



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586-469-5125 FAX 586-469-5993
macombcountymi.gov/boardofcommissioners

PUBLIC SAFETY AND CORRECTIONS COMMITTEE

TUESDAY, AUGUST 10, 2010

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, as amended, to include item #5A
4. Approval of Minutes dated July 13, 2010 (previously distributed)
5. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
- 5A. Authorize to Extend the Aramark Contract Until the Jail Kitchen Renovation is Completed (mailed & attached)
6. Authorize Release of Request for Proposal to Select a Vendor to Provide Professional Counseling Services at the Juvenile Justice Center (mailed)
7. Authorize to Extend Current Prisoner Health Services Agreement Through 12/31/10 (mailed)
8. Receive and File Report Regarding FY 2010 Emergency Management Performance Grant (mailed)
9. New Business
10. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
11. Adjournment

MEMBERS: DiMaria-Chair, Boyle-Vice Chair, Sauger, Rocca, Doherty, Crouchman, Tocco, Carabelli, Sprys and Gielegem (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

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added 5A

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION

TO: Obtain the authorization of the Board of Commissioners to extend the Aramark contract until the jail kitchen renovation is completed. The estimated completion time for kitchen renovations is November 1, 2010.

INTRODUCED BY: Phillip A. DiMaria, Chairman, Public Safety & Corrections Committee

COMMITTEE/MEETING DATE
Public Safety & Corrections
August 10, 2010

RECYCLABLE PAPER

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Authorize the release of a Request for Proposal to select a vendor to provide professional counseling services for the supervision and therapeutic services at the Juvenile Justice Center.

INTRODUCED BY: Phillip DiMaria, Commissioner

Committee / Meeting Date

PSC 8-10-10



JUVENILE JUSTICE CENTER

400 N. Rose St.
Mount Clemens, Michigan 48043
586-469-5375 FAX 586-469-0815

July 29, 2010

Commissioner Phillip DiMaria
Macomb County
One South Main
Mt. Clemens, MI 48043

Dear Commissioner DiMaria:

I am recommending the contract for professional counseling services be approved to go out to bid. The current contract is with Sound Counseling and expires 12/31/10.

Your assistance with this matter is appreciated.

Sincerely,

Charles Seidelman
Director

CS/db

C:\Documents and Settings\dboede\Local Settings\Temp\7.29.10.SoundCounseling.doc

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RECYCLABLE PAPER

7

RESOLUTION NO. _____

FULL BOARD MEETING DATE: August 19, 2010

AGENDA ITEM: _____

MACOMB COUNTY MICHIGAN

RESOLUTION TO: Extend the current Prisoner Health Services Agreement through 12/31/10.

There are no additional changes to the contract. It is expected that an RFP to re-bid this contract will be issued soon.

INTRODUCED BY: Commissioner Phillip Dimaria, Chair

COMMITTEE / MEETING DATE

Public Safety & Corrections Committee / August 10, 2010



MARK A. HACKEL

OFFICE OF THE SHERIFF

Kent B. Lagerquist
UNDERSHERIFF

July 19, 2010

Phillip Dimaria, Chair
Macomb County Board of Commissioners
Public Safety & Corrections Committee
One South Main, 9th Floor
Mt. Clemens, MI 48043

RE: Prisoner Health Services Contract

A committee of county representatives was assembled in an effort to bid the above contract. The existing contract expires 8/31/10. It is requested that this item be placed on the upcoming PSC Committee Agenda; and that the Board authorize an extension (until 12/31/10) to allow time for the bid process.

Please feel free to contact me should there be the need.

Respectfully,

Michelle M. Sanborn,
Jail Administrator

C: Captain Anthony Wickersham
George E. Brumbaugh, Corporation Counsel
John Anderson, Risk Management
John Foster, Finance Department
Polly Helzer, Purchasing Department
Charles Seidelman, Juvenile Justice Center

RECYCLABLE PAPER

RESOLUTION NO: _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Receive and file a report from the Office of Emergency Management & Communications regarding the reapplication and continuance of the Emergency Management Performance Grant.

INTRODUCED BY: Commissioner Phillip DiMaria, Chairman, Public Safety & Corrections Committee

See attached report.

COMMITTEE/MEETING DATE

PSC 8-10-10



EMERGENCY MANAGEMENT & COMMUNICATIONS

21930 Dunham Road
Mount Clemens, Michigan 48043
Emergency Management: 586-469-5270 FAX 586-469-6439
Technical Services: 586-469-5370 FAX 586-783-0957

Victoria Wolber
Emergency Mgt.
Coordinator

August 2, 2010

Keith Bradshaw
Service Manager,
Technical Services

TO: Commissioner Phillip DiMaria, Chairman
Public Safety & Corrections Committee

FR: Vicki Wolber, Emergency Management Coordinator 

RE: **FY 2010 Emergency Management Performance Grant (EMPG)**

Attached is a copy of the FY 2010 Emergency Management Performance Grant. The County annually receives this grant from the Michigan State Police Emergency Management & Homeland Security Division. The purpose of the grant is to partially reimburse the county for our emergency management program based on the salary and fringe benefits of the Coordinator of the Department. The grant award for FY 2010 is in the amount of \$39,996.00. There is no local match required for this award.

Per past practice, this grant is treated as an extension of a continuing grant and does not require full board approval. However, as a recommendation from Corporation Counsel and Risk Management, this informational report is submitted each year the grant agreement is received. Further, per county practice a *Contract Review* has been completed. Once the review is complete and the agreement has been approved it will be forwarded to the Board Chairman for his signature.

With your concurrence please place this item on the August 10, 2010 Public Safety & Corrections Committee meeting agenda. Please feel free to contact me at 469-6390 if you have any questions. Thank you.

/vw

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TO: Paul Gielegem, Board Chairman
Board of Commissioners

FROM: Victoria Wolber, Emergency Management Coordinator
Emergency Management & Communications

SUBJECT: Contract/Program Review Request

RECEIVED
JUL 20 2010

BOARD OF COMMISSIONERS/COMMITTEE APPROVAL DATE:
PSC - August 10, 2010

Risk Management & Safety

Title: 2010 Emergency Management Performance Grant

Department: Emergency Management Contact Person: Victoria Wolber

Date Submitted: July 16, 2010 Phone No.: 469-6390

Status: Check appropriate box

Initial Revision Extension X Final

Other (Please Explain Below)

Other _____

OFFICE OF CORPORATION COUNSEL

Approved *[Signature]*

Date 7/20/10

Rejected _____

Date _____

OFFICE OF RISK MANAGEMENT

Approved *[Signature]*

Date 7/20/10

Rejected _____

Date _____

FINANCE DEPARTMENT

Approved *[Signature]*

Date 7-21-10

Rejected _____

Date _____

Contract/Program Synopsis

*When Rejected Attach Explanation

RECEIVED

JUL 16 2010

CORPORATION COUNSEL

State of Michigan FY 2010 Emergency Management Performance Grant (EMPG) Grant Agreement

October 1, 2009 through September 30, 2010

CFDA Number: 97.042 Grant Number: 2010-EP-00-0002

This Fiscal Year 2010 (FY 2010) Emergency Management Performance Grant (EMPG) grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (hereinafter called the Subgrantor), and the

COUNTY OF MACOMB
(hereinafter called the Subgrantee)

I. Purpose

The purpose of this grant agreement is to provide federal Emergency Management Performance Grant (EMPG) funds to the Subgrantee for the development and maintenance of an emergency management program capable of protecting life, property, and vital infrastructure in times of disaster or emergency.

II. Objectives

The objective of the EMPG program is to assist state and local governments in enhancing and sustaining their all-hazards emergency management capabilities. National priorities for the FY 2010 EMPG grant include implementing the National Incident Management System and National Response Framework, expanding regional collaboration, and strengthening planning.

