



Minutes of the Goshen Common Council Regular Meeting of June 2, 2020

5:30 p.m. Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Jeremy P. Stutsman called the meeting to order and led in the Pledge of Allegiance

Clerk stated that this meeting is being held during a declared public health emergency covering all of the State of Indiana pursuant to Governor Holcomb's Executive Orders 20-04, 20-09, and 20-25 as well as guidance from Indiana Public Access Counsellor Luke Britt, then called the roll:

Present electronically:

Megan Eichorn (Dist 4),
Julia King (At-Large),
Jim McKee (Dist 1),
Doug Nisley (Dist 2),
Gilberto Pérez, Jr. (Dist 5),
Matt Schrock (Dist 3),
Youth Advisor Zoe Eichorn (Non-voting)

Present in-person:

Council President Brett Weddell (At-Large)

Weddell/King moved to add Resolution 2020-13 to the agenda and approve as amended. PASSED 7-0.

Privilege of the Floor

No one spoke.

Elected Official Reports

King thanked Police Chief Miller and Mayor Stutsman for keeping the peace after the recent Black Lives Matter demonstration, which a number of councilors and Mayor attended.

King said she has been hearing from some residents about the possibility of the City adopting a mask ordinance. Mayor replied that his understanding is that in Indiana only the health department, state health department, or governor's office could enact a mask ordinance; does not believe city councils or mayors can, but is willing to check.



Mayor commended Police Department for a job well done at the BLM demonstration. Mayor also noted Fire Department was ready and on call, and Street Department assisted with crowd control barricading.

Weddell asked about surrounding community officers assisting. Mayor thanked City of Elkhart and Elkhart County Sheriff's Department for phenomenal job.

Nisley asked about cost to the City. Mayor replied that those numbers, including overtime, are not yet available. King said that freedom of speech is priceless. Mayor speculated that the cost might be \$30-\$35k.

Clerk-Treasurer Scharf thanked Goshen News for live reporting that allowed curious residents to monitor the event remotely.

Eichorn said she attended and was concerned about inaccuracy of some information being disseminated. Stated it stayed peaceful in spite of a few heated exchanges involving individuals there to cause trouble. Thanked parents for being present and witnessing, as well as Marilyn Torres for mediating a situation.

Perez stated he was in attendance; appreciated Mayor's words and leadership in speaking at the event. Many people are hurting right now and racism makes people uncomfortable. Said it is important as city leaders to listen to community members. Response has started with leaders walking with demonstrators but doing so on sidewalk, not on street. Thanked Goshen PD, participants and Mayor.

Mayor said he and Chief Miller discussed making space and allowing voices to be heard.

King said she heard from one person about Police Chief making formal statement about rules of engagement. Said in her view PD showed that they are not "knocking heads" out there.

Mayor said he believes Police Department has been and will be consistent in doing the right thing.

Mayor announced that June 4 is last day Zoom (video meeting software) meetings will be permitted. Plans for council chambers to accommodate social distancing are underway.

Mayor announced upcoming union negotiations with Teamsters, Fire and Police unions. Asked for two councilors for each negotiation.

Mayor announced he would be proposing COVID-19 retirement package for city employees who are CDC high risk, minimum number of years working with City.

Special Presentation – Zoe Eichorn

Zoe Eichorn stated she would prefer to delay this agenda item to next in-person meeting.



Ordinance 5044: An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Commercial B-1 District and Residential R-2 District to Commercial B-3 District

Weddell/Nisley moved for passage of Ordinance 5044 on first reading.

City Planner Rhonda Yoder introduced the ordinance per the packet memo for 2005 E. Lincoln Ave.

Crystal Welsh, Abonmarche, representing the petitioner, addressed the concern raised at Plan Commission by the neighbor to the north. Explained relevant plans for forest, road, parking lot; stated expansion into area of concern is not part of the plan at this point. Welsh noted that stormwater retention requirements can be met on site.

Schrock asked whether Star Trucking bought the house. Welsh said they did and planned to split off and sell the residence. Schrock confirmed that the house would be marketed to general public; expressed his approval.

King said she was glad there was no immediate plan for the wooded area and cited comprehensive plan objective of preserving mature trees. Mentioned swath of trees at front of site. Welsh addressed some details of final site plan and development.

King asked about incentive to preserve existing trees. Yoder explained mature vegetation can offset requirements to plant new, even if mature vegetation is not located where new would be required.

Schrock asked whether parking lot would be limestone. Yoder replied that is not a zoning-related matter.

Kingsley said while it does not affect zoning ordinance, it would be good to preserve mature trees on street side, as mature trees are providing most value.

King asked about number of trucks planned for parking. Welsh replied that intent is largely to improve the property.

King asked about number of jobs at the site. Welsh replied that 3-4 individuals work on site.

ROLL CALL vote to approve Ordinance 5044 on first reading: PASSED 7-0.

Weddell/Perez moved for passage of Ordinance 5044 on second and final reading.

King and Eichorn expressed desire to maintain trees.

ROLL CALL vote: PASSED 7-0.



Resolution 2020-13: An Emergency Resolution Providing for the Transfer of Funds Received from FEMA for Fiscal Year 2018 Assistance to Firefighters Grant

Weddell/Perez moved for passage of Resolution 2020-13.

Scharf explained that resolution is to authorize expenditure of federal grant funds already received. Mentioned that other local departments also benefited, and pointed to supporting documentation (attached as Exhibit A).

ROLL CALL vote: PASSED 7-0

Mayor expressed appreciation for councilors checking in on how he and staff are doing. Appreciates working with council members.

Weddell/King moved to adjourn.

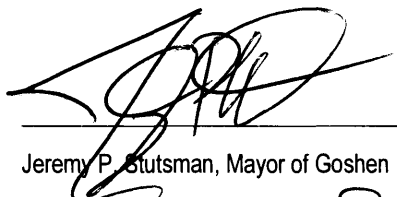
VOICE VOTE to adjourn: PASSED 7-0

Meeting Adjourned

Exhibits:

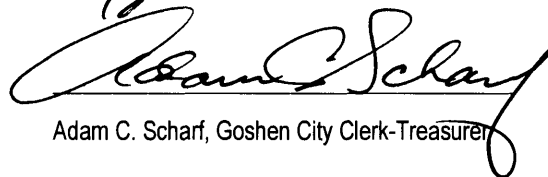
A – (24) pages

APPROVED:



Jeremy P. Stutsman, Mayor of Goshen

ATTEST:



Adam C. Scharf, Goshen City Clerk-Treasurer



City Clerk-Treasurer
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

clerktreasurer@goshencity.com • www.goshenindiana.org

30 May 2020

Memorandum

To: Common Council

From: Finance Department

Re: FEMA Grant Category Transfer for
Fiscal Year 2018 Assistance to Firefighters Grant (EMW-2018-FR-00250)

On behalf of Fire Chief Dan Sink, Battalion Chief Steffen Schrock, and the Goshen Fire Department, the Department of Finance requests a category transfer of \$209,200 from revenue line 230.410.00.331.0513 Fire/FEMA to expense line 230.510.00.444.0513 Fire/FEMA.

This action will allow for the payment of these Fiscal Year 2018 Assistance to Firefighters Grant (EMW-2018-FR-00250) funds for the purposes intended by the grant. This is a reimbursement grant and the specific uses of the funds in this disbursement, which has been deposited into the City Treasury. Purchases of a RescueAire II System, a CAT II System with Auto Cascade, compressors with CO monitors, fill stations and cylinders (Invoice 1 and Invoice 2 attached, along with narrative provided by Battalion Chief Schrock) and have already been reviewed and approved by FEMA.

For additional details, including the 10% local match requirement, please see the attached bid award package.

