

Procedures for Applying for Financial Assistance

GENERAL INFORMATION

Financial assistance may come from the state alone or both the state and federal governments. For state assistance, it is necessary for the Governor to proclaim a “**Disaster**” in specified counties. For federal assistance, it is necessary for the President to declare a “**Disaster**” in those same locations.

In both cases the lead agency is the California Emergency Management Agency (CalEMA). Their address and phone number is:

California Emergency Management Agency
Disaster Assistance Division
3650 Schriever
Mather, CA 95655
Phone # (916) 845-8100

PRE-DISASTER DECLARATION STEPS

Following a disaster/emergency, the City will report damage and a rough estimate (Preliminary Damage Assessment [PDA]) of costs to the Los Angeles County Operational Area.

These estimates should include City personnel and equipment costs, damage to facilities with cost to repair, and cost to replace facilities and equipment damaged beyond repair.

The Los Angeles County Operational Area will transmit the estimates to CalEMA and then the Governor will decide whether to proclaim a State of Emergency in the County. If the Governor does proclaim a State of Emergency, then the State will request a Presidential declaration. If the President declares a Major Disaster, then FEMA will be involved.

POST DISASTER DECLARATION STEPS

At this point, CalEMA will notify the Los Angeles County Operational Area, who will in turn notify the City. There will usually be an orientation meeting where all agencies desiring to participate will be briefed on the application procedures. The Public Assistance Coordinator (PAC) will be introduced to assist the applicants through the reimbursement process.

Several Forms must be submitted. These are:

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May, 2009

- 1. Request for Public Assistance Form** This indicates that the City will be applying for assistance. Does not restrict City from making changes, but must be sent within 30 days of the declaration date. (See FEMA Form 90-49)
 - 2. Project Listing (CalEMA Form)** This indicates the categories and projects which the City is asking assistance for. It may be revised later on. It gives CalEMA an idea of the scope of the damage.
 - 3. Designation of Applicants' Agency Resolution (OES Form 130)** This is a resolution passed by the City Council authorizing specified individuals to act as the City's agent in dealing with CalEMA and FEMA. There is no deadline, but payments cannot be made until CalEMA receives it. A City usually designates as agents one or more of the following:

 - Director of Finance Services
 - Assistant Director of Finance Services
 - Assistant City Manager
 - Or other designated employees
 - 4. Vendor Data Record (Form STD 204)** For State's 1099 purposes. No deadline, but no payment until submitted.
 - 5. Project Application for Federal Assistance (OES Form 89)** Formal application for FEMA funding. No specific deadline, but no payment until submitted.
 - 6. Project Worksheet (PW)** Replaces Damage Survey Report (DSR). The City will fill out this form for all small projects and submit to the Public Assistance Coordinator (PAC). The PAC will assist the city to write the large project PW. The PWs are
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prepared based on Permanent Work or
Emergency Work.

ON-SITE INSPECTIONS

OES and FEMA may send an inspector to visit each applicant. You may get one inspector from one of the organizations or two to make up a team approach. The inspector(s) will meet with the City's Designated Agent who will arrange meetings with other City personnel as necessary. These local representatives should be people who have detailed knowledge of damaged facilities, cost estimates and potential mitigation work that may prevent future damage.

Past experience has been that these meetings will be on short notice. CalEMA usually sets up a field office and starts scheduling visits soon after. **A week's notice is the best that can be expected.**

The team will want to see:

- Damaged facilities.
- Pictures or videos of damage/destruction.
- Narratives on work done.
- A broad summary of costs to date with estimates of work to be completed.
- Proposals on repair, reconstruction and mitigation projects.
- These need not be final, they can be changed.

The team will want to discuss:

- How payroll costs are organized and developed.
- How payroll cost relates to time worked.
- How fringe benefit rates are made up.

These last items are why it is so important to use a Disaster Accounting System. When used, it automatically provides a record of who worked for how many hours on which day on what type of task. The Labor Distribution reports can be merged with payroll data to provide the time records that CalEMA and FEMA want. They can also be used to create summary schedules for the inspectors.

There is a sixty-day period in which to bring new damage sites to the attention of the disaster assistance agencies from the date of the team's first on-site visit.

POST PW PROCEDURES

All documentation and costs must be gathered and sorted to support their respective Project Worksheets (PWs). Thus, if there is one PW for Debris Clearance, all payroll overtime costs and time cards for those personnel working on Debris Clearance must be sorted and organized to document these costs on that PW. Also all equipment costs

(use FEMA rates), dump fees, etc. for this work becomes part of the documentation package for this PW.

The PWs for construction projects will require the same specific documentation. Each will require, as appropriate: engineering studies, architectural plans, bid packages, selection records, contracts, contractor's invoices, payment records, and all other costs. Also note that since government money is involved that the Davis Bacon Act and/or state prevailing wage clauses will apply and must also be documented.

HOW PAYMENT IS MADE

The State Public Assistance program is authorized under the California Disaster Assistance Act (CDAA). CalEMA administers this program. CDAA assistance may be obtained following a Local Emergency with the concurrence of the Director of CalEMA for permanent repairs only or for all eligible costs including personnel costs following the Governor's proclamation of a State of Emergency. The cost share on eligible costs may be 75% state share and 25% local government share. For example: CalEMA determines that there are \$100,000 in eligible emergency response costs for the city. CalEMA pays \$75,000 and the city must handle the remaining \$25,000. **Failure to follow SEMS-NIMS, however, may disqualify the city from receiving all or part of the state's share and accordingly change a \$25,000 loss back to \$100,000.** The CDAA program is coordinated as supplemental to the federal program following the Declaration of a Major Disaster by the President of the United States.

The Federal Public Assistance program is authorized under the Stafford Act and is administered by FEMA in coordination with CalEMA at the request of the Governor, who has designated the CalEMA Director as his representative. FEMA will pay eligible costs to local governments on a 75% federal share and a 25% state and/or local share. If CalEMA finds that the costs covered by FEMA are also eligible under CDAA criteria, then the state may cover 75% of that 25% share. For example: a city is determined to have \$100,000 of eligible emergency personnel costs by FEMA. FEMA will reimburse up to \$75,000, leaving \$25,000 for the state and local governments to handle. CalEMA determines that the costs are eligible under NDAA and may pay \$18,750 which leaves \$6,250 for the local government to handle. **Failure to follow SEMS-NIMS may jeopardize the state share and cause the \$6,250 loss to increase up to the full \$25,000 state local share.**

State and federal assistance are based upon reimbursements of eligible costs incurred. There are provisions for partial advances for emergency work; however, the amounts and conditions may change. Assistance is based upon uninsured loss and is not a substitute for insurance. The reimbursement process is a lengthy one involving the complete review of damage estimates and documentation. Actual receipt of funds may take weeks, months or years.

Sometime later, perhaps two years, the State Controller may audit the project. If discrepancies are found, they will require reimbursement of the disallowed costs if the allowable costs are less than what was already paid. If allowable costs are greater than prior payments, then the balance will follow after official sign off on the claim by FEMA and/or CalEMA. This also is a long process.

Remember four important things:

- 1. DOCUMENT EACH COST TO A SPECIFIC DISASTER ACTION AND LOCATION.**
 - 2. DOCUMENT EACH COST TO A SPECIFIC DISASTER ACTION AND LOCATION.**
 - 3. DOCUMENT EACH COST TO A SPECIFIC DISASTER ACTION AND LOCATION.**
 - 4. FAILURE TO FOLLOW SEMS-NIMS MAY COST YOU NDAA ASSISTANCE ON ELIGIBLE EMERGENCY PERSONNEL COSTS.**
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FEMA Categories of Work

To facilitate the processing of Public Assistance Program grants, FEMA has divided disaster related work into seven Categories of Work. These categories are listed below and are described in more detail elsewhere in FEMA's *Public Assistance Policy Digest* and other Public Assistance documents.

EMERGENCY WORK: Categories A and B

- Category A: Debris Removal
 - Eligibility conditions:
 - Eliminates immediate threat to life, health and safety
 - Eliminates immediate threat to improved property
 - Ensures economic recovery of the community and provides a benefit for the community-at-large
 - Examples: Clearance of trees and woody debris; building wreckage; sand, mud, silt and gravel; vehicles; and other disaster-related material deposited on public and, in very limited cases, private property.
- Category B: Emergency Protective Measures
 - Eligibility conditions:
 - Eliminate or reduce an immediate threat to life, public health or safety
 - Eliminate or reduce an immediate hazard that threatens significant damage to improved public or private property
 - Some pre-disaster expenditures are eligible for recovery
 - Examples: Measure taken before, during and after a disaster to save lives, protect public health and safety, and protect improved public and private property.