For guidance on allowable costs and program activities, please refer to the FY 2010 EMPG Guidance and Application Kit, located at http://www.fema.gov/pdf/government/grant/2010/fy10_empg_kit.pdf.

III. Statutory Authority

Funding for the Fiscal Year FY 2010 EMPG is authorized by the *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83).

The Subgrantee agrees to comply with all EMPG program requirements in accordance with the federal EMPG Guidance; the state EMPG Guidebook; the Michigan Emergency Management Act, Act 390, P.A. of 1976, as amended, located at http://www.michigan.gov/documents/mspemd-Act_390_of_1976_7125_7.pdf; and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, located at <http://www.fema.gov/about/stafact>. The Subgrantee also agrees to comply with the following regulations:

A. Administrative Requirements

1. 44 CFR, Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, located at http://eCFR.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title44/44cfr13_main_02.tpl

2. 2 CFR, Part 215, *Uniform Administrative Requirements for Grants and Cooperative Agreements to Institutions of Higher Learning, Hospitals, and Other Non-Profit Organizations* (OMB Circular A-110), located at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=5f90b818356757091bb65ea93f163c6a&tpi=/ecfrbrowse/Title02/2cfr215_main_02.tpl
- B. Cost principals
1. 2 CFR, Part 225, *Cost Principals for State, Local, and Indian Tribal Governments* (OMB Circular A-87), located at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpi=/ecfrbrowse/Title02/2cfr225_main_02.tpl
 2. 2 CFR, Part 220, *Cost Principals for Educational Institutions* (OMB Circular A-21), located at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div5&view=text&node=2:1.1.2.3.4&idno=2>
 3. 2 CFR, Part 230, *Cost Principals for Non-Profit Organizations* (OMB Circular A-122), located at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpi=/ecfrbrowse/Title02/2cfr230_main_02.tpl
 4. Federal Acquisition Regulations (FAR), Part 31.2 *Contract Cost Principles and Procedures, Contracts with Commercial Organizations*, located at https://www.acquisition.gov/far/html/Subpart%2031_2.html#wp1095552
- C. Audit Requirements
1. OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>

IV. EMPG Award Amounts, Requirements, and Restrictions

The COUNTY OF MACOMB is awarded **\$39,996.00** under the FY 2010 EMPG. The Subgrantor determined the Subgrantee's EMPG allocation as 37.947% of the Subgrantee's emergency program manager's salary and fringe benefits. Because it is dependent upon the level of federal funding for the EMPG program, the award may be reduced if the level of federal funding is decreased. The Subgrantee may receive less than the allocated amount if the Subgrantee's cost share of wages and fringe benefits paid to the program manager are less than the total allocation. The Subgrantee's EMPG program budget is documented on the Local Budget for Emergency Management Performance Grant (form EMD-17).

This grant agreement designates EMPG funds for the administration and oversight of an approved emergency management program. **The Subgrantee may utilize grant funds for the reimbursement of salary, overtime, compensatory time off, and associated fringe benefits for the program manager.** No other expenditures are allowed.

The funds awarded in the grant agreement shall only be used to cover allowable costs that are incurred during the agreement period. Grant agreement funds shall not be used for other purposes. Federal funds cannot exceed 50% of eligible costs of the program manager's salary and fringe benefits. This award is contingent upon the Subgrantee's expenditure of at least 50% of the costs of the emergency management program from non-federal sources. For further information on allowable local match sources and types of funds, see the codified regulations, 44 Code of Federal Regulation (CFR), of the Federal Emergency Management Agency (FEMA). FEMA administers cost sharing requirements in accordance with 44 CFR 13.24, located at http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfrv1_07.html.