Adam C. Scharf
City Clerk-Treasurer

COMMON COUNCIL RESOLUTION 2020-13:

**An Emergency Resolution Providing for the Transfer of Funds Received from
FEMA for Fiscal Year 2018 Assistance to Firefighters Grant**

AS PER REQUEST BY A DEPARTMENT HEAD OF THE CIVIL CITY OF GOSHEN, INDIANA, FOR THE YEAR 2020, AND FORWARD TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE.

WHEREAS certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2020 and it is now necessary to transfer the appropriated money into different categories than was appropriated in the annual budget for the various functions of the several departments to meet emergencies.

SECTION 1. BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, that for the expenses of the City Government the following sums of money are hereby transferred and set apart out of the funds hereinafter named for the purpose specified, subject to the laws governing the same, such sums herein transferred unless otherwise expressly stipulated by law.

SECTION 2. WHEREAS, it has been shown that certain existing appropriations have unobligated balances that will be available for transferring for such emergencies, it is therefore further resolved by the aforesaid Common Council that such extra appropriations are now reduced and transferred as follows:

FEDERAL STATE GRANTS - 230

FROM: FSGR/Fire FEMA Grant Revenue 331.0513

TO: FSGR/Fire FEMA Grant Expense 444.0413\$209,200

SECTION 3. PASSED AND ADOPTED BY THE COMMON COUNCIL On the 2nd day of June, 2020

Jeremy P. Stutsman, Presiding Officer

ATTEST: _____
Adam C. Scharf, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the ____ day of _____ 2020

Adam C. Scharf, Clerk-Treasurer

This resolution approved and signed by me on the ____ day of _____ 2020

Jeremy P. Stutsman, Mayor

FY 2018 Assistance to Firefighters Grants

Grant ID: EMW-2018-FR-00350

Period of performance: 09/17/2019 to 09/16/2020

Federal resources awarded: **\$211,814.54**

Status	Approved
Date of status	05/01/2020
Technical assistance comments	Dear Grant Manager, Thank you for submitting your payment request. It appears consistent with the award and no issues were found; therefore, your request is approved. If this request was made in advance, please ensure that time elapsing between receipt of federal funds and disbursement to vendors does not exceed 30 days. All items and services must be received and put into service within active period of performance of this award. Lena Porterfield Assistance to Firefighters Grant Program 400 C. St. SW, 3N Washington, DC 20472 - 3620 202-304-2281 Elena.Porterfield@fema.dhs.gov AFG Webpage: http://www.fema.gov/firegrants
Payment number	3
Request date	04/20/2020
Payment amount	\$209,200.00
Payment request narrative	Four fire departments benefited from this 2018 Regional Assistance to Firefighters Grant. Middlebury Fire Department, Jefferson Twp. Fire Department, Jackson Twp. Fire Department and Goshen Fire Department are all located in Elkhart County, Indiana. We collaborated and applied for \$232,996.00 to purchase RIT packs, Cascade / SCBA Fill Stations and RIT training. The total federal share awarded was \$211,814.54 and the total applicant share was \$21,181.46. A total of seven RIT packs were purchased at a cost of \$4000.00 each. All front line apparatus from each department are now equipped with RIT packs. A total of three Cascade / SCBA Fill Stations were purchased at a cost of \$181,200.00. Jackson Twp. Fire Department did not receive a new Cascade / Fill Station from this grant because they had recently purchased. Each new unit is equipped with a cylinder accountability tag (CAT) system. These new systems will be used to refill the SCBA's purchased with funding from a 2017 Regional Assistance to Firefighters Grant. Together, the total of the above constitutes the amount requested for payment at this time: \$209,200.00 Funding was also awarded for RIT Training. The grant provides \$20,496.00 to send six firefighters to RIT school. While not being requested for payment at this time, those funds will be used to pay for tuition, travel, lodging, meals and overtime / backfill expenses, with reimbursement payment requested after the expenses have been incurred.

Pro Air Midwest, LLC
6256 Legacy Ln
Ellettsville, IN 47429
800-245-0269
bryan.goodall@proairmidwest.com
www.proairmidwest.com

BILL TO
Goshen Fire Department
209 N 3rd Street
Goshen, IN 46526

INVOICE 8719

DATE 04/16/2020 TERMS Net 30

DUE DATE 05/16/2020

DESCRIPTION	QTY	RATE	AMOUNT
Non-Inventory Parts:Sales - New Equipment Mako BAM06H1 Compressor with CO Monitor	3	29,000.00	87,000.00
Non-Inventory Parts:Sales - New Equipment Mako SSCFS3-4HP Fill Stations	3	10,000.00	30,000.00
Non-Inventory Parts:Sales - New Equipment ISO/UN 6000psi Cascade Cylinders	12	1,225.00	14,700.00
Non-Inventory Parts:Sales - New Equipment CAT II System with Auto Cascade	3	16,500.00	49,500.00

Project B19-10-016

TOTAL DUE \$181,200.00



FIRE AND SAFETY EQUIPMENT, LLC.

PROTECTING AMERICA'S HEROES

NUMBER: 194198-0
 DATE: 2/6/2020
 TAXABLE: N

INVOICE

SOLD TO: GOSHEN FIRE DEPT
 209 N 3RD STREET
 GOSHEN, IN 46526

SHIP TO: GOSHEN FIRE DEPT
 209 N 3RD STREET
 GOSHEN, IN 46526

ORDER #	ORDER DATE	CUSTOMER #	SALESPERSON	PO #.	TERMS
194198	2/6/2020	12767	52	FEMA/RIT	NET 30

QTY ORDERED	QTY SHIPPED	QTY B/O	ITEM NUMBER	5-ALARM PRODUCT DESCRIPTION	UNIT PRICE	EXTENDED PRICE
7	7		10161142	RESCUEAIRE II SYSTEM	\$4,000.00	\$28,000.00

SHIPPING/HANDLING	
SUBTOTAL	28,000.00
WI SALES TAX	-
TOTAL	\$28,000.00

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Angie McKee
City of Goshen
209 N. Third St.
Goshen, Indiana 46526



EMW-2018-FR-00350

Dear Angie McKee,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Assistance to Firefighters Grant (AFG) funding opportunity has been approved in the amount of \$211,814.54 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.00 percent of the Federal funds awarded, or \$ 21,181.46 for a total approved budget of \$ 232,996.00 . Please see the FY 2018 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink, which appears to read "Bridget Bean".

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: City of Goshen

DUNS number: 098646136

Award number: EMW-2018-FR-00350

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$9,696.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$212,500.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$10,800.00
Federal	\$211,814.54
Non-Federal	\$21,181.46
Total	\$232,996.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 AFG NOFO.

Approved request details:

Equipment

Air Compressor/Cascade/Fill Station (Fixed or Mobile) for filling SCBA

DESCRIPTION

14 CFM Compressor with a three bottle fill station and a four cylinder 6000 PSI cascade system with an SCBA accountability system and carbon monoxide detection.

QUANTITY	UNIT PRICE	TOTAL
3	\$61,500.00	\$184,500.00

BUDGET CLASS

Equipment

RIT Pack/Cylinder

DESCRIPTION

The RIT Packs that we need to purchase are a 4500 PSI, 45 minute bottle with a face piece, regulator, 6' buddy breather hose, a 5' RIC hose, and universal connection in a RIT appropriate bag.

QUANTITY	UNIT PRICE	TOTAL
7	\$4,000.00	\$28,000.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$5,244.00 to \$4,000.00

JUSTIFICATION

This reduction is because the cost you requested for RIT Pack exceeds the average price range calculated from market research and prior awards for the same item.

Additional Funding

DESCRIPTION

The training that we are requesting will allow six members to attend RIT school hosted by the Illinois Fire Instructor Service. It is a 50 hour course that involves realistic scenarios that are mentally and physically challenging. These six members will then train the remaining 151 members within this grant. The amount requested is the cost of tuition and overtime / backfill for 6 members to attend the RIT course. The average cost of overtime being \$32.35. This also covers the cost of back filling these six positions during their absence. All personnel will be trained to NFPA Standard 1407. The training will allow our departments to work seamlessly in the event of a downed firefighter by improving the interoperability amongst the departments involved. This grant compliments our 2017 AFG grant for SCBA's by continuing the continuity of our respiratory protection project.

Amount
\$10,800.00

BUDGET CLASS

Other

Additional Funding

DESCRIPTION

The training that we are requesting will allow six members to attend RIT school hosted by the Illinois Fire Instructor Service. It is a 50 hour course that involves realistic scenarios that are mentally and physically challenging. These six members will then train the remaining 151 members within this grant. The amount requested is the cost of tuition and overtime / backfill for 6 members to attend the RIT course. The average cost of overtime being \$32.35. This also covers the cost of back filling these six positions during their absence. All personnel will be trained to NFPA Standard 1407. The training will allow our departments to work seamlessly in the event of a downed firefighter by improving the interoperability amongst the departments involved. This grant compliments our 2017 AFG grant for SCBA's by continuing the continuity of our respiratory protection project.

Amount
\$9,696.00

BUDGET CLASS

Personnel

Agreement Articles

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: City of Goshen

DUNS number: 098646136

Award number: EMW-2018-FR-00350

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article 2 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. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. .

Article 3 Acknowledgement of Federal Funding from DHS

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.

Article 4	<p>Activities Conducted Abroad 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.</p>
Article 5	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
Article 6	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
Article 7	<p>Best Practices for Collection and Use of Personally Identifiable Information (PII) 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. 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. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.</p>
Article 8	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>

Article 9 Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection 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. Part 100, Subpart D)

Article 10 Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11 Debarment and Suspension

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 as adopted by DHS at 2 C.F.R. Part 3000. 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.

Article 12 Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).

Article 13 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.

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
	Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	Energy Policy and Conservation Act
	Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies
	Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which 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.
Article 17	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.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving
	Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Article 19	Fly America Act of 1974
	Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 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.
Article 20	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, 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, codified as amended at 15 U.S.C. § 2225.

Article 21	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited and additional resources on http://www.lep.gov.</p>
Article 22	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
Article 23	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (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.</p>
Article 24	<p>Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.</p>
Article 25	<p>Non-supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
Article 26	<p>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 hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>

Article 27 Patents and Intellectual Property Rights

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

Article 28 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 29 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), 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.

Article 30 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, the recipient 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.

Article 31 Reporting Subawards and Executive Compensation

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.

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33	Terrorist Financing	Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 34	Trafficking Victims Protection Act of 2000	Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended 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.
Article 35	Universal Identifier and System of Award Management (SAM)	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.
Article 36	USA Patriot Act of 2001	Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.
Article 37	Use of DHS Seal, Logo and Flags	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.
Article 38	Whistleblower Protection Act	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.
Article 39	Acceptance of Post Award Changes	In the event FEMA 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, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2018-FR-00350	2. Amendment No. N/A	3. Recipient No. 35-6001045	4. Type of Action AWARD	5. Control No. WX02674N2019T		
6. Recipient Name and Address City of Goshen 209 N. Third St. Goshen, Indiana 46526		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Angie McKee		9a. Phone No. 352-4862354	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 09/10/2019	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 09/17/2019 to 09/16/2020 Budget Period 09/17/2019 to 09/16/2020		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2019-F8-GB01 - P431-xxxx-4101-D	\$0.00	\$211,814.54	\$211,814.54	\$21,181.46
Totals			\$0.00	\$211,814.54	\$211,814.54	\$21,181.46
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) Angie McKee	DATE 09/13/2019
18. FEMA SIGNATORY OFFICIAL (Name and Title) Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	DATE 09/10/2019