THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND
AGENDA

December 12, 2023

10:00 AM Call to Order/Pledge of Allegiance/Moment of Silence

Meeting Announcements - Time Is Allotted At The End Of Each Meeting For The Commissioners To Receive Comments From The Public

Special Recognition For Bill Sutton

William "Bill" Sutton
Certificate of Appreciation

Consent Items

#1 - Regular Session Minutes, November 28, 2023

#2 - Liquor Minutes, November 28, 2023

#3 - Public Hearing Minutes, November 28, 2023

#4 - Closed Session Minutes, November 28, 2023

Appointments

John Schratwieser, Director, Kent Cultural Alliance
Letter of Support

Public Works Director

Dan Mattson, Deputy Director, Public Works
New EMS Station Layout

Departmental Appointments

Scott Boone, Director, Information Technology
Office of Statewide Broadband - Home Stretch Grant Opportunity
Pete Landon, Director, Office of Emergency Services
2023 State Homeland Security Grant Program
Pete Landon, Director, Office of Emergency Services
2023 Emergency Management Performance Grant

Kent Alcohol and Tobacco Enforcement KATE

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement
License Update
Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement
License Update

Human Resources Director

Jim Miller, Director, Human Resources

Retiree Health Insurance

Jim Miller, Director, Human Resources

Compensatory Leave Buy-Back

Jim Miller, Director, Human Resources

Human Resources Policy - Teleworking

Jim Miller, Director, Human Resources

Human Resources Policy Change - Annual Leave Access

Detention Center

Correctional Officer Vacancy

Public Works - Environmental Operations

Part-Time Recycling Attendant Vacancy

Public Works - Roads Division

MEO I Vacancy

Public Works - Roads Division

MEO I Vacancy

Public Works - Roads Division

MEO II Vacancy

Public Works - Roads Division

MEO II Vacancy

County Administrator

Barbara Jorgenson, Board President, Historical Society of Kent County, Inc.

Letter of Support

County Administrator Report

Shelley L. Heller, County Administrator

Announcements

- Work Session Scheduled For Tuesday, December 19, 2023 at 3:00 p.m.
- The Second Judicial Circuit of Maryland Dedication of Plaques

Letters for Signature

Planning Commission

Thank You for Your Interest Letter

Public Comment/Media Review

Procedures For Public Comment

For Your Information

Chris Mulhall, Senior Manager, Government Affairs, Xfinity

Price Changes

American Rescue Plan Act Funds

American Rescue Plan Act (ARPA) Funds Spend Plan

Contingency Fund

Contingency and Use of Fund Balance Report

Closed Session

Bill Mackey, Director, Planning, Housing and Zoning

Appointments
The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Jim Miller, Director, Human Resources

Personnel
The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

(Meetings are conducted in Open Session unless otherwise indicated. All or part of County Commissioners' meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the Commissioners. Breaks are at the call of the President. Please note that times listed for specific items on the agenda are only estimates, and that the order of agenda items may change as time dictates or allows. Meetings are subject to audio and video recordings.)

William "Bill" Sutton
12/12/2023
County Commissioners Meeting

Item Summary:
Certificate of Appreciation

ATTACHMENTS:

Description

12.12.23 William Sutton, Certificate of Appreciation

Certificate of Appreciation

This is to certify that

William Sutton

is hereby recognized

for twenty-nine (29) years of exemplary service and dedication with the County Commissioners of Kent County. Mr. Sutton served as Chair or Vice-Chair for many years on the Planning Commission and during his tenure assisted with three Comprehensive Plans and two Comprehensive Rezonings. In addition to the Planning Commission, Mr. Sutton served on the Bay Bridge Monitoring Committee, and the Soil Conservation District Board and helped the Planning Commission and Planning, Housing, and Zoning Department develop regulations for Sediment and Erosion Control, Nutrient Management Plans, and Stormwater Management. Mr. Sutton has always been a strong voice for agriculture, the environment, and good planning. Such commitment and devotion are admired and well respected by all of those who have had the honor and privilege of working with Mr. Sutton throughout his many years of service. We, the County Commissioners of Kent County, Maryland, thank you for your continued service, devotion, and dedication.

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President	Albert H. Nickerson, Member	John F. Price, Member

December 12, 2023

#1 - Regular Session Minutes, November 28, 2023
12/12/2023
County Commissioners Meeting

ATTACHMENTS:

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ATTACHMENTS:

Description

John Schratwieser, Director, Kent Cultural Alliance
12/12/2023
County Commissioners Meeting

Item Summary:
Letter of Support

ATTACHMENTS:

Description

12.12.23 Steven Skerritt-Davis Executive Director, Maryland State Arts Council, Renew Kent Cultural Alliance as Designated Arts Agency for Kent County

The County Commissioners of Kent County
Ronald H. Fithian, President | Albert H. Nickerson, Member | John F. Price, Member
Shelley L. Heller, County Administrator | Thomas N. Yeager, County Attorney

December 12, 2023

Steven Skerritt-Davis
Executive Director
Maryland State Arts Council
401 East Pratt Street, Suite 1400
Baltimore, MD 21202

RE: Renew Kent Cultural Alliance as Designated Arts Agency for Kent County

Dear Mr. Skerritt-Davis:

The Kent County Commissioners hereby renew Kent Cultural Alliance as the designated arts agency for Kent County, for the purpose of accepting funds from the Maryland State Arts Council. Since 1975, Kent Cultural Alliance (formerly Kent County Arts Council), a registered 501c3 nonprofit organization, has served as the County arts agency in collaboration with the Maryland State Arts Council.

The Kent Cultural Alliance, with this redesignation, will continue to serve the people of Kent County supporting and producing arts and culture related programming across the County. The Commissioners value Kent Cultural Alliance, its staff and board of directors, for their continued efforts to engage the public through arts and culture, and to ensure that all Kent County residents have access to creative and engaging arts and culture programs.

