

AGENDA ITEM FOR ADMINISTRATIVE MEETING

() Discussion only
(X) Action

FROM (DEPT/ DIVISION): Douglas R. Olsen
County Counsel

SUBJECT: City of Pendleton Payable

<p>Background: In 2020, the City of Pendleton removed sediment from McKay Creek resulting from the 2019 flooding. A portion of the cost was paid by FEMA, with the remaining amount to be paid jointly by the City, the district and the County. The payment for the Count portion is before the Board for approval due to the amount.</p>	<p>Requested Action: Approve payment to the City of Pendleton in the amount of \$16,922.55 for McKay Creek sediment removal</p>
--	---

ATTACHMENTS: Payable

*****For Internal Use Only*****

Checkoffs:

- () Dept. Head (copy)
- () Budget (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: June 29, 2022

Action taken:



City of Pendleton
 500 SW Dorion
 Pendleton, OR 97801
 Phone: (541) 966-0207

RECEIVED
 JUN 23 2022

INVOICE

Billed To:
 UMATILLA COUNTY COMMISSIONER
 GEORGE MURDOCK
 216 SE 4TH ST
 PENDLETON, OR 97801

DATE: 6/20/2022
 INVOICE #: INV11267
 DUE DATE: 6/20/2022
 TOTAL DUE: 16,922.55

CUSTOMER ACCOUNT # : 00625

1/3 of 2020 McKay Creek Sediment Removal

ITEM DESCRIPTION	UNITS	PRICE	AMOUNT
1/3 of 2020 McKay Creek Sediment Removal - (25% not reimbursed by FEMA)	1.00	16,922.55	16,922.55
TOTAL THIS INVOICE			16,922.55

For questions, contact Josh Ernst at (541) 966-0332

REMIT TO:

City of Pendleton
 500 SW Dorion
 Pendleton, OR 97801

Please reference the invoice number on your check. Thank you!

PROJECT # 113524 McKey Creek on City of Pendleton, Oregon

A - PAAP Debris

Category

IS THE APPLICANT CLAIMING DIRECT ADMINISTRATIVE COSTS (DAC)?

FEMA CODE	DESCRIPTION	LABOR		EQUIPMENT		COST	REIMBURSEMENT
		LABORERS	HOURS	UNITS	HOURS		
9226	Force Account Labor (Straight Time)	26	1,280.00			\$ 13,000.00	\$ 13,000.00
9227	Force Account Labor (Overtime)	13	555.51			\$ 11,560.77	\$ 11,560.77
9008	Force Account Equipment			1	562.00	\$ 4,014.71	\$ 4,014.71
9009	Force Account Materials					\$ 18,894.05	\$ 18,894.05
9004	Rental Equipment					\$ 31,791.85	\$ 31,791.85
9231	Contract					\$ 20,070.44	\$ 20,070.44
TOTAL						\$ 103,327.82	\$ 103,327.82

Total Volume of Debris Removed
Unit Cost of Debris Removal \$ 8.028 CY

FEMA CODE	DESCRIPTION	FUND		NON-FEDERAL SHARE	
		COST	REIMBURSEMENT	COST	REIMBURSEMENT
9226/9227	Force Account Labor (Straight Time/Overtime)	216	4,303.88	1,401.30	1,401.30
		710	10,321.21	3,440.44	3,440.44
		110	174.85	41.62	41.62
		610	24,714.45	8,504.82	8,504.82
		620	7,412.32	2,470.77	2,470.77
		720	1,023.25	341.25	341.25
9008	Force Account Equipment	66,400.76	48,800.57	16,600.19	16,600.19
		710	3,271.56	2,757.19	2,757.19
		610	11,032.26	8,271.57	8,271.57
		620	8,271.57	6,202.50	6,202.50
		710	4,021.38	3,236.89	3,236.89
		610	9,710.68	7,270.67	7,270.67
		620	18,894.05	14,311.35	14,311.35
		710	6,692.50	5,287.50	5,287.50
9231	Contract	30,391.80	22,798.85	7,597.95	7,597.95
		610	35,979.83	27,525.74	27,525.74
		620	152,954.00	116,714.03	116,714.03
		710	47,884.27	36,287.50	36,287.50
		110	951.76	728.75	728.75
TOTAL REIMBURSEMENT			\$ 300,953.02	\$ 206,763.03	\$ 206,763.03

20% Share	Umatilla County/Lower McKey Creek Invoiced Breakout		Lower McKey Creek		Pendleton & Parkside	
	Country's Portion	4,277.87	Country's Portion	4,277.87	Country's Portion	4,277.87
\$	2,283.61	4,277.87	1,255.53	1,255.53	2,757.19	2,757.19
\$	3,766.58	2,757.19	2,099.34	2,099.34	2,532.65	2,532.65
\$	6,286.02	7,597.95	3,699.98	3,699.98	5,287.50	5,287.50
\$	11,999.94	16,922.55	7,952.50	7,952.50	10,807.65	10,807.65
\$	50,787.05	16,922.55	16,922.55	16,922.55	16,922.55	16,922.55

Fee Code Breakout	110	210	710	610	620	720	Total
	13.87	467.10	3,475.19	4,460.89	6,391.75	113.75	15,022.55

Fund	TOTAL EXPENSES: FEMA Codes (PW FUNDS)	% of PW Expenses	Allocation
610	\$46,648.03	27.32%	\$5,182.00
620	\$87,933.43	51.40%	\$8,714.88
710	\$36,340.49	21.28%	\$4,021.38
TOTAL	\$170,921.95	100.00%	\$18,918.26

** Based on total Expenditures related to Force Account Labor and Force Account Equipment

Account Number	Dr.	Cr.
900-00015		300,953.02
110-44170		48,774.87
210-44170		4,208.89
610-44170		40,148.03
620-44170		75,525.74
710-44170		31,276.75
TOTAL	300,953.02	300,953.02

**Department of Homeland Security
Federal Emergency Management Agency**

General Info

Project #	111324 PW # 65	Project Type	Work Completed / Fully Documented
Project Category	A - Debris Removal	Applicant	City of Pendleton (059-57150-00)
Project Title	Debris Removal-McKay Creek	Event	4452DR-OR (4452DR)
Project Size	Large	Declaration Date	7/9/2019
Activity Completion Date	7/09/2020	Incident Start Date	4/06/2019
Process Step	Pending CRC Project Development	Incident End Date	4/21/2019

Damage Description and Dimensions

The Disaster # 4452DR, which occurred between **04/06/2019** and **04/21/2019**, caused:

Damage #322038; Debris Removal

During the incident period 4/6/2019 through 4/21/2019, a(n) Severe Storm(s) deposited the following debris throughout City of Pendleton. The storm deposited 8028 CY of sediment debris in McKay Creek, flood deposited earthen (sand/mud/soil) in the stream bed and embankments threatening abutting improved property and resulting in diminished capacity for the facility to carry outflow from McKay Reservoir Dam.

- McKay Creek 1a, a Waterway, located at 45.653661 -118.824214, is 170 Foot long x 22 Foot wide x 5 Foot high, 831 Cubic Yard of Vegetative Debris. Work to be completed.
- McKay Creek 2a, a Waterway, located at 45.653558 -118.825558, is 210 Foot long x 12 Foot wide x 1 Foot high, 112 Cubic Yard of Vegetative Debris. Work to be completed.
- McKay Creek 3a, a Waterway, located at 45.652422 -118.825125, is 10 Foot long x 30 Foot wide x 1.5 Foot high, 220 Cubic Yard of Vegetative Debris. Work to be completed.
- McKay Creek 4a, a Waterway, located at 45.652094 -118.824322, is 90 Foot long x 11 Foot wide x 1.5 Foot high, 66 Cubic Yard of Vegetative Debris. Work to be completed.
- McKay Creek 5a, a Waterway, located at 45.649678 -118.824181, is 160 Foot long x 11 Foot wide x 1.5 Foot high, 117 Cubic Yard of Vegetative Debris. Work to be completed.
- McKay Creek 6a, a Waterway, located at 45.649042 -118.823664, is 310 Foot long x 48.5 Foot wide x 10 Foot high, 6,682 Cubic Yard of Vegetative Debris. Work to be completed.

