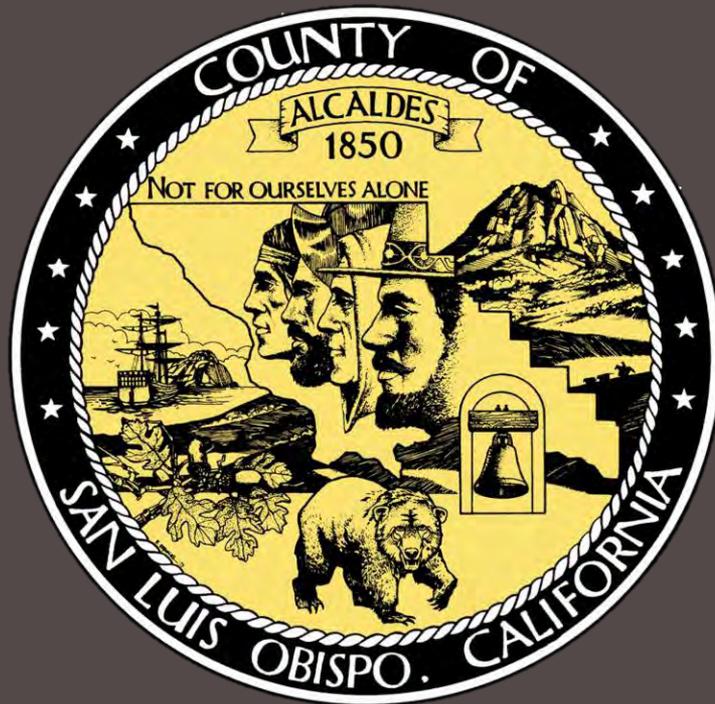


Disaster Recovery for Public Agencies



Dec 17, 2015

INTRODUCTION & OVERVIEW

- Why is it important you are here?

AGENDA

- Short and Long Term Recovery
- Recovery Responsibilities
- Public Assistance Process
- Funding Considerations
- Types of Work
- Project Types
- Process: Costs, Documentation and Tracking
- Reimbursement
- Appeal and Audits
- Questions



SHORT TERM RECOVERY

Short term recovery is to restore local government and related services to at least a minimal capacity.

Short term recovery may include:

- utility restoration
- continued social, medical, and mental health services
- re-establish county government operations
- re-establish transportation routes
- debris removal
- cleanup operations
- abatement and demolition of hazardous structures



LONG TERM RECOVERY

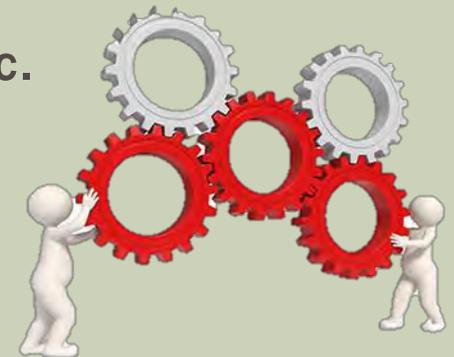
Long term recovery is to restore facilities to pre-disaster conditions

Long term recovery operations may include:

- coordinated delivery of social and health services
- improved land use planning
- improved emergency planning
- re-establish the local economy to pre-disaster levels
- recovery of disaster response costs
- integration of mitigation strategies into recovery

RECOVERY RESPONSIBILITIES

- The county, OA jurisdictions and special districts have specific responsibilities in recovery
- Departments within each entity will also have responsibilities in the process.
- Examples:
 - Administrative – Political Process
 - Public Works – Roads, debris, demo, utilities, etc.
 - Auditor-Controller – Financial, contracting
 - Counsel – proclamations, authorities, liabilities



THE PUBLIC ASSISTANCE PROCESS



PROCESS TIMELINES

- **Initial Damage Estimate:**
 - Should be submitted to the state ASAP – less than one week ideally, no more than 10 days.

- **Preliminary Damage Assessment:**
 - State/FEMA will visit the area and check large damage sites to verify IDE within 2 weeks (typically sooner).

- **Governor's Request for Presidential Declaration:**
 - Within 30 days of end of incident.

- **Presidential Declaration:**
 - Take 1 to 8 weeks to receive.



PROCESS TIMELINES CONT.

- Applicant Briefing / Submission of Request:
 - Have 30 days from Presidential Declaration to submit request for Public Assistance.
- Kick Off Meeting:
 - Within 21 days of RPA Approval.
 - Starts 60 day clock to get all damages reported.
- From there, cost recovery can take years.



STATE FUNDS



California Disaster Assistance Act

- State financial assistance after Governor's Proclamation
- To repair, restore, reconstruct or replace public real property or public facilities
- NO threshold for state funds.
- Paves way for access to federal disaster relief programs.
- Limited funding
- NOTE: An emergency can be declared by the state without CDAA assistance

STATE FUNDS COVERAGE

- If only state funds are approved, funding can cover 75%
- If federal disaster relief is also approved, state funding will cover 75% of the 25% not covered by Feds.



FEDERAL - FEMA PUBLIC ASSISTANCE GRANT PROGRAM (PA)

- Requires Federal Major Disaster Declaration
 - Governor must request within 30 days of event.
 - Authorizes federal recovery programs (opens funding)
 - Supplement to state and local efforts
 - Federal share shall not be less than 75% of eligible costs
 - Remaining 25% split between state and locals with local share being 6.25%



FEDERAL - FEMA PUBLIC ASSISTANCE GRANT PROGRAM (PA) CONT.

- **Example of eligible facilities:**
 - Non FHWA roads, irrigation channels, bridges, utilities, sewage treatment plants, etc.
- **Must meet threshold- dollar per capita amount**
 - Current State threshold: \$52,528,078
 - Current county threshold: \$962,604
 - Must meet state and county thresholds to receive funding!



FEMA

INITIAL DAMAGE ESTIMATES (IDE)

- Must be submitted to Cal OES within 10 days. Quicker indicates the need for funds.
- IDE documentation is completed by each jurisdiction and forwarded to County OES for state submittal
- Jurisdictions should complete within first 48 hours for County OES to submit package ASAP
- Cal OES form available on their website



CAL OES IDE FORM

State of California
California Emergency Management Agency

List of Projects

Page ___ of ___

APPLICANT: _____

DATE COMPLETED: _____ Disaster Number _____

CONTACT NAME AND PHONE NUMBER: _____

IS THIS AN AMENDED LIST OF PROJECTS? _____

ITEM #	LOCATION	DESCRIPTION OF DAMAGE AND SCOPE OF WORK	COST ESTIMATE	CATEGORY*	WAS WORK COMPLETED BY FORCE ACCT. (FA), CONTRACT (C) OR BOTH (B/C)?	ENTER "ENV" IF THERE ARE ENVIRONMENTAL ISSUES OR "HIST" FOR HISTORIC ISSUES, OR BOTH	WAS THERE INSURANCE COVERAGE? IF YES, ENTER DEDUCTIBLE AMOUNT	WAS THE FACILITY DAMAGED IN A PRIOR DISASTER(S)? IF YES, ENTER DISASTER NAME(S) OR NUMBER(S)	ARE THERE COST EFFECTIVE HAZARD MITIGATION MEASURES THAT MAY PREVENT FUTURE DAMAGE?
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*CATEGORY: A) Debris Clearance; B) Protective Measures; C) Road System; D) Water Control Facility; E) Buildings and Equipment; F) Public Utility System; G) Other. (Note: if a single site has more than one category, indicate the category that represents the majority of damage.)

PRELIMINARY DAMAGE ASSESSMENT

- Takes place before Governor's Proclamation can be obtained.
- Tour with State/Feds to verify damage – depending on amount of damage, may just be a spot check of big sites
- Takes place within 2 weeks of submittal of Initial Damage Estimate – usually sooner.
- Very important to provide as much information as possible to PDA team.
- If they do not believe a site is eligible, be sure a Project Worksheet is created so you can appeal later.



APPLICANT'S BRIEFING / RPA

- Local governments have 30 days from date of federal disaster declaration to submit a Request for Public Assistance (RPA) to Cal OES.
- RPA must be submitted within this timeframe even if Applicant Briefing has not been held.
- ALL interested parties should attend the briefing.
- RPA should be given to Cal OES and NOT directly to FEMA. If given to FEMA directly, this starts 60 day clock to report all damages.



