



# City of Sacramento City Council

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**Meeting Date:** 5/17/2011

**Report Type:** Consent

**Title:** Federal Emergency Management Agency (FEMA) Corrective Action Plan Multi-Year Operating Project

**Report ID:** 2011-00411

**Location:** Citywide

**Recommendation:** Adopt a Resolution: 1) establishing a new Multi-Year Operating Project (I21004900) for the FEMA Corrective Action Plan Project; and 2) authorizing the transfer of the Community Development Department's operating budget (21000-1001-210012110-4900) in the amount of \$350,000 to I21004900 to implement the scope of the FEMA Correction Action Plan.

**Contact:** Jim McDonald, Senior Planner, (916) 808-5723, Community Development Department

**Presenter:** None

**Department:** Community Development Dept

**Division:** Long Range Planning

**Dept ID:**

**Attachments:**

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1-Description/Analysis  
2 Resolution

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**City Attorney Review**

Approved as to Form  
Jeffrey C. Heeren  
5/10/2011 11:06:57 AM

**City Treasurer Review**

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
Russell Fehr  
4/27/2011 3:52:07 PM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 5/5/2011 2:18:05 PM

Assistant City Manager: John Dangberg - 5/10/2011 10:25:45 AM



## Description/Analysis

**Issue:** On November 16, 2010, the City Council adopted a resolution (No. 2010-658) to approve the Corrective Action Plan (CAP) to address violations for the issuance of building permits in Natomas. At the same time, Council authorized the City Manager or the City Manager's designee to fund actions included in the CAP for an amount not to exceed \$350,000.

The requested action is to approve the CAP as a Multi-Year Operating Project (MYOP) and appropriate a dedicated source of funding until the CAP is completed.

**Policy Considerations:** The 2030 General Plan includes policies to protect Sacramento residents by implementing projects that will provide a 200-year level of flood protection or greater. The CAP MYOP will provide a resource to provide ongoing flood protection and emergency services.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** The CAP CIP is exempt from CEQA as it does not constitute a "project" subject to environmental review (CEQA Guidelines Section 15378 (b)(5)) and is exempt under class 21 (CEQA Guidelines Sec. 15321(a)).

**Sustainability Considerations:** The CAP must be funded in order to ensure implementation and to remain in good standing in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS) program, which is critical to sustaining public safety in the form of flood protection and flood insurance.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** The creation of a MYOP fund is consistent with Council approval of the CAP on November 16, 2010. The MYOP will provide an accounting tool to disburse and track previously allocated funding. Further, City Council approval is required for the establishment of a multi-year operating project.

**Financial Considerations:** Staff is proposing transferring \$350,000 from the Community Development Department's General Fund operating budget to a Multi-Year Operating Project I21004900.

**Emerging Small Business Development (ESBD):** The purchase of goods or services is not associated with this report.

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **ESTABLISHMENT OF MULTI-YEAR OPERATING PROJECT FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) CORRECTIVE ACTION PLAN (I21004900)**

#### **BACKGROUND**

- A. The City's participation in the National Flood Insurance Program (NFIP) is critical to maintain access to federally provided flood insurance, maintain affordable rates for flood insurance, allow federally backed mortgages, to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.
- B. NFIP regulations and the City's Floodplain Management Ordinance regulate development which is or might be dangerous to health, safety and property by requiring at the time of initial development or substantial improvement methods of protection against flood damage in areas vulnerable to flooding in order to minimize flood damage.
- C. Effective December 8, 2008, the Flood Insurance Rate Maps (FIRMs) for the Natomas Basin were remapped by FEMA from a Shaded X Zone to an AE Zone. The remap meant all new construction or substantial improvements to structures had to meet an elevation requirement of one foot above the 33-foot base flood elevation.
- D. On February 8, 2010, FEMA notified the City in writing that there was a violation of the City's Floodplain Management Ordinance and federal regulations, and allowing dwelling units in violation to be completed was not acceptable. FEMA's letter also stated that a Corrective Action Plan (CAP) must be submitted by April 8, 2010, that addressed the violations.
- E. In response to FEMA, the City prepared a draft CAP to remediate the violations to the maximum extent practicable. The intent was to also implement additional mitigation measures intended to preserve the City's good standing in the NFIP and the Class 5 ranking in the Community Rating System (CRS). Downgrading would result in higher flood insurance premiums for City residents.
- F. As part of the staff work on the CAP, a complete review was done of the building permits issued by the City since the Natomas Basin was remapped to the AE Flood Zone in December 2008. This exhaustive research of over 1400 permits found six permits that required remediation, one of which was the multi-car garage now included in the CAP. Of the remaining five permits, three have been fully remedied. The remaining two permits were for substantial improvements completed on two previously occupied houses that had been extensively damaged by fire.

G. Cost for implementing the CAP, including the first year enhancements to the City/County Office of Emergency Services emergency notification system and associated actions such as public outreach and training, are to be paid for by the Community Development Department. Anticipated costs for these actions are not anticipated to exceed \$350,000, which was previously authorized by Council in Resolution 2010-658.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The FEMA Corrective Action Plan Project (I21004900) is established as a new Multi-Year Operating Project.
- Section 2. That \$350,000 will be transferred from the Community Development Department's General Fund operating budget to I21004900 to implement the scope of the FEMA Corrective Action Plan.