Special Considerations:

#2) McKay Creek is a natural waterway.

#5) The Applicant would like FEMA assistance to develop a Hazard Mitigation Plan.

General Notes:

Cubic Yard approximations are based on engineers report in JPA, see document: *Project # 111324 DR4452 - McKay Creek Sediment Removal JPA 102119.pdf*

Final Scope

322038 Debris Removal

Work Completed

The applicant utilized force account labor, equipment, materials, and contractors for debris removal operations throughout the McKay Creek in City of Pendleton, Oregon between 2-6-20 through 5-01-20.

The cost share for this project is 75%.

The Public Assistance Alternative Procedures Pilot Program for Debris Removal Acknowledgement form has been signed and the applicant elected to participate in the following options:

- Reimbursement of straight time force account labor costs for debris removal

Debris locations and Disposal Site:

1. McKay Creek 1a, a Waterway, located at 45.653661 -118.824214, 831 Cubic Yards
2. McKay Creek 2a, a Waterway, located at 45.653558 -118.825558, 112 Cubic Yards
3. McKay Creek 3a, a Waterway, located at 45.652422 -118.825125, 220 Cubic Yards
4. McKay Creek 4a, a Waterway, located at 45.652094 -118.824322, 66 Cubic Yards
5. McKay Creek 5a, a Waterway, located at 45.649678 -118.824181, 117 Cubic Yards.
6. McKay Creek 6a, a Waterway, located at 45.649042 -118.823664, 6,682 Cubic Yards.

The debris was staged at three (3) sites and hauled directly to the permitted disposal site. Final disposal site City of Pendleton property. Department of Environmental Quality (DEQ) of Oregon permit # 1200-C. Disposal location, Landfill for /soil/sand/mud debris GPS: 45.649518, -118.828465. FIRMettes was created for the three (3) staging areas (see Note 11).

Staging Area:

Area 1: West of Struve Bridge, 1308 Road. GPS: 45.654287, -118.824332

Area 2: Parking lot of Pendleton Community park, north end S.W. 41st street East side of the creek, GPS: 45.652378, -118.823584

Area 3 and 4: North end S.W 44th street, West side of the creek, City of Pendleton, OR. GPS: 45.652470, -118.827074
Equipment used within the creek area were a track excavator, front loader, tracked or rubber – tired support vehicles and dump trucks. No ground disturbance occurred, and no equipment entered the waterways.

Three (3) trees were removed. The trees were cut down & stumps remain. No dirt was needed. GPS of the 3 trees removed: 45.64897, -118.82359

Roads Department:

A. Removed approximately 8,028 CY of scattered soil/sand/mud debris from roads and public property including right of ways. The debris was then hauled to the final disposal site at City of Pendleton property. GPS: 45.649518, -118.828465.

1. Force Account Labor - 26 Employee(s) – 1,280.60 Straight Time hours **\$51,334.45**
2. Force Account Labor Overtime - 13 Employee(s) -355.51 Overtime hours **\$15,066.31**
3. Force Account Equipment - 18 EA. - 562 equipment hours **\$33,086.27**
4. Force Account Material fees- **\$25,192.07**
5. Rental Equipment fee: **\$30,391.80**
6. Contractor Cost: **\$47,999.77**

Work Completed Total: **\$203,070.67**

Unit Cost: **\$25.30 / CY**

Project Notes:

1. All costs associated with this project have been validated, see attachment labeled: *111324 FA Labor & FA Equipment Cost Validation Summary October 1, 2020 1:42 pm*
2. All procurement documents attached have been reviewed. See attachment labeled: *Procurement.pdf and Procurement Under Public Awards.pdf at Grants Manager.*
3. Debris was vegetative/sand/soil/mud mixed material which was picked up and loaded into dump trucks for final disposal at City of Pendleton landfill.
4. Applicant's force account monitored debris removal operations and load tickets were provided.
5. Reference costs were uploaded and PDMG has concurred on increase of FA Labor. See email: *Project # 111324 - Concurrence Cost email from PDMG.msg*
6. No wetlands are shown on the National Wetlands Inventory map. Sue Brady, AP Biologist confirmed the absence of wetlands during a site visit on September 20, 2019, using procedures outlined in the U.S. Army Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetlands Delineations Manual: Arid West Regions (Version 2.0).
7. Floodplain - The proposed project is within the regulatory floodway (Zone AE) and 0.2 percent annual chance flood hazard, area SS 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile (Zone X).
8. Water Quality - According to the DEQ 303(d) list, the portion of McKay Creek in the project area is listed as water quality limited for fecal coliform, temperature, and pH (Category 4A - TMDL approved). A TMDL for phosphorous in McKay Creek is listed as CAT3B; a TMDL for iron and lead are needed for McKay Creek (Category 5- TMDL needed). McKay Creek was isolated and fish salvage occurred in compliance with our NMFS permit, before sediment excavation occurred. The work area was isolated with barriers constructed of ecology blocks, encompassing the sediment removal area and isolating the work area to leave a portion of the channel clear for water flow. Flows were concentrated adjacent to the work area to a side of the channel that did not have any sediment removal activities. Once flows were diverted from the work area, fish were salvaged to remove any stranded fish in the isolated area.
9. Fish in the isolated area were removed first by seining or using dip nets, then by electrofishing. Electrofishing was completed according to National Marine Fisheries Service (NMFS) and Oregon Department of Fish and Wildlife (ODFW) electrofishing guidelines. All handled fish were recorded. Captured fish, were placed in aerated buckets, examined, identified, and then released outside the project area in similar habitat from which they were obtained. Fish capture was conducted when stream temperatures were at or below 15° Celsius (59° Fahrenheit), to the extent practical. Electrofishing was conducted early in the day to minimize stress to salmonids. Care was taken to avoid putting predators (if any are captured) into the same bucket as prey species. To reduce impacts, the amount of time fish spent in the buckets was minimized. Any listed fish were noted.
10. Cubic Yard approximations are based on engineers report in JPA, see document: *Project # 111324 DR4452 - McKay Creek Sediment Removal JPA 102119.pdf*
11. FIRMette created and uploaded, to Grants Manager for the (3) three staging areas.
12. As per PDMG, the catering and room rental are covered, as a Management cost (PAPPG V3.1 2018, Page 37) however it will have to go into the Cat. Z project please remove the cost for Catering and Room rental of \$809.70 from this project. Please make reference to RFI response for further information.
13. Three (3) trees were cut down and stumps remained.

Cost

Code	Quantity	Unit	Total Cost	Section
9227 (Force Account Labor (Over Time) - Debris Removal)	1.00	Lump Sum	\$15,066.31	Completed
9009 (Material Cost Provided by Applicant)	1.00	Lump Sum	\$25,192.07	Completed
9004 (Rented Equipment)	1.00	Lump Sum	\$30,391.80	Completed
9008 (Equipment)	1.00	Lump Sum	\$33,086.27	Completed
9231 (Contract - Debris Removal)	1.00	Lump Sum	\$47,999.77	Completed
9226 (Force Account Labor (Straight Time) - Debris Removal)	1.00	Lump Sum	\$51,334.45	Completed

