



## **NOTICE OF PUBLIC MEETING**

The Lewis and Clark County Commissioners Public Meeting will be held on Thursday, November 21, 2024, at 9:00 AM in Commission Chambers, Rm 330.

It is the policy of the Board of County Commissioners to render a decision at a later date after they have had ample time to consider all oral and written public testimony. The BoCC may render a final decision on the same date if substantial new information is not received. Public comment must be limited to matters under the jurisdiction of the Commission.

1. **Pledge of Allegiance**
2. **Consent Action Items**
  - a. Vendor Claims Report for Week Ending November 22, 2024. (Marni Bentley)
3. **Memorandum of Understanding Between Lewis and Clark County Sheriff's Office and the Montana State University Police. (Captain Brian Robinson)**

The Commissioners will consider the memorandum of understanding (MOU) with the Montana State University Police for requesting assistance with traffic control and/or ensuring public safety for the purpose of events held at Montana State University. The MOU begins November 21, 2024.
4. **Grant Award to Lewis and Clark Sheriff's Office from Montana Disaster and Emergency Services. (Chris Norris)**

The Commissioners will consider accepting the grant award in the amount of \$94,000 from Montana Disaster and Emergency Services State Homeland Security Grant for the Regional Explosive Ordinance Disposal (EOD) Sustainment Project. The grant period is October 1, 2024, through September 30, 2026.
5. **Board Appointments. (Roger Baltz)**
  - Human Services Task Force
6. **Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**
7. **Adjourn**

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### ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its

meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Keni Grose, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

- (406)-447-8316
- kgrose@ccountymt.gov
- TTY Relay Service 1-800-253-4091 or 711
- 316 N Park, Room 303





Memorandum of Understanding Between Lewis and Clark County Sheriff's Office and the Montana State University Police. (Captain Brian Robinson)

Presented By:

Summary:

The Commissioners will consider the memorandum of understanding (MOU) with the Montana State University Police for requesting assistance with traffic control and/or ensuring public safety for the purpose of events held at Montana State University. The MOU begins November 21, 2024.

Legal Review Required:

**ATTACHMENTS:**

Description	Type
□ MOU MSU Police 11-21-24	Agreement



**MEMORANDUM OF UNDERSTANDING**

**Between**

**MONTANA STATE UNIVERSITY POLICE**

**And**

**LEWIS AND CLARK COUNTY SHERIFF**

This **MEMORANDUM OF UNDERSTANDING** (MOU) is made and entered into and between **MONTANA STATE UNIVERSITY POLICE (MSU-PD) and LEWIS AND CLARK COUNTY SHERIFF'S OFFICE (LCCSO)** on this 21st day of November 2024, as provided for in statute herein.

**WHEREAS** Montana State University hosts some of the largest public gatherings and special events in the state and has a duty to provide a safe and secure environment for all who attend; and,

**WHEREAS** the MSU-PD has a long history of providing law enforcement services to the Bozeman campus including large special events such as athletic events and concerts and must employ peace officers from other jurisdictions to effectively provide the support necessary to maintain safety and security; and,

**WHEREAS** both MSU and LCCSO maintain police departments, staffed by peace officers certified under requirements of §7-32-303, Montana Code Annotated (MCA); and,

**WHEREAS** §20-25-321, MCA allows University police officers to exercise their authority as peace officers upon the campuses of the Montana University System, and in or about other grounds or properties owned, operated, controlled, or administered by the regents or any unit of the Montana university system, and to enter into an agreement with local law enforcement agencies; and,

**WHEREAS** §44-11-101 MCA allows a law enforcement entity from a county, municipality, or state government to request mutual aid from a peace officer from another entity within the state, and while in the jurisdiction of the requesting entity, the responding officers have the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity; and,

**WHEREAS** §44-11-304 MCA authorizes one or more law enforcement agencies of this state to enter into a mutual aid agreement with any one or more law enforcement agencies of any other state or the United States to provide the law enforcement or emergency services that all of the parties are authorized by law to perform. If required by applicable law, the agreement must be authorized and approved by the governing body of each party to the agreement; and,

**WHEREAS** §44-11-201, MCA requires that a peace officer rendering assistance under 44-11-101 is entitled to the same wage, salary, pension, workers' compensation, and all other service

rights for service rendered under that section as for service rendered within the law enforcement entity in which the officer is normally employed.

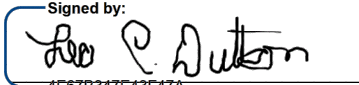
**WHEREAS** §44-11-202, MCA requires the law enforcement entity employing a peace officer who renders assistance shall make all wage, pension, and disability payments and payments for damage to clothing and equipment due to the officer as a result of the rendering of assistance and shall pay any medical expense incurred by the officer in rendering assistance for which the officer is not otherwise entitled to reimbursement by operation of law or a contract. The employing entity shall also provide workers compensation coverage for its employees while they are rendering assistance. If it so requests, the law enforcement entity must be reimbursed by the law enforcement entity that requested the services for all payments made for wages and damage to clothing and equipment and for any medical expense for which neither the employing entity nor the officer is otherwise entitled to reimbursement by operation of law or a contract.

**NOW, THEREFORE**, the parties agree as follows:

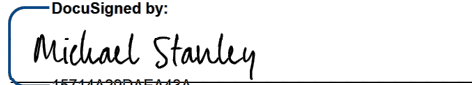
1. The LCCSO agrees to provide law enforcement officer(s), each with a marked patrol vehicle, to provide traffic control and/or to ensure public safety for the purpose of events held at Montana State University, when staff are willing and available to do so. When multiple officers are provided, a single patrol vehicle may be used to reduce travel costs.
2. MSU-PD agrees to reimburse LCCSO the individual's rate for personnel and vehicle usage including drive time. Drive time will be calculated from LCCSO located at 406 Fuller Ave, Helena, MT 59601 to the Montana State University Police Department located at 1750 South 7<sup>th</sup> Avenue Bozeman, MT as determined by MapQuest.
3. MSU-PD agrees to pay requested officers a minimum of **three (3) hours** at the agreed upon individual's rate when officers receive less than three (3) hours' notice of cancellation prior to their assigned report time.
4. LCCSO agrees that while on duty with MSU-PD, their officer shall be subject to the lawful operational commands of the MSU-PD Incident Command or team leader, but the loaned officer shall for personnel and administrative purposes, remain under the control of the LCCSO, including for purposes of pay. An officer shall furthermore be entitled to workers compensation and the same benefits to the extent as though they were functioning within the normal scope of the officer's duties.
5. MSU-PD agrees to provide an adequate break period which includes a meal.
6. MSU-PD agrees that whenever available to do so, an MSU-PD officer will effect arrests, issue citations, and be responsible for primary report writing. A thorough supplemental report should be provided by the assisting officer within five (5) business days following the special event.
7. Neither the LCCSO nor MSU-PD shall differentiate or discriminate in its performance under this MOU on the basis of race, color, religion, creed, sex, age, marital status, national origin, or actual or perceived sexual orientation, gender identity, or disability.
8. Amendments or modifications to this MOU, or any provisions hereunder, shall be made in writing and executed in the same manner as the original, and shall become part of this agreement.

9. This MOU may be terminated at any time upon the mutual written consent of the parties. Further, either party may terminate this agreement by providing the other party thirty (30) day's written notice.
10. LCCSO agrees that, per 18-1-401, MCA, this agreement shall be governed by the laws of the State of Montana. In the event of a dispute, proper venue is in the district court of the Eighteenth Judicial District, Gallatin County, Montana.
11. This MOU is effective on the date set forth above, supersedes all previous agreements between LCCSO and the MSU-PD and shall continue in effect until modified or terminated in accordance with the terms set forth herein.

Lewis and Clark County  
Sheriff's Office

Signed by:  
  
4E67B347E43F47A...  
Leo Dutton, Sheriff  
10/30/2024 | 5:31 PM MDT

Montana State University  
Police Department

DocuSigned by:  
  
15714A29DAEA43A...  
Michael Stanley, Chief of Police  
10/30/2024 | 2:00 PM MDT

Contact and address for billing:

MSU Police Department  
Business Operations Manager  
PO BOX 172680  
Bozeman, MT 59717-2680  
(406) 994-5428

Lewis and Clark County  
Commission

\_\_\_\_\_  
Andy Hunthausen, Chairman



Grant Award to Lewis and Clark Sheriff's Office from Montana Disaster and Emergency Services. (Chris Norris)

Presented By:

Summary:

The Commissioners will consider accepting the grant award in the amount of \$94,000 from Montana Disaster and Emergency Services State Homeland Security Grant for the Regional Explosive Ordinance Disposal (EOD) Sustainment Project. The grant period is October 1, 2024, through September 30, 2026.

Legal Review Required:

**LEWIS AND CLARK COUNTY  
GRANTS APPROVAL FORM**

**Grant name:** Lewis and Clark County Sheriff's Office -  
Regional Explosive Ordinance Disposal  
(EOD) Sustainment Project

**Grant/Contract number:** 24HSLCEOD

**Funding source:**

**Federal Agency:** US Department of Homeland Security

**State Agency:** Montana Disaster and Emergency Services  
**ARRA funding?** No

**Award amount:** \$94,000

**Hard Match required:**

**Soft Match required:**

**Indirect Cost Rate amount:**

**Grant/Contract Period:** **Start:** 10/1/2024 **End:** 9/30/2026

**Catalog of Federal Domestic Assistance number:** 97.067

**Separate fund needed for accounting purposes?** No

**Is this project in the current fiscal budget?** No

*If no, fill out and attach supplemental budget amendment form.*

**Are non federal assets (>\$15,000) going to be purchased?** No

**Are federal assets (>\$5,000) going to be purchased?** No

**Does Grant/Contract require interest to be earned?** No

**Grant/Contract based on:** a reimbursement

**Contact Person/Phone number:** Sherri Martin 406-447-8258

**County Department:** Sheriff's Office


**County Assigned Project number:** EODG25

**Salaries to be paid by grant?** No

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Obligating Document for Award - Signature page	Attachment
<input type="checkbox"/> FY 2024 Award Letter & Agreement Articles	Attachment

## Obligating Document for Award

STATE GRANT NUMBER: 24HSLCEOD	SUB-RECIPIENT NAME AND ADDRESS:  Lewis and Clark Sheriff's Office 406 Fuller Avenue Helena, MT 59601,	ISSUING STATE OFFICE AND ADDRESS:  Montana Disaster and Emergency Services P.O. Box 4789 1956 MT Majo Street Fort Harrison, MT 59636-4789
FEDERAL AGREEMENT NUMBER: EMW-2024-SS-05128		
AMENDMENT NUMBER:		
NAME OF SUB- RECIPIENT AUTHORIZED REPRESENTATIVE:  Chris Norris	SUB-RECIPIENT AUTHORIZED REPRESENTATIVE CONTACT INFORMATION:  cnorris@lccountymt.gov 406-584-0895	
EFFECTIVE DATE OF THIS ACTION:  10/01/2024	METHOD OF PAYMENT:  EFT	NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATOR:  Emily Schuff Emily.Schuff@mt.gov (406) 417-9236
FEDERAL AWARD AMOUNT: \$94,000.00		PERIOD OF PERFORMANCE: From: 10/01/2024 To: 09/30/2026
ASSISTANCE ARRANGEMENT:  Cost Reimbursement	CFDA #:  97.067	Budget Period: From: 10/01/2024 To: 09/30/2026
SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title)    Leo C Dutton, Sheriff-Coroner		DATE  10/17/2024
SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title)  Andy Hunthausen, Commission Chairman		DATE
MT DES SIGNATORY (Name, Title and Date)  <b>Amanda Avard</b> Digitally signed by Amanda Avard Date: 2024.10.10 13:05:05 -06'00'		
Amanda Avard, Preparedness Program Manager, Authorized Organizational Representative		



