



**Roll Call Number**

15-1596

**Agenda Item Number**

13

**Date** September 28, 2015

**APPROVING AND AUTHORIZING EXECUTION OF GRANT AGREEMENTS AND COST SHARE OBLIGATION, APPROVING HMGP ADMINISTRATIVE PLANS, AND AUTHORIZING VOLUNTARY ACQUISITION OF PROPERTY FOR THE FEMA 2014 HMGP BUYOUT PROJECTS, GRANT NO. DR-4181 AND GRANT NO. DR-4184**

**WHEREAS**, the State of Iowa will receive Federal Emergency Management Agency (FEMA) funding under the Hazard Mitigation Grant Program (HMGP) as part of Presidential Disaster Declaration DR-4187-1A (August 5, 2014) as a result of severe storms, tornadoes, straight-line winds, and flooding that occurred in Iowa during the summer of 2014; 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 July 28, 2014, by Roll Call 14-1144, 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 October 31, 2014, 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 November 5, 2014, the City received a formal invitation to complete and submit an HMGP application; and

**WHEREAS**, on June 8, 2015, by Roll Call 15-0903, 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 June 16, 2015, IHSEMD notified the City that the HMGP funding was less than previously estimated, so the Des Moines project would need to be split into two applications and grants: DR-4181 (\$274,179) and DR-4184 (\$1,372,850); and

**WHEREAS**, on August 6, 2015, IHSEMD notified the City that the HMGP application for Grant No. DR-4181 had been submitted to FEMA for final review and approval; and



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**WHEREAS**, on August 10, 2015, IHSEMD notified the City that the HMGP application for Grant No. DR-4184 had been submitted to FEMA for final review and approval; and

**WHEREAS**, these grants are based on a cost share basis, with the federal share not exceeding 75%, the state share not exceeding 10%, and the local share being a minimum of 15% of the total project cost. The minimum 15% local share can be either cash or in-kind match; and

**WHEREAS**, on September 15, 2015, IHSEMD notified the City that federal assistance under the Hazard Mitigation Grant Program for Grant No. DR-4181 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

**WHEREAS**, the application for Grant No. DR-4184 is still being reviewed by FEMA and is expected to be approved in mid to late October of 2015; and

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

**WHEREAS**, Administrative Plans for the Projects 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 Agreements for both Grant No. DR-4184 and Grant No. DR 4181 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 agreements, and any minor and unsubstantial amendments to said agreements related to the allocation of additional funds or the relocation of funds in the program budgets, with all major amendments to said grant agreements being first sent to the City Council for approval.
3. That the Administrative Plans for the FEMA 2014 HMGP Buyout Projects, Grant No. DR-4181 and Grant No. DR-4184, described above and on file with the City's Real Estate Division Manager, are hereby approved and shall be submitted to IHSEMD.



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4. That the City's cost share obligation to provide the minimum 15% local share under said grant agreements 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 Agreements and Administrative Plans, are 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.
6. That if the eligible property owners agree to convey the property to the City in accordance with the Administrative Plans, 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 agreements.
7. 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.
8. 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.
9. 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.



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(Council Communication No. 15-504)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, Assistant City Attorney

PSW

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

CERTIFICATE

I, DIANE RAUH, 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.

Signature of T. M. Franklin, Mayor

Signature of Diane Rauh, City Clerk