

Board of County Commissioners

Agenda Request

Date of Meeting: January 25, 2010

Date Submitted: January 19, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Timothy P. Barden, Assistant County Administrator
Eva Thorpe, OMB Analyst

Subject: Request Retroactive Board Approval to Submit an Application to the Florida Department of Community Affairs, Community Development Block Grant, Disaster Recovery Program for Pre Allocated Funding

Statement of Issue:

This agenda item requests, retroactive Board approval to submit an Application (Attachment #1) and required Resolution (Attachment #2) to the Florida Department of Community Affairs' Community Development Block Grant Disaster Recovery Grant Program (DCA-CDBG) for pre allocated funds in the amount of \$459,251.

Background:

Under the 2008 Supplemental CDBG Appropriations, Robert T. Stafford Disaster Relief and Emergency Assistance Act Congress appropriated funding to the State of Florida CDBG for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing and economic revitalization in areas affected by hurricanes, flooding, and other natural disasters that occurred during 2008 such as Gustav, Ike and T.S. Fay, for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The availability of the funding was originally announced in the Federal Register on February 13, 2009 and August 14, 2009. The deadline for the submission of applications was January 15, 2010. These original announcements provided only for recovery projects.

Staff met in November 2009 to discuss viable recovery projects to make application but concluded that an eligible project under recovery was not possible due to the most severe damage from these storms were flooding issues that were not included in the criteria. However, in early December 2009 after the CDBG Program held discussions with local governments throughout the state, it was decided that many of the affected local governments would not be able to utilize their allotment under the recovery component, so CDBG expanded the program to provide for mitigation. Once CDBG included mitigation as an eligible component under this allotment, this opened the door for the County to submit an eligible and viable application. Consequently, when DCA expanded the criteria to included mitigation, they did not extend the deadline of the grant passed the January 15, 2010 date, therefore limiting the amount of time available to prepare an application and the reason for this retro-active request for approval.

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Federal requirements clearly state that the funds can be used only for disaster related relief, long-term recovery in communities affected by the specified disasters and that the funds be directed to areas of greatest need. Additionally, the State of Florida, CDBG Action Plan submitted to the federal government requires that a minimum of 14% of the total funds allotted be used towards affordable rental housing activities. If the County chooses not to use the \$459,251 pre-allocated amount, the funds revert for use elsewhere. The amount of \$459,251 pre-allocated to Wakulla County is based on the DCA's compilation of preliminary damage assessment data from FEMA.

The DCA wanted to ensure that the counties with greatest disaster recovery or mitigation needs were targeted for funding in amounts adequate to make a measurable impact on the severity of local circumstances. Therefore, a simple allocation cut-off of \$190,000 was established to ensure significant awards. All allocations not meeting this threshold were re-distributed to those in the top-qualifying tier, distributed by each county's percentage of those within the tier. DCA felt that allocating the funds in this manner would ensure the greatest need received a significant amount to make measurable repairs and recovery. There is no match requirement for this funding.

In addition to the activities and services under this funding benefiting low and moderate income, the County was required to 1) consider the needs of all municipalities within the incorporated and unincorporated areas of the County 2) hold a meeting with stakeholders of the municipalities and County to discuss their needs and determine the projects of greatest need 3) post a public notice in a newspaper of general circulation and to the County website to inform citizens and provide for a 10-day comment period that stated the types of project(s) to be undertaken, the source and amount of funding available for the activities, and the date by which input was to be received.

Analysis

Project Description

The County proposes to use \$391,221.60 for gravel surfacing of 21.17 miles of roads or 111,777.60 linear feet at a cost of \$3.50 per linear feet. ESG will provide \$65,625 for labor and equipment support. The balance of \$68,029.40 or 15% will be used for affordable housing replacement, rehabilitation and flood mitigation through the County's Housing Department. The gravel surfacing of the roads at the historic Wakulla Gardens subdivision is intended to stabilize the roads so the gravel remains pervious as to not exacerbate flooding, and yet keep the road surface stable enough for ease of access by the residents, emergency service providers and responders and school system transport vehicles.

Stakeholders Meeting

Staff met with stakeholders from the City of Sopchoppy and from the City of St. Marks. Ms. Jackie Lawhon, the Sopchoppy City Clerk and Zoe Mansfield, St. Marks City Manager met with

County staff to discuss this funding opportunity and to identify eligible, viable and greatest need projects in their municipalities.

After lengthy discussion of the grant criteria Ms. Lawhon surmised that while the City of Sopchoppy sustained flooding during these hurricane events, but that the flooding was not substantial enough for a viable project to include for use of these funds. Ms. Zoe Mansfield also noted flooding had occurred in the City of St. Marks, but that based on the amount of funding available and the greatest need requirement set by DCA-CDBG, she was limited to only demolition of the old Posey building which she felt was affected by a hurricane event and currently posed a danger to the safety of residents in its current condition. This item was discussed in greater detail and consensus reached that this project would most likely not meet the low and moderate income criteria required by DCA-CDBG. Consequently, it was decided that perhaps the County could, through other means, such as Code Enforcement, potentially assist the City of St. Marks with demolition of the old Posey building, and this would enable the County full use of the CDBG allocation of \$459,251, minus the 15% for housing assistance, for road gravel surfacing and stabilization in the historic subdivision Wakulla Gardens. However, since the grant is for the whole of Wakulla County, Sopchoppy and St. Marks would not be excluded from utilizing the 15% housing assistance portion of the funding, if they have residents that qualify.

Additionally, on January 12, 2010 the County posted notice in the Tallahassee Democrat to allow a 10-day comment period for citizen input which ends on January 22, 2010. Input from citizens is vital to this application and for the justification of the 'urgent need' activity under which this application was submitted. To date, one citizen from the Wakulla Gardens subdivision has provided comments and pictures regarding the effects of the heavy rainfall experienced January 16-17, 2010. This information has been related to the State CDBG Disaster Recovery staff accordingly.

These funds are pre-allocated and specifically intended for Wakulla County. If the County did not apply for these funds, the funds will be redirected for use elsewhere. The use of these funds is restricted to disaster recovery activities for events specifically related to Gustav, Ike and T.S. Fay for which the President declared a major disaster. Additionally, the County was required to consider the needs of municipalities and to determine the greatest need for the use of the funds. The County has complied with this and with the publishing of a notice to provide a 10-day period for citizen input.

In addition, the criteria mandates that 14% of the \$459,251 or more be used to address affordable housing needs of low and moderate income residents affected by Gustav, Ike and T.S. Fay. The County will use 15% of these funds for housing assistance activities. This service area for the housing-related activities is County-wide, while the road gravel surfacing service area is limited

to the historic Wakulla Gardens subdivision. The DCA-CDBG Program anticipates making a site visit to view the service areas, review required compliance items, and provide general grants management guidance on February 23, 2010. The contract for the County's signature is expected to be made available by the DCA by June 1, 2010.

Summary

During disaster and heavy rainfall events the roads in the historic Wakulla Gardens subdivision become impassable causing obstruction to emergency responders such as emergency management, medical and fire services, law enforcement, humanitarian providers and to school system transport vehicles. In addition, the impassability of the roads hamper FEMA, State SERT and local Emergency Management Officials from entering the area to perform critical preliminary damage assessments required for reporting to FEMA for timely assistance to the County and to affected residents. The residents of the historic Wakulla Gardens subdivision are confronted with hardships that prevent them to obtain vital emergency assistance, damage to vehicles, missed work and school by the children.

These funds and the support of ESG in the amount of \$65,625 will enable the County to provide a workable solution to the road flooding situation at this historic subdivision while enabling the County to continue to seek ways and means to identify the necessary funds to eventually pay for a permanent storm water solution and paved roads.

The DCA-CDBG Program staff requested that the application be submitted by January 15, 2010 in draft, under the County Administrator's signature, in order to meet this preliminary deadline. The final application is to be submitted after the January 25, 2010 Board meeting to enable review and approval by the Board and for official signature of the Chairman to be affixed on all application and resolution documents. The DCA-CDBG Program staff has been very cooperative and supportive of the County's application. The DCA is aware of this retro-active request for approval and have been very flexible in the timeframe for completing this application and providing supporting documentation. Staff will continue to work in a collaborative effort with the DCA to complete the application process.

The County Attorney has reviewed the attached resolution and will review the final grant application prior to being submitted to DCA.

Options:

1. Approve retroactive authorization for the submission of the application to the DCA-CDBG Program and authorize the Chairman to execute the grant application and resolution documents.

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2. Do not approve retroactive authorization for the submission of the application to the DCA-CDBG Program and do not authorize the Chairman to execute the grant application and resolution documents.
3. Board Direction.

Recommendation:

Option #1

Attachment(s):

1. Application for DCA-CDBG Disaster Recovery Funding
2. Resolution

[BHP/TB/EST]