MEMO

Date: Friday, July 11, 2014
To: Leo E. Ochs, Jr., County Manager
Through: Nick Casalanguida, Growth Management Division Administrator
From: Debbie Wight, Legislative Affairs Coordinator
Copy: Gary McAlpin, Coastal Zone Management Manager
      Mike Sheffield, Communication & Customer Relations Manager
Subject: FEMA Issues Meeting co-hosted by Collier County & the Florida Association of Counties (FAC) in Orlando June 18.
Attachments: Collier County PowerPoint
      FAC Letter to Senator Bill Nelson

- Turnout to a Federal Emergency Management Agency (FEMA) Issues Meeting co-hosted by Collier County and the Florida Association of Counties (FAC) June 18 in Orlando exceeded expectations of organizers. Forty representatives of some 20 local governments and other organizations – like Miami Dade and Broward counties, Orlando Utilities, Hillsborough, Charlotte, Monroe and Martin counties – attended the meeting to discuss common problems with actions and inactions of FEMA, and the associated consequences in communities statewide.

- Sally Heyman, Miami-Dade Commissioner, gave a “shout-out” to Collier County for initiating the conversation about FEMA. She also insisted the coalition should directly involve members of Congress, encouraging counties and other organizations to contact their district representatives sooner rather than later.

- “Florida is a state that’s 80 percent coastal,” Heyman added. “And we need to move on these issues immediately.”

- There was federal and state agency representation in Orlando: National Association of Counties (NACo) President Linda Langston and Executive Director Matt Chase were in attendance, respectively, as well as Florida Department of Emergency Management (FDEM) Director Bryan Koon who during a May 9 conference call with Collier staff
called the FEMA Issues Meeting “a great event as a kick-off” to address FEMA concerns.

- In Florida, FEMA deobligated about $275 million from 200 different local governments, school districts, state agencies, and other entities. The goal of FEMA nationally was to recover $800 million; deobligations in Florida represent 40 percent of the total.

- Specifically, Collier County is pursuing a corrective response that reverses FEMA’s deobligation of $11.2 million in funding previously approved by both the FDEM and the FEMA. The funds were awarded to Collier County in response to damages from Hurricanes Katrina and Wilma in 2005.

- The discussion in Orlando was dominated by FEMA deobligations – referred to as a “disallowed cost initiative” by the federal agency – and floodplain mapping.

- FAC through Assistant Legislative Director Eric Poole agreed to assume a leadership role in developing the statewide coalition and continuing the momentum launched at the FAC Annual Conference. The meeting is viewed by organizers as just the beginning of an ongoing effort to address deobligation and floodplain mapping issues with FEMA.

- Poole wrote a letter to Senator Bill Nelson (attached), that was presented to him June 20 prior to the senator’s address at the conference. He intends on writing a similar letter to Senator Marco Rubio in the near future. As a result of the June 18 meeting, incoming FAC President Grover Robinson – his county of Escambia was deobligated about $13 million – has already addressed FEMA issues with Sen. Nelson’s office.

- FEMA issues will be discussed at the NACo Annual Conference in New Orleans July 11-14. Poole will lead that conversation on behalf of Florida. He has already reached out to NACo staff and briefed them. When he returns to Tallahassee, he plans to reach out to Scott Dudley of the League of Cities.

- FAC plans to organize a type of FAC task force, work group to keep apprised of the FEMA issues and foster development of the coalition. County staff and/or Commissioners will participate in the task force. Koon has agreed to participate. Poole expects monthly conference calls re deobligation and bi-monthly (every 2 months) calls re floodplain mapping. He added that he has a good relationship with FEMA Region IV and believes they’ll have staff involved.

- To date, the FEMA Issues Meeting documents, activities and updates are posted on the FAC website at http://fl-counties.com/advocacy/federal

- Collier prior to the June 18 meeting created a website as well: www.colliergov.net/femaissuescoalition

- Collier County staff opened the FEMA Issues Meeting with a summary PowerPoint (attached) that presents Collier-specific concerns.

- Koon during his presentation at the meeting assured there are positive improvements “ahead” for FEMA policies and procedures. FEMA’s failure to meet required response times and imposing cumbersome, challenging rules and regulations were common complaints of FEMA by meeting attendees. Many who were deobligated at the meeting
agreed with Collier staff and were adamant about reversals of the disallowed cost action and re-compensation. Many local governments are in different stages of projects and FEMA involvement.

- Poole’s communiqué to Sen. Nelson noted the need for attention to the previously mentioned concerns: (1) Ensuring the Department of Homeland Security (DHS) and FEMA are not placing unreasonable timelines on counties in their closeout process and (2) That FEMA responds to the deobligations timeline in the regulations, typically within 90 days.

- In a meeting July 10 with the office staff of incoming Congressman Curt Clawson, District 19, county staff were made aware that Rep. Clawson has been appointed to the DHS Committee.

- Poole commented “this is a pretty good start to a very complex issue.” He admitted he’s still getting an understanding of it all, as there are different issues in different counties. For example, Collier’s main issue is its large appeal, while Broward is facing the threat of deobligations due to Project Worksheet (PW) closeouts.

- **Broward County** has 24 to 36 projects in different stages of the process, explained attorney Eddy Labrador, and $31 million at stake. When an inquiry was posed to FEMA, a painful 10-day deadline was imposed to provide voluminous documentation. Broward was told by FEMA officials that if the documents weren’t provided within the time period, their projects would be closed out.

- “If we get deobligated anywhere near $31 million, there will be problems,” Labrador said.

- Chip Merriam said the Orlando Utilities Commission was deobligated $16 million. “We are the second largest municipality provider in the state,” he said of a case known well at the FDEM level because of its far-reaching effects on citizens.

- “FEMA’s flaws in effective and efficient functioning are systemic,” said Nick Casalanguida, administrator of the Collier County Growth Management Division. “These are unacceptable level of service issues.”

- Collier County Coastal Zone Manager Gary McAlpin told the group assembled at the Hilton Bonnet Creek that it’s crucial for FEMA to facilitate and expedite the appeals process imposed on local governments and others suffering from damages of natural disasters and emergencies.

- Koon said he currently is dealing with 387 cases involving about $118 million. He claims to keep Governor Rick Scott informed about deobligations and continually briefs him with his updated spreadsheets.

- “I’m sure you understand that when FEMA issues a deobligation, funds are immediately withdrawn from the state (FDEM) account, which presents a budgetary challenge to my department,” said Koon. “The FDEM budget decreases as local government allocations are taken away by FEMA.”

- Presently, Koon reported that FEMA Director Craig Fugate has formed a strike team and is “pushing the senior guys” out into the community to address problems on the ground.
Ironically, Fugate was the FDEM director when Collier County’s PW’s were approved by FDEM and FEMA. Dollars received and spent by Collier County have now been pulled back by the FEMA chief in a different position. Under Fugate’s leadership at FEMA, the disallowed cost initiative was implemented.

- “I am confident we can fix this working together,” said Koon. “We can repair the process going forward by putting together this coalition and providing FEMA with a plausible resolution to the ailing regulations and procedures.”

- Reiterating, Casalanguida insisted Collier County is striving for full compensation for the deobligation. He requested return of deobligated dollars in addition to repair of a broken appeals process.

- “I am not dismissing the $11 million owed Collier taxpayers,” he said adamantly. “I want it all back.”

- The Collier County Board of County Commissioners (BCC) voted unanimously at its regular meeting on April 22 to endorse a strategy to develop a statewide coalition to address FEMA issues impacting Florida local governments and their citizens. The Collier County initiated endeavor included reaching out to other governments that also experienced negative fiscal effects from past FEMA directives as well as the federal body’s unresponsiveness and unreasonable handling of its own appeals processes, causing growing frustration and burdens among leaders striving to protect the lives, safety and welfare of their constituencies throughout the state of Florida.

- FEMA answers to the DHS and gets appropriated funds by Congress.

- Koon admitted that any local government or state agency deobligated in the disallowed cost initiative will have great difficulty in trusting FEMA in the future.

- Poole said to attendees: “You have our commitment to assist in unclogging FEMA and addressing these critical concerns.”