



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-3865, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Authorization to Accept Hazard Mitigation Program 4567 Grant Funding from the Federal Emergency Management Agency (FEMA) to Update Albany County's Multi-Jurisdictional Multi-Hazard Mitigation Plan and Amend the 2022 Albany County Budget

Date: 12/2/2022
Submitted By: Patrick Alderson
Department: Management & Budget
Title: Deputy Commissioner
Phone: 518-447-5525
Department Rep.
Attending Meeting: Patrick Alderson

Purpose of Request:

- ☐ Adopting of Local Law
- ☐ Amendment of Prior Legislation
- ☐ Approval/Adoption of Plan/Procedure
- ☐ Bond Approval
- ☒ Budget Amendment
- ☒ Contract Authorization
- ☐ Countywide Services
- ☐ Environmental Impact/SEQR
- ☐ Home Rule Request
- ☐ Property Conveyance
- ☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- ☒ Contractual
- ☐ Equipment
- ☐ Fringe

- ☐ Personnel
☐ Personnel Non-Individual
☒ Revenue

Increase Account/Line No.: D9 5110 44046; D4 5110 04306
Source of Funds: Federal Emergency Management Agency (FEMA)
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- ☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant

Acceptance

Submission Date Deadline Click or tap to enter a date.

- ☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):

New York State Division of Homeland Security & Emergency Services
1220 Washington Avenue
Building 7A, Suite 710
Albany, New York 12242

Amount/Raise Schedule/Fee: \$200,000

Scope of Services: Albany County's Local Multijurisdictional Multi-Hazard Mitigation Plan Update. The plan includes all 17 municipalities within the county and consists of participation of agencies, stakeholders and the public, hazard identification and risk/vulnerability assessment, mitigation strategy, plan adoption, and plan maintenance.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☒ No ☐
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line: D4 5110 04306
Revenue Amount: \$180,000

Appropriation Account and Line: D9 5110 44046
Appropriation Amount: \$180,000

Source of Funding - (Percentages)

Federal: 90%
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: 10%

Term

Term: (Start and end date) 12/1/2022-3/31/2025
Length of Contract: 28 months

Impact on Pending Litigation Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 21-230
Date of Adoption: 7/12/21

Justification: (state briefly why legislative action is requested)

The County Executive's Office is requesting authorization to accept Hazard Mitigation Grant Program Project Number 4567 funding from the Federal Emergency Management Agency (FEMA) to update Albany County's Multi-Jurisdictional Multi-Hazard Mitigation Plan and amend the 2022 Albany County Budget. The update to the Hazard Mitigation Plan includes all 17 municipalities within the County and consists of participation of agencies, stakeholders and the public, hazard identification and risk/vulnerability assessment, mitigation strategy, plan adoption, and plan maintenance. The grant is for a total of \$200,000, of which 10% (or \$20,000, which was already included in the Department of Public Works' 2023 Budget) is local match. The request to amend the 2022 Albany County Budget is to incorporate the federal share of the grant, 90% or \$180,000 into the Department of Public Works budget, so they can begin the process of competitively procuring an engineering firm to lead the Hazard Mitigation Plan update. The period of performance of the grant is from 12/1/2022 to 3/31/2025.



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

December 2, 2022

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The County Executive's Office is requesting authorization to accept Hazard Mitigation Grant Program Project Number 4567 funding from the Federal Emergency Management Agency (FEMA) to update Albany County's Multi-Jurisdictional Multi-Hazard Mitigation Plan, and amend the 2022 Albany County Budget. The update to the Hazard Mitigation Plan includes all 17 municipalities within the County and consists of participation of agencies, stakeholders and the public, hazard identification and risk/vulnerability assessment, mitigation strategy, plan adoption, and plan maintenance. The grant is for a total of \$200,000, of which 10% is local match. The request to amend the 2022 Albany County Budget is to incorporate the federal share of the grant, 90% or \$180,000 into the Department of Public Works budget, so they can begin the process of competitively procuring an engineering firm to lead the Hazard Mitigation Plan update. The period of performance of the grant is from 12/1/2022 to 3/31/2025.

Should you have any questions, please don't hesitate to reach out.

Sincerely,

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel

ACCOUNT NO.	RESOLUTION DESCRIPTION	ORIGINAL BUDGET	INCREASE	DECREASE	UNIT COST
D9 5110 44046	Fees for Services		\$180,000.00		\$310,900.00
	TOTAL APPROPRIATIONS		\$180,000.00	\$0.00	
ACCOUNT NO.	RESOLUTION DESCRIPTION		DECREASE	INCREASE	UNIT COST
D4 5110 04306	Homeland Security			\$180,000.00	\$180,000.00
	TOTAL ESTIMATED REVENUES		\$0.00	\$180,000.00	
	GRAND TOTALS		\$180,000.00	\$180,000.00	

DEPARTMENT NAME

DPW

DEPARTMENT NAME

DPW



FEMA

November 10, 2022

Ms. Rayana Gonzales
Alternate Governor's Authorized Representative
New York State Division of Homeland Security & Emergency Services
1220 Washington Avenue
Building 7A, Suite 710
Albany, New York 12242

Attn: Marlene D. White, Chief of Mitigation

RE: FEMA-4567-DR-NY
Hazard Mitigation Grant Program (HMGP)
HMGP Project# 4567-0020
Albany County
Multi-Jurisdictional Multi-Hazard Mitigation Plan Update - Project Approval Letter

Dear Ms. Gonzales:

The Federal Emergency Management Agency (FEMA) Region 2 has completed review of the New York State Division of Homeland Security and Emergency Services (DHSES) for funding of the Hazard Mitigation Program (HMGP) project number 4567-0020 for the Albany County Multi-Jurisdictional Multi-Hazard Mitigation Plan. DHSES as the grant recipient (hereinafter known as the Recipient) will administer this sub-grant award to Albany County (hereinafter known as the Sub-Recipient).

Funding has been made available in an amount not to exceed total project costs of \$200,000 with a federal share of \$180,000 and the required non-Federal matching share of \$20,000. In addition, Sub-Recipient management costs were also requested and will be made available for an amount not to exceed a total cost of \$10,000. The necessary costs of requesting, obtaining, and administering federal disaster sub-grants will only be covered by an allowance as defined in 44 CFR Part 207. Approval is contingent upon the fulfillment of all conditions identified by FEMA (see the attached Conditions of Approval [COA]).

The Period of Performance (POP) deadline of March 31, 2025, has been established for this grant program. DHSES will administer this sub-grant within the grant program POP. This POP provides ample time for the Sub-Recipient to complete all activities identified within the approved scope of work, and to address any potential delays that may arise due to permitting requirements, weather conditions or other unforeseen circumstances. It also includes sufficient time for DHSES to conclude its administrative contract requirements after the project is completed.

The approved Scope of Work (SOW) outlined in the application includes Albany County's Local Multijurisdictional Multi-Hazard Mitigation Plan Update. The plan includes all 17 municipalities

Ms. Rayana Gonzales
November 10, 2022
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within the county and consists of participation of agencies, stakeholders and the public, hazard identification and risk/vulnerability assessment, mitigation strategy, plan adoption, and plan maintenance.

Any change to the approved Scope of Work as identified within the application must be submitted to FEMA Region 2 for consideration and approval prior to implementation. This includes any potential extension of the Sub-Recipient project schedule as identified within the conditions of approval. Execution of any modification to the approved scope of work without prior FEMA Region 2's approval may jeopardize funding for the sub-grant project as a whole. In accordance with 2 CFR Part 200, the Recipient must ensure that Sub-Recipients are aware of requirements imposed upon them by Federal Statute and regulations.

Please be advised that the Local Mitigation Planning Policy Guide FP 206-21-0002 (Guide, Policy) was released on April 19, 2022, and is effective on April 19, 2023. The Guide is FEMA's official policy and interpretation of the applicable statutes and mitigation planning regulations at 44 Code of Federal Regulations (CFR) Part 201. The policy applies to state and local governments that update and implement state and local mitigation plans as well as FEMA officials who review and approve those plans. This updated policy will become effective on April 19, 2023. The transition period before policy changes take effect for mitigation plan approvals provides time for state and local governments to review and incorporate the changes needed for an approved hazard mitigation plan. Plans that are not approved by the effective date will have to meet the requirements established in the updated policies. The guide and frequently ask questions are available on the following links: [Local Mitigation Planning Policy Guide \(fema.gov\)](https://www.fema.gov/local-mitigation-planning-policy-guide) and, [FAQs: Updates to State and Local Mitigation Planning Policy Guides \(fema.gov\)](https://www.fema.gov/frequently-asked-questions-local-mitigation-planning-policy-guides)

FEMA urges your office to meet with the Sub-Recipient to review the project requirements as soon as possible. At this meeting, please discuss in detail the COA and project schedule including quarterly performance reporting and fiscal documentation requirements. FEMA is available to assist the Recipient and Sub-Recipient in the implementation of this project.

Should you have any questions or require additional information, please contact Sharon Edwards, Hazard Mitigation Assistance Branch Chief at (212) 680-3633 or by email at Sharon.Edwards@fema.dhs.gov.

Sincerely,

Michael F. Moriarty
Director
Mitigation Division

cc: Ms. Marlene D. White, NYSDHSES, Chief of Hazard Mitigation Programs

Attachment: Conditions of Approval (COA)

CONDITIONS OF APPROVAL
HMGP Project: 4567-0020
Multijurisdictional Hazard Mitigation Plan Update
Albany County

FEMA Region 2 approval is contingent upon fulfillment of all the following conditions:

1. Approved Scope of Work

The approved Scope of Work (SOW) outlined in the application includes Albany County's Local Multijurisdictional Multi-Hazard Mitigation Plan Update. The plan includes all 17 municipalities within the county and consists of participation of agencies, stakeholders and the public, hazard identification and risk/vulnerability assessment, mitigation strategy, plan adoption, and plan maintenance.

2. Scope of Work Changes

In accordance with 2 CFR Section 200.308, pass-through entities must obtain FEMA's prior approval whenever there is a proposed scope of work (SOW) change. Requests for changes to the SOW after award are permissible if they are consistent with the intent of the program. Requests must be made in writing and demonstrate the need for the scope change. The request also should include a revised scope, schedule, and budget. Any SOW changes are subject to all programmatic requirements, including EHP review requirements. All approvals will be at FEMA's discretion.

3. Other Regulatory Requirements

As part of our approval, the Sub-recipient is required to adhere to all applicable Federal regulations including the following: 2 CFR 200: Uniform administrative requirements, cost principles, and audit requirement for federal award.

4. Budget Changes

Recipients and Sub-Recipients are permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved budget. For more information on direct cost categories, please see 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments. Projects will require the prior written approval of FEMA as follows:

- Cost overrun and underruns can result from a scope, schedule or budget change.
- Recipients must notify FEMA prior to redirecting funds from an underrun to other approved sub-grants for which an overrun has been requested. The sub-grant must continue to programmatic eligibility requirements to include cost share.

5. Project Completion Schedule

The sub-grant project must be completed under the project schedule provided by the *Sub-Recipient* within the project application, as finalized prior to project approval. The project completion date for this sub-grant award is March 31, 2025. Changes to this schedule would be considered a SOW change and therefore must be pre-approved by FEMA and the grant Recipient. Please note, the sub-

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HMGP Project: 4567-0020
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grant project schedule is unique and separate from the grant Period of Performance (POP). The grant POP is the period during which the Recipient (DHSES) is expected to administer all HMGP activities under the declared disaster.

6. Period of Performance Extensions

In order for the Sub-Recipient to be considered for a period of performance extension, DHSES must submit a formal written request to the Regional Administrator no later than sixty (60) days prior to the expiration of the period of performance and must include a justification for the extension. This justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended performance period; and a description of performance measures necessary to complete the project within the requested extended period of performance. Other information required with this request includes: a revised budget information form (regardless of whether or not there are changes to the budget); copies of any contracts entered into by Sub-Recipient with vendors; percentage of work completed, and a description of all work completed. Extensions may not be considered for projects that are a result of delays in project initiation and implementation.

7. Reporting Requirements

Recipients and Sub-Recipients must maintain records of work and expenditures. Recipients submit quarterly financial and performance reports to FEMA on January 30, April 30, July 30, and October 30. The first quarterly reports are due 30 days of the end of the first federal quarter following the initial grant award. FEMA may waive the initial reports. The Recipient shall submit quarterly financial status and performance reports thereafter until the grant ends. Failure to submit financial and performance reports to FEMA in a timely manner may result in an inability to access grant funds until proper reports are received by FEMA. Recipients are encouraged to contact FEMA should this occur

8. Performance Reports

The Recipient shall submit a quarterly performance report for each grant award. Performance reports should include:

- Reporting period, date of report, and Recipient POC name and contact information.
- Project identification information, including FEMA project number (including disaster number and declaration date for the HMGP), Sub-Recipient, and project type using standard NEMIS project type codes.
- Significant activities and developments that have occurred or have shown progress during the quarter, including a comparison of actual accomplishments to the work schedule objectives established in the grant.
- Percent of work completed and whether completion is on schedule, a discussion of any problems, delays, or adverse conditions that will impair the ability to meet the timelines stated in the grant, and anticipated completion date.

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HMGP Project: 4567-0020
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Albany County

- Status of costs, including whether the costs are: (1) unchanged, (2) overrun, or (3) underrun. If there is a change in cost status, the report should include a narrative describing the change.
- A statement of whether a request to extend the grant POP is anticipated.

Requests for additional project time extensions would only be considered in instances where the Sub-Recipient has provided the Recipient with accurate quarterly status reports. FEMA may suspend drawdowns from SMARTLINK if quarterly reports are not submitted on time.

9. Financial Reports

Recipients shall submit a quarterly Federal Financial Report (FFR). Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which is due to FEMA within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the POP, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent. The final FFR is due 90 days after the end of the POP.

The Office of Management and Budget (OMB) has directed that FFR (SF-425) replace the use of the SF-269, SF-269A, SF-272, and SF-272-A. The SF-425 is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements. FEMA may suspend drawdowns from SMARTLINK/PARS if quarterly reports are not submitted on time.

10. Closeout

As required by 44 CFR 206.438(d), the Recipient will submit a letter signed by the Governor's Representative or equivalent certifying that:

- The report costs were incurred in the performance of eligible work.
 - The approved work was completed, and the mitigation measure follows the provisions of the FEMA-STATE Agreement.
 - Each sub-grant has been completed in compliance with the approved SOW.
 - Actual expenditures have been documented and are consistent with the SF-424A or SF-424C.
 - All program income has been deducted from total project costs as specified in 2 CFR Part 200.80.
 - All project work was performed in accordance with all required and applicable building codes as modified or protected by the approved project. (If applicable)
 - For new or updated hazard mitigation plans, a final copy of the FEMA-approved and community-adopted plan has been submitted to FEMA. (If applicable)
 - The activity is consistent with 44 CFR Part 201 and 206.
-
- The Recipient can claim management costs based on three conditions to whichever of the following occurs first:

CONDITIONS OF APPROVAL
HMGP Project: 4567-0020
Multijurisdictional Hazard Mitigation Plan Update
Albany County

- 180 days after work is completed on the last non-management cost HMGP project for the declaration, OR
- 180 days after the last performance period of the last non-management costs HMP project for the declaration, OR
- Eight years from the date of the major disaster declaration. Whichever conditions occurs first, is when the timeframe for the Recipient to submit their management cost claim begins. Please note, DHSES can charge their management costs activities for individual project in this claim. Recipients are only authorized funding from them up to 10% rate. The 2CFR Sections 200.343 and 200.344 established: *The Recipient must submit a final SF-425 and Performance Report no later than 120 days after the end date of the POP.*

The Sub-Recipient can claim management costs incurred up to whichever of the following occurs first:

- 180 days after work is completed for the non-management cost HMGP project for the declaration. OR
- 180 days after the latest performance period for the non-management cost HMGP project. OR
- The recipient management cost award has been closed out.
When one of the conditions is triggered, the timeframe for the Sub-Recipient to submit their management cost claim begins.
- The recipient can claim management costs incurred up to whichever of the following occurs first:
 - 180 days after work is completed on the last non-management cost HMGP project for the declaration.
 - 180 days after the latest performance period of the last non-management cost HMGP project for the declaration.
 - Eight years from the date of a major disaster declaration.

When one of the conditions is triggered, the timeframe for the Recipient to submit their management cost claim begins. This typically will occur when the grant/disaster is preparing to close.

The Recipient must submit final reports when it determines that all administrative actions and required work have been completed. These reports include the final SF-425, final Performance Report, and any outstanding sub-grant closeout documentation.

The Recipient must submit a final SF-425 and Performance Report no later than 120 days after the end date of the POP, per 2 CFR Sections 200.343 and 200.344. Sub-Recipients must submit final reporting to the pass-through entity no later than 90 days after the end of the Period of Performance. To ensure that this requirement is met, the Recipient will ask the Sub-Recipient to submit final payment request within sufficient time after project completion to allow time to close the project.

RESOLUTION NO. 230

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND
EMERGENCY SERVICES HAZARD MITIGATION GRANT PROGRAM**

Introduced: 7/12/21

By Public Safety Committee:

WHEREAS, The County Executive has requested authorization to submit a grant application to the New York State Division of Homeland Security and Emergency Services for the Federal Emergency Management Agency Hazard Mitigation Grant Program funds for Presidential Disaster Declaration DR-4567 for an amount of \$150,000, and

WHEREAS, The County Executive has indicated that such funding, which requires a 25% County match, would be used to support updates to the County's multi-hazard mitigation plan, enhance the County's resiliency posture, avoid loss of life and reduce damages to properties, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the New York State Division of Homeland Security and Emergency Services for the Federal Emergency Management Agency Hazard Mitigation Grant Program funds for Presidential Disaster Declaration DR-4567, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 7/12/21

Mr. A. Joyce abstained.

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 12th day of July, 2021, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 13th day of July, 2021.

A handwritten signature in cursive script, reading "Nicole Chambers", written over a horizontal line.

Clerk, Albany County Legislature