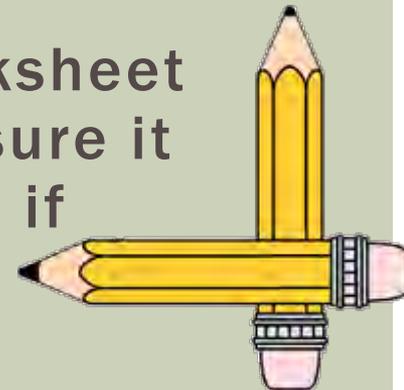
KICK OFF MEETING

- First substantive meeting between applicants and Cal OES/FEMA.
- Starts 60 day clock to identify and report damages via Project Worksheets.
- Individual meetings by jurisdiction.
- Will be assigned a state representative and will work directly with that person, not via County OES
- ALL key staff should attend.



PROJECT WORKSHEETS

- A Project Worksheet (PW) will be created by Cal OES for EACH project following the Kick Off Meeting.
- Minimum PW amount is \$3,050.
- Projects can be grouped, but be careful because any slowdown on a part of any of the project (i.e. environmental review) will slow down the entire project.
- You will be asked to concur with each worksheet – check information very carefully and ensure it is accurate and detailed. **DO NOT CONCUR** if you see any issues.



PROJECT TIMELINES

- Debris Removal (A)
 - 6 months
 - State can grant up to 6 month extension
- Emergency protective measures (B)
 - 6 months
 - State can grant up to 6 month extension
- Permanent repair work (C-G)
 - 18 months
 - State can grant up to 30 month extension



CONSIDERATIONS FOR FUNDING

- Eligible Work:
 - Must be the **direct result** of a disaster
 - Must be **located** in a designated disaster area
 - Must be the **legal responsibility** of an eligible applicant
- Funding may be declined if roads, facilities were left in disrepair
 - Applicant negligence
 - Deferred maintenance
 - Pre-existing damage
- Must have approved Hazard Mitigation Plan
- Miscellaneous considerations:
 - Tax dollar loss, poverty line, etc.



PRE-DOCUMENTATION AND MAINTENANCE

- Facilities must be in good repair and active use at the time of disaster to be eligible.
- Roads must be in good repair at time of disaster to be eligible.
- It will be easier to prove good repair if you have advance documentation:
 - Preseason to verify condition
 - Report on conditions
 - Take photos!



TYPES OF WORK

- **Emergency Work**
 - Work which eliminates immediate threat to persons or property.

- **Permanent Work**
 - Restoration to pre-disaster conditions, including hazard mitigation measures.



EMERGENCY WORK VS. PERMANENT WORK

- Emergency Work falls into two categories:
 - Category A – Debris Removal
 - Eligible when it eliminated an immediate threat to life, health and safety or eliminates an immediate threat to improved property.
 - In public right of way ONLY
 - Category B – Emergency Protective Measures
 - Action taken before, during and after a disaster to save lives, protective health and safety or eliminate an immediate threat to improved property.
 - Sand bags, safety barricades, EOC meals, etc.



EMERGENCY WORK VS. PERMANENT WORK

- Eligible Permanent Work must:
 - Repair, restore or replace disaster-damaged facilities
 - Must restore Pre-disaster design, capacity and function in accordance with applicable codes and standards
 - Can include cost-effective hazard mitigation measures.

- Permanent Work Categories:
 - Category C – Roads and Bridges
 - Category D – Water Control Facilities
 - Category E – Buildings and Equipment
 - Category F – Utilities
 - Category G – Parks, Recreation and Other



SMALL AND LARGE PROJECTS

- Projects are broken down into small and large project designation.
 - Threshold for FY 15/16 is \$121,800
 - Minimum Project Worksheet amount is \$3,050
- Large Projects:
 - Initial funding based on actual/estimated costs
 - Final funding based on documented eligible costs
 - Payment must be requested.
- Small Projects:
 - Costs paid automatically when obligated by FEMA
 - Very difficult to recoup overages.