Sincerely,
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

Albert H. Nickerson, Member

John F. Price, Member

Cc: John Schratwieser, Director, Kent Cultural Alliance

Dan Mattson, Deputy Director, Public Works
12/12/2023
County Commissioners Meeting

Item Summary:
New EMS Station Layout

ATTACHMENTS:

Description

Scott Boone, Director, Information Technology
12/12/2023
County Commissioners Meeting

Item Summary:
Office of Statewide Broadband - Home Stretch Grant Opportunity

ATTACHMENTS:

Description

12.12.23 Kenrick M. Gordon, P.E. Governor's Office of Statewide Broadband Home Stretch Grant Application

The County Commissioners of Kent County
Ronald H. Fithian, President | Albert H. Nickerson, Member | John F. Price, Member
Shelley L. Heller, County Administrator | Thomas N. Yeager, County Attorney

December 12, 2023

Governor's Office of Statewide Broadband
c/o Kenrick M. Gordon, P.E.
7800 Harkins Road
Lanham, MD 20706

Re: Kent County/ThinkBig Networks - Home Stretch Grant Application

Dear Mr. Gordon:

The County Commissioners of Kent County, Maryland fully supports ThinkBig Networks, LLC's Response to the Governor's Office of Statewide Broadband Request for Applications for the Connect Maryland: FY24 Home Stretch – Difficult to Serve Properties.

Kent County has been committed to bringing high-speed broadband infrastructure to its residents since 2015 through a Public/Private Partnership and through numerous grant projects through the Governor's Office of Statewide Broadband. There are still many difficult to serve premises lacking access to broadband within Kent County due to their remoteness and geographic challenges (i.e. extended driveways).

We hope that you consider Kent County's/ThinkBig Networks' application for the above-referenced project to assist in closing the Digital Divide.

Sincerely,
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President | Albert H. Nickerson, Member | John F. Price, Member

Cc: C. Scott Boone, Director, Information Technology

Pete Landon, Director, Office of Emergency Services
12/12/2023
County Commissioners Meeting

Item Summary:
The Kent County Office of Emergency Services (OES) applied for and received from the U.S. Department of Homeland Security, State Homeland Security Grant Program (SHSGP) funding. The SHSGP includes a suite of risk-based grants to assist state, local, tribal and territorial efforts in preventing, protecting against, mitigating, responding to and recovering from acts of terrorism and other threats. This grant provides Kent County OES with the resources required for implementation of the National Preparedness System and working toward the National Preparedness Goal of a secure and resilient nation.

ATTACHMENTS:

Description

12.12.23 2023 Sub-Recipient Agreement for Kent County Commissioners MEMAGMS Award # 23-SR-8851-02

Maryland
DEPARTMENT OF EMERGENCY MANAGEMENT

Date of Award
10/5/2023

2023 Sub-Recipient Agreement

for

Kent County, County Commissioners of

1. Sub-Recipient Name and Address

Kent County, County Commissioners of

2. Prepared by: *Stone, Stacy*

3. MEMAGMS Award Number: 23-SR 8851-02

4. Federal Grant Information

Federal Grant Title:	**State Homeland Security Grant Program**
Federal Grant Award Number/CFDA Number:	EMW-2023-SS-00011 SHSP / 97.067
Federal Granting Agency:	U.S. Department of Homeland Security

5. Award Amount

Total Award Amount

$98,413.63

2023 State Homeland Security Program

Performance Period:

FROM Sep 1, 2023 – Feb 28, 2026

6. Statutory Authority for Grant: This project is supported under:
Department of Homeland Security Appropriations Act, 2023 (Pub. L. No. 117-328); Sections 2003 and 2004 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6 U.S.C. §§ 604 and 605)

7. Method of Payment: Primary method is reimbursement.

8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at https://www.sam.gov/content/exclusions

9. Agency Approval

Approving SAA Official:
Blake Langford, Chief Program Management Officer
Maryland Department of Emergency Management

Signature of SAA Official:

Date:

10. Sub-Recipient Acceptance

I have read and understand the attached Special Terms and Conditions and Certifications and Assurances.

Type name and title of Authorized Sub-Recipient official:

President Ron Fithian
County Commissioners of Kent County

Signature of Sub-Recipient Official:
Ronnie Fithian

11. Enter Federal Employer Identification Number (FEIN) and UEI number:
526000974

12. Date Signed : 12-12-23

13. DUE DATE: 11/19/2023

Signed award must be returned to the SAA on or before the above due date.

AGREEMENT ARTICLES Homeland Security Grant Program

GRANTEE: Maryland Department of Emergency Management
dba Maryland Emergency Management Agency
PROGRAM: Homeland Security Grant Program
AGREEMENT NUMBER: EMW-2023-SS-00011-S01

Article I - Summary Description of Award

The purpose of the FY 2023 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.

This HSGP award consists of State Homeland Security Program (SHSP) funding in the amount of $7,074,841 and Urban Area Security Initiative (UASI) funding in the amount of $3,800,000 (Baltimore Area, $3,800,000). These grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

Article II - HSGP Performance Goal

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, subrecipients 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 III - DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs- standard-terms-and-conditions.

Article IV - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance subrecipients 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 awarding agency.

II. DHS financial assistance subrecipients 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.

III. By accepting this agreement, subrecipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMBs guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article V - General Acknowledgements and Assurances

All 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.

I. Subrecipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Subrecipients 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 or personnel.

III. Subrecipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

IV. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. 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. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article VI - Acknowledgement of Federal Funding from DHS

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

Article VII - Activities Conducted Abroad

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

Article VIII - Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article IX - Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 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 X - Best Practices for Collection and Use of Personally Identifiable Information

Subrecipients who collect personally identifiable information (PII) 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 XI - Civil Rights Act of 1964 - Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 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.

Article XII - Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 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. section 3601 et seq.), 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 XIII - Copyright

Subrecipients must affix the applicable copyright notices of 17 U.S.C. sections 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 XIV - Debarment and Suspension

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. 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 XV - Drug-Free Workplace Regulations

Subrecipients 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. sections 8101-8106).

