



COUNTY OF MONTEREY  
DEPARTMENT OF EMERGENCY MANAGEMENT

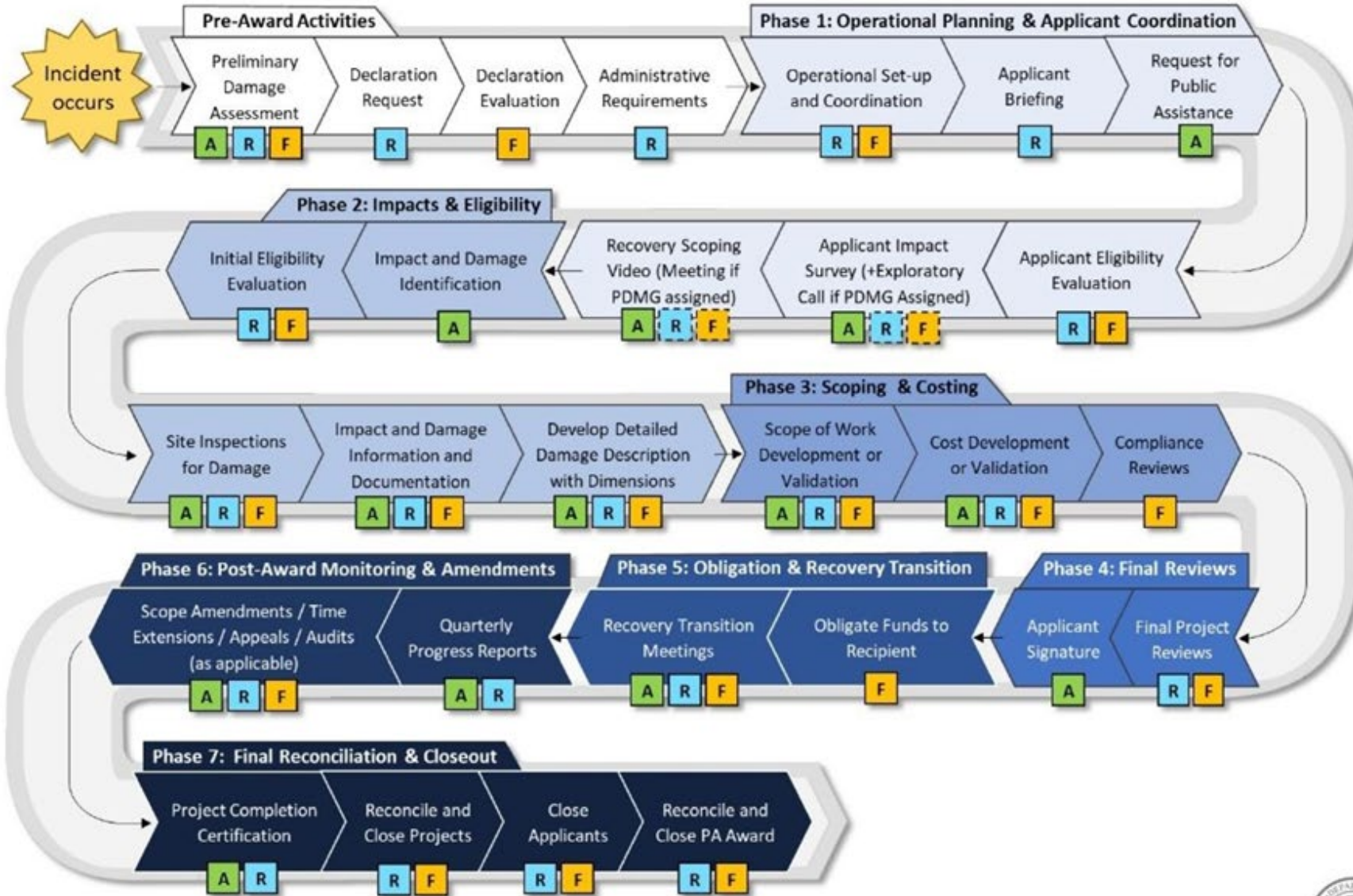


# FEMA PUBLIC ASSISTANCE

# FEMA Public Assistance National Workflow

## PROGRAM DELIVERY PROCESS STEPS

Pre-Award Activities Phase 1 Phase 2 Phase 3 Phase 4 Phase 5 Phase 6 Phase 7

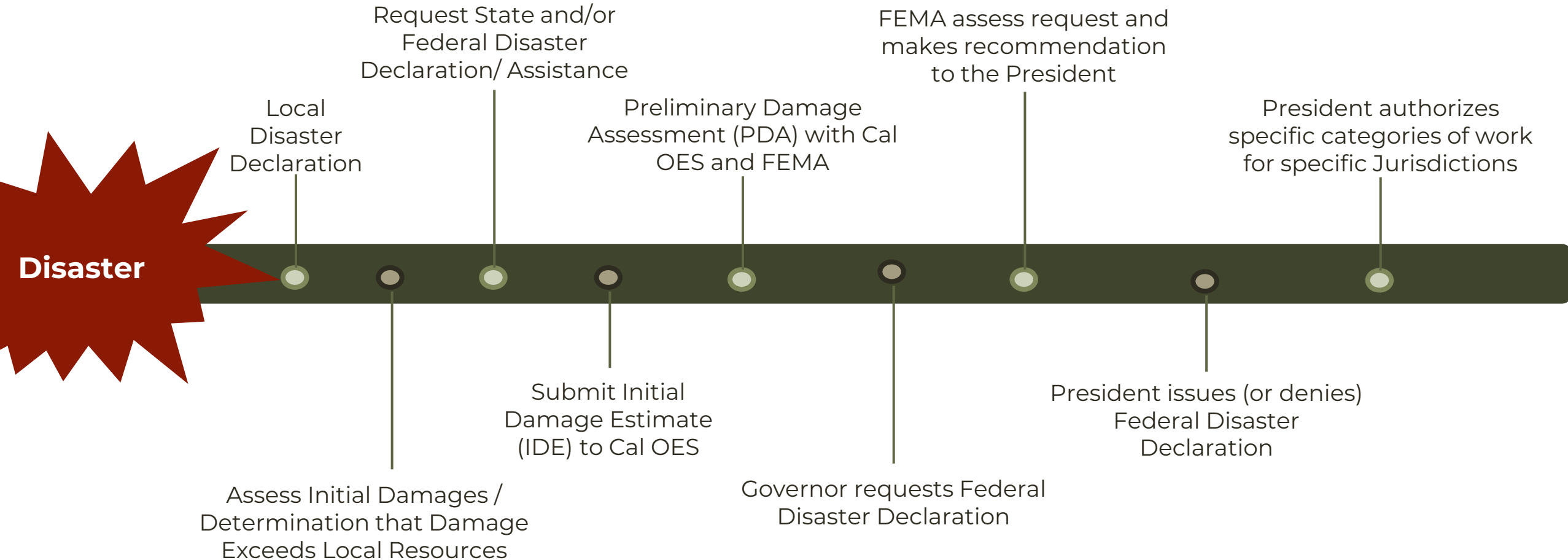


Key:

Applicant (A) Recipient (R) FEMA (F)



# DISASTER DECLARATION PROCESS



# THRESHOLDS

Both thresholds must be met to qualify for a Presidential Disaster Declaration under the Public Assistance program within the Stafford Act.

## Monterey County

- PA Threshold (FY 2025): **\$2,033,013**
  - Countywide Per Capita Impact Indicator of \$4.72 and a population of 430,723

## State of California

- PA Threshold (FY 2025): **\$73,952,272**
  - Statewide Per Capita Impact Indicator of \$1.89 and a population of 39 million



# TYPES OF DISASTER DECLARATIONS

## EMERGENCY DECLARATIONS

- An Emergency can be declared for any event when the President determines federal assistance is needed.
- Emergency Declarations supplement State and local efforts in providing emergency services.

## MAJOR DISASTER DECLARATIONS

- A Major Disaster can be declared for any event that the President believes is beyond the capabilities of state and local government.
- Can provide a wide range of federal assistance.

### Public Assistance

- Limited to only emergency work
  - A - Debris Removal
  - B - Emergency Protective Measures
- Emergency declarations often only include only Cat B and typically are limited to only **Direct Federal Assistance**

Can include both emergency and permanent work:

- A - Debris Removal
- B - Emergency Protective Measures
- C – Roads and Bridges
- D – Water Control Facilities
- E – Buildings and Equipment
- F – Utilities
- G – Parks, Recreational and Other Facilities

Reimbursement rate may also vary by category and time period

### Individual Assistance

- The Individuals and Households Program (IHP) is the only form of IA that may be authorized
- Authorization of IHP under an emergency is rare

Assistance to individuals and households, may include:

- Individuals and Households Program
- Crisis Counseling Program
- Disaster Case Management
- Disaster Unemployment Assistance
- Disaster Legal Services
- Disaster Supplemental Nutrition Assistance Program

### Hazard Mitigation

Not available for emergency declaration

Can be made available under a Major Disaster

FEMA-4683-DR

California Disaster Declaration as of 05/25/2023



FEMA-4699-DR

California Disaster Declaration as of 09/01/2023



FEMA-4769-DR

California Disaster Declaration as of 04/13/2024



COST

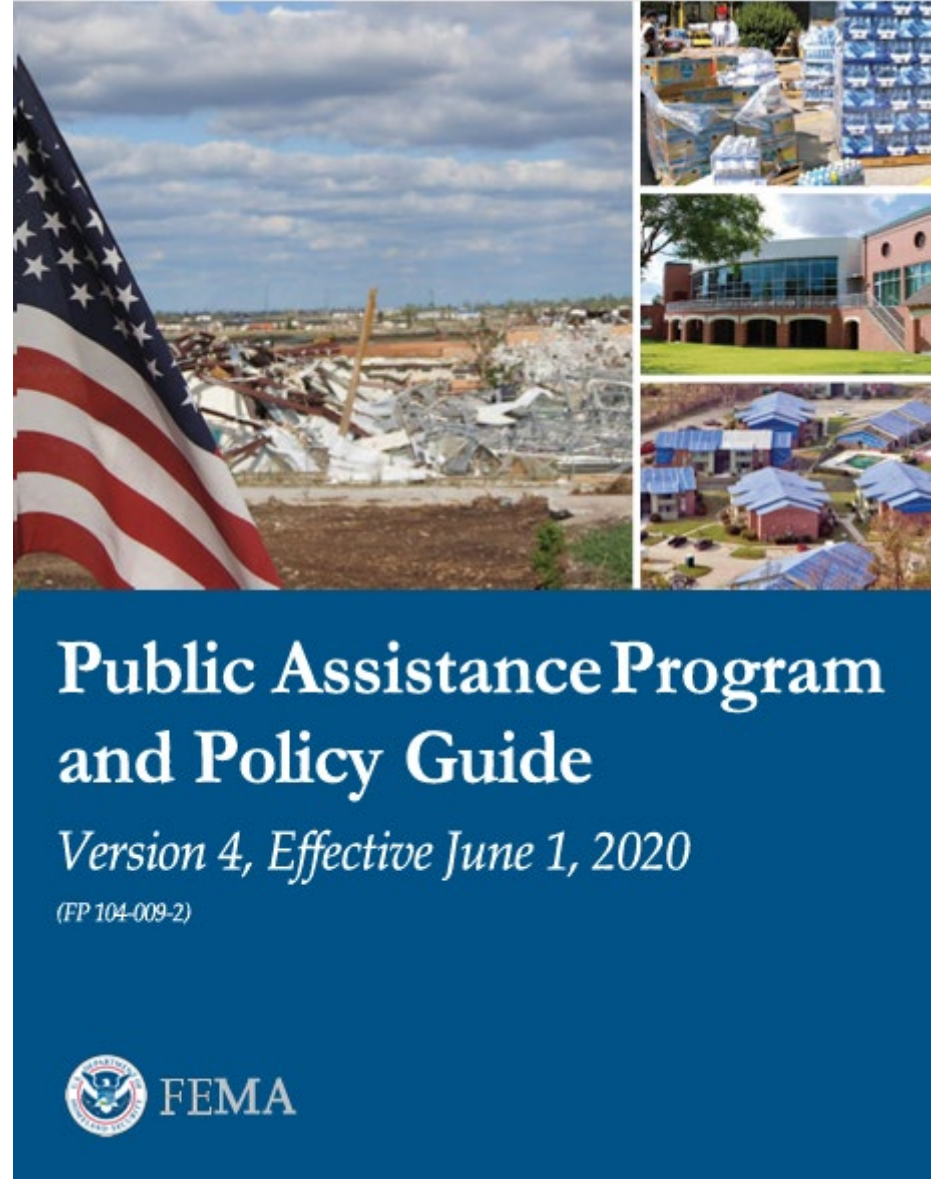
WORK

FACILITY

APPLICANT

# FEMA Eligibility Pyramid

Not all costs incurred by the County during an emergency are reimbursable under FEMA Public Assistance



COST

WORK

FACILITY

APPLICANT

# Eligible Facilities

- Legal responsibility of an eligible Subrecipient/Applicant
- Located in a **designated disaster area**
- **Damaged** by the **declared incident**
- Not under the authority of another federal agency
- In active use and **open** to the **general public** at the start of the incident period



COST

WORK

FACILITY

APPLICANT

# Eligible Work



## Eligible Work

- **Direct result** of a **declared incident**
- Located in the **designated disaster area**
- Legal responsibility of an eligible Applicant/ Subrecipient

## Ineligible Work

- Applicant/Subrecipient negligence
- Deferred maintenance
- Pre-existing damage
- Duplication of Benefits
- Non-compliance with local, state, and federal environmental laws and regulations

# CATEGORIES OF WORK



**Category A:**  
Debris  
Removal



**Category B:**  
Emergency  
Protective  
Measures



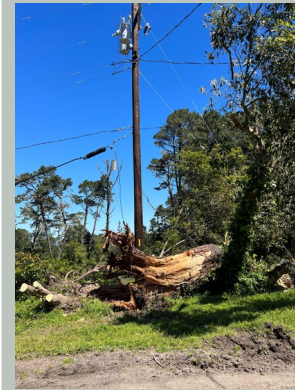
**Category C:**  
Roads and  
Bridges



**Category D:**  
Water  
Control  
Facilities



**Category E:**  
Public  
Buildings  
and  
Equipment



**Category F:**  
Public  
Utilities



**Category G:**  
Parks,  
Recreation,  
and Other

**Emergency Work**

**Permanent Work**

COST

WORK

FACILITY

APPLICANT

# Eligible Costs



- **Necessary** and **reasonable** to accomplish the work
- **Compliant** with Federal, State and local **requirements** for **procurement**
- Reduced by all applicable credits, such as insurance proceeds and salvage values (no duplication)
- Not contingent upon state and/or federal funding
- **Directly tied** to the performance of **eligible work**
- **Adequately** documented
- Consistent with the internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities

Labor (Force Account) Overtime

Contracts and Procurement

Materials & Supplies

Equipment (Force Account & Rental)

# COST DOCUMENTATION

## Labor (Force Account) Overtime

- Summary of actual costs for completed work
- For each individual:
  - Name
  - Job title and function
  - Type of employee
  - Days and hours worked
  - Pay rates and fringe benefit rate
  - Description of work performed with representative sample of daily logs/activity reports
- All Timecards/ Timesheets
- Fringe benefit calculations
- Pay policy

## Materials & Supplies

- Supplies from Stock:
  - Cost documentation such as original invoices or other historical cost records
  - Inventory records
  - Type of supplies and quantities used (should include support documentation such as daily logs)
  - Location used
- Purchased Supplies:
  - Receipts or invoices
  - Quantities used
  - Justification (if supplies were not used)

## Equipment

- For each piece of equipment:
  - Type of equipment and attachments used, including year, make, and model
  - Size/capacity
  - Locations and days and hours used should include usage logs
  - Operator name
  - Schedule of rates, including rate components (if not using FEMA rates)
- Purchased Equipment:
  - Invoices or receipts
  - Locations and days and hours used
- Leased/ Rented Equipment:
  - Lease agreements
  - Invoices or receipts
  - Locations and days used
  - Hours used (if lease agreement charges hourly rates)
  - Amount of fuel used, if not included in rental cost

## Contracts and Procurement

- Executed Contract with all applicable amendments and change orders
- Invoices
- Proof of Payment
- Procurement policy
- Dates worked
- Procurement documents (i.e., RFPs, bids, selection process, etc.)
- Documentation that substantiates a high degree of contractor oversight, such as daily or weekly logs (required for T&M contracts).

# PROJECT DOCUMENTATION

## Debris Removal

- Estimated debris quantities by type (required for all uncompleted work)
- Photographs of debris impacts
- Location of temporary reduction sites and permanent disposal sites
- Permits for reduction and disposal sites
- Quantities of debris removed, reduced, disposed, and recycled (by type) with load tickets to support quantities
- Tower logs
- Documentation to substantiate legal responsibility
- The basis of the immediate threat determination
- Location of debris
- Documentation to substantiate the debris was deposited by the incident and was not preexisting

## Emergency Protective Measures

- Documentation to substantiate that work was necessary to address an immediate threat caused by the disaster.
  - Description of immediate threat
  - Records demonstrating the immediate threat (e.g., technical reports, safety reports, photographs)
- Detailed description of work performed
- Additional documentation depending on the emergency protective measure performed

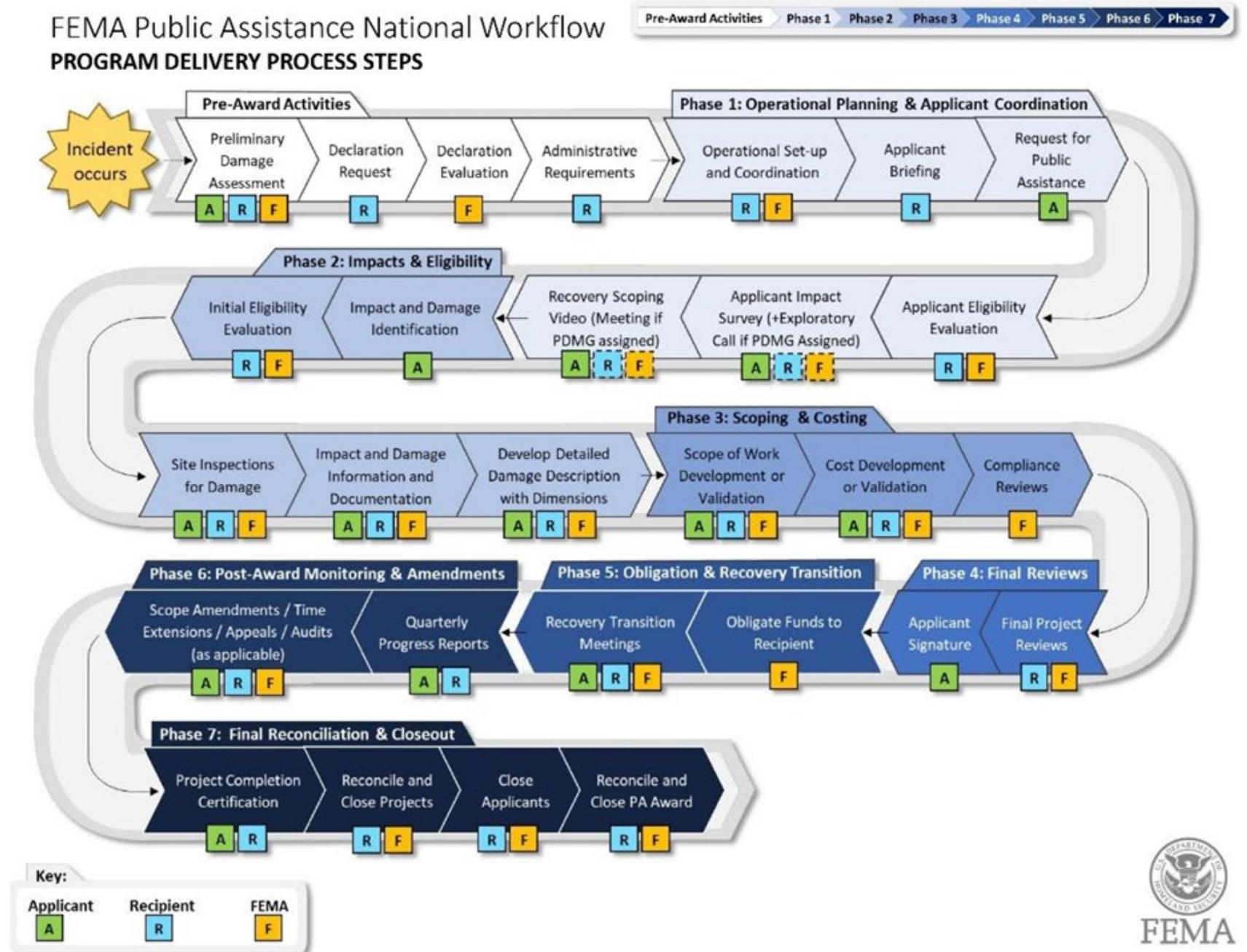
## Permanent Work

- Detailed description of damage with specific dimensions
- Drawings, sketches, and plans (to scale) of disaster-related damage
- Plans and specifications showing pre-disaster design of the facility
- Maintenance records
- Damage photos
- Professional Inspection Reports
- Demonstration of costs incurred through documentation
- Insurance documentation
- Site map
- Drawings, sketches, and plans of the proposed or completed repairs
- Hydrologic and hydraulic studies  
Technical studies, reports, and assessments
- Copies of permits and correspondence with regulatory agencies
- Applicable repair/reconstruction codes or standards
- Hazard mitigation proposals

# FEMA PROGRAM DELIVERY

- FEMA PA is an ongoing process
- Eligible damage amounts change significantly throughout the process as costs are refined and reviewed
- It is the County who has the burden of proof to support its application for PA funding

## FEMA Public Assistance National Workflow PROGRAM DELIVERY PROCESS STEPS



## Immediate Damage Assessment

- Public Works Storm Crews
- Very rough estimates based only on currently visible damage
- Basis of determining if we are hitting thresholds to request a State or Federal Declaration
- Order of magnitude, often more narrative

- **EOC Activated**
- **Debris Removal and Flood Fighting Ongoing**
- **Residents Displaced**
- **Extensive Impacts to Roads and Public Infrastructure**

## Initial Damage Estimate (IDE)

- Refine initial numbers in broad categories
- Used as basis to justify a Preliminary Damage Assessment (PDA) with State and/or Federal partners
- Generally, includes Countywide numbers

Cat A (Debris Removal)	\$5,271,00
Cat B (Emergency Measures)	\$6,572,000
Cat C (Roads and Bridges)	\$8,779,800
Cat D (Water Control Facilities)	\$9,510,500
Cat E (Public Buildings & Equipment)	\$673,000
Cat F (Public Utilities)	\$836,000
Cat G (Parks & Recreations Facilities)	\$617,000

**\$30-\$40 Million**  
Damages  
Countywide

## Preliminary List of Impacts/ Damage Inventory

- Specific to County damages
- More specific list of projects to be entered into Grants Portal once the Disaster Declaration is approved
- Based on estimates:
  - Not all work is completed
  - Not all invoices received
- Before eligibility has been reviewed and all documentation is collected

Countywide Debris Removal	\$4,300,020
EOC Activation & Sheltering	\$1,230,500
PW DOC/ Emergency Repairs	\$1,350,000
Countywide Road Repair	\$7,045,000
Water Resources Agency Facilities	\$3,375,000
Sewer Repairs	\$2,345,000
County Facility Repairs	\$4,710,000

**\$24,350,000**  
Estimated County Public  
Assistance Projects

Project	Damage Estimate	Cost Refinement 1	Cost Refinement 2	FEMA Reimbursement
Countywide Debris Removal	\$1,245,000	Invoicing updates the total cost to \$1,035,682	\$225,383 costs not fully documented; Work moved to permeant	\$810,299 75% Reimbursement: <b>\$607,725</b>
Countywide Emergency Protective Measures	\$2,000,000	Final reporting brings the total cost to \$1,425,760	Ineligible/ not fully documented work of \$257,324 removed	\$1,168,436 75% Reimbursement: <b>\$876,327</b>
Road Repair A (In Progress)	\$1,500,000	Contractor provides estimate of \$1,045,000	Final invoices bring cost to \$995,668	\$995,668 75% Reimbursement: <b>\$749,751</b>
Road Repair B	\$600,000	Invoices bring cost to \$1,324,689	\$68,725 of Debris added; Ineligible work of \$285,670 removed	\$1,107,744 75% Reimbursement: <b>\$830,808</b>
	<b>\$5,345,000</b> Estimated Costs	<b>\$4,831,131</b> Actual Project Costs	<b>\$4,082,147</b> Eligible Project Costs	<b>\$3,061,610</b> Federal Reimbursement
	<b>\$24,350,000</b> Estimated Costs	<b>\$22,008,988</b> Actual Project Costs	<b>\$18,596,827</b> Eligible Project Costs	<b>\$13,947,653</b> Federal Reimbursement

# 2023 WINTER STORMS



## Assumptions

- FEMA Public Assistance (PA) is not the only disaster assistance funds accessed by the County (Insurance, FHWA)
- For simplicity, the focus of this presentation is on FEMA PA, but California Disaster Assistance Act (CDAA) funds often augment the County's reimbursement under FEMA PA
- Reimbursement for these storms are ongoing, and the numbers change overtime. The numbers presented today are current best estimates
- The state advance must be paid back before the County receives reimbursement

# January 2023 Winter Storms

34 Projects  
\$28 Million in Damages



Estimated FEMA Submission Expenditure: \$28,000,000  
Estimated Maximum Possible Federal Obligation: \$23,500,000  
Current Obligated Federal Share: \$2,036,927  
State Advance: \$12,139,456

Estimated Outstanding Federal Obligation:



Estimated Outstanding Federal Reimbursement to County:

Accounting for State Advance



DR-4699

# March 2023 Winter Storms

36 Projects  
\$29 Millon in Damages



**Estimated FEMA Submission Expenditure:** \$29,000,000  
**Estimated Maximum Possible Federal Obligation:** \$21,400,000  
**Current Obligated Federal Share:** \$384,717  
**State Advance:** \$10,860,544

**Estimated Outstanding Federal Obligation:**



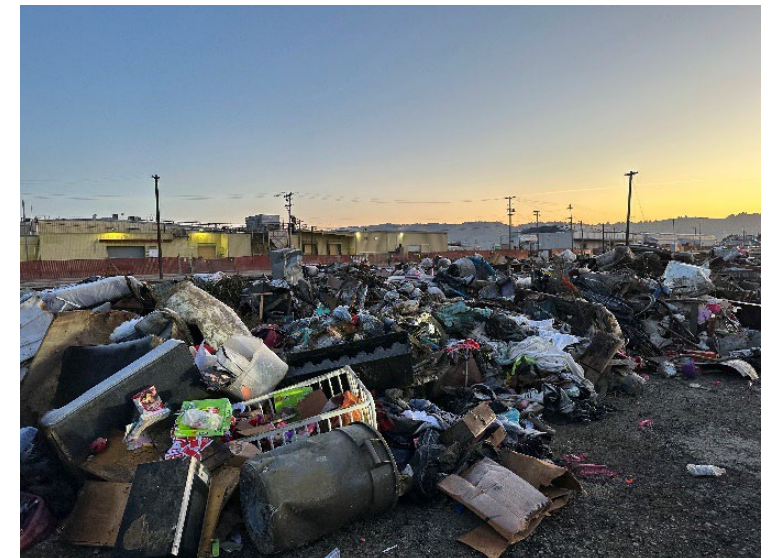
**Estimated Outstanding Federal Reimbursement to County:**

Accounting for State Advance



# 747876 Pajaro Right of Way Debris Removal

- Multiple steps to ensure compliance with FEMA requirements:
  - Debris monitors
  - Separation of commercial debris
  - Limited opportunities for un-monitored debris disposal
  - Public information to increase debris separation
- One of first projects submitted for DR-4699; Required to submit as a Streamlined Project Application (SPA)
- Incorrectly withdrawn by FEMA due to policy change on SPAs; Issue corrected by FEMA, but lead to major review delays
- Sent back to Phase 2 with Request for Information to provide invoices
  - SPAs do not require all invoices, just an invoice summary
  - Invoices provided immediately, but was in Phase 2 at time of arbitrary FEMA deadline
  - Deadline led to the project being pushed back to Phase 3, but placed in the Ineligibility Queue due to lack of documentation
- Project has now been stuck in Ineligibility for months for no clear reason even though extensive documentation has been provided



# 748702 Pajaro Sewer Force Main Relocation

- Pajaro County Sanitation District (PCSD) Sewer Force Main at the Hwy 1 Bridge was severely damaged by the flood event
- After initial bypass, County needed an interim solution to keep the system operational and allow USACE to conduct emergency levee repairs
- The County has collaborated with FEMA, Cal OES, USACE, and Federal legislative partners throughout the process to no avail

FEMA’s Eligibility Issue	County Response
Not the legal responsibility of the applicant	Sewer force main is owned and operated by PCSD
Work is under the authority of the USACE	Not eligible under PL 84-99 as not under the authority of USACE
Not required to eliminate threat resulting from disaster and sewer services had been restored	Immediate bypass was interim, and a temporary solution was critical to keep the system operational
Ineligible for relocation because USACE requested the relocation	Work critical to repair sewer system and ensure levee repairs occur
Relocation not eligible as force main was an unpermitted encroachment	Location of the force main pre-dates USACE permitting requirements



# CHALLENGES

## Administrative

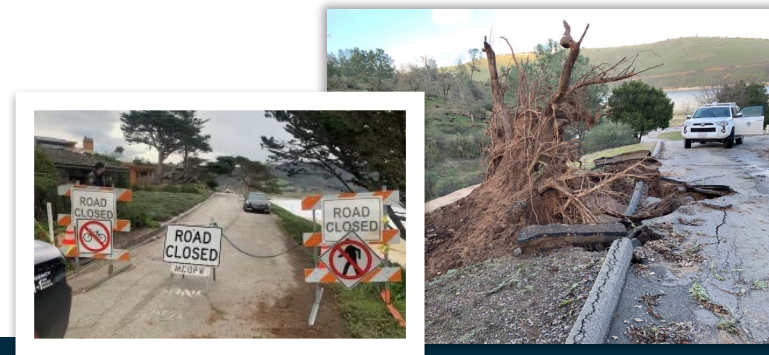
- Extensive documentation requirements
- Multiple back-to-back large disasters with limited staff to handle influx
- FEMA reporting requirements do not align with County financial system reports
- Organizing projects requires extensive work to avoid answering the same questions repeatedly
- Verifying and reviewing accuracy of each claim leads to large administrative burden

## Programmatic

- Complex eligibility subject to interpretation
- Changing FEMA staff and lack of standard FEMA review practices leads to frequent re-works and re-answering the same questions
- Slow resolution on policy issues leading to project delays
- Arbitrary deadlines resulting in rushed work and incomplete documentation

## Project Documentation

- Maintenance records
- Contractor invoices with little description of work do not meet FEMA standards
- Projects often tracked by site not by FEMA category, requiring extensive separation of costs
- Developing detailed and accurate damage dimensions
- Providing all required GPS coordinates
- Providing detailed debris tracking information
- Translating engineering practices to FEMA
- Inconsistent documentation requirements
- Inaccuracy on identifying damages



## RECOVERY

Develop documented procedures for collecting and managing disaster-related records

Develop financial system reporting tools to better track and report on disaster-related expenses

Assess the feasibility of creating a dedicated disaster fund

## RESPONSE

Identify policies to streamline procurement during disasters while increasing alignment with FEMA standards

Develop fiscal policies related to emergencies and the Emergency Operations Center

Develop tools to improve real-time tracking of costs

# Disaster Finance Working Group

Increase the efficiency of response and recovery efforts, improve post-disaster financial recovery, and strengthen the County's financial resilience to disasters through strategic financial planning and policy development

## MITIGATION

Assess strategies to reduce costs associated with disasters through strategic resource allocation

Assess and align efforts in resource tracking, warehousing, and asset management to increase efficiency during emergencies

## PREPAREDNESS

Update the County FEMA Cost Recovery Plan

Conduct FEMA PA training for County staff to improve understanding of the process

Develop standardized forms and procedures for collecting disaster damage and repair information

# RECOMMENDATIONS

- a. Receive a presentation from the Department of Emergency Management on the Federal Emergency Management Agency (FEMA) Public Assistance Program; and
- b. Direct the County Administrator's Office to create a Disaster Finance Working Group to provide policy recommendations on financial management during disasters and post-disaster financial recovery; and
- c. Provide other direction to staff as appropriate.