livingston County Treasurer to Establish an Imprest Cash Account for
the Livingston County Public Defender Office - Treasurer

Motion to adopt the Resolution.

It was moved by K. Lawrence
Seconded by D. Helzerman

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross
and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.g 2020-07-179

Resolution Authorizing the Livingston County Treasurer to Reassign and Increase the Imprest
Cash Account for the Courts - Treasurer

Motion to adopt the Resolution.

It was moved by K. Lawrence
Seconded by J. Gross

Discussion

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross
and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.h 2020-07-180

Resolution Approving of the 2019 FY Deficit Elimination Plan - Treasurer

Motion to adopt the Resolution.

It was moved by D. Helzerman
Seconded by W. Green

Roll Call Vote: Yes (7): D. Helzerman K. Lawrence, W. Green, W. Nakagiri, R. Bezotte, J. Gross
and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.i 2020-07-181 ROLL CALL

Resolution Authorizing the Livingston County Treasurer to Establish Fund 297 County Veteran
Service Grant Fund (CVSF) - Treasurer

Motion to adopt the Resolution.

It was moved by K. Lawrence
Seconded by D. Helzerman

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross
and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.j 2020-07-182

Resolution Authorizing an Agreement for Election Services Between Livingston County and Local
Jurisdictions – County Clerk

Motion to adopt the Resolution.

It was moved by R. Bezotte
Seconded by W. Nakagiri

Discussion

Roll Call Vote: Yes (7): R. Bezotte, C. Griffith, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and J. Gross; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

12.k 2020-07-183

Resolution to Apply for the First Responder Hazard Pay Premiums Program Grant and the Public Safety and Public Health Payroll Reimbursement Program Grant Available Through the Michigan Department of Treasury - Planning Department

Motion to adopt the Resolution.

It was moved by K. Lawrence
Seconded by R. Bezotte

Discussion

Roll Call Vote: Yes (7): K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross and C. Griffith; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

13. CALL TO THE PUBLIC

Karen Pierce, Hamburg Township, spoke regarding Coronavirus and mask requirement.

Ron Kardos, Oceola Township, spoke regarding issue of face coverings. He also thanked Dianne McCormick, Director Livingston County Health Department.

Commissioner Helzerman discussed the number of Coronavirus deaths and the number of cases in Livingston County.

14. ADJOURNMENT

Motion to adjourn the meeting at 6:51p.m.

It was moved by D. Helzerman
Seconded by J. Gross

Roll Call Vote: Yes (7): D. Helzerman C. Griffith, K. Lawrence, W. Green, W. Nakagiri, R. Bezotte, and J. Gross; No (0): None; Absent (1): G. Childs

MOTION Carried (7-0-1)

Elizabeth Hundley, Livingston County Clerk

LIVINGSTON COUNTY BOARD OF COMMISSIONERS

MEETING MINUTES

July 22, 2020

IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE

Zoom Virtual Meeting Room

Meeting ID: 399-700-0062 / Password: LCB0C

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Members Present Carol S. Griffith, Kate Lawrence, Wes Nakagiri, Douglas Helzerman,
Robert J. Bezotte, and Jay Gross

Members Absent William Green and Gary Childs

1. CALL MEETING TO ORDER

The meeting was called to order by Chairwoman Carol Griffith at 9:35 a.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

All rose for the Pledge of Allegiance to the Flag of the United States of America.

3. ROLL CALL

Indicated the presence of a quorum.

District 5 Commissioner seat is vacant.

4. CALL TO THE PUBLIC

5. APPROVAL OF AGENDA

Motion to approve the Agenda as presented.

Moved By R. Bezotte

Seconded By K. Lawrence

Roll Call Vote: Yes (6): C. Griffith, K. Lawrence, W. Nakagiri, D. Helzerman, R. Bezotte, and J. Gross

No (0): None: Absent (2): W. Green and G. Childs

Motion Carried (6-0-2)

6. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF CLAIMS

Dated: July 22, 2020

Motion to approve the Claims.

Moved By K. Lawrence

Seconded By D. Helzerman

Roll Call Vote: Yes (6): C. Griffith, K. Lawrence, W. Nakagiri, D. Helzerman, R. Bezotte, and J. Gross

No (0): None; Absent (2): W. Green and G. Childs

Motion Carried (6-0-2)

7. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF PAYABLES

July 3 through July 16, 2020

Motion to approve the Payables.

Moved By R. Bezotte

Seconded By J. Gross

Roll Call Vote: Yes (6): C. Griffith, K. Lawrence, W. Nakagiri, D. Helzerman, R. Bezotte, and J. Gross

No (0): None; Absent (2): W. Green and G. Childs

Motion Carried (6-0-2)

8. CALL TO THE PUBLIC

9. ADJOURNMENT

Motion to adjourn the meeting at 9:40 a.m.

Moved By D. Helzerman

Seconded By K. Lawrence

Roll Call Vote: Yes (6): C. Griffith, K. Lawrence, W. Nakagiri, D. Helzerman, R. Bezotte, and J. Gross

No (0): None; Absent (2): W. Green and G. Childs

Motion Carried (6-0-2)

Elizabeth Hundley, Livingston County Clerk

RESOLUTION

NO: 2020-07-184

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing the Livingston County Juvenile Court to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services for the Fiscal Year 2021 Child and Parent Legal Representation Grant Program – Juvenile Court

WHEREAS, the Michigan Department of Health and Human Services for a second year has allocated Title IVE federal funding to enhance legal representation for children and parents in child protective proceedings and has invited Juvenile Courts to apply for said funding; and

WHEREAS, available grant funds are not to supplant existing funding for legal representation; and

WHEREAS, this grant will enhance legal representation in Livingston County by providing court-appointed attorneys with funding for continuing education and enhancing fair compensation in child protective proceedings; and

WHEREAS Livingston County's allocation for the period of October 1, 2020 – September 30, 2021 is anticipated to be approximately \$30,874; and

WHEREAS, the Juvenile Court is seeking approval to apply for and accept the Child and Parent Legal Representation FY 2021 grant from the Michigan Department of Health and Human Services in the approximate amount of \$30,874.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the Juvenile Court to apply for, and if awarded, accept the Michigan Department of Health and Human Services grant funding to enhance legal representation in child protective proceedings.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts, agreements, renewals, future amendments for monetary and contract language adjustments, and supporting documents related to the above upon review and / or preparation of Civil Counsel: and

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners hereby authorizes any budget amendment to effectuate the above.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
LIVINGSTON COUNTY TRIAL COURTS
JUVENILE & PROBATE DIVISIONS

204 S. Highlander Way Suite 3 Howell, MI 48843

Phone 517-540-7739 Cell 734-260-0906

Email: dshaw@livgov.com

Memorandum

To: Livingston County Board of Commissioners

From: Deborah Shaw, Juvenile & Probate Court Administrator

Date: July 27, 2020

Re: Resolution Authorizing the Livingston County Juvenile Court to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services for the Fiscal Year 2021 Child and Parent Legal Representation Grant Program

The attached resolution authorizes the Livingston County Juvenile Court to submit an application to the Michigan Department of Health and Human Services Child and Parent Legal Representation Grant Program and accept funding for a second year, if granted. This grant provides federal funding to support high-quality legal representation in child protective proceedings where a child has been placed in foster care. Available funds are not to supplant existing funding for legal representation, but instead, are to enhance legal representation of children and parents in child welfare proceedings. This will be accomplished through paying court appointed attorneys and lawyer guardian ad litem for attending court-approved child welfare and trial practice training and enhancing fair compensation for attorneys by increasing the per case payment scale.

Funding is based on a formula of expected expenditures for legal representation, the county's Title IV-E penetration rate x 50%. Livingston County Circuit Court's allocation for the period of January 1, 2020 – September 30, 2020 was up to \$30,874. The award for the period of October 1, 2020 – September 30, 2021 is expected to be near or at the same amount, \$30,874.

Thank you for your consideration and continued support of the Livingston County Trial Courts.

RESOLUTION

NO: 2020-07-185

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing the Livingston County Trial Courts – Juvenile Division to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice Fiscal Year 2021 Racial and Ethnic Disparities (RED) Data Collection Grant Program – Juvenile Court

WHEREAS, the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice authorized the expenditure of federal pass-through funds through competitive grant awards to support court data system enhancements that enable collection of data pertaining to racial and ethnic disparity; and

WHEREAS, the Livingston County Juvenile Court was awarded \$61,518 in Fiscal Year 2020, to fund the first of an anticipated two-year project to support a comprehensive, integrated data collection system for juvenile probation, including the ability to assess whether minority youth are treated equally within the juvenile justice system; and

WHEREAS, as the Livingston County Juvenile Court has successfully achieved project milestones in Year One, the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice has authorized an application for a second and final year of funding; and

WHEREAS, the Juvenile Court is seeking approval to apply for and accept the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice Racial Ethnic Disparities Data Collection Fiscal Year 2021 Grant in the amount of \$61,518 for the period of October 1, 2020 – September 30, 2021.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the Juvenile Court to apply for, and if awarded, accept the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice grant funding to enhance court data systems.

BE IT FURTHER RESOLVED that the Chairperson of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts, agreements, future amendments for monetary and contract language adjustments and supporting documents related to the above upon review and / or preparation of Civil Counsel.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners hereby authorizes any budget amendment to effectuate the above.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
LIVINGSTON COUNTY TRIAL COURTS
JUVENILE & PROBATE DIVISIONS

204 S. Highlander Way Suite 3 Howell, MI 48843

Phone 517-540-7739 Cell 734-260-0906

Email: dshaw@livgov.com

Memorandum

To: Livingston County Board of Commissioners

From: Deborah Shaw, Juvenile & Probate Court Administrator

Date: July 27, 2020

Re: Resolution Authorizing the Livingston County Trial Courts – Juvenile Division to Apply for and Enter into a Contract with the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice Fiscal Year 2021 Racial and Ethnic Disparities (RED) Data Collection Grant Program

The attached resolution authorizes the Livingston County Trial Courts, Juvenile Division to submit an application to the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice for Year Two funding of the Racial Ethnic Disparities (RED) Data Collection Grant program. This grant provides funds to support a comprehensive, integrated data collection system for juvenile probation.

The maximum award will not exceed \$61,518 for the period of October 1, 2020 – September 30, 2021. No County match or cost-sharing is required. If awarded, funding would begin on October 1, 2020.

Thank you for your consideration and continued support of the Livingston County Trial Courts.

RESOLUTION

NO: 2020-07-186

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing the Fiscal Year 2021 Memorandum of Understanding on Cash Matching funding for Behavioral Health Managed Care Services - Wraparound - Juvenile Court

WHEREAS, the Livingston County Community Mental Health Authority, Livingston County Health Department, Livingston County Trial Courts – Juvenile Division, Community Mental Health Partnership of Southeast Michigan, Livingston Educational Service Agency and the Department of Health and Human Services have agreed to enter into a local collaborative venture to provide comprehensive behavioral health managed care services for children who are residents of Livingston County and who meet the enrollment criteria for said services; and

WHEREAS this joint pooling of resources is a recognized approach to funding programs to meet the community identified needs that would otherwise not be possible on an individual agency basis; and

WHEREAS the parties in conjunction with the Livingston County Human Services Collaborative Body have a proven track record in the delivery of integrated human services through community-wide collaborative projects; and

WHEREAS the Court’s portion of the funding is available through the Child Care Fund budget; and

WHEREAS the Finance Committee of the Livingston County Board of Commissioners has reviewed and recommended approval of the Memorandum of Understanding of Cash Match funding for Behavioral Health Managed Care Services.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into a Memorandum of Understanding with the Livingston County Community Mental Health Service Board for the delivery of behavioral health services at a total cost to Livingston County of \$248,000 for the period of October 1, 2020 through September 30, 2021, one-half of which is eligible for reimbursement by the State of Michigan Child Care Fund. In addition, Community Mental Health Partnership of Southeast Michigan Substance Abuse Coordinating Agency funds of \$40,000 and \$5,000 from the Livingston County Health Department are being donated to offset the Court / County’s portion of the Child Care Fund for the Wraparound program.

BE IT FURTHER RESOLVED that match funding be taken from the following accounts after October 1, 2020, as billed by Livingston County Community Mental Health and after entry of said resolution:

Fund No.	Name	Match Funding
#292-662	Livingston County Child Care Fund 2020/2021 (Juvenile Court / 44 th Circuit Court)	\$208,000

#292-663	Livingston County Child Care Fund 2020/2021 (Department of Health and Human Services Subaccount)	\$40,000
	Total Funds	\$248,000

BE IT FURTHER RESOLVED that the Chairperson of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts, agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
LIVINGSTON COUNTY TRIAL COURTS
JUVENILE & PROBATE DIVISIONS

204 S. Highlander Way Suite 3 Howell, MI 48843

Phone 517-540-7739 Cell 734-260-0906

Email: dshaw@livgov.com

Memorandum

To: Livingston County Board of Commissioners
From: Deborah Shaw, Juvenile & Probate Court Administrator
Date: July 27, 2020
**Re: Resolution Authorizing the 2021 Memorandum of Understanding
on Cash Matching Funding for Behavioral Health Managed Care
Service - Wraparound**

The attached resolution authorizes the Memorandum of Understanding and Cash Matching Funding for Behavioral Health Managed Care Services, specifically the Wraparound Program.

Wraparound is a collaboration with Livingston County Community Mental Health Authority, Livingston County Health Department, Livingston County Trial Courts – Juvenile Division, Community Mental Health Partnership of Southeast Michigan, Livingston Educational Service Agency and the Department of Health and Human Services resulting in a pooling of resources to fund Wraparound. It would not be possible to fund Wraparound through individual agencies and it is only through this collaboration that this service is available to families in our community.

