

RESOLUTION NO. 56-2010

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; REGARDING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE FOR BUILDING SAFETY INSPECTIONS SUPPORTING EMERGENCY WORK IN THE EVENT OF A DECLARED DISASTER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Malabar is a municipal corporation organized and existing in Brevard County, Florida; and

WHEREAS, the Town of Malabar desires to put policies in place to provide eligibility for federal assistance for emergency response and recovery initiatives as soon as the disaster is declared; and

WHEREAS, the Town of Malabar contracts with Florida Municipal Trust Insurance to provide Public Risk Coverages and Services; and

WHEREAS, the Florida Municipal Trust Insurance under the direction of the Florida League of Cities Public Risk Services has provided its members the benefits from lessons learned from past declared disaster events and offers the FMIT Turnkey Recovery managed by Synergy, to help minimize the financial exposure that claims can have on our cash-flow, eliminating the recovery cost burden and the reimbursement process, reduces the overall recovery costs by leveraging pre-certified vendors, preferred pricing agreements, negotiated general conditions and reduced layering of contractor and overhead costs; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Town Council hereby directs that following a disaster declaration by the President and a designation for Public Assistance grant funding by FEMA, if assistance for response and recovery operations are made available, the Town of Malabar plans to utilize the following initiative in order to support and supplement its eligible Recovery Operations.

DISASTER ASSISTANCE POLICY 9523.2 (Building Safety Inspections)

The Town of Malabar, under direct departmental supervision and in accordance with stated FEMA PA Guidelines, will engage applicable Building Safety Inspections necessary to establish whether a damaged structure poses an immediate threat to life, public health, and/or safety.

POLICY: Eligible Work for Building Safety Inspections (Under Sections 403 & 502b)

The Town of Malabar does not have the capacity or financial resources necessary to perform the Building Safety Inspection Services in the timeframe required during a period of increased demand in order to address an immediate threat to lives, public

health and safety, or improved property. With that said, the following policy and procedures will be employed under the authority of the Malabar Town Council as directed by the Town Administrator:

1. Eligible building safety inspection activities include inspecting buildings to determine whether they are safe for entry, occupancy and lawful use as well as posting appropriate placards.
 - a. Generally, building safety inspections consist of but are not necessarily limited to, a thorough exterior/interior visual examination of potentially damaged structure necessary to determine whether building is unsafe, restricted access, or safe for use.
 - b. Building safety inspections primarily address structural safety, but may also address nonstructural risks such as electrical hazards, hazardous materials (including, but not necessarily limited to, mold and asbestos), security issues, or fire safety concerns.
 - c. All eligible building safety inspections will be performed and concluded within the first 72hours (not to exceed 6 months) of the related disaster declaration unless extensions for extenuating circumstances or unusual project requirements prevail (and have been approved by FEMA).
2. Eligible work for Building Safety Inspections will be written as "Category B" Emergency Work on the Project Worksheet (PW).
3. Under Sections 403 & 502b of the Stafford Act and in accordance with 44 CFR §206.228, 44 CFR 13, and OMB Circular A-87, allowable reimbursement costs/procurement for Building Safety Inspections will include, but are not necessarily limited to:
 - a. Overtime (but not straight-time) for permanently employed staff.
 - b. Hiring &/or contracting additional temporary staff or 3rd Party Services.
 - c. Additional temporary office space for staffing requirements.
 - d. Telecommunications/Computer set-up as necessary to support staffing requirements.
4. Contracting & Procurement methods will be performed according to normal standards with consideration given to current market rates/conditions and what is deemed prudent and reasonable in order to mitigate damages and prevent increased secondary damages or costs that would adversely affect daily operational components. Reasonable costs may be established, but not necessarily limited to, the following:
 - a. Utilizing extended project management services of Synergy Recovery Resources, who has been previously engaged by the City under pre-authorized pricing/service rates by the Florida Municipal Insurance Trust (FMIT Insurance Carrier).
 - b. The use of historical documentation for similar work;
 - c. Average costs for similar work in the area;
 - d. Published unit costs stored in FMIT's simpliCitySM software or other national cost estimating databases that include burden rates for emergency services.

- e. FEMA cost codes, equipment rates, and engineering and design services curves.

FEMA PA FUNDING & COST REIMBURSEMENTS

It is understood that the Town of Malabar may not receive funding from two sources for the same item of work as outlined in FEMA Policy 9525.3 Duplication of Benefits. If FEMA funds are duplicated by another source, the FEMA funds will be returned. To prevent duplication and to eliminate de-obligated funds, FMIT's SimpliCity will be accessed to verify approved insurance claims and associated proceeds.

Furthermore, if a damaged facility is insured, it is understood that FEMA is required to reduce the amount of the grant by any insurance proceeds that the Town of Malabar anticipates or receives for the specific insured facility/property. If eligible insurance proceeds have not been fully settled with the FMIT or updated to FMIT's simpliCitySM software at the time the Project Worksheet is developed, FEMA will estimate the anticipated proceeds and this value will be used for the appropriate reduction. (Refer to www.FEMA.org for additional discussion regarding insurance requirements).

FEMA PA GRANT DOCUMENTATION

All eligible project costs and services will be documented and detailed on the assigned Project Worksheet and may be stored/tracked in FMIT's SimpliCity. This includes keeping detailed records of all receipts, contracts, labor/service logs, employee time sheets, etc that would be necessary to document associated FEMA PA project costs/expenses. Additionally, all FMIT Insurance proceeds from approved claims &/or relevant project denial letters will be archived and available for reference for FEMA Grant justification and support. (Refer to www.FEMA.org for additional discussion regarding PW requirements and documentation).

Section 2. The Town Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Florida League of Cities, FMIT insurer and maintain a copy in the current FEMA file.

Section 3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council member Borton. The motion was seconded by Council member Vail and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	Aye
Council Member Brian Vail	Aye
Council Member Steven (Steve) Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye

Council Member Marisa Acquaviva

Excused

This resolution was then declared to be duly passed and adopted this 19
day of July, 2010.

TOWN OF MALABAR

BY: Thomas M. Eschenberg
Thomas M. Eschenberg, Chairperson

ATTEST:

Debby K. Franklin
Debby K. Franklin,
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne
Karl W. Bohne, Jr.,
Town Attorney