PERMANENT WORK: Categories C through G

- Categories C, D, E, F & G:
 - Eligibility conditions:
 - Work must be required as a result of the disaster
 - Repair, restore, or replace damaged facilities in accordance with regulations
 - Restore to pre-disaster design, capacity, and function in accordance with applicable codes and standards
 - May include cost-effective hazard mitigation measures
 - Examples:
 - Category C: Roads and Bridges: Repair of roads, bridges, and associated features, such as shoulders, ditches, culverts, lighting and signs.
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- Category D: Water Control Facilities: Repair of irrigation systems, drainage channels, and pumping facilities. Repair of levees, dams, and flood control channels fall under Category D but the eligibility of these facilities is restricted.
- Category E: Buildings and Equipment: Repair or replacement of buildings, including their contents and systems; heavy equipment; and vehicles.
- Category F: Utilities: Repair of water treatment and delivery systems; power generation facilities and distribution lines; and sewage collection and treatment facilities.
- Category G: Parks, Recreational Facilities and Other Items: Repair and restoration of parks, playgrounds, pools, cemeteries and beaches. This category is also used for any work or facility that cannot be characterized adequately by Categories A-F.

For facilities to be eligible for claims, they must be:

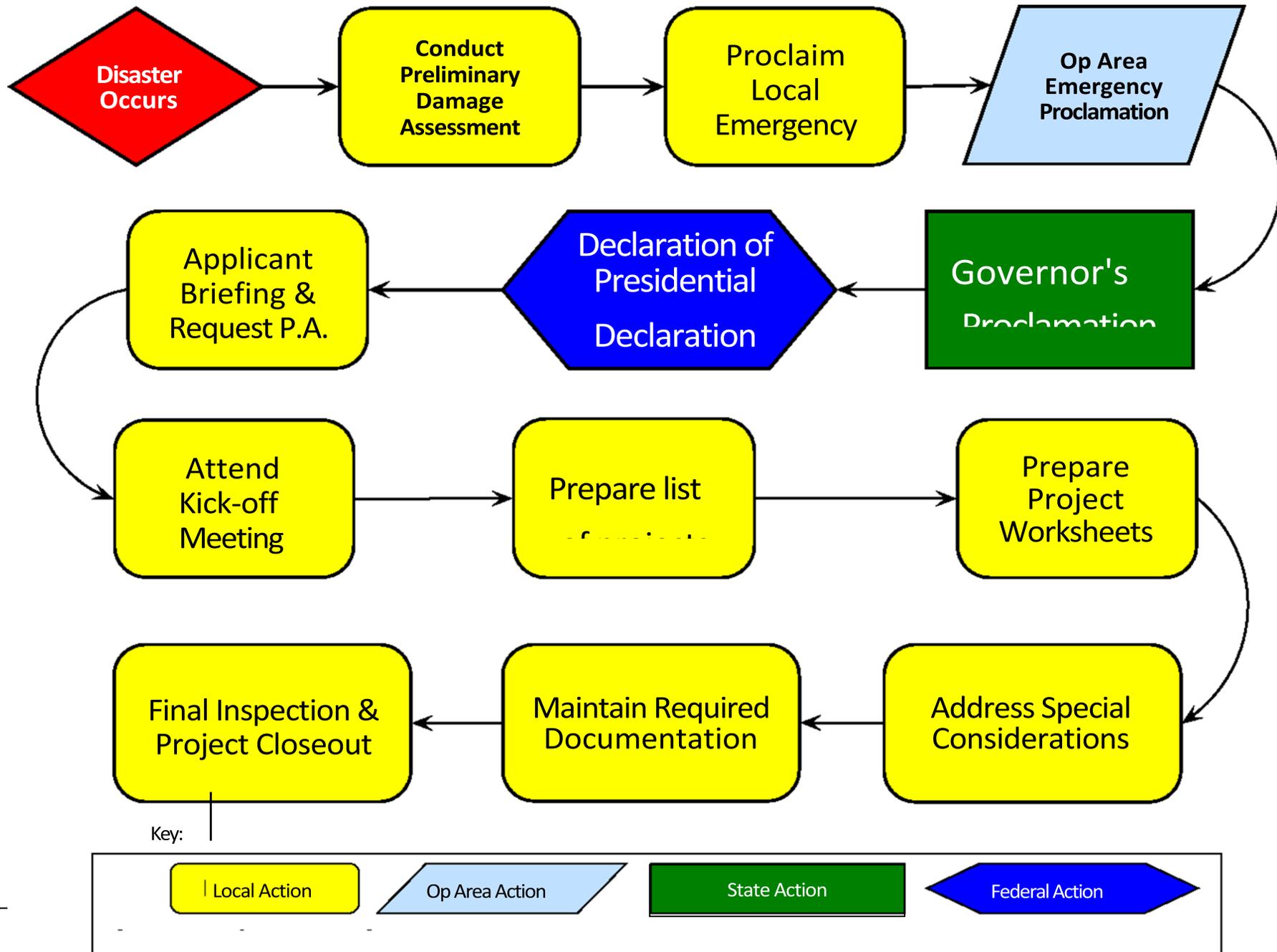
- Damaged as a result of the declared event
- Located in the declared disaster area
- The legal responsibility of the eligible applicant
- In active use at the time of the disaster
- Not the responsibility of another federal agency (i.e. U.S. Army Corps of Engineers [USACE]; Federal Highway Administration [FHWA], etc.)