The fiscal year 2021 program cost is \$248,000, half of which will be reimbursed by the Child Care Fund. The Community Mental Health Partnership of Southeast Michigan Substance Abuse Coordinating Agency will contribute \$40,000 and the Health Department will contribute \$5,000 to offset the Court's contribution.

Thank you for your consideration and continued support of the Livingston County Trial Courts.

RESOLUTION

NO: 2020-07-187

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing Juvenile Drug Treatment Court to enter into a Temporary Contract for Attorney Services with William Livingston – Circuit and District Courts – Specialty Courts and Programs

WHEREAS, Livingston County Specialty Courts and Programs had contracted with Rolland Sizemore, via Resolution 2017-01-007, for Attorney Services for participants of Juvenile Drug Treatment Court; and

WHEREAS, the current contract was set to expire on September 30, 2020 and there are no options to extend; and

WHEREAS, Rolland Sizemore tendered his resignation on March 12, 2020 from the Juvenile Drug Treatment Court; and

WHEREAS, Specialty Courts and Programs requests a temporary solution of the Juvenile Drug Treatment Court Attorney Services contract listed above, to be serviced by William Livingston from April 1st, 2020 until September 30th, 2020, with the ability to terminate the contract at any time with a 30 day notice; and

WHEREAS, the monies for this contract is currently appropriated in the 2020 SCAO Juvenile Drug Court Grant; and

WHEREAS, the total monthly contracted amount shall not exceed \$1,000.00 per month.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorize the Specialty Courts and Programs to enter into a temporary contract with William Livingston for Juvenile Drug Treatment Court Attorney Services until September 30th, 2020 with the total monthly contracted amount not to exceed \$1,000.00 per month.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



204 S. Highlander Way, Suite 3
Phone (517) 546-1500 Fax (517) 546-3731

Memorandum

To: Livingston County Board of Commissioners

From: Sara Applegate, Specialty Courts and Programs Administrator

Date: July 15, 2020

Re: Resolution to Authorize the Juvenile Drug Treatment Court to enter into a Temporary Contract for Attorney Services with William Livingston

The Juvenile Drug Treatment Court Attorney Services contract was awarded to Rolland Sizemore, under Contract No. 433. Rolland Sizemore tendered his resignation from the Juvenile Drug Treatment Court on March 12, 2020 and attorney, William Livingston, replaced Mr. Sizemore as a temporary solution.

In order to ensure that we have attorney representation for our participants of Juvenile Drug Court and to allow us ample time to provide potential vendors the opportunity to bid on these services and to evaluate all received bids, we request to enter into a temporary contract with Mr. Livingston to provide these services until September 30, 2020. By authorizing this temporary contract, this will ensure continuity of services for our program participants while providing the County the opportunity to achieve the best value for this service.

Thank you in advance for your consideration. If you have any questions regarding this matter, please contact me.

RESOLUTION

NO: 2020-07-188

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution to Approve the FY 2019-2020 Hazardous Materials Emergency Preparedness Grant Program Award Agreement - Emergency Management

WHEREAS, Livingston County Emergency Management Department has applied for and received a federal grant award for the FY 2019-2020 Hazardous Materials Emergency Preparedness Grant Program (HMEP) for Livingston County to support the Local Emergency Planning Committee (LEPC); and

WHEREAS, the amount of that federal grant award is \$3,950.00 with a required 25% match by Livingston Co. in the amount of \$988.00 dollars and that match can be covered through an “in-kind match” such as documented cost of office space to meet the needs of the Local Emergency Planning Committee (LEPC); and

WHEREAS, the LEPC will be utilizing the funding to identify hazardous material sites and enhance hazardous materials response planning within Livingston County.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves this Resolution to approve the FY 2019-2020 Hazardous Materials Emergency Preparedness Grant Program Award Agreement

BE IT FURTHER RESOLVED , that the Chair of the Livingston County Board of Commissioners is authorized to sign the FY 2019-2020 Hazardous Materials Emergency Preparedness Grant Program (HMEP) Agreement after review by legal counsel,

BE IT FURTHER RESOLVED, that the Chair of the County Board of Commissioners, the County Administrator, the Finance Officer, and the Emergency Management Director are authorized to sign all forms, assurances, supporting documents and contracts/agreements related to the grant application and subsequent award or future amendments after review of legal counsel.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioners hereby designates the Emergency Management Program Director as the primary applicant agent.

BE IT FURTHER RESOLVED the Livingston County Board authorizes allowable program expenditures as needed by the Emergency Management Department and the Livingston County Local Emergency Planning Committee up to the \$3,950.00 FY 2019-2020 Hazardous Materials Emergency Preparedness (HMEP) Grant award.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners authorizes any budget amendments or transfers to effectuate the above.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF EMERGENCY MANAGEMENT

1911 Tooley Rd, Howell, MI 48855
Phone 517-540-7926 Fax 517-564-6788
Web Site: EmergencyManagement@livgov.com

Memorandum

To: Livingston County Board of Commissioners
From: Therese Cremonte, Emergency Management
Date: 6/19/2020
Re: RESOLUTION TO APPROVE THE FY 2019-2020
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS
GRANT PROGRAM AWARD AGREEMENT

This resolution is for the approval of the FY 2019-2020 Hazardous Material Emergency Preparedness Grant program award agreement.

The award is for \$3,950.00 dollars that would require a 25% match by Livingston County of \$988.00 that can be covered through an “in-kind match” such as documented cost of office space to meet the needs of the Local Emergency Planning Committee (LEPC)

Further, this grant affords funding towards the completion of new and updated SARA Title III, Section 302 site plans.

The complete grant agreement and instructions are attached to this resolution for review and signature.

If you have any questions regarding this matter please contact me.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

COL. JOSEPH M. GASPER
DIRECTOR

June 18, 2020

Ms. Therese Cremonte
Emergency Management Coordinator
Livingston County
1911 Tooley Rd.
Howell, Michigan 48855

Dear Ms. Cremonte:

Enclosed is the Fiscal Year 2019-20 Hazardous Materials Emergency Preparedness (HMEP) Planning Program Grant Agreement package for Livingston County. Please return the required grant documentation listed on the enclosed *Subrecipient Checklist* to our office via email:

Attention: Mr. Paul Lounsberry
Emergency Management and Homeland Security Division
Michigan Department of State Police
LounsberryP@michigan.gov

Additional information on the FY 2019-20 HMEP Grant Program can be found at www.phmsa.dot.gov/hazmat/grants.

This grant agreement and all required documentation must be completed, signed, and returned **no later than August 17, 2020**. If this requirement is not met, this grant agreement will be invalid after **August 17, 2020** unless a prior written exception is provided by the Michigan Department of State Police, Emergency Management and Homeland Security Division.

If you have any questions regarding this correspondence or the FY 2019-20 HMEP Planning Grant Program, please contact Ms. Brenna Roos at RoosB@michigan.gov or 517-284-3727.

Sincerely,

Capt. Kevin Sweeney, Commander
Emergency Management and Homeland Security Division

Enclosures (12)
cc:
Lt. Jeffery Yonker

SUBRECIPIENT CHECKLIST

FY 2019-20 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) PLANNING PROGRAM GRANT AGREEMENT

CFDA No: 20.703

Email the following items to: LounsberryP@michigan.gov

SUBRECIPIENT WILL NOT BE REIMBURSED FOR FUNDS UNTIL ALL REQUIRED SIGNED DOCUMENTS ARE RECEIVED

- ☐ 1. Grant Agreement. Please print and sign the grant agreement. Retain the signed document for your records and email a scanned copy.
- ☐ 2. Subrecipient Risk Assessment Certification
- ☐ 3. HMEP Planning Grant Agreement In-Kind Match form
- ☐ 4. Standard Assurances
- ☐ 5. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- ☐ 6. Audit Certification (EMD-053)
- ☐ 7. Request for Taxpayer Identification Number and Certification (W-9)
- ☐ 8. FY 2019-20 SARA Title III Hazardous Materials, Off-site Emergency Response, Plan Update List

NOTE: The Plan Update List does not need to be completed and returned with your FY 2019-20 HMEP Planning Program grant agreement. This form is to be used if and when a list of updated plans is submitted for your grant. The Plan Update List form can be submitted directly to the SARA Title III Planner at the MSP/EMHSD when you have completed all plan updates for the grant year.

POST REIMBURSEMENT REQUIREMENTS

Participate with Recipient in an on-site monitoring of financial documents. Also retain financial records, supporting documents, and all other records pertinent to the grant for at least three years after the grant is closed by the awarding federal agency. Be sure to comply with Single Audit requirements of Subpart F of 2 CFR 200. **If required, the Subrecipient submits audit copy to: Michigan Department of State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.**

**For GRANT QUESTIONS, PLEASE CONTACT Ms. Brenna Roos
AT ROOSB@MICHIGAN.GOV OR (517) 284-3727.**

Michigan State Police

Emergency Management and
Homeland Security Division



Grant Agreement

FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	CFDA NUMBER
County of Livingston	Hazardous Materials Emergency Preparedness Grant Program	20.703
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6005819	HM-HMP-0558-16-01-00	09/30/2019
SUBRECIPIENT DUNS NUMBER	SUBAWARD PERFORMANCE PERIOD	FROM TO
44797926		09/30/2019 09/29/2020
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	\$3,950.00
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	\$3,950.00
None on file	Total Amount of Federal Award	\$293,920.00
FEDERAL AWARD PROJECT DESCRIPTION		
FY 2019-20 Hazardous Materials Emergency Preparedness Planning Program Grant		
DETAILS		
The Subrecipient must be prepared to match all funds received through this grant agreement (which equates to 25% of any federal funds received), as noted in Section III, D of the <i>Hazardous Materials Emergency Preparedness Planning Grant Instructions</i> that are included with this grant agreement. The match amount is located in part III.A of this grant agreement.		
FEDERAL AWARDDING AGENCY	PASS-THROUGH ENTITY (RECIPIENT) NAME	
U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE, E21-316 Washington DC 20590-0001	Michigan State Police Emergency Management & Homeland Security Division P.O. Box 30634 Lansing, MI 48909	

State of Michigan Fiscal Year 2019-20 Hazardous Materials Emergency Preparedness Planning Program Grant Agreement

September 30, 2019 to September 29, 2020

CFDA Number: 20.703 Grant Number: HM-HMP-0558-16-01-00

This Fiscal Year (FY) 2019-20 Hazardous Materials Emergency Preparedness (HMEP) Planning Program grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (hereinafter called the Recipient), and the

COUNTY OF LIVINGSTON (hereinafter called the Subrecipient)

I. Purpose

The purpose of this grant agreement is to provide federal pass-through funds to the Subrecipient for the development of new Superfund Amendments and Reauthorization Act (SARA), Title III, Section 302, hazardous materials emergency response plans. This grant agreement provides financial assistance to first responders (fire, law enforcement, emergency medical services, etc.) for allowable costs in the following areas:

- A. Provision of assistance to public sector employees through planning grants to states, territories, and Native American tribes for emergency response.
- B. Increased state, territorial, tribal, and local effectiveness in implementation of the Federal Emergency Planning and Community Right-to-Know Act of 1986.
- C. Encouragement of a comprehensive approach to emergency planning by incorporating the unique challenges of response to transportation situations.

II. Statutory Authority

Funding for the FY 2019-20 HMEP is authorized by the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Hazardous Materials Transportation Law (49 U.S.C. Section 5101 et. seq.).

The Subrecipient agrees to comply with all FY 2019-20 HMEP program requirements and the most recent version of:

- A. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>.
- B. 49 CFR, Part 110 *Hazardous Materials Public Sector Training and Planning Grants* located at <http://www.ecfr.gov>.
- C. 49 U.S.C. 5116 et seq. located at <https://www.gpo.gov/fdsys>.
- D. Any other applicable Federal statutes and regulations, including those listed within this grant agreement elsewhere.

III. Award Amount and Restrictions

- A. The county of **Livingston** is awarded up to **\$3,950** under the FY 2019-20 HMEP Planning Program Grant Agreement. This funding will be awarded as described in *Hazardous Materials Emergency Preparedness Planning Grant Instructions* enclosed within this grant agreement packet and is based on information provided in the HMEP grant application submitted for the FY 2019-20 grant year by **Livingston County**. This allocation is dependent upon the level of federal funding and may be reduced if available federal funding is reduced or if fewer plans are submitted based on the FY 2019-20 application for **Livingston County**. Any unused grant funds remaining at the end of the grant year will be used to increase the reimbursement for accepted new SARA Title III plans submitted by participating Local Emergency Planning Committees (LEPCs). The Subrecipient's payment per new plan will be recalculated using these funds and the award to the Subrecipient for the number of new plans submitted will be adjusted. This may affect the match amount required for this grant.

Based on the Subrecipient's application, a match amount of **\$988** is required. However, the Subrecipient must be prepared to match all funds received through this grant agreement (which equates to 25% of any federal funds received), as noted in Section III, D of the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are enclosed within this grant agreement.

- B. The PHMSA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal government purposes:
1. The copyright in any work developed under this grant, sub-award, or contract under a grant or sub-award; and
 2. Any rights of copyright to which the Recipient, Subrecipient, or a contractor purchases ownership with grant support.

IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. Subrecipients 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.
- B. The subrecipient shall not use FY 19-20 HMEP funds to generate program income.
- C. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
1. Subrecipient Risk Assessment Certification
 2. HMEP Planning Grant Agreement In-Kind Match form (EMD-063)
 3. Standard Assurances
 4. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
 5. Audit Certification (EMD-053)
 6. Request for Taxpayer Identification Number and Certification (W-9)
 7. SARA Title III Hazardous Materials, Off-site Emergency Response Plan Update List (EMD 064). This form is located on the MSP/EMHSD website at <http://www.michigan.gov/emhsd> and click on Hazardous Materials in the column on the left. Then click on Plan Review List Form (DOC) under the Planning section. This form does not need to be completed and returned with the FY 2019-20 HMEP Planning Program grant agreement. This form is to be used if and when a list of updated plans is submitted for your grant. The Plan Review List form can be submitted directly to the SARA Title III Planner at the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) and must be submitted no later than September 15, 2020.
 8. Other documents that may be required by federal or state officials

- D. The Subrecipient agrees to comply with all applicable federal and state regulations, including, but not limited to, the following:
1. Meet the LEPC eligibility requirements, as stated in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section II.
 2. Submit new SARA Title III (Section 302) community hazardous materials emergency response plans to the MSP/EMHSD District Coordinator no later than September 15, 2020.
 3. Submit a list of updated SARA Title III (Section 302) community hazardous materials emergency response plans to MSP/EMHSD no later than September 15, 2020. The form for submitting these updates is available on the MSP/EMHSD website located at <http://www.michigan.gov/emhsd>.
 4. Comply with National Incident Management System (NIMS) requirements to be eligible to receive federal preparedness funds. NIMS information is available at <http://www.fema.gov/national-incident-management-system>. More information on complying with NIMS is available from the State NIMS Coordinator at www.michigan.gov/emhsd under Response and Recovery.
 5. In accordance with 2 CFR 200.331, the subrecipient permits the recipient to have access to the subrecipient's records and financial statements as necessary for the recipient to meet the requirements of 2 CFR 200.331.
 6. Integrate individuals with disabilities into emergency planning in compliance with Executive Order 13347 and the *Rehabilitation Act of 1973*.
 7. Comply with applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including, but not limited to, the following provisions:
 - a. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
 - b. Retain all financial records, statistical records, supporting documents, and other pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
 - c. Non-federal organizations which expend \$750,000 or more in federal funds from all sources during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and 2 CFR, Part 200.501.
 8. Comply with the Department of Transportation's policy for contracting with small, women-owned, minority disadvantaged businesses, veteran, and HubZone business firms.
 9. Complete federally-mandated reporting requirements, including, but not limited to, requirements related to the *Federal Funding Accountability and Transparency Act of 2006* (FFATA) (Public Law 109-282), as amended by Section 6202(a) of the *Government Funding Transparency Act of 2008* (Public Law 110-252) and program specific reporting requirements.

V. Responsibilities of the Recipient

The Recipient, in accordance with the general purposes and objectives of this grant agreement, will:

- A. Administer the grant in accordance with all applicable federal and state regulations and guidelines and submit required reports to the awarding federal agency.
- B. Provide direction and technical assistance to the Subrecipient.
- C. Provide to the Subrecipient any special report forms and reporting formats (templates) required for administration of the program.
- D. Reimburse the Subrecipient, in accordance with this grant agreement, based on appropriate documentation submitted by the Subrecipient.
- E. At its discretion, independently, or in conjunction with the federal awarding agency, conduct random on-site reviews of the Subrecipient(s).

VI. Reporting Procedures

Submit new and updated SARA Title III (Section 302) community hazardous materials emergency response plans and identify which facility plans were updated on the attached *Plan Update List* form as stated in the FY 2019-20 application to MSP/EMHSD, no later than September 15, 2020. Complete instructions on how and where to submit required reports can be found in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are included with this grant agreement package. If a support grant was requested, the LEPC must meet the requirements stated in the attached *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section IV.B., or forfeit that portion of the grant award.

VII. Payment Procedures

Upon receipt, review, and acceptance of all work products and other requirements, as referenced in this grant agreement, the Recipient will calculate the payment to be made to the Subrecipient and will forward this information to the Subrecipient. See the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* document attached within this grant agreement packet for further information.

All Subrecipients in the HMEP grant program must submit documentation on the associated costs being charged to the \$1,500 HMEP support grant. The eligible expenses are laid out in the HMEP \$1,500 Support Grant Certification Form, which will be sent to each LEPC at the close of the federal fiscal year. When a LEPC enters information into this form, the cost will need to be supported by a receipt, time sheet (reflecting hours worked on SARA related planning issues), purchase order or a paid invoice. The support grant form and attachments must be returned to MSP/EMHSD by the assigned due date.

VIII. Employment Matters

The Subrecipient shall comply with Title VI of the *Civil Rights Act of 1964*, as amended; Title VIII of the *Civil Rights Act of 1968*; Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*; the *Age Discrimination Act of 1975*; the *Elliott-Larsen Civil Rights Act*, 1976 PA 453, as amended, MCL 37.2101 *et seq.*; and all other federal, state and local fair employment practices and equal opportunity laws and covenants. The Subrecipient shall not discriminate against any employee or applicant for employment, to be employed in the performance of this grant agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment; or any matter directly or indirectly related to employment because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, limited English proficiency, or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. The Subrecipient agrees to include in every contract or subcontract entered into for the performance of this grant agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of the grant agreement.

The Subrecipient must comply with 2 CFR, Part 1200, *Nonprocurement Suspension and Debarment*, located at <http://www.ecfr.gov>. The Subrecipient shall ensure that no subcontractor, manufacturer, or supplier of the Subrecipient for projects related to this grant agreement appears on the Active Exclusions list on the System for Award Management (SAM) website located at <http://www.sam.gov> (previously this search was performed in the Excluded Parties List System – EPLS).

The Subrecipient must comply with regulation 49 CFR, Part 21, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964* (see related certification form contained in this grant agreement package).

The Subrecipient must comply with regulation 49 CFR, Part 20, *New Restrictions on Lobbying* (see related certification form contained in this grant agreement package).

IX. Limitation of Liability

The Recipient and the Subrecipient to this grant agreement agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this grant agreement. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

This is not to be construed as a waiver of governmental immunity for either party.

X. Third Parties

This grant agreement is not intended to make any person or entity, not a party to this grant agreement, a third-party beneficiary hereof or to confer on a third party any rights or obligations enforceable in their favor.

XI. Grant Agreement Period

This grant agreement is in full force and effect from September 29, 2019 to September 29, 2020. No costs eligible under this grant agreement shall be incurred before the starting date of this grant agreement, except with prior written approval. This grant agreement package consists of two identical grant agreements, simultaneously executed; each is considered an original having identical legal effect. This grant agreement may be terminated by either party by giving thirty (30) days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient.

XII. Entire Grant Agreement

This grant agreement is governed by the laws of the State of Michigan and supersedes all prior agreements, documents, and representations between the Recipient and the Subrecipient, whether expressed, implied, or oral. This grant agreement constitutes the entire agreement between the parties and may not be amended except by written instrument executed by both parties prior to the grant end date. No party to this grant agreement may assign this grant agreement or any of his/her/its rights, interest, or obligations hereunder without the prior consent of the other party. The Subrecipient agrees to inform the Recipient in writing immediately of any proposed changes of dates, budget, or services indicated in this grant agreement, as well as changes of address or personnel affecting this grant agreement. Changes in dates, budget, or services are subject to prior written approval of the Recipient. If any provision of this grant agreement shall be deemed void or unenforceable, the remainder of the grant agreement shall remain valid.

The Recipient may suspend or terminate grant funding to the Subrecipient, in whole or in part, or other measures may be imposed for any of the following reasons:

- A. Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- B. Failure to comply with the requirements or statutory objectives of federal or state law.
- C. Failure to follow grant agreement requirements or special conditions.
- D. Proposal or implementation of substantial plan changes to the extent that, if originally submitted, the project would not have been approved for funding.
- E. Failure to submit required reports.
- F. Filing of a false certification in the application or other report or document.

XIII. Business Integrity Clause

The Recipient may immediately cancel the grant without further liability to the Recipient or its employees if the Subrecipient, an officer of the Subrecipient, or an owner of a 25% or greater share of the Subrecipient is convicted of a criminal offense incident to the application for or performance of a state, public, or private grant or subcontract; or convicted of a criminal offense, including, but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under state or federal antitrust statutes; or convicted of any other criminal offense which, in the sole discretion of the Recipient, reflects on the Subrecipient's business integrity.

XIV. Freedom of Information Act (FOIA)

Much of the information submitted in the course of applying for funding under this program, or provided in the course of grant management activities, may be considered law enforcement-sensitive or otherwise critical to national security interests. This may include threat, risk, and needs assessment information; and discussions of demographics, transportation, public works, and industrial and public health infrastructures. Therefore, each Subrecipient agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subrecipient should be familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR, Part 29) and Sensitive Security Information (49 CFR, Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

XV. Official Certification

For the Subrecipient

The individual or officer signing this grant agreement certifies by his or her signature that he or she is authorized to sign this grant agreement on behalf of the organization he or she represents. The Subrecipient agrees to complete all requirements specified in this grant agreement.

Subrecipient Name

Subrecipient's DUNS Number

Printed Name

Title

Signature

Date

For the Recipient (Michigan State Police, Emergency Management and Homeland Security Division)

Capt. Kevin Sweeney, Commander

Printed Name

Deputy State Director, Emergency
Management and Homeland Security Division

Title



6/16/20

Signature

Date



SUBRECIPIENT RISK ASSESSMENT CERTIFICATION

As required by 2 CFR §200.331(b), the purpose of this assessment is to evaluate subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of a subaward, and to determine appropriate subrecipient monitoring during the grant performance period. Limited program experience, results of previous audits and site monitoring visits, new personnel or new or substantially changed systems, may increase a subrecipient's degree of risk.

Subrecipient:	County:	DUNS #:
Questions		
<p>1. How many federal grant awards has your organization managed in the past 5 years regardless of awarding agency?</p> <p> <input type="checkbox"/> No grants <input type="checkbox"/> 1-3 grants <input type="checkbox"/> 4-5 grants <input type="checkbox"/> 6+ grants </p> <p>2. What percentage of your grant management staff has fewer than 2 years of grant experience?</p> <p> <input type="checkbox"/> 0-25% of staff <input type="checkbox"/> 26-50% of staff <input type="checkbox"/> 51-75% of staff <input type="checkbox"/> 76-100% of staff </p> <p>3. Has your organization had a new or substantially changed financial/accounting system(s) in the past 2 years?</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p>4. What types of findings (audit, site monitoring, etc.) has your organization received within the past 5 years? (Attach a separate sheet explaining any findings resulting in questioned costs or a return of funds.)</p> <p> <input type="checkbox"/> Never Audited or No <input type="checkbox"/> Unsupported costs (lack of documentation) <input type="checkbox"/> Unreasonable use of funds <input type="checkbox"/> Questioned costs or required to return funds </p> <p>5. Does your agency have staff primarily dedicated (>50%) to grants management activities?</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
Certification		
<p><i>I certify the information provided in this assessment is true and accurate, and that all occurrences of prior grant non-compliance have been disclosed.</i></p>		
Authorized Representative Signature:	Date:	
Authorized Representative Printed Name:	Title:	
Point of Contact Printed Name:	Title:	Email:

HMEP PLANNING GRANT AGREEMENT IN-KIND MATCH

The Livingston County Local Emergency Planning Committee (LEPC) has been allocated the funding amount specified in the attached grant agreement. Therefore, a local fund match of \$988 is required.

The LEPC agrees to use the following as its in-kind match (This can be any non-federal money from a government jurisdiction, industry, or other organization represented on the LEPC. Staff paid with federal funds, and funds used as a match for other federal grants CANNOT be used for the HMEP match.):

- ☐ **PLANNING PERSONNEL:** (Full Name of Employee) ,
whose salary and fringe benefits cost \$ per hour, will work approximately hours on LEPC planning.
- ☐ **SECRETARIAL:** (Full Name of Employee or Secretarial Service) ,
whose salary and fringe benefits cost \$ per hour, will work approximately hours on LEPC business.
- ☒ **OFFICE SPACE:** (Government Jurisdiction or Other Entity) ,
will provide a 169 square foot office located at (Address) to the LEPC at a cost of \$20.00 per square foot.
- ☐ **MAILING:** (Government Jurisdiction or Other Entity) ,
will provide \$ toward LEPC related mailings.
- ☐ **PRINTING:** (Government Jurisdiction or Other Entity) ,
will provide \$ toward LEPC related printing.
- ☐ **OTHER (Describe):**



STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 2800 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the Department of Justice), and Ex. Order 12372 (intergovernmental review of federal programs). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subrecipients or contractors to comply) with any applicable nondiscrimination provisions, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Violence Against Women Act (42 U.S.C. § 13925(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). It will also comply with Ex. Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.
7. If a governmental entity—
 - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Signature

Date



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

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:

(a) 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;

(b) 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;

(c) 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 period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by 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—

A. The applicant 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: 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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by 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—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

AUDIT CERTIFICATION

Federal Audit Requirements

Non-federal organizations, which expend \$750,000 or more in federal funds during their current fiscal year, are required to have an audit performed in accordance with 2 CFR Part 200, Subpart F.

Subrecipients **MUST** submit a copy of their audit report for each year they meet the funding threshold to: Michigan State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.

