



Boulder County CDBG-DR Collaborative Standing Meeting Minutes – November 18, 2016

Facilitator: Molly O'Donnell, City of Longmont

BCC Partners: Leslie Irwin, Boulder County
Deb Gardner, Boulder County
Brian Graham, Boulder County
Heather Balsler, City of Louisville
Victoria Simonsen, Town of Lyons
Tony Cavalier, Town of Lyons
Tracy Sanders, Town of Lyons
Connie Sullivan, Town of Lyons
Peter Gibbons, City of Longmont

Michelle Krezek, Boulder County
Jaimie Portelle, Boulder County
Tim Swope, Boulder County
Chris Krolick, Town of Jamestown
Joel Wagner, City of Boulder
Kristen Hyser, City of Boulder
Shawn Lewis, City of Longmont
Dale Rademacher, City of Longmont

Consultants: Deborah Siefert, Hagerty Consulting

Location: Lyons Town Hall Board Room

Agenda and Discussion Items:

- Changes to or Approve Minutes from October Meeting
- Boulder County Resiliency Plan report out – BoCo Strong
- Updates
 - General Round 2 Infrastructure Project Update
 - Community Project Report Out
 - URA – Updates/Changes
 - Procurement Training/Resources
- Unmet Needs Assessment – Review and Discussion
- Advocacy and Agitation about:
 - Request to FEMA for more staffing letter – update
 - Other concerns/issues?

Handouts:

- Updated BCC Master Tracker & Dashboard
- Draft Unmet Needs Assessment
- Unmet Needs Assessment Summary Tables

2:40 pm – Introductions

October 14, 2016 Standing Meeting Minutes Review

No comments, discussion, or requests to make revisions to the Minutes for the October 14, 2016 Standing Meeting occurred. Michelle Krezek motioned to approve, seconded by Joel Wagner. Approved by Consensus.

BoCo Strong Report Out – Garry Sanfacon

No updates.

Updates

General Round 2 Infrastructure Project Update – Molly O’Donnell:

- Molly presented recent updates to the project delivery and admin spent to date, as well as updates on project budgets and expenditure milestones.
- Updated LMI Graphs were presented showing that 53% of funds are projected for Low/Moderate Income (LMI) currently, when 50% is the target. Last month, LMI projections were at 48%, and the increase is due to updated projections for Boulder County’s Housing Programs.
- Expenditure Projections Graphs are unchanged from last month, showing the significant amount of progress to make in expending funds between now and September 2017.
- Clarification was given on the expenditure deadline for Round 2, Obligation 1 (December 2, 2017) and the overall expenditure deadline for the program (September 30, 2019). Planning is underway to get Round 2, Obligation 2 in place via request to the State.

Community Project Report Out:

- *City of Boulder Wonderland Creek Greenways Improvement Project:* Construction is one third complete, railroad bridge construction is complete, preparing documentation to submit remaining requests for reimbursement for CDBG-DR funds.
 - Leslie Irwin asked Joel Wagner how much the project cost increased due to Davis Bacon requirements. Joel responded that the challenge is managing two different sets of Davis Bacon compliance tracks required for FHWA and HUD. Construction management costs increased by 25%, resulting in a couple million dollars over the life of the project.
- *Lyons:*
 - *Buyouts:* Final few buyout properties are in the works, FEMA confirmed this week that they will not cover relocation costs through HMGP. The Town’s contract with Rosi Dennett has been terminated so buyouts workload is being transferred to other staff. Victoria Simonsen asked Boulder County and/or Hagerty Consulting for assistance in processing remaining buyouts if available. Molly O’Donnell suggested the Town and the Collaborative meet the week of 11/28/16 to go over remaining tasks, then discuss pulling more resources if necessary.
 - *Other projects:* EDA Water/Sewer project engineering and environmental are in procurement. McConnell Bridge is still in review with FEMA with no timeframe in sight. Debris Removal reimbursement is in progress. Wastewater Treatment Plant is outside the floodway so deemed eligible for CDBG-DR on that aspect, indirect impact eligibility is being prepped to go to the State for approval.
 - *FEMA Issues:* Met with DHSEM/DOLA and determined that Phase 1 of recovery is complete, Phase 2 will be made up mainly of 5 large projects. The Town is working through balancing cash flow issues with time-sensitive, inter-dependent projects.
- *Boulder County:* Working through closing on buyout properties, demolition and revegetation is taking longer than anticipated due to mountain terrain, awards for Home Access bridges have started to be able to construct during spring and summer. Boulder County thanked the Collaborative for the \$3 million Round 3 Housing commitment so awards to LMI households could continue to be made.
- *Longmont Resilient St. Vrain:* Sandstone Reach under construction. City Reach 1 is going to bid for construction week of 11/21/16. City Reach 2, including the CDBG-DR funded segment, is in procurement for final design will go to construction in 2017.

- Working with the U.S. Army Corps to do a feasibility study on upstream reaches, putting funds towards a grant application for future work, including the railroad bridge. Working with the Corps on another regional project involving Poudre River and I-25 communities, CDOT, and State CRRO.
- *Louisville Raw Water Diversion*: FEMA Version was approved. Preparing for reimbursement.
- *Jamestown – all projects*: HMGP Buyouts program is complete, preparing for reimbursement. Elevations engineering moving forward while working through DHSEM guidance issues. Lower Main St. Bridge design is underway. FEMA has preliminarily approved a new floodplain map, which then makes the CR-94 repaving project eligible for CDBG-DR funds due to floodway lines.

Uniform Relocation Act (URA) Updates/Changes

FEMA’s Determination Letter was received on 11/15/16. FEMA will not reimburse relocation expenses for the HMGP buyout programs. FEMA’s interpretation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) is not consistent with HUD’s or each Collaborative community’s interpretation. Collaborative communities still have a legal obligation to pay relocation assistance. The Unmet Needs Assessment for Round 3 now includes Relocation as a stand-alone activity so CDBG-DR could fund it, however it depends on the State including this in its action plan and this then takes funds away from communities’ other projects. There is a 60-day appeal period on the Determination Letter, however the group agreed the result is unlikely to come out in our favor. Instead, Boulder County, Jamestown, and Lyons will double check the unmet need amounts and plan to use CDBG-DR Round 3.

Procurement Training & Resources – Molly O’Donnell

Development of Procurement Training and new Resources page on the Collaborative’s website are in progress. Before resource materials can be completed, we need confirmation from DHSEM whether they are relying on 44 CFR 13.36 or 2 CFR 200 for procurement regulations for FEMA PA and HMGP projects. There is confusion because some documents coming out of DHSEM use one, some use the other. This impacts our projects because the thresholds for cost reasonableness analysis are significantly changed in the new rules under 2 CFR 200. DHSEM has not responded to Molly’s requests for confirmation. **Action Item:** All Partners agreed to check their documentation to see if they have a definitive statement or ask DHSEM in their next meetings with that group.

Unmet Needs Assessment

Overview

Molly O’Donnell presented the draft Unmet Needs Assessment (UNA) Summary Tables for Round 3 CDBG-DR funds. The Collaborative’s sub-allocation will be \$20,522,213. In addition, between \$1,130,198 and \$2,823,144 from Round 2 Housing New Construction that should come to the Collaborative. The draft UNA currently shows unmet need for Housing at 40% and Infrastructure at a 60% split.

Boulder County Collaborative Sub-Allocation

Dale Rademacher stated that the Collaborative should check with the State to see if other disaster-impacted counties’ needs have been met to date so that the percentage split between the counties should be revised, potentially meaning Boulder County communities receive more funds since the unmet need is still significant. Deb Siefert replied that is possible to ask, however revising the split between counties is unlikely. However, having a fully fleshed out UNA is critical to be ready in case funds do become available so that Boulder County is then poised to be able to spend it.

Leslie Irwin stated that she recalled there was a portion of New Construction funds from early in the process that was supposed to be resolved by the State and added to the Collaborative's Round 3 funds.

Action Item: Kathy will respond to the Collaborative with the full accounting on this potential funding source and a determination whether the Collaborative needs to ask the State the status or not.

Housing

At 40% of the allocation, Round 3 Housing funds would total \$8,208,885. \$5,582,186 has been set aside for New Construction for Lyons and Ponderosa Mobile Home Park, leaving \$2,626,699 for Housing Assistance Programs. Since \$3 million was committed to Boulder County to continue its Housing Assistance Programs, and there is still more unmet need, particularly in LMI households both in Boulder County and Longmont, all or part of the leftover Round 2 New Construction funds will have to go to Housing. This also makes sense because these funds are already in a Housing pot. No discussion occurred on the Housing funding split.

Infrastructure

At 60% of the allocation, Round 3 Infrastructure funds would total \$12,313,328. However, there are several Partners with projects that need corrections, which may change the overall percentage split. In order to ensure apples-to-apples comparisons across project types, all Partners will review the draft UNA to ensure the following:

- Project resources are accurately stated;
- Line items with lumped PW's are split out into one line item per project with project titles;
- Critical needs for each community are covered to reflect accurate unmet needs and ensure each community's proportional distribution is appropriate; and
- PA or HMGP projects with scope changes in process use the same methodology to assume amount funded and amount of unmet need.
 - **Action Item:** All Partners with scope change projects to report to Molly the methodology used. If there are inconsistencies, Molly will work with Partners to adjust.

The group analyzed the three proportional distribution methodologies presented as options on the UNA Summary Tables and added one additional methodology to the Tables. The proposed methodologies and a summary of discussions on each are listed below:

- FEMA Damage Assessments – Michelle Krezek stated that this would be the simplest to ask the State to carry over from Round 2.
- FEMA PA, FEMA HMGP, and FHWA Unmet Needs – since only Boulder County and City of Boulder had FHWA projects, some concern was expressed that this methodology isn't fair and representative of all the communities.
- FEMA PA Unmet Need – no specific discussion
- FEMA PA and FEMA HMGP Unmet Need – group discussion was favorable to this option since it was a good representation of the communities' needs.

One key point of discussion was related to the amounts projected for Jamestown and Lyons because the split between the two communities is significantly changed from Round 2, which was based on FEMA PA Damage Assessments. One reason is that Jamestown has several sizeable scope change requests to FEMA in process because PW's were incorrectly written from the start, a problem that was common and significant across several communities. However, Lyons' PW's do not have similar significant issues. Another reason is that Lyons does not have as many HMGP projects as Jamestown. Leslie Irwin

reiterated that one of the guiding principles of the Collaborative is to aid the smaller communities that have less capacity to recover, so that should be a factor in deciding on a proportional distribution method.

Action Plan Moving Forward

1. All Partners will double check their projects and needs, respond on their scope change methodology, and send any edits to Molly and Deb Siefert by 11/30/16.
2. Molly and Deb will work Partners between 11/30/16 and 12/5/16 to finalize corrections and edit scope change projects if needed.
3. A final UNA and updated Summary Tables will be sent to all Partners by 12/6/16.
4. Voting will occur at the 12/9/16 regular monthly meeting to decide a proportional distribution methodology.
5. The final UNA will be submitted to the State for inclusion in its Action Plan by 12/31/16.

Advocacy and Agitation about:

Request to FEMA for more staffing letter - update

FEMA has updated their scope change review priority list as of 11/14/16, Collaborative projects are high on the priority list, but it is still taking a long time to get responses and the timeframes in review on this list do not match up with communities' experiences. Experience also indicates that DHSEM/FEMA are not necessarily working strictly to the priority list. In addition, EMGrants is not transparent. There is a commenting module between DHSEM and FEMA that we cannot access, including full case files that communities are not allowed to see.

Collaborative Partners agreed not to respond to FEMA's response letter since the backlash on the original letter was focused on the Collaborative, and not shared with DHSEM. Rather, the Collaborative should focus efforts towards getting the State to act more on advocacy for Colorado communities by working with Molly Urbina at CRRO and other counties.

Action Items:

1. Joel Wagner suggested a Collaborative sub-group be created to share information, pool resources for communicating to the State, and make our process most efficient.
2. Peter Gibbons will share Longmont's timeframe response tracking template with Partner communities to begin building a body of data for the Collaborative.
3. Representatives from each community will work with Molly U. to get this issue put on the agenda for the PA call in December.

Other concerns/issues?

Ponderosa Mobile Home Park Update: Kristen Hyser provided an update on a proposed path forward for this project. Details will be forthcoming, but significant progress is planned for first quarter of 2017.

5:00 pm - Meeting adjourned.

Next Meeting – at City of Boulder Municipal Service Center, Parks Division:

Friday, December 9th, 2016
2:30 – 4:30 pm
5200 Pearl Street, Boulder