Delta Flood Emergency Response Grant Program

Guidelines and Proposal Solicitation Package

ROUND 2

DRAFT

Department of Water Resources
Division of Flood Management
Hydrology and Flood Operations Office

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1 INTRODUCTION

1.1 Background

In January 2005, the State recognized the urgent need for improved maintenance, system rehabilitation, effective emergency response, and sustainable funding. In a white paper entitled *Flood Warnings: Responding to California's Flood Crisis*, the California Department of Water Resources (DWR) outlined major flood issues that California faces and offered specific recommendations for administrative action and legislative changes. The funding through Propositions 1E and 84 in November 2006 demonstrated the public's willingness to invest in integrated flood management solutions. Since that time, California has begun the long process of improving flood management systems.

DWR's success depends on active participation from many key partnering agencies, including local emergency responders, reservoir operators, and many other local, State, and federal agencies. Improvements to the flood management system will exceed available State funding. Currently, most of the State's funds available are provided by Propositions 1E and 84. The California legislature allocated proposition funds for specific purposes and regions, placing a high priority on improving flood protection and preparedness in the Central Valley and Delta.

The need to improve public safety and achieve other benefits through integrated flood management is urgent due to more people living and working in flood-prone areas. Better understanding of flood system deficiencies and system improvements to remedy the deficiencies will improve flood management in California. While these flood system improvements will reduce the frequency of flooding, it is understood that a chance of flooding will always remain. DWR has initiated a robust flood emergency response program to reduce the consequences of flooding when it occurs. The components of the flood emergency response program include working with local emergency response agencies to improve planning, preparedness, and response to flood emergencies.

1.2 Guidelines

DWR has initiated work with local agencies to improve flood emergency preparedness and response. These guidelines have been prepared to provide the framework for supporting the activities of local agencies, who are working with DWR and other agencies in improving flood emergency preparedness and response within their jurisdictions.

These guidelines have been prepared to provide:

- Clear guidelines and project solicitation materials to ensure accuracy and understanding for project proponents seeking grants;

- Publicly vetted guidelines to allow stakeholders an opportunity to provide input on program implementation; and

- Review and approval of submitted project applications by DWR management.

1.3 Flood Emergency Response Program

The local agencies as first responders play a key role in management of flood emergencies in their jurisdictions. To qualify for Federal Emergency Management Agency (FEMA) disaster funds, local agencies are required to prepare a Multi-Hazard Mitigation Plan, called an Emergency Action Plan (EAP), which includes planning for all potential emergencies in their jurisdictions.

Generally, it is assumed that EAPs include an agency's response to flood emergencies and local agencies have enough resources available to address these emergencies. However, a DWR assessment of local agencies' flood response planning and their preparedness indicates that in most communities, local agencies' EAPs may not have an effective flood response plan, nor do many agencies have enough resources to respond to potential flood emergencies.

The purpose of this grant is to provide funding for local emergency responders to work with DWR to improve local flood emergency preparedness and response. DWR recognizes that a coordinated flood emergency response throughout the state requires active engagement of the local emergency responders. As a result, the grant program promotes coordination of flood emergency response using the SEMS/NIMS structure as well as improved communication and working relationships between special districts, local governments and their respective counties.

Under this grant program, DWR will provide financial assistance through a grant agreement with participating agencies to ensure local agencies have a robust flood emergency plan in place with adequate flood preparedness and response capacity and resources. Local governments should work closely with their local districts in both the development of plans and reimbursement of funding.

Additionally, this grant program can assist counties in the Sacramento-San Joaquin Valley (SSJV) to satisfy a requirement of the Central Valley Flood Protection Act of 2008. The act added California Water Code Section 9621, which requires counties in the Sacramento-San Joaquin Valley to collaborate with cities within their jurisdictions to develop flood emergency plans.

While emphasizing that all emergency response plans include some specific required components, the approach will recognize that each community has a unique vulnerability to risks associated with high water or flooding that must be recognized by tailoring plans so that they accommodate local needs. The local EAP should contain a section describing the potential flood threats and what specific resources the local agency has committed to having in place to effectively respond to potential threats. During flood emergencies, when such resources are diminished (or close to diminished) and a flood emergency threat still remains, the local agency

will request mutual aid, and eventually State assistance through the Governor's Office of Emergency Services (CalOES) or DWR.

To maximize cost recovery by State and local flood emergency response agencies, the Flood Emergency Response Program Grants require certification by applicant and partner agencies that they are National Incident Management System (NIMS) compliant.

2 DEFINITIONS AND ACRONYMS

Agreement or Funding Agreement: An agreement entered into by a successful Applicant or Project sponsor and the State to provide funds for the Project.

Applicant: A California public agency, or joint powers authority consisting of more than one public agency that applies for funding, which has primary responsibility for flood emergency response and coordination within a specific geographic area.

Cal OES: The California Office of Emergency Services

CEQA: The California Environmental Quality Act.

Contractor: A contractor performing the project work for the Funding Recipient to be paid for with funds from an agreement executed pursuant to these *Guidelines*.

Corps or USACE: The United States Army Corps of Engineers.

DWR: The California Department of Water Resources.

Delta: The legal Sacramento- San Joaquin River Delta, as defined in Section 12220 of the California Water Code, including both primary and secondary zones.

Eligible Project Costs or Eligible Costs: The reasonable and necessary actual costs associated with implementing a project selected pursuant to these *Guidelines.*

Funding Recipient: A public agency in the Delta, duly organized, existing and acting pursuant to the laws thereof, which is the signatory to a Funding Agreement, and its successors and assigns, which has primary responsibility for flood emergency response and coordination within a specific geographic area.

JPA: Joint Powers Authority

Letter of Commitment: Letter from a participating agency expressing commitment for a project or proposal and their support for the lead agency applying for a grant. Letters of commitment <u>are required</u> from all participating agencies that will receive grant funds from a lead agency.

Letter of Support: Letter expressing support for a project or application. Letters of support are optional. Letters of support may come from unaffiliated grant application stakeholders including local, State and federal government agencies, public safety first responders, weather agencies, local maintaining agencies, reclamation districts, cities, special districts, et.al. in the geographic region.

Limit on State Funds: The maximum amount of State funds that will be expended on the Project, as set forth in the Funding Agreement.

LMA: Local maintaining agency responsible for operation and/or maintenance of flood risk facilities and activities over a specific jurisdiction. Includes reclamation districts, levee districts, cities, counties, and joint powers authorities.

NIMS (National Incident Management System): A system prescribed by Homeland Security Presidential Directive 5 to coordinate emergency preparedness and incident management among various federal, state, and local agencies. NIMS provides a uniform nationwide approach to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and disasters. It is a system that is commonly used in U.S. Federal agencies that are also required to use the NIMS system in domestic incident management and in support of state and local incident response and recovery activities.

