

Introduced by Buffaloe Council Bill No. R 76-25

A RESOLUTION

affirming compliance with federal assurances and certifications and committing to defend, indemnify and hold harmless city officials from any claim, lawsuit, or demand brought under the false claims act or other purported legal authority resulting from such employee's good faith performance of duties and obligations on behalf of the city related to the filing of any assurances and certifications.

WHEREAS, as a Federal grant recipient/contractor/subcontractor, the City is required by terms and conditions of grant awards and agreements, to file certain assurances and certifications that it is in compliance with (1) "all federal and state statutes, regulations and executive orders relating to nondiscrimination and equal employment opportunity to the extent applicable to the contract" and (2) it "does not operate any programs promoting Diversity, Equity and Inclusion that violate any applicable Federal anti-discrimination laws"; and

WHEREAS, every grant award coming from or through the Federal government includes terms requiring the City to agree that compliance in all respects with all applicable Federal anti-discrimination laws is material to the Federal government's payment decision under the grant award for purposes of the False Claims Act; and

WHEREAS, certain assurances and certifications are required to be filed by city officials with regard to compliance of Federal grant agreement terms and conditions; and

WHEREAS, the False Claims Act provides that any person who knowingly submits, or causes to submit, false claims to the government is liable for three times the government's damages plus a civil penalty; and

WHEREAS, the City Council desires to affirm the City does not engage in any discriminatory actions based on race, color, national origin, sex, or religion in its policies, programs or activities or are otherwise a violation of Federal law or the terms and conditions of any Federal financial assistance agreements; and

WHEREAS, the City Council additionally desires to affirm the City personnel policies and practices are merit-based and do not discriminate based on race, color, national origin, sex, or religion; and

WHEREAS, due to threats of enforcement actions against grant recipients as well as officials who file assurances and certifications related to grant agreements, the City desires to provide protection to city officials submitting assurances and certifications related to Federal grants that the City will defend, indemnify and hold harmless such

officers from any claim, lawsuit, or demand brought under the False Claims Act or other purported legal authority resulting from such employee's good faith performance of duties and obligations on behalf of the City related to such submission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:


SECTION 1. The City reaffirms its commitment that it will not engage in any unlawful discriminatory actions based on race, color, national origin, sex, or religion in its policies, programs or activities or undertake any activities which are otherwise a violation of Federal law or the terms and conditions of any Federal financial assistance agreements.

SECTION 2. The City reaffirms its commitment to ensure its personnel policies and practices are merit-based and do not discriminate based on race, color, national origin, sex, or religion.

SECTION 3. The City hereby agrees to defend, indemnify and hold harmless city officials from any claim, lawsuit, or demand brought against such employees, whether in their official or individual capacity, under the False Claims Act or other purported legal authority resulting from such employee's good faith performance of official duties and obligations related to providing assurances and certifications as a recipient or subrecipient of any Federal contract or grant award. Nothing contained herein shall be deemed to be a waiver of any governmental immunities or defenses, nor shall it create any third-party rights or be deemed a commitment on behalf of the City to hold harmless or indemnify any city official who acted outside the scope of duties of such employee.

ADOPTED this 19th day of May, 2025.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor