

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 023

By: Mayor Perciak and All Members of Council

AN ORDINANCE RATIFYING AND APPROVING THE FILING OF AN APPLICATION FOR REIMBURSEMENT OF EXPENSES WITH THE OHIO EMERGENCY MANAGEMENT AGENCY THROUGH THE STATE DISASTER RELIEF PROGRAM, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF A NOTICE OF AWARD & GRANT AGREEMENT, ALL AS A RESULT OF THE MAY, 2014 FLOODING DAMAGE EXPENSES INCURRED BY THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, in May of 2014, multiple locations throughout the City of Strongsville experienced substantial storm damage due to flooding, which included, among other things, accumulation of excessive debris in creeks and culverts, and damage to road berms; and

WHEREAS, the Governor of the State of Ohio has authorized implementation of the Ohio Emergency Management Agency (OEMA) State Disaster Relief Program to provide funds to reimburse affected local governments a percentage of their respective costs of emergency measures undertaken to save lives, protect property, and ensure public health and safety during the period of the May, 2014 storms and flooding; and

WHEREAS, the City of Strongsville incurred expenses due to the May, 2014 storms and flooding for, among other things, removal of excessive debris from creeks and culverts, and repairs to road berms, all in multiple areas throughout the City which were damaged by the storms and flooding; and

WHEREAS, the City of Strongsville has, therefore, timely applied for assistance through the OEMA State Disaster Relief Program in order to secure reimbursement for those certain expenses it incurred during the May, 2014 storms and flooding; and

WHEREAS, the City has been notified that the OEMA State Disaster Relief Program has awarded the City of Strongsville the total estimated amount of \$383,033.82, towards reimbursement of expenses for various items, projects, and repairs, all as reflected on Exhibit A attached hereto and incorporated herein, and which the City is desirous of accepting.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

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Section 1. That this Council hereby ratifies, authorizes and approves the filing of an application with the Ohio Emergency Management Agency through the State Disaster Relief Program for reimbursement of expenses incurred in connection with, among other things, removal of excessive debris from creeks and culverts, and repairs to road berms and related expenditures arising from the May, 2014 storms and flooding.

Section 2. That this Council hereby authorizes the Mayor to accept and enter into a Notice of Award & Grant Agreement in the total estimated award amount of \$383,033.82, and as reflected in attached Exhibit A.

Section 3. That this Council hereby ratifies, approves and authorizes the execution and delivery of certifications, agreements, assurances and such other information required in connection therewith by the Mayor, Director of Public Service, Fire Chief, Director of Finance and/or their authorized representatives.

Section 4. That the award funds shall be directed to the following City funds: General Fund; Street Construction, Maintenance and Repair Fund; Fire Levy Fund; Drainage Levy Fund; Tree Fund; and Sanitary Sewer Fund; and the City's portion of costs to meet its obligations, if any, under said grant shall be paid from such funds.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that the execution and filing of such application was immediately required in order to meet the application cut-off date, and to provide for reimbursement of expenses incurred during the May, 2014 storms and flooding; and it is necessary to promptly provide authorization and approvals for the City to be eligible for receipt of such funds, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

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Michael J. Daymut
President of Council

Approved: Thomas B. Zinner
Mayor

Date Passed: February 2, 2015

Date Approved: Feb. 2, 2015



	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Aimee Pientka
Clerk of Council

ORD. No. 2015-023 Amended: _____
 1st Rdg. 02-02-15 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 02-02-15 Defeated: _____

