

ORDINANCE NO. 2674

AN ORDINANCE OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$12,708.50, AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS FOR OFFSETTING COVID-19 EXPENSES.

WHEREAS, on March 13, 2020, the President of the United States declared that the ongoing Coronavirus Disease 2019 (COVID-19) pandemic was of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, in accordance with Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of the Federal Emergency Management Agency's (FEMA's) Public Assistance program; and

WHEREAS, the City of Salisbury (the City) incurred substantial expenses preparing for and responding to the COVID-19 pandemic; and

WHEREAS, the City submitted a project grant application to FEMA for funding to offset expenses related to the acquisition of personal protective equipment (PPE) purchased in response to the COVID-19 crisis, and the provision of additional fire apparatus and equipment to assist EMS units with transporting patients with COVID-19 or suspected of having COVID-19; and

WHEREAS, FEMA funding assistance has been provided to the City at a one hundred percent (100%) federal cost share rate, resulting in the City receiving a reimbursement payment of \$12,708.50; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to enter into a grant agreement with the Federal Emergency Management Agency, on behalf of the City of Salisbury, for the City's acceptance of grant funds in the amount of \$12,708.50.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's Grant Fund Budget be and hereby is amended as follows:

- (a)** Increase DHS / FEMA Revenue Account No. 10500-425120-XXXXX by \$12,708.50.
- (b)** Increase SFD Medical Expense Account No. 10500-546016-XXXXX by \$12,708.50.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.


Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

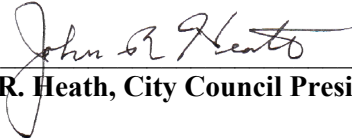
Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 28th day of June, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 12th day of July, 2021.

ATTEST:



Kimberly R. Nichols, City Clerk

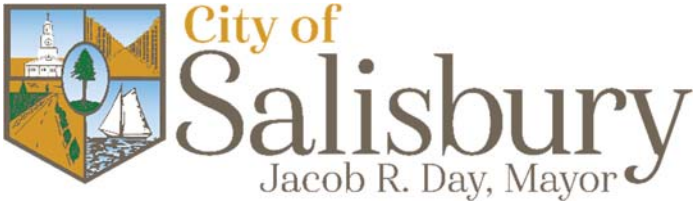


John R. Heath, City Council President

Approved by me, this 22nd day of July, 2021.



Jacob R. Day, Mayor



MEMORANDUM

To: Julia Glanz, City Administrator
From: John W. Tull, Fire Chief
Subject: Budget Amendment – COVID-19 Expenses
Date: June 3, 2021

As you are aware, on March 13, 2020, the President of the United States declared that the ongoing Coronavirus Disease 2019 (COVID-19) pandemic was of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Since then, the City has incurred substantial expenses preparing for and responding to the COVID-19 pandemic. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of the Federal Emergency Management Agency's (FEMA) Public Assistance program at a 75 percent federal cost share.

With this in mind, the City has submitted an additional project application to FEMA seeking reimbursement for incurred expenses during the timeframe of July 1, 2020 through December 31, 2020. FEMA has approved our project application and will fund our reimbursement request at a rate of 100 percent.

Attached you will find an Ordinance requesting the approval of a budget amendment to the grant fund for the purpose of accepting funds from the Federal Emergency Management Agency (FEMA) in the amount of \$12,708.50.

If you should have any questions or comments, please do not hesitate to contact me.

May 12, 2021

Mr. John Tull
Fire Chief
Salisbury
325 Cypress St
Salisbury MD 21801-4060

Re: **Project Approval – PW#166**
(Grants Portal Project #175506 – COVID-19 Project 3)
Salisbury (FIPS# 045-69925-00)
COVID-19 Disaster (FEMA-4491-DRMD) – Public Assistance CFDA# 97.036

Dear Mr. Tull:

The Federal Emergency Management Agency (FEMA) has reviewed and approved the enclosed Project Worksheet PW#166 for reimbursement of response and recovery costs resulting from the COVID-19 Disaster. The reimbursement for this grant is the 100% Federal Share of the project's Eligible Costs. Payment in the amount of **\$12,708.50** is being processed, and should be received within four to six weeks.

PW#	Grants Portal #	Eligible Costs	Reimbursement
166	175506	\$ 12,708.50	\$ 12,708.50

In accordance with 44 CFR § 206.206 (enclosed), which governs the Public Assistance appeal process, you have 60 days from the date of receipt of this letter to appeal any action related to this disaster. Any appeal of a FEMA decision should be submitted through the MEMA Public Assistance office with supporting justification.

Thank you for your hard work throughout the COVID-19 Disaster response and recovery. If you have any questions regarding this project or its payment, please contact me at 410-517-3625.

