



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

March 20, 2018

7:00 P.M.

PRESIDING: John B. Gilstrap, Mayor

CITY COUNCIL	James B. Buckner	Sherman M. Saunders
MEMBERS:	L.G. "Larry" Campbell, Jr.	Fred O. Shanks, III
	Alonzo L. Jones, Vice Mayor	J. Lee Vogler, Jr.
	Gary P. Miller	Madison J. Whittle

STAFF:	Ken F. Larking, City Manager	W. Clarke Whitfield, Jr., City Attorney
	Earl B. Reynolds, Jr., Deputy City Manager	Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be

a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - L.G. "Larry" Campbell, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

*Citizens who desire to speak on matters not listed on the agenda will be heard at this time.
Citizens who desire to speak on agenda items will be heard when the agenda item is considered.*

MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on February 20, 2018.
Council Letter Number CL - 1852.

NEW BUSINESS

- A. Consideration of Amending Danville City Code Chapter 30 to Add Potential Conflicts of Interest to the List of Special Qualifications when Evaluating Competitive Bid Proposals.
Council Letter Number CL - 1833

An Ordinance Amending Chapter 30 of the Code of the City of Danville, Virginia, 1986, as Amended, Entitled "Procurement Code" More Specifically Article 2, Entitled "Competitive Bidding", Section 50, Entitled "Bid Evaluation" to Allow the City to Consider Potential Conflicts of Interest When Evaluating Competitive Bid Proposals.

- B. Consideration of Amending the FY 2018 Budget Appropriation Ordinance to Provide Funds for a Recreation Enrichment Program.
Council Letter Number CL - 1837

An Ordinance Amending the Fiscal Year 2018 Budget Appropriation Ordinance to Provide Funds in the Amount of \$55,220 for a Recreation Enrichment Program and the Local In-Kind Share of \$135,260 for a Total Appropriation of \$190,480 and Appropriation of Same.

FIRST READING

- C. Consideration of Amending the FY2018 Budget Appropriation Ordinance to Anticipate Receipt of Grant Funds from the Virginia Department of Emergency Management.
Council Letter Number CL -1843.

An Ordinance Amending the Fiscal Year 2018 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Department of Emergency Management in an Amount of \$38,289 for Equipment for the Danville Fire Department Technical Rescue Team and Appropriating Same.

FIRST READING

- D. Consideration of Amending the FY 2018 Budget Appropriation Ordinance to Anticipate Grant Funds from the Virginia Department of Emergency Management in the Amount of \$78,000.
Council Letter Number CL - 1847.

An Ordinance Amending the Fiscal Year 2018 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Department of Emergency Management in an Amount of \$78,000 for Equipment for the Danville Fire Department Hazmat Team and Appropriating Same.

FIRST READING

COMMUNICATIONS FROM:

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-1852

Meeting Minutes Item #: A.

City Council Regular Meeting

Meeting Date: 03/20/2018

Subject: Consideration of Approval of Minutes

From: Susan M. DeMasi, Clerk of Council

COUNCIL ACTION

Business Meeting: 03/20/2018

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on February 20, 2018.

Council Letter Number CL 1852

Attachments

Meeting Minutes

February 20, 2018

The Second Regular February meeting of the Danville City Council was held on February 20, 2018, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor John B. Gilstrap, Vice Mayor Alonzo L. Jones, Dr. Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (7). Sherman M. Saunders and Fred O. Shanks, III were absent (2).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Gilstrap presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Mayor John B. Gilstrap; the Pledge of Allegiance to the Flag followed.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

Mayor Gilstrap opened the floor for a Public Hearing for the Budget Amendment Items under the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on Tuesday, February 13, 2018. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** for adoption of the following Consent Agenda Items:

Minutes

Minutes for the Regular Council Meeting and Regular Work Session held on January 16, 2018, as presented. Draft copies had been distributed prior to the Meeting.

Budget Amendment – Consideration of Amending the FY2018 BAO for a Grant from the Danville Regional Foundation in the amount of \$25,000 for a "See the Possible" Grant

An Ordinance entitled, Ordinance No. 2018-02.02, Presented by its First Reading on February 6, 2018, Amending the Fiscal Year 2018 Budget Appropriation Ordinance to Include a Grant from the Danville Regional Foundation in the amount of \$25,000 to Cover the Travel Expenses for 12 City Staff and City Council Members to visit two Riverfront Parks to "See the Possible."

