



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 1/12/2023

**File ID:** TMP-2434

---

**Department:** Emergency Management Agency

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to enter into a Cooperative Agreement with the Alabama Emergency Management Agency (AEMA) for FY2022 Emergency Management Performance Grant "EMPG".

Resolution No.

**Does this item need to be published?** No

If yes, please list preferred date(s) of publication: \_\_\_\_\_

**Finance Information:**

**Account Number:** N/A

**City Cost Amount:** \$0

**Total Cost:** \$0

**Special Circumstances:**

**Grant Funded:** \$115,148.00

**Grant Title - CFDA or granting Agency:** 97.042

**Resolution #:** N/A

**Location:** (list below)

**Address:** Citywide

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

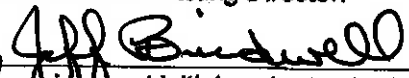
FY22 EMPG Grant award.

**ALABAMA EMERGENCY MANAGEMENT AGENCY (AEMA)  
FY2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)  
COOPERATIVE AGREEMENT (CA)**

1. Subrecipient:	Madison County EMA
2. Effective Dates:	10/01/2021-09/30/2022
3. Issuing Agency:	Alabama Emergency Management Agency, 5898 County Road 41, P.O. Drawer 2160, Clanton, AL 35046-2160
4. FAIN:	EMA-2022-EP-00009
5. CA Number(s):	22EMF - \$103,148.00 22EMS - \$12,000.00
6. Local Allocation Amount:	\$115,148.00
7. CFDA #:	97.042
8. Federal Award Date:	09/22/2022
9. Federal Award Type:	FY2022 EMPG

Subrecipient agrees to: (1) provide information requested by AEMA regarding the subrecipient's emergency management operation in a timely manner; (2) submit requests for reimbursement of expenditures incurred relative to this agreement using forms provided or approved by AEMA and utilize the AEMA Grants Management online portal; (3) present claims with clear and adequate supporting documentation as instructed by AEMA; (4) submit claims on a monthly basis within thirty (30) calendar days after the end of the month for which they are filed; (5) submit all claims relating to this grant by October 31, 2022; (6) provide information requested by AEMA concerning claimed expenditures within three (3) working days; (7) utilize funds for essential operating expenses of local EMA offices, such as salaries, benefits, supplies, maintenance of facilities, and other necessary and eligible operating costs; (8) make available to AEMA all EMPG related files and documentation for compliance monitoring and review; (9) comply with all reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance; and (10) contribute 50% of all costs submitted for reimbursement as a cash match consisting of payments made by the subrecipient.

The AEMA Director or his/her designated agent may elect to withhold, or, with a ten (10) day notice, withdraw all or part of this funding from the subrecipient for: (1) non-compliance with any portion of the terms stated, referenced, or incorporated into this agreement; (2) failure to perform appropriately in an emergency situation; or, (3) allowing the position of local EMA Director to remain vacant for more than thirty (30) days without appointment of either a new Director or an Acting Director.

Jeff Birdwell,   
Local EMA Director (print name, sign, and initial each attached page)

11/3/23  
Date

**Certification by County Authorizing Official:**

I certify that I understand and agree to comply with the general and fiscal provisions of this agreement including the terms and conditions; to comply with provisions of the regulations governing these funds and all other applicable federal and state laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to perform the tasks of the Authorizing Official as they relate to the requirements of this agreement; that costs incurred prior to award of funds may result in the expenditures being absorbed by the subrecipient; and, that the receipt of these grant funds through the subrecipient will not supplant other state or local funds budgeted for emergency management purposes.

Chief Elected Official (print name and sign)

Date

  
Jeff Smitherman, Director, AEMA

Date

## AGREEMENT ARTICLES

### Emergency Management Performance Grant (EMPG)

Subrecipient acknowledges and agrees to the following policies (full texts are incorporated by reference into the terms of this award) which includes the DHS Standard Terms and Conditions, which apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions apply to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations:

