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2018 MAY 31 PM 5:32

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Darin White
Fire Chief

SUBJECT: Fiscal Year 2016 State Homeland
Security Grant Program Award

DATE: May 15, 2018

City Administrator Approval

Date: 5/31/18

RECOMMENDATION

Staff Recommends That the City Council Approve A Resolution Authorizing the City Administrator, Or Her Designee, To Accept And Appropriate A Fiscal Year 2016 State Homeland Security Grant In The Amount Of Fifty-Two Thousand Dollars (\$52,000) From The California Governor's Office of Emergency Services (Cal OES) That Was Approved For The Communities Of Oakland Responding To Emergencies (CORE) Program.

EXECUTIVE SUMMARY

The California Governor's Office of Emergency Services (Cal OES) has approved Alameda County's fiscal year (FY) 2016 State Homeland Security Grant Program (SHSGP) application. The City of Oakland is a sub-recipient under this grant, and has been awarded fifty-two thousand dollars (\$52,000) for use with the City's Communities of Oakland Responding to Emergencies (CORE) Program (**Attachment A**).

The grant funding will be used between September 1, 2016 – May 31, 2019, or until grant funds are exhausted to support the CORE program's one-time projects or program costs that enhance trainings and levels of participation by Oakland residents and the community.

BACKGROUND / LEGISLATIVE HISTORY

The Federal State Homeland Security Grant is designed to provide jurisdictions with disaster assistance and overall management of regional emergency response activities. Since 1999, the City of Oakland has been one (1) of twenty-four (24) cities across the United States selected to receive SHSGP funds to continue providing assistance to build on the progress made towards enhancing the capabilities of emergency response.

In April 2004, Oakland's Emergency Management Board, now known as the Oakland Emergency Services Disaster Council (OESDC), agreed to function as the City's Citizens Corps Council in order for Oakland to remain eligible for Homeland Security and other federal emergency preparedness funds. Citizen Corps Councils bring together leaders from various sectors such as elected officials, first responders, and community based organizations to

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develop strategies to educate the public about safety, what to do in the event of a disaster or crisis, and to expand volunteer opportunities that support community safety.

Most recently, on December 8, 2015, the City Council approved Resolution No. 85925 C.M.S. authorizing the City Administrator to expend FY 2015 SHSGP funds to purchase forty-five (45) minute air cylinders for Self-Contained Breathing Apparatus (SCBA) that comply with the National Fire Protection Association (NFPA) and the Occupational Safety and Health Association (OSHA) standards to replace and upgrade the Department's inventory of thirty-five (35) minute air cylinders which have reached the end of their serviceable life.

ANALYSIS AND POLICY ALTERNATIVES

The Oakland Fire Department (OFD), Emergency Management Services Division (EMSD) successfully applied for and was awarded fifty-two thousand dollars (\$52,000) from the FY 2016 SHSGP as a grant sub-recipient to the Alameda County Sheriff's Office to fund the CORE program.

As the sub-recipient, all reimbursement requests will be submitted to the Alameda County Sheriff's Office. A total of two hundred thousand dollars awarded fifty-two thousand dollars (\$52,000) SHSGP funding will be available for this project. This agreement allows the City of Oakland to continue its work on community disaster preparedness by providing instruction on how to prepare for, respond to, mitigate, and recover from natural and human-caused disasters.

The Communities of Oakland Respond to Emergencies (CORE) Program is instrumental in providing this education to the residents of Oakland. The State of California's Homeland Security Grant Program to the Alameda County provides the funding for the continued operation of Oakland's CORE Program. It allows for the funding of staff, interpreters, and the production of program materials.

A majority of the grant funding will be used to enhance the CORE program by: increasing the number of classes offered, reinstating a focused outreach effort to recruit individuals and neighborhoods to complete the CORE program training in low-participating communities, specifically in East and West Oakland, as well as, to continue to promote and support the level of Individual and Family Preparedness Training programs offered in Spanish, Mandarin, Korean, Vietnamese and Cantonese.

FISCAL IMPACT

Approval of this resolution will authorize the acceptance fifty-two thousand dollars (\$52,000) from the SHSGP and the appropriation to the Alameda County Grant Fund (2160) Emergency Services (20711), Accounts (TBD), Office Emergency Services/Homeland Security Program (PS21) for the following:

Description	Costs
Support the continued operation of the CORE Program	\$52,000.00
Total Projected Costs	\$52,000.00

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Special project or one-time program costs are eligible for reimbursement. Eligible program expenditures paid by the City's General Purpose Fund can be reimbursed by the Grant. There is no matching funds requirement or additional General Purpose Fund appropriation necessary for indirect costs such as Central Service Overhead (CSO).

The grant performance period is September 1, 2016 through May 31, 2019 or until the grant funds are exhausted. The grant will be managed by the Emergency Services Manager.

PUBLIC OUTREACH / INTEREST

No additional outreach was necessary for the proposed policy action beyond standard City Council noticing procedures.

