



**CITY
COUNCIL
AGENDA**

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Budget Public Hearing

Wednesday, May 15, 2024, 6:00pm
Council Chambers, Bath City Hall

Special Meeting

Immediately Following Budget Public Hearing
Council Chambers, Bath City Hall

Call to Order

Pledge of Allegiance

Roll Call

Manager's Report

Public Hearing

CDBG Housing Assistance Grant

New Business

2024-52) Order: To prepare and post Warrant for the Regional School Unit #1 Budget Validation Election to be held on June 11, 2024

2024-53) Order: To prepare and post Warrant for the Municipal Election to be held on June 11, 2024

2024-54) Order: To prepare and post Warrant for the State Primary Election to be held on June 11, 2024

2024-55) Order: Registrar of Voter's Hours

2024-56) Order: Acceptance of Homeland Security Grant

2024-57) Resolution: CDBG Housing Assistance Grant

2024-58) Bond Ordinance: Authorizing up to \$517,000.00 of the City's General Obligation Bonds to Finance Miscellaneous Municipal Improvements and the Acquisition of Equipment and Vehicles

2024-59) Ordinance: Supplemental Appropriation to Set Aside Additional Funds in the amount of \$1,091,090.00 for Unanticipated Expenditures

Adjournment

Committee Merger/Split Workshop



PUBLIC HEARINGS

Public Hearing Notice
The City of Bath

The City of Bath will hold a Public Hearing on May 16, 2024 at 5:00pm, in the Bath City Hall Auditorium to discuss an application being submitted to the State of Maine CDBG program for a Housing Assistance Grant. The purpose of the Housing Assistance CDBG Grant is to support the phase II development of affordable housing at 520 Centre Street. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: Misty Parker, Director of Economic & Community Development, 55 Front Street Bath, Maine 04530 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call 207-443-8330, so that accommodations can be made.





NEW BUSINESS



CITY COUNCIL ACTION

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Order

Title

To prepare and post Warrant for the Regional School Unit#1 Budget Validation Election to be held on June 11, 2024

Summary

Per City Charter we follow State Statutes for posting of warrants.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

To prepare and post Warrant for the Regional School Unit#1 Budget Validation Election to be held on June 11, 2024

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Regional School Unit #1 Budget Election will be held on Tuesday, June 11, 2024, for the purpose of determining the following questions:

Question 1: Do you favor approving the Regional School Unit#1 budget for the upcoming school year that was adopted at the latest regional school unit budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

Absentee Ballots shall be processed on Election Day, starting at 9am and continuing until all ballots received at that time have been processed.

The polls shall be opened at 8:00am and closed at 8:00pm.



CITY COUNCIL ACTION

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Order

Title

To prepare and post warrant for the Municipal Election to be held on June 11, 2024

Summary

Per City Charter we follow state statute regarding posting warrants.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

To prepare and post warrant for the Municipal Election to be held on June 11, 2024

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Referendum Election (Wards 1-7) will be held on Tuesday, June 11, 2024, for the purpose of determining the following question:

Shall the proposed ordinance, a copy of which follows, be adopted? BE IT ORDAINED That Article 9.02 of the Bath Land Use Code is amended by deleting from the table of uses for the Gold Course District Multi-Family Dwelling on Line 1.03 and Cluster Development on Line 1.4 as uses permitted with site plan approval and making such uses not permitted in the Golf Course District in accordance with the amended table of uses annexed hereto.

Absentee Ballots shall be processed on Election Day, starting at 9am and continuing until all ballots received at that time have been processed.

The polls shall be opened at 8:00am and closed at 8:00pm.



CITY COUNCIL ACTION

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Order

Title

To prepare and post Warrant for the State Primary Election to be held on June 11, 2024

Summary

Per State Statute the clerk shall post a notice of election, attested by the clerk, in a conspicuous public place in each voting district in the municipality at least 7 days immediately before election day and at each voting place on election day.

Staff Comments

Action: Recommend for passage



City Manager

Introduced for: New Business



CITY OF BATH

Date:

To prepare and post Warrant for the State Primary Election to be held on June 11, 2024

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the State of Maine Primary Election will be held on Tuesday, June 11, 2024, for the purpose of determining the following questions:

To determine:

Candidates in the Republican and Democratic Parties:

STATE OFFICES:

U.S. Senator

Representative to Congress: District 1

State Senate - District 24

State Representative to the Legislature - District 50

COUNTY OFFICES:

Judge of Probate

Sheriff

Absentee Ballots shall be processed on Election Day, starting at 9am and continuing until all ballots received at that time have been processed.

