

RESOLUTION NO. 09-644

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING AMENDMENT B TO THE STATE MILITARY
EMERGENCY MANAGEMENT AGREEMENT FOR THE
2009 SEVERE STORM EVENT

WHEREAS, the City entered into an agreement with the State Military Department Emergency Management for Federal Emergency Management Agency funds for reimbursement of eligible costs of the repairs to Roberts Drive and the culvert at Ginder Creek due to the January 2009 Severe Winter Storm event by Resolution 09-584; and

WHEREAS, on October 15, 2009, the Agreement was amended in order to authorize an additional 12.5 percent of state funding to assist the City with the costs not covered by the Federal Emergency Management Agency; and

WHEREAS, the Federal Emergency Management Agency has made changes in their program requirements regarding audits and new limits of signature authority; and

WHEREAS, the funding agencies have the right to amend the terms of this grant assistance agreement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute the attached Amendment B to the State Military Department of Emergency Management making changes to the audit requirements and new limits to signature authority as attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF OCTOBER, 2009.

CITY OF BLACK DIAMOND:


Howard Botts, Mayor

Attest:


Brenda L. Martinez, City Clerk

Replace these numbered paragraphs of the original agreement with the following new paragraphs:

GENERAL TERMS AND CONDITIONS

A.26 SINGLE AUDIT ACT REQUIREMENTS (INCLUDING ALL AMENDMENTS)

Non-federal APPLICANTS expending financial assistance of **\$500,000** or more in federal funds from all sources, direct and indirect, are required to have a single or a program-specific audit conducted in accordance with the Office of Management and Budget (OMB) Circular A-133-Audits of States, Local Governments, and Non-Profit Organizations (revised June 27, 2003, effective for fiscal years ending after December 31, 2003). Non-federal APPLICANTS that spend less than **\$500,000** a year in federal awards are exempt from federal audit requirements for that year, except as noted in Circular No. A-133. Circular A-133 is available at: <http://www.whitehouse.gov/omb/circulars/index.html>.

APPLICANTS required to have an audit must ensure the audit is performed in accordance with Generally Accepted Auditing Standards (GAAS); Government Auditing Standards (the Revised Yellow Book) developed by the Comptroller General and the OMB Compliance Supplement.

The APPLICANT has the responsibility of notifying the State Auditor's Office and requesting an audit.

Private non-profit APPLICANTS must contact a CPA firm to perform the audit. Costs of the audit may be an allowable grant expenditure if the grant has not been closed.

The APPLICANT shall maintain records and accounts so as to facilitate the audit requirement and shall ensure that any subrecipients also maintain auditable records.

The APPLICANT is responsible for any audit exceptions incurred by its own organization or that of its subrecipients. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The APPLICANT must respond to DEPARTMENT requests for information or corrective action concerning audit issues within 30 days of the date of request. The DEPARTMENT reserves the right to recover from the APPLICANT all disallowed costs resulting from the audit.

Once the single audit has been completed, the APPLICANT must send a full copy of the audit to the DEPARTMENT and a letter stating there were no findings, or if there were findings, the letter should provide a list of the findings. The APPLICANT must send the audit and the letter no later than nine (9) months after the end of the APPLICANT'S fiscal year(s) to:

**Accounting Manager
Washington Military Department
Finance Division, Building #1 TA-20
Camp Murray, WA 98430-5032**

In addition to sending a copy of the audit, the APPLICANT must include a corrective action plan for any audit findings and a copy of the management letter, if one was received.

The APPLICANT shall include the above audit requirements in any subcontracts.

A.33 LIMITATION OF AUTHORITY – Authorized Signature

Only the DEPARTMENT's Authorized Signature and the APPLICANT's Authorized Authority shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Grant Agreement. Any alteration, amendment, modification, or waiver of any clause or condition of this Grant Agreement is not effective or binding unless made in writing and signed by the DEPARTMENT's Authorized Signature and the APPLICANT's Authorized Authority. Only the APPLICANT's Authorized Authority, Designated Applicant Agent, or Designated Alternate Applicant Agent shall have signature authority to sign payment requests, certification of project completion, time extension requests, requests for changes to project status (including improved or alternate project status), and Statements of Documentation for large projects.