Unauthorized program expenditures include, but are not limited to, the following:

- A. Construction and renovation
- B. Hiring of public safety personnel

FY 2010 EMPG funds may be used for a range of emergency management planning activities. These planning activities may include aspects of the following, but are not limited to:

- Disaster housing planning
- Modifying existing incident management and emergency operations plans
- Developing/enhancing comprehensive emergency management plans
- Conducting a hazard analysis and risk assessment prior to mitigation plan development
- Developing/enhancing all-hazards mitigation plans
- Developing/enhancing large-scale and catastrophic event incident plans
- Developing/enhancing COOP/COG plans
- Developing/enhancing logistics and resource management plans
- Developing/enhancing evacuation plans, including alerts/warning, crisis communications, sheltering, and re-entry
- Developing/enhancing financial and administrative procedures for use before, during, and after disaster events in support of a comprehensive emergency management program
- Public education and awareness
- Developing/enhancing other response and recovery plans
- Developing/enhancing emergency management and operations plans to integrate citizen/volunteer and other non-governmental organization resources and participation
- Program evaluations
- Mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations
- Supply preparation
- Pre-event recovery plans/response and mitigation plans in coordination with state and local governments (including tribal governments, rural water associations, and chief information officers)

V. Responsibilities of the Subgrantee

FY 2010 EMPG funds must supplement, not supplant, state or local funds. Federal funds will only be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in the application review, in subsequent monitoring, and in the audit. The Subgrantee may be required to supply documentation certifying that it did not reduce non-federal funds because of receiving federal funds. Federal funds cannot be used to replace a reduction in non-federal funds or solve budget shortfalls in general fund programs.

The Subgrantee agrees to comply with all applicable federal and state regulations, including, but not limited to, the following:

- A. In addition to this FY 2010 EMPG grant agreement, the Subgrantee shall complete, sign, and submit to Subgrantor the following documents, which are incorporated by reference into this grant agreement:
 1. Standard Assurances
 2. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirement
 3. State of Michigan Audit Certification Form (EMD-053)
 4. Other documents that may be required by federal or state officials
- B. The FY 2010 EMPG covers eligible costs from **October 1, 2009 through September 30, 2010**. Please refer to the Fiscal Year 2010 EMPG Program Guidance and Application Kit, located at http://www.fema.gov/pdf/government/grant/2010/fy10_empg_kit.pdf for a detailed list of what

costs are eligible under this grant. Allowable costs are specifically addressed in Part IV.E. of the federal grant guidance.

- C. Make all purchases in accordance with federal and state grant guidance and local purchasing policies.
- D. Complete quarterly work agreements as identified in the Emergency Management Work Agreement (EMD-31).
- E. Enact enabling legislation establishing the local emergency management program and ensure a copy of the local resolution or ordinance is on file with the Subgrantor.
- F. Appoint an emergency management program manager who is able to assume responsibility for the following functions, either personally or through officers:
 - 1. Development and maintenance of programs and systems for effective coordination of community resources in all phases of emergency management: mitigation, preparedness, response, and recovery.
 - 2. Planning and preparation for population protection, including evacuation, shelter/reception, logistics and resource management. Ensure that Executive Order #13347 entitled "Individuals with Disabilities in Emergency Preparedness" is being addressed. Further information can be found at the Disability and Emergency Preparedness Resource Center at www.disabilitypreparedness.gov.
 - 3. Planning and preparation for its appropriate role in response to natural and manmade emergencies and disasters.
 - 4. Exercising the emergency operations plan of the jurisdiction.
 - 5. Emergency management training.
 - 6. Response and recovery from natural and manmade hazards, homeland security related incidents, and other emergencies that may threaten the safety and well-being of citizens and communities.
 - 7. Promoting public awareness of hazards and encouraging family and individual preparedness.
 - 8. Identifying and implementing measures to mitigate the negative impact of disasters and emergencies.
 - 9. Assure full NIMS compliance, as detailed in state guidance, by the end of FY 2010. NIMS information is available at <http://www.fema.gov/emergency/nims>.
 - 10. Identify needs and priorities for strengthening capabilities, while simultaneously addressing issues of state and national concern as identified both in the National Priorities and the Target Capabilities.
- G. Provide Subgrantor with complete job description for the federally funded EMPG program manager, including non-EMPG duties.
- H. Notify the Subgrantor immediately of any changes in the EMPG funded program manager's position.
- I. Satisfactorily complete all work activities identified in the Emergency Management Work Agreement (EMD-31) as scheduled.
- J. Complete a multi-year progressive exercise plan and conduct exercises that comply with local, state, and federal requirements, including the Homeland Security Exercise and Evaluation Program (HSEEP). Exercises must be conducted at least annually, and must comply with the Subgrantee's Emergency Management Annual Work Agreement. The Subgrantee must also submit a five-year exercise plan in the National Exercise Schedule (NEXS) system using the Multi-Year Exercise Program Worksheet.

- K. Ensure the EMPG funded program manager completes specific training classes as required by the Annual Work Agreement for FY 2010.
- L. Have on file with the EMD District Coordinator an approved and current emergency operations plan.
- M. The Subgrantee agrees to prepare the form EMD-007 "EMPG Expenses Claimed for Local Program Contributions Form". The EMD-007 form is also referred to as the "Quarterly Billing Form". The Subgrantee agrees to submit this form with supporting documentation, including all required authorized signatures and required reimbursement documentation, to the appropriate District Coordinator no later than 20 days following the end of each quarter. The EMD-007 form must be used or the reimbursement request will not be processed. The Quarterly Billing Form (EMD-007) can be downloaded from the http://www.michigan.gov/msp/0,1607,7-123-1645_3500_4614---,00.html.
- N. Submit updated project and allocation information on a regular basis through the Biannual Strategy Implementation Reports (BSIR). The BSIR is due within 20 days after the end of the reporting period. The due dates for the BSIR are on January 20, 2010; July 20, 2010; and January 20, 2011. The reporting periods are from January 1 through June 30 and July 1 through December 31. The final BSIR is due 90 days after the end date of the FY 2010 EMPG award period.
- O. Comply with FY 2010 National Incident Management System (NIMS) implementation requirements and move towards completion by September 30, 2013. FY 2010 NIMS requirements must be fully complied with by September 30, 2013. NIMS information is available at <http://www.fema.gov/emergency/nims>.
- P. Comply with applicable financial and administrative requirements set forth in the current edition of 44 CFR, Part 13 including, but not limited to, the following provisions:
 - 1. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
 - 2. Retain all financial records, statistical records, supporting documents, and other materials pertinent to the FY 2010 EMPG 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.
 - 3. Perform the required financial and compliance audits in accordance with the Single Audit Act of 1984, as amended, and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," as further described in 44 CFR, Part 13.
- Q. Integrate individuals with disabilities into emergency planning in compliance with Executive Order 13347.
- R. Comply with the Buy American Act (41 U.S.C. 10a). Grants authorized under the Stafford Act, including EMPG, must follow the standards of the Buy American Act. This Act requires that all materials purchased be produced in the United States, unless such materials are not available, or such a purchase would not be in the public interest.

VI. Responsibilities of Subgrantor

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

- A. Administer the FY 2010 EMPG in accordance with all applicable federal and state regulations and guidelines and provide quarterly reports documenting this administration.
- B. Provide direction and technical assistance to the Subgrantee.

- C. Provide to the Subgrantee any special report forms and reporting formats (templates) required for operation of the program.
- D. Reimburse the Subgrantee, in accordance with this grant agreement, in an amount not to exceed 50% of allowable expenditures, up to the Subgrantee's total EMPG award, based upon appropriate reports, records, and documentation submitted by the Subgrantee. Quarterly reimbursements will be determined by the amount of the program manager's salary and fringe benefits submitted.
- E. Independently, or in conjunction with the Department of Homeland Security, conduct random on-site reviews with Subgrantee(s).