Article XVI - 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 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.

Article XVII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 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 XVIII - E.O. 14074 - Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Subrecipient, 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 XIX - Energy Policy and Conservation Act

Subrecipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 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 XX - False Claims Act and Program Fraud Civil Remedies

Subrecipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXI - Federal Debt Status

All subecipients 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 XXII - Federal Leadership on Reducing Text Messaging while Driving

Subrecipients 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 XXIII - Fly America Act of 1974

Subrecipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) 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. section 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 XXIV - Hotel and Motel Fire Safety Act of 1990

Subrecipients 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 Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XXV - John S. McCain National Defense Authorization Act of Fiscal Year 2019

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. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, 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 XXVI - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 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 XXVII - Lobbying Prohibitions

Subrecipients must comply with 31 U.S.C. section 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.

Article XXVIII - National Environmental Policy Act

Subrecipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) 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 XXIX - 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 statues, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXX - Non-Supplanting Requirement

Subrecipients 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.

Article XXXI - Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXXII - Patents and Intellectual Property Rights

Subrecipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. 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. section 401.14.

Article XXXIII - 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. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 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 XXXIV - Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 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 XXXV - Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements:

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 this federal award, then the recipients 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 XXXVI - Reporting Subawards and Executive Compensation

Reporting of first tier subawards:

Subrecipients 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 XXXVII - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Subrecipients must comply with the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act and

E.O. 14005. 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. Information on the process for requesting a waiver from these requirements is on the website below.

(a) When the Federal agency has made a determination 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 at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the Build America, Buy America provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article XXXVIII - SAFECOM

Subrecipients 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.

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Subrecipients 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 XL - Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons:

Subrecipients 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 at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XLI - Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier 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 XLII - USA PATRIOT Act of 2001

Subrecipients 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. sections 175-175c.

Article XLIII - Use of DHS Seal, Logo and Flags

Subrecipients 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 XLIV - Whistleblower Protection Act

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLV - 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. 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, 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 XLVI - 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 XLVII - 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@fema.dhs.gov if you have any questions.

Article XLVIII - 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.

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 XLIX - 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 L - 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.

Pete Landon, Director, Office of Emergency Services
12/12/2023
County Commissioners Meeting

Item Summary:

Kent County OES applied for and was awarded funding from the 2023 U.S. Department of Homeland Security Emergency Management Performance Grant (EMPG). The 2023 EMPG Program is one of the grant programs that constitute the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA) focus on all-hazards emergency preparedness. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS/FEMA to assist state, local, tribal, and territorial emergency management agencies to implement the National Preparedness System and the National Preparedness Goal of a secure and resilient nation.

ATTACHMENTS:

Description

12.12.23 2023 Sub-Recipient Agreement for Kent County Commissioners 2023 MEMAGMS Award #23-SR-8851-01

Maryland DEPARTMENT OF EMERGENCY MANAGEMENT

Date of Award

9/28/2023

2023 Sub-Recipient Agreement

for

Kent County, County Commissioners of

1. Sub-Recipient Name and Address	2. Prepared by: *Majette , Ashley*	3. MEMAGMS Award Number: 23-SR 8851-01
Kent County, County Commissioners of	**4. Federal Grant Information**	
	Federal Grant Title:	Emergency Management Performance Grant
	Federal Grant Award Number/CFDA Number:	EMP-2023-EP-00001-S01 / 97.042
	Federal Granting Agency:	U.S. Department of Homeland Security

5. Award Amount

Total Award Amount	
$67,660.78	**2023 Emergency Management Performance Grant**
100% Match Required	**Performance Period:** FROM Oct 1, 2022 – Mar 31, 2025

6. Statutory Authority for Grant: Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), as amended, (Pub. L. No. 109-295) (6 U.S.C. § 762); the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); the Earthquake Hazards Reduction Act of 1977, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and the National Flood Insurance Act of 1968, as amended (Pub. L. No. 90448) (42 U.S.C. §§ 4001 et seq.)

7. Method of Payment: Primary method is reimbursement.

8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at https://www.sam.gov/content/exclusions

9. Agency Approval

Approving SAA Official:	Signature of SAA Official:
Blake Langford, Chief Program Management Officer Maryland Department of Emergency Management DBA Maryland Emergency Management Agency	Date:

10. Sub-Recipient Acceptance

I have read and understand the attached Special Terms and Conditions and Certifications and Assurances.

Type name and title of Authorized Sub-Recipient official:	Signature of Sub-Recipient Official:
President Ron Fithian County Commissioners of Kent County	Ronnie Fithian

11. Enter Federal Employer Identification Number (FEIN) and DUNS number:	12. Date Signed :
526000974	12-12-23

13. DUE DATE: 11/12/2023

Signed award must be returned to the SAA on or before the above due date.

AGREEMENT ARTICLES

Emergency Management Performance Grants

GRANTEE: Maryland Department of Emergency Management dba Maryland Emergency Management Agency

PROGRAM: Emergency Management Performance Grants

AGREEMENT NUMBER: EMP-2023-EP-00001-S01

TABLE OF CONTENTS

Article I - Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article II - Acknowledgement of Federal Funding from DHS

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

Article III - Activities Conducted Abroad

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

Article IV - Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101? 12213), which prohibits subrecipients 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 V - Best Practices for Collection and Use of Personally Identifiable Information

Subrecipients who collect personally identifiable information (PII) 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.

Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources, respectively.

Article VI - Civil Rights Act of 1964 - Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 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.

Article VII - Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits subrecipients 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. section 3601 et seq.), 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 VIII - Copyright

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

Article IX - Debarment and Suspension

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. 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 X - Drug-Free Workplace Regulations

Subrecipients must comply with drug-free workplace requirements in Subpart B (or Subpart C if the subrecipient 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. sections 8101-8106).

Article XI - 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 subrecipients 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 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.

Article XII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 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 XIII - E.O. 14074 - Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Subrecipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Subrecipient 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 XIV - Energy Policy and Conservation Act

Subrecipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 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 XV - False Claims Act and Program Fraud Civil Remedies

Subrecipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XVI - Federal Debt Status

All subrecipients 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 XVII - Federal Leadership on Reducing Text Messaging while Driving

Subrecipients 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 XVIII - Fly America Act of 1974

Subrecipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) 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. section 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 XIX - Hotel and Motel Fire Safety Act of 1990

Subrecipients 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 Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XX - 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. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, 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 XXI - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that subrecipients 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 XXII - Lobbying Prohibitions

Subrecipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the subrecipient 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.

Article XXIII - National Environmental Policy Act

Subrecipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require subrecipients 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 XXIV - 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. Subrecipients 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 participation of faith-based organizations in individual DHS programs.

Article XXV - Non-Supplanting Requirement

Subrecipients 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.

Article XXVI - Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All subrecipients must comply with any such requirements set forth in the program NOFO.

Article XXVII - Patents and Intellectual Property Rights

Subrecipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Subrecipients 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. section 401.14.

Article XXVIII - 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. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 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 XXIX - Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 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 XXX - Reporting of Matters Related to Subrecipient Integrity and Performance

General Reporting Requirements:

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 this federal award, then the subrecipients must comply with the requirements set forth in the government-wide Award Term and Condition for subrecipient 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 XXXI - Reporting Subawards and Executive Compensation

Reporting of first tier subawards:

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 XXXII - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Subrecipients must comply with the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Subrecipients 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, subrecipients may apply for, and the agency may grant, a waiver from these requirements.

Information on the process for requesting a waiver from these requirements is on the website below.

(a) When the Federal agency has made a determination 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 at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

The awarding Component may provide specific instructions to Subrecipients of awards from infrastructure programs that are subject to the "Build America, Buy America" provisions. Subrecipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

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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.

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Trafficking in Persons:

Subrecipients 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 at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

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Requirements for System for Award Management and Unique Entity Identifier Subrecipients 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.

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Subrecipients 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. sections 175. 175c.

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Subrecipients 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.

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Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

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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. 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, 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 XLI - 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 XLII - 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 contact your SAA if you have any questions.

Article XLIII - 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 subrecipients, 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 and MDEM 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 XLIV - 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 and MDEM 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 and MDEM 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 subrecipient to obtain prior written approval from FEMA and MDEM 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 XLV - 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 XLVI - DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs- standard-terms-and-conditions.

Article XLVII - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424 B 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 awarding agency.

II. 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.

III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article XLVIII - General Acknowledgements and Assurances

All recipients, sub-recipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

Subrecipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

I. Subrecipients 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 or personnel.

II. Subrecipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

III. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements as prescribed by law or detailed in program

III. guidance.

IV. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. 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. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement
12/12/2023
County Commissioners Meeting

Item Summary:
License Update

ATTACHMENTS:

Description

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement
12/12/2023
County Commissioners Meeting

Item Summary:
License Update

ATTACHMENTS:

Description

Jim Miller, Director, Human Resources
12/12/2023
County Commissioners Meeting

Item Summary:
Retiree Health Insurance

ATTACHMENTS:

Description

Jim Miller, Director, Human Resources
12/12/2023
County Commissioners Meeting

Item Summary:
Compensatory Leave Buy-Back

Jim Miller, Director, Human Resources
12/12/2023
County Commissioners Meeting

Item Summary:
Human Resources Policy - Teleworking

ATTACHMENTS:

Description

Teleworking Policy Proposal, Page Revisions 29, 29-A, 29-B, 29-C

Current Telecommuting Policy

12.12.23 Resolution 2023-18 County Commissioners of Kent County, Maryland Amendments to Kent County Employee Handbook - Teleworking Policy forward it through proper channels to secure reimbursement such as vehicle mileage, meals, etc., according to our standard policies.

Teleworking Policy and Procedure **(New 12/12/23; Resolution 2023-18)**

Objective

Teleworking is a viable, flexible work option when doing so enables the employee to perform her/his duties effectively and efficiently without reporting to her/his primary work location. Employees of Kent County may be permitted to telework for a maximum of 10% of their regular bi-weekly work schedule. Teleworking may be appropriate for some employees and jobs but not for others. Teleworking is not a guaranteed work arrangement and is not available to all County employees. It does not alter the terms and conditions of employment with Kent County

Eligibility

Before approving any teleworking arrangement, the employee and supervisor, in consultation with Human Resources, will evaluate the suitability of such an arrangement. Following are the key criteria to be considered:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as needed to successfully telework.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a teleworking arrangement.
- Workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and supervisor agree, and Human Resources concurs, teleworking may commence.

Procedures

All teleworking employees must adhere to the following procedures:

- Submit and receive approval from your supervisor of a Teleworking Plan identifying your work objectives prior to your teleworking day.
- Clock in and out using the teleworking code in Executime while teleworking.
- Forward your work phone to your teleworking location.
- Send an email to your department at the start of your teleworking day identifying your hours of availability during your teleworking day.
- Submit a Teleworking Report and copies of the completed work product to your supervisor at the end of your teleworking period.
- At the end of the pay period, Department Directors, or designees, will include Teleworking Reports of any employees who teleworked during the pay period with their Time Balancing Summary Report submission to payroll.

Equipment

On a case-by-case basis, Kent County will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each teleworking arrangement. Human Resources and Information Technology departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. Information Technology will advise as to the appropriate levels of security required in the event that the employee is using personal equipment for County business. Kent County accepts no responsibility for damage or repairs to employee-owned equipment. Kent County reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The teleworker must sign an inventory of all Kent County property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.

Kent County will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Kent County will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. Kent County will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Consistent with the organization's expectations of information security for employees working at the office, teleworking employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Kent County will provide each teleworker with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Teleworking employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Teleworking is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of teleworking with family members prior to its commencement.

Temporary or Ad Hoc Teleworking Arrangements

Temporary or ad hoc teleworking arrangements may be requested for circumstances such as inclement weather, special projects or business travel. Additionally, other informal, short-term arrangements may be requested on an as-needed basis for personal, non-work-related situations.