The polls shall be opened at 8:00am and closed at 8:00pm.

5/15/2024

2024-55



CITY COUNCIL ACTION

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Order

Title

Registrar of Voter's Hours

Summary

Staff Comments

Action: Recommend for passage

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Registrar of Voter's Hours

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 7:30am to 12:00pm and 1:00pm to 5:30pm Monday through Thursday except for Thursday, June 6, 2024, until 8:00pm at the City Clerk's Office, 55 Front Street prior to the State Primary, Municipal and RSU #1 School Budget Election to be held Tuesday, June 11, 2024.

On Election Day anyone may register to vote at the Polls at the Bath Middle School Gymnasium from 8:00am to 8:00pm.

5/15/2024

2024-56

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: Police

Requested Action: Order

Title

Acceptance of Homeland Security Grant

Summary

In late 2023 Bath Police Department coordinated with Sagadahoc County EMA to apply for a federally-funded grant through the Department of Homeland Security in order to purchase mobile vehicle barriers, such as the ones that were demonstrated at Maine's First Ship launching in June.

Mobile vehicle barriers, which can be deployed rapidly by one person when and where needed, can protect vulnerable pedestrians or locations from a vehicle-borne attack and/or accident. Having these types of barriers eliminates the need for public works crews to set up jersey barriers around events like Heritage Days, parades, to block streets and also allow for pedestrian access, emergency vehicle access, and are more aesthetically pleasing than other options. Additionally, some of the mobile vehicle barrier options are built to have decades of service.

We received notice earlier this year from SCEMA that the grant application was approved and awarded an amount of \$115,000. This amount was determined based upon an initial sampling of quotes for these types of barriers.

With council approval of accepting this grant, we will move forward with requesting bids and work with SCEMA to purchase suitable options.

Chief Booth

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Acceptance of Homeland Security Grant

BE IT ORDERED by the City Council of the City of Bath that the City accepts a Homeland Security Grant, through Sagadahoc County Emergency Management Agency, for \$115,000 for mobile barriers. Be it further ordered that the City Manager is authorized to execute any and all documentation as may be necessary, appropriate and convenient to the acceptance of the grant.

Department of Homeland Security

FOR OFFICIAL USE ONLY

THE ATTACHED MATERIALS CONTAIN DEPARTMENT OF HOMELAND SECURITY INFORMATION THAT IS "FOR OFFICIAL USE ONLY," OR OTHER TYPES OF SENSITIVE BUT UNCLASSIFIED INFORMATION REQUIRING PROTECTION AGAINST UNAUTHORIZED DISCLOSURE. THE ATTACHED MATERIALS WILL BE HANDLED AND SAFEGUARDED IN ACCORDANCE WITH DHS MANAGEMENT DIRECTIVES GOVERNING PROTECTION AND DISSEMINATION OF SUCH INFORMATION.

AT A MINIMUM, THE ATTACHED MATERIALS WILL BE DISSEMINATED ONLY ON A "NEED-TO-KNOW" BASIS AND WHEN UNATTENDED, WILL BE STORED IN A LOCKED CONTAINER OR AREA OFFERING SUFFICIENT PROTECTION AGAINST THEFT, COMPROMISE, INADVERTENT ACCESS AND UNAUTHORIZED DISCLOSURE.

SAGADAHOC COUNTY

Emergency Management Agency

Board of Health

Office: 207-443-8210

752 High Street, Bath, ME 04530

PHILIP DAVIS, DIRECTOR



SAGADAHOC COUNTY EMERGENCY MANAGEMENT AGENCY HOMELAND SECURITY GRANT PROGRAM SUBRECIPIENT GRANT AWARD

Subrecipient Name: City of Bath
Subrecipient Point of Contact: Marc Meyers
Subrecipient Point of Contact Email: mmeyes@cityofbath.com
Alternate Point of Contact: Andrew Booth
SCEMA HSGP Program Manager: Philip Davis
SCEMA HSGP Program Manager Email: pdavis@sagadahoccountyme.gov
SCEMA Grant Email: scema@sagadahoccountyme.gov

Federal Award Information

Federal Awarding Agency: FEMA
Federal Grant Performance Year: FY2023
Federal Grant Award Date: 09/01/2023
Federal Grant Identification #: EMW-2023-SS-0012
CFDA #: 97.067
Federal Period of Performance: 09/01/2023-08/31/2026

SCEMA Award Information

Award Amount: \$115,000.00
Award Begin Date: 11/01/2023
Award End Date: 08/31/2025
Vendor Customer #: VC100080860
Award Identification #: 20231003000000000982
Unique Entity Identifier #: ZNNNJMB62KG9

This AWARD is entered into by and between **SAGADAHOC COUNTY (AWARDING AGENCY)**, acting through and by its **SAGADAHOC COUNTY EMERGENCY MANAGEMENT AGENCY**, (hereinafter referred to as "SCEMA"), an agency of Sagadahoc County government with its principal place of business and mailing address identified at 752 High St. Bath, Maine 04530, and the city of Bath, a local agency (hereafter referred to as "Subrecipient") with its principal place of business and mailing address identified as: 55 Front St. Bath, Maine 04530.

The following documents are incorporated into the terms of your award:

- Appendix A: MEMA General Conditions & Subrecipient Risk Assessment Questions
- Appendix B: The Department of Homeland Security General Terms and Conditions
- Appendix C: Subrecipient Transparency Act
- Appendix D: Subrecipient Federal Funding Accountability and Transparency Act (FFATA)

SCEMA and the Subrecipient, in consideration of the mutual promises set for in this contract, hereby agree as follows:

SAGADAHOC COUNTY

Emergency Management Agency

Board of Health

Office: 207-443-8210

752 High Street, Bath, ME 04530

PHILIP DAVIS, DIRECTOR



1. **Subrecipient Grant Award:** Upon both parties' signature, this Award shall become effective as of 11/01/2023, which shall constitute the earliest date work may commence. Work cannot continue after the end date listed above without a written modification approved by both parties.
2. **Reimbursement:** SCEMA will be reimbursed by Maine Emergency Management Agency up to 100% of the allowable and approved direct expenses, within the request for reimbursement, not to exceed the Subrecipient's award amount for projects preapproved by FEMA. The Subrecipient shall provide an invoice for the allowable and approved expenditures to SCEMA within 30 (thirty) calendar days of the following month to be in compliance with federal quarterly reporting requirements.
3. **Terms and Conditions:** The Subrecipient agrees to be bound by the Terms and Conditions set for in the Award and attached Appendices. SCEMA as the pass-through entity, may terminate this Award per the terms of Federal Award and the Federal Requirements per 2 CFR §200.340 (Termination), including any related modifications, which are hereby incorporated by reference.
4. **DEBARMENT, PERFORMANCE AND NON-COLLUSION CERTIFICATION :** By signing this AWARD, the Subrecipient certifies to the best of its knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this Award:
 - a. Are not presently debarred, suspended, proposed for debarment, or declared ineligible or voluntarily excluded from bidding or working on AWARDS issued by any governmental agency.
 - i. The Subrecipient further agrees that the debarment and Suspension Provision shall be included, without modification, in all sub-agreements.
 - b. Have not within the preceding three (3) years of this AWARD been convicted of or had a civil judgment rendered against them for:
 - i. Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract;
 - ii. Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property.
 - iii. 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(B) of this certification; and
 - iv. Have not within a three (3) year period preceding this Award had one or more federal, state, or local government transactions terminated for cause of default.

SAGADAHOC COUNTY

Emergency Management Agency

Board of Health

Office: 207-443-8210

752 High Street, Bath, ME 04530

PHILIP DAVIS, DIRECTOR



- c. Have not entered into a prior understanding, agreement, or connection with any corporation, firm, person, or other entity submitted a response for the same materials, supplies, equipment, or services and this proposal in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.
5. **Environmental and Historic Preservation (EHP):** If FEMA Environmental and Historic Preservation (EHP) approval is required, per the MEMA Terms and Conditions, any costs incurred prior to receiving such approval will not be reimbursed. Projects that may require an EHP will be marked as such in the MEM Project Tracker in the individual project notes section.
6. **SCEMA Period of Performance and Project Reporting:** The period of performance for this grant ends on August 31, 2025, to allow time for funds to be reallocated if necessary. Reporting on projects will be completed quarterly on the project tracker provided by MEMA via SharePoint by the County. Counties will have the ability to request an extension of the MEMA period of performance based on quarterly project reporting statuses and communications with MEMA's Grant Manager throughout the lifetime of the project. The Subrecipient shall communicate with the SCEMA HSGP Program Manager regarding the status of this project. SCEMA may request information from the Subrecipient to complete the quarterly reporting process.

IN WITNESS, WHEREOF, the individual signing below is legally authorized to sign this Grant Award on behalf of the Subrecipient and to legal bind the Subrecipient to the terms of this Grant Award.

By submitting this form, I certify that the typed name, electronic signature, or digital signature (a) is intended to have the same force as a manual signature (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, (e) is linked to data in such a manner that it is invalidated if the data are changed. (IO M.R.S.A. §9502 et seq.).

City of Bath

Sagadahoc County Emergency Management Agency

Signature: _____

Signature: _____

Printed Name: _____

Philip Davis, Director

Date: _____

Date: _____

SAGADAHOC COUNTY

Arrowsic • Bath • Bowdoin • Bowdoinham • Georgetown • Phippsburg • Richmond • Topsham • West Bath • Woolwich



APPENDIX A MAINE EMERGENCY MANAGEMENT AGENCY (MEMA) GENERAL TERMS AND CONDITIONS

This document provides a high-level overview of the Federal requirements and MEMA's processes for complying with those requirements. Subrecipients are advised to consult the original Federal documents for guidance.

General Compliance Authority:

All work, to the extent applicable, shall conform to the appropriate, related, current editions of the following publications, including but not limited to:

- Federal laws and Executive orders
- Federal regulations including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)
- Department of Homeland Security (DHS) General Terms and Conditions
- Notices of Funding Opportunities
- Annual MEMA grant application
- National Incident Management System (NIMS) and the Incident Command System (ICS)

Subrecipient Responsibilities:

The Subrecipient responsibilities noted below are not an exhaustive list of all requirements. Subrecipients are directed to refer to source publications for detailed information.

1. Conflict of Interest

Under 2 CFR § 200.318 General procurement standards (c)(1), non-Federal entities other than states must maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

2. Procurement

Subrecipients must use their own documented procurement procedures that reflect applicable State, local, and tribal laws, and regulations. These procurement procedures must conform to the requirements of 2 CFR § 200.318- 200.327.

3. Property Control

The Subrecipient must follow the property and equipment management requirements in 2 CFR Part 200.310 -.313 and must:

- a. Maintain insurance coverage of at least the same as that the coverage maintained on the Subrecipient's own property and equipment,
- b. Keep property and equipment in good repair,
- c. Include property and equipment in the Subrecipient's inventory system. Inventory results must be reported to MEMA within 45 days of the Subrecipient grant award expiration. Subrecipients may be required to complete a Tangible Personal Property Report (SF-428) upon request,
- d. Report theft, destruction, or loss of property and equipment to MEMA and
- e. Inform MEMA (in writing) when the property and equipment is no longer needed for its original purpose.

MEMA maintains the right to inspect property equipment and to request its return at any time.

4. Reporting

The progress report shall be used to keep the MEMA Grant Program Managers informed about program status, issues, and used as a basis for grant reporting. These reports shall be submitted to MEMA regardless of whether payments are due.

- a. Homeland Security Grant Program (HSGP):
 - i. During the period of performance for this Grant Award, the Subrecipient shall submit to MEMA quarterly performance reports of accomplishments. Reports are due within 20 (twenty) calendar days of the end of each calendar quarter.
- b. Emergency Management Performance Grant (EMPG):
 - i. During the period of performance for this Grant Award, the Subrecipient shall submit to MEMA quarterly performance reports of accomplishments. Reports are due within 20 (twenty) calendar days of the end of each Federal Fiscal quarter.
 - ii. The Training and Exercise (T&E) spreadsheet must be continually updated per training and exercise policies. Exercise reporting shall follow the Homeland Security Exercise and Evaluation Program (HSEEP) requirements. In addition, Subrecipients must update the T&E spreadsheet quarterly. Quarterly updates are due within 20 (twenty) calendar days of the end of each Federal Fiscal quarter.

Refer to the T&E Policy for National Qualifications System (NQS) for program specific requirements.

