Recovery Topics
CIEM 2013

Evan Rosenberg, Bureau Chief of Recovery
Florida Division of Emergency Management
October, 2013
Recovery CIEM Topics

• We will be presenting in 4 main areas:
  – New Thresholds for 2013-14 fy
  – Sandy Recovery Improvement Act Changes
  – National Disaster Recovery Framework
  – State Share Waiver Process (Presented by OPB)
Topic 1

New Thresholds for 2013-14 fy
2013-14 Thresholds

- At the beginning of October, FEMA announced the new thresholds for Public and Individual Assistance for the 2013-14 Federal fiscal year:

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<td>State per capita Threshold</td>
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<td>IA IHP Maximum Grant</td>
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2013-14 County PA Thresholds

• County data is provided on the next slide (live presentation only), but can also be found online at:

  http://www.floridadisaster.org/Recovery/PublicAssistance/
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<th>State</th>
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Topic 2

Sandy Recovery Improvement
Act Changes
Recent Changes

• Sandy Recovery Improvement Act of 2013 (P.L. 113-2) signed by President Obama on January 29, 2013
  – Originally intended to simply provide financing for the Disaster Relief Fund after Superstorm Sandy, another pending bill to amend the Stafford Act was appended on at the last minute
Generally Speaking...

• The amendments authorized $5.4 Billion to replenish the Disaster Relief Fund (non-Sandy), and $6.1 Billion specifically earmarked for Sandy recovery
  – Includes $3 million earmarked for the DHS-OIG to enlarge the scope of their investigations
Generally Speaking... (ctd.)

- Additionally, the amendments add provisions to the Stafford Act in a number of key areas:
  - PA Assistance Alternative Procedures,
  - Debris Management Alternative Procedures,
  - Emergency Work Labor Procedures,
  - Dispute Resolution Procedures,
  - Individual Assistance Procedures, and
  - Hazard Mitigation Alternative Procedures
Part I - PA Alternative Procedures

Should I Estimate Costs or Seek Actual Cost Reimbursement?
PA Alternative Procedures

• The PA Alternative Procedures “package” consists of one required part, with 5 optional features that can be added as desired:
  – Required: Subgrants based on fixed estimates
  – Optional Features:
    • Consolidation of an applicant’s subgrants (projects),
    • FEMA validation of subgrantee provided estimates,
    • Review of estimates by an expert panel for projects with federal share ≥ $5 million
    • Elimination of “penalty” for alternate projects,
    • Eligible uses of excess funds by the subgrantee
PA Alternative Procedures (ctd.)

• Fixed Estimate of Costs for Large Project Permanent Work Grants
  – Now – Large Projects are backed up by receipts & invoices; overage goes back to FEMA
  – New Procedure – If the applicant chooses the PA Alternate Procedures “package,” large Projects will be reimbursed on the basis of fixed estimates
  • Underage not paid by FEMA,
  • Overage may be kept by the applicant in certain circumstances
PA Alternative Procedures (ctd.)

• Fixed Estimates (ctd.)
  – FEMA, State and Locals must all agree on the eligible disaster damage & the scope of work
    • Within 9 months of declaration date unless extended
    • Scope of work must include D.A.C. up front!
  – Subgrantee must still document actual costs & provide sufficient documentation that the scope of work was completed

• Federal procurement, environmental, historic preservation, etc... rules still apply
Option 1 – Project Consolidation

• Consolidation of Projects (Large, Cat C-G only)
  – Now – Projects are pretty much stand-alone
  – New Procedure – FEMA intends to write projects by consolidating scopes of work from what would have been individual projects under the existing PA rules.
    • This is designed to allow overages on components of the consolidated project to offset underages on other components.
    • Projects to be bundled can be chosen on a case-by-case basis (ex: leave a large project with anticipated environmental issues out of the consolidated project)
Options 2 & 3 – Validation & Review

• Validation & Review of Cost Estimates
  – Now – Applicant develops cost estimates; FEMA conducts separate analysis and has the option to deobligate based on “reasonableness” standard
  – New Procedure –
    • Validation: Allows (but does not require) FEMA to accept mutually agreed upon certified cost estimates prepared by applicant’s licensed Engineers, and
    • Review: Applicants may request to use a FEMA-funded, independent validation of project estimates for Permanent Work projects with an estimated Federal share ≥ $5 million (binding on FEMA)
Option 4 – Alternate Projects

