

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** October 16<sup>th</sup>, 2019

**SUBJECT:** Hazard Mitigation Grant Application

**PRESENTER:** Jimmy Brissie, Emergency Services Director

**ATTACHMENTS:** (1) Designation of Applicant's Agent

**SUMMARY OF REQUEST:**

Following a FEMA declared disaster the State is awarded Hazard Mitigation Funding for projects throughout the State. These funds are used to provide grants to property owners as well as State and Local Governments to protect properties from future damage or enhance the resiliency of the community (HMGP Grants). As part of our regional Hazard Mitigation Plan Henderson County maintains a list of action items to improve our ability to respond to and recover from disasters. One such item is increasing the generator capacity at critical infrastructure and support facilities. During the winter of 2019 Henderson County submitted a letter of interest to receive HMGP funding for a standby generator for one of our emergency shelters, the Gymnasium at the Athletic and Activity Center. HMGP grant funding up to \$25,000 was requested for this phase of the project. Recently the County was informed our project was approved by the State and being submitted for federal approval. As part of the formal application process the County must approve a primary and secondary application agent for the project. The attached application includes the necessary resolution language for the federal application. Local dollars have been budgeted in FY20 budget for the local funding match of this project, if approved by FEMA.

**BOARD ACTION REQUESTED:**

The Board is requested to approve the attached Resolution of Designation of Applicant's Agent.

**Suggested Motion:**

*I move the Board approve the Resolution of the Designation of Applicant's Agent and authorize the Emergency Services Director and County Manager to execute the necessary documents for the grant application.*

**RESOLUTION  
DESIGNATION OF APPLICANT'S AGENT**  
North Carolina Division of Emergency Management

|  |                             |
|--|-----------------------------|
| Organization Name (hereafter named Organization)<br>Henderson County, NC   | Disaster Number:<br>DR-4393 |
| Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):<br>North Carolina Department of Public Safety |                             |
| Applicant's Fiscal Year (FY) Start<br>Month: July Day: 1st   |                             |
| Applicant's Federal Employer's Identification Number<br>56 - 6000307   |                             |
| Applicant's Federal Information Processing Standards (FIPS) Number<br>089 - 99089 - 00   |                             |

| PRIMARY AGENT                                 | SECONDARY AGENT                            |
|---|--|
| Agent's Name Jimmy Brissie                    | Agent's Name Doug Guffey                   |
| Organization Henderson County Emergency Mgt   | Organization Henderson County Finance Dept |
| Official Position Emergency Services Director | Official Position Purchasing Agent         |
| Mailing Address 2529 Asheville Highway        | Mailing Address 113 North Main Street      |
| City, State, Zip Hendersonville, NC 28791     | City, State, Zip Hendersonville, NC 29792  |
| Daytime Telephone (828) 697-4728              | Daytime Telephone (828) 697-4821           |
| Facsimile Number (828) 698-6164               | Facsimile Number (828) 697-4569            |
| Pager or Cellular Number                      | Pager or Cellular Number                   |

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof**. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 16th day of October, 2019.

| GOVERNING BODY  | CERTIFYING OFFICIAL                  |
|---|--------------------------------------|
| Name and Title<br>Grady Hawkins, Chairman   | Name Terry Wilson                    |
| Name and Title<br>William Lapsley, Vice-Chairman                                  | Official Position Clerk to the Board |
| Name and Title<br>J. Michael Edney, Charles Messer, Rebecca McCall; Commissioners | Daytime Telephone (828) 697-4808     |

**CERTIFICATION**

I, Grady Hawkins, (Name) duly appointed and Chairman (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Henderson County (Organization) on the 16th day of October, 2019.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Rev. 06/02

## APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.