

Date January 13, 2020

APPROVING AND AUTHORIZING EXECUTION OF GRANT AGREEMENT AND COST SHARE OBLIGATION, APPROVING HMGP ADMINISTRATIVE PLAN, AND AUTHORIZING VOLUNTARY ACQUISITION OF PROPERTY FOR THE FEMA 2019 HMGP BUYOUT PROJECT, GRANT NO. DR-4386

WHEREAS, the State of Iowa (“State”) will receive Federal Emergency Management Agency (FEMA) funding under the Hazard Mitigation Grant Program (HMGP) as part of Presidential Disaster Declaration DR-4386-1A (August 20, 2018) as a result of severe storms, tornadoes, straight-line winds, and flooding that occurred in Iowa; and

WHEREAS, the State is making HMGP funds available for those eligible hazard mitigation project types that will reduce or eliminate the potential for harm to people and property from future natural hazards; and

WHEREAS, the Disaster Mitigation Act of 2000 (DMA 2000) requires a FEMA approved local hazard mitigation plan prior to FEMA awarding HMGP project funds; and

WHEREAS, on April 22, 2019, by Roll Call 19-0649, the City Council of the City of Des Moines Iowa approved and adopted the Polk County Multi-Jurisdictional Local Hazard Mitigation Plan; and

WHEREAS, on May 23, 2019, the City of Des Moines, Iowa (“City”) submitted a Notice of Interest (NOI) to the Iowa Homeland Security and Emergency Management Division (IHSEMD) in order to be eligible for consideration to apply for HMGP funds; and

WHEREAS, on May 23, 2019, the City received approval of its NOI and was formally invited to complete and submit an HMGP application; and

WHEREAS, on June 24, 2019, by Roll Call 19-1015, the City Council of the City of Des Moines, Iowa authorized and directed City staff to submit the HMGP application to FEMA; and

WHEREAS, on November 6, 2019, IHSEMD notified the City that the HMGP application for Grant No. DR-4386 had been submitted to FEMA for final review and approval; and

WHEREAS, on December 13, 2019, IHSEMD notified the City that federal assistance under the Hazard Mitigation Grant Program for Grant No. DR-4386 had been awarded in accordance with the scope of work and budget that were included in the application submitted and approved by IHSEMD and FEMA; and

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WHEREAS, the total amount of the grant funds awarded is \$1,329,658, which is based on a cost share basis, with the federal share not exceeding 75% (\$997,244), the state share not exceeding 10% (\$132,966), and the local share being a minimum of 15% (\$199,448) of the total project cost. The minimum 15% local share can be either cash or in-kind match; and

WHEREAS, said grant agreement must be approved and authorized by and between the City and IHSEMD, before federal grant funds can be made available; and

WHEREAS, the City's Administrative Plan for the Project must be submitted to IHSEMD for approval before the City is eligible for project reimbursement with grant funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Following review and approval of form by the City Real Estate Division Manager and Legal Department, the Mayor is hereby authorized and directed to execute the Project Grant Agreement for Grant No. DR-4386 with Iowa Homeland Security and Emergency Management Division (IHSEMD) for federal HMGP funding.
2. Following review and approval of form by the City Real Estate Division Manager and Legal Department, the Mayor is hereby authorized and directed to execute any additional documents or certifications required by said grant agreement, and any minor and unsubstantial amendments to said agreement related to the allocation of additional funds or the relocation of funds in the program budget, with all major amendments to said grant agreement being first sent to the City Council for approval.
3. That the Administrative Plan for the FEMA 2019 HMGP Buyout Project, Grant No. DR-4386, described above and on file with the City's Real Estate Division Manager, is hereby approved and shall be submitted to IHSEMD.
4. That the City's cost share obligation to provide the minimum 15% local share under said grant agreement is hereby approved.
5. That the voluntary acquisition of eligible properties and the relocation associated with said acquisition, all in accordance with the guidelines of the HMGP Grant Agreement and Administrative Plan, is hereby approved and authorized, and the Real Estate Division of the Engineering Department is authorized and directed to acquire the eligible properties through voluntary negotiations.

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6. The form of the Offer to Purchase Real Estate and Acceptance attached to the Administrative Plan for the FEMA 2019 HMGP Buyout Project, Grant No. DR-4386, described above and on file with the City's Real Estate Division Manager, is hereby approved.
7. That if the eligible property owners agree to convey the property to the City in accordance with the Administrative Plan, the Finance Director is hereby authorized and directed to issue checks in the amounts necessary to carry out these transactions, to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department, and to pay the City's cost share obligation under said grant agreement.
8. That the Real Estate Division Manager is hereby authorized to approve administrative settlements in accordance with the appeals process under the Administrative Plan and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
9. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.
10. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents associated with acquisitions for this Project, the approval and acceptance of this Council; the Mayor is authorized and directed to sign all necessary real estate documents associated with acquisitions for this Project; and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

★ Roll Call Number

Agenda Item Number

19

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(Council Communication No. 20- 028)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk