



Santa Clara Valley Water District

File No.: 17-0185

Agenda Date: 3/27/2017

Item No.: *3.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Resolution Designating Authorized Agents for Federal Emergency Management Agency (FEMA) Applications for Reimbursement Assistance

RECOMMENDATION:

- A. Adopt the Resolution DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES.
- B. Designate the positions of Chief Executive Officer, Chief Operating Officer, Administrative Services, and Chief Financial Officer as the District's designated authorized agents for purpose of submitting applications for reimbursement assistance to FEMA, provided all legal requirements have been met.

SUMMARY:

On February 14, 2017, President Donald J. Trump declared a major disaster making federal disaster aid available to Santa Clara County for the January 2017 Storms. Requests for public assistance must be received by California's Office of Emergency Services (Cal OES) Public Assistance Division no later than April 11, 2017. In accordance with this Major Disaster Declaration declared by the President, assistance provided from FEMA supplements state and local efforts. The District may eligible to seek Federal reimbursement assistance up to 75% of eligible costs and State reimbursement assistance up to 18.75% of eligible costs. The District will be responsible for a local share of 6.25%. In accordance with federal guidelines, the District submitted its damage estimates within 30 days from the date of the federal disaster declaration to California's Office of Emergency Services.

District Expenses (or Potential Costs?)

The process of obtaining FEMA assistance begins with the preparation of an Initial Damage Estimate (IDE). For the Storm that occurred between January 7-13, the District has identified \$9,759,718 in Initial damages as shown in the chart below:

Public Damages

Amount

Debris Clearance	\$1,051,096
Protective Measures	1,664,531
Water Control Facilities	
Levees	9,091
Dams	6,535,000
<u>Flood Control Channels</u>	<u>500,000</u>
Total	\$9,759,718

The District provided an initial damage estimate to FEMA and the agency assisted the District to develop a more detailed Preliminary Damage Assessment (PDA). Staff is now required to thoroughly identify damaged sites and costs and provide proper documentation to FEMA and Cal OES for all projects for possible eventual reimbursement.

The District is entitled to seek reimbursement for damages incurred to eligible facilities include buildings, systems, equipment, or maintained natural features located in a designated disaster area not under the authority of another federal agency in active use at the time of disaster. The District is also entitled to seek reimbursement for eligible work responding to the storms which includes personnel service expended by the District as a direct result of a disaster located in a designated disaster area under the legal responsibility of the District.

FEMA and CAL OES may, provided all legal requirements that are conditions of receiving such funds can be met, reimburse the District for both debris removal and emergency protective measures related to the disaster. Debris removal expense is reimbursable when it eliminates immediate threat to life, health, and safety; is of significant damage to improved property; was done to ensure economic recovery of community or was performed to provides benefit for the community-at-large and is on the District's right-of-way. The District is also entitled to receive reimbursement for expenses associated with Emergency Protective Measures Actions taken before, during and following a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage to improved public and private property through cost-effective measures.

FEMA-Required Resolution

The recommended resolution (Attachment 1) designates authorized agents to submit grant related damage expenses to FEMA. Designation of District's agents is required to be eligible to receive state and federal funding. The District's designated agents would be authorized by the Board of Directors to engage with FEMA and the Governor's Office of Emergency Services regarding grants applied for by the District. The Resolution designates the positions of Chief Executive Officer and Chief Operating Officer, Administrative Services, and the Chief Financial Officer as the District's designated authorized agents. Designating positions, instead of actual individuals by name will enable the Resolution to remain valid for 3 years if an authorized agent leaves the position and is replaced by another individual in the same title. Once this Resolution is adopted it will be accompanied by a cover letter naming the Authorized Agents by name and title.

The designated agents for the District must be in a position to certify (to the best of his/her

knowledge and belief) the disaster relief work for which state financial assistance is requested is eligible in accordance with the Disaster Assistance Act (Government Code, Section 8680 et seq); that the District **is the legal entity responsible by law** for the performance of the work detailed and accepts such responsibility; that the disaster relief work for which state assistance is requested does not or will not duplicate benefits received for the same loss from another source and that the District has undertaken to recover maximum federal participation in funding street and highway project and public facility projects.

FINANCIAL IMPACT:

The anticipated expenses of pursuing this reimbursement claim include internal staff and external consultant costs, estimated to be approximately ????? Explain why the external costs are necessary.

Total expense preliminarily estimated for this storm event is \$9,759,718. Maximum amount of federal assistance will not exceed \$7,319,788 and \$1,829,947 from the State of California. Assuming the District can provide proper justification for all eligible storms related expenses provided to FEMA to date and can comply with all legal requirements which apply to receiving such reimbursement, the total local *unreimbursed expense* to the District is \$609,982. The estimated damages developed by staff for affected dams is subject to additional FEMA discussion, reevaluation and approval which could substantially impact the total assistance ultimately provided to the District.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Resolution

UNCLASSIFIED MANAGER:

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