ELIGIBLE COSTS

- Labor
- Materials
- Equipment
- Rental Equipment
- Contract
- Engineering and Design



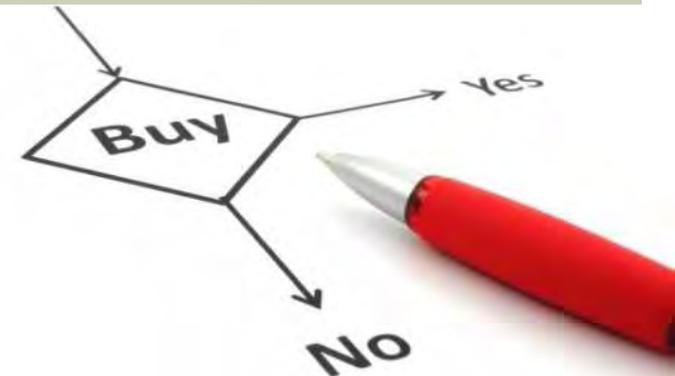
DOCUMENTATION

- Documentation is the key to recovering expenditures related to emergency response and recovery operations.
- Documentation should begin at the field response level and continue throughout the operation as the disaster unfolds.
- Documentation should include the following:
 - Receipts
 - Photos
 - Written summaries
 - Deadline dates and information
 - GPS coordinates, if relevant
 - And any other information that might be deemed helpful.



PURCHASING PROCESS

- **Contracts & Procurement – Important to follow all local and state guidelines for purchases.**
 - Emergency and permanent work must be competitively bid.
 - Time and Materials contracts should be avoided, but may be allowed for work immediately required following a disaster when a clear scope of work cannot be established. These contracts should not exceed 70 hours.



FORCE ACCOUNT LABOR

- Force account labor is work performed by applicant's employees. Work claimed must be reasonable and necessary.
- Force account labor is eligible for reimbursement if it meets certain criteria.
- For Emergency Work: ONLY overtime is eligible
- For Permanent Work: Regular and overtime is eligible



REIMBURSEMENT

- **FEMA Administrative Allowance:** Direct Administrative costs are reimbursable.
- **Large Projects:** Reimbursement done via Large Project Reimbursement Form – 1 page document signed by authorized agent – similar to construction loan draw down.
 - Can take 3 to 5 weeks to receive payment.
- **Small Projects:** Reimbursement is made automatically by FEMA when money is obligated, not when it is spent
 - FEMA does not want the money back. Overages will be deducted from state payout.
 - Difficult to recoup costs if you go over initial PW amount



APPEAL PROCESS

- Must appeal within 60 days of the date of notice of action being appealed.
- Cal OES has 60 days to review and add/support and forward to FEMA.
- First Level – Appeal to FEMA region. All supporting documentation must be provided at first appeal.
- Second Level – Appeal to FEMA Headquarters. No new documentation can be provided.



FEMA

TYPES OF AUDITS

- Capacity Audit – Initiated within the first year disaster is declared. To ensure subgrantee is capable of handling money.
- Early Warning Audit - **NEW** Designed to give you a heads up about issues. State is unsure if money can be de-obligated at this point.
- Traditional Audit – Initiated after final close out.



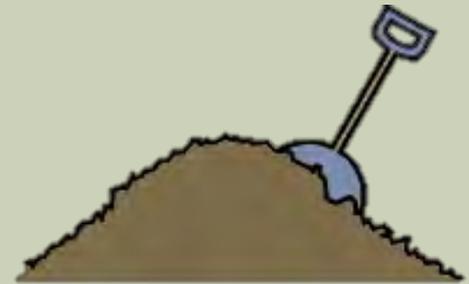
AUDITS

- Audits are almost guaranteed for any recovery process greater than 1 million dollars.
- Can be audited for three years after final close out.
- Once you are notified by Cal OES that audit period has ended, destroy all documentation. FEMA can come back after the period ends and audit you ONLY if documents exist.
- Audit can include:
 - Costs
 - Procurement Procedures
 - Contract costs
 - Force labor account, materials and equipment costs
 - Insurance recovery / duplication costs
 - Other



FEMA ALTERNATIVE PROCEDURES PILOT PROGRAM FOR DEBRIS

- Sliding scale reimbursement
- Retain recycle revenues
- Straight-time force account labor *
- One-time 2% debris removal incentive
- Features can be used individually or in aggregate.



BEST PRACTICES TERMINOLOGY

Terminology is IMPORTANT!

A Safety Assessment is eligible for reimbursement.

A Damage Assessment is not.



Don't use landslide.

Say slip out or slope failure.

Will claim a landslide should have been pre-identifiable.

When documenting emergency worker actions for cost recovery, keep this in mind.

QUESTIONS?

**County Office of Emergency Services
781-5011**



www.slocounty.ca.gov/oes

