4D-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	December 4, 2012	[]	Consent Workshop	[X]	Regular Public Hearing	
Department: Submitte	d by: OFMB					

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve a refund of \$2,648,556.78 to the State of Florida, Division of Emergency Management (State), relating to the de-obligation of the County's Hurricanes Frances, Jeanne, and Wilma claims, including \$341,828.09 on behalf of the Solid Waste Authority.

Summary:

The County received assistance from the Federal Emergency Management Agency (FEMA) and the State in excess of \$120 million relating to Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay. These agencies are now conducting an audit of this funding. This audit is on-going and has resulted in the de-obligating of a number of the County's claims. The de-obligations fall into the following categories:

- Expenses deemed ineligible
- Claims in which the County also received insurance proceeds
- Claims in which FEMA deemed the County should have received insurance proceeds
- Variance between estimated vs. actual expenses
- Miscellaneous other adjustments

The total de-obligations to-date equal \$5,098,842. This amount was offset by new claim revenue during FY 2012 resulting in a net refund due.

The expenses associated with these de-obligations have already been recorded in FY 2012. No additional appropriation budget is required to make the payment.

Countywide (PFK)

Background and Policy Issues: The County was significantly impacted by Hurricanes Frances, Jeanne, Wilma, and Tropical Storm Fay. The County has received in excess of \$120 million in federal and state assistance. FEMA and the State have been conducting an audit relating to this funding. Based on this audit, the County has been notified that \$5,098,842 in previously paid claims are now being de-obligated.

Attachments:

- 1. Invoices from State of Florida
- 2. De-obligation schedule

Recommended by:	Department Director	11/26/12 Date
Approved By:	County Administrator	(I/M/I~ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years:	2013	2014	2015	2016	2017
Capital Expenditures					 -
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					*****
NET FISCAL IMPACT	0	0	0	0	0

In-K	ind Match (County)					
NET	FISCAL IMPACT	0	0	0	0	0
	DITIONAL FTE ITIONS (Cumulative)		<u> </u>			
Is Ite	m Included In Current B	Budget?	Yes_X_	No		
Budg	get Account No:					
В.	Recommended Sources The expenses associated 2012 appropriation budg to make the payment.	l with these d	le-obligations	have already b		
		III. <u>RE</u> V	VIEW COMN	<u>MENTS</u>		
•	OEMD Et and a Mar C		10 ()	0 4		
A.	OFMB Fiscal and/or C	ontract Dev.	and Control	Comments:	N/A	
	OFMB		- 8	Contract I	ev. and Con	trol
В.	Legal Sufficiency:	·	•			
	Poul F- Assistant County Attor		2_			
C.	Other Department Rev	riew:				
	Department Director					

This summary is not to be used as a basis for payment.

INVOICE STATE OF FLORIDA



Division of Emergency Management

Date: Apr 26, 2012 Invoice #: 272

To: Palm Beach County (FIPS: 099-99099-00)

301 North Olive Avenue West Palm Beach, FL 33401

Line Item Total	State Share	Admin	Federal Share	PW#	Disaster
\$801,954.45	\$0.00	\$3,989.82	\$797,964.63	855	1609
\$144,695.38	\$0.00	\$0.00	\$144,695.38	5476	1609
\$386,318.64	\$0.00	\$1,921.99	\$384,396.65	6051	1609
\$207,307.73	\$0.00	\$1,031.38	\$206,276.35	6495	1609
\$221,757.82	\$0.00	\$1,103.28	\$220,654.54	6614	1609
\$22,818.01	\$0.00	\$113.53	\$22,704.48	7028	1609
\$38,678.25	\$0.00	\$192.43	\$38,485.82	7079	1609
(\$866.95)	\$0.00	(\$4.32)	(\$862.63)	7089	1609
\$5,556.68	· \$0.00	\$27.64	\$5,529.04	7432	1609
(\$7,098.16)	\$0.00	(\$35.31)	(\$7,062.85)	7597	1609
(\$11,575.77)	\$0.00	(\$57.59)	(\$11,518.18)	7601	1609
(\$12,924.93)	\$0.00	(\$64.31)	(\$12,860.62)	7848	1609
\$30,074.47	\$0.00	\$149.63	\$29,924.84	8135	1609
\$18,335.39	\$0.00	\$91.22	\$18,244.17	8263	1609
(\$344.71)	\$0.00	(\$1.72)	(\$342.99)	8297	1609
\$1,844,686.30	SubTotal	SubTotal			
\$1,844,686.30	otal amount of:	Make checks payable to State of Florida for total amount of:			

State of Florida Public Assistance, 5900 Lake Ellenor Drive, Orlando, FL 32809-4634 Phone (407) 858-2761 Fax (407) 858-4429 renee.singh@em.myflorida.com

INVOICE STATE OF FLORIDA



Division of Emergency Management

Date: Jun 20, 2012 Invoice #: 93

To: Palm Beach County (FIPS: 099-99099-00)

301 North Olive Avenue West Palm Beach, FL 33401

Disaster	PW#	Federal Share	Admin	State Share	Line Item Total
1561	3578	\$437,851.70	\$0.00	\$24,190.69	\$462,042.39
. 1561	5124	\$322,141.65	\$1,789.68	\$17,896.76	\$341,828.09
		SubTotal	\$803,870.48		
Make checks payable to State of Florida for total amount of:					\$803,870.48

State of Florida Public Assistance, 5900 Lake Ellenor Drive, Orlando, FL 32809-4634 Phone (407) 858-2761 Fax (407) 858-4429 renee.singh@em.myflorida.com

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Department	De-Obligations	Refund
SWA	\$341,828.09	\$341,828.09
ERM	196,541.38	0.00
Community Services	50,100.73	0.00
Engineering	115,316.25	0.00
Palm Tran	32,283.40	0.00
Airports	502,667.71	171,335.31
WUD	853,797.52	782,068.86
FD & O	2,021,545.98	657,160.28
Fire Rescue	518,910.51	386,318.64
Public Safety	0.85	0.00
Parks	465,849.65	309,845.60
Total	\$5,098,842.07	\$2,648,556.78 *
		
De-Obligation by Category		
Expenses deemed ineligible	\$1,423,244.18	
Claims in which the County also received insurance proceeds	2,350,753.03	
Claims FEMA deemed should have received insurance proceeds	341,828.09	
Variance between estimated vs. actual expenses	519,642.94	
De-obligated and Re-obligated into another project	463,363.70	
Miscellaneous other adjustments	10.13	
	\$5,098,842.07	

^{*} represents total payment to fema

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Expenses Deemed Ineligible

PW#	Storm	Department	Amount	Appeal Pending
855	Wilma	Water Utilities	\$801,954.45 1	
3768	Frances	Engineering	115,316.25 2	X
5149	Wilma	Community Services	50,100.73 3	
6230	Wilma	Water Utilities	36,877.97 4	
6451	Wilma	Parks & Rec	40,724.61 5	
6495	Wilma	Parks & Rec	207,307.73 6	•
6828	Wilma	Fire Rescue	62,375.33 7	
7063	Wilma	Facilities	1,941.66 8	•
7797	Wilma	Water Utilities	3,812.12 9	
7828	Wilma	Water Utilities	11,152.98 10	
7933	Wilma	Palm Tran	22,888.10 11	
8527	Wilma	Fire Rescue	68,792.25 12	
			\$1,423,244.18	

1 pw-855 - total de-obligation was \$801,954.45, this project was closed and included with another project (PW-2622, and was obligated and paid \$164,530.51) 801,954.45-164,530.51 = actual de-obligation of \$637,423.94-reduction in force acct equip costs, ineligible generator costs and reduction in costs of rental equipment.

2 pw-3768 - not eligible because the work was within the authority of another agency-NRCS-natural conservation resources service (and under guidelines of the other agency's regulations, work was deemed ineligible)

3 pw-5149 - not eligible because based on fema policy pertaining to "extraordinary expenses to provide medical care" the cost of medical treatment of any kind and the cost of follow-on treatment of disaster victims which the applicant has not provided additional documentation to support their claim that these costs should be eligible.

4 pw-6230 - not eligible because applicant was not able to provide documentation (invoices/proof of payment) for the following vendors; East Coast Containers, Amerigrow Recycling and Powell Landscape & Design

5 pw-6451 - not eligible applicant did not have prior fema approval before the contractor removed the trees and/or stumps.

6 pw-6495 - not eligible because a.) applicant did not have prior fema approval before the contractor removed the trees and/or stumps b.) ineligible work for sod and tree removal

7 pw-6828 - not eligible because applicant did not have legal responsibility for the damaged facility

8 pw-7063 - not eligible because a.) applicant did not provide documentation or have prior fema approval for tree removal expenses and b.) a variance (cost difference) for contractor work done by Luis Cintron-listed expenses v. allowed expenses

9 pw-7797 - not eligible because force account labor was not included in the closeout due to lack of documentation provided by the applicant

10 pw-7828 - not eligible because of overestimated and ineligible ppig (procurement & project implementation group-facilities) costs; and no documentation provided for other costs.

11 pw-7933 - not eligible because of work not done (not repairing the wash island that \$ were received for) and lower force account labor expenditures.

12 pw-8527 - not eligible because applicant did not have legal responsibility for the damaged facility

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Received Insurance & FEMA Funding

	Storm	Department	Amount	Appeal Pending
3058	Wilma	Facilities	\$80,901.43	
3578	Jeanne	Facilities	468,072.74	
5476	Wilma	Facilities	601,647.56	
6509	Frances	Facilities	187.45	
6614	Wilma	Airports	152,335.31	
6614	Wilma	Facilities	50,422.51	
7028	Wilma	Parks & Recreation	22,818.01	
7069	Wilma	Parks & Recreation	12,550.54	
7079	Wilma	Parks & Recreation	38,678.25	
7293	Wilma	Facilities	372,510.25	
7432	Wilma	Parks & Recreation	5,556.68	•
7491	Frances	Facilities	22,920.00	
7696	Wilma	Parks & Recreation	51,140.53	
8135	Wilma	Parks & Recreation	30,074.47	
8263	Wilma	Parks & Recreation	18,131.19	
8283	Frances	Facilities	401,811.04	X
8287	Wilma	Parks & Recreation	20,995.07	
			\$2,350,753.03	

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Should Have Received Insurance

	Storm	Department	Amount	Appeal Pending
5124	Jeanne	SWA	\$341,828.09	X
			\$341,828.09	

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Variance/Estimate vs Actual

PW#	Storm	Department	Amount	Appeal Pending
1438	Frances	ERM	\$152,167.21 1	
1439	Frances	ERM	44,374.17 2	
3058	Wilma	Facilities	400.00	
5012	Jeanne	Parks & Recreation	3,820.00	
5020	Jeanne	Parks & Recreation	6,748.52	
6081	Frances	Fire Rescue	1,424.29	
6612	Wilma	Airports	254,287.34 3	
6614	Wilma	Airports	19,000.00 4	
6823	Wilma	Facilities	1,485.78	
7069	Wilma	Parks & Recreation	6,338.46 5	
7293	Wilma	Facilities	8,800.00	
7696	Wilma	Parks & Recreation	761.39	
7724	Frances	Palm Tran	9,395.30	X- won
8131	Wilma	Facilities	6,791.95	
8186	Wilma	Facilities	2,524.96	
8263	Wilma	Parks & Recreation	204.20	
8374	Wilma	Facilities	33.49	
8464	Wilma	Facilities	1,085.88	
			\$519,642.94	

¹ pw-1438 - variance due to lower than estimated contract costs (sand)

² pw-1439 - variance due to lower than estimated contract costs (sand)

³ pw-6612 - variance due to a.) an over estimate of the county's contracted work costs and actual labor costs and b.) duplication of reimbursement due to payment from FAA.

⁴ pw-6614 - variance due to work that was never done (skychef)

⁵ pw-7069 - variance due to an overestimate offorce account labor and PPIG costs

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Combined with another project

PW#	Storm	Department	Amount	Appeal Pending
3546	Wilma	Airports	\$77,045.06	1
6051	Wilma	Fire Rescue	386,318.64	2
			\$463,363.70	

¹ combined with and paid through another project-pw-3649

² combined with and paid through another project-pw-6129

Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay De-Obligations resulted from FEMA Audit

Miscellaneous

	Storm_	Department	Amount	Appeal Pending
4054	Wilma	Public Safety	\$0.85 *	
4554	Jeanne	Facilities	9.28 *	
			\$10.13	

^{*} rounding errors