

**MORONGO
BAND OF
MISSION
INDIANS**



A SOVEREIGN NATION

**Tribal Admin
Plan**

2022

ADMINISTRATIVE PLAN FOR PUBLIC ASSISTANCE
3428EM-MB ANNUAL SUBMISSION FOR THE PERIOD JANUARY 1, 2022 –
DECEMBER 31, 2022
Morongo Band of Mission Indians

TABLE OF CONTENTS

- I. PURPOSE**
- II. AUTHORITY**
- III. TERMS**
- IV. TRIBAL ROLES AND RESPONSIBILITIES**
- V. ADMINISTRATION AND SUPPORT**
- VI. DIRECTION AND CONTROL**
- VII. DEVELOPMENT AND MAINTENANCE**

I. PURPOSE

The purpose of this plan is to identify the roles and responsibilities of the Morongo Band of Mission Indians, 12700 Pumarra Road, Banning, CA 92220, in administering the Federal Emergency Management Agency Public Assistance Program ("PA Program" or the "Program"), and to outline staffing requirements and the policies and procedures to be used.

This plan (Plan) has been developed and submitted for approval in accordance with 44 C.F.R. § 206.207. The approved Plan will be incorporated into the emergency plan of the Morongo Band of Mission Indians.

II. AUTHORITY

A. Morongo Band of Mission Indians

- 1. Morongo Band of Mission Indians Tribal Constitution and Bylaws
- 2. Morongo Band of Mission Indians Tribal Emergency Operations Plan
- 3. Morongo Band of Mission Indians Reservation Forest Management Plan
- 4. Morongo Band of Mission Indians Tribal Procurement Policy and Code of Conduct
- 5. Morongo Band of Mission Indians Tribal Code, Ordinance, Statute or other Tribal Law. Examples: Title 35, Riparian Protection and Surface Mining Practices Ordinance.

6. Title 49 of the Morongo Band of Mission Indians Law & Order Code (Solid Waste Management), and other applicable provisions of Tribal Law

B. Federal

1. Stafford Act, P.L. 93-288, codified as amended, 42 U.S.C. § 5121 *et seq.*
2. FEMA Regulation, 44 C.F.R. Part 206
3. FEMA Regulation, 44 C.F.R. Part 207
4. FEMA Regulation, 2 C.F.R. Part 200 and 3002, Uniform Administrative Requirement, Cost Principles, and Audit Requirement for Federal Awards
5. 44 C.F.R. Part 9, Floodplain Management and Protection of Wetlands
6. 44 C.F.R. Part 11, Claims
7. 44 C.F.R. Subchapter B, Insurance and Hazard Mitigation National Eligibility Criteria
8. Executive Order 12612, Federalism
9. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
10. Public Assistance Program and Policy Guide (PAPPG), 2018
11. Public Assistance Policy on Insurance, 2015
12. Tribal Declarations Pilot Guidance (TDPG), 2017
13. FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements; and Instruction 108-1-1, Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements
14. DHS Directive 023-01-01, Implementation of the National Environmental Policy Act

III. TERMS

A. Definitions

1. **Joint Field Office (JFO)**: A temporary facility or virtual coordination hub established in a Presidential-disaster declaration. This office is to serve as the field headquarters for FEMA and Tribal recovery personnel, and as the focal point for disaster operation, direction, coordination, and information.

2. **Federal Emergency Management Agency (FEMA)**: The federal agency responsible for coordinating disaster recovery efforts. When used in this plan, the term also refers to the Regional Administrator (RA) of FEMA Region (XI), or a Disaster Recovery Manager (DRM) appointed by the Regional Administrator.
3. **Tribal Applicant**: The Morongo Band of Mission Indians and any sub-recipient tribal agency or other legal entity that receives an award and which is accountable to the Morongo Band of Mission Indians (Recipient) for the use of the funds provided.
4. **FEMA-Tribe Agreement (FTA)**: A formal legal document between FEMA and the Tribe stating the understandings, commitments, and binding conditions for assistance resulting from a federal disaster or emergency declared by the President. The FEMA Regional Director and the Tribal Authorized Representative (TAR) sign the document.
5. **Morongo Band of Mission Indians (Recipient)**: The Morongo Band of Mission Indians in Banning, California is also referred to in this Plan as the Recipient. The Recipient is a non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program.
6. **Grants Portal/Grants Manager**: FEMA program delivery model which is a web-based, project tracking system for use by FEMA, recipients, and subrecipients.
7. **Application Period**: The thirty (30) day period following the declaration of disaster in which the damage was located, during which the Morongo Band of Mission Indians TARsubmits a completed Request for Public Assistance (RPA) form to the FEMA Regional Administrator
8. **Project Worksheet**: A tool used by the Applicant and FEMA to develop projects. The Project Worksheet (FEMA Form 90-91) is the primary form used to document the location, damage description and dimensions, scope of work, and cost estimate for each project.
9. **Project**: A logical grouping of work required as a result of the declared major disaster or emergency. The scope of work and cost estimate for a project are documented on a Project Worksheet.
10. **Tribal Chairman**: The Chairman is the elected official in the event of a state of emergency declaration and spokesperson for the Morongo Band of Mission Indians.