Budget Amendment – Consideration of Amending the FY2018 BAO to Provide for the Proceeds of General Obligation Bonds

An Ordinance entitled, Ordinance No. 2018-02.03, Presented by its First Reading on February 6, 2018, Amending the Fiscal Year 2018 Budget Appropriation Ordinance to Provide for the

February 20, 2018

Proceeds from the Sale of General Obligation Bonds of Fiscal Year 2018 and Appropriating Same.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE: 7-2
AYE: Buckner, Campbell, Gilstrap, Jones, Miller,
Vogler and Whittle (7)
NAY: None (0)
ABSENT: Saunders, Shanks (2)

NEW BUSINESS

CITY CODE - REVISING DANVILLE CITY CODE SECTION 38-80 CONCERNING CONNECTION FEES FOR GAS LINE SERVICE

Vice Mayor Jones **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2018-02.04

AMENDING AND REORDAINING CHAPTER 38 SECTION 80 ENTITLED "INSTALLATION OF SERVICE LINE FROM MAIN TO BUILDING OR METER LOCATION" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

The Motion was **seconded** by Council Member Vogler and carried by the following vote:

VOTE: 7-2
AYE: Buckner, Campbell, Gilstrap, Jones, Miller,
Vogler and Whittle (7)
NAY: None (0)
ABSENT: Saunders, Shanks (2)

APPROVING THE SUBMISSION OF THE CITY'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PROJECTS LIST

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2018-02.02

APPROVING THE SUBMISSION OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PRIORITY PROJECTS FOR MAINTAINING DANVILLE'S STATUS AS A REDEVELOPMENT AREA UNDER THE ECONOMIC DEVELOPMENT ADMINISTRATION'S PROGRAM.

The Motion was **seconded** by Council Member Campbell.

Council Member Whittle questioned the City spending another \$3.5M on the White Mill Redevelopment; Assistant Director of Economic Development, Corrie Bobe explained the item on the list, the White Mill Redevelopment Project, is to extend electric transmission lines to the site. AEP used to serve the site when Dan River operated the facility, and it has been turned over to Danville Utilities. Regardless of who the next owner is to develop the property,

Danville Utilities will have to invest in infrastructure to the site. City Manager Ken Larking noted the purpose of having this item listed on the CEDS list is so the City can apply for grants to help offset the cost of providing power to that facility. Ms. Bobe explained this is a wish list of items and projects over the course of many years that in order for the City to access grant funding to offset some of the costs, have to be listed. Mayor Gilstrap confirmed with the City Attorney that Council is approving the list, not appropriating any monies or approving an appropriation; any spending would have to come back to Council. Mr. Whitfield noted that was correct, this is a wish list to get the City on the list for grants to help pay for these items. Ms. Bobe explained the City would still have to apply to the EDA for grant funding, there is no guarantee that they would be approved, but the City would not be considered unless the project is on this list. The City updates this list every year and it is included in a document that is supplied to the EDA through the City's Planning District.

Mr. Whittle questioned constructing a new parking facility to accommodate the parking demand in the River District at \$9.9M, will the EDA work with the City on the other \$9.9M. Ms. Bobe noted this is a proposed project where the City would like to find grant funding if they were to move forward with the parking structure on Main Street, to help offset the City's cost for this structure.

After further discussion, the **Motion** was carried by the following vote:

VOTE: 6-1-2
AYE: Buckner, Campbell, Gilstrap, Jones, Miller,
and Vogler (6)
NAY: Whittle (1)
ABSENT: Saunders, Shanks (2)

**BUDGET AMENDMENT - AMENDING THE FY2018 BUDGET APPROPRIATION
ORDINANCE FOR INSURANCE PROCEEDS FOR THE TALBOTT DAM REPAIRS**

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2018-02.05

AMENDING THE FISCAL YEAR 2018 BUDGET APPROPRIATION ORDINANCE PROVIDING FOR THE REPAIRS TO THE CITY'S HYDROELECTRIC GENERATOR AT TALBOTT DAM BY APPROPRIATION OF RELATED INSURANCE PROCEEDS IN THE AMOUNT OF \$635,968.60.

was presented by its **First Reading**, as required by **City Charter**, to lie over for **Final Adoption**.

COMMUNICATIONS

City Manager Ken Larking noted he sent an email to Council Members with the Budget Calendar, there is a typo, it mentioned June 6th, it should be June 5th. Tomorrow there is a joint City Council/School Board meeting at the downtown Fire Station on Lynn Street. On March 21st, staff is proposing to have a joint School Board/City Council meeting to discuss the budget. Tomorrow night will be the presentation from the National Resource Network who has been working on the City's multi-year financial forecasting plan.

February 20, 2018

Mayor Gilstrap noted it gave him great pleasure to welcome back Deputy City Manager Earl Reynolds. Mr. Reynolds noted he appreciated all the thoughts, prayers, well wishes, texts, emails and telephone calls while he was on medical leave, and was delighted to be back. City Attorney Clarke Whitfield noted it was great to see the Deputy City Manager back.

ROLL CALL

Council Members welcomed Deputy City Manager Earl Reynolds back.

Vice Mayor Jones noted the GWHS basketball team lost tonight, but to Coach Parker and the GWHS Eagles, Council is very proud of them.

Council Member Miller noted there were pictures in the Register & Bee of children playing basketball. Council made a point of trying to get the goals and nets back up; when the children are playing basketball they are not getting into trouble. Dr. Miller discussed the advantages of Historic Tax Credits in City revitalization and noted Reverend Barber passed away at ninety years old.

Council Member Vogler reminded citizens the Utility Commission meets February 26th, Monday; 5:30 p.m. is the time for public comments. Mr. Vogler noted GWHS Basketball had a great season and congratulated Coach Parker and the team.

Council Member Whittle noted his thoughts go out to the people in Florida and asked the City Manager to make sure the City has all their operations in place, to stay ahead of an event like that.

Council Member Buckner congratulated the GWHS Eagles on their season and noted to the family of Brother Bob, he will be missed.

Council Member Campbell noted his congratulations to the GWHS Eagles and their coach on their season, and welcomed Tunstall High School students to the meeting.

Mayor Gilstrap noted his condolences to the friends and family of Brother Bob, he will be missed. His thoughts and prayers go out to the victims in Florida, they have difficult days ahead and still need everyone's prayers. Mayor Gilstrap noted he has announced he is not running for re-election and will miss all the debates.

The meeting adjourned at 7:27 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-1833

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 03/20/2018

Subject: Request to Amend Chapter 30 of the Code of the City of Danville

From: W. Clarke Whitfield, Jr., City Attorney

COUNCIL ACTION

Business Meeting: 03/20/18

SUMMARY

Virginia Code Section 2.2-4302.1(4) allows localities to include special qualifications for potential contractors in invitations to bid on procurement contracts subject to competitive bidding. Danville City Code Section 30-50 contains a list of ten (10) special qualifications that may be considered alongside price when awarding a procurement contract subject to competitive bidding. Potential conflicts of interest are not included in Danville's list. Staff recommends that an eleventh special qualification category be added to allow the City to consider potential conflicts of interest when awarding procurement contracts subject to competitive bidding.

BACKGROUND

In Virginia, a property owner has a legal duty to repair or demolish any unsafe building that they own. When a property owner fails to demolish an unsafe building they own, the City may contract for the demolition of the building and then bill the owner for the costs. Hypothetically, if the City of Danville published an invitation to bid on the demolition of an unsafe building after the owner failed to repair or demolish it, it would be possible for an LLC, whose sole agent is the owner of the property to be demolished, to deliberately bid slightly below cost. Since the lowest bid received for the demolition would be that made by the owner of the property to be demolished, under the current Danville Code, the City must accept this bid, even though it amounts to paying public funds to a person to demolish a property he is already under a legal obligation to demolish at his own cost. This opens the City up to an increased risk of predatory bids.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Ordinance adding potential conflicts of interest to the existing list of special qualifications that the City may consider when Evaluating Potential Bid Contracts.

Attachments

Ordinance

PRESENTED: _____
ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, ENTITLED "PROCUREMENT CODE" MORE SPECIFICALLY ARTICLE 2, ENTITLED "COMPETITIVE BIDDING", SECTION 50, ENTITLED "BID EVALUATION" TO ALLOW THE CITY TO CONSIDER POTENTIAL CONFLICTS OF INTEREST WHEN EVALUATING COMPETITIVE BID PROPOSALS.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that certain paragraphs and subparagraphs of Article 2, entitled "Competitive Bidding", Section 50, entitled "Bid Evaluation" of Chapter 30, entitled "Procurement Code", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 30 PROCUREMENT CODE

ARTICLE 2 "COMPETITIVE BIDDING"

SECTION 50 "BID EVALUATION"

(11) Potential Conflicts of Interest.

AND BE IT FURTHER ORDAINED that all other provisions and Paragraphs, Subparagraphs, and Sections of said Article, Chapter, and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1837

New Business Item #: B.

City Council Regular Meeting

Meeting Date: 03/20/2018

Subject: Recreation Enrichment Program and Expanded Summer Program

From: William Sgrinia, Director of Parks, Recreation & Tourism

COUNCIL ACTION

First Reading: 03/20/2018

Final Adoption: 04/03/2018

SUMMARY

The Danville-Pittsylvania Community Services Board will award funds in the amount of \$55,220 to the City's Department of Parks and Recreation for Fiscal Year 2018 for the Recreation Enrichment Program, and for the Expanded Summer Program.

BACKGROUND

The Danville-Pittsylvania Community Services Board will award funds in the amount of \$55,220 to the City's Department of Parks and Recreation. This is a continuation of funding which the City receives each year. With these funds, the Special Recreation Division provides recreation, education and cultural services for individuals with intellectual disabilities. The Grant includes funding for the Recreation Enrichment Program as well as for the Expanded Summer Program. The funds will be matched with local in-kind funds of \$135,260 for a total appropriation of \$190,480. The in-kind funds are included in the City's FY 2018 budget.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance appropriating funds to the City's Department of Parks and Recreation.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018_____-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FUNDS IN THE AMOUNT OF \$55,220 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$135,260 FOR A TOTAL APPROPRIATION OF \$190,480 AND APPROPRIATION OF SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2018 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for funds from Danville-Pittsylvania Community Services to the Department of Parks and Recreation, Special Recreation Division, in the amount of \$55,220 and in-kind services in the amount of \$135,260 for the purpose of operating a Recreation Enrichment Program to provide services for the intellectually disabled, and appropriating same within the Special Grants Fund, such appropriation be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account</u>	<u>Amount</u>
Categorical Aid--State: Danville-Pittsylvania Community Services	60299000-45620	\$ 45,893
Expanded Summer Program Danville-Pittsylvania Community Services	60298000-45620	\$ 9,327
Local Share: In-Kind Services Recreation Enrichment Program	60300000-44890	<u>\$135,260</u>
	Total	<u>\$190,480</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account</u>	<u>Amount</u>
Recreation Enrichment	60299999-50	\$ 45,893
Expanded Summer Program	60298999-50	\$ 9,327
Recreation Enrichment – In-Kind:		
Salaries & Wages	60300000-59500	\$ 94,729
FICA Taxes	60300000-59510	\$ 7,247
Retirement-ERS	60300000-59520	\$ 2,698
Automotive/Motor Pool	60300000-59615	\$ 10,272
Utilities	60300000-59625	\$ 8,486
Telephone	60300000-59635	\$ 548
Group Health Insurance	60300000-59530	\$ 11,111
Group Life Insurance	60300000-59531	\$ 169
	Total	<u>\$190,480</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal 2018 budget Appropriation Ordinance not hereby amended shall continue in full force and effect unless and until hereafter further amended or repealed; and

BE IT FINALLY ORDAINED that this appropriation shall be a continuing appropriation and such appropriation shall carry forward from year to year until such funds are expended for the purpose for which they were appropriated.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1843

New Business Item #: C.

City Council Regular Meeting

Meeting Date: 03/20/2018

Subject: 2017 SHSP Grant--Technical Team

From: David R. Eagle, Fire Chief

COUNCIL ACTION

First Reading: 03/20/2018

Final Adoption: 04/03/2018

SUMMARY

The City has received notification from the Virginia Department of Emergency Management that the Danville Fire Department Technical Rescue Team has been approved for a grant for a portion of the 2017 State Homeland Security Grant Program's funds in the amount of \$38,289.

