



- **Board of Directors**  
***Engineering and Operations Committee***

12/13/2022 Board Meeting

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**7-5**

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## **Subject**

Adopt a resolution designating authorized agents for funding from the California Office of Emergency Services and the Federal Emergency Management Agency; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

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## **Executive Summary**

Metropolitan is developing a Local Hazard Mitigation Plan (LHMP) to identify hazard vulnerabilities to Metropolitan's infrastructure and develop actions that will mitigate the potential impacts. The Federal Emergency Management Agency (FEMA) approved a \$150,000 grant for the development of Metropolitan's LHMP, which requires the Board to designate a signatory to receive the grant funds. Following completion of the LHMP, staff intends to pursue additional grant funding for future projects.

This action approves an updated resolution designating authorized agents to accept funds from the California Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA). The resolution is required to be updated every three years or when there are changes in authorized agents.

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## **Details**

### **Background**

In October 2021, Metropolitan staff began the development of an LHMP. The LHMP will assess hazard vulnerabilities to Metropolitan's infrastructure and identify proactive mitigation actions that can be pursued in order to reduce the level of injury, property damage, and operational disruption that might otherwise result from such an event. Potential natural hazards may include earthquakes, wildfires, and drought. The LHMP will build upon already established Metropolitan programs to mitigate risk and ensure system reliability. Completion of the LHMP will enable Metropolitan to apply for hazard mitigation grant funding through FEMA and CalOES, including grants from the Building Resilient Infrastructure and Communities (BRIC) program and the Hazard Mitigation Grant (HMG) program.

The BRIC program was established under the 2018 Disaster Recovery Reform Act and aims to shift federal focus from reactive disaster spending and toward proactive investment in community resilience. For 2022, the total available grant funding through BRIC is approximately \$2.3 billion, with \$2.1 billion dispersed through a nationwide competitive process. The maximum grant opportunity for a single project is the lesser of \$50 million or 75 percent of the project cost. HMG funding is available, when authorized under a presidential major disaster declaration, for the areas of the state requested by the governor. Similar to BRIC, HMG program grants require a 25 percent cost share.

In April 2021, prior to the start of the LHMP, staff submitted a request for a grant to develop the LHMP. FEMA subsequently awarded Metropolitan a grant in May 2022 in the amount of \$150,000. The grant funds are disbursed as reimbursement for expenses incurred. Receipt of the grant funds requires that the Board authorize a signatory for the reimbursement request. The authorization allows for the Board to authorize the signatory for a specific grant or for all open and future grants declared up to three years after approval. Following completion of the LHMP, staff intends to submit a grant request for projects related to natural hazard mitigation under the BRIC and HMGP.

In addition, as a public agency that provides a vital service, Metropolitan is eligible for federal and state disaster relief assistance whenever Metropolitan facilities sustain disaster-related damage and there is a declaration of the disaster by the president of the United States or the governor of California. FEMA and CalOES require disaster assistance applicants to submit a board-approved resolution, using their form Applicant's Agent Resolution for Non-State Agencies (Resolution), every three years.

The Resolution (**Attachment 1**) identifies the following staff as authorized agents for FEMA and CalOES funding: (1) Assistant General Manager and Chief Financial Officer, (2) Group Manager of Water System Operations, and (3) Group Manager of Engineering Services.

### **Summary**

The receipt of the grant funds requires that the Board designate a signatory to receive the grant funds. This action authorizes a resolution designating signatory agents for all California Office of Emergency Services and Federal Emergency Management Agency grants. This resolution allows Metropolitan to receive grant funding for the development of an LHMP, pursue grant funding for future projects, and apply for disaster relief assistance. Additionally, without this resolution, staff would utilize operation and maintenance (O&M) funds for the hazard mitigation projects, which may limit the number of other projects that can be completed under the biennium O&M budget.

### **Policy**

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Metropolitan Water District Administrative Code Section 5108: Appropriations

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Metropolitan Operating Policy C-21: Accounting and Administration of Federally Funded Grants and Cooperative Agreement

By Minute Item 51729, dated September 10, 2019, the Board approved the Designation of Applicant's Agent Resolution for Non-State Agencies.

### **California Environmental Quality Act (CEQA)**

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#### **CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378(b)(4) and 15378(b)(5)) because it involves government funding mechanisms or government fiscal activities which do not involve any commitment to any specific project, and organizational or administrative activities that would not result in a direct or indirect physical change to the environment.

#### **CEQA determination for Option #2:**

None required

### **Board Options**

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#### **Option #1**

Adopt a resolution designating authorized agents for funding from the California Office of Emergency Services and the Federal Emergency Management Agency.

**Fiscal Impact:** None

**Business Analysis:** This option would allow Metropolitan to receive other FEMA and CalOES grants, including reimbursement for disaster-related damage.

#### **Option #2**

Do not approve the resolution.



**Fiscal Impact:** Additional funds would be required to advance the Local Hazard Mitigation Plan.

**Business Analysis:** This option would forego the opportunity to receive current and future grant funds, including reimbursement for disaster-related damage.

**Staff Recommendation**

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Option #1

 _____ John V. Bednarski Manager/Chief Engineer Engineering Services	11/22/2022 _____ Date
 _____ Adel Hagekhalil General Manager	11/29/2022 _____ Date

**Attachment 1 – Designation of Applicant’s Agent Resolution for Non-State Agencies**

Ref# es12132022

GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
**Cal OES 130**

Cal OES ID No: \_\_\_\_\_

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

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_  
(Governing Body) (Name of Applicant)

THAT \_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the \_\_\_\_\_,  
(Name of Applicant)

a public entity 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 federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM),** 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.
- **Flood Mitigation Assistance Program (FMA),** under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the \_\_\_\_\_, a public entity established under the  
(Name of Applicant)

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

GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
**Cal OES 130**

**Please check the appropriate box below**

- ☐ This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- ☐ This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): \_\_\_\_\_

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_, do hereby certify that the above is a true and  
(Name of Applicant)

correct copy of a resolution passed and approved by the \_\_\_\_\_  
(Governing Body)

of the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
(Name of Applicant)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)