

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 17, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *ps*

SUBJECT: DESIGNATION OF THE CITY MANAGER AS THE CITY'S AGENT AND AUTHORIZATION TO SUBMIT THE HURRICANE ISABEL PRE-APPROVED APPLICATION FOR FEDERAL ASSISTANCE

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**ISSUE:** Designation of the City Manager as the City's Agent and Authorization to Submit the Hurricane Isabel Pre-approved Application for Federal Assistance

**RECOMMENDATIONS:** That City Council:

- (1) Designate the City Manager as the City's designated agent for the purpose of filing this application with federal agencies; and
- (2) Authorize the City Manager to sign the pre-approved Application for Federal Assistance for Hurricane Isabel reimbursement from the Federal Emergency Management Agency (FEMA) in the amount of \$462,149.

**BACKGROUND:** The response to Hurricane Isabel engaged numerous agencies, organizations, and individuals from all levels of government and the private sector. City agency response activities resulted in approximately \$1,060,000 in additional operating costs. City staff provided FEMA documentation that described the City's response activities and the detailed costs.

**DISCUSSION:** To date, FEMA has pre-approved \$462,149 in reimbursement for eligible expenses incurred by the City during Hurricane Isabel. Under federal regulation, not all expenses a jurisdiction incurs are eligible for federal reimbursement. The City's Office of Emergency Management anticipates filing additional applications with FEMA for expense reimbursements for debris removal, as well as the \$0.7 million in estimated damage to the City's Marina, parking garages, and other City buildings.

**FISCAL IMPACT:** The City expended approximately \$1,060,000 in operating costs in response to Hurricane Isabel. The Office of Emergency Management is working with State and federal officials to receive reimbursement for these operating costs. Currently \$462,149 in

operating expenditures is pre-approved by FEMA for reimbursement. There is no City match required. Obtaining FEMA reimbursement for capital losses related to Hurricane Isabel is more complicated and takes more time than obtaining reimbursement for operating costs.

**ATTACHMENT:** Designation for Applicant's Agent and Application for Federal Assistance Forms.

**STAFF:**

Gary Mesaris, Fire Chief

Mark Penn, Emergency Management Coordinator

**APPLICATION FOR  
FEDERAL ASSISTANCE**

OMB Approval No. 0348-0043

		<b>2. DATE SUBMITTED</b>	Applicant Identifier
<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	<b>3. DATE RECEIVED BY STATE</b>		State Application Identifier
	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>		Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name: <b>City of Alexandria</b>		Organizational Unit:	
Address (give city, county, State, and zip code): <b>P.O. Box 178 Alexandria, VA 22313-1500</b>		Name and telephone number of person to be contacted on matters involving this application (give area code) <b>Mark Penn, 703-838-4600, x 283</b>	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 54 - 6001103		<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other(specify): _____		<b>9. NAME OF FEDERAL AGENCY:</b> <b>Federal Emergency Management AGENCY</b>	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE: _____		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> <b>FEMA-1491-DR-VA Hurricane Isabel, September 2003</b>	
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> <b>City of Alexandria, VA</b>			
<b>13. PROPOSED PROJECT</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date	Ending Date	a. Applicant	b. Project
9/18/03	1/9/04	City of Alexandria	Debris clearance & emerg. protective
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$		
c. State	\$		
d. Local	\$		
e. Other Admin	\$		
f. Program Income	\$		
g. TOTAL	\$		
		<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No	
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
a. Type Name of Authorized Representative		b. Title	c. Telephone Number
<b>Philip Sunder land</b>		<b>City Manager</b>	<b>703-838-4300</b>
d. Signature of Authorized Representative		e. Date Signed	

## STATE/GRANTEE-SUBGRANTEE DISASTER ASSISTANCE AGREEMENT

This agreement between the Commonwealth of Virginia (the State/Grantee) and the City of Alexandria, Va (Subgrantee) shall be effective on the date signed by the State/Grantee and the Subgrantee. It shall apply to all assistance funds provided by or through the State/Grantee to the Subgrantee as a result of Hurricane Isabel, which occurred September 2003, and pursuant to Emergency Declaration Number FEMA-1491-DR-VA.

The designated representative of the Subgrantee certifies that:

1. He/She has legal authority to apply for assistance on behalf of the Subgrantee and to sign the attached certifications.
2. The Subgrantee shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state disaster assistance.
3. The Subgrantee shall use disaster assistance funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative.
4. The Subgrantee is aware of and shall comply with cost-sharing requirements of federal and state disaster assistance; specifically that federal assistance is limited to 75% of eligible expenditures, that State assistance is limited to 15% of eligible costs (excluding alternate projects selected by the applicant) and that the Subgrantee shall provide from the Subgrantee's funds the remaining 10% of eligible costs. EXCEPTION: The State will not participate in the non-federal share for Private Non-profit Subgrantees.
5. The Subgrantee is aware that limited funding may be made available for mitigation of future disaster damages which requires cost-sharing on the basis of 75% federal and 25% non-federal contribution and that the Applicant may be required to provide the full non-federal share for such mitigation activities.
6. The Subgrantee shall establish and maintain a proper accounting system to record expenditures of disaster assistance funds in accordance with federally accepted accounting standards or as directed by the Governor's Authorized Representative.
7. The Subgrantee shall retain documentation supporting each claim for a period of not less than three years from the date of the final payment and; the Subgrantee shall give state and federal agencies designated by the Governor's Authorized Representative access to and the right to examine all records and documents related to the use of disaster assistance funds.
8. The Subgrantee shall return to the State, within sixty (60) days of such request by the Governor's Authorized Representative, any advance funds which are not supported by audit or other federal or state review of documentation maintained by the Subgrantee.
9. The Subgrantee shall comply with all applicable codes and standards in completion of eligible repair or replacement of damaged public facilities.
10. The Subgrantee shall comply with all applicable provisions of federal and state law and regulation in regard to procurement of goods and services and to contracts for repair or restoration of public facilities.
11. The Subgrantee shall begin and complete all items of work within the time limits established by the Governor's Authorized Representative.
12. The Subgrantee shall comply with all federal and state statutes and regulations relating to non-discrimination.

## ASSURANCES – CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As a duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal Interest in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §§ 4728-4763) Relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U. S. C. §§ 4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P. L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended 942 U. S. C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1973 (P. L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U. S. C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U. S. C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination Statute(s) which may apply to the application.

## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 CFR Part 17, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by subgrantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment. (See 44 CFR Part 17, Subpart C, 17.300, and Subpart D, 17.400.)

- A. The subgrantee certifies that it will or will continue to provide a drug-free workplace by:
- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subgrantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b) Establishing an ongoing drug-free awareness program to inform employees about--
    - 1) The dangers of drug abuse in the workplace;
    - 2) The subgrantee's policy of maintaining a drug-free workplace;
    - 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
    - 1) Abide by the terms of the statement; and
    - 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e) Notifying the agency in writing within ten calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS  
AND COOPERATIVE AGREEMENTS**

This certification is required by the regulations implementing the New Restrictions on Lobbying, 44 CFR Part 18. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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*Name and Title of Authorized Representative*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*