## State Homeland Security Program (SHSP)

### FY 2024 Award Letter

Leo Dutton  
 Lewis and Clark Sheriff's Office  
 406 Fuller Avenue  
 Helena, MT 59601

Sheriff Leo Dutton,

Congratulations, on behalf of Montana Disaster and Emergency Services (MT DES), the application for financial assistance submitted under the Fiscal Year (FY) 2024 State Homeland Security Program, Regional Explosive Ordnance Disposal (EOD) Sustainment project, has been approved in the amount of \$94,000.00. Lewis and Clark Sheriff's Office is not required to match this award with any amount of non-Federal funds.

Before Lewis and Clark Sheriff's Office requests and receives any of the Federal funds awarded, acceptance of the award must be established. By accepting this award, Lewis and Clark Sheriff's Office acknowledges that the terms of the following documents are incorporated into the terms of this award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document for Award (attached to this Award Letter)
- FY 24 Homeland Security Grant Program Notice of Funding Opportunity

**Per the Notice of Funding Opportunity (NOFO), all sub-recipients are required to complete the Nationwide Cybersecurity Review (NCSR), see Agreement Article 52.**

Please make sure you read, understand, and maintain a copy of these documents in the official file for this award. In order to establish acceptance of the award and its terms, please complete, sign and return the Obligating Document for Award to your MT DES Grant Coordinator.

For additional assistance, please contact your MT DES Grant Coordinator.

**Burke S. Honzel**

Digitally signed by Burke S.  
 Honzel  
 Date: 2024.10.10 13:06:57  
 -06'00'

Burke S. Honzel  
 Preparedness Bureau Chief  
 Montana Disaster and Emergency Services

CC Chris Norris





**AGREEMENT ARTICLES**  
**State Homeland Security Program**

**SUB-RECIPIENT:** Lewis and Clark Sheriff's Office  
**PROGRAM:** State Homeland Security Program  
**STATE GRANT NUMBER:** 24HSLCEOD

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

I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

**Article 2 General Acknowledgements and Assurances**

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and

related reporting requirements contained in these 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>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

- Article 3 Acknowledgement of Federal Funding from DHS**  
Recipients must acknowledge their use of federal award 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 award funds.
- Article 4 Activities Conducted Abroad**  
Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.
- Article 5 Age Discrimination Act of 1975**  
Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- Article 6 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.
- Article 7 Best Practices for Collection and Use of Personally Identifiable Information**  
Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
- Article 8 Civil Rights Act of 1964 – Title VI**  
Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (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. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 44 C.F.R. Part 7.
- 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 (codified as amended at 42 U.S.C. § 3601 et seq.) 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, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)
- Article 10 Copyright**  
Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced

under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

- Article 11 Debarment and Suspension**  
Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as 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 the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
- Article 13 Duplicative Costs**  
Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by 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 (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. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.
- Article 15 E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**  
Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
- Article 16 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 17 False Claims Act and Program Fraud Civil Remedies**  
Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
- Article 18 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 19 Federal Leadership on Reducing Text Messaging while Driving**  
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also

encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

- Article 20**     **Fly America Act of 1974**  
Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: [Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list](https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)) 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 21**     **Hotel and Motel Fire Safety Act of 1990**  
Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.
- Article 22**     **John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors** are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.
- Article 23**     **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**  
Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
- Article 24**     **Lobbying Prohibitions**  
Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal 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. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on [Grants.gov](https://www.grants.gov) as the [Grants.gov](https://www.grants.gov) Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on [Grants.gov](https://www.grants.gov) as the Disclosure of Lobbying Activities (SF-LLL).
- Article 25**     **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 require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
- Article 26**     **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.

- Article 27 **Non-Supplanting Requirement**  
Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.
- Article 28 **Notice of Funding Opportunity Requirements**  
All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.
- Article 29 **Patents and Intellectual Property Rights**  
Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.
- Article 30 **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 at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. 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 31 **Rehabilitation Act of 1973**  
Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (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 32 **Reporting of Matters Related to Recipient Integrity and Performance** If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal award, then 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 by reference.
- Article 33 **Reporting Subawards and Executive Compensation**  
For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.
- Article 34 **Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**  
Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing

processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers, when necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described as "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

- Article 35 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. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.
- Article 36 Terrorist Financing**  
Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.
- Article 36 Trafficking Victims Protection Act of 2000 (TVPA)**  
Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.
- Article 38 Universal Identifier and System of Award Management**  
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 reference.
- Article 39 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 40 Use of DHS Seal, Logo and Flags**  
Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS components (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.



- Article 41 Whistleblower Protection Act**  
Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.
- Article 42 Environmental Planning and Historic Preservation (EHP) Review**  
DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. 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. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, the applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.
- Article 43 Applicability of DHS Standard Terms and Conditions to Tribes**  
The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.
- Article 44 Acceptance of Post Award Changes**  
In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.
- Article 45 Disposition of Equipment Acquired Under the Federal Award**  
For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.
- Article 46 Prior Approval for Modification of Approved Budget**  
Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) 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 FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers

between the two types of work. You must report any deviations from your 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 47 Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

**Article 48 HSGP Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

**Article 49 MT DES Specific Acknowledgements and Assurances**

Sub-recipients must acknowledge and agree to comply with applicable provisions governing MT DES access to records, accounts, documents, information, facilities, and staff.

1. Sub-recipients must cooperate with any compliance reviews or compliance investigations conducted by MT DES.
2. Sub-recipients must give MT DES 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 MT DES regulations and other applicable laws or program guidance.
3. Sub-recipients must submit timely, complete, and accurate reports to the appropriate MT DES officials and maintain appropriate backup documentation to support the reports.
4. Sub-recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. The State of Montana shall not be liable for any reimbursement amount greater than the award amount available to each sub-recipient.
6. Failure of the sub-recipient to accomplish HSGP objectives may result in the reduction or withholding of funds, or other action, as determined by MT DES.

The State of Montana has the right to seek judicial enforcement of these obligations.

**Article 50 Accruals**

As established within Montana Operations Manual Policy, accrual documentation is required of all sub-recipients by the Montana Department of Administration, State Financial Services Division, and must be submitted to MT DES no later than the second week of June, or as instructed by MT DES.

**Article 51 Authorized Representative**

As evidenced by the signatures found in the Letter of Obligation, the Sub-Recipient Signatory Official agrees to appoint the Sub-Recipient Authorized Representative to act on behalf of Lewis and Clark Sheriff's Office. This individual shall be duly authorized with all necessary powers with regard to the administration and oversight of the 2024 State Homeland Security Program grant, 24HSLCEOD. The Catalog of Federal Domestic Assistance (CFDA) number associated with this grant is 97.067.

**Article 52 Nationwide Cybersecurity Review**

Subrecipients of FY 2024 grant awards will be required to complete the 2024 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient and subrecipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 3-6 hours to complete. The 2024 NCSR will be open from October – February 2024. MT DES will provide



subrecipients with additional information upon opening of the review.

Article 53

State Homeland Security Grant Funding Hold

There is no State Homeland Security Program hold regarding this award.





Board Appointments. (Roger Baltz)

Presented By:

Summary:

- Human Services Task Force

Legal Review Required:

**ATTACHMENTS:**

Description	Type
📎 Board Appointments Memo	Attachment



TO: BoCC, Roger Baltz  
CONTACT: Brandi Spangler  
DATE: November 21, 2024  
RE: Board Appointment

These candidates meet the qualifications for consideration of each board.

**Human Services Task Force**

Susan Gobbs resigned September 5, 2024. Todd Will applied.

**Action**

Staff recommends that the Commissioners consider the applicant and select the candidate for the Human Services Task Force to a partial term that will expire June 30, 2025.