I. Program Information			
Program Name		CFDA Number	
II. Subrecipient Information			
Subrecipient Name			
Street Address		City	State ZIP Code
III. Certification for Fiscal Year			
Subrecipient Fiscal Year Period: _____ to _____.			
<input type="checkbox"/> I certify that the subrecipient shown above does NOT expect it will be required to have an audit performed under 2 CFR Part 200, Subpart F, for the above listed program.			
<input type="checkbox"/> I certify that the subrecipient shown above expects it will be required to have an audit performed under 2 CFR Part 200, Subpart F, during at least one fiscal year funds are received for the above listed program. A copy of the audit report will be submitted to: Michigan State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.			
Signature of Subrecipient's Authorized Representative			Date

Submit audit report to:

Michigan State Police
Grants and Community Services Division
P.O. Box 30634
Lansing, Michigan 48909

Submit this completed audit certification form and return with your grant agreement to:

Michigan State Police
Emergency Management and Homeland Security Division
P.O. Box 30634
Lansing, Michigan 48909

SARA TITLE III HAZARDOUS MATERIALS, OFF-SITE EMERGENCY RESPONSE PLAN UPDATE LIST

AUTHORITY: 1976 PA 390, MCL 30.407a; 42 USC 11002-11003

COMPLIANCE: Required PENALTY: Civil penalty of not more than \$25,000 for each day such violation occurs

This form is used for the recording of updated emergency contact information for sites required under 42 USC 11002 (SARA Title III, Section 302). **DO NOT list new plans on this sheet.** Please note that the Michigan State Police, Emergency Management and Homeland Security Division may contact facilities to verify the plan review.

Local Emergency Planning Committee (LEPC) Name:

Date:

MI SARA ID Number	Facility Name	Facility Emergency Contact	Emergency Contact Phone Number	Date Original Plan Submitted

SIGNATURE

Hazardous Materials Emergency Preparedness Planning Grant Instructions

I. Grant Program Description

The Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) has been designated by the Governor's office to administer the Hazardous Materials Emergency Preparedness (HMEP) planning grant program. HMEP planning grants are being made available to Local Emergency Planning Committees (LEPCs) for enhancing hazardous material response planning.

II. Eligibility Requirements

To be eligible to receive funding through the HMEP planning grant, LEPCs must:

- A.** Be formally appointed by the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC);
- B.** Have an appointed chairperson;
- C.** Have an appointed information coordinator;
- D.** Have an appointed emergency management coordinator;
- E.** Meet at least quarterly and have an established meeting schedule;
- F.** Assure that a 20% in-kind match will be available for all funding received through this grant. In-kind match includes non-federally funded LEPC member time, office space, secretarial support, LEPC office and administrative expenses, etc. (See item III.D);
- G.** Assure county or municipal compliance with Title VI of the Civil Rights Act of 1964;
- H.** Assure county or municipal compliance with lobbying, debarment, suspension, and other responsibility matters certifications, as well as drug-free workplace requirements.

If individuals holding these positions change, please update the LEPC Roster and submit to the MSP/EMHSD. The forms are available by contacting Ms. Brenna Roos at 517-284-3727, Roosb@Michigan.gov.

III. Application Process

- A. Deadline:** All applications and 2019–2020 LEPC meeting schedules must be received by the MSP/EMHSD no later than **February 7, 2020**.
- B. Application Mailing Address:** If you are submitting via mail please address the package to:

Attention: Ms. Brenna Roos
SARA Title III Program
Michigan State Police, Emergency Management and Homeland Security Division
P.O. Box 30634
Lansing, MI 48909

- C. Agreement Finalized:** The MSP/EMHSD will review all applications for completeness and accuracy. Local Emergency Management programs with approved applications will be sent two HMEP Grant Agreements, along with multiple attachments which must be submitted to the MSP/EMHSD to receive HMEP funding. Funding levels stated in the agreement are subject to the availability of federal funds. The Local Emergency Management Coordinator must sign the agreements, return one to the MSP/EMHSD, and retain one copy for their LEPC files by the date specified in grant agreements.
- D. Matching Funds Identified:** When the LEPC receives the HMEP Grant Agreement, it will also receive a form to document its matching funds. Federal grants require matching funds to be calculated against **TOTAL** program costs. For grant purposes, total program costs are calculated by dividing the proposed reimbursements from the HMEP planning grant by .80. The resulting amount (total program cost) is then multiplied by .20 to calculate the match required. The "Hazardous Materials Emergency Preparedness (HMEP) Planning Grant Agreement In-Kind Match" form must be returned to the MSP/EMHSD with the HMEP Grant Agreement packet. This form is used to estimate matching funds based on the proposed agreement amount (see Item II.F). However, the subrecipient must be prepared to match funds based on the amount of grant funding actually received for the contract period, including additional funding received in excess of the agreement amount.

Note: *Staff positions and/or programs supported by other federal funds cannot be used as match for this grant.*

IV. Allocation Formula

- A. New Plan and Plan Update Payments:** The MSP/EMHSD will reimburse LEPCs for new off-site emergency response plans. The reimbursement rate for 2019 - 2020 is \$350. Updated plans will not receive reimbursement. Facilities must be on the SARA Title III, Section 302 site list or added to the 302 site list by September 15, 2020. Plans that are added to the 302 site list after September 15, 2020, may not receive reimbursement from the 2019 – 2020 HMEP planning grant. To receive this funding, items B and/or C on the bottom of the "Local Emergency Planning Committee Application for Hazardous Material Emergency Preparedness Grant" form must be completed. This form is included in the application package.
- B. Support Grant Payments:** Each LEPC is eligible for a \$1,500 support grant. To qualify for the support grant, a LEPC must:
- Meet at least quarterly and verify that meetings have been held by sending the MSP/EMHSD a copy of the meeting schedule, or other verification if requested.
 - Annually update the LEPCs officer/membership list and submit the completed form to the MSP/EMHSD.
 - Incorporate completed off-site response plans into the city/county Emergency Operations Plan (EOP) or Emergency Action Guidelines (EAG).
 - Review the city/county EOP/Emergency Action Plan (EAP) annually to make sure the hazmat response section is current.
 - Complete all updates for existing 302 sites.

Verification of the above items, via a form signed by the LEPC Chair and/or Local Emergency Management Coordinator, will be requested by the MSP/EMHSD prior to the end of the grant year.

V. Proof of Purchase and Associated Work

All subrecipients in the HMEP planning grant program must submit documentation on the associated costs being reimbursed by the \$1,500 HMEP Support Grant. The eligible expenses are laid out in the “HMEP \$1,500 Support Grant Certification Form,” which will be sent to each LEPC at the close of the fiscal year. Costs entered on this form need to be supported by a receipt, time sheet (reflecting hours worked on SARA (Superfund Amendment and Reauthorization Act) related planning issues), purchase order, or a paid invoice. The “HMEP \$1,500 Support Grant Certification Form” and attachments must be returned to the MSP/EMHSD by the assigned due date.

VI. Planning Grant Requirements

- A. Products:** The intent of the planning grant is to encourage the development of new off-site hazardous material response plans and complete updates to previously-submitted off-site response plans for each SARA Title III Section 302 site in Michigan. Plans must be submitted to the appropriate MSP/EMHSD District Coordinator by the date specified in each LEPC's Grant Agreement. A list of updated plans for sites on the current 302 site list must also be submitted by that date. A plan update includes verification and updating of a facility's emergency contact information, on-site extremely hazardous substances (EHS) and their quantities, storage locations, and any other items which may have an impact on employee or community life, health, and safety. The list must include the site name, the department of Environment, Great Lakes, and Energy (EGLE) SARA identification number, and name of facility contact that assisted with the review. The “Plan Review List Form” for submittal is located on the MSP/EMHSD website and can be submitted directly to the address noted in Item III.B.
- B. Eligible Expenses:** HMEP planning grant funds are to be utilized for expenses that support and facilitate the development and/or updating of required SARA Title III off-site plans. Expenses can include, but are not limited to:
- Training for LEPC members, as long as it relates to the LEPC's planning mission.
 - Development, improvement, and implementation of emergency plans required under SARA Title III.
 - Exercises that test LEPC plans.
 - Enhancement of LEPC plans, e.g., improving the hazard analysis or transportation of hazardous materials (including radioactive materials) response procedures.
 - Commodity flow studies.
 - Needs analysis for establishing regional response teams.
 - Technical staff to support the planning effort.
 - Assessment of local response capabilities.
 - Subscription cost for EGLE's Tier II Manager.

Types of eligible costs that must be directly related to SARA Title III planning activities include:

- Meeting room rental.
- Per Diem for LEPC members.
- Public notices.
- Printing costs.
- Office administrative expenses.
- LEPC staff costs.
- Tier II Manager subscription.

Note: Computer hardware or software is not an allowable purchase.

C. Off-Site Response Plans:

- New off-site emergency response plans must be submitted to the appropriate MSP/EMHSD District Coordinator for review by September 15, 2020.
- A list of completed updates must be submitted to the MSP/EMHSD at the address noted in Item III.B or electronically to Roosb@michigan.gov by September 15, 2020.
- If the LEPC completes fewer updates and/or new off-site response plans than it proposes, their award will be prorated according to the number of plans/updates accepted by the MSP/EMHSD.

Note: Upon request, LEPCs may be required to make updated plans available to the MSP/EMHSD for verification purposes.

D. MSP/EMHSD Information Requests: Upon request, the LEPC must provide the MSP/EMHSD with information on how HMEP funds were spent and what was accomplished. Other information requests related to LEPC operations may also be sent to LEPCs.

E. Federal Reporting of Sub-awards and Executive Compensation: Upon request, the Subrecipient shall supply information to the MSP/EMHSD to address federal reporting requirements relevant to the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Public Law 109-282), as amended by Section 6202(a) of the Government Funding Transparency Act of 2008 (Public Law 110-252).

F. Reporting of Data Universal Numbering System (DUNS) Number: To comply with federal government reporting requirements, the MSP/EMHSD is required to collect a DUNS number from any recipient of sub-awards provided through the state of Michigan. A DUNS number must be submitted before reimbursement of funds can be made.

G. Other Requirements: The Subrecipient must comply with the requirements of 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; 2 CFR 1200, *Nonprocurement Suspension and Debarment*, 49 CFR Part 20, *New Restrictions on Lobbying*; and 49 CFR Part 21, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964*, which can be found at www.ecfr.gov.

VII. Reimbursement Process

Reimbursement to LEPCs (or a prorated portion) will be processed by the MSP/EMHSD upon acceptance of the LEPC's products, as specified in its contract.

VIII. Items to Include with Application

A. HMEP Planning Grant Application Form: Appropriate boxes for the type of grant requested must be checked on the application, and Officer/Emergency Manager information must be included.

B. LEPC Officer/Member Record.

C. LEPC Meeting Schedule for 2019 – 2020.

Questions concerning the HMEP planning grant should be directed to Ms. Brenna Roos at 517-284-3727, or email at Roosb@michigan.gov.

RESOLUTION

NO: 2020-07-189

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing Livingston County 911 to Conduct an Emergency Repair to the Deerfield Tower VHF Paging System – Central Dispatch

WHEREAS, the Deerfield tower VHF fire paging system is one of the main fire paging mechanisms in the Northeast portion of the county. It was destroyed when an A/C waterline ruptured, causing the paging system to fail, and it destroyed the radio components in their entirety inside the tower shelter; and

WHEREAS, it is essential to the life safety and property preservation of the residents of Livingston County that the fire paging system be fully operational and functioning appropriately; and

WHEREAS, a quote was provided by the county's current radio maintenance company, ComSource, to complete the rebuild and repair to the VHF equipment and shelter at the Deerfield Township tower site; and

WHEREAS, the total quote for the rebuild/repair to the paging system is \$138,493.00 which will be funded as follows: 100% will be covered by the insurance funds issued from the claim except for the \$1000.00 deductible.

THEREFORE, BE IT RESOLVED the Livingston County Board of Commissioners approves for the purchase of the items necessary to conduct the repairs to the VHF paging system at the Deerfield Township tower site in an amount not to exceed \$138,493.00.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioners hereby authorize Livingston County 911 Central Dispatch to contract ComSource to conduct the repairs to the VHF paging system at the Deerfield Township tower site.

BE IT FURTHER RESOLVED the Chairman of the Board of Commissioners be authorized to sign all forms, assurances, supporting documents and contracts/agreements related to project and future amendments, upon review by Civil Counsel as necessary.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioner hereby approve any budget amendment(s) necessary to effectuate the above.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
**911 CENTRAL DISPATCH/
EMERGENCY MANAGEMENT DEPARTMENT**

300 S. Highlander Way, Howell, Michigan 48843
Phone 517.546.4620 Fax 517.546.5008
Web Site: livgov.com

Memorandum

To: Public Safety Committee
Board of Commissioners

From: Chad Chewning, Deputy Director

Date: July 14, 2020

Re: Repair for Deerfield VHF Paging Tower

The Deerfield VHF paging tower is located in the Northeast corner of the county proving paging of the fire departments in the area of Deerfield and Hartland Township. In June it was discovered that an A/C line ruptured inside the radio shelter spraying water on to the radio equipment causing a major failure by destroying it.

Using our current radio repair company that installed this original equipment has provided a quote of \$138,493.00 dollars which covers the install of new equipment, and purchasing the new radio equipment, and a new shelter.

Livingston County 911 is requesting to complete this repair with the insurance check issued by claim made funding it 100%.

Livingston County Central Dispatch 911

June, 24, 2020

Attn: Chad Chewning

Director of Operations

300 High Street

Howell, MI 48843

Subject: Deerfield Site VHF Paging Replacement

Dear Chad,

Pursuant to our recent conversations and on-site visits ComSource, Inc. is pleased to present this proposal to "replace" the Deerfield Cabinet and all associated VHF paging electronics contained therein.

This submission will restore the functionality of the Deerfield Paging Site that has been critically damaged.

Our solution provides the necessary componentry, system installation, optimization, project management, and system integration along with first year 24 X 7 on-site post deployment service response.

Our ComSource, Inc. Team truly appreciates the time that you and your Associates have given us in the development of this solution.

In closing, we look forward to your favorable consideration of this submission and remain available for any questions that you may have throughout your scrutiny processes.

Respectfully submitted,

Ed Horvath

ComSource, Inc.

Ed Horvath

Sr. Account Executive/

Government Markets Sales Manager



MOTOROLA
SOLUTIONS
PLATINUM CHANNEL PARTNER

Corporate Office: 41271 Concept Drive, Plymouth, MI 48170 | 734.738.0800
Service Center: 1919 Birchwood Drive, Troy, MI 48083 | 248.853.5430

www.comsourcemi.com



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SCOPE OF WORK AND RESPONSIBILITIES

LIVINGSTON COUNTY CENTRAL DISPATCH 911

COMSOURCE, INC. RESPONSIBILITIES

1. Supply, and install one (1) PEPRO Cabinet with an “exact” replacement.
2. Remove the existing damaged cabinet and place it to the side of the site’s pad.
3. Utilize as many of the existing Livingston County “spares” kit as possible for system restoration.
4. Supply and deliver replacements for ALL utilized spares. (marked in red on the BOM list)
5. Provide Motorola System Technologist (ST) services for network optimization and integration.
6. Test all provided products and services for functional restoration.
7. All required work to be performed during normal working hours.
8. All installation activity will adhere to Motorola’s R-56 standards.
9. Provide all contracted products and services within 60-75 days ARO.

CUSTOMER RESPONSIBILITIES

1. Arrange normal working hours, M-F 8AM-5PM, facility access for required work.
2. Identify a single point of contact for overall logistics and general instructions.
3. Agree to the payment schedule listed on the associated BOM & Pricing list.



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MOTOROLA
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Service Elite Specialist

RESOLUTION

NO: 2020-07-190

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing a Contract Agreement with Keefe Group for Inmate Commissary and Inmate Banking - Jail

WHEREAS, the jail has a need for Inmate Commissary and Inmate Banking with with our current contract expiring August 31, 2020; and

WHEREAS, in accordance with the County's Purchasing Policy, a competitive bid process was performed and three (3) proposals were received and evaluated in response to RFP-LC-20-09; and

WHEREAS, services outlined in the RFP necessary to meet minium requirements includes electronic grievances, inmate emails, inmate law library, inmate securepaks and inmate trust fund accounting with electronic deposits; and

WHEREAS, Keefe Group is offering a five (5) year contract and met all requirements with a \$25,000 signing bonus for the first year and a 39% commission rate; and

WHEREAS, Keefe Group will also provide 1,100 indigent kits per year at no cost to the County which is a \$3,400 per year savings; and

WHEREAS, Keefe Group offers the lowest pricing to the inmate with a much broader variety of product.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into an agreement with Keefe Group for inmate commissary and inmate banking for a (5) year period.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



**Bid Recap
For
Inmate Commissary Services**

**Lead Public Agency: Livingston County
Solicitation: RFP-LC-20-09**

**RFP Issued & Publicly Posted: 5/22/20
Public Posting: Livingston County Fiscal
Services Website & BidNet
Proposals Received: 3**

RFP Due Date: 6/22/20

Livingston County received three (3) proposals in response to the Request for Proposal referenced above. Below is a recap of the bid evaluation.

Four (4) companies provided a response within the timeframe outlined in the RFP. One of the four companies, Canteen Services, declined to submit a proposal in response to the RFP:

- Keefe Group – Keefe Commissary Network (KCN)
- Stellar Services, LLC
- Summit Food Service, LLC
- Canteen Services

The evaluation consisted of a review of the responses to the Request for Proposal Scope of Work, and the Attachment A price submissions. A review of the minimum requirements revealed that the three (3) bidders met the minimum mandatory requirements (Section 1.2), and the bidders confirmed their understanding of the Scope of Services (Section 1.3) and Technical Proposal (Section 1.4). The bidders were determined to be responsive and responsible after a review of the answers to the Scope of Work sections and the information provided on the requisite forms.

The Evaluation Review Committee (ERC) consisted of five (5) members. The ERC evaluated the proposals submitted by each vendor using the following scoring criteria:

- Proposal Responses (up to 50 points)
- Company Profile (up to 25 points)
- References (up to 25 points)

Based on this scoring criteria, the points awarded to each vendor were averaged with the following results:



	Vendors		
	Keefe Group	Stellar Services	Summit Food Service
Proposal Responses	44.3	40.4	34
Company Profile	22.7	20.2	16
References	23.6	18.6	16.8
Total	90.6	79.2	66.8

The pricing proposal was then reviewed for each bidder. The prices submitted by each bidder were in a competitive range for Inmate Commissary Services. Below are the commission rates and signing bonuses and/or incentives being offered by each vendor:

	Vendors		
	Keefe	Stellar Services	Summit Food Service
Commission Rate	39%	46.5%	41%
Signing Bonus	\$25,000 – Year 1		

The pricing proposals submitted by each vendor were ranked in the following order from lowest to highest:

- Keefe Group
- Summit Food Service
- Stellar Services

Based on the evaluation of the technical and pricing proposals, it is recommended that a five-year contract be offered to Keefe Group – Keefe Commissary Network (KCN). Keefe received the highest evaluation score and offered the lowest pricing for inmate commissary services.



150 S. Highlander Way, Howell, MI 48843
Phone (517) 540-7626 Fax (517) 546-1800

Memorandum

To: Livingston County Board of Commissioners
From: Lieutenant Tarneseia Pringle
Date: July 14, 2020
Re: Resolution Authorizing an Agreement with Keefe to Provide Commissary and Banking for the jail – PUBLIC SAFETY/ FINANCE / BOARD

The Livingston County Sheriff's Office has a need for inmate commissary and inmate banking. Per the County Procurement Policy, a competitive bid process was performed by CoPro Plus. Livingston County received three (3) proposals in response to the Request for Proposal **RFP-LC-20-09**.

The RFP outlined the services necessary to meet the minimum requirements for inmate commissary and banking which includes, the electronic grievances, inmate emails, inmate law library, inmate secure paks and inmate trust fund accounting with electronic deposits.

The Evaluation Committee consisted of 5 members. After careful consideration the Evaluation Committee selected Keefe Commissary Group with a score of 90.6%. Keefe Commissary Group is offering the County a five (5) year contract. Keefe Commissary group is offering a 39% commission rate with a \$25,000 signing bonus the first year. Keefe Commissary Group is also offering 1100 indigent kits a year at no cost to the county. The indigent kits is a \$3400 a year savings. The Keefe Commissary Group offers the lowest pricing to inmates and a much broader variety.

Based on the recommendation of the Evaluation Committee's award recommendation, I am requesting the attached resolution be approved and to award a contract with Keefe Group to provide commissary and inmate banking.

If you have any questions please contact Lt. Pringle or Lt. Adas.

Respectfully Submitted

Lt. Pringle

RESOLUTION

NO: 2020-07-191

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing the Sheriff's Office and the County of Livingston to Apply for and Enter Into Contract with the State of Michigan, Office of Highway Safety Planning for Fiscal Year 2021 Traffic Enforcement Grant - Sheriff

WHEREAS, the Livingston County Sheriffs' Office wishes to participate the State Traffic Enforcement Grant for state fiscal year 2021; and

WHEREAS, the County of Livingston will be receiving up to \$29,900 in reimbursement funds from the State of Michigan, Office of Highway Safety Planning for participation in the 2021 State Traffic Enforcement Grant.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of application to enter into a contract with the State of Michigan, Office of Highway Safety Planning wherein Livingston County will receive a maximum of \$29,000 in State reimbursement funds effective October 1, 2020 through September 30, 2021.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts, agreements, amendments and support documents related to the 2021 Traffic Enforcement Grant upon review by Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY SHERIFF'S OFFICE

**150 S. Highlander Way
Howell, Michigan 48843-2323
(517) 546-2440 ext. 7983
csell@livgov.com**

DATE: July 20, 2020

TO: Livingston County Board of Commissioners

FROM: Lt. Eric Sanborn

RE: FY2021 Traffic Enforcement Grant by the State of Michigan Office of Highway Safety Planning

The Livingston County Sheriff's Office has been invited to participate in the State of Michigan, Office of Highway Safety Planning Traffic Enforcement Grant for State fiscal year 2021.

The State of Michigan, Office of Highway Safety Planning has offered the Livingston County Sheriff's Office up to \$29,900 in state reimbursement funds for participation in the program.

Participation in this grant opportunity will allow the Sheriff's Office to focus specifically on impaired driving, distracted driving and seat belt enforcement.

The main purpose of the program is to increase traffic enforcement within Livingston County thereby reducing the number of traffic related incidents. I am requesting that the Board of Commissioners support the submission of the application and enter into contract with the State of Michigan, Office of Highway Safety Planning for fiscal year 2021. Your support will allow the Sheriff's Office to continue a vital service to our County.

Grant Program Highlights

FACTS

A review of Michigan traffic crash data from 2014-2018 shows the number of people seriously injured or killed where the traffic crash was coded as alcohol-involved and/or drug-involved was 7,744 (24.21 percent of all KA's). The number of people seriously injured or killed in passenger vehicles where the occupant was coded as no belts used, or child restraint not used/used improperly was 3,787 (11.8 percent of all KA's). Statewide, the observed seat belt use was 94.4%.

GRANT FOCUS: DUI and Seat Belt Overtime Traffic Enforcement

Provide extra patrols focused on reducing DUI and unrestrained vehicle occupant deaths and serious injuries.

The grant-funded overtime must focus on traffic stops for hazardous moving violations during times and on roadways experiencing fatal and serious injury traffic crash problems. The expectation is zero tolerance for seat belt, child restraint, DUI violations, and any other hazardous moving violations during the grant-funded high-visibility enforcement efforts.

Five required statewide and two optional enforcement periods will focus on compliance with DUI and seat belt enforcement.

Required enforcement periods include:

- November 9 – 29, 2020 (Seat Belt)
- December 11, 2020 – January 1, 2021 (DUI)
- May 17 – June 6, 2021 (Seat Belt)
- July 1 – 24, 2021 (DUI and Seat Belt)
- August 16 – September 6, 2021 (DUI)

Optional enforcement periods:

- October 30 – November 1, 2020 (DUI and Seat Belt)
- February 7, 2021 (DUI)
- March 15 – 21, 2021 (DUI)

OHSP will provide materials to assist with publicizing these initiatives.

The dates identified above are the only time periods that grant-funded enforcement can be scheduled and overtime requested for reimbursement.

A daily activity log with a listing of activities performed must be completed for all time requested for reimbursement. It must include the following information in the body of the document to be acceptable documentation:

- The start time of the grant-funded enforcement detail.
- A brief description of every stop.
- The end time of the grant-funded detail.
- All grant time must be accounted for. Time must be documented at a minimum of every hour, regardless of whether traffic stop is made. This includes time spent on traffic stops, arrest, transporting and lodging of arrested subjects, report writing, or serving as "zone spotters" where applicable.
- The time on the daily must match the hours requested for reimbursement and supervisor approval must be documented electronically or in writing. If supervisors' approval is given by means other than a signature on the daily, explanation of the approval process must be provided at the OHSP's request.

Grant Program Highlights (continued)

Grant funds **CANNOT** be used for activities such as response to calls for service, traffic control, property inspections, motorcades or dignitary protection. In some instances, an officer on a grant-funded detail may be closest to an incident. If this occurs, the officer must come off time charged to the grant and be funded by the department instead. Note: The officer daily must indicate the time will not be charged to the grant. For exceptions, see EMERGENCY RESPONSE below.

Strategic plans must be completed and made available to OHSP upon request.

OID must be reported separately from OWI on the enforcement report.

Mandatory DUI and seat belt enforcement reports must be submitted in MAGIC by the Project Director or Agency Contact. Each grant-funded agency must report required enforcement activity no later than:

- December 7, 2020 (Seat Belt)
- January 8, 2021 (DUI)
- June 14, 2021 (Seat Belt)
- August 2, 2021 (DUI and Seat Belt)
- September 13, 2021 (DUI)

When applicable, each grant-funded agency will report optional enforcement activity no later than:

- November 9, 2020 (DUI and Seat Belt)
- February 15, 2021 (DUI)
- March 29, 2021 (DUI)

At a minimum, quarterly financial reports must be submitted in MAGIC by the Project Director or Financial Officer no later than January 30, April 30, July 30, and October 30, 2021. The Project Director must ensure the financial report is submitted by the deadlines.

Quarterly progress reports are **not required**. A 4th quarter progress report (final) must be submitted in MAGIC by the Project Director or Agency Contact no later than October 30, 2021. The final written report must include an assessment of the impact of the grant overtime on the patrol area from each law enforcement agency/post funded by the grant. A template will be provided in advance of the deadline.

EMERGENCY RESPONSE: A police emergency is defined as an imminent threat to life or property. If a police emergency occurs during a grant-funded detail and response is required by an officer(s)/trooper(s) working that detail:

1. The officer/trooper is allowed up to one hour of grant-time to respond and return to the traffic enforcement patrol.
 - a. The agency must incur the costs (i.e. the grant cannot be charged) beyond 60 minutes or for additional emergencies that arise during the detail.
 - b. Response to non-emergency calls while on grant time must be charged to the agency.
2. All emergency responses must be documented with a brief description on the daily.

GRANT MONITORING (NEW)

1. On-site grant monitoring of the prior fiscal year may be conducted by the OHSP Grant Monitoring/Compliance Auditor. The purpose of the monitoring will be to review compliance with the grant management requirements, policies and procedures, financial controls and

Grant Program Highlights (continued)

progress of the grant activities. The auditor will meet primarily with financial officer to review financial controls. The auditor will also speak with the Project Director about program activities.

