



***Cal* OES**

**GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES**

# **California State Association of Counties**

**February 15, 2017**



# Cal OES Updates

- EOC Credentialing/Professional Development
- Impact of Executive Orders and Policy
- Grant Funding
- Winter Storms Update

# Winter Storms Update

- December, Early Jan, Late Jan, Feb
- Jan 3-12 – 34 Counties/49 FHWA
- Working on Jan 18-23 – 29 Counties
- Local Proclamations
- Governor's Proclamation
  - Does not automatically include CDAA
- Initial Damage Estimates
- Damage Assessments

# Types of Disaster Assistance

- CDAA (Gov. Proc or Dtr. Concurrence)
- Fire Management Assistance Grants (FMAGs)
- Presidential Dec/Stafford Act/FEMA
  - Recovery Grant Programs

# California Disaster Assistance Act (CDAA)

# Authorities

- California Government Code,  
Chapter 7.5 Disaster Assistance Act
- California Code of Regulations,  
Title 19, Division 2, Chapter 6  
California Disaster Assistance Act

# Request for State Assistance

- Based on local proclamation - Request
- Proclamation Issued by the Governor
- Emergency work and permanent work are eligible
- Cost share is 75% state and 25% local

**Executive Department**  
State of California

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** beginning on January 3, 2017, a storm system resulting from an atmospheric river swept across California, bringing high winds, substantial precipitation, and flooding, which has severely impacted counties throughout the State; and

**WHEREAS** due to extreme drought conditions throughout the State, this storm system caused dangerous flash flooding, erosion, and substantial mud and debris flows; and

**WHEREAS** this storm system caused damage to roads and highways throughout the State; and

**WHEREAS** state and local officials are still assessing the full scope of the damage caused by these storms, with preliminary estimates totaling tens of millions of dollars; and

**WHEREAS** the circumstances of the storm damage, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist due to the storm damage in Alameda, Alpine, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba counties.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within Alameda, Alpine, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba counties.

**IT IS HEREBY ORDERED THAT:**

1. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, Title 23, United States Code section 125, in order to obtain federal assistance for highway repairs or reconstruction.
2. The Office of Emergency Services shall provide assistance to the counties, as appropriate and based upon damage assessments received from local governments, under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.





# Applicant Eligibility

- Cities
- Counties
- County Offices of Education
- Community College Districts
- School Districts

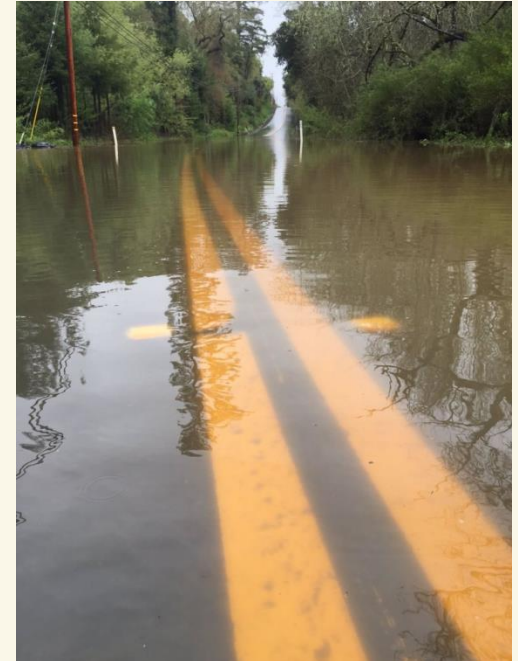


# Applicant Eligibility (continued)

- Certain private non-profit organizations may be reimbursed for essential community services activities
- Special Districts
- State agencies are not eligible

# Eligible Facility Criteria

- Buildings, systems, equipment, maintained natural features
- Legal responsibility of an eligible applicant
- Located in a designated disaster area
- In active use at the time of the disaster



# Categories/Types of Work

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

# Category A Debris Removal

- Must eliminate threat to public health and safety
- Must eliminate threat of significant damage to improved property
- Must ensure economic recovery to benefit of community at large
- Includes tree clearance, vegetative debris, building wreckage, and mud/silt on public property (roads, natural streams, public rights-of-way)

# Category B Emergency Work

- Emergency protective measures
- Mutual aid
- Wide range of extraordinary measures
- Includes evacuations, sheltering, sandbagging, barricading, bracing or shoring structures, traffic control, emergency operations center

# Category C Roads & Bridges

- On-system (FHWA) roads may be ineligible
- Must conform with current codes
- Excludes routine maintenance



# Category D Water Control Facilities

- Channels, canals, levees, and basins
- Restrictions on Flood Control Works
- Excludes USACE
- Excludes NRCS





# Category E Buildings & Equipment

Includes:

- Structures
- Content and equipment
- Codes and standards



Excludes:

- Betterments

# Category F Utilities

- Water treatment
- Power generation
- Communications
- Sewage treatment



# Category G Parks, Rec & Other

Must fall within the definition of an “improved and maintained” facility

- Docks and Harbors
- Public parks
- Golf courses
- Beaches
- Piers
- Airports
- Landfills



# Eligible Costs

- Reasonable and necessary
- Comply with standards of procurement
- Exclude credits:
  - Insurance recoveries
  - Litigation recoveries
  - Other funding sources



# Eligible Costs (continued)

- Donated Resources  
(Categories A and B only)
- Labor
- Equipment
- Rental Equipment
- Materials
- Contract
- Engineering and Design Services



# Ineligible Costs



- Expenditures for
  - Personal property
  - Normal or deferred maintenance
  - Insurance required by Cal OES
  - Betterment beyond current codes and standards or approved mitigation projects



# Ineligible Costs (continued)

- Damages caused by negligence
- Loss of revenue or income (economic loss)
- Losses with legal means of recoupment
- Legal services, fees, penalties, settlements
- Rights-of-way, easements, land acquisition

# Contracts

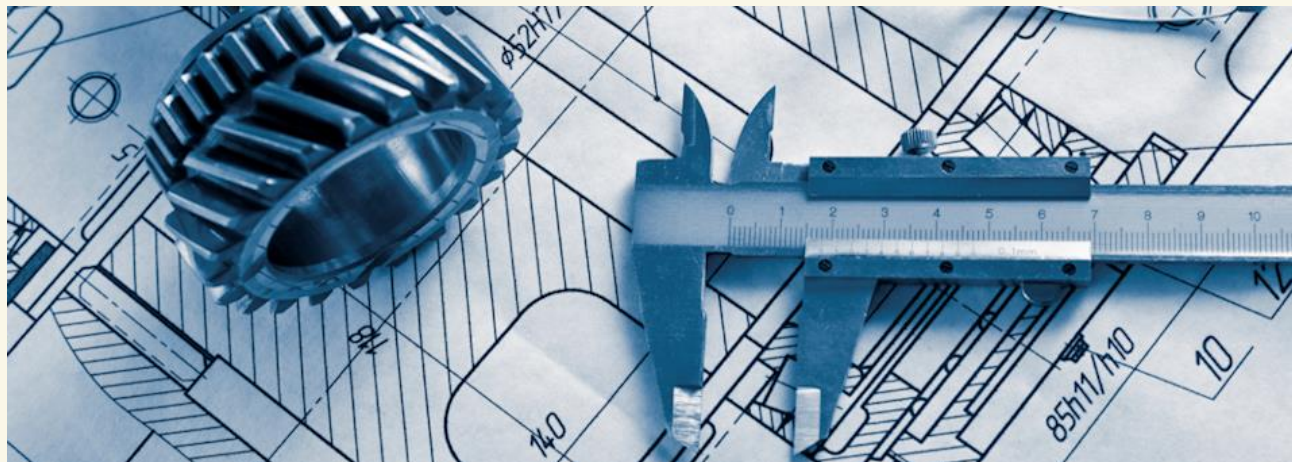
- Reasonable and competitively bid
- Prevailing wage
- Comply with current procurement standards
- Not contingent on State funding
- Time and Materials Contracts should be avoided
- Payment bond required when expenditures exceed \$25,000





# Engineering

- Necessary to complete eligible work for construction projects
- Generally permanent work only
- Reimbursement is based on reasonable actual costs



# Hazard Mitigation

- Cost effective
- Substantially reduce risk of repetitive and/or future damage
- Show cause if mitigation measures not considered



# Codes and Standards

- Apply to the type of repair work
- Be appropriate to pre-disaster use
- Be formally adopted prior to the disaster
- Must be applied uniformly



# Replacement or Relocation

- Subject to Director's approval
- Relocation when restoration at original location not feasible
- Betterments, increased capacity, or acquisition cost of land borne by Applicant
- Pre-disaster design, capacity and function
- Codes, standards, and specifications

# Trees, Shrubs, and/or Vegetation

- Generally not eligible unless for engineered purpose:
  - Erosion control
  - Slope stabilization
  - Wind barriers
- Eligibility limited to minimum level



necessary



# Administrative Allowance



- Applicant's cost for administering the grant
- Calculated at 10 percent of net eligible costs (State share 75 percent)
- Automatically added to obligation payment



# Record Retention Requirement

- Keep records for three years from date of Cal OES Audit Waiver letter
- Beware of routine destruction cycles



# Project Accounting

- Segregate disaster related work from normal activities
- Actual costs and expenditures should be accumulated **AS THEY OCCUR**
- Keep all documentation...

DETAILS,  
DETAILS,  
DETAILS





# Other Federal Programs

Cal OES cost shares with the following:

- Stafford Act – Public Assistance
- Natural Resources Conservation Service (NRCS), Emergency Watershed Protection Program
- Federal Highway Administration (FHWA), Emergency Relief Program



# Bottom Line – These Things can help or hurt you

- Do what is reasonable
- Clear understanding of accounting controls
- Emergency Procurements
- Adhere to codes/standards/normal procedures
- CDAA doesn't provide waivers
- Documentation of donated resources
- Time and material contracts should be avoided

# Bottom Line – These Things can help or hurt you

- Preexisting Conditions/Deferred Maintenance
- CDAA does not address capital improvements
- Hazard Mitigation Plan
- Insurance collection process

# Resources

- Emergency Services Act/CA Disaster Assistance Act/Emergency Compacts

<http://www.caloes.ca.gov/LegalAffairsSite/Documents/Cal%20ES%20Yellow%20Book.pdf>

- CDAA Fact Sheet

<http://www.caloes.ca.gov/RecoverySite/Documents/CDAA%20Fact%20Sheet.pdf>

- CCR Title 2 and 19

<http://www.caloes.ca.gov/cal-oes-divisions/recovery/laws-regulations>

- Comparison of CDAA and FEMA Aid

<http://www.caloes.ca.gov/RecoverySite/Documents/CDAA%20-%20FEMA%20comparison.pdf>

- Tree Mortality Fact Sheet

<http://www.caloes.ca.gov/RecoverySite/Documents/FAQ%20for%20Tree%20Mortality%2012%2004%2015.pdf#search=cdaa%2520fact%2520sheet>

# QUESTIONS

**California Governor's Office of Emergency Services**

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# Thank You