- iii. The annual NIMS survey must be submitted to MEMA as part of the Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) process. The NIMS Implementation Survey must be submitted to MEMA's NIMS Program Manager by November 30 of each calendar year.

c. Hazard Mitigation Assistance Grant (HMA):

- i. During the period of performance for this Grant Award, the Subrecipient shall submit a quarterly performance report of accomplishments to the State Hazard Mitigation Officer. Reports are due within 15 (fifteen) calendar days of the end of each Federal Fiscal Quarter. Failure to submit could result in non-payment of invoice, or a determination for cause of default under 2 CFR 200.305(b).

5. Written Approval of Changes:

All requests for an extension of the Period of Performance, additional funds, services, changes in scope of work, or other prior approval items as listed in 2 CFR Part 200.407, must be submitted in writing to the applicable MEMA Grants Program Manager.

MEMA's Grant Award Modification form must be utilized, and it must include a justification of the request. Upon approval of the request, signed by both parties (Subrecipient and MEMA), the Subrecipient is authorized to begin work as of MEMA's signature date. The Subrecipient shall not proceed with the work until a written modification has been executed by MEMA and approved by both parties.

6. MEMA is Held Harmless:

The Subrecipient agrees not to bring any claims for damages sought by any party that the Subrecipient contracts with against MEMA and hereby indemnifies and holds MEMA harmless against any claims arising from its failure to coordinate and manage its subcontractors from all claims or liabilities arising from work performed by a Subrecipient. Contracting with other parties does not alter the Subrecipient's obligations under the grant award with MEMA.

7. Subrecipient Must Maintain Effective Internal Controls:

The Subrecipient's system of internal controls must provide reasonable assurance of compliance with laws, regulations, and the terms and conditions of this agreement. The system will allow the Subrecipient will take prompt action when instances of noncompliance are identified in audit findings or through other means.

The Subrecipient's accounting records must:

- Identify the receipt and expenditure of funds under each grant,
- Be supported by source documents,
- Support the production of accurate and timely financial reports, and
- Be integrated into a system of internal control.

8. Determining the Allowability of Costs

The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in 2 CFR Part 200, Grant Notice of Funding Opportunity, and other authoritative sources.

a. Budgeting:

- i. Funds awarded are to be expended only for purposes budgeted items and activities

identified in the Subrecipients approved grant application. Items must be in the Subrecipient's approved grant budget to be eligible for reimbursement.

b. Direct Expenses

- i. Direct expenses such as telephone, tolls, reproduction costs, and travel costs shall be billed at actual costs; mileage and per diem shall be billed in accordance with the guidance set forth below. MEMA does not allow any mark-up on direct expenses. Mileage shall be reimbursed at the current amount allowed by the State of Maine, Title 5, M.R.S.A § 1541, or existing written county or local policy. Per diem rates shall be in accordance with the Federal Government's General Services Administration (GSA) travel rates for calculating maximum per diem for meals and lodging reimbursement. All travel costs must be documented in accordance with federal regulations and must comply with the Subrecipients own travel reimbursement policies, not to exceed federal per diem rates.

c. Meals

- i. If it is the Subrecipient's policy to reimburse its employees utilizing per diem rates, the Subrecipient will not be required to submit receipts when invoicing MEMA at the per diem rate for meals. If it is the Subrecipient's policy to reimburse employees for the actual cost of meals, the Subrecipient will be required to submit receipts and the corresponding section of the county policy, and MEMA will reimburse the Subrecipient for the actual amount up to the GSA per diem rate.

d. Lodging

- i. MEMA reimbursements will not exceed the GSA per diem amount and receipts are always required.

e. Travel

- i. MEMA will reimburse airfare at the economy class rate. Documentation that must accompany the request for reimbursement must include at least three (3) quotes from qualified sources and the final itinerary. Quotes (online or otherwise) must include the date of the quote, name of the airline, rates, and dates of travel.

9. Other Restrictions on Purchases

a. Listed Equipment

If required in the FEMA program guidance, all equipment expenditures must appear on the Department of Homeland Security's Allowable Expenditures List (AEL) for the fiscal year covered by these grant funds.

Grant funds may not be used for the purchase of Prohibited Equipment. Refer to Information Bulletin 407, "Use of Grant Funds for Controlled Equipment" for a complete Prohibited Equipment List. Consult with the MEMA Grants Program Manager for further details.