PSP: Proposal Solicitation Package

Project: A project for work to be funded under these *Guidelines*.

Project Completion Report: A report prepared by the funding recipient certifying that the project is completed in compliance with scope of work, budget and schedule.

Project Description: The document each Applicant must provide with their application package that describes the proposed Project in detail.

Quarterly Progress Report: A report on the status of the Project offered on a quarterly basis.

RD: Reclamation District

Statement of Costs: A statement of Eligible Project Costs incurred each quarter, as further described in the Funding Agreement.

Scope of Work: After a project is selected and before a Project Funding Agreement is signed, the Applicant must develop a Scope of Work that provides detailed plans and information about how the Project will be implemented.

SEMS: Standardized Emergency Management System.

State: The State of California, acting by and through the Department of Water Resources.

Statement of Costs: A statement of incurred Eligible Project Costs.

3 FUNDING

3.1 Funding Sources

Funding for this Grant Program will be provided through Proposition 1E, the Disaster Preparedness & Flood Protection Bond Act of 2006 (Section 5096.821 of Chapter 1.699 of Division 5 of the Public Resources Code). DWR will provide approximately $4.8 million during this solicitation.

3.2 Project Funding

Applicants will file a complete grant application package with DWR. A maximum of $5,000 per applicant will be reimbursed for the development of application packages. Application packages will only be reimbursed to projects that have been awarded and after agreements have been fully executed. DWR will not revise the grant application package requirements during any period in which project proposals are being solicited. Sample grant application documents are attached in Appendix A.

3.3 Competitive Grant

DWR is proposing to solicit program funds for a competitive grant program that fulfills the intent of the Delta Flood Emergency Preparedness, Response and Recovery Program. DWR will apply these guidelines to applications for the competitive grant program and such applications will be evaluated by the criteria presented in these guidelines (Section 6.2).

3.4 Directed Funding

In addition to soliciting competitive grants, DWR may also use a portion of program funds for Direct Expenditures or Directed Action activities that fulfill the intent of the funding source used. Direct expenditure projects are proposed by DWR either in response to a solicitation from a stakeholder, another government entity, or on its own initiative. DWR will apply these guidelines as it deems applicable and appropriate. Direct expenditure projects must address an interest of the State and may be proposed and approved at any time, but must be evaluated by the same criteria as competitive grants.

4 PROGRAM ELIGIBILITY AND REQUIREMENTS

Below are general requirements to apply for grant funding under the Flood Emergency Response Projects Delta Grant Program. All applications must meet the following criteria to be considered eligible for funding.

4.1 Grant Eligibility

California public agencies with primary responsibility for flood emergency response and coordination are eligible to apply. "Primary responsibility for flood emergency response and coordination" applies to counties, cities, flood control districts, reclamation districts, local maintaining agencies, and some tribes in California. The geographic scope of this grant is limited to the legal Delta. Regions outside of the legal Delta are not eligible for funding under these guidelines but are eligible under the Statewide Flood Emergency Response Program guidelines. A map of the legal Delta can be found in Appendix B.

Applicants must be willing to participate and work with DWR to actively improve local and regional flood emergency preparedness, response, and recovery within their jurisdictions, and regional flood emergency planning. Multi-agency applications must designate a lead agency that is a flood emergency first responder or Joint Powers Authority (JPA) that represents flood emergency first response agencies. The lead agency will apply for the grant. All additional participating agencies must be distinguished from the lead agency. The lead agency and all participating agencies on an application must be compliant with the Local Maintaining Agency Annual Reporting requirement as stated in California Water Code Section 9140.

4.2 General Grant Requirements

Grantees will be required to comply with, but are not limited to, the following requirements listed below:

- Before authorizing project work, applicants must complete required environmental documents and permits, if applicable.
- Grantees are required to sign, as a part of the grant contract, indemnity provisions, labor compliance language, prevailing wages provisions, and other grant requirements. Details of these provisions are discussed in this document.
- Grantees are required to prepare quarterly progress reports to ensure funds are utilized according to the approved project scope, schedule, and budget.
- All expenses within a funded grant agreement must be supported with documentation, with reimbursements approved only for eligible expenses pursuant to program guidelines, and contained within the approved project budget.

- After the project is completed, an audit may be conducted to confirm that expenditures were made according to the established plan and achieved the desired outcome.

- Upon project completion, the grantee's project manager must verify that the project complies with all applicable current laws and regulations and submit documents verifying project completion, summarizing total project costs, and additional funding sources used, as applicable.

- Prior to approval of the final invoice by DWR, the local agency must submit a project completion report which includes a description of completed work, a copy of all project deliverables, and a final statement of costs.

4.3 Eligible Grant Activities and Tasks

This is a grant program designed only for the implementation of the Flood Emergency Preparedness Response and Recovery Program within the Legal Delta (map of the Delta can be found in Appendix B). Funding will be prioritized through three sequential steps: 1) Planning & Coordination, 2) Training & Exercises, and 3) Facilities, Equipment, & Supplies. If available, applicants shall submit existing flood emergency plans to DWR for review with the application package. Plan submittal will determine if respective plans meet or do not meet Water Code 9650 requirements (Appendix B) and will assist agencies with the development of application packages.

Agencies with plans that do not meet Water Code 9650 criteria or are not NIMS compliant for cost recovery should apply for funding under step 1 to develop or update their flood emergency plan and to complete NIMS training certification.

Successful proposals can include work under all three steps. Contract agreements will be written such that funding will not be provided for steps 2 and 3 until a Plan and NIMS cost recovery compliance work has been completed. Typical activities which may be funded under this grant program include those listed below. Eligible costs and activities will be funded on a reimbursable basis.

Three Step Approach

Step 1) Planning & Coordination – Local and multi-agency flood emergency response planning, coordination, and communications.

- Training activities necessary to achieve certification of NIMS compliance for applicant and partner agencies. (Note that this is the only training activity prioritized under step 1)

- Preparing or updating the local flood emergency plan and levee safety plans, and incorporating the plans into the local multi-hazard emergency response plan.

- Developing processes to effectively communicate and coordinate response to flood emergencies through DWR's Flood Operation Center, Cal OES, local operational areas,

and levee maintaining agencies. This may include the adoption and deployment of tools for the collection and dissemination of flood information (static as well as real-time information).

- Planning, developing, and implementing local and regional communication processes and resources. This includes but is not limited to multi-agency coordination, exchange of electronic information and data, cell and satellite phone systems, radio, and HAM radio systems. Systems must be consistent with the current plans in place and those being implemented like the Delta Interoperability Communications Plan and consistent with California Statewide Communications Interoperability Plan (CalSCIP) goals.

- Developing maps, information systems, resource management, and decision support tools and processes needed to effectively respond to high water and flood emergencies.

Step 2) Training & Exercises – Flood emergency response training and exercises

- Coordinating, conducting, and participating in flood emergency response training, drills, and exercises with DWR, neighboring jurisdictions, State agencies, or federal agencies, including regional exercises (the only exception is NIMS training certification which is prioritized under step 1). DWR grant project managers will be actively involved with the planning and coordinating of training and exercises.

- Coordinating, conducting, and participating in flood emergency communication drills and exercises.

Step 3) Facilities, Equipment, & Supplies – Flood emergency response resources and facilities

- Acquiring or enhancing local and regional flood fight materials and supplies.

- Developing staging areas for use during high water or flood events based on flood emergency action plans, regional flood emergency action plans, and DWR emergency action plans.

- Developing flood emergency response facilities, including multi-agency flood incident management facilities.

- Developing flood fight material stockpiles to protect critical infrastructure.

4.4 Ineligible Grant Activities and Tasks

The following are activities that will not be funded under this grant program. This is not an exhaustive list.

- Search and rescue planning, equipment, and supplies
- Flood control system improvements

- Flood control evaluations and/or studies
- Hydrologic and hydraulic analyses (unless to support Flood Safety Plan development, decision support tools, evacuation planning, or floodwater removal)
- Maintenance activities
- Additional staff positions

4.5 Conflict of Interest and Confidentiality

Applicants will be subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contracts being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code§ 1090, and Public Contract Code§§ 10410 and 10411.

Applicants should note that by submitting an application, they will waive their rights to the confidentiality of that application. All applications (those selected and those not selected) will be public documents.

4.6 Labor Compliance and Prevailing Wages Provisions

The applicant will be required to keep informed of and take all measures necessary to ensure compliance with applicable California Labor Code requirements, including, but not limited to, Section 1720 et seq. of the California Labor Code regarding public works, limitations on use of volunteer labor (California Labor Code Section 1720.4), labor compliance programs (California Labor Code Section 1771.5) and payment of prevailing wages for work done under an agreement. Evidence of compliance shall be provided to DWR.

The applicant must provide DWR with evidence of labor compliance prior to the execution of the contract. If the applicant believes that the Project is exempt from labor compliance requirements, the applicant must provide DWR with written justification for the exemption, citing relevant sections of the Labor Code. It is the responsibility of the applicant, not DWR, to determine if all applicable California Labor Code requirements pertaining to the Project are satisfied.

4.7 Contract Indemnity Provisions

Applicants will agree to indemnify the State and its officers, agents, and employees against and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses, or liability due or incident to, either in whole or in part, and whether directly or indirectly, arising out of the project, including, without limitation, arising out of post-project operation and maintenance.

5 GRANT APPLICATIONS

5.1 Application Package

A complete application will contain all the elements listed below. DWR staff will review each application for acceptability and completeness. If information is not relevant to a proposal, the applicant should clearly state the reason why the information was not provided. Applications not containing all required information or acceptable reasons for omission will not be further reviewed or considered for funding. Please refer to Appendix A for detailed information and examples of application submittal documents. The following documents must be submitted:

A1. Application Cover Letter
A2. Application Cover Sheet
A3. Applicant Information
A4. Lead Agency Resolution
A5. Partner Agency Letter of Commitment
A6. Applicant's Authority and Capability
A7. Environmental Information Form
A8. Project Scope of Work
A9. Project Schedule
A10. Project Budget
A11. Statement of Financial Capability
A12. Maintenance Plan
A13. Existing Flood Safety Plan, Emergency Action Plan, or Multi-Hazard Mitigation Plan (if appropriate)

5.2 Application Submittal & Deadline

Applications will be accepted between the following dates:

Applications Open	**[TBD]**
Application Deadline	**[TBD]**

Applicants must submit three hard copy applications to DWR, one of which must contain the original wet signed documents.

An electronic copy must also be provided to DWR via a compact disc, flash drive, e-mail, or through FTP/cloud services. Electronic copies should be in a Microsoft Word compatible format or in a searchable PDF format with content copying enabled.

Hardcopy applications should be mailed to the following address:

Mr. John Paasch, Branch Chief
Department of Water Resources
Hydrology and Flood Operations Office
Flood Operations Branch
3310 El Camino Avenue, Suite 200
Sacramento, CA 95821-9000

Contact Number: (916) 574-2611

6 REVIEW CRITERIA AND AWARD PROCESS

This Section describes the process for project review, evaluation, and selection. DWR will review all timely submittals for completeness after grant applications are submitted. Grant applications that are not substantially complete will not be further reviewed. DWR may contact proponents of grant applications that are substantially complete but are missing some items for additional information.

6.1 Acceptability and Completeness

The Program Grant Review Team will review each grant application and evaluate the subject project. DWR may request that the applicant provide clarification of existing information to better evaluate the merits of the project.

The Program Grant Review Team will review the grant application package for completeness and for project eligibility. Each grant application will be reviewed for completeness considering:

a. All required application forms are submitted and complete.

b. An electronic application package has been submitted in Word or PDF format.

c. Applications do not exceed 100 pages using Arial font size 12. (Note: 100 page limit only applies to parts A1-A12. It does not include attachments for existing Flood Safety Plan, Emergency Action Plan, or Multi-Hazard Mitigation Plan)

d. Application package includes documentation that the proposed project is consistent with all relevant Operational Area Plan(s).

e. If the proposed project includes communications equipment using state or federally designated interoperability spectrum, the application package should include documentation that the proposed project is consistent with the Cal OES Interoperability Plan. Plans should be submitted and approved by the California Statewide Interoperability Executive Committee (CALSIEC). Contact the Statewide Interoperability Coordinator, Budge Currier, at (916) 657-9820, by email at budge.currier@caloes.ca.gov, or SharedMail_Interop@CalOES.ca.gov for assistance.

The Grant Review Team will evaluate each grant application taking into consideration any relevance to Assembly Bill 685 (see Cal Water Code §106.3), The Human Right to Water. While it is unlikely that any application will impact areas addressed in the bill, due consideration will be given to each application's potential impacts on the safety, affordability, and accessibility of water. Any applications which pose a significant violation to this human right will be removed from consideration.

Although a funding match is not a requirement of this grant, fully or partially matched funds will be taken into account when determining the overall value of the project. Any matched funding

amounts will need to be identified in the application package under A10 Project Budget.

Lead agencies shall submit a Lead Authorizing Resolution. Partner agencies shall submit a Partner Agency Letter of Commitment. Examples of both documents may be found within Appendix A.

