



Frequently Asked Questions



Governor Brown's Executive Order B-26-14 California Disaster Assistance Act Funding for the California 2014 Drought

On September 19, 2014, Governor Brown issued Executive Order (EO) B-26-14, authorizing the California Governor's Office of Emergency Services (Cal OES) to provide California Disaster Assistance Act (CDAA) funding, as deemed appropriate, for local government assistance to provide emergency water supplies to households without water for drinking and/or sanitation purposes. Costs relating to the emergency distribution of water for drinking and/or sanitation incurred after January 17, 2014, may be eligible for CDAA reimbursement.

Since the issuance of EO B-26-14, Cal OES has received questions from local jurisdictions on the specifics of the EO. Below is information addressing those questions.

1. *Who are eligible applicants for CDAA under EO B-26-14?*

Only those jurisdictions (counties, cities, special districts, and private non-profits) with the authority to provide emergency water supplies in response to a threat to public health and safety are eligible for CDAA funding under EO B-26-14.

Individuals and/or homeowners are not eligible for CDAA funding; therefore, Cal OES recommends all individuals and/or homeowners requesting assistance to contact their local emergency services office.

2. *Can businesses, schools, or daycare or eldercare centers apply for CDAA?*

See answer to number 1.

3. *Due to the slow buildup of costs being incurred, how will applicant eligibility be influenced by California Government Code §8685.4?*

Pursuant to *California Government Code*, § 8685.4, a local agency has 60 days after the date of the proclamation of a local emergency to apply for state financial assistance. However, due to the ongoing drought conditions, the Director of Cal OES may extend the time for filing an application for state financial assistance under CDAA. Time extensions will be considered on a case-by-case basis.

4. *Can you give an example of eligible and non-eligible costs under CDAA for EO B-26-14?*

The EO is specific to providing reimbursement for the emergency distribution of water to households.

Examples of eligible costs may include:

- Emergency water supplies for sanitation, such as providing portable toilets. Also portable showers or laundry services in a centralized location.
- The installation and removal of temporary water tanks to provide potable water to households for drinking and sanitation.

Examples of ineligible costs include:

- Income, fees, revenues, wages, or rents lost or voluntarily waived by a local agency;
- Activities or costs associated with permanent work, such as the drilling of wells; and/or
- The distribution of water to businesses.

5. *Is a water distribution plan required to receive CDAA funding for EO B-26-14?*

Yes. In order for the local jurisdiction to be reimbursed for eligible costs under CDAA for EO B-26-14, the local jurisdiction must first identify to Cal OES the local needs and a water distribution plan for the impacted households.

6. *Which types of costs are private non-profits (PNP) eligible for CDAA under EO B-26-14?*

Under CDAA, a PNP providing assistance at the request of local government may be reimbursed for 100% of extraordinary costs associated with the distribution of water to households for drinking and/or sanitation. Pursuant to *Title 19 of the California Code of Regulations (CCR)*, § 2995, extraordinary costs are costs that are over and above normal operating costs, such as overtime, temporary hires, and travel-related costs. All extraordinary costs must be related to EO B-26-14.

7. *Will expenses incurred prior to EO B-26-14 be eligible?*

All costs relating directly to the emergency distribution of water for drinking and/or sanitation incurred as of January 17, 2014, may be eligible for CDAA reimbursement. These costs must meet the intent of EO B-26-14.

8. *Are costs associated with waiving fees for permits and inspections of new dry wells eligible under EO B-26-14?*

Pursuant to *Title 19, CCR, § 2910(h)(2)*, income, fees, revenues, wages, or rents lost or voluntarily waived by a local agency due to the drought are not eligible for CDAA reimbursement.

9. *Are extra or temporary help costs to collect and process dry-well reports eligible under EO B-26-14?*

Only costs relating to the emergency distribution of water for drinking and/or sanitation are eligible for CDAA reimbursement. The costs to collect and process dry wells do not meet the intent of EO B-26-14.

10. *Are costs associated with the logistics of water distribution eligible under EO B-26-14?*

Costs associated with the distribution of water for drinking and/or sanitation may be eligible for CDAA reimbursement.

11. *Will local government be reimbursed for costs associated with coordinating well drilling for households without water?*

Costs associated with permanent work such as the drilling of wells are not eligible.

12. *What is the CDAA cost-share for EO B-26-14?*

Pursuant to *California Government Code, § 8585.9*, the state share shall not exceed 75% of the total eligible costs. Therefore, the local jurisdictions will be responsible for a cost-share of 25%.

13. Will the local jurisdictions be provided an administrative allowance under CDAA?

Local governments will receive a 10% administrative allowance, applied as a percentage against the total approved state share, to cover reasonable indirect costs and the necessary costs of requesting, obtaining, auditing and administering state disaster assistance funds.

14. Can the 25% local jurisdiction cost-share be donated by homeowners?

Yes.

15. If a temporary water tank is installed under EO B-26-14, will future removal costs be funded by CDAA?

Yes.

16. If a more permanent solution can be provided at a lesser cost than the temporary water supply solution, will the permanent solution be eligible under CDAA for EO B-26-14?

No. Permanent solutions are not the intent of EO B-26-14. However, other state agencies in California (i.e., California Department of Water Resources and the State Water Resources Control Board) may have programs available to address permanent solutions.

17. The State of California does not have an Individual Assistance (IA) program, so how can CDAA reimburse for the provision of water to individual households?

EO B-26-14 does not authorize any IA program. Due to the significant health and safety issues and pursuant to *Title 19, CCR, § 2930, Emergency Protective Measures*, CDAA funds can be used to assist individuals through local government.

18. Will the California National Guard (CNG) manage and operate the water distribution effort?

At this time, EO B-26-14 has not directed CNG to provide water distribution assistance to local governments.

19. Whereas local government agencies are taking responsibility to distribute water to individual households, will the local government agencies be held harmless administratively, programmatically, financially and for liability on private property?

Hold harmless and right-of-entry forms are required and should be obtained from property owners. An example of hold harmless and right-of-entry forms can be found at:

<http://www.caloes.ca.gov/Recovery/Pages/Debris-Management.aspx>

20. What is the application process for this CDAA event?

If you would like to apply for CDAA funding under EO B-26-14, please contact David Gillings, Program Manager, Public Assistance Division, at 916-845-8224 or at David.Gillings@CalOES.ca.gov.

21. Will there be CDAA briefings for EO B-26-14?

Due to the nature of the event, Cal OES will provide applicants' briefings to individual requesting agencies as needed. For applicants' briefing information, please refer to the Cal OES website at: <http://www.calema.ca.gov/Recovery/Pages/Applicants'-Briefing.aspx>

22. *Will the local jurisdictions be given adequate notice prior to the termination of EO B-26-14?*

Pursuant to *California Government Code*, § 8567, the Governor may terminate EO B-26-14 at any time. Cal OES will make every attempt to inform local governments in advance.

For additional information relating to EO B-26-14, please contact David Gillings, Program Manager, Public Assistance Division at 916-845-8224 or at David.Gillings@CalOES.ca.gov.