- b. Domestic Preferences for Procurements (2 CFR § 200.322):
As appropriate and to the extent consistent with law, the Subrecipient should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States
- c. Build America Buy America (Section 70914 of Public Law No. 117-58 §§ 70901-52)
On FEMA non-disaster grant programs (including BRIC, FMA, and LPDM) with grant funding for projects or project scoping over \$250,000, the Subrecipient must provide assurance that all iron and steel items and all construction materials used in the project were produced in the United States. Subrecipients must provide a letter of certification from product manufacturers and self-certification letters from contractors and subcontractors to demonstrate compliance with BABAA requirements.
In Interim Policy #207-22-0001, FEMA recommends recipients and Subrecipients document compliance with BABAA by requesting a BABAA certification letter from manufacturers. MEMA requires Subrecipients to implement this recommendation.
- d. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (2 CFR § 200.216):
Subrecipients must not expend grant funds on equipment, services, or systems provided by listed companies such as Huawei Technologies Company or ZTE Corporation.
- e. CONOPS
All requests for approval to purchase communication equipment and mass subscription-based services for alerts and warnings must be approved by the SWICs Office.

Requests to purchase communication equipment must include supporting documentation, including but not limited to, equipment specification sheets, programming sheets, and an updated County All Hazards Communication Plan. The SWIC reserves the right to request a demonstration of equipment purchased to ensure proficient operation and usage.

Projects will conform to SafeCom Guidance and must also incorporate reference to Maine's SCIP and CONOPS Plans.

All public safety radios must be programmed with CONOPS. These channels must be grouped to make interoperability quickly accessed and user friendly. It is recommended to utilize a separate bank of CONOPS 1-7. These channels should be named as CONOPS, instead of generic names i.e. SWCC, State Fire, SPCC etc.

CONOPS 8 should be labeled with the tower name. If local teams are responding outside their local area, most of the RegionNet channels should be programmed.

It is highly encouraged that the requesting agency provide guidance on sustaining radio replacement through budgeting.

10. Remedies for Noncompliance.

Per 2 CFR 200.339, this Grant Award may be withheld, suspended, terminated, or fund payments discontinued by MEMA where MEMA determines a Subrecipient has failed to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by MEMA. In the event the Subrecipient fails to perform the services described herein and has previously received financial assistance from MEMA, the Subrecipient shall reimburse MEMA the full amount of the payments made. However, if the services described herein are partially performed, and the Subrecipient has previously received financial assistance, the Subrecipient shall proportionally reimburse MEMA for payments made.

MEMA may make specific requests in connection with its Subrecipient monitoring responsibilities. Failure to provide requested information on a timely basis may result in suspension of payments.

a. Amounts due MEMA

The Subrecipient shall remit all amounts due to MEMA within the earlier of 30 days of notice by MEMA or when the Subrecipient is first aware of amounts owed to MEMA.

11. Submission of Invoices

Invoices must be generated using MEMA's Reimbursement Request Form (RRF). The Subrecipient must submit invoices by email to the applicable program mailbox:

EMPG: empgrants.maine@maine.gov

HSGP: hsgrants.maine@maine.gov

OPSG: osg.maine@maine.gov

SERC: maine.serc@maine.gov

HMA: hmagrants@maine.gov

Invoices must be accompanied by supporting documentation, including but not limited to receipts, timesheets, travel documents, approved EHP (if necessary), and proof of payment.

No payments due to the Subrecipient shall be adjusted for inflation. No interest shall be due or payable on any payment due the Subrecipient, regardless of any statement on the billing invoice.

12. After the Period of Performance

All funds must be obligated by the end of the performance period. Final reimbursement requests, close-out package and equipment reports must be received by MEMA within forty-five (45) days of this Grant Award's end date. Failure to de-obligate remaining funds in a timely manner may result in an automatic de-obligation of remaining funds by MEMA.

a. Audit Requirements

A non-Federal entity that expends a combined total of \$750,000 or more during its fiscal year in Federal awards must have a Federal compliance audit (Single Audit) as required by 2 CFR Part 200 Subpart F.

b. Retention of Records

Records for real property and equipment acquired with Federal funds must be retained for three (3) years after final disposition. 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. However, if any litigation, claim or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 CFR § 200.334.

FY 2023 DHS Standard Terms and Conditions

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. 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.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

A. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

- I. DHS financial assistance recipients 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 as instructed by the awarding agency.
- II. DHS financial assistance recipients 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.
- III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

B. General Acknowledgements 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. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.
- II. Recipients 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. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.
- V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and

FY 2023 DHS Standard Terms and Conditions

Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

C. Standard Terms & Conditions

I. Acknowledgement of Federal Funding from DHS

Recipients 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.

II. Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients 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.

V. Best Practices for Collection and Use of Personally Identifiable Information

Recipients 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. 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. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 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. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

VII. Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection

FY 2023 DHS Standard Terms and Conditions

therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 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.)

VIII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 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.

IX. Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. 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.

X. Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient 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. §§ 8101-8106).

XI. 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 recipients 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 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.

XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 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. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

XIII. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

FY 2023 DHS Standard Terms and Conditions

XIV. Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 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.

XV. False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

XVI. Federal Debt Status

All recipients 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.)

XVII. Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 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.

XVIII. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) 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. § 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.

XIX. Hotel and Motel Fire Safety Act of 1990

Recipients 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. § 2225a

XX. 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. §§ 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.

XXI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients 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>.

FY 2023 DHS Standard Terms and Conditions

XXII. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient 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.

XXIII. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients 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.

XXIV. 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. Recipients 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.

XXV. Non-Supplanting Requirement

Recipients 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.

XXVI. 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 recipients must comply with any such requirements set forth in the program NOFO.

XXVII. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients 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. § 401.14.

XXVIII. 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. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 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.

XXIX. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides

FY 2023 DHS Standard Terms and Conditions

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.

XXX. Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements:

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 recipients 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.

XXXI. Reporting Subawards and Executive Compensation

Reporting of first tier subawards.

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

XXXII. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients must comply with the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program 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.

FY 2023 DHS Standard Terms and Conditions

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

- (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 Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the "Build America, Buy America" provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

XXXIII. SAFECOM

Recipients 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.

XXXIV. Terrorist Financing

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

XXXV. Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons.

Recipients 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. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

SAGADAHOC COUNTY

Emergency Management Agency

Board of Health

Office: 207-443-8210

752 High Street, Bath, ME 04530

PHILIP DAVIS, DIRECTOR



Appendix C
Subrecipient Transparency Act
Grant Reporting Information for Federal Awards
Greater than \$25,000

Doing Business as Name: CITY OF BATH CITY HALL

Subrecipient Address: 55 Front St.
Bath, ME 04530-2572

Subrecipient Place of Performance (if different from above):

Congressional District: 1

Unique Entity Identifier (UEI) #: SZHLGJ9SE8N5

By signing, below, I certify the UEI number associated address and Congressional District are correct. If the information is not correct, please return the form with the current information and signature; and

By submitting this form, I certify that the typed name, electronic signature, or digital signature (a) is intended to have the same force as a manual signature (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, (e) is linked to data in such a manner that it is invalidated if the data are changed. (IO M.R.S.A. §9502 et seq.).

Signature: _____

Date: _____

Printed Name: _____

SAGADAHOC COUNTY

Emergency Management Agency

Board of Health

Office: 207-443-8210

752 High Street, Bath, ME 04530

PHILIP DAVIS, DIRECTOR



Appendix D

SUBRECIPIENT FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT (FFATA) GRANT REPORTING QUESTIONNAIRE FOR FEDERAL FUNDS GRANT MORE THAN \$30,000.00

Q1. In your business or organization's previous fiscal year, did your business or organization (including parent organization, all branches, and all affiliates worldwide) receive 1) 80 (eighty) percent of your annual gross revenues in U.S. Federal contracts, subcontracts, loans, grants, sub-grants, and or/cooperative agreements **AND** 2) \$30,000,000 or more in annual gross revenues from U.S. federal contacts, subcontracts, loans, grants, sub-grants, and/or cooperative agreements?

YES/NO

(If answer is YES, go to Q2. If answer is NO, sign, date, and return questionnaire with the contract)

Q2. Does the public have access to information about the compensation of the executives in your business or organization (including parent organization, all branches and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

YES/NO

(If answer is YES, sign, date, and return questionnaire with the contract, If answer is NO, please provide the name and amount of compensation for the top 5 executives below)

Executive 1 Name: _____	Compensation: _____
Executive 2 Name: _____	Compensation: _____
Executive 3 Name: _____	Compensation: _____
Executive 4 Name: _____	Compensation: _____
Executive 5 Name: _____	Compensation: _____

Signature: _____
Printed Name: _____

Date: _____

By submitting this form, I certify that the typed name, electronic signature, or digital signature (a) is intended to have the same force as a manual signature (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, (e) is linked to data in such a manner that it is invalidated if the data are changed. (IO M.R.S.A. §9502 et seq.).



CITY COUNCIL ACTION

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024



Responsible Dept: Community & Economic Development



Requested Action: Resolution



Title

CDBG Housing Assistance Grant Application

Summary

The State of Maine Department of Economic and Community Development has provided the City of Bath notice of eligibility to submit an application to its CDBG Housing Assistance grant program to seek funding to support phase II of Bath Housing Development Corporation's 520 Centre St project.

The grant application will request up to \$500,000 to support Phase II which will build 24 new one-bedroom apartments on land Bath Housing Development Corporation currently owns at 520 Centre Street in Bath. The building will be a wood frame three or four-story structure in the 16,000 square foot range. Phase I, currently under construction, will provide 18 new two-bedroom apartments in a four-story building that includes Bath Housing's new offices on the first floor.

Phase II received an appropriation for a \$4,000,000 FY24 Congressional Discretionary Spending grant on March 8, 2024. The project will also leverage approximately \$3,800,000 in tax-exempt 501c3 bonds from MaineHousing for its permanent debt. The timeline anticipates a construction start by the end of 2024. Design development is taking place now concurrently with the land use approval process. The design team include RSA Architects, Tom Saucier PE, and Ouellet Construction as Construction Manager.

A public hearing will take place on May 15th as well as May 16th at 5pm for the public to provide comment on the project.

Staff Comments

Grant funding through sources like CDBG help make housing projects viable. Where the City has a strong track record of assisting Bath Housing development projects with CDBG funding, and the project creates needed housing, staff encourages support for this grant.

Action: Recommend for passage



City Manager

Introduced for: New Business

5/15/2024

2024-58

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: Finance

Requested Action: Ordinance

Title

Authorizing issuance of a General Obligation Bond in the amount not to exceed \$517,000 for the purpose of funding equipment, and vehicles

Summary

This is the borrowing ordinance for the FY 2025 Capital items, as per the Council discussion during the budget workshops. This is the first passage, and the second passage will be June 5. Items included in the borrowing are as follows:

City of Bath				
Equipment Bid				
FY 2025				
Name of Equipment	Cost	City's down Payment	Amount to be Financed	Term
Cemetery Super Duty Pick Up Tru	63,000.00	21,000.00	42,000.00	4 years
Patrol Cruiser	71,000.00	21,000.00	50,000.00	4 years
	134,000.00	42,000.00	92,000.00	
Sidewalk Plow and Attachments	250,000.00	25,000.00	225,000.00	10 years
Sewer Dump Truck	250,000.00	50,000.00	200,000.00	10 years
	500,000.00	75,000.00	425,000.00	
Total to be financed.	634,000.00	117,000.00	517,000.00	

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: First Reading

BOND ORDINANCE

AUTHORIZING UP TO \$517,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF EQUIPMENT AND VEHICLES

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

- Section 1. That a sum of up to, but not to exceed, \$517,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following equipment, and vehicles, including issuance costs therefor:
- Cemetery Super Duty Pick Up Truck
 - Patrol Cruiser
 - Sidewalk Plow and Attachments
 - Sewer Dump Truck
- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$517,000, plus sale premium, under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed eleven (11) years.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

- Section 9. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.
- Section 11. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 12. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 11 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following the effective date in accordance with Section 809 of the City Charter.

5/15/2024

2024-59

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: Finance

Requested Action: Ordinance

Title

Supplemental Appropriation in the amount of \$1,091,090

Summary

This item is the calculation of the City of Bath expenditure limitation and moving forward the room available under the limitation to future years. This has been done by the Council every year since the expenditure limit was adopted to reserve the available space under the limit for future use. This is also the first passage, and the second passage will be June 5.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: First Reading

CERTIFICATION OF REVENUES IN EXCESS OF BUDGET ESTIMATES

I, Marc S. Meyers, pursuant to Section 611 (A) of the Charter of the City of Bath, hereby certify to the City Council of the City of Bath that there are available for appropriation revenues in excess of those estimated in the Budget, to the extent of at least One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00). The source of these funds is additional surpluses in the General Fund Undesignated Fund Balance Account which have been verified over and above those included in revenue in the 2023/2024 Fiscal Year Budget. The amount of surplus has been verified by the Auditor and is available for supplemental appropriation pursuant to the opinion of the City Solicitor.

Respectfully Submitted,

Marc S. Meyers
City Manager

ORDINANCE

SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00), will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00), be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).