Sincerely,

**John
Harding, Jr.**
John Harding, Jr.
Public Assistance Grants Administrator

Digitally signed by John Harding, Jr.
DN: cn=John Harding, Jr., o=FJIS,
ou=Maryland Emergency Management
Agency, ou=Public Assistance,
email=John.Harding@Maryland.gov
Date: 2021.05.12.23.28.57 -0400

djn
2 enclosures

cc: Dave Shipley, Director, Wicomico County Emergency Management Agency

DR-4491
 COVID-19 Disaster

**Department of Homeland Security
 Federal Emergency Management Agency**

General Info

Project #	175506	PW#	166	Project Type	Work Completed / Fully Documented
Project Category	B - Emergency Protective Measures			Applicant	Salisbury, City of (045-69925-00)
Project Title	Salisbury COVID-19 Project 3			Event	4491DR-MD (4491DR)
Project Size	Small			Declaration Date	3/26/2020
Activity Completion Date	9/26/2020			Incident Start Date	1/20/2020
Process Step	Obligated			Incident End Date	Ongoing

Damage Description and Dimensions

The Disaster # 4491DR, which occurred between 01/20/2020 and Ongoing, caused:

Damage # 445005; Emergency Protective Measures (Damage for Project [175506] Salisbury COVID-19 Project 3)

During the incident period of 1/20/2020 through Ongoing, COVID-19 created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.

- Provided Provision of Supplies and Commodities for preventing the spread of COVID-19 at City of Salisbury from 7/1/2020 to 12/31/2020.
- Provided Medical Care and Transport for assisting EMS units for COVID-19 patients at City of Salisbury from 7/1/2020 to 12/31/2020.

Final Scope

445005 Damage for Project [175506] Salisbury COVID-19 Project 3

Work Completed

In response to the COVID-19 Public Health Emergency, the applicant utilized force account equipment and materials in taking the Emergency Protective Measures for the City of Salisbury.

All work and costs in this project fall between 07/01/20 and 12/31/2020.

City of Salisbury

A. Purchase and distribution of Personal Protective Equipment (PPE), hand sanitizer, disinfectant deodorizer, antimicrobial hand soap, electric fog atomizer sprayer, Pulse oximeters, Infrared thermometers, and disinfectant wipes to help reduce and eliminate the threat to staff from COVID-19.

B. Additional fire apparatus and equipment to assist EMS units with transporting patients with COVID-19 or suspected of having COVID-19.

Work Completed Total

1. Force Account Materials: \$6,137.00
2. Force Account Equipment: 110 Units, 70.5 Hours = \$6,571.50

Work Completed Total \$ 12,708.50

Project Notes:

1. Scope and cost were developed based on applicant cost summaries and certification included in the Schedule EZ.
2. Applicant has requested complete removal of the Force Account Labor costs. *See Approval to remove ineligible costs.pdf; 4491DR-MD City of Salisbury #175506 RFI-PRJ-46898.msg*
3. FEMA will not approve Public Assistance that duplicates funding or assistance provided by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.
4. FEMA will only reimburse for PPE/medical supplies and equipment provided to and used by Applicants and essential workers as necessary to prevent the spread of infection as directed by public health officials, not to exceed the duration of the HHS Public Health Emergency Declaration for COVID-19.
5. Disinfection work consisted of using CDC approved methods and disinfectants, such as hand cleaning with wipes. No run-off was associated with this work.

Cost

ACT 152 (Amended) Chapter 1, § 1-1

Code	Quantity	Unit	Total Cost	Section
9009 (Material)	1.00	Lump Sum	\$6,137.00	Completed
9008 (Equipment)	1.00	Lump Sum	\$6,571.50	Completed

CRC Gross Cost	\$12,708.50
Total Insurance Reductions	\$0.00
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CRC Net Cost	\$12,708.50
Federal Share (100.00%)	\$12,708.50
Non-Federal Share (0.00%)	\$0.00

Award Information

Version Information

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated
0	Eligible	Awarded	PA-03-MD-4491-PW-00166(290)	\$12,708.50	100 %	\$12,708.50	5/3/2021

Drawdown History

EMMIE Drawdown Status As of Date	Obligation Number	Expenditure Number	Expended Date	Expended Amount
No Records				

Subgrant Conditions

- As described in Title 2 Code of Federal Regulations (C.F.R.) § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions are stated in 2 C.F.R. §200.333(a) – (f)(1) and (2). All records relative to this project are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- The Recipient must submit its certification of the subrecipient's completion of all of its small projects and compliance with all environmental and historic preservation requirements within 180 days of the applicant's completion of its last small project, or the latest approved deadline, whichever is sooner.
- When any individual item of equipment purchased with PA funding is no longer needed, or a residual inventory of unused supplies exceeding \$5,000 remains, the subrecipient must follow the disposition requirements in Title 2 Code of Federal Regulations (C.F.R.) § 200.313-314.
- FEMA will not approve PA funding for medical care costs if they are covered by another source, including private insurance, Medicare, Medicaid, or a pre-existing private payment agreement. The Applicant must provide documentation verifying that insurance coverage or any other source of funding, including private insurance, Medicaid, or Medicare, has been pursued or does not exist for the costs associated with emergency medical care and emergency medical evacuations.
- The terms of the FEMA-State Agreement are incorporated by reference into this project under the Public Assistance award and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide; and other applicable FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the declaration date of this emergency declarations or major disaster, as applicable, are incorporated by reference into this project under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at Title 2 Code of Federal Regulations (C.F.R.) Part 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. Part 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The subrecipient must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the subrecipient commences work associated with a change before FEMA approves the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.
- Pursuant to section 312 of the Stafford Act, 42 U.S.C. 5155, FEMA is prohibited from providing financial assistance to any entity that receives assistance from another program, insurance, or any other source for the same work. The subrecipient agrees to repay all duplicated assistance to FEMA if they receive assistance for the same work from another Federal agency, insurance, or any other source. If an subrecipient receives funding from another federal program for the same purpose, it must notify FEMA through the Recipient and return any duplicated funding.