Federal and State Funding Regulations		
Article 1	<b>OMB Guidance for Grants and Agreements</b> 2 CFR Part 200	<b><i>Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to non-Federal Entities</i></b> The principal set of rules and regulations issued by federal agencies regarding federal funding administration. Subrecipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (CFR) Part 200, and adopted by USDHS at 2 CFR Part 3002.10.
Article 2	<b>Duplication of Benefits</b> 2 CFR Part 200, Subpart E The 2021 DHS Standard Terms and Conditions	<b><i>Duplication of Benefits</i></b> Any cost allocable to a particular federal financial assistance award provided for in 2 CFR Part 200, Subpart E, may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
Article 3	<b>Judicial Administration of Federal Grants and Agreements</b> 28 CFR Chapter I	<b><i>Judicial Administration</i></b> Subrecipients are required to comply with the Department of Justice requirements for grants and cooperative agreements to state and local governments. Part 18 Administrative Review Procedure. Part 20 Criminal Justice Information Systems. Part 22 Confidentiality of Identifiable Research and Statistical Information. Part 23 Criminal Intelligence Systems Operating Policies. Part 63 Floodplain Management and Wetland Protection Procedures.
Article 4	<b>Universal Identifier and System of Award Management</b> 2 CFR Part 25, Appendix A	<b><i>System for Award Management</i></b> Subrecipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements.
Article 5	<b>Policies for Federal Credit Programs and Non-Tax Receivables</b> OMB Circular A-129	<b><i>Federal Debt Status</i></b> Subrecipients 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.
Article 6	<b>Alabama Constitution of 1901, Article XI § 213</b>	<b><i>State of Alabama Debt</i></b> Prohibits any commitments by subrecipient from constituting a debt of the State of Alabama.
Article 7	<b>Nonprocurement Debarment and Suspension</b> 2 CFR Part 3000, Subpart C 2 CFR Part 180	<b><i>Debarment/Suspension</i></b> Restricts federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for

		participation in federal assistance programs or activities. The debarment and suspension procedures are intended to prevent waste, fraud, and abuse in procurement and non-procurement actions. Debarment and suspension of an organization or individual excludes that company or individual from doing business with the Federal Government or those funded by it.
Article 8	Hatch Act 5 USC 1501, et seq.	<b>Partisan Political Activity</b> None of the funds, materials, property, or services provided directly or indirectly under this agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise violate the provisions of the "Hatch Act."
Article 9	Byrd Anti-Lobbying Amendment 31 USC § 1352	<b>Lobbying</b> None of the funds provided under a federal financial assistance award may be expended by the subrecipient to pay any person to influence or attempt 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 any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 10	Alabama Act 2016-312	<b>Boycotting</b> Prohibits Alabama governmental bodies from entering into contracts with commercial entities that participate in boycotts against nations or business organizations that Alabama citizens can otherwise trade with (members of the World Trade Organization or other countries with which the United States has free-trade agreements).
Article 11	Reporting Subawards and Executive Compensation 2 CFR Part 170, Appendix A	<b>Reporting Subawards and Executive Compensation</b> Subrecipients are required to comply with the requirements set forth on Reporting Subawards and Executive Compensation. Requires the full disclosure to the public of all entities or organizations receiving federal funds.
Article 12	Acknowledgement of Federal Funding from DHS The 2021 DHS Standard Terms and Conditions	<b>Funding Acknowledgement</b> Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article 13	DHS Specific Acknowledgements and Assurances The 2021 DHS Standard Terms and Conditions	<b>Access to Records</b> All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
Article 14	Disaster Recovery Act of 2018	<b>Audits/Internal Reviews</b> Subrecipient acknowledges and agrees that no language in this agreement is intended to prohibit audits or internal reviews by AEMA, the FEMA Administrator, or the Comptroller General of the United States.
Article 15	False Claims Act and Program Fraud Civil Remedies 31 USC § 3729-3733 Administrative Remedies for False Claims and Statements 31 USC Chap 38 § 3801-3812	<b>False/Fraudulent Claims</b> Prohibits the submission of false or fraudulent claims for payment to the federal government. Subrecipient is liable for making false claims and/or statements and subject to the remedies under this law.
Article 16	Non-Supplanting Requirement The 2021 DHS Standard Terms and Conditions	<b>Supplanting</b> Subrecipients receiving federal financial assistance 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.
Article 17	<b>Best Practices for Collection and Use of Personally Identifiable Information</b> The 2021 DHS Standard Terms and Conditions	<b>Personally Identifiable Information</b> Subrecipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect.
Article 18	<b>Copyright</b> 17 USC § 401 or 402	<b>Copyright</b> Subrecipients must affix the applicable copyright notices and an acknowledgement of US Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.
Article 19	<b>Bayh-Dole Act</b> 35 USC § 200 et seq. 37 CFR Part 401 37 CFR § 401.14	<b>Patents and Intellectual Property Rights</b> Subrecipients are subject unless otherwise provided by law. Subrecipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards.
Article 20	<b>Use of DHS Seal, Logo, and Flags</b> The 2021 DHS Standard Terms and Conditions	<b>Logo Use</b> Subrecipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 21	<b>Closed-Captioning of Public Service Announcements</b> 47 USC 611	<b>Closed Captioning</b> Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of the federal government shall include closed captioning of the verbal content of such announcement.
<b>Personnel/Workplace Requirements</b>		
Article 22	<b>Federal Drug-Free Workplace Act of 1988</b> Public Law 100-690 41 USC § 8101-8106 2 CFR Part 3001 Subpart B 2 CFR Part 182 § 5152-5158	<b>Drug-Free Workplace</b> Subrecipients must comply with drug-free workplace requirements.
Article 23	<b>Davis-Bacon Act</b> 40 USC 3141-3144 and 3148-3148 29 CFR Part 5	<b>Fair Wages</b> Requirement for paying the local prevailing wages on public works projects for laborers and mechanics. Applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works.
Article 24	<b>Copeland Anti-Kickback Act</b> 18 USC § 874 40 USC § 3145 29 CFR Part 3	<b>Fair Wages</b> Gives workers on covered federal contracts the right to receive the full pay to which they are entitled for the work they perform. Protects workers on covered contracts from payroll deductions that are not explicitly permitted under DOL's regulations or otherwise approved by DOL.
Article 25	<b>Contract Work Hours and Safety Standards Act</b> 29 CFR Part 5.5(b)	<b>Work Hours and Safety Standards</b> Federal law that covers hours and safety standards in construction contracts. Applies to federal service contracts and federal and federally assisted construction contracts worth over \$100,000 and requires contractors and subcontractors on covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 in a workweek. Also prohibits unsanitary, hazardous, or dangerous working

		conditions on federal and federally financed and assisted construction projects.
Article 26	<b>Federal Leadership on Reducing Text Messaging while Driving</b> Executive Order 13513	<b>Text Messaging</b> Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives described in Section 3(a) when on official government business or when performing any work for or on behalf of the federal government.
Article 27	<b>Whistleblower Protection Enhancement Act</b> Public Law 112-199 10 USC § 2324 10 USC § 2409 41 USC § 4304 and 4310 41 USC § 4712	<b>Whistleblower Protection</b> Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable). Retaliatory personnel action against any employee or applicant because of disclosure of information by that employee or applicant is prohibited.
Article 28	<b>Civil Rights Act of 1964, Title VI</b>	<b>Discrimination: Civil Rights</b> No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <b>Discrimination: Limited English Proficiency</b> Prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services.
Article 29	<b>Civil Rights Act of 1968</b> Public Law 90-284	<b>Discrimination: Civil Rights</b> Prohibits subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex.
Article 30	<b>Age Discrimination Act of 1975</b> Public Law 94-135	<b>Discrimination: Age</b> Prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 31	<b>Education Amendments of 1972, Equal Opportunity in Education Act, Title IX</b> Public Law 92-318	<b>Discrimination: Sex/Gender</b> Provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.
Article 32	<b>Americans with Disabilities Act of 1990, as amended (ADA), Titles I, II, and III,</b> Public Law No. 101-336	<b>Discrimination: Disability</b> Prohibits subrecipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 33	<b>Section 504, Rehabilitation Act of 1973 (Handicapped)</b> Public Law 93-112	<b>Discrimination: Handicapped</b> No otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
Article 34	<b>Equal Employment Opportunity</b> Executive Order 11246	<b>Discrimination: Equal Employment</b> Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. Subrecipient will take affirmative action to ensure that applicants are employed, and that employees are treated without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin during employment.



Article 35	<b>Nondiscrimination in Matters Pertaining to Faith-Based Organizations</b> 6 CFR Part 19	<b>Discrimination: Faith-Based Organizations</b> Ensures the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Subrecipients must comply with the equal treatment policies and requirements and other applicable statutes, regulations, and guidance governing the participation of faith-based organizations in individual DHS programs.
<b>Procurement/Inventory Requirements</b>		
Article 36	<b>Appropriations Act</b> Public Law 103-333 § 507	<b>Procurement: American Products</b> To the extent practicable, all equipment and products purchased with federal funds should be American made.
Article 37	<b>John S. McCain National Defense Authorization Act for Fiscal Year 2019</b> Public Law 115-232 § 889(b) FEMA Policy #405-143-1: Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services 2 CFR 200.216	<b>Procurement: Prohibited Products</b> Prohibits the procurement of telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
Article 38	<b>Solid Waste Disposal Act</b> <b>2007 CPG-The EPA Comprehensive Procurement Guideline Program</b> Public Law 89-272 § 6002 Resource Conservation and Recovery Act Public Law 94-580 40 CFR Part 247	<b>Procurement: Recovered and Recycled Materials</b> The Resource Conservation and Recovery Act requires procuring agencies to buy recycled-content products designated by EPA in the CPG. Requirements include procuring items that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. The government's "buy recycled" program seeks to stimulate the demand for products made with recovered materials. Preference is for purchasing recycled materials where practicable. <b>Materials Use/Environmental Impact</b> The Act encourages the use of materials recovered through recycling, and thereby help to reduce the amount of waste that must be disposed of and associated environmental impacts.
Article 39	<b>Disposition of Equipment Acquired Under the Federal Award</b> 2 CFR 200.313	<b>Equipment/Inventory</b> When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment.
Article 40	<b>SAFECOM Guidance for Emergency Communications Grants</b>	<b>Communications</b> Subrecipients receiving federal financial assistance 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.
<b>Environmental Impact/Safety Requirements</b>		
Article 41	<b>Energy Policy and Conservation Act</b> Public Law 94-163	<b>Energy Efficiency</b> Subrecipients must comply with the requirements of this Act, which contains policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 42	<b>National Environmental Policy Act of 1969 (NEPA)</b> Public Law 91-190	<b>Environmental</b> Requires subrecipients to use all practicable means within their authority, and consistent with other essential

		considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
Article 43	<b>Clean Air Act</b> 42 USC chapter 85	<b><i>Air Quality Standards</i></b> A comprehensive federal law that regulates air emissions from stationary and mobile sources. Establishes air quality standards to protect public health and public welfare and to regulate emissions of hazardous air pollutants.
Article 44	<b>Federal Water Pollution Control Act</b> Public Law 92-500	<b><i>Water Pollution Control</i></b> Provides for water pollution control activities, regulates discharges of pollutants into the waters of the United States, and regulates quality standards for surface waters.
Article 45	<b>Hotel and Motel Fire Safety Act of 1990</b> Public Law 101-391	<b><i>Fire Prevention</i></b> Subrecipients 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.
Article 46	<b>USA PATRIOT Act of 2001</b> Public Law 107-56	<b><i>Terrorism</i></b> Subrecipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. Section 817 expands the biological weapons statute.
Article 47	<b>Terrorist Financing</b> Executive Order 13224	<b><i>Terrorist Financing</i></b> Prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. Subrecipients are legally responsible to ensure compliance.
Article 48	<b>Trafficking Victims Protection Act of 2000 (TVPA)</b> Public Law 106-386 21 USC 7104	<b><i>Human Trafficking</i></b> Subrecipients must comply with the requirements of the government-wide financial assistance award term that prohibits human trafficking and requires reporting of human trafficking.
Article 49	<b>Fly America Act of 1974</b> Public Law 93-623	<b><i>Air Travel</i></b> Subrecipients must comply with preference for US Flag Air Carriers (air carriers holding certificates under 49 USC section 41102) for international air transportation of people and property to the extent that such service is available.
Article 50	<b>Activities Conducted Abroad</b> The 2021 DHS Standard Terms and Conditions	<b><i>Activities Conducted Abroad</i></b> Subrecipients 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.
<b>Program Guidance</b>		
Article 51	<b>FEMA Notice of Funding Opportunity (NOFO) Requirements and AEMA EMPG Program Guidance</b>	<b><i>Programmatic Guidance</i></b> Subrecipients must comply with all applicable requirements set forth in the FEMA NOFO and AEMA EMPG Program Guidance, which are incorporated here by reference in these award terms and conditions.



**RESOLUTION NO. 23-\_\_\_\_\_**

**BE IT RESOLVED** by the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into an Agreement by and between the City of Huntsville and the Alabama Emergency Management Agency, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as Alabama Emergency Management Agency (AEMA) FY2022 Emergency Management Performance Grant (EMPG) Cooperative Agreement (CA), consisting of a total of seven (7) page, and the date of January 12, 2023 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

**ADOPTED** this the 12th day of January, 2023.

\_\_\_\_\_  
President of the City Council of  
The City of Huntsville, Alabama

**APPROVED** this the 12th day of January, 2023.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama