



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: May 19, 2025

Re: Affirming compliance with federal assurances and certifications and committing to hold harmless city officials from any litigation brought under the False Claims Act or other legal authority resulting from good faith performance of certain duties and obligations on behalf of the city.

Executive Summary

This resolution would protect the City Manager, or designees, from personal liability for engaging in official duties related to Federal contracts and grants.

Discussion

City officials are required to file what are called “assurances and certifications” whenever the City is a party to any Federal contract or grant. The assurances and certifications provide a means for the City as a party to the contract to indicate compliance with all applicable government-wide requirements (including federal laws, executive orders, regulations and public policies) that govern federal financial assistance awards. Amendments to standard terms and conditions contained in federal financial assistance awards as well as published communications from federal agencies (such as the Secretary of Transportation dated April 24, 2025) imply a more aggressive approach in enforcement activities to ensure compliance with federal grant requirements.

In addition to a general requirement, there are several there are specific identified categories to which certification is made. Compliance with all laws, policies and regulations relating to nondiscrimination and equal opportunity is required, including:

- Age Discrimination Assurance
- Civil Rights Assurance (race, color, national origin)
- Handicapped Individuals Assurance
- Sex Discrimination Assurance

In addition, the following examples of required compliance with other laws and regulations as set out below may be required, depending on the circumstances:

- Conflict of Interest Assurance
- Delinquent Debt Assurance
- Drugfree Workplace Assurance
- Impact of Grant Activities on the Environment and Historic Properties
- Institutional Debarment Assurance
- Lobbying Assurance
- Smoke-Free Workplace
- Build America, Buy America Act
- Trafficking Victims Protection Act
- False Claims Act



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- Environmental Assurances
- Immigration Law Compliance

Provided as a part of the materials is a copy of a table prepared by HUD related to policy requirements related to HUD's financial assistance programs which apply to contractors and subrecipients as well as assurance forms promulgated by Grants.gov.

In connection with providing the assurances, the resolution provides a city-wide reaffirmation that the City will not engage in any unlawful discriminatory actions based on race, color, national origin, sex, or religion in its policies, programs or activities. In addition, there is a reaffirmation the City will ensure its personnel policies and practices are merit-based and do not discriminate.

This resolution would provide city officials who sign assurances and certifications on behalf of the city a commitment to provide legal protection in the event a claim is brought against the individual under the False Claims Act (or other legal authority). In order to be provided defense and indemnity, the official must have acted in good faith and within the scope of their duties in executing the assurances.

Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: Unknown.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Organizational Excellence, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Inter-Governmental Cooperation, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action

Suggested Council Action