

RESOLUTION

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that effective October 10, 2019, the following Amendment 2 to Administrative Order 18-1 Community Grant & Capital/Infrastructure Assistance Program is hereby adopted and approved.

BE IT FURTHER RESOLVED that adoption of this policy expressly abolishes and repeals any prior policy of the Jefferson County Commission concerning community grant award guidelines, rules, or procedures.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 10/10/19 1030
MINUTE BOOK: 173
PAGE(S): 564-567

ADMINISTRATIVE ORDER

18-1

COMMUNITY GRANT & CAPITAL/INFRASTRUCTURE ASSISTANCE PROGRAM

I. GENERAL PURPOSE

Each fiscal year, to the extent funds are approved as part of the annual budgeting process, each Commissioner will be allocated an equal amount of funds that may be disbursed to qualified non-profit organizations and governmental entities, so long as the disbursement is approved by the Commission as a whole in a public meeting, after a thorough eligibility review by the Jefferson County Finance Department, County Attorney's Office, Human Resources Department, and County Manager's Office. The disbursement must support a public purpose consistent with state law. Without exception, any unobligated funds remaining in these respective accounts at the end of each fiscal year will revert back to the General Fund and shall not be carried over to the next fiscal year.

Before any grants can be awarded in a budget year, grant amounts and any minimum matching percentages for that budget year shall be set by an annual resolution of the County Commission.

II. ORGANIZATION ELIGIBILITY

Applicants for Community Grants must be non-profit organizations, volunteer fire departments, or governmental entities, including but not limited to, public corporations (including fire districts), boards of education, senior or community centers, libraries, agencies, authorities, and commissions that serve populations in Jefferson County. Non-profit organizations must have a 501(c) classification that is in good standing with the Internal Revenue Service and be current on their 990 filings.

Individuals and For-Profit entities are not eligible. All parties interested in applying must show a good and sufficient public purpose.

The grantee that receives and/or expends the funds must satisfy the eligibility requirements of the County. Eligibility requirements include:

- A. The grantee that receives and/or expends the funds must be the same organization identified in the application made to the County. Without exception, there shall not be any pass-through contracts or payments made to individuals or consultants for the purpose of carrying out the mission for which an entity requests the funding.
- B. Non-Profit Organizations must:
 - 1. Be overseen by an independent board of no less than 5 members, no more than 40% of whom may be related by birth or marriage.
 - 2. Have been providing services to the public for no less than 24 months at the time an application is made.

3. Documentation showing that the application made is requesting no more than 10% of the prior year's revenues.

C. Providing copies of the following documents:

Applications should be submitted for consideration at least 45 days prior to the date of the project.

Until an on-line application process is implemented, applications will be made using the "Community Grant Application" form available on the Jefferson County website. This form may also be obtained directly from Commission offices.

Applicants must complete and submit one copy of the Jefferson County Community Grant Application, as well as required documentation, to the Commission office they wish to sponsor their application. The sponsoring Commissioner should be the Commissioner representing the district in which the project is located, unless the project benefits the County at large, in which case any Commissioner may be the sponsor. Applications may be accepted in hard copy form or electronically. Applications may be accepted throughout the year, as long as funds remain available. In no instance will Community Grant funds be carried over from one year to the next.

Upon receipt, applications will be screened for completeness by the receiving Commission office. Incomplete applications will be returned to the applicant with a request for additional information. Complete applications will be evaluated by Commission staff in accordance with internal processing procedures. Factors that will be considered during the review process include but are not limited to: the merit of the proposed project or program, benefit to the Community, and organizational capacity. The review process for these projects will include eligibility approval by the Jefferson County Finance Department, County Attorney's Office, Human Resources Department, and County Manager's Office.

Upon completion of the Jefferson County Contract Review Process, Community Grants will be nominated for full-Commission approval at the discretion of the sponsoring Commissioner. Community Grant Agreements not appearing on the published Commission work session agenda will not be considered by the Commission and must wait until the next available meeting except for youth athletic events that may arise without time to traverse the normal process. Awards will be made subject to a majority vote of the Jefferson County Commission at a regularly scheduled meeting, a quorum being present, adopting a resolution to award the grant subject to the terms of the application.

Successful applicants will be notified by the sponsoring Commission office.

III. AWARD REQUIREMENTS

Community Grant applicants must agree to the following terms to be considered for an award. These terms shall be included in any Community Grant Agreements, Memorandums of Understanding, or subsequent application documents created under section "VII" (below).

- A. The Grantee shall create, collect and retain for inspection and copying by the County or its authorized agent or any examiner of the State Department of Public Accounts, all appropriate financial records, including original invoices, canceled checks, cash receipts and other supporting documents, as may be necessary to prove receipt of said sum from the County and all expenditures thereof. All such financial records and supporting documents shall be retained and made available by the Grantee for a period of not less than three (3) years from termination of the fiscal year set out above.
- B. Grantee and Grantee Representative signed below, certify by the execution of this agreement that no part of the funds paid by the County pursuant to this agreement shall be passed-through to another entity, consultant, or individual that is not specifically identified or described in the scope of work of this agreement.
- C. Grantee and Grantee Representative signed below, certify by the execution of this Agreement that no part of the funds paid by the County pursuant to this Agreement nor any part of the services, products or any item or thing of value whatsoever purchased or acquired with said funds shall be paid to, used by or used in any way whatsoever for the personal benefit of any member or employee of any government whatsoever or family member of any of them, including federal, state, county, and municipal and any agency or subsidiary of any such government; and further certify that neither the Grantee nor any of its officers, partners, owners, agents, representatives, employees or parties in interest has in any way colluded, conspired, connived, with any member of the governing body or employee of the governing body, or any other public official or public employee, in any manner whatsoever, to secure or obtain this Agreement and further certify that, except as expressly set out in the Scope of Work or services of this Agreement, no promise or commitment of any nature whatsoever of anything of value and no benefit whatsoever has been made or communicated to any such governing body member or employee or official as inducement or consideration for this Agreement.
- D. Any violation of this certification shall constitute a breach and default of this Agreement which shall be cause for termination. Upon such termination, Grantee shall immediately refund to the County all amounts paid by the County pursuant to this Agreement.
- E. Any failure to fulfill any requirement of the Jefferson County Commission Community Grant Program and/or any requirements of this Application and Agreement shall disqualify the organization from any future Community Grants for a period of seven (7) years.

IV. POST-AWARD REQUIREMENTS

A. Acknowledgement of Funding

If any public recognition is made related to the purpose for which the grant was received, such as in media announcements, marketing materials, advertising, or informational campaigns, grant recipients must acknowledge support from the Jefferson County Commission and not the sponsoring Commissioner. Jefferson County should be tagged in all social media mentions regarding County-funded projects and awards.

B. Final Report

Recipients will be required to submit a written report to the County Finance Office and the sponsoring Commission office upon completion of the grant funded project or activity that summarizes results and certifies that grant funds were used as intended within 30 days of the completion of the project.

C. Funds Subject to Refund

Grant awards not expended within one calendar year following receipt of the grant award shall be refunded by the grant recipient to Jefferson County within 30 days following the expiration of that calendar year. The date of receipt of a grant award shall be the date that Jefferson County issues a check to the recipient. Organizations non-compliant with award requirements are also subject to return grant funds.

D. Funds Subject to Audit

To comply with restrictions on the use a public funds, recipients may be asked to furnish financial and accounting information for audit purposes. Acceptance of Jefferson County Community Grant funds also subjects an entity to audits by the Alabama State Examiners of Public Accounts.

E. Annual Report

Upon the close out of each fiscal year, each Commission office shall prepare and distribute to the Commission as a whole, an annual report listing each project or appropriation sponsored the previous year, the status of each, and any other notes of interest that they would like the body to be aware of. The Annual Report shall be completed within 60 days of the budget year-end and distributed to each Commission office as well as the County Manager and shall be published on the County's website for full transparency. If no annual report is distributed within 60 days of the end or the budget year, no further funds shall be expended by that Commissioner under this program until such a time the report has been distributed and published.

Failure to comply with post award requirements will render, an organization ineligible for future funding, until the organization is in full compliance.

V. PROCEDURES

A. Eligible Non-Profit Organizations and Non-Capital or Infrastructure Grants

Once eligibility has been determined and approved by the Jefferson County Finance Department, County Attorney's Office, Human Resources Department, and County Manager's Office, the item will follow Jefferson County's standard Contract Review Process.

B. Governmental Capital or Infrastructure Projects

The following procedures shall apply at all times:

1. Governmental entity should contact the Commission office representing the district in which the project lies expressing the intent to apply for grant funds for a capital or infrastructure project or assistance in the form of Jefferson County personnel, equipment and materials to complete a project.
2. If it is a project the Commission office agrees to sponsor, the governmental entity will be asked to pass a resolution requesting assistance under this program, with a stamped copy returned to the Commission office.
3. Qualifying 501(c) entities seeking infrastructure capital improvements shall follow the Community Grant application process. No County personnel or equipment may be used for infrastructure grants to qualifying non-profit organizations.

To the extent the law allows, capital and infrastructure improvements shall be defined as capital equipment, capital improvements, construction or maintenance for buildings or parking surfaces owned and utilized by a qualifying non-profit organization or governmental agency.

Capital equipment/assets shall be defined as tangible assets with a useful life longer than a year that are not intended for sale in the regular course of the entity's operation. These assets are tangible property that cannot be easily converted to cash and will remain possessions of the entity. The purchase of capital assets will be for an amount greater than \$1,000.00.

The next steps for capital or infrastructure related projects will vary depending on the manner in which assistance is provided.

Financial Assistance From Community Grant Program

This procedure is generally similar to the standard Community Grant process. Where the governmental entity seeks financial help to complete an infrastructure or capital project:

- a. The commission office will work with the governmental entity to complete a "Community Grant Agreement" under current procedures, and include documentation showing the cost of work to be performed.
- b. The Community Grant Agreement shall be entered into the County's formal contract review system.

- c. Upon completion of the review process, the item will be placed before the Jefferson County Commission for approval.
- d. Upon approval by the Jefferson County Commission, the Commission office shall enter the item into Mullis and a check will be issued.
- e. The governmental entity will send a final report certifying that the work was completed to the County Finance Office and sponsoring Commission office.

Work Completed by County Personnel

- a. The Commission office will forward the request to the County Manager's office.
- b. The County Manager will direct County crews a) to verify that the work requested is on a public-owned right-of-way or property and b) to perform a cost estimate for the work to be performed and estimate a projected time that the work could possibly be started and completed.
- c. The County Manager's Office will send this estimate and schedule to the requesting governmental entity with a breakdown of any cost share outlined in the annual Community Grant Authorizing Resolution.
- d. Governmental entity will execute a county-initiated MOU authorizing the work to be done by County personnel within their city limits and indemnifying the County of any future responsibility or liability regarding the work.
- e. The MOU will be entered into the County's formal contract review system.
- f. Upon completion of the review process, the item will be placed before the Jefferson County Commission for approval.
- g. Upon approval of the MOU by the Jefferson County Commission, the County will bill the governmental entity for any share of the costs incurred, which will be deposited into the Roads and Transportation operating fund upon receipt.
- h. Upon receipt of any share, the County Manager will authorize the Roads and Transportation Department to schedule this on its project list in a manner that does not interfere with the County's prior commitments and priorities.
- i. Upon completion of the work, The Department of Roads and Transportation will invoice the Community Grant fund for the cost of labor, equipment and materials. The funds will be placed in Roads and Transportation operating accounts.

C. Subsequent Procedures

As necessary, the Commission, in consultation with the County Manager, Chief Financial Officer and County Attorney, will develop internal procedures for management and processing of Community Grants, as well as external documents to provide information to applicants that will be posted on line and include instructions, applications, as well as terms and conditions. For consistency purposes, any procedures substantially altering the current policy should result in the adoption of a new policy expressly abolishing and replacing the changed. document.

All documents and procedures under the current policy shall be consistent with this administrative order.

VI. PRIOR POLICY

Adoption of this policy expressly abolishes and repeals any prior policy of the Jefferson County Commission concerning community grant award guidelines, rules, or procedures.

REVISED: October 10, 2019.

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JEFFERSON COUNTY COMMISSION
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