- 11. Tribal Authorized Representative (TAR):** The person who is empowered by the Chief Executive to execute, on behalf of the Morongo Band of Mission Indians, all necessary documents for disaster assistance. The Chief Executive may appoint an Alternate TAR (ATAR) who is similarly empowered [see IV(B)(c)(1-3) below].
- 12. Federal Assistance:** As a federally recognized Indian tribe, the Morongo Band of Mission Indians receives aid from the federal government pursuant to federal statutory authorities.
- 13. Facility:** Any publicly or privately-owned building, works, system or equipment—built or manufactured, or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.
- 14. School Districts:** The Morongo School District is the only school district on the Morongo Band of Mission Indians Indian Reservation.
- 15. Educational Institutions:** Any pre-school, head start or Early Childhood Education, elementary schools, high schools, continuation schools and higher education as defined in the California Education Code.
- 16. Educational Facilities:** Any facility that supports the mission of the educational institution.
- 17. Emergency Work:** Work that must be done immediately to save lives, protect improved property, protect public health and safety, or avert or lessen the threat of a major disaster.
- 18. Permanent Work:** Restorative work that must be performed, through repairs or replacement, to an eligible facility based on its pre-disaster design and in accordance with current applicable standards.
- 19. Hazard Mitigation:** Any cost-effective measure that will reduce the potential for damage to a facility from a similar disaster event.
- 20. Pre-Disaster Design:** The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.

- 21. Large Project:** A project for which the final obligated (federal and non-federal) amount is equal to or greater than the annually adjusted cost threshold for small project grants.
- 22. Alternate Project:** Refers to when the Morongo Band of Mission Indians determines it not to be in the best interest of the Morongo Band of Mission Indians to repair damage to a facility, funds may be used to repair or expand other tribal facilities, or to fund hazard mitigation measures.
- 23. Expedited Projects:** FEMA may provide expedited (or immediate needs) funding for Emergency Work projects (Categories A or B) that meet or exceed the large project threshold to assist with payment within the first sixty (60) days after a declared disaster occurs. FEMA funds expedited projects at fifty (50) percent of the federal share of the estimated project costs.
- 24. Large Project Threshold Amount:** An amount of approved project estimated costs adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers and published in the Federal Register. The Large Project Threshold Amount applicable to any project is that amount in effect on the declaration date of the disaster, regardless of when project approval is made or when the work is performed.
- 25. Small Project:** A project for which the final obligated (federal and non-federal) amount is less than the annually adjusted cost threshold for small project grants.
- 26. Standards:** Codes, specifications, or standards required for the construction of facilities.
- 27. Special Considerations:** Issues that involve insurance, floodplain management, hazard mitigation, environmental, and historic preservation reviews as they relate to Public Assistance Program funding.

B. Acronyms

1. **ATAR:** Alternate Tribal Authorized Representative
2. **CFR:** Code of Federal Regulations
3. **FEMA:** Federal Emergency Management Agency
4. **FTA:** FEMA-Tribe Agreement
5. **EHAD:** Environmental and Historic Preservation Advisor
6. **EHP:** Environmental and Historic Preservation
7. **JFO:** Joint Field Office
8. **NFIP:** National Flood Insurance Program

- 9. **PA:** Public Assistance
- 10. **PAGS:** Public Assistance Group Supervisor
- 11. **PAPPG:** Public Assistance Program and Policy Guide
- 12. **PDA:** Preliminary Damage Assessment
- 13. **PDMG:** Public Assistance Program Delivery Manager
- 14. **PW:** Project Worksheet
- 15. **RA:** Regional Administrator
- 16. **RPA:** Request for Public Assistance
- 17. **SFHA:** Special Flood Hazard Area
- 18. **TAR:** Tribal Authorized Representative
- 19. **TCO:** Tribal Coordinating Officer
- 20. **TDPG:** Tribal Declarations Pilot Guidance

IV. TRIBAL ROLES AND RESPONSIBILITIES

A. General

The Morongo Band of Mission Indians has designated Floyd Velasquez, Emergency Services Administrator as the Tribal Authorized Representative (TAR) and David Ellsworth, Emergency Services Manager as the Alternate Tribal Authorized Representative (Alternate TAR) as the officers responsible for managing and administering the Program. These responsibilities include, but are not limited to:

- 1. The TAR will submit a staffing plan following the signing of the FEMA Tribe Agreement;
- 2. The TAR and Alternate TAR will be the minimum staffing required to administer the federal grant;
- 3. The TAR will assume initial responsibilities for public assistance activities upon the federal declaration of an emergency or disaster;
- 4. Notifying potential tribal subrecipients;
- 5. Conducting tribal subrecipients' briefings;
- 6. Requesting immediate needs funding on behalf of the tribal subrecipients;
- 7. Attending recovery scoping meetings;
- 8. Assigning a Tribal Applicant liaison to work with the FEMA PDMG;

9. Coordinating with the FEMA EHAD and complying with applicable EHP laws, regulations, and executive orders and any EHP conditions associated with the grant.
10. Assisting FEMA in determining work and Tribal Applicant eligibility;
11. Processing requests for appeals and approval of time extensions, cost overruns, improved projects, advances and reimbursements;
12. Making recommendations to FEMA on appeals and alternate project requests;
13. Complying with administrative requirements of 44 C.F.R. Part 206 and the audit requirements of 2 C.F.R.
14. Securing insurance information from tribal subrecipients when required;
15. Participating with FEMA in establishing hazard mitigation and insurance requirements;
16. Reviewing and certifying project completion information;
17. Conducting quarterly reviews, site inspections. and audits, as required to ensure program compliance;
18. Reporting to FEMA on a quarterly basis the financial status of PA grant and progress information per FEMA requirement; and
19. Determining budget and staffing requirements necessary for proper program management.

B. Administrative Staff

1. **Tribal Coordinating Officer (TCO)**: The person designated by the Morongo Band of Mission Indians to coordinate local disaster assistance efforts with that of the Federal government. The TCO will also be designated as the TAR.
2. **The TAR will:**
 - a. Execute all necessary documents on behalf of the Morongo Band of Mission Indians;
 - b. Review and recommend PWs prior to submittal for approval to their Public Assistance Coordinator;
 - c. Coordinate and provide personnel for PDA, applicant briefing, kick-off meeting, project formulation, and final inspection activities;
 - d. Organize documentation and record keeping in compliance with pre-award and post-award requirements;

- e. Supervise the planning and writing of the Mitigation and Floodplain Plan in accordance with the Stafford Act and FEMA regulations;
- f. Coordinate with the Regional Administrator to determine the extent of the Morongo Band of Mission Indians' insurance;
- g. Initiate actions and make recommendations, as authorized by Morongo Band of Mission Indians, in accordance with the Stafford Act and FEMA regulations relative to improved and alternate project funding options, advance of funds and reimbursements, time extensions and cost overruns, quarterly status reports and appeals;
- h. Ensure tribal conformity with administrative and fiscal control and accounting requirements of 44 C.F.R. Part 206 and 2 C.F.R. Parts 200 and 3002;
- i. Coordinate with the Tribal Fiscal Officer to ensure compliance with 2 C.F.R. Parts 200 and 3002;
- j. Process requests for cash advance or reimbursements in accordance with the FEMA Tribe Agreement, federal regulatory requirements, and Morongo Band of Mission Indians current accounting practices;
- k. Submit all copies of audits and reports to, as required by 2 C.F.R. 200, to the FEMA Office of the Inspector General;
- l. Process final claims for submittal to the Regional Administrator with requests for final payment;
- m. Submit final project closure documents to the Regional Administrator to terminate the FEMA Tribe Agreement when all work has been completed;
- n. Coordinate and assign tribal inspectors to FEMA teams for preparation of Large Project PWs and for tribal preparation of small project PWs;
- o. Represent the Morongo Band of Mission Indians on the project formulation team, assist in the preparation of Large and Small Project PWs, provide technical assistance to the Morongo Band of Mission Indians, and make eligibility recommendations for restorative work;
- p. Act as a first level review for completed PWs; and
- q. Prepare and submit quarterly performance/progress reports to the Regional Administrator. Quarterly reports shall be determined after the signing of the FTA.