BACKGROUND

Each year, funds from the State Homeland Security Grant Program are given to the Virginia Department of Emergency Management to distribute to special response teams throughout the Commonwealth to be used to support the team's training and equipment upgrades.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance Amending the Fiscal Year 2018 Budget Appropriation Ordinance by Increasing Revenue to Anticipate the Receipt of the Grant Funds from the Virginia Department of Emergency Management.

Attachments

Ordinance

Award Agreement

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____-____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT IN AN AMOUNT OF \$38,289 FOR EQUIPMENT FOR THE DANVILLE FIRE DEPARTMENT TECHNICAL RESCUE TEAM AND APPROPRIATING SAME.

WHEREAS, the City has been notified by the Virginia Department of Emergency Management that the Fire Department's Technical Rescue Team has been approved for a grant; and

WHEREAS, the grant funds are to be used to purchase equipment for the Technical Rescue Team.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2018 Budget Appropriation Ordinance be, and is hereby, amended by increasing revenues from the Virginia Department of Emergency Management for the purchase of equipment and such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 18 State Homeland Security Technical Rescue Team—Federal Funding		<u>\$38,289</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 18 SHSG—Technical Rescue Grant		<u>\$38,289</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2018 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

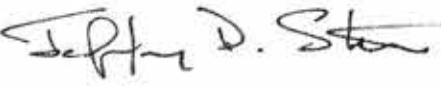
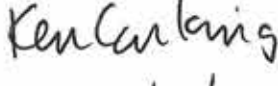
MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

 Virginia Department of Emergency Management 10501 Trade Court North Chesterfield, VA 23236	SUBAWARD AGREEMENT	Page 1 of 3		
1. SUBRECIPIENT NAME AND ADDRESS: City of Danville 600 Lynn Street Danville, Virginia 24541	4a. SUBAWARD ID NUMBER: 7639 4b. Federal Award Identification Number: EMW-2017-SS-00088 5. SUBAWARD DATE: February 14, 2018 6. PROJECT PERIOD: September 01, 2017 to March 31, 2019 BUDGET PERIOD: 9/1/2017 to 3/31/2019 7. TOTAL AMOUNT OF THIS SUBAWARD: \$38,289.00			
2. SUBRECIPIENT DUNS Number: 066008251 SUBRECIPIENT EIN: 54-6001243	8. FEDERAL AMOUNT OF THIS SUBAWARD: \$38,289.00 9. SUBRECIPIENT NON-FEDERAL COST SHARE REQUIREMENT: N/A 10. INDIRECT COST RATE (If applicable): N/A			
3. PASS-THROUGH ENTITY: Virginia Department of Emergency Management SUBAWARD NAME: 2017 State Homeland Security Grant Program (SHSP) CFDA: 97.067 – Homeland Security Grant Program (SHGP) U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)				
11. STANDARD TERMS AND CONDITIONS & SPECIAL CONDITIONS The above subaward is approved subject to the 2017 Department of Homeland Security (DHS) Standard Terms and Conditions and VDEM Special Conditions as set forth on the attached pages.				
12. APPROPRIATION AUTHORITY FOR GRANT The project is supported under the <i>Department of Homeland Security Appropriations Act, 2017 (Public Law No. 115-31)</i>.				
13. METHOD OF PAYMENT Commonwealth of Virginia Cardinal Accounting System				
<table border="1" style="width: 100%;"> <tr> <th style="width: 50%;">AGENCY APPROVAL</th> <th style="width: 50%;">SUBRECIPIENT ACCEPTANCE</th> </tr> </table>			AGENCY APPROVAL	SUBRECIPIENT ACCEPTANCE
AGENCY APPROVAL	SUBRECIPIENT ACCEPTANCE			
14. TYPED NAME AND TITLE OF APPROVING VDEM OFFICIAL Jeffrey D. Stern Ph.D. State Coordinator	16. NAME AND TITLE OF AUTHORIZED OFFICIAL Ken Larking City Manager			
15. SIGNATURE OF APPROVING VDEM OFFICIAL 	17. SIGNATURE OF AUTHORIZED SUBRECIPIENT OFFICIAL  18. DATE 2/19/18			

	Virginia Department of Emergency Management 10501 Trade Court North Chesterfield, VA 23236	SUBAWARD AGREEMENT	Page 2 of 3
Subaward Name: 2017 State Homeland Security Program Grant (SHSP) Subaward Date: February 14, 2018			
SPECIAL CONDITIONS			
1. The Subrecipient shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 CFR Part 200, and adopted by DHS at 2 CFR Part 3002 and the U.S. Department of Homeland Security Grant Program (HSGP) Notice of Funding Opportunity (NOFO).			
2. The Subrecipient agrees to permit the pass-through entity and auditors to have access to its records and financial statements as necessary for the pass-through entity to meet the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 CFR Part 200.			
3. The Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.			
4. The Subrecipient shall comply with the indirect costs provisions of 2 CFR§ 200.414. With the exception of subrecipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), subrecipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this subaward.			
5. In the event VDEM determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, the Subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.			
6. Subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the FEMA Environmental Planning and Historic Preservation (EHP) review process. Subrecipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Subrecipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the Subrecipient will immediately cease construction in that area and notify FEMA and the State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.			
7. The Subrecipient agrees that federal funds under this award will be used to supplement, not supplant, state or local funds for emergency preparedness.			

*Saving lives through effective emergency management and homeland security.
"A Ready Virginia is a Resilient Virginia."*



Virginia Department of Emergency
Management

10501 Trade Court
North Chesterfield, VA 23236

SUBAWARD AGREEMENT

Page 3 of 3

Subaward Name: **2017 State Homeland Security Program Grant (SHSP)**

Subaward Date: February 14, 2018

8. The Subrecipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."
9. The Subrecipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
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Please reference [2 CFR 200.403](#), in regard to reasonableness when considering requests for travel of this type. Where applicable, you should also reference the following regarding travel: the Western Hemisphere Travel Initiative (http://www.dhs.gov/files/programs/gc_1200693579776.sh1m).

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The FY 2017 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2017. The DHS financial assistance awards terms and conditions flow down to subrecipients, unless a particular award term or condition specifically indicates otherwise.

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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 [2 C.F.R. Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

DHS Specific 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.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right 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, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the [DHS Office of Civil Rights and Civil Liberties](#) (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Activities Conducted Abroad

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

The Department of Homeland Security Standard Terms and Conditions 2017

Age Discrimination Act of 1975

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([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.

Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, 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. ([42 U.S.C. §§ 12101–12213](#)).

Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (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. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

Civil Rights Act of 1964 – Title VI

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([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](#).

Civil Rights Act of 1968

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection 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 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. § 100.201](#).)

Copyright

All 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.

Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). 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.

Drug-Free Workplace Regulations

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

The Department of Homeland Security Standard Terms and Conditions 2017

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.

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

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([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](#).

Energy Policy and Conservation Act

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of [31 U.S.C. § 3729- 3733](#) which prohibits 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.)

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](#).)

Federal Leadership on Reducing Text Messaging while Driving

All 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.

Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under [49 U.S.C. § 41102](#)) 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.

Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. § 2225a](#), all 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 the *Federal Fire Prevention and Control Act of 1974*, as amended, [15 U.S.C. § 2225](#).

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

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) 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->

The Department of Homeland Security Standard Terms and Conditions 2017

[supported-organizations-provide-meaningful-access-people-limited](#) and additional resources on <http://www.lep.gov>.

Lobbying Prohibitions

All recipients must comply with [31 U.S.C. § 1352](#), which provides that none of the funds provided under an 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 concerning the award or renewal.

National Environmental Policy Act

All recipients must comply with the requirements of the [National Environmental Policy Act](#) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires 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.

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. All 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.

Non-supplanting Requirement

All 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.

Notice of Funding Opportunity Requirements

All of 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.

Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act](#), [Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All 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.

Procurement of Recovered Materials

All recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). 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.

Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the [Rehabilitation Act of 1973](#), [29 U.S.C. § 794](#), as amended, which provides 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.

The Department of Homeland Security Standard Terms and Conditions 2017

Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you 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.

Reporting Subawards and Executive Compensation

All 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.

SAFECOM

All 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.

Terrorist Financing

All recipients must comply with [E.O. 13224](#) and U.S. law 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.

Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by [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 in the award terms and conditions.

Universal Identifier and System of Award Management (SAM)

All recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions.

USA Patriot Act of 2001

All recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends [18 U.S.C. §§ 175–175c](#).

Use of DHS Seal, Logo and Flags

All recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C. § 2409](#), [41 U.S.C. 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).

Council Letter

City of Danville, Virginia



CL-1847

New Business Item #: D.

City Council Regular Meeting

Meeting Date: 03/20/2018

Subject: 2017 SHSP Grant - HazMat Team

From: David R. Eagle, Fire Chief

COUNCIL ACTION

First Reading: 03/20/2018

Final Adoption: 04/03/2018

SUMMARY

The City has received notification from the Virginia Department of Emergency Management that the Danville Fire Department HazMat Team has been approved for a grant for a portion of the 2017 State Homeland Security Grant Program in the amount of \$78,000.

BACKGROUND

Each year, funds from the State Homeland Security Grant Program are given to the Virginia Department of Emergency Management to distribute to special response teams throughout the Commonwealth, to be used to support the team's training and equipment upgrades.

RECOMMENDATION

It is recommended that Council approve the attached Ordinance Amending the Fiscal Year 2018 Budget Appropriation Ordinance by Increasing Revenue to Anticipate the Receipt of the Grant Funds from the Virginia Department of Emergency Management.

Attachments

Ordinance

Subaward Agreement

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT IN AN AMOUNT OF \$78,000 FOR EQUIPMENT FOR THE DANVILLE FIRE DEPARTMENT HAZMAT TEAM AND APPROPRIATING SAME.

WHEREAS, the City has been notified by the Virginia Department of Emergency Management that the Fire Department's HazMat Team has been approved for a grant; and

WHEREAS, the grant funds are to be used to purchase required replacement equipment for the HazMat Team.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2018 Budget Appropriation Ordinance be, and is hereby, amended by increasing revenues from the Virginia Department of Emergency Management for the purchase of equipment and such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 18 State Homeland Security HazMat Team—Federal Funding		<u>\$78,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 18 SHSG—HazMat Grant		<u>\$78,000</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2018 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

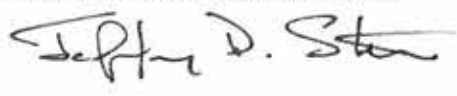
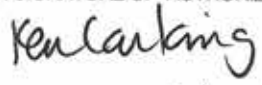
MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

	Virginia Department of Emergency Management 10501 Trade Court North Chesterfield, VA 23236	SUBAWARD AGREEMENT	Page 1 of 3
1. SUBRECIPIENT NAME AND ADDRESS: City of Danville 600 Lynn Street Danville, Virginia 24541	4a. SUBAWARD ID NUMBER: 7638 4b. Federal Award Identification Number: EMW-2017-SS-00088 5. SUBAWARD DATE: February 14, 2018 6. PROJECT PERIOD: September 01, 2017 to March 31, 2019 BUDGET PERIOD: 9/1/2017 to 3/31/2019 7. TOTAL AMOUNT OF THIS SUBAWARD: \$78,000.00		
2. SUBRECIPIENT DUNS Number: 066008251 SUBRECIPIENT EIN: 54-6001243	8. FEDERAL AMOUNT OF THIS SUBAWARD: \$78,000.00 9. SUBRECIPIENT NON-FEDERAL COST SHARE REQUIREMENT: N/A 10. INDIRECT COST RATE (If applicable): N/A		
3. PASS-THROUGH ENTITY: Virginia Department of Emergency Management SUBAWARD NAME: 2017 State Homeland Security Grant Program (SHSP) CFDA: 97.067 – Homeland Security Grant Program (SHGP) U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)			
11. STANDARD TERMS AND CONDITIONS & SPECIAL CONDITIONS The above subaward is approved subject to the 2017 Department of Homeland Security (DHS) Standard Terms and Conditions and VDEM Special Conditions as set forth on the attached pages.			
12. APPROPRIATION AUTHORITY FOR GRANT The project is supported under the <i>Department of Homeland Security Appropriations Act, 2017 (Public Law No. 115-31)</i> .			
13. METHOD OF PAYMENT Commonwealth of Virginia Cardinal Accounting System			
AGENCY APPROVAL	SUBRECIPIENT ACCEPTANCE		
14. TYPED NAME AND TITLE OF APPROVING VDEM OFFICIAL Jeffrey D. Stern Ph.D. State Coordinator	16. NAME AND TITLE OF AUTHORIZED OFFICIAL Ken Larking City Manager		
15. SIGNATURE OF APPROVING VDEM OFFICIAL 	17. SIGNATURE OF AUTHORIZED SUBRECIPIENT OFFICIAL  18. DATE 2/19/18		



