COUNTY OF MARIN

BOARD OF SUPERVISORS

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
www.marincounty.org/bos

April 5, 2021

Ms. MaryAnn Tierney, Acting Deputy Administrator
Tod Wells, Federal Disaster Recovery Coordinator
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

Re: Comments to the Federal Emergency Management Agency from the California Emergency Services Association on the Proposed Revision to the Disaster Declaration Factor - FEMA-2020-0038

Dear Ms. Tierney and Mr. Wells,

On behalf of the Marin County Board of Supervisors, I write to join with the California Emergency Services Association (CESA) to oppose the Federal Emergency Management Agency's (FEMA) recent announcement proposing to revise the estimated cost of assistance used to evaluate a governor's request for a major disaster.

This extreme change to policy comes when state and local budgets are severely impacted. No existing measure of fiscal capacity of any local government can adequately represent the current perilous state of these economies during the ongoing COVID-19 response or forecast their capacity in the short term after COVID-19 is under control.

The proposal brings into question significant equity issues at a time where resilience and equity are tied so closely together in the national psyche. The significant increase in the per capita determining factor will mean that short of catastrophic event such an earthquake, communities will be unable to receive any federal aid. The current per capita-based indicators already favor areas with lower populations, and the new proposal exacerbates that inequity.

The proposed inclusion of the Total Taxable Resources does not take into account the actual fiscal capacity of a state or local government to respond to the needs of a disaster or factor in various limits that may exist on individual state treasuries or local units of government ability to raise revenue. No state or local government can possibly adapt their existing expectations, or disaster funds, to meet the new need based on the proposed indicators.

While there are legitimate policy questions related to the per-capita indicator and to the declaration process, the proposed changes are an abrupt and dramatic shift in policy, and should not occur during this time of political transition and national catastrophe. Repeatedly, local and state governments, and subject matter experts have asked to be involved in the formation of the concept, rather than provide input after the fact.

We join with CESA in recommending that the proposal be vacated by executive order. Extensive review of any change must save all levels of government money. CESA notes that the federal government owns 57% of California. However, as documented in annual Emergency Management Program Grant (EMPG) reports, FEMA only participates on 2% or less of major emergencies or disasters reported by states and local governments. Federal laws and regulations prohibit near term risk mitigation and increase costs. Local officials and their emergency managers cannot be held captive to laws and regulations they have no control over.

The development of new rules should occur after the new FEMA leadership team is in place and programs, such as the BRIC mitigation program, are on firm ground. At that time, stakeholders from all levels of government representing the whole community be part of a comprehensive effort to reduce the costs of disasters to the federal government in a way that does not bankrupt state and local governments.

Sincerely,

Dennis Rodoni, President
Marin County Board of Supervisors

cc: Marin County Board of Supervisors
Senator Dianne Feinstein
Senator Alex Padilla
Congressman Jared Huffman