VII. Reporting Procedures

- A. The Subgrantee agrees to prepare Emergency Management Quarterly Reports (EMD-31) and submit them to the appropriate District Coordinator no later than 20 days following the end of each quarter. Reimbursement of expenditures by the Subgrantor is contingent upon the Subgrantee's completion of scheduled work activities.
- B. If the Subgrantee fails to complete the scheduled work activities during a quarter, the Subgrantor will withhold reimbursement until either the work is completed or the Deputy State Director of Emergency Management and Homeland Security approves a delay in the completion of the activity. If scheduled work activities are not completed by the end of the fiscal year (September 30, 2010), any balance of the EMPG award may be forfeited.
- C. A Subgrantee that fails to complete the annual exercise requirement, as scheduled within FY 2010 may be ineligible for EMPG funding for that quarter and all remaining quarters of FY 2010, and all subsequent quarters until the quarter when the qualifying exercise is completed.
- D. Subgrantees failure to fulfill the quarterly reporting requirements, as required by the grant, may result in the suspension of grant activities until reports are received.
- E. Reporting periods and due dates for each year are as follows:

October 1 through December 31; Due January 31

January 1 through March 31; Due April 30

April 1 through June 30; Due July 31

July 1 through September 30; Due October 31

VIII. Payment Procedures

- A. The Subgrantee agrees to prepare the form EMD-007 "EMPG Expenses Claimed for Local Program Contributions Form". The EMD-007 form is also referred to as the "Quarterly Billing Form". The Subgrantee agrees to submit this form with supporting documentation, including all required authorized signatures and required reimbursement documentation, to the appropriate District Coordinator no later than 20 days following the end of each quarter. The EMD-007 form must be used or the reimbursement request will not be processed. The Quarterly Billing Form (EMD-007) can be downloaded from the http://www.michigan.gov/msp/0,1607,7-123-1645_3500_4614---,00.html.

- B. If the Subgrantee submits an incomplete or late quarterly billing report to the District Coordinator, the billing may not be processed until the following quarter.
- C. The Subgrantee agrees to return to the Subgrantor any unobligated balance of funds held by the Subgrantee at the end of the agreement period or handle them in accordance with the instructions provided by the Subgrantor.

IX. Employment Matters

Subgrantee shall comply with Title VI of the Civil Rights Act of 1964, as amended, the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq.*, and all other federal, state and local fair employment practices and equal opportunity laws and covenants that it 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. Subgrantee agrees to include in every 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 Subgrantee shall ensure that no subcontractor, manufacturer, or supplier of Subgrantee of this program appears in the register compiled by the Michigan Department of Energy, Labor, and Economic Growth, Bureau of Commercial Services, Licensing and Enforcement Divisions, pursuant to 1980 PA 278, as amended, MCL 423.321 *et seq.* (State Contractors with Certain Employers Prohibited Act), or on the Federal Excluded Party List System, located at www.epls.gov.

X. Limitation of Liability

Subgrantor and Subgrantee 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 contract. 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.

XI. Redistribution Prohibition

A grant awarded under this grant agreement shall be used by the Subgrantee and shall not be redistributed by the Subgrantee to any other entity unless specifically provided for in the grant agreement.

XII. 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.

XIII. Grant Agreement Period

This grant agreement is in full force and effect from October 1, 2009 through September 30, 2010. 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 consists of two identical sets, 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 Subgrantee agrees to return to the Subgrantor any funds not authorized for use, and the Subgrantor shall have no further obligation to reimburse the Subgrantee.

XIV. 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 Subgrantor and Subgrantee, 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 termination date set forth in Section XIII above. 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. Subgrantee agrees to inform Subgrantor 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 Subgrantor. If any provision of this grant agreement shall be deemed void or unenforceable, the remainder of the grant agreement shall remain valid.