6.2 Review Criteria

The Grant Review Team will evaluate each grant application based on the following criteria which reflect and support DWR priorities. Criteria consist of items a-e below.

a) Provide a context component that answers the following questions.

   i. What is the flood threat(s)? How critical is the threat? What alternative measures are available to manage flood risk? Is one of the agencies in the application a county in the Sacramento-San Joaquin Valley that must satisfy its obligation under the Central Valley Flood Protection Act of 2008 to collaborate with cities in its jurisdiction to develop flood emergency plans by July 2014?

   ii. What is at risk? Provide estimates from commonly accepted source documents such as US Census data, County Hazard Mitigation Plan, etc.

      1. Geographic area – include map of project area

      2. Population

      3. Assets (critical infrastructure, structures, crops, etc.)

   iii. What are the current deficiencies for local flood emergency response in this geographic area?

   iv. After the project is completed, what are the deliverables to demonstrate that local flood emergency response in this geographic area is improved?

b) Provide a detailed description of the proposed project and how the project will improve flood emergency preparedness and reduce flood risks and consequences, including one or more of the following three (3) identified step improvement areas:

   Step One: Planning and Coordination

   i. Preparing or updating the local flood emergency plan, incorporating the plan into the local multi-hazard emergency response plan and ensuring

coordination between the local flood emergency plan and the multi-hazard emergency response plan. Provide a comprehensive explanation of how the proposed project is consistent with the SEMS/NIMS framework, which was established to improve the flow of information and resources, as well as coordination, between responding agencies. How does the project strengthen and improve the SEMS/NIMS structure in the geographic area?

ii. Developing processes to effectively communicate and coordinate response to flood emergencies through DWR's Flood Operation Center, Cal OES, local operational areas and levee maintaining agencies. This includes adoption and deployment of tools for collecting and exchanging of flood information (static as well as real-time information).

iii. Planning, developing and implementing local and regional communication processes; and conducting flood emergency communication drills and exercises which include but are not limited to the multi-agency coordination, exchange of electronic information and data, cell and satellite phone systems, radio systems, and HAM radio systems.

iv. Developing maps, information systems, resource management and decision support tools and processes needed to effectively respond to high water and flood emergencies.

v. Planning and training activities necessary to become NIMS cost recovery compliant.

Step Two: Training and Exercises

vi. Coordinating, conducting and participating in flood emergency response training, drills and exercises with DWR, neighboring jurisdictions, State agencies and/or Federal agencies, including regional exercises.

vii. Coordinating, conducting and participating in flood emergency communication drills and exercises.

Step Three: Facilities, Equipment, and Supplies

viii. Acquiring or enhancing local and regional flood fight materials and supplies.

ix. Developing staging areas for use during high water or flood event based on flood emergency action plan, regional flood emergency action plans and DWR emergency action plans.

x. Developing flood emergency response facilities, including multi-agency flood incident management facilities.

xi. Develop flood fight material stockpiles to protect critical infrastructure.

c) Provide an explanation of how the proposed project will improve and strengthen the operational area concept (local, county, State) in the project's geographic region. Include documentation from the County Emergency Manager stating that the proposed project is consistent with the county emergency plan. Documentation should include all counties in the project's jurisdiction.

d) Include documentation to establish the level of support for the proposed project. Letters of support may come from unaffiliated grant application stakeholders including local, State and federal government agencies, public safety first responders, weather agencies, local maintaining agencies, reclamation districts, cities, special districts, et.al. in the geographic region. (Participating grant applicants shall not write and submit letters of support. Participating grant applicants will be required to submit letters of commitment.)

Provide a regional quantity component: explain how the project will be used to support multi-agency, regional flood emergency response including itemizing all participating agencies.

6.3 Funding and Awards

If requested funds for all qualified projects exceed the amount of available funds, DWR may reduce funding for selected projects based on program priorities, information provided in the application, and/or additional discussion with the applicant.

After evaluations of the projects, the program manager will submit the recommendations to the Management Review Team for review. The Management Review Team consists of managers from DWR's Division of Flood Management. The Management Review Team shall make draft funding recommendations which will then be sent to DWR Executive Management for approval.

The Management Review Team may recommend one of the following:

a. Allocating any or all of the available funds to grants for projects on the list.

b. Holding over the remaining available funds for allocation in the subsequent funding years.

c. Allocating partial funding to one or more of the projects on the list currently being funded.

Upon approval of a project(s), the draft funding recommendations will be posted on the Program's website (http://www.water.ca.gov/floodmgmt/hafoo/fob/floodER/) for public review

and comment. DWR will provide a public comment period of 30 calendar days to receive comments concerning the proposed project(s). Projects not recommended for funding may be resubmitted at a later date if additional funding becomes available.

DWR will prepare a summary of comments received during the public comment period, and will make the summary of comments available on its website. After consideration of the results of the public comments, if the project is still considered by DWR as a priority project for funding, DWR staff will make recommendations for final funding awards and request director's approval.

Once final awards are approved by the director, DWR staff will post the award amounts on the program website and begin the process of developing a funding agreement with the project applicant (grantee). The grantee and DWR must enter into a funding agreement before any funds will be disbursed.

7 GRANT ADMINISTRATION

This Section describes the process that will occur once a project has been selected for funding. This includes the development and signing of a grant funding agreement.

7.1 Agreement Execution

Before DWR enters into a funding agreement the grantee will submit a detailed work plan (based on the information provided for project evaluation) including a proposed scope of work, list of deliverables, budget, and project schedule satisfactory to DWR.

The funding agreement will not be processed and executed until a detailed final work plan and associated documents are approved by the program manager. To assist the grantee in developing the detailed final work plan, DWR may meet with the grantee as needed. Grantees shall provide detailed cost estimates and quantities, billable hours, a revised timeframe with required completion durations, and other information as needed. Cost estimates shall include separated step funding with subtask amounts.

The agreement will be signed by the grantee. If a DWR approved agreement is not executed within six months of the date the grant is awarded, the grant may be withdrawn.

7.2 Invoicing and Payments

The grantee will provide reimbursement invoice requests to DWR for work completed within an invoicing period. DWR will retain approximately 10 percent of each disbursement, as specified in the agreement, to ensure completion of the project. The retention will be paid upon submittal of the project completion report by the grantee and approval by DWR.

Although grant funds will be disbursed as provided in the agreement to reimburse costs incurred by the grantee, costs will not be reimbursed or paid until the following conditions are met:

a. An agreement is fully executed.

b. For project activities that could affect the environment, the grantee complies with all applicable requirements of CEQA and other environmental laws.

c. All required permits are obtained.

State funds will be paid to local sponsors in arrears generally on a quarterly reimbursable basis, but in no event more often than monthly, at DWR's discretion, subsequent to submittal and approval of credit or reimbursement requests (invoices) and progress reports.

7.3 Reporting

As a prerequisite to payment of each invoice, the grantee will be required to submit progress reports in sufficient detail to substantiate reimbursable expenses. The report will be a key item in evaluating requests for credit or reimbursements, and a credit or reimbursement request must coincide with a report submittal. Progress reports will include the following:

a. Records of expenditures

b. Description of project activities since the previous report

c. Status of the project relative to the progress schedule

d. Key issues that must be resolved

e. Upcoming events, meetings, milestones expected for the next quarter

The first progress report shall be made at the end of the first complete calendar quarter after the date of execution. Progress reports will be submitted quarterly thereafter. DWR will monitor progress and may suspend all payments indefinitely if in the opinion of DWR's Chief of the Division of Flood Management it appears the grantee is in breach of the agreement to such an extent that ultimate achievement of project objectives may be significantly compromised. If payments are suspended, the grantee will be given three months to cure the breach or DWR may terminate the funding agreement. Decisions to suspend payments or agreement termination may be appealed to the Director of DWR.

7.4 Amendments

Amendments to agreements shall require the approval of all parties. Amendments may address:

a. Change in schedule (e.g., time extension)

b. Change in scope of work

c. Change in total budget or transfer of funds between tasks that exceeds 20 percent of DWR approved budget for either task (less than 20 percent does not require a formal amendment but does require DWR's program manager's written approval).

d. Change to any of the agreement provisions

e. Change in parties to the agreement

7.5 Project Closeout

The grantee shall submit a Project Completion Report within ninety (90) calendar days of completion of all tasks associated with the project. The report shall include a description of work done, a description of expenditures, a final schedule showing actual work completed versus planned work, copies of any final documents or reports generated or utilized during the project, a discussion of problems that occurred during the work and how the problems were resolved.

DWR will notify the sponsor that the project is complete and will release any remaining retained funds when the following criteria are satisfied:

- The work is completed to the satisfaction of DWR.
- DWR has approved all products and deliverables required by the project and agreement as provided by the grantee.
- The grantee has provided, and DWR has approved, a project completion report as described above.

7.6 Audits and Record Keeping

All grantee records and documents pertaining to the grant will be maintained by the grantee until three years after the final payment of grant funds is made. All grantee records and documents pertinent to the grant will be available for inspection and audit by DWR or other State representative during normal business hours while the project is active and for three years after final payment of grant funds.

APPENDIX A SAMPLE DOCUMENTS & FORMS

ATTACHED ARE SAMPLES AND RESOURCES FOR PROJECT PROPOSALS
The following documents must be submitted with your application.
Below is a checklist.

- ☐ A1. Application Cover Letter
- ☐ A2. Application Cover Sheet
- ☐ A3. Applicant Information
- ☐ A4. Lead Agency Resolution
- ☐ A5. Partner Agency Letter of Commitment
- ☐ A6. Applicant's Authority and Capability
- ☐ A7. Environmental Information Form
- ☐ A8. Project Scope of Work
- ☐ A9. Project Schedule
- ☐ A10. Project Budget
- ☐ A11. Statement of Financial Capability
- ☐ A12. Maintenance Plan Outline
- ☐ A13. Existing Flood Safety Plan, Emergency Action Plan, or Multi-Hazard Mitigation Plan (if appropriate)

A1. Application Cover Letter

[Date]

Mr. John Paasch, Branch Chief
Department of Water Resources
Hydrology and Flood Operations Office
Flood Operations Branch
3310 El Camino Ave, Suite 200
Sacramento, CA 95821-9000

Subject: Grant Application for Delta Flood Emergency Response Projects Program

Dear Mr. Paasch:

[Agency Name] herewith submits three hard copies and an electronic version of an application for a competitive grant in the amount of **$[Requested Amount]** to apply for, plan, design, and implement a Flood Emergency Response Project for **[Project Location]**.

This application is pursuant to an authorizing resolution of the Governing Body of **[Agency Name]** dated **[Date]**. The application includes the following forms and supporting materials:

A1. Application Cover Letter

A2. Application Cover Sheet

A3. Applicant Information

A4. Lead Authorizing Resolution

A5. Partner Agency Letter(s) of Commitment

A6. Applicant's Authority and Capability

A7. Environmental Information Form

A8. Project Scope of Work

A9. Project Schedule

A10. Project Budget

A11. Statement of Financial Capability

A12. Maintenance Plan Outline

A13. Local Flood Safety Plan Content and Format

The work plan, budget, and schedule for this application are being prepared by **[Agency]** in consultation with staff of Division of Flood Management, Hydrology and Flood Operation Office, Flood Operations Branch. We appreciate the help provided by DWR and your staff. Please call me at **[Contact Phone Number]** or email me at **[Contact Email]** if you have any questions during your review.

Sincerely,

[Name]
[Title]
[Department]
[Agency]

Enclosure(s)

1. **[Enclosure 1]**
2. **[Enclosure 2]**
3. **[Enclosure 3]**
4. **[Enclosure 4]**

A2. Application Cover Sheet

Part A - Organizational, Financial, and Legal Information

State of California, The Natural Resources Agency, Department of Water Resources
Application for a Competitive Grant under Proposition 1E**,** Section 5096.821 of Chapter 1.699 of Division 5 of the Public Resources Code.

[The AGENCY NAME]
[legal name of entity applying for the grant]

[Mailing address of local entity]

_____
of the County of **[Agency County]**, State of California, does hereby apply to the California Department of Water Resources for a grant in the amount of **$[Project Costs]** plus **$[Application Cost]** application costs for the planning and implementation of the following program under the:

[Project Title]

By _____ Date _____
[Signature of authorized representative; see Section A-4]

_____
[Print or type name of authorized representative]

[Title]

[Phone Number]

[Fax Number]

[E-mail]

A3. Applicant Information

APPLICANT INFOMATION		
Name (*Name of Lead Agency)*		
Type of Organization		
Mailing Address		**Physical Address**
Telephone	**Fax**	**Email**
POINT OF CONTACT (Project Manager)		
Name		**Title**
Telephone	**Fax**	**Email**
ALTERNATE POINT OF CONTACT		
Name		**Title**
Telephone	**Fax**	**Email**

MEMBERS OF CONGRESS	
Name	**District No.**
Name	**District No.**
STATE SENATORS	
Name	**District No.**
Name	**District No.**
MEMBERS OF STATE ASSEMBLY	
Name	**District No.**
Name	**District No.**
AGENCY OFFICERS	
(List Names and Titles of Agency Officers*)*	

A4. Lead Authorizing Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE [GOVERNING BODY]
OF THE [AGENCY NAME]
AUTHORIZING THE
GRANT APPLICATION FOR THE
[PROJECT TITLE]

WHEREAS, **[Agency Name]** proposes to implement **[Project Title]**; and

WHEREAS, **[Agency Name]** intends to apply for grant funding from the California Department of Water Resources for the project costs;

NOW, THEREFORE, BE IT RESOLVED by the **[Governing Body]** of the **[Agency Name]** as follows:

1. That pursuant and subject to all of the terms and provisions of California Proposition 1E, Section 5096.821 of Chapter 1.699 of Division 5 of the Public Resources Code, application by this Agency be made to the California Department of Water Resources to obtain a grant for the **[Project Title]**.

2. The **[Agency Name]** agency Manager is hereby authorized and directed to prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources, and take such other actions as necessary or appropriate to obtain the grant funding.

PASSED AND ADOPTED by the **[Governing Body]** of the **[Agency Name]** on the **[Day]** day of **[Month]** 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
[Printed Name]
[Title], [Governing Body]

Attest:

_____
[Secretary/Clerk]

A5. Partner Agency Letter of Commitment

[Partner Agency Letterhead]

[Date]

Mr. John Paasch, Chief
Flood Operations Branch
Division of Flood Management
Department of Water Resources
3310 El Camino Avenue Suite 200
Sacramento CA 95821

Re: Letter of Commitment for Flood Emergency Response Projects –Delta Grant

Dear Mr. Paasch:

This letter is in reference to the **[Lead Agency]'s** application for the **[Name of Project]** project to receive funding under the Flood Emergency Response Projects – Delta Grant.

With this letter of commitment, **[Partner agency]** supports the project and commits to participating in the project by participating in meetings and workshops, providing available existing information from our agency, producing and/or reviewing deliverables to support the development and implementation of the project **[modify as needed].**

For this project, our contact information is as follows:

[Name]
[Title]
[Address]
[Phone]
[Email Address]

We look forward to working with **[Lead Agency]** and the other local entities that will be part of the **[Name of Project]** project.

Sincerely,

[Partner Agency]

C: **Lead Agency**

A6. Applicant's Authority and Capability

Have the applicant's attorney answer the following five questions pertaining specifically to this grant application. For each question, cite statutory authority or other references.

1. Does the applicant have the legal authority to enter into a grant contract with the State of California?

Cite the statutory authority under which the applicant may obtain funds for the purpose, amount, and duration requested.

_____

_____

2. What is the statutory authority under which the local public entity was formed and is authorized to operate?

_____

_____

3. Is the applicant required to hold an election before entering into a funding contract with the State?

_____Yes _____No

_____

_____

4. Will a funding agreement between the applicant and the State of California be subject to review and/or approval by other government agencies?

_____Yes _____No

_____

_____

_____

(Signature of attorney representing the applicant)

_____

(Applicant's name)

A7. Environmental Information Form

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (Please see CEQA Process document in Appendix B). Work that is subject to the California Environmental Quality Act (CEQA) shall not proceed under this Agreement until documents that satisfy the CEQA process are received and approved by the Department of Water Resources. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation (see CEQA Process document in Appendix B for details)

Grant Recipient: _____

Project Manager: _____

Phone Number: _____

Address: _____

1. Is this project exempt from CEQA compliance? Yes ☐ No ☐ (skip to #2)

   If "yes," provide reasons for exemption. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate.

   CEQA statutory exemptions:
   http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html

   CEQA categorical exemptions:
   http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html

Check appropriate box below:

☐ Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk. (Attach copy of NOE, receipt of payment of DFG fees, and, if applicable, a copy of Board Resolution)

☐ Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk. Provide estimated date: _____

☐ Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk.

If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Manager, along with this form, to allow DWR to make its own CEQA findings.

2. If the project will require CEQA compliance, identify the Lead Agency.

   CEQA Lead Agency: _____

3. Please check types of CEQA documents to be prepared:

   ☐ Initial Study
   ☐ Negative Declaration / Mitigated Negative Declaration
   ☐ Environmental Impact Report

4. Please describe the status of the CEQA documents, expected date of completion, and estimated cost, if requesting DWR funds relating to CEQA compliance:

   Status: _____

   Date of Completion: _____

   Estimated Costs: _____

5. If the CEQA document has been completed, please provide the name of the document and the State Clearinghouse number if available. Submit two copies to the Program Manager.

_____ _____

6. Please list all environmental permits you must obtain to complete the project: (Attach additional pages as necessary)

Type of Permit Required	**Permitting Agency**
_____	_____
_____	_____

7. This form was completed by:

_____ _____
Print or Type Name Phone Number

_____ _____
Signature Date

☐ DWR received environmental documents.

☐ DWR made findings.

A8. Project Scope of Work

The scope of work will describe in detail the project concept and tasks. Provide project deliverables, opportunities, and constraints by describing the extent of the proposed work, the methods planned to perform the work, and the potential for discovery of critical conditions requiring additional work.

Describe each task fully and correlate tasks to the items and quantities in the budget. Tasks should be listed numerically and include subtasks where necessary. The scope of work will include a discussion of the following:

1. **Introduction**

2. **Background**

3. **Description of the Proposed Project**

    a. Provide detailed description of proposed project and how the project will improve flood emergency preparedness and reduce flood risks and consequences.

    b. Context component

    c. Explanation of how the project will improve and strengthen the operational area concept.

    d. Documentation to establish the level of support / opposition for the proposed project.

    e. Regional quantity component: Explanation of how the project will be used to support multi-agency, regional flood emergency response including itemizing all participating agencies.

    f. Provide an explanation of how the proposed project is consistent with the SEMS/NIMS framework.

    g. Provide documentation that the proposed project is consistent with all relevant Operational Area Plan(s).

    h. For communications projects, demonstrate that the proposed project is consistent with Cal OES Interoperability Plan, verified by a letter from the California Statewide Interoperability Executive Committee (CALSIEC).

    i. Provide detailed description of how the completed project will be operated and maintained.

4. **Task Breakdown**

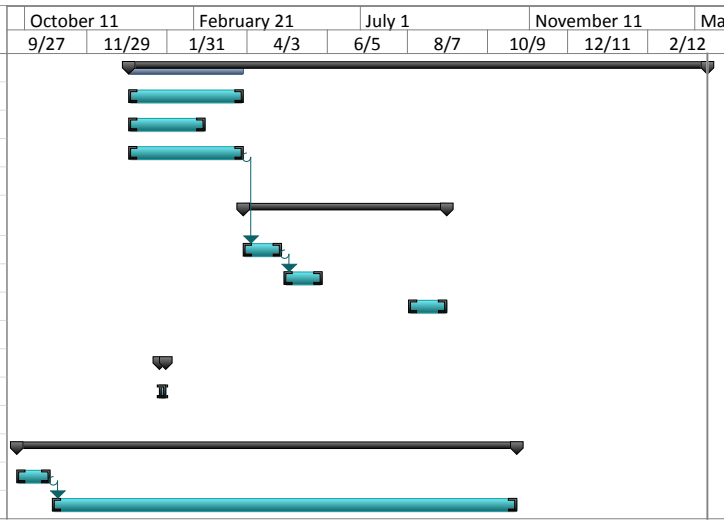
    a. Detailed description of the Project tasks, subtasks, and deliverables. Tasks and subtasks shall be numerically listed consistently with the tasks and subtasks in the project schedule and budget. Each task shall have corresponding deliverables that provide evidence that the task has been completed.

5. **Project Opportunities and Constraints**

A9. Project Schedule

Provide a project schedule based on the project task breakdown (preferably in a Microsoft project or excel gantt chart). The schedule should display the number of calendar days needed to complete the project. Explicitly state the expected start and completion date of the project in this section. Below is an example.

ID	Task Name	Calendar Days	Start	Finish
1	**1.0 Planning & Coordination (Step 1)**	**0**	**Fri 1/1/16**	**Thu 3/30/17**
2	1.1 Local Flood Emergency Plans	90	Fri 1/1/16	Wed 3/30/16
3	1.2 Map & Resource Development	60	Fri 1/1/16	Mon 2/29/16
4	1.3 Upgrade Notification System	90	Fri 1/1/16	Wed 3/30/16
5				
6	**2.0 Flood Emergency Response Training & Exercises (Step 2)**	**0**	**Thu 3/31/16**	**Tue 9/6/16**
7	2.1 Staff SEMS/NIMS Training	30	Thu 3/31/16	Fri 4/29/16
8	2.2 Tabletop Exercise	30	Mon 5/2/16	Tue 5/31/16
9	2.3 Field Exercise	30	Mon 8/8/16	Tue 9/6/16
10				
11	**3.0 Equipment (Step 3)**	**0**	**Mon 1/25/16**	**Fri 1/29/16**
12	3.1 Flood Fight Materials	5	Mon 1/25/16	Fri 1/29/16
13				
14	**4.0 Project Management**	**0**	**Mon 10/5/15**	**Mon 10/31/16**
15	4.1 Project Application	26	Mon 10/5/15	Fri 10/30/15
16	4.2 Grant Administration	365	Mon 11/2/15	Mon 10/31/16



A10. Project Budget

1. Budget
Briefly discuss the estimated project cost and financial resources to be utilized in meeting those costs. Provide a table detailing all costs. The task and subtasks shown in the budget should match the scope of work and schedule. Below is an example.

	Task	Other Contributions	Requested DWR Funding	Total
1.0	**Planning & Coordination (Step 1)**	**$4,000.00**	**$729,000.00**	**$733,000.00**
1.1	Local Flood Emergency Plans	$0.00	$510,000.00	$510,000.00
1.2	Map & Resource Development	$4,000.00	$120,000.00	$124,000.00
1.3	Upgrade Notification System	$0.00	$99,000.00	$99,000.00
2.0	**Flood Emergency Response Training & Exercises (Step 2)**	**$2,000.00**	**$65,000.00**	**$67,000.00**
2.1	Staff SEMS/NIMS Training	$0.00	$30,000.00	$30,000.00
2.2	Tabletop Exercise	$0.00	$10,000.00	$10,000.00
2.3	Field Exercise	$2,000.00	$25,000.00	$27,000.00
3.0	**Equipment (Step 3)**	**$0.00**	**$15,000.00**	**$15,000.00**
3.1	Flood Fight Materials	$0.00	$15,000.00	$15,000.00
4.0	**Project Management**	**$1,500.00**	**$80,000.00**	**$81,500.00**
4.1	Grant Administration	$0.00	$75,000.00	$75,000.00
4.2	Project Application	$1,500.00	$5,000.00	$6,500.00
	Total	**$7,500.00**	**$939,000.00**	**$946,500.00**

2. Financial Resources
List all sources of project funding and their current status. Below is an example.

Source	Amount	Describe Status of Funds
DWR	$939,000.00	This amount is being requested and is contingent on award.
Local Agency	$5,000.00	The county has reserved these funds for the project.
Third Party	$2,500.00	The third party has reserved these funds for the project.
Total	$946,500.00	

A11. Statement of Financial Capability

All grantees will be required to submit a Statement of Financial Capability. The Statement of Financial Capability should demonstrate that the grantee has the financial resources to adequately fund their portion overall project costs and a reasonable contingency of at least 10 percent. The Statement of Financial Capability must be prepared by a person qualified to perform such financial analyses. A Certified Public Accountant (CPA) or, preferably, a Certified Government Financial Manager (CGFM) must review and certify the statement.

The Statement of Financial Capability should include:

1. Financial statements for the last three years of an applicant's operations.
2. Evidence of the Applicant's authority to use the identified source or sources of funds.
3. Information on the Applicant's ability to obtain necessary additional funds (if any).
4. A credit analysis that demonstrates an applicant is credit worthy if relying on its credit to obtain remaining funds (as in the use of tax exempt bonds, appropriations or a repayment agreement).
5. An analysis that demonstrates the projected revenues or proceeds are certain and are sufficient to cover the Applicant's stream of costs through time, if the Applicant is relying on non-guaranteed debt (for example, a particular revenue source or limited tax, or bonds backed by such a source).
6. Comparable data for a third party together with evidence of its legal commitment to the applicant, if the applicant is relying on third party contributions.
7. A list of all cash reserves (restricted and unrestricted) and any planned uses of these reserves.

A12. Maintenance Plan Outline

1. Resources & Procedure for Maintenance Plan
    a. Personnel allocated to perform maintenance
    b. Required equipment for maintenance
    c. Procedure
        i. Description of maintenance procedures
        ii. Frequency of maintenance procedures

2. Funding
    a. Approximate funding amount required for regular maintenance
    b. Reference budget location that accounts for cost of maintenance

APPENDIX B - ADDITIONAL REFERENCE DOCUMENTS

THE FOLLOWING DOCUMENTS HAVE BEEN ATTACHED TO PROVIDE ADDITIONAL INFORMATION FOR THE APPLICANT

B1. CEQA Process for Financial Assistance Programs

This Policy and Procedure (P&P) establishes the process that Department of Water Resources (DWR) Financial Assistance Programs must follow with regard to the California Environmental Quality Act (CEQA) processes, regardless of whether the programs are funded by bond funds or funds from other sources. The CEQA (Public Resources Code §§21000 *et seq*.) was adopted in 1970. Its basic purposes are to:

- Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities;
- Identify ways that environmental damage can be avoided or significantly reduced; require changes in projects through the use of alternatives or mitigation measures when feasible; and
- Disclose to the public the reasons why a project was approved if significant environmental effects are involved.

CEQA applies to projects undertaken, funded, or requiring an issuance of a permit by a public agency. The analysis of a project required by CEQA usually takes the form of an Environmental Impact Report (EIR) or a Negative Declaration (ND).

A “project” means the whole of an action that has a potential for resulting in physical change to the environment, and is an activity that may be subject to several discretionary approvals by governmental agencies. A “project” may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit.

A “lead agency” is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA. Frequently, a local government agency with jurisdiction over general land uses is the preferred public agency serving as lead agency. The lead agency is responsible for determining the appropriate environmental document, as well as its preparation. DWR may be a lead agency if it is issuing a permit or funding a project and there is not another public agency with more responsibility with regard to the project. DWR will seldom be the lead agency for projects funded by its financial assistance programs; instead, it acts as a responsible agency.

A “responsible agency” is a public agency with discretionary approval authority over all or portion of a CEQA project that is not a lead agency. As a responsible agency, DWR is available to the lead agency and project proponent for early consultation on a project to apprise them of applicable rules and regulations, and provide guidance on issues within its area of responsibility and expertise. As a responsible agency, DWR must make independent findings and decisions pursuant to CEQA.

A. General Protocols

All Financial Assistance Programs will follow the protocols below unless the program has received approval to follow other procedures from the Deputy Director overseeing the Program:

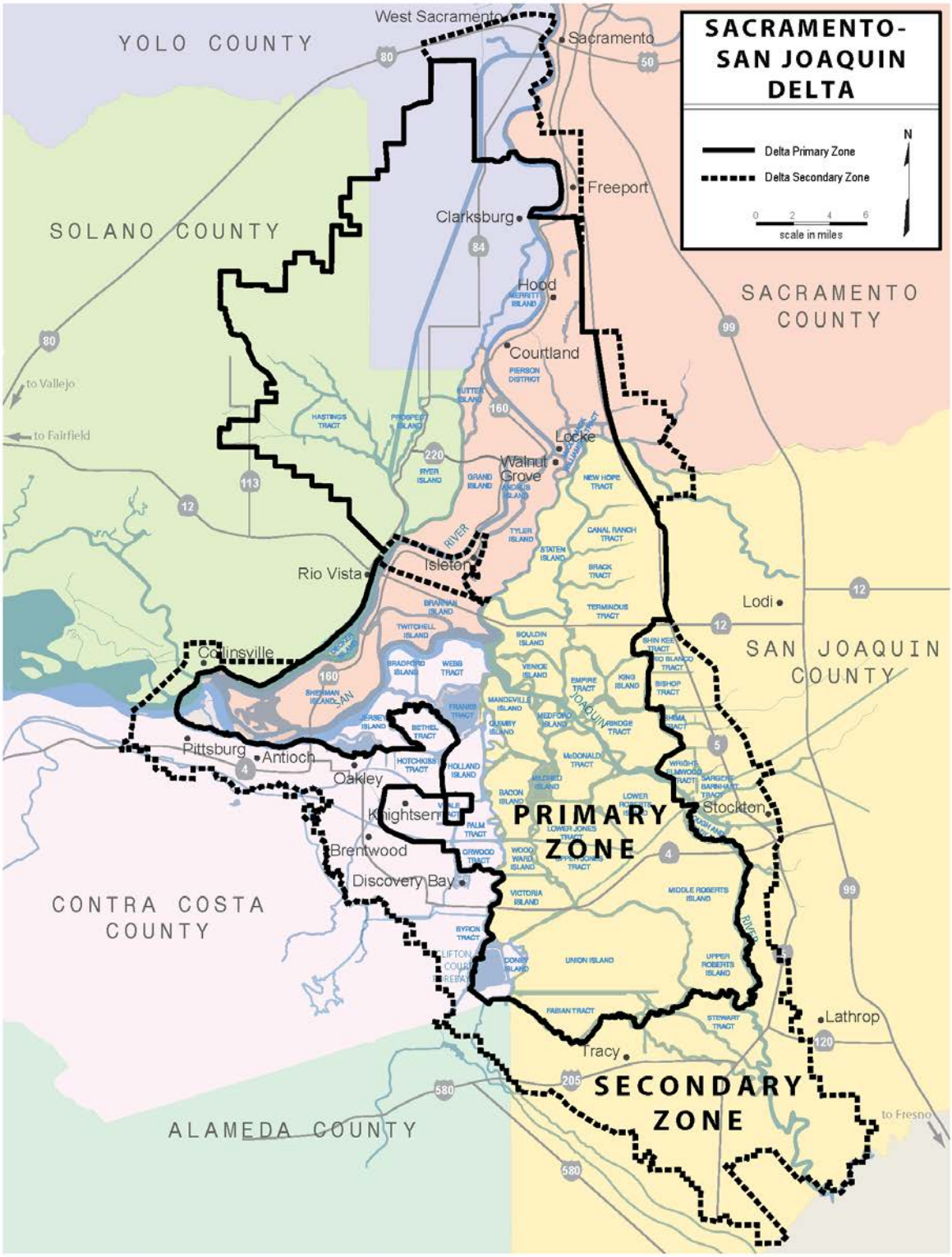
1. Some Financial Assistance Programs will require CEQA compliance before approval of the funding agreement or before disbursing funds. Others allow compliance after approval of the funding agreement and sometimes fund CEQA compliance.

2. All programs will use A7- *Environmental Information Form* to provide a record of CEQA compliance.

3. If CEQA compliance has not been completed prior to executing an agreement, the funding agreement must include *Agreement Language* which provides an opportunity for DWR to review the project after CEQA compliance is completed and to decide whether to continue to fund the project.

4. Findings must be completed on all projects that are subject to an NOD or EIR. Each project must be reviewed and findings made on a case by case basis.

B2. Delta Boundary Map



B3. Water Code Section 9650

(a)

(1) Commencing July 1, 2008, the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized on or after July 1, 2008, that protects an area in which more than 1,000 people reside shall be subject to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee, including a charter city or charter county, enter into an agreement to adopt a safety plan within two years. If a city or county is responsible for the operation and maintenance of the project levee, the governing body shall approve a resolution committing to the preparation of a safety plan within two years.

(2) The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to DWR and the Reclamation Board.

(b) The safety plan, at a minimum, shall include all of the following elements:

(1) A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.
(2) A levee patrol plan for high water situations.
(3) A flood-fight plan for the period before state or federal agencies assume control over the flood fight.
(4) An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.
(5) A floodwater removal plan.
(6) A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be essential service providers:

(A) The building is located outside an area that may be flooded.
(B) The building is designed to be operable shortly after the floodwater is removed.

(c) The safety plan shall be integrated into any other local agency emergency plan and shall be coordinated with the state emergency plan.

(d) This section does not require the adoption of an element of the safety plan that was adopted previously and remains in effect.