All informal teleworking requests must be reviewed and approved by the County Administrator, or designee, and must adhere to the requirements and responsibilities set forth above. In no event shall such temporary or ad hoc arrangements be considered regular or permanent assignments.

Travel Expenses

The County will reimburse you for reasonable business travel expenses if your supervisor or DepartmentHead approves the travel in advance. After the trip is approved, you may be responsible for making yourown travel arrangements.

The County reimburses approved travel expenses such as travel, meals, lodging, and other expenses as long as they were necessary to meet the objectives of the trip. You are expected to keep expenses within reasonable limits, comparable to other similar fees and expenses in the area of travel. The County Commissioners set the limits on per meal and/or per diem reimbursement rates. Personal expenses will not be reimbursed. We will also not reimburse you for lodging or meal expenses if you stay at or eat at the home of family, friends, or other employees of the County. Unusual or unordinary expenses may be authorized or denied at the discretion of the County Administrator.

The cost of breakfast is reimbursable when you must leave home for official County business more than 1.5 hours before the beginning of your normal commute to work. Lunch is reimbursable when you are required or authorized to attend a luncheon at which official business is conducted or an all-day meeting ***See page 30 for the continuance of Travel Expenses***

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forward it through proper channels to secure reimbursement such as vehicle mileage, meals, etc., according to our standard policies.

Telecommuting

Employees may be able to telecommute if it would benefit everyone. Telecommuting is the practice of working at home or at a place closer to home instead of physically traveling to a central workplace. If you think that telecommuting would improve your ability to get your job done, submit a written request to your Department Head.

The request should explain how telecommuting would be beneficial for both the County and you. Your request should explain how you would be accountable and responsible, what equipment is necessary, the parameters of your work space, and how communication barriers would be overcome.

In deciding if telecommuting will be permitted, we look at factors such as position and job duties, performance history, related work skills, and the impact on the County. In addition, your compensation, benefits, work status, work responsibilities, and the amount of time you are expected to work each day or each pay period will stay the same as before you started telecommuting (unless changes are agreed upon in writing).

You and your immediate supervisor must agree upon your schedule. If there is no written agreement about your schedule, you will work the same schedule as you did before you started telecommuting. You cannot change your schedule until the Department Head approves the change.

Telecommuting is an alternative method for meeting the business needs of Kent County Government. It is not a universal employee benefit. We have the right to refuse to make telecommuting available to an employee. We may also terminate an existing telecommuting arrangement at any time.

Travel Expenses

The County will reimburse you for reasonable business travel expenses if your supervisor or Department Head approves the travel in advance. After the trip is approved, you may be responsible for making your own travel arrangements.

The County reimburses approved travel expenses such as travel, meals, lodging, and other expenses as long as they were necessary to meet the objectives of the trip. You are expected to keep expenses within reasonable limits, comparable to other similar fees and expenses in the area of travel. The County Commissioners set the limits on per meal and/or per diem reimbursement rates. Personal expenses will not be reimbursed. We will also not reimburse you for lodging or meal expenses if you stay at or eat at the home of family, friends, or other employees of the County. Unusual or unordinary expenses may be authorized or denied at the discretion of the County Administrator.

The cost of breakfast is reimbursable when you must leave home for official County business more than 1.5 hours before the beginning of your normal commute to work. Lunch is reimbursable when you are required or authorized to attend a luncheon at which official business is conducted or an all-day meeting

RESOLUTION 2023-18
COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

AMENDMENTS TO KENT COUNTY EMPLOYEE HANDBOOK

WHEREAS, The County Commissioners of Kent County, Maryland have previously adopted the Kent County Employee Handbook on October 17, 2017; and

WHEREAS, The County Commissioners of Kent County, Maryland have determined that the Telecommuting policy found on page 29 needs to be amended to revise and clarify the rules and requirements of the program. Further, to re-title the policy to reflect the intent of the program more accurately; and

WHEREAS, the Human Resources Department of Kent County, Maryland has developed and proposed on this date an amended policy and the County Commissioners of Kent County, Maryland have reviewed the amended policy.

NOW, THEREFORE, Be It Resolved by the County Commissioners of Kent County, Maryland, that the Telecommuting policy found on page 29 be amended and re-titled as the Teleworking Policy and Procedure. Further, replace with the proposed policy statements, and for page 29 to be deleted and replaced with a revised page, and incorporate the insertion of pages 29-A, 29-B, and 29-C.

BE IT FURTHER resolved that the amended policy be effective December 12, 2023.

ADOPTED this 12th day of December 2023.

ATTEST:

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

____
Sondra M. Blackiston, Clerk

____
Ronald H. Fithian, President

____
Albert H. Nickerson, Member

____
John F. Price, Member

Jim Miller, Director, Human Resources
12/12/2023
County Commissioners Meeting

Item Summary:
Human Resources Policy Change - Annual Leave Access

ATTACHMENTS:

Description

Resolution 2023-19 Annual Leave Policy Amendments

RESOLUTION 2023-19
COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

AMENDMENTS TO KENT COUNTY EMPLOYEE HANDBOOK

WHEREAS, The County Commissioners of Kent County, Maryland have previously adopted the Kent County Employee Handbook on October 17, 2017; and

WHEREAS, The County Commissioners of Kent County, Maryland have determined that the *Annual Leave* policy found on pages 38-39 needs to be amended to afford newly hired employees with access to accrued leave; and

WHEREAS, the Human Resources Department of Kent County, Maryland has developed and proposed on this date an amended policy and the County Commissioners of Kent County, Maryland have reviewed the amended policy.

NOW, THEREFORE, Be It Resolved by the County Commissioners of Kent County, Maryland, that the *Annual Leave* policy found on pages 38-39 be replaced with the proposed *Annual Leave* policy.

BE IT FURTHER resolved that the amended policy be effective July 1, 2023.

ADOPTED this 12th day of December 2023.

