

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: July 16, 2014

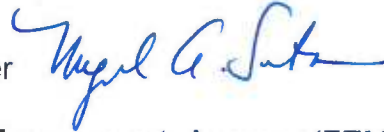
CAO File No. 0100-00564-0001

Council File No. 10-0008

Council District: All

To: City Council

From: Miguel A. Santana, City Administrative Officer



Reference: Requirement of the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (Cal OES) for Disaster Assistance, Hazard Mitigation and Flood Mitigation Assistance Grant Program Administration

Subject: **REVISED DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES AND DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR FLOOD MITIGATION ASSISTANCE/SEVERE REPETITIVE LOSS PROGRAMS RELATED TO FEMA AND CAL OES GRANTS**

SUMMARY

In April 1994, the City Council, as governing body of the City of Los Angeles (City), designated the City Administrative Officer (CAO) as the City's Authorized Agent with respect to Federal and State funding assistance for various disasters. Subsequent City Council approved Authorized Agent Resolutions have allowed the CAO to continue to serve as the City's authorized representative for Federal Emergency Management Agency (FEMA) and State disaster public assistance, hazard mitigation, pre-disaster mitigation and fire management assistance grants. This report requests approval of the following items: 1) a revised universal Authorized Agent resolution that adds the new CAO position title of Inspector General to the authorized agent titles; and, 2) a separate Applicant's Agent Resolution for Flood Mitigation Assistance (FMA) for one specific FEMA approved FMA project, originally submitted as a FEMA pre-disaster mitigation project.

DISCUSSION

The CAO has been designated as the City's "Authorized Agent" with respect to Federal and State financial assistance for various disasters affecting the City. This designation allows the CAO to execute all applications, assurances, certifications, and required forms for Federal and State financial assistance related to claims and grant funding. This designation also establishes a City-wide central clearinghouse that ensures uniformity and consistency of the City's disaster recovery and mitigation assistance submittals (applications), communications, receipts, and disbursements to appropriate City departments. Furthermore, pursuant to the Los Angeles Administrative Code Section 8.72.1, all

disaster grant funds shall be deposited into the Disaster Assistance Trust Fund (DATF) and the CAO is responsible for administering the DATF.

The CAO currently acts as the Authorized Agent for the following Federal and State declared disasters:

<u>DISASTER</u>	<u>FEMA EVENT NO.</u>	<u>CAL OES EVENT NO.</u>
2013 July Inyo Storms (LADWP only)	N/A	CDAA 2013-01
2013 Powerhouse Fire (LADWP only)	FM-5025	
2010 (December) Statewide Severe Storms	N/A	CDAA 2010-17
2010 (January) Severe Winter Storms	DR-1884	CDAA 2010-02
2009 Southern California Station Fire	FM-2830	CDAA 2009-05
2008 Southern California Sayre Wildfires	DR-1810	CDAA 2008-11
2008 Sesnon Wildfire	FM-2789	CDAA 2008-10
2008 Marek Wildfire	FM-2788	CDAA 2008-10
2007 October Wildfires	DR-1731	CDAA 2007-14
2007 Inyo Complex Fire (LADWP only)	FM-2706	CDAA 2007-07
2007 Griffith Park Fire	FM-2691	CDAA 2007-04
2007 Extreme Cold Weather	N/A	CDAA 2007-02
2005 February Severe Storms	DR-1585	CDAA 2005-02
2005 January Severe Storms (Dec 2004-Jan 2005)	DR-1577	CDAA 2005-01
2003 (October) California Wildfires	DR-1498	CDAA 2003-03
1994 Northridge Earthquake (Except Coliseum Commission)	DR-1008	CDAA 94-01

Designation of Applicant’s Agent Resolution for Non-State Agencies

The most recent City Designation of Applicant’s Agent Resolution for Non-State Agencies was updated and approved by the City Council on September 11, 2012 and is a universal resolution, effective for all open and future disasters up to September 11, 2015. However, due to personnel changes in the Office of the CAO, an updated universal resolution is necessary to add the additional title of Inspector General to the “Title[s] of Authorized Agent”. The proposed Designation of Applicant’s Agent will authorize the CAO to act as the City’s representative, up to three (3) years following the date of City Council approval (See attached Non-State Agency Resolution - Cal OES Form 130).

This resolution references Federal financial assistance under *Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988* and state financial assistance under the *California Disaster Assistance Act*. It is effective for public assistance (PA), hazard mitigation (HM), pre-disaster mitigation (PDM) and fire management assistance grant (FMAG) applications. Due to personnel changes in the Office of the CAO, it is necessary to add the Title of “Inspector General” to the revised Resolution. Per Cal OES instructions (attached for reference), the use of “Titles Only” “allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual.” When titles are used, names of specific

individuals in the Office of the CAO do not require the approval of the City Council [Governing Body] which ensures continuous business operations without disruption to the recovery and management of federal and state disaster assistance funds.

Designation of Applicant's Agent Resolution for the Flood Mitigation Assistance Program

In 2007, on behalf of LADWP, the CAO submitted a Pre-Disaster Mitigation (PDM) grant application to FEMA and Cal OES for a debris basins replacement project. Although the project was determined to be viable, PDM funding was not available at the time. The proposed project was subsequently determined by FEMA to be eligible as a FEMA 2007 Flood Mitigation Assistance (FMA) project and an FMA grant was awarded August 9, 2011. A separate Authorized Agent Resolution is required to process assurances and agreements necessary to receive funds for the FMA project because the program falls under the purview of the FEMA-FMA program authorized under *Section 1366 of the National Flood Insurance Act of 1968, as amended (NFIA), 42 U.S.C. 4104c, not Public Law 93-288*. The proposed "Designation of Applicant's Agent Resolution for the Flood Mitigation Assistance Program/Severe Repetitive Loss Programs" will allow the CAO or designee to process and accept grant funds specifically for the LADWP Franklin Reservoir No. 2 Debris Basins Replacement Project: FEMA-FMA-PJ-09-CA-07-010 (See attached FMA Resolution - Cal OES 130).

RECOMMENDATIONS

That the Council, subject to approval by the Mayor:

1. APPROVE the revised "Designation of Applicant's Agent Resolution for Non-State Agencies" attached to the CAO report that designates the CAO as the City's Authorized Agent to execute and deliver any, and all, additional certificates, assurances, agreements, and other documents as may be required of the City in connection with obtaining Federal and State financial assistance for which the City is eligible; and
2. APPROVE the "Designation of Applicant's Agent Resolution for the Flood Mitigation Assistance Program/Severe Repetitive Loss Programs" attached to the CAO report that designates the CAO as the City's Authorized Agent to execute and deliver any, and all, additional certificates, assurances, agreements, and other documents as may be required of the City in connection with obtaining FEMA Flood Mitigation Assistance specifically related to the Los Angeles Department of Water and Power (LADWP), Franklin Reservoir No. 2 Debris Basins Replacement Project (FEMA-FMA-PJ-09-CA-07-010).

FISCAL IMPACT STATEMENT

There is no General Fund fiscal impact related to updating the designation of the CAO as the City's Authorized Agent with respect to applications for Federal and State financial assistance for disasters.

MAS:FC:DR:3150001

Attachments

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Los Angeles
(Governing Body) (Name of Applicant)

THAT City Administrative Officer, OR
(Title of Authorized Agent)

Assistant City Administrative Officer, OR
(Title of Authorized Agent)

Chief Administrative Analyst, OR Inspector General
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Los Angeles, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 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 City of Los Angeles, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the California Governor's Office of Emergency Service for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

This is a universal resolution and is effective for all open and futures Disasters/Grants up to three (3) years following the date of approval below.

This is a Disaster/Grant specific resolution and is effective for only Disaster/Grant name/number(s) _____

Passed and approved this _____ day of _____, 20____

Herb J. Wesson Jr., President

(Name and Title of Governing Body Representative)

Mitchell Englander, President Pro Tempore

(Name and Title of Governing Body Representative)

Tom LaBonge, Assistant President Pro Tempore

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and Deputy City Clerk of
(Name) (Title)

City of Los Angeles, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Los Angeles
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of Board/Council approval.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the individual or group responsible for appointing and approving the Authorized Agents. Examples include: Board of Directors, City Council, Board of Supervisors, etc.

Name of Applicant: This is the official name of the non-profit, agency, city, county or special district that has applied for the grant. Examples include: City of Sacramento; Sacramento County; or Los Angeles Unified School District.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Service regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency (e.g.; City Clerk, the Authorized Agent, Secretary to the Director) and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names and titles of the Authorized Agents should be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving board members. Examples include: Chairman of the Board, Superintendent, etc. The names and titles cannot be one of the designated Authorized Agents.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval. Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person cannot be one of the designated Authorized Agents to eliminate "Self Certification."

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
Flood Mitigation Assistance Program /Severe Repetitive Loss Programs**

BE IT RESOLVED BY THE City Council OF THE City of Los Angeles
(Governing Body) (Name of Applicant)

THAT City Administrative Officer, OR
(Title of Authorized Agent)
Assistant City Administrative Officer, OR
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Chief Administrative Analyst, OR Inspector General
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is hereby authorized to execute for and on behalf of the City of Los Angeles, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services
for the purpose of obtaining certain federal financial assistance administered by the California Governor's Office of Emergency Services.

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

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and futures Grants up to three (3) years following the date of approval below.
 This is a Grant specific resolution and is effective for only Grant name/number(s) LADWP Franklin Reservoir No. 2 Debris Basins Replacement - FMA-PJ-09-CA-07-010

Passed and approved this _____ day of _____, 20____

Herb J. Wesson, Jr., President

(Name and Title of Governing Body Representative)

Mitchell Englander, President Pro Tempore

(Name and Title of Governing Body Representative)

Tom LaBonge, Assistant President Pro Tempore

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and Deputy City Clerk of
(Name) (Title)
the City of Los Angeles, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Los Angeles
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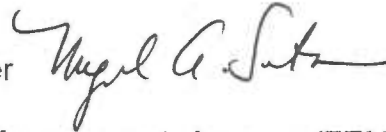
CAO File No. 0100-00564-0001

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To: City Council

From: Miguel A. Santana, City Administrative Officer



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SUMMARY

In April 1994, the City Council, as governing body of the City of Los Angeles (City), designated the City Administrative Officer (CAO) as the City's Authorized Agent with respect to Federal and State funding assistance for various disasters. Subsequent City Council approved Authorized Agent Resolutions have allowed the CAO to continue to serve as the City's authorized representative for Federal Emergency Management Agency (FEMA) and State disaster public assistance, hazard mitigation, pre-disaster mitigation and fire management assistance grants. This report requests approval of the following items: 1) a revised universal Authorized Agent resolution that adds the new CAO position title of Inspector General to the authorized agent titles; and, 2) a separate Applicant's Agent Resolution for Flood Mitigation Assistance (FMA) for one specific FEMA approved FMA project, originally submitted as a FEMA pre-disaster mitigation project.

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This resolution references Federal financial assistance under *Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988* and state financial assistance under the *California Disaster Assistance Act*. It is effective for public assistance (PA), hazard mitigation (HM), pre-disaster mitigation (PDM) and fire management assistance grant (FMAG) applications. Due to personnel changes in the Office of the CAO, it is necessary to add the Title of “Inspector General” to the revised Resolution. Per Cal OES instructions (attached for reference), the use of “Titles Only” “allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual.” When titles are used, names of specific

individuals in the Office of the CAO do not require the approval of the City Council [Governing Body] which ensures continuous business operations without disruption to the recovery and management of federal and state disaster assistance funds.

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In 2007, on behalf of LADWP, the CAO submitted a Pre-Disaster Mitigation (PDM) grant application to FEMA and Cal OES for a debris basins replacement project. Although the project was determined to be viable, PDM funding was not available at the time. The proposed project was subsequently determined by FEMA to be eligible as a FEMA 2007 Flood Mitigation Assistance (FMA) project and an FMA grant was awarded August 9, 2011. A separate Authorized Agent Resolution is required to process assurances and agreements necessary to receive funds for the FMA project because the program falls under the purview of the FEMA-FMA program authorized under *Section 1366 of the National Flood Insurance Act of 1968, as amended (NFIA), 42 U.S.C. 4104c, not Public Law 93-288*. The proposed "Designation of Applicant's Agent Resolution for the Flood Mitigation Assistance Program/Severe Repetitive Loss Programs" will allow the CAO or designee to process and accept grant funds specifically for the LADWP Franklin Reservoir No. 2 Debris Basins Replacement Project: FEMA-FMA-PJ-09-CA-07-010 (See attached FMA Resolution - Cal OES 130).

RECOMMENDATIONS

That the Council, subject to approval by the Mayor:

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FISCAL IMPACT STATEMENT

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is hereby authorized to execute for and on behalf of the City of Los Angeles, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 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 City of Los Angeles, a public entity established under the laws of the State of California,
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Please check the appropriate box below:

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Passed and approved this _____ day of _____, 20____

Herb J. Wesson Jr., President
(Name and Title of Governing Body Representative)

Mitchell Englander, President Pro Tempore
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Tom LaBonge, Assistant President Pro Tempore
(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and Deputy City Clerk of
(Name) (Title)
City of Los Angeles, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Los Angeles
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature)

(Title)

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**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
Flood Mitigation Assistance Program /Severe Repetitive Loss Programs**

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(Governing Body) (Name of Applicant)

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Chief Administrative Analyst, OR Inspector General
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is hereby authorized to execute for and on behalf of the City of Los Angeles, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance administered by the California Governor's Office of Emergency Services.

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

Please check the appropriate box below:

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Passed and approved this _____ day of _____, 20____

Herb J. Wesson, Jr., President

(Name and Title of Governing Body Representative)

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CERTIFICATION

I, _____, duly appointed and Deputy City Clerk of
(Name) (Title)
the City of Los Angeles, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Los Angeles
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____

(Signature)

(Title)