



ND Department of Emergency Services

PO Box 5511

Tel: (701) 328-8100

Email: nddes@nd.gov

Bismarck, ND 58506-5511

Fax: (701) 328-8181

Website: www.nd.gov/des

"Ensuring a safe and secure homeland for all North Dakotans"

Agreement Between
North Dakota Department of Emergency Services

And

For Receiving Advanced Receipt of the Federal and State Cost Share Relating to Large Project Recovery Funding

Whereas the grant qualifying jurisdiction identified here within asserts it is in its best interest to receive advance receipt of the State and Federal (FEMA funding) prior to FEMA final large project closeout; therefore, the entire federal and state cost share will be made available to the jurisdiction for large projects under the following agreed to conditions. This agreement is entered into for Disaster Declaration Number _____.

I _____, representing _____ County/City and in the position _____ and having authority to enter into this agreement agree to the following.

- 1) To provide all documentation necessary for the Department of Emergency Services to conduct a state level close out review of all projects within the most current Project Worksheets.
- 2) To receive advanced receipt of the full state and federal cost share funding relating to the FEMA Public Assistance Program for large projects.
- 3) To pass funding as appropriate to sub-jurisdictions on a timely basis to enable prompt payment for work and materials used based upon documented work completed.
- 4) To pay back within 45 days all funds deemed or determined ineligible by the Department of Emergency Services or FEMA as a result of the final FEMA closeout audit for the project/s. If a project closeout is appealed by the jurisdiction and not overturned, the payment will be due 45 days from the date of finding.

I further understand that if repayment is not forthcoming within the 45 day period, the Department of Emergency Services may hold projected state and federal disaster

recovery funds until payment is satisfied or if zero funding is projected, the State of North Dakota pursuant to NDCC 54-44-13 shall withhold all funds, grant-in-aid, tax shares, and other similar moneys due the subdivision from the state until the debt is serviced.

This agreement will self-terminate when all large projects are closed by FEMA relating the identified disaster above or at the request of local jurisdiction whichever occurs first.

Greg M. Wilz
Director, Homeland Security
Department of Emergency Services
State of North Dakota

(Signature)
(Printed Name)
(Position)
(Jurisdiction)

(Date)

(Date)

Attest: _____

(Signature)
(Printed Name)
(Position)
(Jurisdiction)

(Date)

The North Dakota Century Code language is provided for informational purposes.

54-44-13. Failure of Political Subdivisions to Repay Natural Disaster Overpayments Office of management and budget authorized to withhold funds.

Whenever an overpayment made to any state political subdivision under the Disaster Relief Act of 1970 [Pub. L. 91-606; 84 Stat. 1744], and all acts amendatory and supplemental thereto, is not repaid by the following July first, the state office of management and budget shall:

1. Upon certification from the governor's natural disaster representative that a political subdivision is delinquent in repaying such overpayment, withhold all funds, grants-in-aid, tax shares, and other similar moneys due the subdivision from the state until the subdivision repays either the federal or state government.
2. Cease to withhold funds when the governor's natural disaster representative certifies that the subdivision has repaid the overpayment.