CRC Gross Cost \$203,070.67

Total Insurance Reductions \$0.00

CRC Net Cost \$203,070.67

Federal Share (75.00%) \$152,303.01

Non-Federal Share (25.00%) \$50,767.66

Award Information

Version Information

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated
0	Eligible	Awarded	PA-10-OR-4452-PW-00065(67)	\$203,070.67	75 %	\$152,303.00	1/5/2022

Drawdown History

EMME Drawdown Status As of Date	Obligation Number	Expenditure Number	Expended Date	Expended Amount
4/18/2022	4452DRORP00000651	20192T4F-04152022	4/14/2022	\$152,303.00

Subgrant Conditions

- As described in 2 CFR, Part 200 § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a sub-recipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions, Part 200.333, (a) – (f), (1), (2). All records relative to this Project Worksheet are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- In the seeking of proposals and letting of contracts for eligible work, the Applicant/Subrecipient must comply with its Local, State (provided that the procurements conform to applicable Federal law) and Federal procurement laws, regulations, and procedures as required by FEMA Policy 2 CFR Part 200, Procurement Standards, §§ 317-326.
- The Recipient must submit its certification of the applicant's completion of this project, the final claim for payment, and supporting documentation within 180 days from the date that the applicant completes the scope of work. Project Worksheets written as large projects (costs above the large project threshold) are reimbursed based on the actual eligible final project costs. Therefore, during the final project reconciliation (closeout), the project may be amended to reflect the reconciliation of actual eligible costs.
- Subrecipient has chosen to participate in the Straight-Time Force Account Labor Alternative Procedure for Debris Removal. As a result, straight-time force account labor, including fringe benefits, will be reimbursed on the PW.
- The terms of the FEMA-State Agreement are incorporated by reference into this project award under the Public Assistance grant and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Policy and Program Guide; and other FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the date of the declaration of this major disaster are incorporated by reference into this project award under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at 2 C.F.R. pt. 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. pt. 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The applicant must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the applicant commences work associated with a change before FEMA approves the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.
- Pursuant to section 312 of the Stafford Act, 42 U.S.C. 5155, FEMA is prohibited from providing financial assistance to any entity that receives assistance from another program, insurance, or any other source for the same work. The subrecipient agrees to repay all duplicated assistance to FEMA if they receive assistance for the same work from another Federal agency, insurance, or any other source. If an subrecipient receives funding from another federal program for the same purpose, it must notify FEMA through the Recipient and return any duplicated funding.

Insurance

Additional Information

1/19/2021

Property insurance coverage for debris removal is limited to insured locations. Debris removal represented on this project does not include insured locations

and are not insured or insurable. No insurance relief is anticipated.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

No duplication of benefits from insurance is anticipated for work described in this application. In the event any part or all costs are paid by an insurance policy a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant award amount must be reduced by actual insurance proceeds.

No insurance requirements will be mandated for the damages included in this project. Insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct buildings, contents, equipment, and vehicles (FEMA Recovery Policy FP 206-086-1).

No insurance Narrative will be produced or uploaded into documents or attachments.

No O&M is required for the facilities represented on this project.

Ryan DeShong - Insurance Specialist - CRC West

O&M Requirements

There are no Obtain and Maintain Requirements on Debris Removal-McKay Creek.

Environmental Historical Preservation

Is this project compliant with EHP laws, regulations, and executive orders?

Yes

EHP Conditions

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

EHP Additional Info

There is no additional environmental historical preservation on Debris Removal-McKay Creek.

Final Reviews

Final Review

Reviewed By Michaels, Steven S.

Reviewed On 03/17/2021 7:43 AM PDT

Review Comments

No comments available for the Final Review step

Recipient Review

Reviewed By Slevin, Julie

Reviewed On 03/23/2021 11:42 AM PDT

Review Comments

State Reviewed, JS 3/23/21

Project Signatures

Signed By Ernst, Josh

Signed On 01/04/2022