

RESOLUTION 2025-06
APPOINTMENT OF APPLICANT AGENT

WHEREAS Codington County is submitting a grant application to the Federal Emergency Management Agency and the State of South Dakota; and

WHEREAS Codington County is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that the Codington County Board of County Commissioners appoints Troy VanDusen and/or Andrew Delgado as the authorized Applicant Agent.

Dated this 20th, day of May 2025.

Appointing Authority

Troy VanDusen
Chairperson, Codington County Commission

Appointed Agent

Andrew Delgado
Codington County Emergency Management Director

ATTEST:

Dated this 20th day of May, 2025

Brenda Hanten
Codington County Auditor

DESIGNATION OF APPLICANT AGENT

Name of Applicant/Subgrantee	Codington County
Troy VanDusen and/or Andrew Delgado Name of Applicant's Agent	Chairperson, Codington County Board of Commissioners County Emergency Management Director Title
<u>14 1st Ave SE</u> Business Address	<u>605-882-6297</u> Business Phone
<u>Watertown, SD 57201</u> City, State & Zip Code	<u>605-882-6288</u> Fax Number

Codington County

Troy VanDusen and/or Andrew Delgado is hereby authorized to execute for and on behalf of Codington County, a public entity established under the laws of the State of South Dakota, this application and to file it with the Division of Emergency Management) for the purpose of obtaining Federal financial assistance under the Disaster Relief Act (Public Law 93-288 as Amended), or otherwise available from the President's Disaster Relief Fund.

That Codington County, a public entity established under the laws of the State of South Dakota, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency, for all matters pertaining to such Federal disaster assistance, the assurances attached to the project application.

Approved By:

Troy VanDusen,
Chairperson, Codington County Commission

Dated this 20th day of May, 2025

ATTEST:

Brenda Hanten
Codington County Auditor

May 20, 2025

Jim Poppen
SD Office of Emergency Management
221 S. Central Ave.
Pierre SD 57501

Dear Mr. Poppen:

As part of the Hazard Mitigation Grant process, a local funding match is required. This letter serves as Codington County's commitment to meet the matching fund requirements for the Codington County Pre-Disaster Mitigation Plan Update project. The local matching fund requirement will be made by Hard Cash commitment of up to \$5,000.00 for the PDM plan update.

Sincerely,

Troy VanDusen, Chair
Codington County Commission

Dated this 20th day of May, 2025

ATTEST:

Brenda Hanten
Codington County Auditor

LETTER OF AGREEMENT

FIRST DISTRICT ASSOCIATION
OF LOCAL GOVERNMENTS
POB 1207
WATERTOWN, SD 57201

Referred to as District

CODINGTON COUNTY
EMERGENCY MANAGEMENT
14 1ST AVENUE SE
WATERTOWN, SD 57201

Referred to as Codington County

Codington County hereby enters into an agreement with the District

I. THE DISTRICT

- A. This agreement shall, commence on January 1, 2025 and end on or about September 30, 2025.
- B. The District agrees to perform work activities as described in "First District Association of Local Governments Proposed Scope of Work for Codington County Commodity Flow Study (CFS).
- C. The District will deliver the CFS for submission to the South Dakota Department of Emergency Management on or before September 30, 2025.

II. CODINGTON COUNTY

- A. Codington County will provide the First District with all information described in "First District Association of Local Governments Proposed Scope of Work for Codington County Commodity Flow Study (CFS).
- B. Codington County will make payment of three thousand three hundred thirty three dollars (\$3,333) to the First District in the first quarter of calendar year 2025.
- C. Codington County will make payment of ten thousand (\$10,000) dollars to the First District after submission of the CFS.
- D. Total agreement amount (not to exceed) ten thousand dollars (\$13,333).



District Signature

1/1/2025
Date

Codington County
Signature

Date

“First District Association of Local Governments Proposed Scope of Work for Codington County Commodity Flow Study (CFS)”

Task 1. Finalize Scope and Work Plan

After January 1, 2021, First District Staff will meet with Codington County Emergency Manager to Finalize Project Work Plan.