**OHIO EMERGENCY MANAGEMENT AGENCY
NOTICE OF AWARD & GRANT AGREEMENT**

Agreement No. n/a	Amendment No. Initial	Recipient Tax ID No. n/a	Type of Action Award <input checked="" type="checkbox"/> Amendment	Federal Pass-Thru No. n/a	CFDA No. n/a	St Fund # 5330	St Grant # SDRP
Recipient Mailing Address: Name: Jeff Branic, Fire Chief Agency: City of Strongsville Address: 16099 Foltz Parkway City, State, Zip: Strongsville, Ohio 44149 Contact Phone: 440-580-3216		Issuing Office/Address Ohio Emergency Management Agency 2855 West Dublin-Granville Road Columbus, Ohio 43235-2206		Project Manager Laura Adcock 614-799-3667	Fiscal Officer Steve Matas 614-889-7174		
Grant Name: State Disaster Relief Program - State Public Assistance		Performance Period: From: May 12, 2014 To: May 12, 2015	Reporting Requirements: N/A Final Report Due: July 12, 2015		Match Requirement: [25%] Total Est Award: \$383,033.82		
Description of Award: <ul style="list-style-type: none"> The purpose of this grant is to provide state funding assistance to local political subdivisions and eligible private non-profit organizations impacted by disasters, pursuant to the Ohio Emergency Management Agency State Disaster Relief Program Application Packet, June 2014 edition. <ul style="list-style-type: none"> Recipient has adequately demonstrated estimated project costs in the amount of \$383,033.82 for damages sustained by the political subdivision, on May 12-13, 2014. Ohio EMA & Recipient understand and agree that project costs will change throughout the Performance Period and that the final reimbursement payment will be accompanied by an Amendment to this Agreement as evidence of the final total cost of the state disaster relief grant. 		Award Requirements: <ul style="list-style-type: none"> Recipient agrees to provide the necessary cost share within the specified Performance Period identified above. Recipient agrees to comply with applicable state law & regulation in the expenditure of these grant funds Recipient agrees to utilize funds for the sole purposes described herein and within the Performance Period identified above. Recipient agrees to comply with Ohio Administrative Code Chapter 117-2 "Accounting & Reporting by Public Offices," in the administration of these grant funds. Recipient shall comply with all State statutes, policies and regulations relating to equal employment opportunities, non-discrimination, prevailing wages, environmental and historic preservation and floodplain management. This includes the Department of Public Safety's policies, DPS-501.39 and 501.40. These policies are included in the SDRP Application Packet. 		Fiscal Requirements <ul style="list-style-type: none"> Recipient understands that no funds will be released without the appropriate Request for Reimbursement and supporting documentation, evidencing expenditure of the funds. Recipient will submit "Final Request Packets" as necessary. Payment will be issued as reimbursement of actual expenditures except that State may advance funds prior to final closeout, as long as the proper documentation has been submitted. Payments are contingent upon the timely submission and receipt of final request packets. 			
Recipient Signatory Officials (Names and Titles)				Issuing Signatory Official			
 Name: Thomas P. Perciak Title: Mayor				 Date: Feb. 2, 2015		Evan Schumann, Executive Director Ohio Emergency Management Agency	
				Date			

EX.A

Additional Terms & Conditions:

- Recipient agrees, to the extent permissible by applicable law, to be responsible for any & all liabilities or claims caused by or resulting from Recipient's completion of the Project under this Notice of Award & Grant Agreement. Nothing in this Notice of Award & Grant Agreement shall be construed as an assumption of liability by either Ohio EMA or the Department of Public Safety.
- In the event Recipient fails to utilize these funds for the purposes set forth & in accordance with applicable law & regulation, Recipient shall be in default. In such event, Grantor may (a) withhold further payment of funds to Recipient and/or (b) require Recipient to reimburse all or any portion of funds and/or (c) terminate the Notice of Award & Grant Agreement.
- In the event the Executive Director of Ohio EMA or the Director of Budget & Management determine that funds are not appropriated or otherwise available to support continuation of this grant, the grant shall be canceled. A determination of unavailability of funds shall be final and conclusive.
- Recipient shall maintain all accounting records and supporting documents, papers and other evidence of this project in a separate location. Records of different state fiscal periods shall be separately identified and maintained. Recipient shall make such materials available at all reasonable times during this period for inspection by any authorized representative of the State. Recipient shall maintain all accounting records and supporting documents, papers and other evidence of this project for a period of at least three (3) years after the completion of this project and termination of this Notice of Award & Grant Agreement.
- Amendment or modification of this Notice of Award & Grant Agreement shall only be made in writing, signed by the parties, & shall specify each of the changes & justification therefore.
- This Notice of Award & Grant Agreement, all rights, duties and/or obligations described herein may not be assigned or sub-contracted by Recipient without prior consent of Grantor. Any assignment or sub-contract shall be subject to all the terms & conditions set forth herein. Recipient shall insure that all provisions are included in any assignment or sub-contract document.
- This Notice of Award & Grant Agreement and documents referred to herein constitute the complete understanding of the parties with respect to the subject of this Notice of Award & Grant Agreement. Whenever possible, each provision of this Notice of Award & Grant Agreement shall be interpreted in such a manner as to be effective & valid under applicable law. To the extent any provision is determined to be invalid the remainder of the Notice of Award & Grant Agreement will not be invalid.
- Recipient agrees to be responsible for compliance with all applicable state and local laws and regulations, including, but not limited to, purchasing and contracting requirements, building codes, equal employment opportunity, conflict of interest, ethics (ORC Chapter 102) and elections (ORC Chapter 3517).
- Recipient shall comply with the National Flood Insurance Program requirements (42 United States Code Section 4001 and following) in the use of these grant funds.

State Disaster Relief Program - Reimbursement for the City of Strongsville, May 12-13 2014 flooding and severe storms

Site Name	Hours	Labor		Equipment		Materials		Rental		Contract		Total	
		Actual Cost	Eligible Cost	Actual Cost	Eligible Cost	Actual Cost	Eligible Cost	Actual Cost	Eligible Cost	Actual Cost	Eligible Cost	Actual Cost	Eligible Cost
Site 1 - Force account	1439.25	\$ 45,985.43	\$ 14,675.43	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site 2 - Folz Transfer Station	0	\$ -	\$ -	\$ 49,754.75	\$ 49,754.75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site 3 - Prospect culvert repair	0	\$ -	\$ -	\$ -	\$ -	\$ 3,043.95	\$ 3,043.95	\$ -	\$ -	\$ 14,350.00	\$ 14,350.00	\$ -	\$ -
Site 4 - Blorget Creek	0	\$ -	\$ -	\$ -	\$ -	\$ 8,443.74	\$ 8,443.74	\$ -	\$ -	\$ 9,400.00	\$ 9,400.00	\$ -	\$ -
Site 5 - Creek debris removal	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,217.50	\$ 17,217.50	\$ -	\$ -
Site 6 - City wide berm repair	0	\$ -	\$ -	\$ -	\$ -	\$ 19,727.71	\$ 19,727.71	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site 7 - Fire/ES	7.74	\$ 339.00	\$ 339.00	\$ 233.57	\$ 233.57	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site 8 - Multiple locations	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 179,657.50	\$ 179,657.50	\$ -	\$ -
Site 9 - Multiple locations	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,340.00	\$ 20,340.00	\$ -	\$ -
Site 10 - Household collection	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,896.00	\$ 1,896.00	\$ -	\$ -
Site 14 - Police	0	\$ -	\$ -	\$ 333.85	\$ 333.85	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	1446.99	\$ 46,304.43	\$ 15,014.43	\$ 50,322.17	\$ 50,322.17	\$ 31,215.40	\$ 31,215.40	\$ -	\$ -	\$ 261,481.82	\$ 261,481.82	\$ 389,323.82	\$ 358,033.82
Eligible Work Expenditures:			\$389,323.82										
Eligible Expenditures:		\$358,033.82											
75% State Contribution		\$268,525.37											
Total Budget			\$ 70,018,015.00										
			*.005%										
			\$ 350,090.08										

Site 6 labor and equipment costs included in Site 1

Sites 12 and 13 to be submitted once work is complete (spring 2015); Site 11 is ineligible