



# Health & Human Services Agency COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 29, 2020 REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Andrew Lockman      PHONE: 624-8000

**SUBJECT:** Approve a Fire Management Assistance Grant Application

**REQUEST(S):**

That the Board of Supervisors:

1. Authorize the submittal of a request for Fire Management Assistance Subgrant for the Sequoia Lightning Complex Fire.
2. Authorize the Clerk of the Board to certify three (3) copies of the attached Designation of Applicant's Agent Resolution to appoint authorized agents to act on behalf of the County in securing and administering grant funds.
3. Authorize the Chair of the Board to sign three (3) copies of the attached Project Assurances for Federal Assistance.

**SUMMARY:**

The Sequoia Lightning Complex Fire (commonly referred to as the "SQF Complex Fire") started on August 22, 2020. This incident encompasses the lightning-caused Castle Fire and Shotgun Fire. As of the time of Agenda Item submission, the fire was burning in the Golden Trout Wilderness and on both the Sequoia and Inyo National Forests.

The SQF Complex Fire has burned over 120,000 acres as of the time of Agenda Item submission, and has destroyed multiple structures. Thousands of residences were placed under a series of mandatory evacuation orders, and residents of several mountain communities were displaced for extended periods. A Local Emergency was

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proclaimed on August 28, 2020 and ratified by the Board of Supervisors on September 1, 2020.

On September 13, 2020, a Fire Management Assistance Grant was approved by the Federal Emergency Management Agency, enabling the County to seek reimbursement for 75% of eligible response costs through the end of the incident period, which as of the time of Agenda Item submission had not yet been determined. After the incident period closes, the Governor's Office of Emergency Services will hold an Applicant's Briefing within thirty days, after which time the County and other affected local public agencies will have six months to submit eligible costs for reimbursement.

**FISCAL IMPACT/FINANCING:**

Submission of the Fire Management Assistance Grant application package will allow Tulare County and other affected local public agencies to seek 75% reimbursement for eligible SQF Complex Fire response costs, thus reducing Net County Cost to the General Fund. At the time of Agenda Item submission, cost estimates were still being prepared by departments.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Safety and Security element, with a goal to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. The submission of the Fire Management Assistance Grant application supports the goal of coordinated recovery efforts.

**ADMINISTRATIVE SIGN-OFF:**

/s/Robert Stewart OBO

Timothy W. Lutz  
Agency Director

Cc: County Administrative Office

Attachment(s)

- FEMA Form 089-0-24: Request for Fire Management Assistance Subgrant
- CalOES Form 89: Project Assurances for Federal Assistance
- CalOES Form 130: Designation of Applicant's Agent Resolution for Non-State Agencies

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVE A FIRE  
MANAGEMENT ASSISTANCE GRANT  
APPLICATION**

) Resolution No. \_\_\_\_\_  
) Agreement No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_,       SECONDED       BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Authorized the submittal of a request for Fire Management Assistance Subgrant for the Sequoia Lightning Complex Fire.
2. Authorized the Clerk of the Board to certify three (3) copies of the attached Designation of Applicant's Agent Resolution to appoint authorized agents to act on behalf of the County in securing and administering grant funds.
3. Authorized the Chair of the Board to sign three (3) copies of the attached Project Assurances for Federal Assistance.

### PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: County of Tulare  
(Name of Organization)  
ADDRESS: 5957 S. Mooney Blvd.  
CITY: Visalia STATE: CA ZIP CODE: 93277  
TELEPHONE: 559-624-7495 FAX NUMBER: 559-624-7499  
AUTHORIZED AGENT: Andrew Lockman TITLE: Emergency Svcs Manager  
EMAIL ADDRESS: alockman@tularehhsa.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 prohibits 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."

Pete Vander Poel

PRINTED NAME

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Chairman of the Board of Supervisors

09/29/2020

TITLE

DATE

DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency

**REQUEST FOR FIRE MANAGEMENT ASSISTANCE SUBGRANT**

OMB Control No. 1660-0058  
Expiration: December 31, 2021

**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this data collection is estimated to average 18 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Room 7NE, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0058) **NOTE: Do not send your completed form to this address.**

1. APPLICANT (Political subdivision or eligible applicant) County of Tulare	1.a DUNS NUMBER 07186884	2. DATE 9/29/2020
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3. COUNTY (location of firefighting activities. If located in multiple counties, please indicate) Tulare
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**APPLICANT PHYSICAL LOCATION**

1. STREET ADDRESS 5957 S. Mooney Blvd.			
2. CITY Visalia	3. COUNTY Tulare	4. STATE CA	5. ZIP CODE 93277

**Primary Contact/Applicant's Authorized Agent**

**Alternate Contact**

1. NAME Andrew Lockman	1. NAME Rob Stewart
2. TITLE Emergency Services Manager	2. TITLE HHSA Fiscal Operations Director
3. BUSINESS PHONE (559) 624-7498	3. BUSINESS PHONE (559) 624-8000
4. FAX NUMBER (559) 624-7499	4. FAX NUMBER (559) 713-3730
5. HOME PHONE	5. HOME PHONE
6. CELL PHONE (559) 972-0160	6. CELL PHONE
7. EMAIL ADDRESS alockman@tularehhsa.org	7. EMAIL ADDRESS rstewart@tularehhsa.org
8. PAGER & PIN NUMBER	8. PAGER & PIN NUMBER

Title 44 CFR part 204.41 defines Fire Management Assistance eligibility criteria as: (a) The following entities are eligible to apply through a State grantee for a subgrant under an approved fire management assistance grant: 1) State agencies; 2) Local government; and 3) Indian tribal governments. (b) Entities that are not eligible to apply for a subgrant as identified in(a), such as privately owned entities and volunteer fire fighting organizations, may be reimbursed through a contract or compact with an eligible applicant for cost associated with the fire complex. (c) Eligibility is contingent upon the finding that the applicant's resources were requested by the Incident Commander or comparable State official. (d) The activities performed must be the legal responsibility of the applying entity, required as a result of the fire complex for which a fire management assistance declaration was approved, and located within the declared area.

**Privacy Notice Form Request for Fire Management Assistance Subgrant**

**AUTHORITY:** FEMA collects, uses, maintains, retrieves, and disseminates the records within this form under the Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187 and §303 of the Disaster Mitigation Act of 2000).

**PRINCIPAL PURPOSE:** FEMA is collecting this information to determine which state(s), local, tribal, or territorial government(s) are eligible for Fire Management Assistance Grants. FEMA collects information from the political subdivision and/or the public agency, as well as the applicant's authorized representative.

**ROUTINE USES:** FEMA may share the personal information of U.S. citizens and lawful permanent residents contained in their grant applications, as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended, including pursuant to routine uses published in DHS/FEMA/PIA - 013 Grant Management Programs (February 19, 2015).

**DISCLOSURE:** The disclosure of this information is voluntary, however, failure to furnish this information may result in a delay of FEMA assistance.



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

BE IT RESOLVED BY THE Board of Supervisors OF THE County of Tulare  
(Governing Body) (Name of Applicant)

THAT Emergency Services Manager, OR  
(Title of Authorized Agent)

Emergency Services Director, OR  
(Title of Authorized Agent)

Health & Human Services Agency Director  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the County of Tulare, 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 County of Tulare, 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) FMAG #5373-FM-CA

Passed and approved this 29th day of September, 2020

Pete Vander Poel, Chairman

(Name and Title of Governing Body Representative)

Amy Shuklian, Vice Chair

(Name and Title of Governing Body Representative)

Kuyler Crocker, Dennis Townsend & Eddie Valero, Supervisors

(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and Deputy Clerk of the Board of  
(Name) (Title)

County of Tulare, 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 Supervisors of the County of Tulare  
(Governing Body) (Name of Applicant)

on the 29th day of September, 2020

Deputy Clerk of the Board

(Signature)

(Title)

**Cal OES Form 130 Instructions**

**A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.**

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

**Name of Applicant:** The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

**Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."