



Legislation Text

File #: 21-1546, **Version:** 1

Department of Transportation and Sheriff's Office, Office of Emergency Services, recommending the Board authorize the Director of Transportation and Sheriff to sign a letter addressed to the Offices of California's Congressman McClintock, Senator Feinstein and Senator Padilla to support the Departments' efforts in an appeal to the Federal Emergency Management Agency for denial of a Net Small Project Overrun from the 2017 Storm Event FEMA-DR-4308-CA.

FUNDING: N/A

DISCUSSION / BACKGROUND

The storm event that occurred between February 1st through February 23rd, 2017 was declared a federal disaster (referred to as FEMA-DR-4308-CA Storm Event) on April 1st, 2017, with damage repairs eligible for reimbursement by the Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (CalOES). As defined by the FEMA Public Assistance and Program and Policy Guide (PAPPG), small projects are defined as projects with a cost below \$123,100 and are closed out (with final reimbursements made) as an aggregate total of all small projects for the disaster event. These final closeout reimbursements are made as part of a Net Small Project Overrun (NSPO) process with a total of two opportunities (or "appeals") to submit the information. El Dorado County was recently informed that the second appeal submittal of the NSPO for FEMA-DR-4308-CA Storm Event to FEMA was denied, which could result in damage repairs in the amount of \$686,650.51 not being reimbursed.

The determination by FEMA to not reimburse the repair costs requested in the 2017 FEMA-DR-4308-CA NSPO was based on a 60-day regulatory requirement to submit the NSPO costs 60 days after the last small project repair was completed for the 2017 storm event. This determination was made without consideration that CalOES had given El Dorado County direction to withhold submittal of the NSPO until such time that one small project from the storm event was "versioned" (converted) into a large project. In doing so, El Dorado County was instructed to refrain from filing our NSPO until we received a notice of obligation of funds which would solidify the conclusion FEMA's review. FEMA was conducting a review of a road repair that needed to be converted to a large project due to the scope changes needed to ultimately repair the damages. This FEMA review process was occurring as part of a project "versioning" that involves evaluation of scope of work and reimbursement changes to a repair project. Since it was directly related to the NSPO, the NSPO could not be formally filed until determination could be made on the project "versioning" request. This project "versioning" request determination by FEMA was complete after the 60-day regulatory deadline, and although extensive coordination with CalOES occurred well in advance of the deadline, no recognition by FEMA was made of the project "versioning" or process.

This information and project history was detailed through both El Dorado County and CalOES coordination letters in the 2017 FEMA-DR-4308-CA NSPO documentation and process, however, it was not addressed or mentioned in any of the appeal response letters from FEMA. Furthermore, as detailed by CalOES, there is justification for the "60-day timeline pausing" associated with the scope of work (SOW) changes as advised by FEMA through earlier coordination and clarification letters.

Unfortunately, the FEMA process and procedures does not allow for response to a second appeal determination, even in the event that FEMA may have made errors or omissions within the determination.

Therefore the El Dorado County Department of Transportation and the Sheriff's Office of Emergency Services are recommending to send a letter seeking help from Senators requesting they have FEMA reconsider the 2017 FEMA-DR-4308-CA NSPO appeal.

ALTERNATIVES

If the Board chooses not to support the Departments' letter, the appeal for the expenditures may not be overturned and the \$686,650.51 of set aside funds will not be reimbursed.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Chief Administrative Office, Community Development Administration and Finance.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no financial impact to the County to issue the letter of support. There are funds set aside in a designation account for the 2017 storm projects should the appeal be denied.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

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