The Subgrantor may suspend or terminate subgrant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- Failure to comply with the requirements or statutory objectives of federal or state law.
- Failure to make satisfactory progress toward the goals or objectives set forth in the subgrant application.
- Failure to follow grant agreement requirements or special conditions.
- Proposal or implementation of substantial plan changes to the extent that, if originally submitted, the project would not have been approved for funding.
- Failure to submit required reports.
- Filing of a false certification in the application or other report or document.
- Failure to adequately manage, monitor or direct the grant funding activities of their subrecipients.

Before taking action, the Subgrantor will provide the Subgrantee reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

XV. Business Integrity Clause

The Subgrantor may immediately cancel the grant without further liability to the Subgrantor or its employees if the Subgrantee, an officer of the Subgrantee, or an owner of a 25% or greater share of the Subgrantee 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 Subgrantor, reflects on the Subgrantee's business integrity.

XVI. 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 Subgrantee agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subgrantee 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.

XVII. Official Certification

For the Subgrantee

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 jurisdiction he or she represents. The Subgrantee agrees to complete all requirements specified in this grant agreement.

County of Macomb

For the Chief Elected Official:

Paul Gieleghem
Printed Name

Board Chair
Title

Signature

Date

For the Local Emergency Program Manager:

Victoria Wolber
Printed Name

Emergency Management Coordinator
Title


Signature

Date

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

Capt. W. Thomas Sands
Printed Name

Deputy State Director of Emergency
Management and Homeland Security
Title



Signature

July 12, 2010
Date



OMB APPROVAL NO. 1121-0140
EXPIRES 01/31/2006

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). 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 General Accounting 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.

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. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, 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 Civil Rights Act of 1964 (42 U.S.C. § 2000d); 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); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

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 Victoria Wolber, EMC

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 subrecipients 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)
Macomb County

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, 633 Indiana Avenue, N.W., Washington, D.C. 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: Macomb County Emergency Management
21930 Dunham Road
Mt. Clemens, MI 48043

2. Application Number and/or Project Name
FY 2010 Emergency Management Performance Grant

3. Grantee IRS/Vendor Number
38-6004868

4. Typed Name and Title of Authorized Representative
Victoria Wolber, Emergency Management Coordinator

5. Signature

6. Date

STATE OF MICHIGAN
AUDIT CERTIFICATION

Federal Audit Requirements

Fiscal Years Beginning After June 30, 1996

Non-Federal organizations which expend \$500,000 or more in Federal funds during their fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and Office of Management and Budget (OMB) Circular A-133. Subgrantees must submit a copy of their audit report to: Budget and Financial Services Division, Michigan Department of State Police, 333 South Grand Avenue, P.O. Box 30634, Lansing, Michigan 48909-0634 for each year they meet the funding threshold.

Program: 2010 Emergency Management Performance Grant

CFDA Number: 97.042

Subgrantee Information

Jurisdiction Name: Macomb County

Street Address: 10 N. Main, 12th Floor

City, State, Zip Code: Mt. Clemens, MI 48043

Certification for Fiscal Year Ending (mm/dd/yyyy): 12/31/2010

(Check appropriate box)

I certify that the subgrantee shown above does not expect it will be required to have an audit performed under the Single Audit Act of 1984, as amended, and the OMB Circulars as revised, for the above listed program.

I certify that the subgrantee shown above expects it will be required to have an audit performed under the Single Audit Act of 1984, as amended, and the OMB Circulars as revised, during at least one fiscal year funds are received for the above listed program. A copy of the audit report will be submitted to: Budget and Financial Services Division, Michigan Department of State Police, 333 South Grand Avenue, P.O. Box 30634, Lansing, Michigan 48909-0634.

Victoria Wolber, EMC

(Signature of Subgrantee's Authorized Representative)

(Date)

Please mail completed form to: Michigan Department of State Police
Emergency Management and Homeland Security Division
Financial Section
4000 Collins Road
Lansing, Michigan 48910

For MSP-EMD Use Only

Reviewed By: _____ Date: _____

Authority: Act 390, P. A. of 1976, as amended
Completion: Voluntary, but completion necessary to be considered for assistance.