- Elimination of “Penalty” for Alternate Projects
  - Now – Sections 406(c)(1) and 406(c)(2) require a reduction of the otherwise-eligible federal share for alternate projects
    - For governmental entities, reduction is 100% to 90%
    - For PNP’s, reduction is 100% to 75%
  - New Procedure –
    - Reduction is eliminated, and alternate projects will be paid at 100% of the otherwise-eligible federal share
    - Note that FEMA still must give pre-approval for alternate projects!
Option 5 – Keeping Excess Funds

• Eligible Uses of Excess Funds
  – Now – Subgrantees must return excess funds not utilized in completing the approved scope of work
  – New Procedure – When the cost of work to complete a PW is less than the fixed estimate, the Subgrantee may use the excess funds for PA program-related purposes
Keeping Excess Funds (ctd.)

• Eligible Uses of Excess Funds (ctd.)
  – Allowable Uses:
    • Cost-effective hazard mitigation activities
    • Activities that improve future PA permanent work operations (training, planning, etc...)
  – Mechanism:
    • Subgrantee notifies the State in writing of the intent to use excess funds, including scope of work and timeline
    FEMA then writes up a new PW for the use of excess funds
      – FEMA must obligate this new PW through usual channels
Keeping Excess Funds (ctd.)

• Eligible Uses of Excess Funds (ctd.)
  – Uses that are **NOT** Allowed:
    • Payment of the non-federal share of PA Program subgrants, or similar for other federal grants,
    • Restoring or replacing facilities that are otherwise ineligible for PA Program funding,
    • Restoring or replacing a facility not damaged in the declared disaster (except for Hazard Mitigation),
    • Operating expenses (increased or otherwise),
    • Cost overruns on other PA Program subgrants,
    • Payment of municipal or corporate debts,
    • Incorporation into the municipality’s General Fund
Not Part of PA Alternative Procedures (But Still Worth Noting!)

• Small Projects
  – Now – Small Project threshold = $68,500
  – New Procedure – FEMA tasked with reporting to Congress on whether the small project threshold should be raised

• BUT... the current amendments also encourage the practice of bundling (“consolidating”) projects together on Permanent Work PW’s whenever practicable
Pilot Program to Incentivize Speedy & Planned Debris Management
Incentives for Local Debris Management Planning

• Incentivizing a Local Debris Management Plan
  – Now – no incentives
  – New Procedure – If a subgrantee has a “FEMA-reviewed” debris management plan at the time of an event, FEMA will provide a one-time incentive of an additional 2% federal cost share adjustment
    • The additional 2% only applies to debris removal work completed within 90 days of the start of the incident period.
# Debris Management Plan Checklist

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<th>Comment</th>
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<td><strong>Overview</strong> – Does the plan describe the purpose and objectives?</td>
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<tr>
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<td><strong>Events and Assumptions</strong>- Does the plan provide information on the types and anticipated quantities of debris that will be generated from various types and sizes of events?</td>
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<td><strong>Debris Collection and Removal</strong>- Does the plan have a debris collection strategy? Does the plan discuss the methods that will be used to remove debris and establish priorities for clearance and removal? Does the plan outline the roles and responsibilities of the various functions involved (Public Works, Finance, and Solid Waste Departments, etc.)?</td>
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<td><strong>Debris Disposal Locations and Debris Management Sites</strong>- Does the plan identify where the disaster debris will be segregated, reduced, and disposed or whether debris will be hauled to a recycler?</td>
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<td><strong>Debris Removal on Private Property</strong>- Does the plan address the authority and processes for private property debris removal?</td>
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<td><strong>Use and Procurement of Contracted Services</strong>- Does the plan describe the types of debris operations that will be contracted? Does the plan describe the process and procedure for acquiring competitively procured contracted services?</td>
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<td><strong>Use of Force Account Labor</strong>- Does the plan define the types of work force account labor will accomplish?</td>
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<td><strong>Monitoring of Debris Operations</strong> - Does the plan describe who and how debris removal contractors will be monitored at pickup sites, Debris Management Sites/Temporary Debris Storage and Reduction Sites and final disposal?</td>
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<td><strong>Health and Safety Requirements</strong> - Does the plan describe how workers and the public will be protected and discuss the specific measures for adherence to safety rules and procedures?</td>
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<td><strong>Environmental Considerations and Other Regulatory Requirements</strong> - Does the plan identify all debris operations that will trigger compliance with environmental and historic preservation laws and how compliance will be attained?</td>
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<td><strong>Public Information</strong> - Does the plan include a public information strategy to ensure that residents receive accurate and timely information about debris operations?</td>
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<td><strong>Identification of Debris Removal Contractors</strong> - Does the jurisdiction identify at least one or more debris contractors that it has prequalified?</td>
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Revenue from Recycling

• Encouraging Recycling
  – Now – any revenue stream coming in from the grant mechanism will reduce the amount of the grant
  – New Procedure – revenue streams from recycling debris will not reduce the amount of the grant
• Note: you cannot claim costs of the recycling program under any category of PA
Revenue from Recycling (ctd.)

• So, what can we use recycling revenues for?
  – Subgrantees who develop revenue from a recycling stream may keep and use that revenue on the following approved purposes:
    • To meet your non-federal cost share for Cat. A activities,
    • To develop disaster preparedness plans, programs & capabilities,
    • To conduct mitigation activities to reduce future risk from a disaster, or
    • To improve future debris removal operations and planning
Sliding Scale for Speedy Work

• Adoption of a Sliding-Scale for Cost-Share
  – Now – Cost-share is established for the disaster by FEMA, and is (generally) constant across all categories of work
  – New Procedure – FEMA will be allowed to incentivize speedy and complete debris removal by implementing a sliding-scale for the Federal share for Category A work
Sliding Scale for Speedy Work (ctd.)

• Sliding Scale – For debris removal completed within the following timeframes, the federal cost share will be:
  – 0 days to 30 days → 85% federal cost share
  – 31 days to 90 days → 80% federal cost share
  – 91 days to 180 days → 75% federal cost share
PART III – Other Provisions

Other Provisions to Make Recovery Better (?)
Emergency Work Labor Procedures

• Emergency Protective Measures Force Account Labor
  – Now
  • Permanent Work – RT and OT are eligible
  • Emergency Work – Only OT is generally eligible

  – New Procedure
  • Permanent Work – RT and OT are eligible
  • Emergency Work – RT and OT are generally eligible
  – Exception – the employee must not be performing their regular force account job functions in order for the RT to be eligible
Dispute Resolution Procedures

• Implements a Dispute Resolution Process
  – Now – first appeal (R-IV), second appeal (HQ)
  – New Procedure – Applicants will have the option of going to second appeal, or utilizing an independent arbitration review panel, when:
    • The amount in dispute is at least $1,000,000.00,
    • The project at issue has a non-federal share, and
    • The first appeal is complete.
Dispute Resolution Procedures (ctd.)

• Important points about the new Arbitration Review Panels:
  – The review panels may only consider evidence contained in the record from the first appeal,
    • The review panels may only set aside a FEMA determination that is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and
    • If the review panel determines a claim to be frivolous, the review panel may impose costs against the applicant.
Individual Assistance Procedures

• Revision of Factors Leading to an IA Declaration
  – Now – No set guidance codified in law or policy
  – New Procedure – FEMA is required to conduct a Rulemaking process to review and revise the factors to be considered when evaluating whether or not to implement IA in a disaster
    • Does this mean a hard-line threshold is coming (like in PA)? We don’t know...
IA Procedures (ctd.)

• Other IA Procedures Being Amended:
  – Child care expenses are explicitly affirmed as an eligible & reimbursable expense as part of Other Needs Assistance
  – Provides FEMA explicit authority to lease and repair rental units for use as direct temporary housing
Hazard Mitigation Alternative Procedures

- Changes the Availability of Hazard Mitigation Funds
  - Now – no advancement of HMGP funds to the State
  - New Procedure – up to 25% of the estimated HMGP funding may be advanced to the State before eligible costs are incurred
Hazard Mitigation Procedures (ctd.)

• Development of Streamlined Review Procedures
  – Now – No explicit statutory authority for streamlined environmental and/or historic preservation analysis
  – New Procedure – Provides a clear statutory goal that such reviews be performed by the most expedient process allowed by law
    Also provides funding for additional review staff!
Conclusion

Are we there yet?
So, what Does this Mean to Us?