Virginia Department of
Emergency Management

10501 Trade Court
North Chesterfield, VA 23236

SUBAWARD AGREEMENT

Page 2 of 3

Subaward Name: **2017 State Homeland Security Program Grant (SHSP)**

Subaward Date: February 14, 2018

SPECIAL CONDITIONS

1. The Subrecipient shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [2 CFR Part 200](#), and adopted by DHS at [2 CFR Part 3002](#) and the U.S. Department of Homeland Security Grant Program (HSGP) Notice of Funding Opportunity ([NOFO](#)).
2. The Subrecipient agrees to permit the pass-through entity and auditors to have access to its records and financial statements as necessary for the pass-through entity to meet the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [2 CFR Part 200](#).
3. The Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.
4. The Subrecipient shall comply with the indirect costs provisions of [2 CFR § 200.414](#). With the exception of subrecipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), subrecipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this subaward.
5. In the event VDEM determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, the Subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.
6. Subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, **must** participate in the FEMA Environmental Planning and Historic Preservation (EHP) review process. Subrecipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Subrecipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the Subrecipient will immediately cease construction in that area and notify FEMA and the State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.
7. The Subrecipient agrees that federal funds under this award will be used to supplement, not supplant, state or local funds for emergency preparedness.

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"A Ready Virginia is a Resilient Virginia."*



Virginia Department of Emergency
Management

10501 Trade Court
North Chesterfield, VA 23236

SUBAWARD AGREEMENT

Page 3 of 3

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2. Recipients must give DHS access to, and the right 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, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the [DHS Office of Civil Rights and Civil Liberties](#) (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Activities Conducted Abroad

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

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Age Discrimination Act of 1975

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([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.

Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, 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. ([42 U.S.C. §§ 12101–12213](#)).

Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (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. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

Civil Rights Act of 1964 – Title VI

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([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](#).

Civil Rights Act of 1968

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection 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 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. § 100.201](#).)

Copyright

All 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.

Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). 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.

Drug-Free Workplace Regulations

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

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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.

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

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([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](#).

Energy Policy and Conservation Act

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of [31 U.S.C. § 3729- 3733](#) which prohibits 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.)

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](#).)

Federal Leadership on Reducing Text Messaging while Driving

All 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.

Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under [49 U.S.C. § 41102](#)) 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.

Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. § 2225a](#), all 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 the *Federal Fire Prevention and Control Act of 1974*, as amended, [15 U.S.C. § 2225](#).

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

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) 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->

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[supported-organizations-provide-meaningful-access-people-limited](#) and additional resources on <http://www.lep.gov>.

Lobbying Prohibitions

All recipients must comply with [31 U.S.C. § 1352](#), which provides that none of the funds provided under an 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 concerning the award or renewal.

National Environmental Policy Act

All recipients must comply with the requirements of the [National Environmental Policy Act](#) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires 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.

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. All 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.

Non-supplanting Requirement

All 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.

Notice of Funding Opportunity Requirements

All of 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.

Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All 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.

Procurement of Recovered Materials

All recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). 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.

Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the [Rehabilitation Act of 1973, 29 U.S.C. § 794](#), as amended, which provides 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.

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Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you 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.

Reporting Subawards and Executive Compensation

All 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.

SAFECOM

All 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.

Terrorist Financing

All recipients must comply with [E.O. 13224](#) and U.S. law 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.

Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by [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 in the award terms and conditions.

Universal Identifier and System of Award Management (SAM)

All recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions.

USA Patriot Act of 2001

All recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends [18 U.S.C. §§ 175-175c](#).

Use of DHS Seal, Logo and Flags

All recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C § 2409](#), [41 U.S.C. 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).