GMS APPLICATION NUMBER: 2024-JAG

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FLAGSTAFF, AZ AND COUNTY OF COCONINO, AZ

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2024 LOCAL SOLICITATION / CFDA #16.738

This Agreement is made and entered into this____day of_____, 2024, by and between COCONINO COUNTY, acting by and through its governing body, the Board of Supervisors, hereinafter referred to as COUNTY, and the CITY of FLAGSTAFF, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Coconino County, State of Arizona:

WHEREAS, this Agreement is made under the authority of Arizona Revised Statues Section 11-952 as a joint exercise of powers; and,

WHEREAS, both parties are required to enter into this Intergovernmental Agreement as co-applicants of a grant under Edward Byrne Memorial Justice Assistance Grant Program (JAG) and to designate a fiscal agent for purposes of administering grant funds; and,

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to serve as fiscal agent for purposes of accepting the JAG program grant award and to pay COUNTY a total of $7,615.00 of JAG funds.

Section 2.

COUNTY agrees to use $7,615.00 for the purposes outlined in the FY 2024 JAG Program award period of October 1, 2024, through September 30, 2027.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against either party other than claims for which liability may be imposed by the Federal Tort Claims Act. By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 4.

Each party to this agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. Neither party agrees to indemnify or hold harmless the other party.

Section 5.

Notwithstanding any other provision contained herein, this Agreement may be terminated if either party does not receive sufficient grant funds to carry out their purposes under the JAG program. Each party agrees to appropriate funds to continue its effort to apply for funding from the JAG program. If JAG funds are not awarded, the obligations of the parties shall terminate.

Section 6.

Before this Agreement can become effective and binding on either party, it must be approved by the respective governing bodies and the legal counsel of each party.

Section 7.

This Agreement shall remain in effect for the period of October 1, 2024, through September 30, 2027.

Section 8.

The County and the City, as co-applicants, agree to comply with the and Mandatory Award Terms and Conditions, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements, and Standard Assurances provisions attached as Exhibit A to this Agreement.

Section 9.

This Agreement may be cancelled pursuant to Arizona Revised Statutes Section 38-511.

Approved by Resolution of the respective governing bodies hereto:

Dated:_____ Dated:_____

CITY OF FLAGSTAFF, AZ	COUNTY OF COCONINO, AZ
_____	_____
Becky Daggett, Mayor	Judy Begay, Chair
ATTEST:	ATTEST:
_____	_____
City Clerk	Clerk of the Board
APPROVED AS TO FORM AND PROPER AUTHORITY:	APPROVED AS TO FORM AND PROPER AUTHORITY:
_____	_____
City Attorney	Deputy County Attorney

EXHIBIT A

General Conditions" for OJP Awards in FY 2024

August 9, 2024

OJP expects that all (or virtually all) awards made in FY 2024 will include all of the award conditions set out below.

Individual awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

- **Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements**
- **Applicability of Part 200 Uniform Requirements**
- **Compliance with DOJ Grants Financial Guide**
- **Reclassification of various statutory provisions to a new Title 34 of the United States Code**
- **Required training for Grant Award Administrator and Financial Manager**
- **Requirements related to "de minimis" indirect cost rate**
- **Requirement to report potentially duplicative funding**
- **Requirements related to System for Award Management and Universal Identifier Requirements**
- **Employment eligibility verification for hiring under the award**
- **Requirement to report actual or imminent breach of personally identifiable information (PII)**
- **All subawards ("subgrants") must have specific federal authorization**
- **Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000**
- **Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)**
- **Determination of suitability to interact with participating minors**
- **Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events**
- **Requirement for data on performance and effectiveness under the award**
- **OJP Training Guiding Principles**
- **Effect of failure to address audit issues**
- **Potential imposition of additional requirements**
- **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42**
- **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination -**

28 C.F.R. Part 54
- Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38
- Meaningful access requirement for individuals with limited English proficiency
- Restrictions on "lobbying"
- Compliance with general appropriations-law restrictions on the use of federal funds (FY 2024)
- Compliance with restrictions on the use of federal funds - prohibited and controlled equipment under OJP awards
- Reporting potential fraud, waste, and abuse, and similar misconduct
- Restrictions and certifications regarding non-disclosure agreements and related matters
- Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)
- Encouragement of policies to ban text messaging while driving
- Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