COORDINATION

The Office of the City Attorney and the Budget Bureau were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: The CORE program encourages actions that will increase the resiliency of Oakland residents, and can help to speed up economic recovery in the event of a disaster.

Environmental: CORE training provides the community with members who have the skills to evaluate and identify various hazards, including those that are environmental in nature.

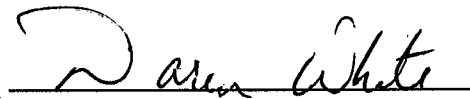
Social Equity: CORE teams promote an increase in community preparedness and safety. A neighborhood that is informed of and trained in the principles of CORE can help keep the community safer. Specifically, funds from this grant will be used to implement a pilot program that is focused on expanding individual and family emergency preparedness in areas that do not regularly participate.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve a resolution authorizing the City Administrator, or her designee, to accept and appropriate the fiscal year 2016 State Homeland Security Grant in the amount of fifty-two thousand dollars (\$52,000) from the California Governor's Office of Emergency Services (Cal OES) that was approved for the Communities of Oakland Responding to Emergencies (CORE) Program.

For questions regarding this report, please contact Mitchell Green, Acting Emergency Manager, Emergency Management Services Division at (510) 238-6067.

Respectfully submitted,



Darin White
Fire Chief

Prepared by:
Mitchell Green
Acting Emergency Services Manager
Emergency Management Services Division

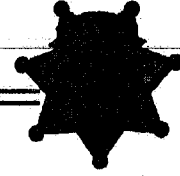
Reviewed by:
Angela Robinson Piñon, Chief of Staff
Oakland Fire Department

Attachment (1):

- A. Notification of Sub-Recipient FY 2016 SHSGP Award

Alameda County Sheriff's Office

Office of Homeland Security and Emergency Services
4985 Broder Boulevard, Dublin, CA 94568-3309



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

925-803-7800

November 8, 2017

Mitchell Green, Acting Emergency Manager
City of Oakland Fire Department
1605 Martin Luther King Jr. Way
Oakland, CA 94612

Subject: Notification of Sub-recipient FY2016 SHSGP Award
FY2016 Homeland Security Grant
Grant #2016-0102; Cal OES ID# 001-00000
Performance Period: September 1, 2016 to May 31, 2019

Dear Mr. Green:

The California Governor's Office of Emergency Services (Cal OES) has approved Alameda County's FY2016 State Homeland Security Grant Program application. Your agency was awarded \$52,000 for the CERT Program as described in the Board Letter to the Alameda County Board of Supervisors.

As a grant sub-recipient, you are required to comply with all applicable federal, state and local policies. Additionally, aviation or watercraft purchases; establishing or enhancing an emergency operations center; projects requiring environmental and historic preservation (EHP) review, sole source procurement requests, and controlled equipment requests require additional approvals from Cal OES. Sub-recipients must obtain written approval for these activities **prior** to incurring any costs in order to be reimbursed for any related costs under this grant. Sub-recipients are also required to obtain a performance bond prior to the purchase of any equipment item over \$250,000 or any vehicle, aircraft, or watercraft financed with Homeland Security funds.

Sub-recipients are required to keep an inventory of all equipment purchased with Homeland Security funds of \$5,000 or more per unit. Please refer to the Code of Federal Regulations (CFR), 2CFR 200.313. The following equipment inventory control guidelines are being disseminated to assist in your record keeping and to prepare for future audits.

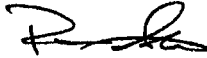
- The sub-recipient must ensure all equipment is maintained in good working order and is ready for deployment locally or within the region.
- The sub-recipient is required to maintain an equipment inventory control ledger for each piece of equipment acquired. The ledger shall include:
 1. A description and photo of the item

2. The manufacturer's model/serial number and your ID tag or tracking number
 3. Location/physical address and condition of equipment
 4. Source (identify which grant paid for the item) and date of the acquisition
 5. The cost of the item
- Any equipment purchased with grant funding must be prominently marked as follows: **"Purchased with funds provided by the U.S. Department of Homeland Security"** and include the grant award number. Decals may be obtained from ACSO Office of Emergency Services.
 - Keep an equipment binder or database and have it available for review by staff from Alameda County Sheriff's Office, Cal OES Monitoring and Audits Unit and/or the U.S. Department of Homeland Security whenever monitoring visits are scheduled.
 - These records are to be maintained for three years after the grants have been closed out by Department of Homeland Security. (Grants FY2008 thru FY2016 are open at this time.)

This grant is subject to all provisions of Title 2 Code of Federal Regulations Part 200, Subpart F-Audit Requirements.

Please have your Authorized Agent sign and return original copies of this letter and the FY16 Grant Assurances (attached to this email) to Rudy Johnson, ACSO Office of Emergency Services; 4985 Broder Blvd., Dublin, CA 94568 by December 8, 2017. If you need further assistance, please feel free to contact Rudy Johnson at 925-803-7806 or via email: rcjohnson@acgov.org


Sincerely,



Pace Stokes, Captain
Alameda County Sheriff's Office
Office of Emergency Services

HPS:rcj

Attachments



Authorized Agent's Signature /Title

11/14/17

Date



Standard Assurances For All Cal OES Federal Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) California Supplement to the NOFO; and
- (d) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (CFR) and updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>.

Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain written authorization from the city council, governing board or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required.
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board or authorized body.
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body.
- (d) The official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the U.S. Code (U.S.C.), for persons entering into a contract, grant, loan or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, 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 an 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.
- (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 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.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 CFR §200.212 and codified in 2 CFR Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, 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 (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

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.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, the following:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. §2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;(42 U.S.C. §§ 12101-12213.);
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing;
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin;

- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (j) California Public Contract Code §10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
- (k) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (l) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (n), the Applicant will comply with California's Fair Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of ancestry, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code §§ 12940, 12945, 12945.2), military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, which may be prescribed pursuant to the following, as applicable:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order 12898 on the Environmental Justice Act, and Executive Order 11514 on Environmental Quality;
- (f) Notification of Environmental Protection Agency (EPA) violating facilities pursuant to Executive Order 11738;
- (g) Protection of wetlands pursuant to Executive Order 11990;

- (h) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (i) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451 et seq.);
- (j) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §7401 et seq.);
- (k) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (l) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (m) The Endangered Species Act of 1973, (P.L. 93-205);
- (n) Wild and Scenic Rivers Act of 1968 (16 U.S.C. §1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records

In accordance with 2 CFR §200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant 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.

11. Financial Management

False Claims for Payment The Applicant will comply with 31 U.S.C §3729 which sets forth that no subgrantee, recipient or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) Comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts.
- (b) Comply with the Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job before commencing performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchase.

- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.).
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Rights Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Reporting Accusations and Findings of Discrimination

If during the past three years the recipient has been accused of discrimination on any basis the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

In the event any court or administrative agency makes a finding of discrimination against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

22. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

23. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

24. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

25. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under federal financial assistance awards.

26. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

30. Non-supplanting Requirements

All Applicants who receive awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

32. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

33. SAFECOM

All Applicants who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

34. Terrorist Financing

All Applicants must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the Order and laws.

35. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of this federal award, the Applicant must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the terms and conditions of your award.

36. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers, including contracts under grants and cooperative agreements and subcontracts. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2016, Version 6.0, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/sites/default/files/publications/Fiscal%20Year%202016%20DHS%20General%20Terms%20and%20Conditions.pdf>

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

Applicant: Mitchell S. Green *Mitchell S. Green*

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Amador Soto
City Attorney

2010 MAY 31 PM 5:32 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO ACCEPT AND APPROPRIATE THE FISCAL YEAR 2016 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF FIFTY-TWO THOUSAND DOLLARS (\$52,000) FROM THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) THAT WAS APPROVED FOR THE COMMUNITIES OF OAKLAND RESPONDING TO EMERGENCIES (CORE) PROGRAM

WHEREAS, the City of Oakland and the Oakland City Council are committed to improving community emergency preparedness by providing citizens with the training and skills to sustain themselves and assist family members, neighbors, coworkers and others until emergency personnel arrive; and

WHEREAS, through the State of California's Homeland Security grant program, the State has allowed local jurisdictions to tailor Community Emergency Response Team (CERT) programs to meet the specific needs of their communities; and

WHEREAS, the Alameda County Operational Area is awarding and administering the grant to Alameda County jurisdictions for their local Community Emergency Response Team (CERT) programs; and

WHEREAS, the City of Oakland's Community Emergency Response Team (CERT) program is called the Communities of Oakland Respond to Emergencies (CORE) program; and

WHEREAS, the City of Oakland's Emergency Management Services Division has requested and been awarded a fiscal year 2016 State Homeland Security Grant totaling fifty-two thousand dollars (\$52,000) to support the CORE program and there is no matching funds requirement or additional General Purpose Fund appropriation necessary for indirect costs, such as Central Service Overhead (CSO); now, therefore, be it

RESOLVED, that the Oakland City Council hereby authorizes the City Administrator, or her designee, to acceptance of fifty two thousand dollars (\$52,000.00) from the State of California's Homeland Security Grant Program and the appropriation to the Alameda County Grant Fund (2160) for the Emergency Management Services Organization (20711), Accounts (to be determined), Office of Emergency Services/Homeland Security Program (PS21); and be it

FURTHER RESOLVED, That the grant funds will be deposited into the Alameda County Grant Fund (2160) for the Oakland Fire Department's Emergency Management Services (20711), Miscellaneous State Grants Revenue Account (46229); and be it

~~FURTHER RESOLVED, That the City Council hereby appoints the City Administrator, or her designee, as its agent to execute and submit all documents including, but not limited to, applications, agreements, payment requests, that may be necessary for the completion of the grant award, acceptance, reimbursements and project completion; and be it~~

FURTHER RESOLVED, the City Attorney shall review and approve said agreement as to form and legality and a copy of said agreement shall be filed with the office of the City Clerk..

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California