2. Additional desk monitoring will be completed by your OHSP program coordinator by conducting a review of officer dailies for every traffic enforcement grant. This will include a sampling of 5 pre-determined dailies for every law enforcement agency, law enforcement precinct, and Michigan State Police post receiving overtime traffic enforcement funds. The program coordinator will request specific dailies after the financial report is submitted. It is expected the dailies will be provided to the program coordinator within 7 days of the request. By the end of the fiscal year each agency will be included in the process.

Dailies will be reviewed to ensure:

- Hours match the reimbursement request.
- Activity is allowable and consistent with the project.
- Signatures are included by the officer and approval is documented by the supervisor.

**MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING
FY2021 GRANT MANAGEMENT REQUIREMENTS (GMRs)**

1. All correspondence to the Office of Highway Safety Planning (OHSP) regarding this project shall include the project number, example: OP-21-01.
2. Each grant is required to have, at a minimum, separate individuals serving as an authorizing official, a project director, and a financial officer. A change in project director, agency contact, financial officer, authorizing official, addresses, email, or telephone numbers requires written notification to the OHSP. The project director is responsible for also making these changes to the web-based grant application.
3. The OHSP is required by the National Highway Traffic Safety Administration (NHTSA) to evaluate and document the risk for each entity applying for federal grant funds prior to making an award. The grantee (and all sub-recipients and contractors) must register or update in SAM (System for Award Management) annually online to be eligible for federal and state grants. The OHSP will verify within SAM there are no outstanding issues or concerns. Grantees will also have to update their grant applications in 2021 with their new Unique Entity Identifier (UEI).
4. The OHSP may conduct a monitoring review of highway safety grants in accordance with Title 2 CFR 200, NHTSA regulations, and these GMRs to determine adherence to project objectives, to review financial procedures, and to ensure compliance with grant requirements. All grantees (and all sub-recipients and contractors) are expected to cooperate with all reasonable requests for information as part of the monitoring review process.
5. A subrecipient must take reasonable measures to safeguard protected, personally identifiable information. The information and other information the NHTSA or the OHSP designate as sensitive or that the subrecipient considers sensitive consistent with applicable federal, state and local laws regarding privacy and obligations of confidentiality as prescribed under 2 CFR Part 200.303.
6. All published reports generated from this project must include the following disclosure statement:

This report was prepared in cooperation with the Michigan Office of Highway Safety Planning and U.S. Department of Transportation, National Highway Traffic Safety Administration. The opinions, findings, and conclusions expressed in this publication are those of the author(s) are not necessarily those of the Michigan Office of Highway Safety Planning or the U.S. Department of Transportation, National Highway Traffic Safety Administration.

**NONDISCRIMINATION
(applies to sub-recipients as well as States)**

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);

- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- Will administer the program in a manner that reasonably ensures that any of its sub-recipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require any of its sub-recipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. ***To insert this clause, including paragraphs a through e, in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.***

POLITICAL ACTIVITY (HATCH ACT)
(applies to sub-recipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to sub-recipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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.

RESTRICTION ON STATE LOBBYING

(applies to sub-recipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to sub-recipients as well as States)

Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered

transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-Procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal 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 record, making false statements, or receiving stolen property;
- (c) 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 period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

- 1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>)
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to sub-recipients as well as States)

The State and each sub-recipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or sub-recipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to sub-recipients as well as States)

The State and each sub-recipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives as www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

PUBLIC INFORMATION AND EDUCATION REQUIREMENTS

1. All original electronic files including designs, concepts, photographs, video, and audio financed with grant funds shall be delivered to the OHSP by an agreed upon due date between the OHSP and the grantee (and all sub-recipients and contractors). The items will remain the property of the OHSP and shall not be subject to copyright protection by the vendor or their agents. Items will be submitted to the OHSP immediately after production of the item. The **OHSP will hold the final grant reimbursement until all the above items have been submitted.** The grantee (and all sub-recipients and contractors) shall not enter into an agreement that includes any time limits on rights for music, talent, artwork, or photographs. The grantee (and all sub-recipients and contractors) shall inform all vendors, subcontractors, or their agents of this requirement before authorizing work to be performed.

2. All printed public information and education materials and videos are required to contain logos as designated by the OHSP, which are available in electronic formats upon request. See printing requirements below for more details. Audio materials must include an OHSP tag line, (see State of Michigan Printing Requirements #3 below). All materials, including audio and video materials and scripts must be submitted for review and approval by the OHSP prior to production.

3. All businesses performing printing services must meet one of the following conditions: (a) bear the label of the branch of the allied printing trades council of the locality in which it is printed; (b) have on file with the secretary of state, a sworn statement indicating that employees producing the printing are receiving the prevailing wage rate in the locality in which the work is performed; or (c) have a collective bargaining agreement in effect formed by an organization that is not in any way influenced or controlled by management. (Per State of Michigan Procurement Policy Manual-Revised 6/12/18-Section: 1.3.13-State Printing Act)

4. All videos, print photography, or graphics shall depict drivers and passengers to be properly restrained by seat belts or child passenger safety devices unless the lack of restraints is for demonstration or educational purposes.

5. Messaging costs which are of a public relations nature and designed in-whole or in-part to promote either an individual or an agency is prohibited and not eligible for reimbursement.

6. Closed Captioning: All DVDs must be closed captioned. This includes online videos.

7. Social Media Use and Approval: The creation of social media accounts such as Facebook and Twitter federally funded grants and projects require prior approval from the OHSP before release to the public.

8. The purchase of program advertising space by grantees on TV, radio, magazines, newspapers, billboards, etc., may be approved on a case-by-case basis.

9. The following items require the prior approval of the OHSP program coordinator:

- flyers, posters, brochures
- annual reports
- newsletters

10. Funding requirement statement: The following byline shall be placed on all printed public information and education materials:

"This material was developed through a project funded by the Michigan Office of Highway Safety Planning and the U.S. Department of Transportation."

11. The State of Michigan prohibits use of the OHSP and/or MSP logos on non-State of Michigan websites.

COPIES

1. The OHSP will require one electronic copy of any publication produced with traffic safety grant funds if print copies are not available or if the items are not distributed statewide, and it is not available online. The copy can be submitted via email, CD, or flash drive.

2. The OHSP will require one copy of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. This copy is distributed throughout the state of Michigan's library system:

- annual reports
- manuals, handbooks, and training materials

- news releases
- statistics

3. The OHSP will require two of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. These copies are housed as part of the state of Michigan's library system:

- posters
- brochures
- flyers

4. If the publication is available on a publicly accessible website, no printed copy is required. However; an email which includes a link to the document must be provided to the OHSP. The State of Michigan's library system will then include it in its digital archive.

PROGRAM REQUIREMENTS

1. Progress reports are required to be submitted throughout the grant period. The due dates for these reports are specified in the grant approval letter and must be submitted online. Reports shall describe activities undertaken to accomplish each project goal, reason for non-activity if necessary, activities planned for the next quarter, and obstacles encountered or anticipated. Progress reports must be submitted and approved for the OHSP to process financial reimbursement. For traffic safety enforcement projects, enforcement reports must be submitted to the OHSP to process financial reimbursement.

2. The final progress report is due on the date stated in the grant approval letter and shall include a summary of all activities and accomplishments for the entire grant period. Include the following information in the project summary:

- A list of significant accomplishments or activities of this project that addressed the project objectives.
- If no activity took place, a report must be submitted stating as such and reasons why.

3. Out-of-state travel requires prior written approval by the OHSP Division Director. A written request shall be submitted on the form provided. **Requests shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e. travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to the OHSP approval.

4. If a project revision is required, the grantee shall contact the OHSP program coordinator for prior approval.

5. Grantees must have written, and established policies and procedures listed below, where applicable, as required by Title 2 Code of Federal Regulations 200, and where outlined elsewhere in these requirements.

Shall meet the standards outlined in:

1. Procurement 2 CFR 200.318, 200.320
2. Salary and Wages – 2 CFR 200.430
3. Fringe Benefits – 2 CFR 200.431
4. Travel – 2 CFR 200.474
5. Internal Controls – 2 CFR 200.303
6. Contracting 2 CFR 200.320, .323
7. Indirect Costs 2 CFR 200.414
8. Conflict of Interest 2 CFR 200.112
9. Accounting/Finance 2 CFR 200.302, .400

6. **For Overtime Traffic Enforcement Grants Only:**

- a. The grantee (and all sub-recipients and contractors) shall verify all officers working the OHSP federally funded overtime have completed the NHTSA-International Association of Chiefs of Police (IACP) approved Standardized Field Sobriety Testing (SFST) curriculum.
- b. All law enforcement officers participating in an OHSP grant-funded traffic enforcement detail shall wear a properly fastened seat belt in accordance with state law. Officers found in violation of this requirement while working a grant-funded detail may be ineligible for funding reimbursement from the OHSP.
- c. Law enforcement agencies are encouraged to have a written vehicle pursuit policy in place.
- d. Only Michigan Commission on Law Enforcement Standards certified police shall be used on enforcement projects.
- e. Use of part-time officers on enforcement projects is restricted and must comply with the OHSP policy. **PRIOR APPROVAL IS REQUIRED.** Contact the OHSP for a copy of this policy.
- f. Grant funds **CANNOT** be used for activities such as response to calls for service, traffic control, property inspections, motorcades, or dignitary protection. The OHSP grant funds can only be used for activities approved in the grant.
- g. Emergency response: A law enforcement emergency is defined as an imminent threat to life or property. If a law enforcement emergency occurs during a grant-funded detail and response is required by an officer(s) working that detail:
 1. The officer is allowed up to one hour of grant-time to respond and return to the traffic enforcement patrol.
 - a. The agency must incur the costs (i.e. the grant cannot be charged) beyond an hour or for additional emergencies that arise during the detail.
 - b. Response to non-emergency calls while on grant time must be charged to the agency.
 2. All emergency responses must be documented with a brief description on the daily.
- h. Traffic enforcement shifts shall be scheduled for a minimum of two consecutive hours.
- i. Traffic enforcement efforts shall be publicized by supporting media events as requested by the OHSP.
 - The grantee (and all sub-recipients and contractors) shall assist the OHSP with media events that will be conducted locally.
 - Banners or other signage provided by the OHSP shall be displayed during the enforcement period.
- j. The grantee recipient (and all sub-recipients and contractors) and the chief or sheriff from each participating agency is required to sign the OHSP GMRs Acknowledgement and Agreement form signifying receipt of the GMRs and their agreement to comply with them as part of the online grant application process.
- k. The grantee (and all sub-recipients and contractors) must keep track of funds spent. In some cases, multiple funding sources are assigned to law enforcement grants. In these situations, the grantee must assign, document, and monitor expenditures to each designated funding source separately. Each grant and federal funding sources may not be used interchangeably. In the event the grantee overspends, the difference will need to be covered by the grantee. Additional funding will not be provided to support overspending of any federal program.

- I. A daily activity log with a listing of activities performed must be completed for all time requested for reimbursement. It must include the following information in the body of the document to be acceptable documentation:
 - The start time of the grant-funded enforcement detail.
 - A brief description of every stop.
 - The end time of the grant-funded detail.
 - All grant time must be accounted for. **Time must be documented at a minimum of every hour, regardless of whether a traffic stop is made.** This includes time spent on traffic stops, arrest, transporting and lodging of arrested subjects, report writing, serving as “zone spotters.”

The time on the daily must match the hours requested for reimbursement and supervisor approval must be documented electronically or in writing. If supervisors' approval is given by means other than a signature on the daily, explanation of the approval process must be provided at the OHSP's request.

GENERAL FINANCIAL REQUIREMENTS

Compliance with the Federal Funding Accountability and Transparency Act (FFATA) of 2006.

Signed into law on September 26, 2006, the Federal Funding Accountability Act provides the public with a single, searchable database of federal awards and sub-awards. MSP is responsible for reporting data into the FFATA database for each NHTSA sub-recipient award that equals or exceeds \$25,000. The FFATA reporting procedure also requires for each sub-recipient agency to maintain current registration in the federal System for Award Management (SAM) and obtain a Data Universal Numbering System (DUNS) number. Applicants are responsible for reporting their SAM registration and DUNS number to MSP upon request to ensure timely and accurate award reporting. Grantees will also be required to update their grant applications with their new UEI in 2021.

1. Only program activities and expenses detailed in the approved grant budget and incurred during the grant period are eligible for reimbursement. Expenses incurred that are not detailed in the approved grant budget or outside of the grant period will not be reimbursed. **Costs cannot EXCEED the approved grant award.**
2. Goods purchased through the grant shall be received in acceptable condition. If goods are not received in acceptable condition within 30 days prior to the grant ending date, the grantee shall contact the OHSP program coordinator.
3. The grantee (and all sub-recipients and contractors) shall use generally accepted accounting principles.
4. Costs charged to this grant cannot be charged to any other program. Law enforcement agencies receiving funding for overtime traffic enforcement cannot offer comp time in lieu of overtime pay.
5. All costs shall be actual and supported by source documentation. Financial reimbursement will be delayed until all backup documentation is received by the OHSP. A document entitled “Acceptable Backup Documentation for Federal Cost Claims” is available from the OHSP to assist with identifying adequate backup documentation.
6. A separate account or fund must be established for this project. A separate account is required to be maintained by all agencies receiving grant funds from the OHSP regardless of the dollar amount. In addition, the grantee (and all sub-recipients and contractors) receiving funds from the OHSP for multiple grant projects must have a separate account for each grant project. It is the responsibility of the lead agency to insure all sub-agencies meet this requirement. The general ledgers of the sub-agencies are not required to be submitted with requests for payment unless specifically requested by the OHSP.

7. Costs reported on the final Financial Status Report (FSR) must match the agency's separate account or fund that has been established for this project inside the agencies accounting system.

1. Financial documents must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

8. Comingling of funds on either a program-by-program or project-by-project basis is prohibited. The sub-grantee's accounting system must maintain a clear audit trail for each source of funding for each fiscal budget period and include the following:

1. Separate accountability of receipts, expenditures, disbursements, and balances.
2. Itemized records supporting all grant receipts, expenditures, and match contributions in sufficient detail to show exact nature of activity.
3. Data and information for each expenditure and match contribution with proper reference to be a supporting voucher or bill properly approved.
4. Maintenance of payroll authorization and vouchers.
5. Maintenance of records supporting charges of fringe benefits
6. Maintenance of inventory records for equipment purchased, rented, and donated.
7. Maintenance of billing records for consumable supplies (i.e. paper, printing) purchased.
8. Provisions for payment by check
9. Maintenance of travel records (i.e. mileage logs, parking, hotels, meal receipts_.
10. Lease agreements, contracted services, and equipment purchases that adhere to established procurement processes.

9. Costs must be net of all applicable credits such as purchase discounts, rebates or adjustments of overpayments, or erroneous charges.

10. The following deviations from the approved budget require **PRIOR approval from the OHSP**: Once approved, appropriate revisions will need to be made to the grant agreement.

- a. A specific item of cost not included in the approved budget.
- b. An increase in the number of a specific item over and above the total authorized.
- c. A transfer between major budget categories in excess of 10 percent of the category being increased.

11. Procurement Methods:

a. Competition: The grantee shall conduct all procurement and contractual transactions, without regard to dollar value, to provide maximum, open, and free competition. Maximum, open, and free competition shall be assured through the distribution of an adequate number of proposal solicitations.

b. Small Purchase Procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$25,000 in total. If small purchase procedures are used, price or rate quotations must be obtained from at least three (3) Buy America Act qualified sources.

c. The grantee shall follow their competitive bid process providing it is at least as restrictive as the process required by the Title 2 Code of Federal Regulations 200.320, the State of Michigan and complies with the Buy America Act. (A copy of the State of Michigan procurement policy is available upon request.) The grantee (and all sub-recipients and contractors) agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the maximum opportunity to participate in the performance of contracts and subcontracts financed, in whole or in part, with funds provided under this agreement. The grantee must document multiple bids were sought in a

competitive bidding process. When two or more responses were not received, the grantee shall indicate the selected bid was the only response.

d. No employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract or bid supported by Federal funds if a conflict of interest, real or apparent, would be involved.

e. A copy of the subrecipient's established procurement procedures must be readily available for audit purposes upon request from the OHSP. Records must sufficiently detail the procurement history for all purchases and should detail the rationale for the method of procurement and selection of contract type, written selection procedures, documented reasons for rejections, and the basis for the contract price.

12. Documentation for costs shall be maintained for three years following final reimbursement.

13. Any program income received shall be used exclusively to further traffic safety project activities. Program income is defined as gross income earned by the prospective primary participant from grant supported activities. Some examples are proceeds from the sale of items purchased or developed with grant funds, or revenue received from attendees at trainings or conferences paid for with grant funds. Program income must be netted against costs incurred within the grant or returned to the OHSP, unless prior permission is obtained from the OHSP to use the funds for other traffic safety projects. Contact the OHSP for further information.

14. **General Cost of Business (formerly referred to as Supplanting):** The replacement of routine and/or existing expenditures with the use of state or federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of a state or local agency or other grantee is general cost of business and is not allowable.

The grantee (and all sub-recipients and contractors) shall not use grant funds to replace state or local funds, or, other resources that would otherwise have been made available for this program. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within 30 days. If the vacancy is not filled within 30 days, the grantee (and all sub-recipients and contractors) must stop charging the grant for the new position. Upon filling the vacancy, the grantee (and all sub-recipients and contractors) may resume charging the grant position.

The Financial Officer or Authorizing Official's straight time costs may not be funded under this grant.

15. All other Financial management requirements as listed in Title 2 Code of Federal Regulations 200.302 (Financial Management).

COST REIMBURSEMENT

1. All OHSP projects are based on the cost reimbursement concept; i.e., state, local, or private funds shall be expended before reimbursement is provided.

2. Reimbursement is based on submission of progress and financial reports. All requested information should be submitted electronically through the web-based application whenever possible. Otherwise backup information may be submitted via US mail, by fax, or by email. A financial report submitted to the OHSP by the grantee shall contain the following to be considered complete:

a. Electronic signatures for the agency's Financial Officer or Project Director.

b. A copy of a report for the current period generated by the grantee's official accounting system which shows a description of the item and the actual amount spent. Some examples of acceptable reports include a detailed general ledger, a transaction ledger, a payroll journal, or a detailed budget/expenditure report. The report must match the amount being requested for reimbursement.

- c. For enforcement grants: Officer names, dates, and amounts paid for each agency participating in grant funded patrols.
 - d. For non-enforcement grants with personnel costs: Activity logs as described in "Personnel Costs" under "Budget Cost Category Requirements."
 - e. Copies of invoices must be included.
 - f. Additional documentation as requested by the OHSP.
3. Financial reports are due, at a minimum, on a **quarterly** basis. Financial report due dates are specified in the grant approval letter. Financial reports must be submitted even when the project experiences no costs. In this case, a "zero" Financial report shall be submitted. The submission of financial reports is mandatory, and non-compliance can result in termination of the grant. Financial reports will be considered delinquent unless prior approval is received from the OHSP Program Coordinator.
 4. The Project Director shall ensure that financial reports are submitted in compliance with reporting deadlines. If the financial report is submitted electronically without backup documentation, the financial report is not considered submitted and the grantee will receive a delinquent letter stating the same.
 5. A delay in submitting support documentation may result in the suspension of all grant activity.
 6. Failure to submit cost statements with adequate supporting documentation prior to the fiscal year close out deadline will result in non-reimbursement of those costs. Costs from one fiscal year cannot be paid in a subsequent fiscal year.

AUDIT REQUIREMENTS

This section applies to Grantees designated as subrecipients by the OHSP.

1. Required Audit or Audit Exemption Notice

Grantees must submit to the OHSP either a Single Audit, Financial Related Audit, or Audit Exemption Notice as described below. A Financial Related Audit is applicable to for-profit Grantees that are designated as subrecipients. If submitting a Single Audit or Financial Related Audit, Grantees must also submit a corrective action plan prepared in accordance with Title 2 Code of Federal Regulations Section 200.511(c) for any audit findings that impact the OHSP-funded programs, and management letter (if issued) with a corrective action plan.

 - a. Single Audit

Grantees that are a state, local government, or non-profit organization that expend \$750,000 or more in federal awards during the Grantee's fiscal year, must submit a Single Audit to the OHSP, regardless of the amount of funding received from the OHSP. The Single Audit must comply with the requirements of Title 2 Code of Federal Regulations, Subpart F. The Single Audit reporting package must include all components described in Title 2 Code of Federal Regulations, Section 200.512(c).
 - b. Financial Related Audit

Grantees that are for-profit organizations that expend \$750,000 or more in federal awards during the Grantee's fiscal year must submit either a financial related audit prepared in accordance with Government Auditing Standards relating to all federal awards; or an audit that meets the requirements contained in Title 2 Code of Federal Regulations, Subpart F, if required by the federal awarding agency.
 - c. Audit Exemption Notice

Grantees exempt from the Single Audit and Financial Related Audit requirements (a. and b. above) must submit an Audit Exemption Notice that certified these exemptions.
2. Financial Statement Audit

Grantees exempt from the Single Audit and Financial Related Audit requirements (that are required to submit an Audit Exemption Notice as described above) must also submit to the OHSP

a Financial Statement Audit prepared in accordance with generally accepted auditing standards if the audit includes disclosures that may negatively impact the OHSP-funded programs including, but not limited to fraud, going concern uncertainties, financial statement misstatements, and violations of contract and grant provisions. If submitting a Financial Statement Audit, Grantees must also submit a corrective action plan for any audit findings that impact the OHSP-funded programs.

3. Other Audits

The OHSP or federal agencies may also conduct or arrange for “agreed upon procedures” or additional audits to meet their needs.

BUDGET COST CATEGORY REQUIREMENTS

(PLEASE REFER TO THE FOLLOWING FOR SPECIFIC REQUIREMENTS OF BUDGET COST CATEGORIES. ONLY REQUIREMENTS FOR COST CATEGORIES CONTAINED WITHIN YOUR APPROVED GRANT BUDGET APPLY.)

PERSONNEL COSTS

1. Includes itemized monthly or hourly salary rate. Fringe benefits are included under personnel costs.
2. Payments for salaries and wages shall be supported by a time and attendance report, based on an after-the-fact distribution of time, which shows details of the activities performed.
3. Federal guidelines prohibit using federal grant funds to pay for routine and/or existing state or local expenditures.
4. If the grant contains personnel services as part of the award, a job description for each position listed in the budget must be available to the OHSP upon request.

For enforcement grants (and all sub-recipients and contractors) – See program requirements Section 5.

For non-enforcement grants – The grantee (and all sub-recipients and contractors) must maintain activity logs which document the actual amount of time spent on the grant project and describe the nature of the activities performed. If the grant is funded from multiple sources, the logs must show the activity by fund source. This documentation must be submitted with the financial reimbursement request.

5. Reimbursement for wages and fringe benefits shall be based on actual costs NOT budgeted rates. Only those fringe benefit costs that increase because of hours worked on this project can be claimed for reimbursement. For overtime wages, those costs typically include FICA, workers comp, and retirement, but if any of these costs are structured so that they don't increase with overtime, they cannot be reimbursed. For straight-time grant-funded positions, all fringe benefits associated with the position may be claimed to the extent that the position has been approved for reimbursement (e.g., if 50% of the position is grant funded, 50% of the fringes benefits can be claimed.) Fringe benefit rates must be reasonable and in accordance with federal cost principles.

6. The rate of pay for grant-funded enforcement shall be determined according to the grantee's (and all sub-recipients and contractors) policy, contract, or employment agreement. Overtime rates must be applied consistently to all activities of an agency – higher rates may not be established just for federal grants.

7. Agencies shall comply with all state labor laws.

CONTRACTUAL SERVICES

The Grantee will follow Title 2 Code of Federal Regulations part 200.318, 200.321, 200.323, 200.326, 200.330, and Appendix II to Part 200.

Contractual services are services of individual consultants or consulting firms engaged in performing special services pertinent to highway safety. Contracts are allowable when necessary to achieve the goals of the grant agreement. Costs are allowable for products, highway safety consultants, personal services, and/or individuals for support services, provided applicable state and local procurement procedures are followed and documentation is available that describes the official contract and procurement practices. Contracts and procurements must include "special provisions" as provided by the OHSP. The grantee is responsible for verifying contractor eligibility by checking the national List of Parties Excluded from Federal Procurement and Non-Procurement Programs list available at or adding a self-certification clause or condition to the contract. (www.govinfo.gov).

All grantees (and all sub-recipients and contractors) awarding contracts or sub-contracts shall comply with the terms and conditions of Title 49 Code of Federal Regulations, Part 18-Uniform Administrative Requirements for Grant and Cooperative Agreements to State and Local Governments, §18.36 Procurement. A signed copy of the contract, including federal certifications and assurances, shall be submitted to the OHSP upon completion and is required for processing and approval of financial reimbursement requests.

The grantee is responsible for managing all contracts issued using the OHSP grant funds including:

- Ensuring the contractor complies with all contract provisions.
- Ensuring services are performed according to the quality, quantity, objectives, timeframes, and manner specified in the contract.
- Ensuring that all work is completed and accepted before the contract expires.
- Assessing and requesting amendments, renewals or new contracts as required allowing sufficient time to process and execute these changes before the contract expires to prevent lapse in service.
- Ensuring that contracts are amended after any grant agreement revision that affects the contract terms.
- Reviewing and approving invoices for payment, ensuring payments are made in accordance with contract terms, all costs are budgeted and allowable, and work has been performed.
- Monitoring contract expenditures to ensure there are sufficient funds to pay for all services rendered as required by the contract.
- Verifying all requirements of the contract are fulfilled before submitting the final invoice.
- Ensuring that all Personnel Activity log requirements are met.

OPERATING COSTS

1. Only eligible operating costs specifically listed in the approved grant budget will be reimbursed.

These are costs not covered under other budget categories, including services not requiring contractual agreements and minor equipment such as office supplies, printing, and educational materials.

2. Automotive expenses submitted shall be based on actual costs incurred. In most cases, this will be calculated by multiplying actual miles driven times a mileage rate. The rate will be determined when the grant is approved but will generally be the IRS business mileage rate. With prior approval, reimbursement may be allowed based on the actual costs incurred for gasoline, maintenance, insurance, and other vehicle expenses.

3. Postage, telephone, and grant-related travel costs shall be documented by log or meter and submitted with the reimbursement request.

TRAVEL COSTS

Out-of-state travel funded by federal; grant funds requires prior written approval by the OHSP Division Director. A written request shall be submitted on the form provided. **Requests shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e. travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to the OHSP approval.

Reimbursement:

The grantee will be reimbursed for travel cost (including mileage, meals, and lodging) budgeted and incurred related to services provided under this agreement. The Grantee will have established and follow documented Travel Policies.