The work plan calls for the completion of the project no later than September 30, 2025. The First District believes that it can accomplish the project goals within this prescribed time frame. One to two meetings with Codington County Emergency Management personnel are planned and scheduled towards the end of the project. The meetings will be coordinated with the review and delivery of specific deliverables.

Deliverables

1. Final Project Work Plan
2. Schedule of Deliverables

Task 2. Data Collection and Initial Review

Codington County with guidance from the First District will collect the necessary data for the completion of the Commodity Flow Study. Data collection may involve contact by personal interview and observation. Upon completion of the initial data collection, First District Staff will tabulate all data and return the information to Codington County to be reviewed for accuracy.

Task 3. Data Analysis

After collection and initial tabulation of associated data, the First District Staff will develop the criteria and/or information necessary for the completion of the report. The following are examples of data to be gathered and analyzed:

- Total count
- Total placarded and percent placarded
- Routes
- Time of day
- Types of hazardous materials

Task 4. Final Report

First District will prepare a Draft Final Report, which will be provided to the Codington County Emergency Management Director for review and comment. The report will document all the findings. After incorporating the comments of Codington County Emergency Management Director, the report will be finalized. An executive summary documenting the main findings will be provided to include analysis, and map production.

Deliverables

1. One (1) hard copy and One 1) digital copy of the Final Report

Sheila and Mary,

Attached you will find two copies of the contract between Codington County and First District for the development of the Commodity Flow Study (CFS). After the Commission approves the Grant award for the CFS at their next meeting, please have the Commissioners approve, sign both copies and return one copy to my office.

You will note that the contract cost is for \$8,000. HMGP Grant funds will cover \$6,400 of the costs. I will then apply \$1,600 of Codington County's 2021 annual dues to the District towards this project. Therefore, the County will not need to budget any additional dollars for the project other than the normal annual dues paid to the District.

Things to do:

- As far as what needs to be done next, we will get together after the first of the year to scope out the project, finalize the locations and collection methodology to be utilized in the Summer of 2021.

If there are any questions, please contact me.

Todd A. Kays
Executive Director
First District Association of Local Governments

**STATE-LOCAL ASSISTANCE AGREEMENT
for
HAZARD MITIGATION GRANT PROGRAM
or
PRE-DISASTER MITIGATION**

This agreement between the State of _____ (Recipient) and _____ (the applicant/subrecipient) shall be effective on the date signed by the State and the applicant. It shall apply to all Pre-Disaster Mitigation (PDM) or Hazard Mitigation Grant Program (HMGP) funds provided by or through the State to the applicant/subrecipient for the PDM, or as a result of a Presidentially declared disaster occurring within the State.

The designated representative of the applicant/subrecipient certifies that:

- 1. The applicant/subrecipient has appointed by resolution an applicant's Local Agent/ designated representative to act on the jurisdiction's behalf and will establish and maintain a proper accounting system to record expenditures of PDM or disaster assistance funds in accordance with generally accepted accounting standards or as directed by the Governor's Authorized Representative/State Director. [NOTE: Attach a copy of the resolution to the application.]**
- 2. He/she has legal authority to apply for assistance on behalf of the applicant/subrecipient.**
- 3. The applicant/subrecipient will provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal and State PDM/disaster assistance.**
- 4. The applicant/subrecipient agrees to provide necessary local share of funding for completion of the project.**
- 5. The local cost share funding will be available within the specified time.**
- 6. The applicant/subrecipient will use PDM or disaster assistance funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative/State Director.**
- 7. The applicant/subrecipient will give State and Federal agencies, designated by the Governor's Authorized Representative/State Director, access to and the right to examine all records and documents related to use of PDM or disaster assistance funds.**
- 8. The applicant/subrecipient will return to the State, within 15 days of such request by the Governor's Authorized Representative/State Director, any advance funds which are not supported by audit or other Federal or State review of documentation maintained by the applicant for 3 years from closeout of the project.**
- 9. The applicant/subrecipient will comply with all applicable codes and standards as pertains to this project and agrees to provide maintenance as appropriate.**
- 10. The applicant/subrecipient will comply with all applicable provisions of Federal and State law and regulation in regard to procurement of goods and services.**
- 11. The applicant/subrecipient will begin project work within 45 days of approval of the grant and complete all items of work within the performance period as outlined in the grant approval letter.**

12. The applicant/subrecipient will comply with all Federal and State statutes and regulations relating to non-discrimination (including but not limited to the Civil Rights Act, Americans with Disabilities Act, etc).
13. The applicant/subrecipient will comply with the provisions of the Hatch Act limiting the political activities of public employees.
14. The applicant/subrecipient will comply with the National Flood Insurance Program requirements.
15. The applicant/subrecipient will not enter into cost-plus-percentage-of-cost contracts for completion of PDM or Hazard Mitigation Grant Program projects.
16. The applicant/subrecipient will not enter into contracts for which payment is contingent upon receipt of State or Federal funds.
17. The applicant/subrecipient will not enter into any contract with any party that is debarred or suspended from participating in Federal assistance programs.
18. The applicant will comply with one of the following (as appropriate for the type of applicant) for all audit requirements: 44CFR (Part 14.2) and OMB CIR A-133 (replaces A-128).
19. The applicant will comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
20. PROJECT SCOPE-OF-WORK WILL NOT BE CHANGED WITHOUT PRIOR WRITTEN APPROVAL FROM FEMA.

SIGNED FOR THE APPLICANT:

Troy Vandusen

Typed Name

Chair, Codington County Commission

Title

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Signature

5/20/2025

Date

SIGNED FOR THE STATE:

Jim Poppen

Typed Name

State Hazard Mitigation Officer

Title

Signature

Date

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

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

O.M.B NO. 1660-0025
Expires September 30, 2017

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, and submitting the form. This collection of information is required to obtain or retain benefits. You are not required to submit to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472-3100, and Paperwork Reduction Project (1660-0025). **NOTE: Do not send your completed form to this address.**

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 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "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 Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, 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 other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand 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.

Standard Form-LLL "Disclosure of Lobbying Activities"
attached

☐ (This form must be attached to certification if non-appropriated funds are to be used to influence activities.)

(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 a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public 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 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 of 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 (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

A. The applicant certifies that it 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;

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

(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 to 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 term of the statement; and

(2) Notify the employee 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 convictions;

(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 the applicable FEMA awarding office, i.e., regional office or FEMA office.

(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 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 an 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)

Codington Emergency Management
14 1st Avenue SE
Watertown, Codington County, SD 57201

☐ There are workplaces on file that are not identified

Sections 17.630 of the regulations provide 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 FEMA funding. States and State agencies may elect to use a state wide certification.

Signature of Applicant Agent _____ Date: 5/20/2025

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
ASSURANCES-NONCONSTRUCTION PROGRAMS

O.M.B NO. 1660-0025
Expires September 30, 2017

Paperwork Burden Disclosure Notice

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NOTE:
Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (*including funds sufficient to pay the non-Federal share of project costs*) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Section 4727-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P. L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IV of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912, (42 U.S.C. 290-dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et. seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchase.
8. Will comply with provisions of Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principle employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7) the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable with flood insurance purchase requirements of Section 102a of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Sections 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) of the Clear Air Act of 1955, as amended (42 U.S.C. Section et seq.); (g) protection underground sources of drinking water under Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the wild and Scenic Rivers Act of 1968 (16 U.S.C. Sections 1271 et seq.) related to protecting components of the national wild and scenic rivers systems.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-et seq.).

ASSURANCES-NONCONSTRUCTION PROGRAMS Cont.

O.M.B NO. 1660-0025
Expires September 30, 2017

14. Will comply with P.L 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 9-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
19. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

Signature of Applicant Agent _____ Date: May 20, 2025