Insurance

Additional Information

04/12/2021

Per the Deduction Section of the Streamlined Application, the Applicant is confirming that they do not have insurance for the

activities identified in Section II of the Streamline Application Project worksheet. Further, Section II of the Streamlined Application Project, the Applicant has confirmed that a reasonable effort to recover insurance proceeds that they are entitled to receive from their insurer(s) has been taken.

This declaration is specific for the cost associated with the actions taken to protect the public health and safety of the general population from the COVID-19 Pandemic. No insurance proceeds are anticipated for these costs.

If in the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant award amount must be reduced by actual insurance proceeds.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses, those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

FEMA insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct a facility. No insurance requirements are mandated for Category B emergency work.

Wil Notto, PA Insurance Specialist, CRC East

O&M Requirements

There are no Obtain and Maintain Requirements on **Salisbury COVID-19 Project 3**.

Environmental Historical Preservation

Is this project compliant with EHP laws, regulations, and executive orders?

Yes

This project is not a major federal action affecting the environment per Section 316 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5159. Additionally, in accordance with 36 CFR § 800.12(d) and 44 CFR § Part 9.5(c) (1), this project is exempt from NHPA, EO 11988, and EO 11990 reviews and the project is not an action that affects listed species and/or designated critical habitat, if such were present. In accordance with 3.2.A.2.a of the FEMA Instruction 108-1-1, this is a STATEX action and no documentation is required.

Final Reviews

Final Review

Reviewed By Faul, Amanda M.

Reviewed On 04/13/2021 10:50 AM CDT

Review Comments

No comments available for the Final Review step

Recipient Review

Reviewed By Bender, Sara

Reviewed On 04/13/2021 11:15 AM CDT

Review Comments

No comments available for the Recipient Review step

Project Signatures

Signed By Tull, John

Signed On 04/26/2021

44 CFR § 206.206 Appeals

An eligible applicant, subgrantee, or grantee may appeal any determination previously made related to an application for or the provision of Federal assistance according to the procedures below.

- (a) **Format and Content.** The applicant or subgrantee will make the appeal in writing through the grantee to the Regional Director. The grantee shall review and evaluate all subgrantee appeals before submission to the Regional Director. The grantee may make grantee-related appeals to the Regional Director. The appeal shall contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.
- (b) **Levels of Appeal.**
 - (1) The Regional Director will consider first appeals for public assistance-related decisions under subparts A through L of this part.
 - (2) The Associate Director/Executive Associate Director for Response and Recovery will consider appeals of the Regional Director's decision on any first appeal under paragraph (b)(1) of this section.
- (c) **Time Limits.**
 - (1) Appellants must file appeals within 60 days after receipt of a notice of the action that is being appealed.
 - (2) The grantee will review and forward appeals from an applicant or subgrantee, with a written recommendation, to the Regional Director within 60 days of receipt.
 - (3) Within 90 days following receipt of an appeal, the Regional Director (for first appeals) or Associate Director/Executive Associate Director (for second appeals) will notify the grantee in writing of the disposition of the appeal or of the need for additional information. A request by the Regional Director or Associate Director/Executive Associate Director for additional information will include a date by which the information must be provided. Within 90 days following the receipt of the requested additional information or following expiration of the period for providing the information, the Regional Director or Associate Director/Executive Associate Director will notify the grantee in writing of the disposition of the appeal. If the decision is to grant the appeal, the Regional Director will take appropriate implementing action.

- (d) **Technical Advice.** In appeals involving highly technical issues, the Regional Director or Associate Director/Executive Associate Director may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Director or Associate Director/Executive Associate Director will notify the grantee in writing of the disposition of the appeal.
- (e) **Transition.**
 - (1) This rule is effective for all appeals pending on and appeals from decisions issued on or after May 8, 1998, except as provided in paragraph (e)(2) of this section.
 - (2) Appeals pending from a decision of an Associate Director/ Executive Associate Director before May 8, 1998 may be appealed to the Director in accordance with 44 CFR 206.440 as it existed before May 8, 1998 (44 CFR, revised as of October 1, 1997).
 - (3) The decision of the FEMA official at the next higher appeal level shall be the final administrative decision of FEMA.

[63 FR 17110, Apr. 8, 1998; 63 FR 24970, May 6, 1998]