1. Reimbursements for travel (meals, lodging, mileage, etc.) cannot exceed the lesser of the grantee's published travel rates or the allowable State of Michigan travel rates. Exceptions require OHSP approval during the grant application process. Grantees requesting an exception will attach their organization's travel policy when the first grant draft is submitted. The policy must be applicable to all organization travel. Policies will be reviewed by the OHSP fiscal manager for approval, and cannot exceed the current federal travel reimbursement rates.
2. State of Michigan travel rates may be found at the following website:
https://www.michigan.gov/dtmb/0,5552,7-358-82548_13132---,00.html

EQUIPMENT (includes software)

1. Only eligible equipment specifically listed in the equipment section of the approved grant budget will be reimbursed. Equipment costs shall be reimbursed according to the match requirements as specified in the approved grant budget.
2. Equipment purchases shall be initiated within the time specified in the approved grant. "Initiated" means bids were solicited, accepted, and items have been ordered. If there is a reason the grantee (and all sub-recipients and contractors) are unable to meet this requirement, the OHSP program coordinator shall be contacted immediately.
3. Equipment purchased through this grant shall be used only for highway safety activities throughout its useful life, whether the project or program continues to be supported by the Federal award.
4. If the equipment is disposed of, or ceases to be used for highway safety activities, and the equipment is determined to have a Current Fair Market Value of \$5,000 or more, the OHSP reserves the right to retain or transfer title to all items. The OHSP may allow the holder of the equipment to retain title of the equipment and reimburse the federal or State share of the fair market value of such equipment. The Current Fair Market Value shall be determined as follows:
 - a. Appraisal by an independent source with expertise in valuation of similar items is the preferred method of valuation for equipment.
 - b. For vehicles, Kelly Blue Book values may be used when taking into consideration the physical condition of the vehicle,
 - c. If a fair market value based on appraisal or Kelly Blue Book values cannot be determined, the value may be based on IRS depreciation schedules. Only straight-line depreciation may be used.
5. Equipment with a cost of \$5,000 or more shall be tagged by the grantee for inventory control purposes. In addition, the OHSP Equipment Record System Form with all applicable information completed shall be submitted with the prospective participant's or sub-recipient's reimbursement request. The grantee (and all sub-recipients and contractors) shall complete an equipment inventory form sent to them by the OHSP each year that the value remains \$5,000 or more and shall make the item available for physical review by the OHSP staff when requested.
6. All equipment purchases with NHTSA funds shall comply with the Buy America Act requirements before costs will be reimbursed. Please refer to section eleven under the heading Grant Management Requirements for specific terms of the Buy America Act.

7. Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

COLLECTION OF UNALLOWABLE COSTS

Payments made for costs determined to be unallowable by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements of this part, and Part 200.300 Statutory and national policy requirements through 200.309 Period of performance.

INDIRECT COSTS

Indirect costs cannot be specified in all situations because of the diverse characteristics and accounting practices of governmental units. Typical examples of indirect costs may include certain state/local central service costs, general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc. If the grantee or sub-recipients does not have a federal cognizant agency, the OHSP will serve in this capacity.

2 CFR provides guidance on indirect cost as follows:

Section 200.414 Indirect (F&A) Cost -(F): In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. **If chosen, this methodology once elected must be used consistently for all Federal awards** until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

CONFLICT OF INTEREST AND CODE OF CONDUCT STANDARDS

1. The Grantee is subject to the provisions of 1968 PA 317, as amended, 1973 PA 196, as amended, and Title 2 Code of Federal Regulations Section 200.318 (c) (1) and (2). 2 CFR 1201.112.
2. The Grantee must have established conflict of interest policies, in accordance with Title 2 Code of Federal Regulations Section 200.112.
3. The Grantee will uphold high ethical standards and is prohibited from:
 - a. Holding or acquiring an interest that would conflict with this Agreement;
 - b. Doing anything that creates an appearance of impropriety with respect to the award or performance of this Agreement;
 - c. Attempting to influence or appearing to influence any State employee by the direct or indirect offer of anything of value; or
 - d. Paying or agreeing to pay any person, other than employees and consultants upon the award of this Agreement, other than employees and consultants upon the award of this Agreement.

TERMINATION

The OHSP retains the right to terminate a grant for failure to meet the grant management requirements. When a grant is terminated by the OHSP, the grantee or sub-recipient shall not be eligible to seek grant funding for a period of two years. To obtain a grant after the two-year period, the grantee or sub-recipients will be required to submit written assurance that the identified deficiencies have been corrected. Additionally, the agency may be required to submit monthly financial reports to allow for increased financial monitoring.

References:

Statute

Highway Safety Act of 1966: [23 U.S.C. Chapter 4](#)

Rules

The rules which govern the Highway Safety Grant Programs is available at:

[Part 1200 - Uniform procedures for state highway safety grant programs](#)

[Part 1300 - Uniform procedures for state highway safety grant programs](#)

Title 2: Grants and agreements Part 200 (2 CFR 200) [Uniform administrative requirements, cost principles, and audit requirements for federal awards.](#)
<https://www.ecfr.gov/>

Other

[NHTSA allowable and unallowable costs](#)

[NHTSA highway safety grants program resource guide](#)

RESOLUTION

NO: 2020-07-192

LIVINGSTON COUNTY

DATE: July 27, 2020

Resolution Authorizing and Accepting a Revised Livingston County Survey and Remonumentation Plan

WHEREAS, The State Survey and Remonumentation Act, 1900 PA 345, was revised on June 12th, 2014 by 2014 PA 166. This revision, among other things, reinstate the State Survey and Remonumentation Commission and required them in section 8 to promulgate the rules and guide the counties to formalize a “REVISED COUNTY PLAN”; and

WHEREAS, Jack Smith, the Livingston County Survey and Remonumentation Representative has submitted to the Grant Administrator a proposed revised plan; and

WHEREAS, The plan submitted meets the requirements MCL 54.268; and

WHEREAS, All of the Livingston County exterior section ¼ corners, meander corners and some interior ¼ corners (section centers) have been remonumented as of 2020; and

WHEREAS, the revision calls for the remaining interior section ¼ corners (section centers) to be remonumented while also including a perpetual monument maintenance plan for existing remonumented corners.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorize and accept this Revised Livingston County Survey and Remonumentation Plan for the purpose of continuation of the Survey and Remonumentation program with the State of Michigan.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:

2020 REVISED COUNTY PLAN
Monumentation & Remonumentation Plan
For Livingston County, Michigan

Prepared for the implementation of 1990 PA 345 as amended, MCL 54.261.279

Revised and Approved by the board of County Commissioners:

Chairperson

Date

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INTRODUCTION - THE REASON FOR THIS REVISION

The State Survey and Remonumentation Act, 1900 PA 345, was revised on June 12, 2014 by 2014 PA 166. This revision, among other things, reinstated the State Survey and Remonumentation Commission and required them in Section 8 to promulgate the rules and guide the counties to formalize a REVISED COUNTY PLAN. Issues identified in the law and by the commission to be specifically addressed are:

A. A plan to remonument all of the original Public Land Survey corners, property controlling corners and protracted corners. The plan must also list other corners to be included or excluded. MCL 54.268 (2)(a)&(c). If an explicit plan is included in a previous plan, then outline any modifications that may have occurred since the last update.

B. A perpetual monument maintenance plan. MCL. 54.268 (2)(d) The Land Corner Recordation Act, 1970 PA 74, outlines when a Land Corner Recordation Certificate must be filed. In order to formalize the local practice, the county must define "as described."

C. A peer review group. MCL. 54.268 (e)

- i. Qualifications for peer review group membership must be defined.
- ii. Safeguards can be defined to avoid one-company rule.
- iii. Allowance of walk-in corner review must be identified.

D. Geodetic coordinates to be collected. MCL 54.268 (2)(a)(iii)

- i. Geodetic coordinates are not defined by the law. Some counties want to use State Plane Coordinates as defined in 1964 PA 9 and others want to use latitude and longitude. The county can decide which to use, but it must be consistent and documented.
- ii. The storage of coordinate values must be addressed at the county level.

E. Agreements for active geodetic control sites. MCL 54.268 (7)

F. LCRC forms must be recorded at the county Register of Deeds and with the Department. MCL 54.268 (2)(b). This has not changed.

Appendix AA

All of the Section Corners, Exterior 1/4 Corners, Meander Corners and some Interior 1/4 Corners have been remonumented in Livingston County as of 2020. The remaining Corners to be completed are Interior 1/4 Corners (Centers of Section). Following is a listing of corners to be completed:

- Brighton:** B02, B04, B06, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06; L12. (26)
- Cohoctah:** B02, B04, B06, B10, B12; D02, D04, D06, D08, D10; F02, F04, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06; L02, L06, L08, L10. (28)
- Conway:** B02, B04, B06, B08, B10, B12; D02, D04, D06, D08, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06, J08, J10, J12; L02, L04, L06. (32)
- Deerfield:** B02, B04, B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06, J08, J10, J12; L04, L06. (32)
- Genoa:** B02, B04, B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04; L02, L04, L06, L08, L10. (31)
- Green Oak:** B02, B04, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F08, F10, F12; H02, H04, H06, H08; J02, J04, J06, J08; L02, L04, L06, L08. (28)
- Hamburg:** B02, B04, B06, B08, B12; D02, D04, D06, D10; F02, F04, F06, F10, F12; H02, H06, H08, H12; J04, J06, J08; L02, L04, L08. (24)
- Handy:** B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H08, H10, H12; J02, J04, J06, J08, J10, J12; L02, L04, L06. (30)
- Hartland:** B02, B04, B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H12; J02, J06, J10, J12; L02, L04, L06. (30)
- Howell:** B02, B04, B06, B10, B12; D02, D04, D06, D12; F02, F04, F06, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06, J08, J10; L02, L04, L06. (28)

Iosco: B04, B06, B08, B10; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06; L04, L06, L08, L10. (29)

Marion: B02, B04, B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F12; H02, H04, H06, H08, H12; J04, J06, J10; L02, L04, L06. (28)

Oceola: B02, B04, B06, B08, B10; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10; J02, J04, J06, J08, J10, J12; L02, L04, L06. (31)

Putnam: B02, B04, B06, B08, B10; D02, D04, D06, D08, D10; F02, F04, F08, F10, F12; H02, H04, H08, H10, H12; J02, J04, J06, J08, J10, J12; L02, L04, L06. (29)

Tyrone: B04, B06, B08, B10, B12; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06, J08, J10, J12; L02, L04, L06. (32)

Unadilla: B02, B04, B06, B08, B10; D02, D04, D06, D08, D10, D12; F02, F04, F06, F08, F10, F12; H02, H04, H06, H08, H10, H12; J02, J04, J06; L02, L04, L06, L08, L10, L12. (32)

Appendix BB

Perpetual Monument Maintenance Plan

Livingston County is in maintenance although a number of Centers of Section still need to be remonumented. These Centers of section will be added to each annual program as funds allow while the maintenance of existing remonumented corners are being carried out.

Maintenance of corners will include the observation and reporting of geodetic coordinates for each corner, the repair of any damage to the monument and verification or replacement of previous witnesses for the corner as needed. Corners to be re-visited will be chosen based on an evaluation of the following factors: 1) age of the original remonumentation of the corner; 2) reported damage to the remonumented corner; 3) anticipated potential damage to the remonumented corner due to planned construction activity; 4) desirability of acquisition of geodetic coordinates to aid the County GIS mapping department.

“As described” will be defined as: the monument exists as previously stated on the recorded remonumentation Act 74 and at least 3 of the witnesses are still existing and agree with the bearings and distance as shown on said Act 74.

Unless otherwise defined, a Land Corner Recordation Certificate needs not be filed with geodetic coordinates if the following conditions are met: 1) The monument (or reference monuments in the case of positions that cannot be occupied) physically exists as described in the previously recorded remonumentation Act 74; 2) At least 3 witnesses as shown on the previously recorded remonumentation Act 74 remain and agree with the bearings and distances as shown on said Act 74; 3) No additional data has been found to refute the position of the corner as called for in the previously recorded remonumentation Act 74; 4) Geodetic coordinates were reported in the previously recorded remonumentation Act 74.

Appendix CC

Peer Review Group

As previously stated in the original County Plan for Livingston County the peer review group will be made up of Michigan Professional Surveyors. There is a minimum of 3 members on the peer review group and the County Representative is the chair of the peer review group. Each firm may have one regular peer review group member and one alternate member. Peer review group members from the same firm share one vote per corner and share one fee for the meeting and cannot vote on a corner being presented by the firm they are employed by. An alternate peer group review member is allowed to vote at three peer group meeting per year. Contract surveyors are not required to be a member of the peer review group. Presentation of a corner to the peer review group can be delegated to a representative of the firm involved in the project that is not the Professional Surveyor that will sign and seal the final Act 74.

If the County Representative is also the Count Grant Administrator that individual and any firm owned by that individual shall not enter into any remonumentation surveyor contract work within Livingston County.

Walk-in corners from any Professional Surveyor in the State of Michigan can be accepted for review and recording at the discretion of the Livingston County Representative. No fee will be paid for walk-in corners but the materials for placement of a standard Livingston County corner may be supplied by the County Representative free of charge to the walk-in surveyor once the corner position is accepted .

Appendix DD

Geodetic Coordinates

At the present time the Livingston County GIS department uses Michigan State Plane coordinates as a basis for parcel mapping. Unless specifically changed at a future time Geodetic Coordinates will be reported on all revisited corners in the form of both Latitude/Longitude and as Michigan State Plane Coordinates. Coordinates will be reported within an accuracy of 0.20 feet. A database will be maintained by the County Representative. If a question of position of an obliterated corner arises the recorded distance to an existing undisturbed witness will be weighted as more accurate than a geodetic coordinate.

Appendix EE

Agreements for Active Geodetic Control Sites

No agreements exist between Livingston County and MDOT for the maintenance of Continually Operation Reference Sites (CORS).

Appendix FF

County Revisions to the Remonumentation Plan

No revisions exist.