

Memorandum



Date: July 10, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Information on Florida Association of Counties Letter Regarding Repayment of \$14 Million in Previously Approved Recovery Funds

This memorandum serves as a response to a question raised by Commissioner Sally A. Heyman at the June 25, 2014 Finance Committee meeting regarding the Florida Association of Counties (FAC) letter dated June 19, 2014 to US Senator Bill Nelson. More specifically, FAC indicates that Miami-Dade is required to repay over \$14 million in previously approved recovery funds, and Commissioner Sally A. Heyman requested a breakdown of the impacts.

County staff was able to obtain from FAC the breakdown of the \$14 million by sub-grantee in the geographical region of Miami-Dade County. This list includes municipalities, the Miami-Dade Public School District, and the Public Health Trust. Miami-Dade County government is not one of the sub-grantees in the list pending a potential repayment.

If you have any questions, please feel free to contact Deputy Mayor Edward Marquez at 305-375-1451.

Attachments

c: R.A. Cuevas, Jr., County Attorney
Office of the Mayor Senior Staff
Department Directors
Charles Anderson, Commission Auditor



June 19, 2014

The Honorable Bill Nelson
United States Senate
716 Senate Hart Office Building
Washington, DC 20510

Dear Senator Nelson:

As you are well aware, Florida has been impacted by several natural disasters over the last two decades, causing widespread damage to homes, businesses and critical infrastructure. Our state's ability to recover successfully from these events is due in large part to its partnership with the Federal Emergency Management Agency (FEMA) and the financial assistance provided under the Robert T. Stafford Disaster Relief Act. It is through this partnership that local governments work with the State of Florida and FEMA to develop recovery projects that include eligible costs to be reimbursed by FEMA once the project is completed. Historically, this process and partnership has worked well, with only occasional audit exceptions being noted by either FEMA or the State for minor issues at the local level.

Since 2010, the Department of Homeland Security has aggressively sought to recover previously-approved recovery funds from local governments. While this issue seemed somewhat minor in 2010, with FEMA seeking to deobligate approximately \$7 million from Florida local governments, it has since swelled to nearly \$100 million statewide. It is important to note that these are projects that were previously reviewed and approved by FEMA but, years later, are found to be ineligible. The magnitude of this process is not insignificant. For example, the state reports that Broward County is required to pay back more than \$17 million in project costs, while Collier County is facing deobligations in excess of \$11 million and Miami-Dade is required to repay over \$14 million.

The process of deobligating funds is complicated and places counties in untenable positions. Specifically, counties are typically asked to provide back-up documents for projects that are sometimes 7 years old within a period of days or face deobligation. In some cases, unreasonable and arbitrary timeframes are placed on counties to provide this information, with failure potentially resulting in funds being deobligated.

In contrast, FEMA does not appear to hold itself to the same standard. Specifically, federal regulations allow local governments to appeal FEMA decisions, and FEMA is required to render an opinion on the appeal within 90 days. However, in some instances, as is the case with Collier County, FEMA

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The Honorable Bill Nelson

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has not taken action on an appeal it has had for nearly 18 months. This double standard and its resulting delays cause prolonged fiscal uncertainty for counties awaiting a decision concerning whether they will have return recovery funds to the federal government.

Recognizing our state's vulnerability to storms and the importance of federal assistance in local recovery, Florida requires a recovery process whose policies and regulations are clear and unambiguous on the front-end and not punitive on the back. In consideration of these issues, the Florida Association of Counties (FAC) respectfully asks for your assistance in ensuring FEMA's deobligation process includes reasonable timeframes for counties to respond to information requests, and that FEMA make timely decisions on appeals filed by counties facing the potential of federal funds.

Sincerely,

A handwritten signature in black ink, appearing to read "Grover Robinson", with a long horizontal flourish extending to the right.

Grover Robinson
Escambia County Board of County Commissioners
Florida Association of Counties, President

Cc: Commissioner Grover Robinson, Escambia County
Commissioner Barry Holloway, Nassau County
Commissioner Barbara Sharief, Broward County
Commissioner Doug Smith, Martin County
Chris Holley, Florida Association of Counties, Executive Director

DR	Event Name	County	Subgrantee Name	Subgrantee Classification	Total to be Repaid
1609	H. Wilma	Miami-Dade	ASPIRA of Florida, Inc.	Other	\$ (58,195.00)
1609	H. Wilma	Miami-Dade	Association for Retarded Citizens, South Florida	Other	\$ (47,874.66)
1602	H. Katrina	Miami-Dade	Aventura, City of	City	\$ (23,873.43)
1609	H. Wilma	Miami-Dade	Aventura, City of	City	\$ (73,870.66)
1609	H. Wilma	Miami-Dade	Borinquen Health Care Center, Inc.	PNP	\$ (63,012.27)
1609	H. Wilma	Miami-Dade	Coral Gables, City of	City	\$ (163,491.87)
1609	H. Wilma	Miami-Dade	East Ridge Retirement Village, Inc.	Other	\$ (115,263.30)
1609	H. Wilma	Miami-Dade	Florida Memorial College	Non-Critical PNP	\$ (277,197.59)
1602	H. Katrina	Miami-Dade	Hialeah, City of	City	\$ (110,106.70)
1609	H. Wilma	Miami-Dade	Hialeah, City of	City	\$ (2,193,392.80)
1602	H. Katrina	Miami-Dade	Hialeah, City of	City	\$ (103,979.05)
1609	H. Wilma	Miami-Dade	Miami-Dade College	College	\$ (542.92)
1609	H. Katrina	Miami-Dade	Miami Gardens, City of	City	\$ (17,978.20)
1602	H. Katrina	Miami-Dade	Miami-Dade County Public Schools	Public School District	\$ (1,217,021.37)
1609	H. Wilma	Miami-Dade	North Miami, City of	City	\$ (79.56)
1609	H. Wilma	Miami-Dade	Opa-Locka, City of	City	\$ (241,171.03)

DR	Event Name	County	Subgrantee Name	Subgrantee Classification	Total to be Repaid
1561	H. Jeanne	Miami-Dade	Public Health Trust	Non-Critical PNP	\$ (1,485,463.95)
1602	H. Katrina	Miami-Dade	Public Health Trust	Non-Critical PNP	\$ (1,649,581.17)
1609	H. Wilma	Miami-Dade	Public Health Trust	Non-Critical PNP	\$ (2,943,692.78)
3259	TS Rita (EM)	Miami-Dade	Public Health Trust	Non-Critical PNP	\$ (765,286.86)
1602	H. Katrina	Miami-Dade	Roman Catholic Archdiocese of Miami		\$ (174,467.60)
1602	H. Katrina	Miami-Dade	South Miami, City of	City	\$ (3,105.88)
1609	H. Wilma	Miami-Dade	St. Thomas University	Critical PNP	\$ (872,240.12)
1306	H. Irene	Miami-Dade	Sweetwater, City of	City	\$ (81,497.94)
1345	S.F. Floods	Miami-Dade	Sweetwater, City of	City	\$ (1,937,095.35)
1609	H. Wilma	Miami-Dade	The ARC of South Florida (DBA) Association for Retarded Citizens, S.F.	Non-Critical PNP	\$ (47,874.66)
					\$ (14,667,356.72)