

**THERESA M. SPENCER
LAPEER COUNTY CLERK**

County Complex Building
255 Clay Street
Lapeer, Michigan 48446

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A-G-E-N-D-A

LAPEER COUNTY BOARD OF COMMISSIONERS REGULAR BOARD MEETING December 15, 2022 9:00 A.M.

Brenden Miller	District #1
Gary Roy	District #2
Dyle Henning	District #3
Lenny Schneider	District #4
Rick Warren	District #5
Linda M. Jarvis	District #6
Bryan Zender	District #7

CALL TO ORDER BY CHAIRMAN/VICE-CHAIR

- ◆ Roll Call
- ◆ Opening Prayer
- ◆ Pledge of Allegiance

CONSIDERATION FOR APPROVAL:

- ◆ Agenda
- ◆ December 1, 2022 Regular Board Meeting Minutes

REVIEW OF: COMMISSIONER MILEAGE/EXPENSE SHEETS/GRANT APPLICATIONS

ELECTED OFFICIAL/DEPARTMENT HEAD UPDATES

PUBLIC TIME - Citizens Comments, etc.

CONTINUED -

NEW/OLD BUSINESS:

1. **DRAIN COMMISSIONER** – Resolution regarding Intercounty Debt
2. **2023 POLICE SERVICE CONTRACTS** – To be distributed if available.
3. **RESOLUTION** – Peggy Ford Retirement from the Friend of the Court
4. **CONSIDERATION OF RATIFIED UNION TENTATIVE AGREEMENTS**
(to be distributed)
5. **EMERGENCY MANAGEMENT** - 2022 Emergency Management Performance Grant
6. **NOTICE OF APPOINTMENTS NEEDED**
7. **DISCUSSION REGARDING THE DECEMBER 22, 2022 MEETING**
Cancel it or give the Committee of the Whole Meeting authority to act.
Also, consider making a motion for the new Chairperson to sign the minutes
from December 15, 2022 once approved

(Additional items)

- 8.
- 9.
- 10.

DRAFT MOTIONS

- ◆ **Committee of the Whole** (December 8, 2022) (Attached)
- ◆ **Personnel Committee** (December 8, 2022) (Attached)
- ◆ **American Rescue Plan Act Committee** (December 8, 2022) (Attached)

AD HOC COMMITTEE UPDATES– If needed

FISCAL PLANNING/BUDGETING DISCUSSION – If needed

AUDIT MOTIONS

- ◆ **County Audit Motion**
For disbursements dated December 16, 2022
- ◆ **Road Commissioner’s Audit Motion**
For disbursements dated December 15, 2022

PUBLIC TIME - Citizens Comments, etc.

COMMISSIONER REPORTS

CLOSED SESSION - If needed

RECESS/ADJOURN

**LAPEER COUNTY BOARD OF COMMISSIONERS
December 1, 2022
9:00 A.M.**

Chairman Roy called the meeting to order at 9:02 a.m. in the Commission Chambers on the lower level of the County Complex Building. Commissioner Henning opened the meeting with prayer. The Pledge of Allegiance was recited.

Present:	Brenden Miller	District #1
	Gary Roy	District #2
	Dyle Henning	District #3
	Lenny Schneider	District #4
	Rick Warren	District #5
	Linda M. Jarvis	District #6
	Bryan Zender	District #7

Quentin Bishop, County Controller/Administrator
Jackie Arnold, Chief Financial Officer
Lynette Stanford*, Secretary/Deputy County Clerk
Theresa M. Spencer, County Clerk

AGENDA

The agenda and draft minutes from the November 17, 2022 Regular Board Meeting were reviewed.

394-22

Motion by Warren, supported by Zender, to accept the agenda as presented. Motion carried.

395-22

Motion by Warren, supported by Jarvis, to approve the November 17, 2022 Regular Board Meeting minutes as presented. Motion carried.

ELECTED OFFICIAL/DEPARTMENT HEAD UPDATES

Emil Joseph III, Friend of the Court gave notice that the Friend of the Court Office will be closed from Noon to 1:00p.m. on December 15, 2022.

Theresa M. Spencer, County Clerk announced that the 2023 Organizational Meeting will be held Wednesday, January 4, 2023 at 9:00 a.m. Clerk Spencer also spoke regarding the recent notice of a Partial Recount Petitions for the State-wide Proposals.

Rachel Horton, Animal Control Division Chief, gave a brief update regarding her department.

PUBLIC TIME – five people spoke during public time.

396-22

Motion by Miller, supported by Warren, to accept the Health Department 2023 Michigan Department of Environment, Great Lakes, and Energy (EGLE) Grant Agreement; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried.

397-22

Motion by Miller, supported by Schneider, to authorize the County Controller/Administrator to electronically accept the approved grant agreement between the State Court Administrative Office, 71A District Court and 40th Circuit Court, which provides funding for Drug Court, for the period of October 1, 2022 through September 30, 2023, at no cost to the County's General Fund; and further, that a copy of the electronically submitted grant agreement be forwarded to the County Clerk to be filed as an official exhibit. Motion carried.

398-22

Motion by Miller, supported by Schneider, to authorize the County Controller/Administrator to electronically accept the approved grant agreement between the State Court Administrative Office, 71A District Court and 40th Circuit Court, which provides funding for Mental Health Court, for the period of October 1, 2022 through September 30, 2023, at no cost to the County's General Fund; and further, that a copy of the electronically submitted grant agreement be forwarded to the County Clerk to be filed as an official exhibit. Motion carried

399-22

Motion by Schneider, supported by Zender, to refer the 2023 Police Service Contract to the December 8, 2022 Committee of the Whole Meeting, with authority to act. Motion carried.

Brownfield Redevelopment Authority – three-year term400-22

Motion by Schneider, supported by Henning, to appoint Michael J. Nolan and David Trent, and to re-appoint Gary Phillips, Paul Bowman, and Jessica Marco to serve on the Brownfield Redevelopment Authority, for a three-year term ending December 31, 2025. Motion carried.

Economic Development Corporation Board of Directors – six-year term401-22

Motion by Schneider, supported by Jarvis, to appoint David Trent, and re-appoint Gary Phillips to serve on the Economic Development Corporation Board of Directors for a six-year term ending December 31, 2028, and to appoint Michael J. Nolan to serve on the Economic Development Corporation Board of Directors for an unexpired term ending December 31, 2025. Motion carried.

Genesee-Lapeer-Shiawassee Region V Planning and Development Commission (GLS Region V) -one-year term402-22

Motion by Henning, supported by Schneider, to re-appoint Richard Vanhaaften to serve on the Genesee-Lapeer-Shiawassee Region V Planning and Development Commission (GLS Region V) for a one-year term ending December 31, 2023. Motion carried.

403-22

Motion by Zender, supported by Warren, to hire Amy Cell Talent Firm, in the amount of \$17,00.00 to hire for County Controller/Administrator. Motion carried.

404-22

Motion by Zender, supported by Jarvis, pursuant to the recommendation of the ARPA Committee and in response to the impacts of the Covid-19 public health emergency, to authorize the Lapeer County Clerk's Office to purchase a Vital Records Software Program through Deketo Company in the amount of \$12,600.00 (which includes software licensing, client-server database licensing, internet server database licensing, installation, training, data conversion, and one year of maintenance), with the understanding that the data will be stored on the Register of Deeds server, and the County Clerk will pay future annual maintenance fees from within their department's budget; and further, to authorize the purchase of a scanner for an additional expense of \$1,000.00 from an appropriate vendor, in order to scan the older vital records, with the total cost to be paid from Fund 281 (expense category 6.1). Motion carried.

405-22

Motion by Henning, supported by Jarvis, to approve the County's Audit Motion for disbursements dated December 2, 2022, based upon the signature of the County Controller/Administrator; and further, to approve the Road Commission Audit Motion for disbursements dated December 1, 2022 based upon the signatures of the Road Commission Chairman and Finance Director. Roll Call vote: Henning, aye; Miller, aye; Schneider, aye; Warren, aye; Zender, aye; Jarvis, aye; Roy, aye. 7 ayes. Motion carried unanimously.

Public Time – 2 people spoke during public time.

The Commissioners gave brief reports on meetings and conferences that they have recently attended, as well as upcoming meetings and events.

406-22

Motion by Warren, supported by Jarvis, to enter into Closed Session to review the contents of applications for the Interim County Controller/Administrator position that have requested confidentiality, which is provided pursuant to the Michigan Open Meetings Act, subsection 8(f), and to allow the current County Controller/Administrator and Chief Financial Officer to remain in the closed session. Roll Call vote: Warren, aye; Schneider, aye; Zender, aye; Henning, aye; Jarvis, aye; Miller, aye; Roy, aye. 7 ayes. Motion carried unanimously.

The meeting recessed. 10:21 a.m.

*Lynette Stanford, Secretary/Deputy County Clerk was excused, and Theresa M. Spencer, Lapeer County Clerk remained. 10:21 a.m.

The meeting reconvened. 10:30 a.m.

407-22

Motion by Schneider, supported by Jarvis, to go out of closed session. Motion carried. 10:58 a.m.

408-22

Motion by Schneider, supported by Warren, to approve the minutes of the closed session.
Motion carried.

409-22

Motion by Zender, supported by Warren, to hire Jackie Arnold, Chief Financial Officer to be the Interim County Controller/Administrator, effective December 24, 2022 at the new wage study rate of the County Controller/Administrator. Motion carried.

Chairman Roy declared the meeting adjourned. 11:00 a.m.

Gary Roy, Chairman
Board of Commissioners

Theresa M. Spencer (KS)
Theresa M. Spencer, County Clerk
Clerk of the Board



REQUEST FOR ACTION

DATE: December 8, 2022

- REQUEST FOR ACTION
- FOR YOUR INFORMATION
- REQUEST FOR INFORMATION

TO: Lapeer County Board of Commissioners

FROM: Lapeer County Drain Office

SUMMARY OF REQUEST / INFORMATION

County Line is an Inter County Drain. Lapeer shares this drain with Oakland County. Lapeer's portion of the cost that did incur is \$37,392.51. I request that the Board pass a resolution for the County to pay Oakland County Drain Office. This resolution is for a past debt on a cancelled petition on the County Line I.C. Drain.

ADDITIONAL INFORMATION: This Drain district is very small. In 1993 there was a petition on the drain. There was money expended for Engineering, Legal, meetings, letters and newspaper notices. The project was never completed, nor was an assessment created. In 2017 an abandonment of petition was signed. Oakland County is the present treasurer for this drain. Oakland County expended the money to pay the bills. The money Oakland County expended needs to be paid back to them.

CONTACT PERSON(S): Joe Suma

BACKGROUND INFORMATION: Was sent to your e-mails and attached. Discussed at your last meeting.

DRAFT MOTION:

Motion by _____, supported by _____, to adapt the following resolution, the past debt of \$37,392.51 to Oakland County Drain office, incurred by the County Line Inter County Drain, to be paid from the Lapeer County general funds. Be it further resolved that the Lapeer County Treasurer shall transmit the above referenced costs to Oakland County.

ATTACHMENTS YES NO

STATE OF MICHIGAN

LAPEER COUNTY BOARD OF COMMISSIONERS

RESOLUTION

WHEREAS, the County Line Intercounty Drain ("Drain"), located in Lapeer and Oakland Counties, is an established intercounty drain under the jurisdiction of the County Line Intercounty Drain Drainage Board ("Drainage Board"); and

WHEREAS, a petition was filed on February 18, 1993, requesting maintenance and improvement of the County Line Intercounty Drain ("Petition") pursuant to the Michigan Drain Code, Public Act 40 of 1956, as amended ("Drain Code"); and

WHEREAS, a total of \$51,862.01 was expended by the Drainage Board for engineering, legal, and other services related to the Petition; and

WHEREAS, no further action was taken on the Petition, no contract was let, and no litigation has commenced to contest the validity of the proceedings; and

WHEREAS, on January 20, 2017, the Drainage Board entered an Order of Abandonment of Petition, pursuant to Section 221 of the Drain Code; and

WHEREAS, Lapeer County's apportionment of costs for the Drain is 72.1%, which equates to costs totaling \$37,392.51 related to the Petition.

NOW, THEREFORE, BE IT RESOLVED, that the costs totaling \$37,392.51 relating to Lapeer County's costs for the Petition, be paid from the Lapeer County general fund.

BE IT FURTHER RESOLVED, that the Lapeer County Treasurer shall transmit the above referenced costs to Oakland County.

RESOLUTION approved this ___ day of _____, 2022, by the Board of Commissioners of the County of Lapeer.

MOVED: _____

SECONDED: _____

CARRIED: _____

I hereby certify that the above Resolution was Adopted at the Lapeer County Board of Commissioners regular meeting of the ___ day of _____, 2022.

Theresa M. Spencer
Lapeer County Clerk

February 18, 1993	Petition received by Lapeer County
December 15, 1993	Determination of Practicability Problem created after pond was dug south of 3575 Davison Lake Road Board authorizes property owner to repair drain under permit at his own cost
January 25, 1995	Some limited work done at pond to dewater and repair, downstream pipe found to be in poor condition. Investigation needed to determine if lowering the pond relieved upstream flooding. Oakland County to solicit proposals to undertake further repairs.
April 19, 1995	Engineering proposals reviewed, recommendation to award engineering contract to Mr. David Snyder.
October 1, 1996	Mr. Snyder presents his evaluation report to Board. Two options presented: repairs \$133,000 or total reconstruction \$180,000+ Investigation still necessary by Lapeer County to determine upstream condition
December 11, 1996	Meeting for Determination of Necessity for needed repairs
April 10, 1997	Mr. Snyder declines offer to provide additional engineering services. Board authorizes solicitation of proposal from BMJ Engineers and award of contract upon telephone confirmation of Board members
December 10, 1997	BMJ Engineers present recommendations to repair drain. Board requests cost estimates for various repair sections
February 4, 1998	Upon further review, Board determines some of BMJ's recommendations are unacceptable and need to be revised to provide a positive outlet in the most practical and cost effective way. Board authorizes BMJ to revise drainage district description and directs them to revise recommendations
June 17, 1999	Proposed plan to replace drain from downstream terminus to a point on north side of Davison Lake Road with a properly sized pipe enclosure or combination of pipe enclosure and open ditch. North of Davison Lake Road will be open channel construction. Board requests proposal from BMJ for final design and authorize, them to proceed with unanimous Board approval (phone)
December 8, 1999	Determination of Necessity of adding land (to district). Board approves revised district
April 23, 2001	Board requests proposal from BMJ to finalize engineering and verify district limits at south end, working to appease Mr. VanGilder
January 17, 2002	Board considers reducing scope of project, relaxing level of protection (10 year storm), adding in-line detention north of Davison Lake Road. Three alternatives discussed. BMJ asked to size detention and prepare cost estimates for three alternatives

- March 6, 2002 BMJ presents three conceptual project alternatives with estimated costs for each. Board votes to proceed with the pursuit of alternative #2, and/or a modification thereof, but with stipulation that cooperation from specific landowner is necessary. If obtained, Board authorizes BMJ to proceed with final design
- September 25, 2003 BMJ gives update on progress with design. BMJ asked to prepare sketches for three easements in Lapeer. Board authorizes Lapeer to negotiate to obtain easements.
- October 20, 2004 Easement negotiations progressing. Oakland County expresses concern about relaxed design assumptions and cost/benefit value of proposed improvements. Tentative apportionment split agreed to be: Oakland 27.9%, Lapeer 72.1%. Counties to make recommendation on breakdown within their jurisdiction. Estimated project cost \$130,000. Easement acquisition to resume once apportionment final.
- June 29, 2005 Project update and renewed concerns expressed by Oakland County. Chairman urges counties to proceed with right-of-way acquisition.

Oakland County
Revenue and Expenditures - 8 year Comparison
Fund: 25069 County Line Drain Ch 4

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues							
655077 Accrued Interest Adjustments	6.20	(25.43)	(40.58)	(19.10)	(66.87)	34.96	36.59
655385 Income from Investments	(327.23)	(311.92)	(248.54)	(327.33)	(461.62)	(473.56)	(207.19)
695500 Transfers In	0.00	14,000.00	7.70	0.00	0.00	0.00	0.00
Total Revenues	(321.03)	13,662.65	(281.42)	(346.43)	(528.49)	(438.60)	(170.60)
Expenditures							
731073 Legal Services	0.00	176.00	1,836.80	0.00	0.00	0.00	0.00
731528 Publishing Legal Notices	0.00	0.00	30.00	0.00	0.00	0.00	0.00
771638 Drain Equip Labor	0.00	0.00	0.00	527.27	0.00	0.00	0.00
771639 Drain Equipment	0.00	0.00	0.00	81.24	0.00	0.00	0.00
Total Expenditures	0.00	176.00	1,866.80	608.51	0.00	0.00	0.00
FUND BALANCE	(45,309.11)	(31,822.46)	(33,970.68)	(34,925.62)	(35,454.11)	(35,892.71)	(36,063.31)

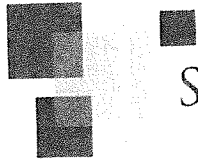
*14,000 transfer in represents Oakland County's share of a \$50,179.21 assessment.

COUNTY LINE CH 4 DRAIN

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Thru 06/30/16
Excess Rev/(Exp) Balance per Drain Annual Report	\$(1,524.28)	\$2,174.42	\$461.19	\$26.31	\$(9,970.58)	\$(186.01)	\$(23,685.42)	\$(4,677.70)	\$(2,561.41)	\$(2,000.35)	\$(811.22)	\$(687.78)	\$(437.05)	\$(715.18)	\$(281.52)	\$(761.16)	\$(321.03)	\$(253.40)
REVENUES																		
Other Revenue (Transfers In)	8,905.54	4,963.50	6,202.00	-	-	1,360.52	-	-	-	-	-	-	-	-	-	-	-	-
Income from Investments	-	401.52	840.42	461.19	26.31	33.83	14.94	(28.89)	(1,095.90)	(1,531.15)	(811.22)	(455.54)	(366.31)	(241.82)	(281.52)	(537.13)	(321.03)	(253.40)
TOTAL REVENUES	8,905.54	5,365.02	7,042.42	461.19	26.31	1,394.35	14.94	(28.89)	(1,095.90)	(1,531.15)	(811.22)	(455.54)	(366.31)	(241.82)	(281.52)	(537.13)	(321.03)	(253.40)
EXPENDITURES																		
Salaries - Regular	1,135.18	41.16	-	-	-	70.47	132.04	5,610.36	2,185.07	592.63	281.82	130.59	49.07	-	-	-	-	-
Fringe Benefits	820.06	15.75	-	-	-	24.35	57.90	2,495.60	1,080.42	302.08	187.38	88.95	16.37	-	-	-	-	-
Contractual Services	8,392.75	4,725.45	-	-	-	11,167.50	15,117.16	139.01	-	-	-	-	-	-	-	-	-	-
Commodities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Internal Services (Drain Equip)	81.83	-	-	-	-	2.61	11.01	433.41	177.30	136.60	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	10,429.82	4,782.36	4,866.00	-	-	11,264.93	200.95	23,656.53	3,561.80	1,031.31	469.20	232.24	70.74	473.36	(281.52)	(761.16)	(321.03)	(253.40)
Excess Rev/(Exp) Balance	\$(1,524.28)	\$2,174.42	\$461.19	\$26.31	\$(9,970.58)	\$(186.01)	\$(23,685.42)	\$(4,677.70)	\$(2,561.41)	\$(2,000.35)	\$(811.22)	\$(687.78)	\$(437.05)	\$(715.18)	\$(281.52)	\$(761.16)	\$(321.03)	\$(253.40)
FUND BALANCE	\$(1,537.28)	\$(954.62)	\$1,219.80	\$1,680.99	\$1,707.30	\$(8,163.28)	\$(8,349.29)	\$(32,034.71)	\$(39,273.82)	\$(41,274.17)	\$(42,085.39)	\$(42,773.17)	\$(43,210.22)	\$(44,206.92)	\$(44,988.06)	\$(45,309.11)	\$(45,562.51)	\$(45,562.51)

STACY L. HISSONG

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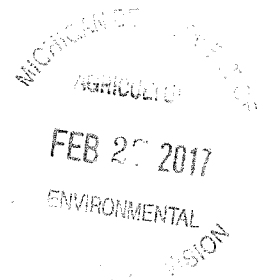
**FAHEY
SCHULTZ
BURZYCH
RHODES PLC**
ATTORNEYS AT LAW

February 23, 2017

✓ Michael Gregg
Michigan Department of Agriculture
and Rural Development
525 W. Allegan Street
P.O. Box 30017
Lansing, MI 48909

Joe Suma
Lapeer County Drain Commissioner
255 Clay Street, Room 305
Lapeer, MI 48446

Jim Nash
Oakland County Water Resources Commissioner
One Public Works Drive
Bldg. 95 West
Waterford, MI 48328



Dear Drainage Board Members:

Re: Countyline Intercounty Drain

You have requested our opinion as to the process to recoup certain funds that were expended prior to the abandonment of a petition for maintenance and improvement of the Countyline Intercounty Drain, dated February 18, 1993 (the "Petition").

Background and Abandonment of Petition

The Countyline Intercounty Drain, located in Lapeer and Oakland Counties, is an established intercounty drain ("Drain"), pursuant to the Michigan Drain Code, Public Act 40 of 1956, as amended ("Drain Code"). The Drain is under the jurisdiction of the Countyline Intercounty Drain Drainage Board, consisting of the Lapeer County Drain Commissioner, Oakland County Water Resources Commissioner and the Director of the Michigan Department of Agriculture and Rural Development ("Drainage Board").

In 1993, the Drainage Board received a Petition for maintenance and improvement of the Drain. Subsequently, the Drainage Board expended initial funds for engineering and related services in pursuance of the project. However, no further action has been taken on the Petition due to the inability to secure necessary easements. In 2016, the current Drainage Board formally abandoned the Petition pursuant to Section 221(2) of the Drain Code. The Drainage Board is now seeking to recover the costs expended.

Expenditures and Recovery of Costs

Sections 306 and 307 of the Drain Code govern the process in which expended funds may be recovered under certain circumstances. Section 307 provides:

If revolving fund money has been expended or a drainage district is obligated to pay expenses for engineering, legal, or administrative services or to pay principal and interest on notes and if an improvement has not been completed within 5 years after the date of the drainage board's order designating an intercounty drainage district under section 105, the entry of the first order of determination under section 122, or the filing of a petition, if a petition has been filed and ordered abandoned, whichever is later, the drainage board shall apportion the cost as between counties.

[...]

Thereafter the amount apportioned to each county shall be recovered by the county as provided in section 306 for the recovery of expended revolving fund money or indebtedness for which a drainage district is obligated. [Emphasis added.]

Section 306 provides two methods in which each county may recover their apportioned amount:

If the sum involved is too small to justify spreading the sum over the drainage district, the county board of commissioners may order that the sum be spread against the property of the original petitioners as the commissioners consider just and equitable. Otherwise, the county board of commissioners may order that the sum be spread over the district and the drain commissioner shall apportion the sum to the parties that would have been benefited in the district as provided in chapter 7 for the purpose of permitting a review of the assessment roll as to fairness of the apportionment only. [Emphasis added.]

As Section 306 uses permissive, rather than directive language (i.e. “may” versus “shall”), a county board of commissioners may also choose to cover the cost with general fund monies, rather than order the cost spread to the original petitioners or to the drainage district.

Conclusion and Recommendation

It is our understanding that the total amount expended by the Drainage Board prior to the abandonment of the Petition was approximately \$50,000.00, with Lapeer County liable for 72.1% of the cost, and Oakland County liable for 27.9% of the cost. It is also our understanding that in 2016, the Oakland County Water Resources Commissioner paid Oakland County’s percentage from their revolving fund and Oakland County later reimbursed these costs from its general fund. Thus, the outstanding amount to be recovered by the Drainage Board is Lapeer County’s portion of approximately \$36,000.00.

Accordingly, it is our opinion that the funds expended by the Drainage Board for the abandoned Petition must be apportioned between Lapeer and Oakland Counties, with each County liable for their portion of the cost. As the Oakland County portion of the expenses has been paid, the Lapeer County Board of Commissioners must ultimately decide which method to utilize to recoup Lapeer County’s portion of the cost.

Michael Gregg
Joe Suma
Jim Nash
February 23, 2017
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While the Lapeer County Board of Commissioners has discretion to order the cost spread to either the original petitioners or the drainage district pursuant to Section 306, certain factors may play a role in their determination that paying the cost directly from its general fund may be more feasible:

- **Locating Original Petitioners.** Tracking down the original petitioners in order to spread the costs amongst them may prove overly burdensome and time consuming, if not impossible. As the Petition was filed nearly 25 years ago, it is likely that the original petitioners may no longer be living, own lands, or live within the Drainage District.
- **Length of Time Since Petition was Filed.** Due to the length of time that has passed, the current property owners within the Drainage District may not have owned lands at the time the Petition was filed and are most likely not aware of any potential cost they may be liable for associated with the Petition.
- **Size of Potential Assessment.** If the costs were spread amongst the original petitioners (if they can each be located and still own property in the Drainage District), the assessment per petitioner would equal approximately \$5,152.86 (based on 7 petitioners). If the costs were spread amongst the properties within the Drainage District in Lapeer County, the assessment would equal approximately \$583.47 per acre.
- **Differences between Counties.** There may be some angst among property owners when the property owners in the Oakland County portion of the Drainage District do not have to pay an assessment, but the property owners in Lapeer County have to pay assessments related to the costs of an abandoned project.

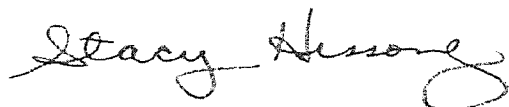
In the event that the Lapeer County Board of Commissioners wishes to pay the Lapeer County share from general funds in the same manner that Oakland County paid, the Oakland County Water Resources Commissioner's Office has stated that an agreement for payment over a period of years at a nominal interest rate could be arranged.

As there may be many questions by the Drainage Board members, as well as Lapeer County representatives, I recommend that the Drainage Board hold a meeting with Lapeer County Board of Commissioner members in attendance.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

FAHEY SCHULTZ BURZYCH RHODES PLC



Stacy L. Hissong

SLH/abs

COUNTYLINE INTERCOUNTY DRAIN DRAINAGE BOARD

COUNTYLINE INTERCOUNTY DRAIN

ORDER OF ABANDONMENT OF PETITION

WHEREAS, a petition, dated February 18, 1993, for the maintenance and improvement of the Countyline Intercounty Drain was filed with the Countyline Intercounty Drain Drainage Board. The Petition is attached to this Order as *Exhibit A*; and

WHEREAS, the Countyline Intercounty Drain is an established intercounty drain, located in Lapeer and Oakland Counties, pursuant to Public Act 40 of 1956, as amended; and


WHEREAS, no contract has been let within five (5) years of the date of the filing of the petition; and

WHEREAS, no litigation has commenced to contest the validity of the proceedings; and

NOW THEREFORE, IT IS HEREBY ORDERED that the petition, dated February 18, 1993, for maintenance and improvement of the Countyline Intercounty Drain is **ABANDONED** pursuant to Section 221 of the Drain Code.

**COUNTYLINE INTERCOUNTY DRAIN
DRAINAGE BOARD**

Dated: January 20, 2017


Michael R. Gregg, Chair
Michigan Department of Agriculture
& Rural Development

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
 Environmental Stewardship Division
Computation of Cost
COUNTY LINE INTERCOUNTY DRAIN
 (Lapeer and Oakland Counties)

The Countyline Intercounty Drain Drainage Board made the following computation of the entire cost of maintaining and repairing said drain on July 21, 2022:

1) Inspection and surveying costs	\$	50,179.21
Incurred petition costs as of November 30, 2016.	\$	50,179.21
2) Design costs	\$	-
3) Construction Costs	\$	-
	\$	-
4) Legal expenses	\$	1,682.80
Fahey, Schultz, Burzych, Rhodes, PLC Invoice	\$	1,682.80
5) Land acquisition / easement costs	\$	-
6) Administrative costs	\$	-
7) Appeal costs	\$	-
8) Borrowing and interest costs	\$	-
Gross Sum of Expenses	\$	51,862.01
Total Cost of Petition Abandonment	\$	51,862.01

Lapeer: 72.1% (\$37,392.51; Oakland: 27.9% (\$14,469.50)

COUNTYLINE INTERCOUNTY DRAIN DRAINAGE BOARD

Joe Suma

Lapeer County Drain Commissioner

Jim Nash

Oakland County Water Resources Commissioner

Mike Gregg, Deputy

For Gary McDowell, Director
 Michigan Department of Agriculture

3

RESOLUTION

WHEREAS, Peggy Ford was born to Henry and Lillian Lusch in Madison Heights, Michigan, and she attended and graduated from Lamphere High School, then attended cosmetology school; and,

WHEREAS, Peggy Ford worked for Lapeer Community Schools before she became employed with Lapeer County working as a Friend of the Court Clerk in 2004, and she later promoted to a Friend of the Court Secretary in 2010; and,

WHEREAS, Peggy Ford was blessed with one daughter, Kayla, in July of 1992; and,

WHEREAS, Peggy Ford has been an active member of Kensington Church, and an active Board member for the Village West Condominium Association, plus she volunteers at Banbury Cross Therapeutic Equestrian Facility; and,

WHEREAS, Peggy Ford will be retiring on December 29, 2022, after 18 years of faithful service to the County of Lapeer, where she now plans on sleeping in, traveling, and riding her horse.

NOW, THEREFORE, BE IT RESOLVED, that this Board of Commissioners of Lapeer County, Michigan, wishes to honor and express deep appreciation to **Peggy Ford** for her many years of dedicated service to the citizens of her community and all of Lapeer County and wishes her well in her retirement.

Gary Roy, Chairman, District #2

Dyle G. Henning, Vice-Chair, District #3

Brenden Miller, District #1

Lenny Schneider, District #4

Rick Warren, District #5

Linda M. Jarvis, District #6

Bryan Zender, District #7

*I hereby certify that the foregoing Resolution was unanimously adopted by a vote at a regular meeting of the Board of Commissioners of the County of Lapeer, State of Michigan, on this 15th day of **December, 2022.***

Theresa M. Spencer, County Clerk
Clerk of the Board

4

DRAFT MOTIONS
RATIFIED UNION WAGE AND AGREEMENT EXTENSIONS
DECEMBER 15, 2022

1. Motion by _____, supported by _____, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2023 between the County of Lapeer and MAPE (Michigan Association of Public Employees), 911 Supervisors Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined.

2. Motion by _____, supported by _____, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2023 between the County of Lapeer and POLC (Michigan Association of Public Employees), 911 Dispatchers Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined.

3. Motion by _____, supported by _____, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and POLC, Corrections Unit C, Sheriff's Department, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined.

5

REQUEST FOR ACTION

DATE: December 12, 2022

- REQUEST FOR ACTION
- FOR YOUR INFORMATION
- REQUEST FOR INFORMATION

TO: County Board of Commissioners

FROM: Jeffrey Satkowski, Emergency Management

SUMMARY OF REQUEST / INFORMATION:

Request to approve and sign the annual agreement for the Emergency Management Performance Agreement.

BACKGROUND INFORMATION:

Approval and submission of this agreement allow for the reimbursement of funds to the County for its Emergency Management program.

SUPPORTING DOCUMENTS:

2022 grant agreement (EMPG)

DRAFT MOTION:

Motion by _____ supported by _____ to approve and accept the 2022 Emergency Management Performance Grant (CFDA# 97.042) American Rescue Plan Act with the State of Michigan, in the amount of \$30,390.00; and further, to authorize the Chair/Vice-Chair and/or County Controller/Administrator to sign said Grant. Motion carried.

ATTACHMENTS **YES**

Michigan State Police
Emergency Management
and
Homeland Security
Division



Grant Agreement

FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME County of Lapeer	GRANT NAME Emergency Management Performance Grants	ASSISTANCE LISTING 97.042
SUBRECIPIENT IRS/VENDOR NUMBER 38-6005780	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN) EMC-2022-EP-00001P	FEDERAL AWARD DATE 8/23/2022
SUBRECIPIENT UEI CET5MYVNZH69	SUBAWARD PERFORMANCE PERIOD FROM 10/1/2021 TO 9/30/2022	
RESEARCH & DEVELOPMENT N/A	Funding	Total
	Federal Funds Obligated by this Action	\$30,390.00
INDIRECT COST RATE None on file	Total Federal Funds Obligated to Subrecipient	\$30,390.00
	Total Amount of Federal Award	\$30,390.00

FEDERAL AWARD PROJECT DESCRIPTION

2022 Emergency Management Performance Grants (EMPG)

DETAILS

The 2022 EMPG allocation is 40.29% of the Subrecipient's emergency program manager's salary and fringe benefits. A cost-match is required under this program. The Federal share used towards the EMPG budget shall not exceed 50% of the total budget.

FEDERAL AWARDDING AGENCY

Federal Emergency Management Agency - GPD
400 C Street, SW, 3rd floor
Washington, DC 20472-3645

PASS-THROUGH ENTITY (RECIPIENT) NAME

Michigan State Police
Emergency Management and
Homeland Security Division
PO Box 30634
Lansing, MI 48909

State of Michigan FY 2022 Emergency Management Performance Grant Grant Agreement

October 1, 2021 to September 30, 2022

Assistance Listing: 97.042 Grant Number: EMC-2022-EP-00001

This Fiscal Year (FY) 2022 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 Recipient), and the

COUNTY OF LAPEER
(hereinafter called the Subrecipient)

I. Purpose

The purpose of this grant agreement is to provide federal pass-through funds to the Subrecipient for the development and maintenance of an emergency management program capable of protecting life, property, and vital infrastructure in times of disaster or emergency.

The FY 2022 EMPG program plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. The objective of the NPS is to facilitate an integrated, all-of-nation/whole community, risk driven, capabilities-based approach to preparedness.

In support of the National Preparedness Goal, the FY 2022 EMPG supports a comprehensive, all-hazard emergency preparedness system to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas.

For more information on the NPS, federally designated priorities, and the FY 2022 EMPG objectives, as well as guidance on allowable costs and program activities, please refer to the FY 2022 EMPG Notice of Funding Opportunity (NOFO) and the FEMA Preparedness Grants Manual located at <https://www.fema.gov/grants>.

II. Statutory Authority

Funding for the FY 2022 EMPG is authorized by Section 662 of the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), as amended, (Pub. L. No. 109-295) (6 U.S.C. § 762); the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); the *Earthquake Hazards Reduction Act of 1977*, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and the *National Flood Insurance Act of 1968*, as amended (Pub. L. No. 90-448) (42 U.S.C. §§ 4001 et seq.).

Appropriation authority is provided by the *Department of Homeland Security Appropriations Act, 2022*, (Pub. L. No. 117-103); *Disaster Relief Supplemental Appropriations Act, 2022*, Pub. L. No. 117-43 (2021).

The Subrecipient agrees to comply with all FY 2022 EMPG program requirements in accordance with the FY 2022 EMPG NOFO, and the FEMA Preparedness Grants Manual; both are located at <https://www.fema.gov/grants/preparedness/emergency-management-performance>; the *Michigan Emergency Management Act* of 1976, as amended (Public Act 390) at <http://www.legislature.mi.gov/doc.aspx?mcl-Act-390-of-1976>; and the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.) located at <https://www.fema.gov/disaster/stafford-act>; and the *FY 2022 EMPG Agreement Articles Applicable to Subrecipients*. The *FY 2022 EMPG Agreement Articles Applicable to Subrecipients* document is included for reference in the grant agreement packet.

The Subrecipient shall also comply with the most recent version of:

- A. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>.
- B. FEMA Policy #108-023-1 *Grant Programs Directorate Environmental Planning and Historic Preservation Policy Guidance*.

III. Award Amount and Restrictions

- A. The **County of Lapeer** is awarded **\$30,390.00** or 40.29% of the Subrecipients local emergency manager's salary and fringe benefits under the **FY 2022 EMPG**. The Subrecipient may receive less than the allocated amount if the Subrecipient's cost share (match) of wages and fringe benefits paid to the local emergency manager are less than the total allocation. The Subrecipient's EMPG program budget must be documented on the Local Budget for Emergency Management Performance Grant form (EMD-17).
- B. The FY 2022 EMPG covers eligible costs from October 1, 2021, to September 30, 2022. The funds awarded in the grant agreement shall only be used to cover allowable costs that are incurred during the agreement period. Grant funds shall not be used for other purposes. For guidance on allowable costs, please refer to the EMPG Appendix in the FEMA Preparedness Grants Manual.
- C. This grant agreement designates EMPG funds for the administration and oversight of an approved emergency management program. **The Subrecipient may utilize grant funds for the reimbursement of salary, overtime, compensatory time off, and associated fringe benefits for the local emergency manager, and up to 5% of the total allocation may be utilized for other allowable organization costs.** No other expenditures are allowed. If other organization costs are requested, a narrative must be submitted detailing the expenses that are included in these costs.
- D. The FY 2022 EMPG program has a 50% cost share (cash or in-kind) requirement, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended, (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.), specifically, Title VI, sections 611(j) and 613. Federal funds cannot exceed 50% of eligible costs. Unless otherwise authorized by law, federal funds cannot be matched with other federal funds.

The Federal Emergency Management Agency (FEMA) administers cost sharing requirements in accordance with 2 CFR § 200.306. To meet matching requirements, the Subrecipient contributions must be reasonable, allowable, allocable, and necessary under the grant program and must comply with all federal requirements and regulations.

See the FY 2022 EMPG NOFO and FEMA Preparedness Grants Manual for additional cost share guidance, definitions, basic guidelines, and governing provisions.

- E. All EMPG funded personnel must complete either the Independent Study courses identified in the Professional Development Series, or the National Emergency Management Basic Academy delivered either by the Emergency Management Institute or a sponsored state, local, tribal, territorial, regional, or other designated location and record proof of completion. All EMPG funded personnel must also participate in exercises consistent with the requirements outlined in the EMPG Guidebook and work agreement.

The EMPG programs are required to complete a quarterly training and exercise report identifying training and exercises completed during the quarter. Guidance for accomplishing these requirements is provided by the Recipient.

- F. Upon request, the Subrecipient must provide to the Recipient information necessary to meet any state or federal subaward reporting requirements.
- G. In the event that the U.S. Department of Homeland Security (DHS) determines that changes are necessary to the award document after an award has been made, including but not limited to, changes to period of performance or terms and conditions, Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.

IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- B. The Subrecipient agrees to comply with all applicable federal and state regulations; the FY 2022 EMPG NOFO; the FEMA Preparedness Grants Manual Version 2; the *Agreement Articles Applicable to Subrecipients: Fiscal Year 2022 Emergency Management Performance Grants*, included with the grant agreement package for reference; and the EMPG Guidebook (EMD-PUB 208),
- C. The subrecipient shall not use FY 2022 EMPG funds to generate program income.
- D. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
 - 1. Subrecipient Risk Assessment Certification.
 - 2. Standard Assurances.
 - 3. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.
 - 4. Audit Certification (EMD-053).
 - 5. Request for Taxpayer Identification Number and Certification (W-9).
 - 6. Other documents that may be required by federal or state officials.
- E. Complete and submit quarterly work reports, the Quarterly Training and Exercise Worksheet, and the Annual Training and Exercise Plan Worksheet in accordance with the schedule outlined in the FY 2022 EMPG Work Agreement/Quarterly Report (EMHSD-31).

- F. Enact enabling legislation establishing the local emergency management program and ensure a copy of the local resolution or ordinance is on file with the Recipient.
- G. Appoint an emergency management program manager who can assume responsibility for the functions outlined in section 4 of the EMPG Guidebook.
- H. Provide the Recipient with a complete job description for the federally funded EMPG local emergency manager, including non-EMPG duties if applicable.
- I. Notify the Recipient immediately of any changes in the EMPG funded local emergency manager's position.
- J. The Subrecipient will contribute to the development and maintenance of the state's multi-year Training and Exercise Plan (TEP). This will include conducting exercises that comply with local, state, and federal requirements, including the Homeland Security Exercise and Evaluation Program (HSEEP) and the EMPG Guidebook, to accomplish this goal.
- K. Ensure the EMPG funded local emergency manager completes training as required by the annual EMPG Work Agreement.
- L. Have an approved and current emergency operations plan on file with the MSP/EMHSD District Coordinator.
- M. The Subrecipient agrees to prepare the form EMHSD-007 - EMPG Quarterly Billing Cover Sheet. The Subrecipient agrees to submit this form with supporting documentation, including all required authorized signatures and required reimbursement documentation to the appropriate MSP/EMHSD District Coordinator by the due date following the end of **each** quarter, as identified in FY 2022 Emergency Management Report Schedule. The most current EMHSD-007 form must be used and can be obtained from the MSP/EMHSD District Coordinator, or by visiting https://www.michigan.gov/msp/0,4643,7-123-72297_60152_95164_95317---,00.html under Finance Forms.
- N. Comply with applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including, but not limited to, the following provisions:
 - 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 pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
 - 3. Non-federal organizations which expend \$750,000 or more in all federal funds during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and 2 CFR, Part 200.
- O. Comply with all reporting requirements, including special reporting, data collection, and evaluation requirements, as prescribed by law or program guidance.
- P. Maintain a valid Unique Entity Identifier (UEI) through SAM.gov at all times during the performance period of this grant.
- Q. The Subrecipient must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. The Subrecipient also agrees to require any subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree to comply with these same provisions. Detailed information on record access provisions can be found in the *DHS Standard Administrative Terms and Conditions*

located at <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>, specifically in the DHS Specific Acknowledgements and Assurances on page 1.

- R. Subrecipients must carry out their programs and activities in a manner that respects and ensures the protection of civil rights for protected populations. These populations include but are not limited to individuals with disabilities and others with access and functional needs, individuals with limited English proficiency, and other diverse racial and ethnic populations, in accordance with Section 504 of the *Rehabilitation Act of 1973*, Title VI of the *Civil Rights Act of 1964*, and Executive Order 13347.

V. Responsibilities of the Recipient

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

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

VI. Reporting Procedures

- A. The Subrecipient agrees to prepare quarterly work reports using the FY 2022 EMPG Work Agreement/Quarterly Report (EMHSD-31) and submit them through EMHSD's online reporting tool by the due date following the end of **each** quarter. Reimbursement of expenditures by the Recipient is contingent upon the Subrecipient's completion of scheduled work activities. Reporting periods and due dates are listed in the FY 2020 EMPG Work Agreement/Quarterly Report (EMHSD-31). The FY 2022 EMPG Work Agreement can be located at www.michigan.gov/emhsd under Grants Programs, EMPG.
- B. If the Subrecipient fails to complete the scheduled work activities during a quarter, the Recipient will withhold reimbursement until either the work is completed, or the Deputy State Director of Emergency Management approves a delay in the completion of the activity. Forfeiture of funds may result if scheduled work activities are not completed according to established deadlines.
- C. A Subrecipient that fails to complete the annual exercise requirements, as scheduled within the FY 2022 EMPG Work Agreement/Quarterly Report, may be ineligible for EMPG funding for that quarter and all subsequent quarters.
- D. The Subrecipient's failure to fulfill the quarterly reporting requirements, as required by the grant, may result in the suspension or loss of grant funding.

VII. Payment Procedures

- A. The Subrecipient agrees to prepare the form EMHSD-007 - EMPG Quarterly Billing Cover Sheet. The Subrecipient agrees to submit this form with supporting documentation, including all required

authorized signatures and required reimbursement documentation, to the MSP/EMHSD District Coordinator by the due date following the end of **each** quarter, as identified in FY 2022 Emergency Management Report Schedule. The most current EMHSD-007 form must be used and can be obtained from the MSP/EMHSD District Coordinator, or by visiting www.michigan.gov/emhsd under Grant Programs, EMPG, Grant Forms, Finance Forms.

- B. If the Subrecipient submits required quarterly reports that are late or incomplete, the reimbursement may not be processed until the following quarter. Forfeiture of funds may result if quarterly reports are not completed according to established deadlines.
- C. The Subrecipient agrees to return to the Recipient any unobligated balance of funds held by the Subrecipient at the end of the agreement period or handle them in accordance with the instructions provided by the Recipient.

VIII. Employment Matters

The Subrecipient shall comply with Title VI of the *Civil Rights Act of 1964*, as amended; Title VIII of the *Civil Rights Act of 1968*; Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*; the *Age Discrimination Act of 1975*; Titles I, II and III of the *Americans with Disabilities Act of 1990*; 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. The Subrecipient shall not discriminate against any employee or applicant for employment, to be employed in the performance of this grant agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment; or any matter directly or indirectly related to employment because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, limited English proficiency, or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. The Subrecipient agrees to include in every contract or subcontract entered into for the performance of this grant agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of the grant agreement.

The Subrecipient shall ensure that no subcontractor, manufacturer, or supplier of the Subrecipient for projects related to this grant agreement appears on the Federal Excluded Parties List System located at <https://www.sam.gov>.

IX. Limitation of Liability

The Recipient and the Subrecipient to this grant agreement agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this 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 for either party.

X. Third Parties

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

XI. Grant Agreement Period

This grant agreement is in full force and effect from October 1, 2021, to September 30, 2022. 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 may be terminated by either party by giving thirty (30) days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient.

XII. Entire Grant Agreement

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

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

- A. Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- B. Failure to comply with the requirements or statutory objectives of federal or state law.
- C. Failure to make satisfactory progress toward the goals or objectives set forth in the annual EMPG Work Agreement.
- D. Failure to follow grant agreement requirements or special conditions.
- E. Failure to submit required reports.
- F. Filing of a false certification in the application or other reports or documents.

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

XIII. Business Integrity Clause

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

XIV. Freedom of Information Act (FOIA)

Much of the information submitted in the course of applying for funding under this program, or provided in the course of grant management activities, may be considered law enforcement-sensitive or otherwise critical to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. Therefore, each Subrecipient agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subrecipient should be

familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR, Part 29) and Sensitive Security Information (49 CFR, Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

XV. Official Certification

For the Subrecipient

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

County of Lapeer
Subrecipient Name

CETSMYVN2 H69
Subrecipient UEI

For the Chief Elected Official

Printed Name

Title

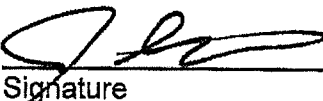
Signature

Date

For the Local Emergency Manager

Jeffrey Satkowski
Printed Name

Executive Director
Title

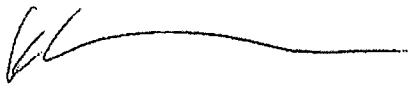

Signature

12/12/2022
Date

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

Capt. Kevin Sweeney
Printed Name

Commander, Emergency Management
and Homeland Security Division
Title


Signature

September 13, 2022
Date



SUBRECIPIENT RISK ASSESSMENT CERTIFICATION

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

Subrecipient:	County: <p style="text-align: center;">Lapeer</p>	UEI: <p style="text-align: center;">CET5MYVNZH69</p>
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Questions

1. How many federal grant awards has your organization managed in the past 5 years regardless of awarding agency?
 - No grants
 - 1-3 grants
 - 4-5 grants
 - 6+ grants

2. What percentage of your grant management staff has fewer than 2 years of grant experience?
 - 0-25% of staff
 - 26-50% of staff
 - 51-75% of staff
 - 76-100% of staff

3. Has your organization had a new or substantially changed financial/accounting system(s) in the past 2 years?
 - Yes
 - No

4. What types of findings (audit, site monitoring, etc.) has your organization received within the past 5 years?
(Attach a separate sheet explaining any findings resulting in questioned costs or a return of funds.)
 - Never Audited or No
 - Unsupported costs (lack of documentation)
 - Unreasonable use of funds
 - Questioned costs or required to return funds

5. Does your agency have staff primarily dedicated (>50%) to grants management activities?
 - Yes
 - No

Certification

I certify the information provided in this assessment is true and accurate, and that all occurrences of prior grant non-compliance have been disclosed.

Authorized Representative Signature:	Date:	
Authorized Representative Printed Name:	Title:	
Point of Contact Printed Name:	Title:	Email:



STANDARD ASSURANCES

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

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

Signature _____

Date _____



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

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

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

1. LOBBYING

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

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

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

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

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

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

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

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

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

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

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature


6. Date

AUDIT CERTIFICATION

Federal Audit Requirements

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

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

I. Program Information			
Program Name 2022 EMPDG/ARPA		CFDA Number 97.042	
II. Subrecipient Information			
Subrecipient Name County of Lapeer			
Street Address 255 Clay Street		City Lapeer	State ZIP Code MI 48466
III. Certification for Fiscal Year			
Subrecipient Fiscal Year Period: _____ to _____.			
<input type="checkbox"/> I certify that the subrecipient shown above does NOT expect it will be required to have an audit performed under 2 CFR Part 200, Subpart F, for the above listed program.			
<input checked="" type="checkbox"/> I certify that the subrecipient shown above expects it will be required to have an audit performed under 2 CFR Part 200, Subpart F, during at least one fiscal year funds are received for the above listed program. A copy of the audit report will be submitted to: Michigan State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.			
Signature of Subrecipient's Authorized Representative 			Date 12/21/21

Submit audit report to:

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

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

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

Request for Taxpayer Identification Number and Certification

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
COUNTY OF LAPEER

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____
 Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ **LOCAL GOVERNMENT**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
255 CLAY STREET

6 City, state, and ZIP code
LAPEER, MI 48446

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
			-			-			
Employer identification number									
3	8	-	6	0	0	5	7	8	0

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶  Date ▶ **1-5-2022**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
<ul style="list-style-type: none"> • Corporation 	Corporation
<ul style="list-style-type: none"> • Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes. 	Individual/sole proprietor or single-member LLC
<ul style="list-style-type: none"> • LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes. 	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
<ul style="list-style-type: none"> • Partnership 	Partnership
<ul style="list-style-type: none"> • Trust/estate 	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLÉ accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

Agreement Articles Applicable to Subrecipients Fiscal Year 2022 Emergency Management Performance Grants

Article I - DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2022 U.S. Department of Homeland Security (DHS) Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations. The FY 2022 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

Article II - General Acknowledgment and Assurances

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.

I. Subrecipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Subrecipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

III. Subrecipients must submit timely, complete, and accurate reports to the recipient and maintain appropriate backup documentation to support the reports.

IV. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

Article III - John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute - as it applies to DHS recipients, subrecipients, and their contractors and subcontractors - prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article IV - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) 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. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article V - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act Sections 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all

components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) All construction materials are manufactured in the United States--this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements.

(a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

- (1) Applying the domestic content procurement preference would be inconsistent with the public interest;
- (2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at "[Buy America](#)" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. For awards by other DHS components, please contact the applicable DHS FAO.

To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

Article VI - Environmental Planning and Historic Preservation (EHP) Review

The DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the subrecipient to comply with all federal, state, and local laws.

The DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, subrecipient will monitor ground disturbance, and if any potential archeological resources are discovered the subrecipient will immediately cease work in that area and notify the recipient, if applicable, and DHS/FEMA.

Article VII - Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its

inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article VIII - Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article IX - Activities Conducted Abroad

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.

Article X - Reporting of Matters Related to Subrecipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the Subrecipients 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 award terms and conditions.

Article XI - Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons:

Subrecipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XII - Federal Leadership on Reducing Text Messaging while Driving

Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in Executive Order (EO) 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XIII - Debarment and Suspension

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing EO 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict 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.

Article XIV - Fly America Act of 1974

Subrecipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 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. section 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.

Article XV - Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which 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 XVI - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. 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 Subrecipients 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 XVII - Copyright

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

Article XVIII - Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which 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 (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article XIX - Best Practices for Collection and Use of Personally Identifiable Information

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. The DHS defines 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. Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources, respectively.

Article XX - Civil Rights Act of 1964, Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that 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. The DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XXI - Hotel and Motel Fire Safety Act of 1990

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 of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XXII - Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment 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 pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article XXIII - Patents and Intellectual Property Rights

Subrecipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, 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 located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXIV - Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXV - Terrorist Financing

Subrecipients must comply with EO 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Subrecipients are legally responsible to ensure compliance with the Order and laws.

Article XXVI - Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, you must request prior written approval where required by 2 C.F.R. section 200.308.

For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved.

For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work.

Article XXVII - Acknowledgement of Federal Funding from DHS

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 XXVIII - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.

Article XXIX - Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that 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 XXX - False Claims Act and Program Fraud Civil Remedies

Subrecipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXXI - Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure 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 contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXXII - Lobbying Prohibitions

Subrecipients must comply with 31 U.S.C. section 1352, which provides that 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 XXXIII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide 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. The DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XXXIV - Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article XXXV - National Environmental Policy Act

Subrecipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require 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 XXXVI - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

The DHS financial assistance Subrecipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. 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 (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article XXXVII - USA PATRIOT Act of 2001

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 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

Article XXXVIII - Non-Supplanting Requirement

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 XXXIX - Drug-Free Workplace Regulations

Subrecipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the Subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XL - Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier 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 located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XLI - Energy Policy and Conservation Act

Subrecipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XLII - Whistleblower Protection Act

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLIII - Federal Debt Status

All 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. (See OMB Circular A-129.)

Article XLIV - Use of DHS Seal, Logo and Flags

Subrecipients must obtain permission from 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 XLV - Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All Subrecipients must comply with any such requirements set forth in the program NOFO.

Article XLVI - SAFECOM

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.

LIST OF BOARD APPOINTMENTS BY EXPIRATION DATE
Revised 12/12/2022

Name	Board	Length of Term	Expiration Date
Vacant needing to be filled			
Vacant- Controller	Brownfield Redevelopment Authority	Un-expired 3-year term	December 31, 2025
Vacant – Controller	Economic Development Corp.	Un-expired 6-year term	December 31, 2027
	Medical Examiner	4-year term	60 days from December 15, 2022
2022			
Richard Ziehm	Agricultural Preservation Board	3-year term	December 31, 2022
Scott Jarvis	Agricultural Preservation Board	3-year term	December 31, 2022
Richard Voss	Building Authority	3-year term	December 31, 2022
Tom Kish – Citizen at Large	Emergency Planning Committee/Emergency Management Advisory C	2-year term	December 31, 2022
Kevin Boxey – Community Group	Emergency Planning Committee/Emergency Management Advisory C	2-year term	December 31, 2022
Cheryl Clark – Community Group	Emergency Planning Committee/Emergency Management Advisory C	2-year term	December 31, 2022
Michael Hemmingsen -Not seeking re-appointment	GLS-Region V Planning	1-year term	December 31, 2022
Ana Lerma	Senior Programs Advisory Board – District#1	2-year term	December 31, 2022
Gary Roy	Senior Programs Advisory Board – District#2	2-year term	December 31, 2022
Walt Roseburgh	Senior Programs Advisory Board – District#3	2-year term	December 31, 2022
Christina Muxlow	Senior Programs Advisory Board – District#4	2-year term	December 31, 2022
Rick Warren	Senior Programs Advisory Board – District#5	2-year term	December 31, 2022
Bonnie Kavalunas	Senior Programs Advisory Board – District#6	2-year term	December 31, 2022
Vacant	Senior Programs Advisory Board – District#7	2-year term	December 31, 2022
Jeff Satkowski	Senior Programs Advisory Board – Member	2-year term	December 31, 2022
Alan Pierce	Senior Programs Advisory Board – Member	2-year term	December 31, 2022
Roberta (Bonnie) Freeman	Senior Programs Advisory Board – Lapeer Center	2-year term	December 31, 2022
Pat Arnaud	Senior Programs Advisory Board – Imlay City Center	2-year term	December 31, 2022

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**DRAFT MOTIONS FROM THE
December 8, 2022
Committee of the Whole Meeting**

1. Motion by Zender, supported by Schneider, to recommend to the Full Board, to authorize the purchase of 22 budgeted computer work stations and 22 monitors by the Friend of the Court, to be purchased by IT Department in accordance with the County Purchase Policy, at a cost not to exceed \$23,000.00. Motion carried.

2. Motion by Schneider, supported by Zender, to recommend to the Full Board, to approve the request by Community Mental Health to renew the lease agreement between Lapeer County and Hamilton Community Health Network, Inc., and to approve the request to increase the County allocation in the amount of \$1,404.00; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried.

3. Motion by Miller, supported by Zender, to recommend to the Full Board, that Buildings and Grounds/Parks Department take back custody of the Community Mental Health/GLTA vans on Friday December 16, 2022 at 3:00 p.m. unless Lapeer County is added to the insurance policy. Motion carried.

4. Motion by Schneider, supported by Jarvis, to recommend to the Full Board, to authorize payment to Shifman Fournier, in the amount of \$6,675.00, for labor related legal services rendered through November 30, 2022, to be paid from line item 101-239-801.020. Motion carried.

5. Motion by Miller, supported by Zender, to recommend to the Full Board, due to anticipated vacancy of the County Controller/Administrator and the appointment of the current Chief Financial Officer as interim, to authorize the acceptance of the proposal from Maner Costerian to provide year-end accounting services and audit preparation for year ending December 31, 2022, in the amount not to exceed \$50,000.00, to be paid from 101-239-8013.010; and further, to authorize the Chair/Vice-Chair to sign said engagement letter for services and the agreement of services after any recommended language changes pursuant to Corporation Counsel's legal review. Motion carried.

Draft Motions from the Committee of the Whole Continued

- 6. Motion by Zender, supported by Jarvis, to recommend to the Full Board, to adopt the following Resolution regarding the proposed "Dryden Casey Project" and authorize the submission of the Spark Grant Application for the development of the Polly Ann Trail from Dryden Road to Casey Road, in the amount of \$286,000.00 which includes a financial commitment of \$10,000.00 from the Friends of the Polly Ann Trail:

RESOLUTION

WHEREAS, Lapeer County supports the submission of an application titled, "Dryden Casey Project" to the Spark grant program for development of the Polly Ann Trail from Dryden Road to Casey Road; and,

WHEREAS, the Friends of the Polly Ann Trail is hereby making a financial commitment to the project in the amount of \$10,000.00 matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following source:

Friends of the Polly Ann Trail	\$10,000.00
Total	\$10,000.00

NOW THEREFORE, BE IT RESOLVED. that Lapeer County Board of Commissioners of Lapeer County, Michigan, hereby authorizes submission of a Spark Grant Application for \$286,000.00; and further resolves to make available a local match through a financial commitment and donation of \$10,000.00 (3.5%) of a total \$286,000.00 project cost, during the 2023-2024 fiscal year.

Roll Call vote:

- 7. Motion by Zender, supported by Schneider, to recommend to the Full Board, pursuant to the recommendations of the American Rescue Plan Act Committee (ARPA) and in response to the Covid-19 public health emergency and pursuant to previous Board of Commissioners Motion #346-22, to accept the proposal from Vector Tech Group for the Technology Building Network Re-cabling Project, in the amount not to exceed \$227,500.00, to be paid from Fund 281 (expenditure category 6.1). Motion carried.
- 8. Motion by Schneider, supported by Zender, to recommend to the Full Board, to authorize the renewal of the one-year Excess Workers Compensation Services for Fiscal Year 2023 with Midwest Employers Casualty in the total combined budgeted amount of \$71,604.00 (shared portion between county and Medical Care Facility), to be paid from line item 101-242-713.000; and further, to authorize the Chair/Vice-Chair to sign said to sign said agreement. Motion carried.

Draft Motions from the Committee of the Whole Continued

9. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Interlocal Agreement between the County of Lapeer and Oakland County for Medical Examiner Services, effective immediately following the 60-day termination notice of services with the Michigan Institute of Forensic Science & Medicine (MIFSM); and further, to authorize the Chair/Vice-Chair to sign said agreement, and that the Administration Office send the termination notice to Michigan Institute of Forensic Science & Medicine (MIFSM) immediately following the December 15, 2022 Regular Board Meeting. Motion carried.

10. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and AFSCME Council 25, Health Department Unit, extended through December 31, 2026, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

11. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2023 between the County of Lapeer and POLC, Command Unit A, Sheriff's Department, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

12. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2023 between the County of Lapeer and POAM, Deputies Unit B, Sheriff's Department, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

13. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and POLC, Corrections Command Unit D, Sheriff's Department, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

Draft Motions from the Committee of the Whole Continued

14. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and Teamsters Local 214, General Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

15. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and Teamsters Local 214, Community Mental Health Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

16. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and Teamsters Local 214, District Court Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

17. Motion by Miller, supported by Schneider, to recommend to the Full Board, to approve the Letter of Agreement and Contract Extension to the current labor agreement expiring December 31, 2024 between the County of Lapeer and Teamsters Local 214, Friend of the Court Unit, extended through December 31, 2025, as attached; and further, to authorize the Finance Department to proceed with the appropriate wage adjustments as outlined. Motion carried.

DRAFT PROPOSED PERSONNEL MOTIONS
FROM THE DECEMBER 8, 2022
PERSONNEL COMMITTEE MEETING

1. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize 911 Central Dispatch to fill one full-time Communications Specialist position (#227, new pay grade 16) due to a recent resignation effective 11/30/22, at no additional cost to the County's General Fund. Motion carried unanimously.

2. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize the Health Department to fill the one full-time Sanitarian or Registered Sanitarian position (#299) which has been vacant for more than six months, at no additional cost to the County's General Fund. Motion carried unanimously.

3. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize the Health Department to one vacant non-regular part-time Social Worker position (#329) that has been vacant for more than six months, as well as any subsequent vacancy should an internal promotion occur, at no additional cost to the County's General Fund. Motion carried unanimously.

4. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize the Health Department to fill one vacant non-regular part-time Dietitian position (#328) that has been vacant for more than six months, at no additional cost to the County's General Fund. Motion carried unanimously.

5. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize the Health Department to fill one vacant non-regular part-time Public Health Nurse position (#323) due to a recent resignation, at no additional cost to the County's General Fund. Motion carried unanimously.

6. Motion by Zender, supported by Henning, to recommend to the Full Board to authorize Community Mental Health to fill one full-time Master Level Case Manager Supervisor position (#545) in the Adult Case Management Program due to an ABA Technician position (#383) in the Autism Benefit Program due to a recent resignation effective 11/21/22, as well as any subsequent vacancy should an internal transfer or promotion occur, at no cost to the County's General Fund. Motion carried unanimously.

- 7. Motion by Zender, supported by Henning, to recommend to the Full Board to authorize Community Mental Health to fill one full-time Master Level Therapist position (#530) in the Children's Program due to a recent resignation effective 11/29/22, as well as any subsequent vacancy should an internal transfer or promotion occur, at no cost to the County's General Fund. Motion carried unanimously.**

- 8. Motion by Zender, supported by Henning, to recommend to the Full Board to authorize Community Mental Health to amend their Table of Organization to create and add one full-time Data Management Coordinator position (#TBD, new pay grade 21), as well as any subsequent vacancy should an internal promotion occur, at no cost to the County's General Fund. Motion carried unanimously.**

- 9. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize Community Mental Health to amend their Table of Organization to add one additional full-time Master Level Clinical Case Manager/Therapist position in the Children's Services Department (#TBD, at new pay grade 21), at no cost to the County's General Fund. Motion carried unanimously.**

- 10. Motion by Henning, supported by Zender, to recommend to the Full Board to authorize Community Mental Health to amend their Table of Organization to eliminate three regular part-time ABA/RBT Technician positions (#710, #702, and #378) in the Autism Services Department and to add two full-time ABA/RBT Technician positions (#TBD, at new Pay Grade 14 for ABA and new Pay Grade 15 for RBT), at no cost to the County's General Fund. Motion carried unanimously.**

- 11. Motion by Zender, supported by Henning, to recommend to the Full Board to authorize Community Mental Health to amend their Table of Organization to eliminate a regular part-time Peer Support Specialist position (#715) in the Co-Occurring Services Department and add one full-time Peer Support Specialist position (#TBD, new pay grade 15), at no cost to the County's General Fund. Motion carried unanimously.**

PROPOSED DRAFT MOTION
FROM THE
DECEMBER 8, 2022
ARPA COMMITTEE MEETING

- 1. Motion by Henning, supported by Schneider, to recommend to the Full Board, pursuant to the recommendation of the ARPA Committee and in response to the impacts of the Covid-19 public health emergency, to authorize the Lapeer County Animal Control Department to purchase CLEMIS equipment needed to make the Animal Control vehicles mobile for ticket writing, at a cost not to exceed \$15,000.00, to be paid from Fund 281 (expense category 6.1), with the understanding that AC will pay the annual membership fees from within their department's budget each year. Motion carried unanimously.**