ATTEST:

Sondra M. Blackiston, Clerk
12/12/23

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

Albert H. Nickerson, Member

John F. Price, Member

Annual Leave (Amended 12/12/23, Resolution 2023-19)

The County provides annual leave to all eligible regular full time and part time employees based on length of continuous service, increasing throughout years of service by a pre-determined accrual formula.

Eligible regular full-time employees are scheduled for no less than 2,080 hours per year, generally forty (40) hours per week, and are not in a temporary or seasonal position. Eligible regular part-time employees are scheduled for twenty (20) to less than forty (40) hours per week and are not in a temporary or seasonal position.

Leave accrual begins with the first day of employment. Employees are eligible to use accrued leave immediately upon hire.

Full time employees accrue annual leave at the following rates:

- Employees begin to accrue leave immediately upon hire at the rate of 3.0769 hours per pay period, to a maximum of 80 hours per year.
- After 5 years of eligible service employees accrue leave at the rate of 4.6154 hours per pay period, to a maximum of 120 hours per year.
- After 10 years of eligible service employees accrue leave at the rate of 6.1538 hours per pay period, to a maximum of 160 hours per year.
- After 20 years of eligible service employees accrue leave at the rate of 7.6923 hours per pay period, to a maximum of 200 hours per year.

Regular part time employees accrue leave at the following rates:

- Employees begin to accrue leave at the rate of .0385 times the budgeted number of hours per pay period, to a maximum of 2 weeks per year.
- After 5 years of eligible service employees accrue leave at the rate of .0577 times the budgeted number of hours per pay period, to a maximum of 3 weeks per year.
- After 10 years of eligible service employees accrue leave at the rate of .0769 times the budgeted number of hours per pay period, to a maximum of 4 weeks per year.
- After 20 years of eligible service employees accrue leave at the rate of .0962 times the budgeted number of hours per pay period, to a maximum of 5 weeks per year.

Employees who have been employed more than six months and transfer from a position ineligible for annual leave to an annual leave-eligible position will begin accruing annual leave immediately and be eligible to use accrued leave immediately.

If you were previously employed by the County and left our employment, the length of your eligible service is calculated on the basis of your most recent hire date. Military leave does not affect the leave accrual calculation.

Every effort shall be made to give you the opportunity to use your earned leave. However, annual leave use will be approved at the discretion of your supervisor or Department Head. Each request will be reviewed based on a number of factors, including the department's staffing requirements.

You will be paid for your annual leave at your base pay rate at the time you use the annual leave.

If you do not use all of your available annual leave by the end of the calendar year, you may carry over up to a total of 400 hours of annual leave. Anything over 400 hours will be forfeited. If your employment terminates, you will be paid for any unused annual leave that has been earned through your last day of actual work, up to 400 hours. Your annual leave pay out may be decreased by deductions you owe to the County that may not have been taken from your final paycheck.

Detention Center
12/12/2023
County Commissioners Meeting

Item Summary:
Correctional Officer Vacancy

ATTACHMENTS:

Description

Public Works - Environmental Operations
12/12/2023
County Commissioners Meeting

Item Summary:
Part-Time Recycling Attendant Vacancy

ATTACHMENTS:

Description

Public Works - Roads Division
12/12/2023
County Commissioners Meeting

Item Summary:
MEO I Vacancy

ATTACHMENTS:
Description

Public Works - Roads Division
12/12/2023
County Commissioners Meeting

Item Summary:
MEO I Vacancy

ATTACHMENTS:

Description

Public Works - Roads Division
12/12/2023
County Commissioners Meeting

Item Summary:
MEO II Vacancy

ATTACHMENTS:

Description

Public Works - Roads Division
12/12/2023
County Commissioners Meeting

Item Summary:
MEO II Vacancy

ATTACHMENTS:

Description

Barbara Jorgenson, Board President, Historical Society of Kent County, Inc.
12/12/2023
County Commissioners Meeting

Item Summary:
Letter of Support

ATTACHMENTS:

Description

12.12.23 Stories of the Chesapeake Heritage Area Letter for Support Historical Society FY2024 Small Grant

The County Commissioners of Kent County
Ronald H. Fithian, President | Albert H. Nickerson, Member | John F. Price, Member
Shelley L. Heller, County Administrator | Thomas N. Yeager, County Attorney

December 12, 2023

Stories of the Chesapeake Heritage Area
Eastern Shore Heritage, Inc.
P. O. Box 727
Chestertown, Maryland 21620

Re: Letter of Support for Application of Historical Society of Kent County for Stories of the Chesapeake Heritage Area FY2024 Small Grant

To Whom It May Concern:

It is our pleasure to endorse the Historical Society of Kent County's grant application. Their proposal to develop exhibits regarding the history of Rock Hall, Still Pond, and Galena should prove to be of great interest to all residents of the county. The project's focus on access to these exhibitions is an admirable goal, increasing our community's knowledge of and appreciation for history.

The collaborative nature of this project—including the documents and photographs from residents and being hosted in each location—further adds to the value of this endeavor. An inclusive history of the county will look to the contributions of all to be able to tell their own history. The Historical Society aims to produce just such a history through this project. The availability of said project online, in perpetuity, makes this a truly accessible history of each place.

The Historical Society of Kent County's proposal is a strong one, with direct correlation to your goals. We wholeheartedly urge you to fund this unique grant application for the benefit of us all.

Sincerely,
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronnie Fithian

Ronald H. Fithian, President

Albert H. Nickerson, Member

John F. Price, Member

cc: Barbara Jorgenson, Board President, Historical Society of Kent County, Inc.

Shelley L. Heller, County Administrator
12/12/2023
County Commissioners Meeting

Item Summary:
Announcement

- Work Session Scheduled For Tuesday, December 19, 2023 at 3:00 p.m.
- The Second Judicial Circuit of Maryland Dedication of Plaques

Planning Commission
12/12/2023
County Commissioners Meeting

Item Summary:
Thank You for Your Interest Letter

ATTACHMENTS:

Description

Procedures For Public Comment
12/12/2023
County Commissioners Meeting

ATTACHMENTS:

Description

12.12.23 Public Comments Sign In Sheet

Press and Public Comments

PUBLIC COMMENTS
SIGN IN SHEET
December 12, 2023

NAME **(please print)**	ADDRESS	TOPIC

Press and Public Comments

Time is allotted at the beginning and end of each meeting for the Commissioners to receive comments from the public. Anyone interested in speaking must sign up on the provided The Public Comment sign-up sheet is located on the table inside the meeting room.

The President of the Board will call the names of the listed individuals when it is time to speak. When making comments, individuals are asked to speak slowly, clearly, and concisely. Precede all comments with your name and address and speak only on the subject under discussion.

Comments in writing are welcomed and should be given to the staff after your presentation. Any person making personal, impertinent, or slanderous remarks, or whose speech or actions become disruptive, will be asked to leave the meeting.

Interested parties may address the Commissioners in writing at any time about any matter pertaining to County business. Written statements can be hand-delivered or mailed to:

The County Commissioners of Kent County, Maryland
400 High Street
Chestertown, MD 21620

Chris Mulhall, Senior Manager, Government Affairs, Xfinity
12/12/2023
County Commissioners Meeting

Item Summary:
Price Changes

ATTACHMENTS:

Description

11.16.23 Chris Mulhall, Senior Manager, Government Affairs, Ixfinity Information - Price Changes

RECEIVED
NOV 29 2023
By JLT

xfinity
1215 E Fort Ave, Suite 103
Baltimore, MD 21230

November 16, 2023

Shelley L. Heller
Kent County (MD)
400 High St
Chestertown, MD 21620

RE: Important Information—Price Changes

Dear Shelley L. Heller,

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in Kent County (MD), as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands. As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting December 20, 2023, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed Customer Notice for more information.

We know you may have questions about these changes. If I can be of any further assistance, please contact me at (410) 960-1566 or Christopher_Mulhall@comcast.com.

Sincerely,

Chris Mulhall
Senior Manager, Government Affairs
Comcast Beltway Region

Important Information – Price Changes
December 20, 2023
Additional Information Continued

SERVICES NO LONGER AVAILABLE FOR NEW SUBSCRIPTIONS		
	Current	**New**
HD DTA	$ 28.27	$ 32.95
Basic Latino TV	$ 38.00	$ 35.00
Extreme 150	$ 32.50	$ 43.50
Choice TV Select	$ 50.00	$ 55.00
Pro Protection	$ 65.00	$ 68.00
Performance Starter	$ 67.00	$ 70.00
Digital Preferred Tier w/ 5 Premiums	$ 67.00	$ 70.00
Performance Internet Additional Outlet with TV or Voice service	$ 87.00	$ 90.00
HSD AO	$ 87.00	$ 90.00
Performance Internet Additional Outlet	$ 90.99	$ 96.99
Internet Plus Latino Double Play	$ 90.99	$ 96.99
Internet Plus Double Play with HBO	$ 90.99	$ 96.99
Choice TV Double Play	$ 94.99	$100.99
Internet Pro Plus w/Showtime Double Play	$ 97.99	$103.99
Internet Pro Plus Double Play with HBO	$100.99	$106.99
Choice TV Triple Play	$102.99	$108.99
Economy Double Play	$105.99	$111.99
Blast! Plus Double Play	$111.95	$114.95
Performance Internet and Unlimited Voice Double Play	$112.99	$118.99
Blast Plus Double Play with HBO	$114.99	$120.99
Standard+ Double Play	$122.99	$128.99
Select Double Play	$123.99	$129.99
Economy Pro Triple Play	$131.95	$134.95
Blast Internet and Unlimited Voice Double Play	$132.27	$135.27
Extra Double Play w/ Performance Internet	$132.27	$135.27
Digital Premier With 5 Premiums	$131.99	$137.99

SERVICES NO LONGER AVAILABLE FOR NEW SUBSCRIPTIONS		
	Current	**New**
Standard+ More Triple Play	$132.22	$140.27
Starter Latino Double Play	$141.99	$147.99
Select+ Double Play	$142.99	$148.99
Signature Double Play	$145.99	$151.99
Value Plus Triple Play	$151.99	$157.99
Select Triple Play	$154.99	$160.99
Digital Preferred Double Play w/Performance Pro Internet	$157.99	$163.99
Starter Triple Play	$160.99	$166.99
Select+ More Triple Play	$165.99	$171.99
HD Starter Triple Play	$170.99	$176.99
Preferred Triple Play	$171.99	$177.99
Signature Triple Play	$171.99	$177.99
Signature+ Double Play	$172.99	$178.99
Super Double Play	$180.99	$186.99
HD Preferred Triple Play with Hitz	$190.99	$196.99
Signature+ More Triple Play	$190.99	$196.99
HD Preferred Plus Triple Play	$191.99	$197.99
Super+ Double Play	$192.99	$198.99
Premier Double Play w/Performance Pro Internet	$197.99	$203.99
HD Preferred Extra Triple Play	$200.99	$206.99
HD Preferred Plus Triple Play with Hitz	$201.99	$207.99
Super Triple Play	$225.99	$231.99
HD Premier Triple Play w/ Blast! Internet	$225.99	$231.99
HD Premier XF Bundle Triple Play	$244.99	$250.99
HD Complete XF Triple Play		

Important information regarding your Xfinity services and pricing

Effective December 20, 2023

Xfinity TV Services	Current	New
Broadcast TV Fee	$21.70	$23.95
Regional Sports Fee	$12.35	$13.00
Choice TV Select	$37.50	$43.50
Choice TV Select - with TV Box (Flex upgrade)	$47.50	$53.50
HBO, MGM+, and DVR	$30.98	$31.98
Netflix, HBO, Showtime, and DVR	$58.47	$59.47

Xfinity Internet	Current	New
Connect	$65.00	$68.00
Connect More	$87.00	$90.00
Fast	$102.00	$105.00
Superfast	$107.00	$110.00
Gigabit	$112.00	$115.00
Gigabit Extra	$117.00	$120.00
Gigabit x2	$130.00	$120.00

Xfinity Home	Current	New
Pro Protection	$50.00	$55.00
Pro Protection Plus	$60.00	$65.00

Cecilton, Galena, Greater Elkton

82994000 (0160,0170,0180,0190,0200,0210,0220,0230)

P001AH24

American Rescue Plan Act (ARPA) Funds Spend Plan
12/12/2023
County Commissioners Meeting

ATTACHMENTS:

Description

11-28-2023 ARPA Fund Commissioner Report

AMERICAN RESCUE PLAN ACT FUND
AS OF COMMISSIONER MEETING MINUTES DATED
11/282023

Project	Department	Project Estimate	Date Approved	Amount Approved	Date Completed
Feed the Elderly Year 1	Local Management Board	112,800	08/31/21	112,800	9/30/2022
Feed the Elderly Year 2 and 3	Local Management Board	204,115	03/08/22	204,115	
Clariflocculator Replacement Project	Water & Wastewater Fund	275,000	08/31/21	275,000	6/28/2022
Clariflocculator Replacement Project Change Order #1		2,817	01/11/22	2,817	6/28/2022
Clariflocculator Replacement Project Change Order #2		90,642	01/11/22	90,642	11/23/2022
AV System	Information Technology	71,254	10/26/21	71,254	5/17/2023
IT Software	Information Technology	27,095	10/26/21	27,095	8/10/2022
Neighborhood & Infrastructure Grants	Information Technology	258,402	12/14/21	258,402	
A/V Equipment in EOC	Emergency Operation Center	14,087	02/01/22	14,087	
SCADA Pump Station Monitoring	Water & Wastewater Fund	110,065	02/08/22	110,065	
Millington/RT301 Wastewater Treatment Feasibility Study	Water & Wastewater Fund	57,500	02/08/22	57,500	
Millington/RT301 Wastewater Conveyance System Capacity Study		9,500	09/27/22	9,500	
Tolchester Wastewater-Design Services Influent Screen	Water & Wastewater Fund	52,910	02/08/22	52,910	
Tolchester Wastewater - Bid Services and Const. Management		35,735	09/27/22	35,735	
Tolchester Wastewater Influent Screen Construction		600,914	04/25/23	600,914	
Worton WWTP Influent Lagoon Engineer Design & Bid Services	Water & Wastewater Fund	33,076	03/22/22	33,076	
Worton WWTP Influent Lagoon Engineer Const. Management		43,736	03/08/23	43,736	
Worton WWTP Lagoon Sludge Removal Contract		1,400,725	12/13/22	1,400,725	
Worton WWTP Lagoon Sludge Removal Contract Change Order #1		30,000	06/13/23	30,000	
Worton WWTP Lagoon Sludge Removal Contract Change Order #2		(486,784)	08/08/23	(486,784)	
Kennedyville Pump Station #2 Relocation Design	Water & Wastewater Fund	52,338	09/27/22	52,338	
Kennedyville Pump Station #2 Relocation Const. Management		*Deferred*			
Kennedyville Pump Station #2 Construction		*Deferred*			
Worton/Kennedyville GIS Water and Sewer Facilities Mapping	Water & Wastewater Fund	75,770	09/27/22	75,770	
Worton Vehicle Storage Building & site prep/lighting/heat	Water & Wastewater Fund	40,000	10/25/22	40,000	
Worton WWTP Solids Press Replacement Design	Water & Wastewater Fund	64,940	11/28/23	64,940	
Worton WWTP Solids Press Replacement Construction Management		*20,000.00*			
Worton WWTP Solids Press Replacement		*250,000.00*			
Total Amount of Funds Committed		$ 3,446,637		$ 3,176,637	
Amount of ARPA Funds		3,766,777		3,766,777	
Balance of ARPA Funds Remaining		$ 320,140		$ 590,140	

Contingency and Use of Fund Balance Report
12/12/2023
County Commissioners Meeting

ATTACHMENTS:

Description

11-28-2023 Commissioner Report Contingency

FY24 CONTINGENCY & USE OF FUND BALANCE
AS OF COMMISSIONERS MEETING MINUTES DATED
November 28, 2023

CONTINGENCY

DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION
7/25/23	Buildings and Grounds-Government Center I	$ 53,522	Cornice and fascia repair to the Kent County Government Center Building (400 High Street)
7/25/23	Buildings and Grounds-Courthouse	23,945	Replacement of (2) Packaged Terminal Air Conditioner Units within Jury Assignment Office
8/8/23	Office of Finance	10,320	Lease Query subscription for GASB 87 and GASB 96 reporting
8/22/23	Water & Wastewater Fund	10,200	Edesville sewer service district-Parcel 46 Lover's Lane construction of sewer service line to the manhole
10/31/23	Buildings and Grounds - EMS Lynch Station	10,400	Building repairs at EMS Lynch Station
			-
10/31/23	Capital Projects Fund - Detention Center	32,967	Regional Detention Center - Part I & Part 2 programing study - letter of intent
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TOTAL		**$ 141,354**	
BEGINNING CONTINGENCY BUDGET		**$ 400,000**	
ENDING CONTINGENCY BALANCE		**$ 258,646**	

USE OF FUND BALANCE

DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION
10/31/2023	Economic & Tourism Development	24,000	Technology software solution software to identify monitor, and collect taxes on short-term rentals
TOTAL		**$ 24,000**	

USE OF FUND BALANCE

Note: If expenses are not reduced or offset by the same amount of fund balance used, this will result in a decrease in fund balance below our 7.5% target.

Bill Mackey, Director, Planning, Housing and Zoning
12/12/2023
County Commissioners Meeting

Item Summary:
Appointments
The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

ATTACHMENTS:

Description

Jim Miller, Director, Human Resources
12/12/2023
County Commissioners Meeting

Item Summary:
Personnel
The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

ATTACHMENTS:

Description