



REQUEST FOR BOARD ACTION

ITEM NO. 10

DATE OF MEETING: July 7, 2015

REQUESTED BY: Kyle M. Breuer, Director, Planning and Community Development

SHORT TITLE: Resolution Authorizing Designated Agents for 2014 Unified Hazard Mitigation Assistance Program.

BACKGROUND: On March 3, 2014 Planning Staff and Emergency Management Staff provided public information to the Board regarding the Unified Hazard Mitigation Assistance (UHMA) Program, funded through the North Carolina Division of Emergency Management (NCDEM) and Federal Emergency Management Agency (FEMA). This program is intended to offer assistance in the form of home elevation, foundation retrofitting, and acquisition to properties that have suffered repeated flood losses in Pender County.

UHMA funds have been made available for the FY 14 funding cycle and Pender County has been awarded \$2,099,254 to acquire and/or elevate certain residential dwellings above base flood elevation and/or retrofit the dwelling's foundation. The program will provide 100% of the cost of elevating/retrofitting dwellings and the County will experience no direct costs for this program.

Eleven applicants from Pender County were submitted on July 1, 2014 to NCDEM. Eligible applicants will be notified once funding has been secured with Pender County.

SPECIFIC ACTION REQUESTED: To consider a resolution designating both Director of Planning and Community Development, Kyle M. Breuer and Director of Emergency Management, Charles R. Collins, as agents for the 2014 Unified Hazard Mitigation Assistance Program.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby authorizes the Director of Planning and Community Development, Kyle M. Breuer and Emergency Management Director, Charles R. Collins, as designated agents for the 2014 Unified Hazard Mitigation Assistance Program. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ Brown ___ Keith ___ McCoy ___ Piepmeyer ___

J. David Williams, Jr., Chairman 7-7-2015

ATTEST 7-7-2015

U.S. Department of Homeland Security
FEMA Region IV
3003 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

June 19, 2015

Michael A. Sprayberry, Director
NC Department of Public Safety
Division of Emergency Management
4236 Mail Service Center
Raleigh, NC 27699-4236

Attention: Nicholas Burk, Section Manager for Hazard Mitigation Grants

Reference: FLOOD MITIGATION ASSISTANCE (FMA),
PROJECT APPROVAL: FMA-PJ-04-NC-2014-008, PENDER COUNTY
ELEVATION OF SIX RESIDENTIAL STRUCTURES

Mr. Sprayberry:

It is my pleasure to confirm that the following project sub-grant has been approved through the FMA grant program pursuant to the Congressional appropriations for Fiscal Year 2014. The Scope of Work (SOW) and Budget submitted by the State for this project sub-grant is approved except as noted in the Conditions below. Please be advised that any proposed change in the list of participating properties represents an SOW change and must be approved by our office prior to issuance of a contract or start of construction.

Project Number & Title	Federal Share	Non-Federal Share	Total Project Cost
FMA-PJ-04-NC-2014-008 Pender County: Elevation Project	\$936,820.02	\$ 0.00	\$936,820.02

1117 Ocean Blvd, Topsail Beach 28445	34.359873, -77.635474
1121 Ocean Blvd, Topsail Beach 28445	34.359745, -77.635643
1802 Ocean Blvd, Topsail Beach 28445	34.351299, -77.646414
1614 Ocean Blvd, Topsail Beach 28445	34.352538, -77.635079
1105 Ocean Blvd, Topsail Beach 28445	34.360515, -77.634787
1123 Ocean Blvd, Topsail Beach 28445	34.359635, -77.635815

This letter constitutes programmatic approval for use of FY2014 FMA funds. Sandra McNease, Assistance Officer, has issued the financial award and documentation in support of this approval through eGrants on 09/30/2017, and the State has accepted the award. The funds have been obligated to the appropriate PARS account.

The CATEX for this project has been issued in eGrants. After a review of the proposed project and its environment, and provided that the conditions listed below are met, it was determined that no extraordinary circumstances, as defined in 44 CFR 10.8(d)(3) exist regarding this proposed project. The conditions of approval placed on this project are listed in the Award Letter. The Record of Environmental Consideration (REC) Report is available for download from the Award section of the external eGrants system. Please review and abide by all REC Conditions.

The terms and conditions of this award are provided in the Agreement Articles issued through eGrants by Ms. McNease. Please review these Articles thoroughly and abide by all provisions.

FEMA will not establish activity completion timelines for individual subawards. Recipients are responsible for ensuring that all approved activities are completed by the end of the Grant Period of Performance (POP). The POP for FY2014 FMA is **April 21, 2014** through **September 30, 2017**. The Recipient shall submit a Final SF-425 and Performance Report no later than 90 days after the end date of the POP, per 2 CFR §200.343.

Thank you for submitting an application to the FY2014 FMA grant program. If you have any questions, please contact Victor Geer of my staff at (770) 220-5659.

Sincerely,

A handwritten signature in black ink, appearing to be 'JB', written over the word 'Sincerely,'.

Jacky Bell, Chief
Hazard Mitigation Assistance Branch
Mitigation Division

U.S. Department of Homeland Security
FEMA Region IV
3003 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

June 19, 2015

Michael A. Sprayberry, Director
NC Department of Public Safety
Division of Emergency Management
4236 Mail Service Center
Raleigh, NC 27699-4236

Attention: Nicholas Burk, Section Manager for Hazard Mitigation Grants

Reference: FLOOD MITIGATION ASSISTANCE (FMA),
PROJECT APPROVAL: FMA-PJ-04-NC-2014-010, PENDER COUNTY
ACQUISITION OF FIVE RESIDENTIAL STRUCTURES

Mr. Sprayberry:

It is my pleasure to confirm that the following project sub-grant has been approved through the FMA grant program pursuant to the Congressional appropriations for Fiscal Year 2014. The Scope of Work (SOW) and Budget submitted by the State for this project sub-grant is approved except as noted in the Conditions below. Please be advised that any proposed change in the list of participating properties represents an SOW change and must be approved by our office prior to issuance of a contract or start of construction.

Project Number & Title	Federal Share	Non-Federal Share	Total Project Cost
FMA-PJ-04-NC-2014-010 Pender County: Acquisition	\$1,162,434.00	\$ 0.00	\$1,162,434.00

13069 NC HWY 53 E. Maple Hill, NC 28454	34.643036, -77.740327
1420 N. Shore Dr. Surf City, NC 28445	34.439328, -77.521404
1422 N. Shore Dr. Surf City, NC 28445	34.439425, -77.521254
1206 S. Anderson Blvd Topsail Beach, NC 28445	34.359771, -77.637215
1310 N. Shore Dr. Surf City, NC 28445	34.437985, -77.523567

This letter constitutes programmatic approval for use of FY2014 FMA funds. Sandra McNease, Assistance Officer, has issued the financial award and documentation in support of this approval through eGrants on 09/30/2017, and the State has accepted the award. The funds have been obligated to the appropriate PARS account.

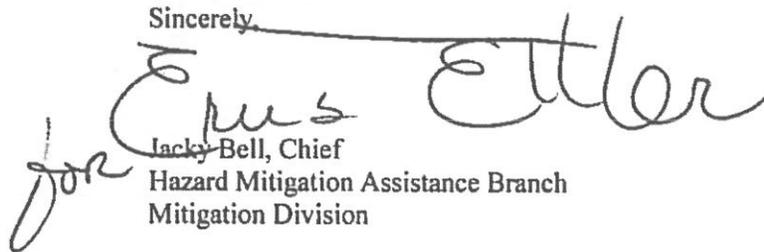
The CATEX for this project has been issued in eGrants. After a review of the proposed project and its environment, and provided that the conditions listed below are met, it was determined that no extraordinary circumstances, as defined in 44 CFR 10.8(d)(3) exist regarding this proposed project. The conditions of approval placed on this project are listed in the Award Letter. The Record of Environmental Consideration (REC) Report is available for download from the Award section of the external eGrants system. Please review and abide by all REC Conditions.

The terms and conditions of this award are provided in the Agreement Articles issued through eGrants by Ms. McNease. Please review these Articles thoroughly and abide by all provisions.

FEMA will not establish activity completion timelines for individual subawards. Recipients are responsible for ensuring that all approved activities are completed by the end of the Grant Period of Performance (POP). The POP for FY2014 FMA is **April 21, 2014 through September 30, 2017**. The Grantee shall submit a Final SF-425 and Performance Report no later than 90 days after the end date of the POP, per 2 CFR §200.343.

Thank you for submitting an application to the FY2014 FMA grant program. If you have any questions, please contact Victor Geer of my staff at (770) 220-5659.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jacky Bell", is written over a horizontal line. To the left of the signature, the word "for" is written in a smaller, simpler cursive script.

Jacky Bell, Chief
Hazard Mitigation Assistance Branch
Mitigation Division

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including, but not limited to the following authorities: OMB Circulars Nos. A-87, A-95, A-102 and A-110, where applicable, and Part 13 of Title 44 of the Code of Federal Regulations (C.F.R.), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grant or agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 205, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishment of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, P.L. 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assurance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.