• FEMA has put guidance forward for PA and Debris Management Alternative Procedures
  – For the PA Alternative Procedures, go to: http://www.fema.gov/media-library/assets/documents/32546?id=7483
  – For the Debris Management Alternative Procedures, go to: http://www.fema.gov/library/viewRecord.do?id=7776
Final Thoughts

• Time will tell if these changes are good for State and local governments. Goals for these amendments are to:
  – Reduce the costs to the Federal government of providing assistance, and:
    • Increase flexibility in the provision of assistance,
    • Expedite the provision of assistance, and
    • Provide financial incentives and disincentives for the timely and cost-effective completion of projects with assistance
Topic 3

National Disaster Recovery Framework
Introduction to the NDRF

• The National Disaster Recovery Framework (NDRF) was released by FEMA in late 2011 to serve as a guide to promoting effective recovery practices/principles
  – The NDRF is applicable to all Federally-declared disasters, but not all elements will be activated for each declared incident (scalability)
4 New Concepts Introduced

• The NDRF introduces 4 new concepts, 3 of which pertain to personnel, and 1 which pertains to inter-agency support
  – Personnel Concepts:
    • Federal Disaster Recovery Coordinator
    • State/Tribal Disaster Recovery Coordinator
    • Local Disaster Recovery Manager
  – Inter-Agency Support Concept:
    • Recovery Support Functions (RSF)
PART I – Personnel

New Positions/Roles Introduced by the NDRF
Federal Disaster Recovery Coordinator (FDRC)

• Serves as Deputy FCO, and is responsible for facilitating disaster recovery through the coordination of federal agency assets in the impacted area during both the EOC and JFO phases of the event
  – Appointed by FEMA, the FDRC is a senior level official, empowered to directly access senior officials in every federal agency that may contribute to recovery
  – The FDRC coordinates on inter-agency issues outside of the PA and IA programs
State/Tribal Disaster Recovery Coordinator (S/TDRC)

- Serves as Deputy SCO, and is responsible for facilitating disaster recovery through the application of state personnel and assets in the impacted area during both the EOC and JFO phases of the event
  - Typically this position is held by the Recovery Chief of DEM, but could be delegated depending on the complexity/scale of event(s)
Local Disaster Recovery Manager (LDRM)

• Appointed locally, this person serves as the point of contact for:
  – Pre-event readiness of local recovery plans, assets and organizations, and
  – Post-disaster coordination of local recovery efforts
LDRM Responsibilities
As Envisioned Under the NDRF

• So what sort of post-disaster coordination efforts are we talking about?
  – Coordinating external affairs strategies,
  – Coordinating damage assessments (IDA/PDA),
  – Engaging the public, including under-represented groups, as the local recovery “vision” is developed,
  – Communicating needs and priorities to federal, state and local stakeholder organizations,
  – Coordinating the inclusion of mitigation,
  – Coordinating private sector involvement,
  – Etc... (above is not a comprehensive list)
So Who Can be an LDRM?

• This will be a local decision; no legal or policy requirements exist
  – For many of us, the first instinct is to give this role to the Local EM Director, or to an elected official
  – While this is ok, make sure that whoever takes this role has the ability to perform all of the coordination roles that we discussed on the previous page
  – We are currently trying to get a ruling from R4 on whether the salary of the LDRM can be reimbursed as a Category B (PA)cost
PART II – Recovery Support Functions

Extending the ESF Concept Beyond the EOC
Recovery Support Functions

- Recovery Support Functions (RSF’s) are an extension of the ESF concept beyond the EOC phase of a response. If we were studying for the SAT’s, we might use the following analogy:

  ESF is to EOC
  in the same way that
  RSF is to JFO
ESF’s vs. RSF’s

• While there are currently 15 federal ESF’s (18 in Florida), there are 6 federal RSF’s:
  – RSF 1 – Community Planning & Capacity Building
  – RSF 2 – Economic
  – RSF 3 – Health & Social Services
  – RSF 4 – Housing
  – RSF 5 – Infrastructure Systems
  – RSF 6 – Natural & Cultural Resources
The Basic RSF Purpose

• The RSF system is “activated” in order to:
  – Identify recovery challenges in collaboration with state, tribal and local government,
  – Strategize on how recovery capabilities, resources and authorities can best be applied to those challenges, and to
  – Take action to support state, tribal and local communities in addressing those challenges
RSF 1 - Community Planning & Capacity Building

- Mission: Supporting and building recovery capacities and community planning resources needed to effectively plan for, manage and implement disaster recovery activities
  - Coordinating Federal Agency: DHS/FEMA
  - Coordinating FL Agency: ?
RSF 2 - Economic

- Mission: Integrating the expertise of the federal government to help local, state and tribal governments, and the private sector, sustain and/or rebuild businesses and employment, while rebuilding economic opportunities in a sustainable and resilient manner.
  - Coordinating Federal Agency: DOC (Commerce)
  - Coordinating FL Agency: DEO
RSF 3 - Health & Social Services

• Mission: For the federal government to assist locally-led recovery efforts in the restoration of the public health, health care and social services networks to promote the resilience, health and well-being of individuals and communities
  – Coordinating Federal Agency: HHS
  – Coordinating FL Agency: DOH or DCF (?)
RSF 4 - Housing

• Mission: Coordinate and facilitate the delivery of federal resources and activities in the rehabilitation and reconstruction of destroyed and damaged housing, and development of other permanent housing options
  – Coordinating Federal Agency: HUD
  – Coordinating FL Agency: ?
RSF 5 - Infrastructure Systems

• Mission: Facilitate the integration of federal capabilities to support governmental and other infrastructure owners and operators in their efforts to achieve recovery goals relating to public engineering systems
  – Coordinating Federal Agency: DOD/USACE
  – Coordinating FL Agency: DOT (?)
RSF 6 - Natural & Cultural Resources

• Mission: Integrate federal assets and capabilities to help affected governments and communities address long-term environmental and cultural resource recovery needs
  – Coordinating Federal Agency: DOI (Interior)
  – Coordinating FL Agency: DEP (?)
How do Federal RSF’s Get “Activated”? 

• So, now that we know what the RSF’s are and their missions, and we know that RSF’s might not be needed in every disaster declaration... what is the process for “activating” RSF’s?
  – The process is called “Advance Evaluation,” and is undertaken by a FEMA Advance Evaluation Team
    • The Advance Evaluation Team (AET) uses 4 criteria to guide their recommendation on whether to activate the RSF’s
4 Criteria for the AET to Consider

• The AET use the following criteria to formulate a recommendation to the FCO/FDRC:
  – Has the impact to communities been greater than their capacity to recover from?
  – Has the complexity of the disaster created issues & challenges for community recovery that require a greater coordination of federal assistance?
  – Is the scale of the disaster so extensive that enhanced coordination of recovery resource providers is anticipated?
  – Do impacted communities require recovery planning support?
Topic 4

State Share Waiver Process
Local Portion of the Non-Federal Share

• Under the Stafford Act, disaster assistance is typically conditioned on state and local governments contributing in part to the financial burden of recovery efforts
  – Under present FEMA policy, most disasters will be funded at 75% federal share, 25% non-federal share
  – In Florida, F.S. 252.37(5) requires local governments to contribute one-half of any non-federal share, unless a waiver is obtained
The Waiver Process

• Waiver requests are considered by the Executive Office of the Governor’s Office of Policy and Budget
  – Any local or county government may apply for a waiver, and determinations are made by OPB based on the circumstances that exist for each disaster
How will Waiver Requests be Evaluated?

• Waiver requests are evaluated by OPB in regard to the following considerations:

  – **Storm Impacts**: number of storms, severity of impact, non-FEMA reimbursable expenditures; additional hurricane recovery/mitigation funding granted, frequency of prior disasters, other assistance available;

  – **Tax/Revenue Capacity**: millage rate, is the entity at maximum millage, are all utility taxes levied, can millage be increased to cover costs, per capita taxable value, fiscally constrained county,
How will Waiver Requests be Evaluated? (ctd.)

• (ctd.):
  – **Demographics**: population size, poverty rate, unemployment rate;
  – **Special Designations**: financial distress, Rural Area of Critical Economic Concern;
  – **Financial Information**: general fund reserves, revenues and expenditures of the entity, number of months of reserve in general fund, the local match requirement as a percentage of the general fund balance; and
  – **Other Considerations**: unique to the local government.
Submitting a Waiver Request

• The Waiver form is available at:
  http://www.floridadisaster.org/Recovery/PublicAssistance/Index.htm

  and must be filed within 18 months of the disaster’s declaration date

  – Send waiver requests, and documentation to:
    Executive Office of the Governor
    Office of Policy and Budget
    The Capitol, Room 1801
    Tallahassee, Florida 32399-0001
    Attn: Mark Kruse, Policy Coordinator
APPLICATION FOR DISASTER ASSISTANCE LOCAL MATCH REDUCTION OR WAIVER AND PAYMENT DEFERRAL FOR PUBLIC ASSISTANCE

Entity Name: ____________________________________ 
Contact Person: 
Phone Number: and Email Address: 
Address: 
FEMA Declaration Number: ________________

Payment Deferral Period Requested: From: ___________ To: ___________

If Waiver Request: Estimated Damage: $ ________________

(A) Local Match Amount Required: $ ________________

(B) Local Match Possible (this fiscal year and/or next) : $ ________________

(C) = (A) - (B) Waiver Amount Requested: $ ________________

Reason(s) for waiver/payment deferral request: ____________________________ 

Amount will deplete General Revenue fund balance or available reserve funds to ____ % of the prior year's general revenue collections (fill in calculation)

Amount exceeds current available tax/revenue raising capacity available for next fiscal year (ad valorem, sales tax, utility tax, etc.)

Amount cannot be budgeted for either this fiscal year or next fiscal year

Other

Please attach documentation including:

1. What is the extent of damages? Provide copies of the Preliminary Damage Assessments or Project Worksheets and all available financial estimates of FEMA eligible damages.
2. An assessment of all available tax/revenue capacity: are you at 10 mills, are all utility taxes being levied, etc.
3. Explain what the entity proposes to do to assist with the local match requirement as reflected in (B) above. Specifically, what share of the amount can the entity contribute toward the match either this fiscal year and/or next fiscal year? Is the entity willing to have its match deducted from future state shared revenues? Or, if a deferral is requested, why does the entity need the requested period of time?
4. Explain why the entity cannot cover the waiver amount requested in (C) above or requires a deferral period? Can capital projects be deferred or other budget adjustments be made to cover this local match, is revenue capacity or fund balances available?
5. List all fund balance and reserve funds of the entity. Have any draws from these funds been made this fiscal year, for what purpose, and is there an estimated balance for each for fiscal year end?
6. Have you had prior disaster awards (public assistance and/or hazard mitigation) in the past two years? If so, when and what was your local match or was a waiver granted?
7. Provide copies of your latest Comprehensive Annual Financial Report, management letter, current fiscal year adopted budget - all funds, revenues and expenditures (as amended if applicable), and any other financial information that would document the hardship.
8. Is your local government a signee of the State Emergency Management Mutual Aid Agreement?
9. Status of Local Mitigation Strategies (LMS) in conjunction with the Executive Office of the Governor, Division of Emergency Management and FEMA.
10. Provide any other information you believe would assist in supporting your request (e.g. status under section 218.503, Florida Statutes)
11. Have you had any significant revenue losses from any other disasters this year? If yes, please list.
12. Provide the following information: population size, poverty rate, unemployment rate.

APPLICATION FOR DISASTER ASSISTANCE LOCAL MATCH REDUCTION OR WAIVER AND PAYMENT DEFERRAL

I hereby certify as the highest elected official of __________________________ that the information contained herein is accurate and correct to the best of my knowledge and the waiver amount requested above is necessary to maintain services and infrastructure essential to support health, safety, and welfare of this community. I further certify that all damage estimates and this waiver amount is for covered losses directly related to the impact of the stated disaster.

_____________________________  ________________________
Signature                              Title

_____________________________  ________________________
Name of Highest Ranking/Elected Official Date

If you have any questions regarding this application, please call Mark Kruse, Office of the Governor, (850) 487-1880.

Application must be submitted to:

Executive Office of the Governor
Office of Policy and Budget
The Capitol, Room 1801
Tallahassee, Florida 32399-0001
Attn: Mark Kruse, Policy Coordinator

NOTE: The authority for such application is found in section 252.37(5)(b), Florida Statutes, and reads as follows:

(b) The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under s. 216.177, of all or a portion of the required match for public assistance projects for local governments if the Executive Office of the Governor determines that such a match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver within the first 18 months after the disaster is declared.
Request for Waiver of Local Match Following a Disaster

PURPOSE:
To provide guidelines for analyzing and approving applications from local governments requesting waiver, either in part or in full, of the local match or requesting a deferral of payment for such match. As it is the intent of the Legislature that a local match be required, every effort shall be made to determine if the entity can cover the full match, even if an extended repayment schedule is required. Only in extreme cases of hardship should match reductions be granted. A full and complete waiver should only be granted when no other options can be considered.

AUTHORITY:
The authority for such action is section 252.37, Florida Statutes and it reads:

(5) Unless otherwise specified in the General Appropriations Act:
(a) Whenever the state accepts financial assistance from the Federal Government or its agencies under the federal Public Assistance Program and such financial assistance is conditioned upon a requirement for matching funds, the state shall provide the entire match requirement for state agencies and one-half of the required match for grants to local governments. The affected local government shall be required to provide one-half of the required match prior to receipt of such financial assistance.
(b) The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under s. 216.177, of all or a portion of the required match for public assistance projects for local governments if the Executive Office of the Governor determines that such a match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver within the first 18 months after the disaster is declared.
(6) Whenever the state accepts financial assistance from the Federal Government or its agencies under the federal Hazard Mitigation Assistance Grant Program and such financial assistance is conditioned upon a requirement for matching funds, the eligible subgrantee recipient shall be required to provide the full amount of the required match prior to receipt of such financial assistance unless otherwise specified in the General Appropriations Act.

POLICY:
The Office of Policy and Budget will review applications and supporting documents, and transmit the final decision in writing to the requesting entity. If a payment deferral is granted, a repayment schedule shall be drawn up and signed by the entity and the OPB Director. Such repayment schedule shall state that, should the entity fail to make repayment by the time stated, such amount may be deducted from the entity’s state shared revenues.

PROCEDURES:
The application must be submitted to OPB and signed by the highest ranking elected official (either the mayor or commission chairman) from the entity requesting the reduction, waiver or deferral. The
information listed in the application is required for OPB to evaluate the application.

Review and Recommendation

Upon receipt of an application it will be date stamped by the Office of Policy and Budget (OPB) Transportation and Economic Development (TED) Unit and logged in. Once logged, the TED Unit will review the application and ensure that all appropriate documentation was submitted. If information is missing, the applicant shall be promptly notified, outlining what materials are missing from the application. If the applicant fails to submit the requested information within an eighteen (18) month period, the application may be considered withdrawn.

Upon completion of review, the TED Unit makes a recommendation to the budget director and senior staff. The Governor will make the final decision to approve or deny the waiver request.

Approval shall be based on evaluation and analysis of the following:

a. Demographics: population size, poverty rate, unemployment rate;

b. Storm Impacts: number of storms, severity of impact, non-FEMA reimbursable expenditures; additional hurricane recovery/mitigation funding granted, frequency of prior disasters, other assistance available;

c. Tax/Revenue Capacity: millage rate, is the entity at maximum millage, are all utility taxes levied, can millage be increased to cover costs, per capita taxable value, fiscally constrained county;

d. Special Designations: financial distress, Rural Area of Critical Economic Concern;

e. Financial Information: general fund reserves, revenues and expenditures of the entity, number of months of reserve in general fund, the local match requirement as a percentage of the general fund balance; and

f. Other Considerations: unique to the local government.

Consultation

Applications approved by the Governor will be forwarded together with appropriate supportive documentation to the legislative appropriations committees for consultation as provided in s. 216.177(2), Florida Statutes. However, the declaration of an emergency by the Governor under his emergency powers granted in Chapter 252, Florida Statutes, may supersede the required consultation when authorized and deemed necessary by the Governor.

Transmittal letter of notification to applicant

The Office of Policy and Budget will transmit a letter to the local government regarding the Governor's final decision. If a deferral is granted, a repayment schedule with all terms and conditions shall accompany this notification. The Executive Office of the Governor/Division of Emergency Management shall receive a copy of the letter.

Revised July 2012