For work to be eligible for claims, it must be:]

- Disaster-related
 - Located in the declared disaster area
 - The applicant's responsibility
 - Not eligible for other federal assistance

FEMA Public Assistance Claims Process Outline

Source: LA County DMACS (May 13, 2009)



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March 2010

State of California
OFFICE OF
EMERGENCY SERVICES

P.A. No.: _____

**DESIGNATION OF
APPLICANT'S AGENT RESOLUTION**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and in behalf of the _____, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Passed and approved this _____ day of _____, 20_____

(Name and Title)

(Name and Title)

(Name and Title)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a

resolution passed and approved by the _____ of the _____
(Governing body) (Name of Applicant)

on the _____ day of _____, 20_____.

Date: _____

(Official Position)

(Signature)

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OES Form 130 (11-02) DAD Form

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EMERGENCY OPERATIONS PLAN

March 2010

State of California
OFFICE OF
EMERGENCY SERVICES

P.A. No. _____

PROJECT APPLICATION FOR FEDERAL ASSISTANCE

SUBGRANTEE'S NAME: _____
(Name of Organization)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____ FAX NUMBER: _____

AUTHORIZED AGENT: TITLE: _____

ASSURANCES - CONSTRUCTION PROGRAMS

Note: Certain of these assurance may not be applicable to all of your projects. If you have questions, please contact the Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the subgrantee named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will comply with all federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating

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to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$5,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).

13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).

15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.

17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.

18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subgrantee application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:

- a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
- b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application which are excess to the approved, actual expenditures as accepted by final audit of the federal or state government.
- c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

The undersigned represents that he/she is authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

DATE

**Sample Purchasing Ordinance for Use During a Proclaimed
Emergency or Disaster**

(This paper outlines issues that should be addressed in a governmental agency's purchasing ordinance to maximize the response capability of the agency and give it the necessary flexibility to make disaster related purchases while maximizing its ability to be reimbursed by FEMA for those disaster related purchases.) The quantity "x," as found below is to be determined and set by each local agency in accordance with its policies. *(Delete this entire paragraph in final version)*

Disaster purchasing has a number of facets. First there are the limits of emergency spending authorized by the city council without the need to obtain their prior approval. This is an internal control exercised by the city council as part of its fiduciary responsibility to the taxpayers. There can be individual limits and aggregate limits which give emergency managers the necessary authority to act quickly under exigent circumstances.

The second facet deals with the process of soliciting bids for emergency work. "Emergency" work is a broad term that actually covers two separate concepts. The first concept regards purchases made under "crisis" conditions, where there is an immediate threat to health, safety or improved property. When this condition (an immediate threat to health, safety or improved property) exists, the city has wider latitude to do what is necessary to save lives and prevent further damage to improved property. Once the "immediate threat" phase has passed,

