

Monterey Regional Waste Management District

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
Cal OES 130

Cal OES ID No: \_\_\_\_\_

**Resolution 2017-07**  
**DESIGNATION OF APPLICANT'S AGENT RESOLUTION**  
**FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Directors OF THE Monterey Regional Waste Management District  
(Governing Body) (Name of Applicant)

THAT General Manager, OR  
(Title of Authorized Agent)

Director of Finance and Administration, OR  
(Title of Authorized Agent)

Their duly authorized representative  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Monterey Regional Waste Management District, a public entity  
(Name of Applicant)  
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Monterey Regional Waste Management District, a public entity established under the laws of the State of California,  
(Name of Applicant)  
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 21 day of April, 2017

Bruce Delgado, Board Chair  
(Name and Title of Governing Body Representative)

Carrie Theis, Board Vice Chair  
(Name and Title of Governing Body Representative)

Dennis Allion, Board Director  
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Rebecca G. Aguilar, duly appointed and Executive Assistant/Clerk of the Board of  
(Name) (Title)  
Monterey Regional Waste Management District, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the Board of Directors of the Monterey Regional Waste Mangement Distirct  
(Governing Body) (Name of Applicant)  
on the 21<sup>st</sup> day of April, 2017.

\_\_\_\_\_  
(Signature) Executive Assistant / Clerk of the Board  
\_\_\_\_\_  
(Title)



# Memorandum

## MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Reviewed by:  Date: 4/14/17  
General Manager

DATE: April 14, 2017  
TO: General Manager  
FROM: Senior Engineer  
SUBJECT: Designation of Agent for California Office of Emergency Services - Emergency Relief Funding

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**RECOMMENDATION:** That the Board of Directors adopt Resolution 2017-07 authorizing the General Manager, Director of Finance and Administration, or their designated representative to execute for and on behalf of the Monterey Regional Waste Management District (District) for matters related to California Office of Emergency Services (Cal OES) disaster relief funding.

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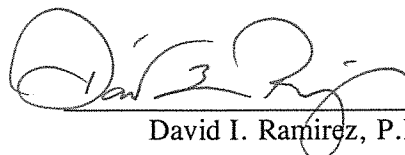
### BACKGROUND

On February 14, 2017, the Federal Emergency Management Agency (FEMA) announced that federal disaster assistance would be made available to the State of California to supplement State, tribal, and local recovery efforts in the areas affected by severe winter storms, flooding, and mudslides from January 3 to January 12, 2017. As part of this action, local governments and special districts, such as the Monterey Regional Waste Management District, are eligible to receive funding assistance from both the State and Federal Governments.

As part of the funding process, MRWMD staff has submitted an application to Cal OES which describes damages, operational costs, and lost revenues experienced because of the storms. Prior to receiving funding, Cal OES must have a resolution on file from the governing body (Board) authorizing staff to act on behalf of the District. The proposed resolution, if adopted by the Board, would authorize the General Manager, Director of Finance and Administration, or their authorized representative to act on the District's behalf in matters related to disaster relief funding such as application submittals, cost documentation and reporting, and related disaster program forms (example; attached CAL OES 89 form titled "Project Assurances for Federal Assistance").

### CONCLUSION

It is therefore recommended that the Board of Directors adopt the resolution (Cal OES 130 form titled "Designation of Applicant's Agent Resolution for Non-State Agencies") to authorize the General Manager, Director of Finance and Administration, or their designated representative to execute for and on behalf of the District for matters related to the Cal OES disaster relief funding.

  
David I. Ramirez, P.E.

Attachment

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Disaster No: 4301-DR

Cal OES ID No: \_\_\_\_\_

DUNS No: 08-143-8236

### PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: Monterey Regional Waste Management District  
(Name of Organization)

ADDRESS: 14201 Del Monte Blvd.

CITY: Monterey County STATE: CA ZIP CODE: 93933

TELEPHONE: 831-384-5313 FAX NUMBER: 831-384-3567

AUTHORIZED AGENT: Timothy Flanagan TITLE: General Manager

EMAIL ADDRESS: tflanagan@mrwmd.org

#### ASSURANCES – CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the California Governor's Office of Emergency Services. Further, certain federal assistance 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 subrecipient named above:

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, Federal Office of Inspector General 2 CFR 200.336, 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 assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. 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 gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. 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 IX of the Education Amendments of 1972, as amended (20 U.S.C §§ 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. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) 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) §§ 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 Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) which may apply to the application.
10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform 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 and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply with the flood insurance purchase requirements of Section 102(a) 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 \$5,000 or more.
12. 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.O. 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. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the 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.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. 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 preservation of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.
16. Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with §200.112.
18. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
19. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subrecipient application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
  - a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
  - b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.
  - c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

20. The non-Federal entity for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award §200.113. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.
21. Will not make any award or permit any award (subaward or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subrecipient to enter into this agreement for and on behalf of the said subrecipient, and by my signature do bind the subrecipient to the terms thereof."

Timothy Flanagan

PRINTED NAME

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

General Manager

TBD

TITLE

DATE