



- Board of Directors
Engineering and Operations Committee

1/10/2012 Board Meeting

7-2

Subject

Adopt resolution designating authorized agents to accept federal and state funding for declared disasters and to sign official correspondence for disaster assistance

Description

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 state Governor. Funding is obtained from the Federal Emergency Management Agency (FEMA) and the California Emergency Management Agency (Cal EMA). Examples of Metropolitan's disaster repair efforts that qualified for grant funding include \$5.9 million received for repairs related to the 1994 Northridge earthquake, and \$1.2 million for damage to Metropolitan's facilities sustained as a result of fires in 2007 and 2008, which included the Freeway Complex Fire in Orange and Riverside Counties.

FEMA and Cal EMA now require disaster assistance applicants to submit a board-approved Designation of Applicant's Agent Resolution (Resolution) every three years. The Resolution ([Attachment 1](#)) identifies the following staff as authorized agents for Metropolitan to obtain financial assistance for declared disasters:

- Assistant General Manager and Chief Operating Officer
- Group Manager of Water System Operations
- Assistant Group Manager of Water System Operations

A similar resolution was last approved by the Board in January 2000. Board approval is requested to update this Resolution which will allow Metropolitan to continue with ongoing disaster relief efforts and request available funding for future declared disasters that could occur over the next three years.

Policy

Metropolitan Operating Policy C-21- Accounting and Administration of Federally Funded Grants (and Cooperative Agreements)

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not subject to CEQA because it involves other government fiscal activities, which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed actions are not subject to CEQA pursuant to Sections 15378(b)(2) and 15378(b)(4) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and approve the Designation of Applicant’s Agent Resolution (**Attachment 1**).

Fiscal Impact: Metropolitan currently has approximately \$2.9 million of obligated funds approved by FEMA and Cal EMA for disaster recovery efforts currently underway, such as the repair of patrol road erosion from the December 2010 storms and additional damage from the 2008 fires. Approval of this Resolution will allow Metropolitan to request these funds once the repair work is complete.

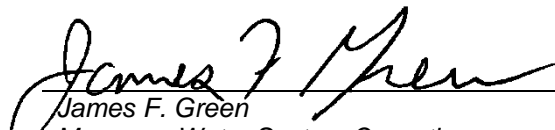
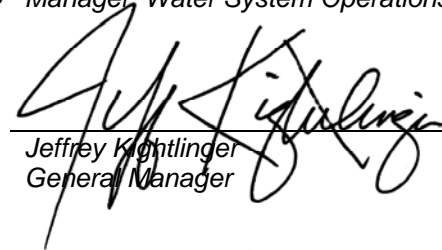
Option #2

Do not approve the Designation of Applicant’s Agent Resolution (**Attachment 1**).

Fiscal Impact: Metropolitan may not be eligible for approximately \$2.9 million of obligated funds approved by FEMA and Cal EMA for disaster recovery efforts currently underway. Metropolitan will be unable to request these funds once the repair work is complete.

Staff Recommendation

Option #1

	12/19/2011
James F. Green Manager, Water System Operations	Date
	12/21/2011
Jeffrey Kichtlinger General Manager	Date

Attachment 1 – Cal EMA Form 130: Designation of Applicant’s Agent Resolution for Non-State Agencies

**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 _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Emergency Management Agency 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 _____, 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 Emergency Management Agency 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 up to three (3) years following the date of approval below.

This is a disaster specific resolution and is effective for only disaster 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 correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20 _____.

(Signature)

Board Executive Secretary

(Title)

STATE OF CALIFORNIA
CALIFORNIA EMERGENCY MANAGEMENT AGENCY
Cal EMA 130 - Instructions

Cal EMA 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 approval.

When completing the Cal EMA 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, or county that has applied for the grant. Examples include: Sacramento Public Water Works; City of Sacramento; or Sacramento County.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Emergency Management Agency 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 EMA 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, Director, 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."