3. The Alternate TAR (ATAR) will:

- a. Assume responsibilities and perform duties in the absence of the designated TAR;
- b. Assist the TAR with the administration and management of the Public Assistance Program, as authorized under tribal and federal laws and regulations; and
- c. Perform other duties as necessary.

V. ADMINISTRATION AND SUPPORT

A. Administrative Support Staff: Since staffing requirements vary depending on the magnitude, type, and extent of the disaster, the following personnel may be used to assist the TAR/TCO in meeting program administrative requirements.

1. Tribal Clerical Staff will:

- a. Process various disaster assistance applications;
- b. Prepare routine correspondence for signature of Tribal Staff; and
- c. Assist with any other clerical or office support tasks as necessary.

2. Tribal Fiscal Officer will:

- a. Develop and implement accounting procedures as required by federal regulations, the FTA, and any applicable tribal requirements;
- b. Prepare ledgers and supervise recording of tribal transactions;
- c. Coordinate the processing of documents necessary for reimbursement procedures and requests for additional funding, when necessary;
- d. Use the SMARTLINK Payment Management System to draw down funds obligated for the Morongo Band of Mission Indians under the Public Assistance Program;
- e. Process FEMA bills for collection in accordance with the FTA and 44 C.F.R. Part II, Subpart C;
- f. Submit as the Grant Manager, FEMA Office of the Chief Financial Officer (OCFO) Quarterly Financial Status Reports to the Regional Administrator;
- g. Prepare and submit quarterly cash transaction reports (PSC 272) to the Regional Administrator; and
- h. Perform other administrative duties as required.

3. Morongo Legal Department will:

- a. Provide the Morongo Band of Mission Indians with legal advice as necessary;
- b. Review all contracts related to Public Assistance repairs; and
- c. Perform other administrative duties as assigned.

4. Tribal Entities and their Managers/Directors will:

- a. Complete Preliminary Damage Assessments (PDA);
- b. Prepare and collect all information necessary to develop Project Worksheets;
- c. Provide technical assistance to FEMA regarding department specific projects; and
- d. Attend all meetings regarding the restoration projects.

5. Tribal Insurance Officer will:

- a. Provide the TAR with necessary insurance information to determine FEMA funding eligibility;
- b. Provide copies of insurance policies of affected properties for FEMA review;
- c. Assist tribal departments in preparing proper claim forms which shall then be submitted to TAR and FEMA; and
- d. Perform other duties as necessary to complete PA process.

6. Other Departments/Entities:

- a. One or more departments provide Tribal Administrative Support Personnel, as required, including a Computer Specialist/Administrative Technician and a Clerk/Typist.

B. Staff Funding: The Morongo Band of Mission Indians may submit a claim for reimbursement for costs incurred for administrative personnel to FEMA in accordance with the management and administrative cost provisions of 44 C.F.R. § 206.228.

VI. DIRECTION AND CONTROL

A. Post Declaration Activities

- 1. Notifying Potential Tribal Subrecipients:** The Morongo Band of Mission Indians will notify potential tribal subrecipients of the assistance that is available and the time and date of the tribal subrecipients' briefing to be held in their area. The Morongo Band of Mission Indians may determine that a separate tribal

subrecipients' briefing on tribal land is not necessary. Tribal subrecipients may attend a tribal subrecipients' briefing, or a subrecipients' briefing held by the State, if more convenient.

2. **Request for Public Assistance (Request)**: The Morongo Band of Mission Indians must forward a Request for Public Assistance (FEMA Form 90-49) on behalf of each tribal applicant with the Regional Administrator within thirty (30) days from the date Public Assistance was declared for tribal land. Requests submitted after this 30-day period will be reviewed on a case-by-case basis and, if warranted, will be forwarded to FEMA for consideration. If necessary, the Morongo Band of Mission Indians may request that the deadline for filing requests be extended.
3. **Tribal Applicant Eligibility**: The Morongo Band of Mission Indians will assist FEMA in screening all potential tribal subrecipients for eligibility.

B. Recovery Scoping Meeting

A Recovery Scoping Meeting will be scheduled following the tribal subrecipients' briefing to provide tribal subrecipients with specific information required to meet particular requirements of the Program. At this time the tribal subrecipients will be advised of record keeping requirements, cost estimating procedures will be reviewed; and Special Considerations, project formulation, and the project validation process will be explained.

C. Project Worksheet (PW) Preparation

1. Depending on the size and nature of the disaster, the Morongo Band of Mission Indians may choose to participate at various levels in the Public Assistance process. The varied levels of involvement may include:
 - a. Assisting FEMA and/or any tribal subrecipients in inspecting damaged sites, documenting the damage description and dimensions, and developing scopes of work and cost estimates.
 - b. Participating in the project validation process.
 - c. Providing tribal support as needed (personnel to assist tribal subrecipients with highly technical projects and/or to resolve disputes, etc.).
2. The Morongo Band of Mission Indians will prepare PWs for Small Projects.
3. The Morongo Band of Mission Indians is responsible for identifying projects that are anticipated to be Large Projects.

4. The Morongo Band of Mission Indians will ensure compliance with insurance coverage, floodplain management requirements, identify hazard mitigation opportunities, and obtain all required EHP permits.
5. The Morongo Band of Mission Indians will report any additional damage that is not previously identified to the PDMG within sixty (60) days of the initial inspection. If warranted, the Morongo Band of Mission Indians may request an extension of time in order to report additional damage.
6. The Morongo Band of Mission Indians will notify FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.
7. The Morongo Band of Mission Indians will assist FEMA and any tribal subrecipients in identifying hazard mitigation opportunities as provided by Section 406 of the Stafford Act. Such mitigation measures are generally directly part of the reconstructed work on a facility or will protect or benefit the repaired facility. They are different from mitigation measures that could be considered for eligibility under the Hazard Mitigation Grant Program of Section 404 of the Stafford Act. In that program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities, or even non-structural measures such as development of floodplain management regulations.
8. The Morongo Band of Mission Indians Administrative Staff as well as the Administrative Support Staff shall assist the individual tribal departments in developing and submitting 406 Hazard Mitigation project proposals to FEMA for review.
9. In coordination with FEMA, the Morongo Band of Mission Indians will provide information as to the technical feasibility, environmental and historic preservation compliance as well as the cost effectiveness of proposed hazard mitigation projects.
10. Each tribal department proposing any hazard mitigation will complete a FEMA approved benefit/cost analysis.
11. The TAR will coordinate the request for FEMA approval.
12. The Morongo Band of Mission Indians requests approval of all hazard mitigation projects in writing.
13. FEMA approval letter shall be attached to PW and the scope of work shall clearly identify the mitigation work.

D. Public Assistance Administration

1. **Grant Approval:** The Morongo Band of Mission Indians will submit an "Application for Federal Assistance" (SF 424), and "Assurances for Construction" Programs (SF 424D), to FEMA in order to receive federal funding. Approved PWs will be the basis for issuing the grant and any sub grants, if applicable, in accordance with the cost sharing provisions established in the FTA.
2. **Project Application:** Once PWs are approved by FEMA, the Morongo Band of Mission Indians will be responsible for the final processing of the PW and for initiating payments in accordance with Section 3 below.
3. **Project Funding:**
 - a. **Small Projects** - Funding for Small Projects will be based on the federal share of the PW estimate. The Morongo Band of Mission Indians will disburse funds for small projects after FEMA approves and obligates the PWs.
 - b. **Large Projects** - Funding for Large Projects will equal the federal share of the actual eligible cost as verified through a review of the project's cost documents. Approved funding will be obligated to the Morongo Band of Mission Indians following FEMA's approval of the PW.
 - c. **Advance of Funds** – A tribal applicant may request an advance of funds on an approved Large Project PW, if approved by the Morongo Band of Mission Indians. The total advance for any one PW will not exceed 75% of the federal share.
 - d. The Morongo Band of Mission Indians will be required to refund to FEMA any obligated or advanced funding that is not supported by cost documents and/or expended for the approved scope of any tribal applicant's PW.
4. **Insurance Requirements:** The Morongo Band of Mission Indians shall participate with FEMA in establishing insurance requirements. 44 C.F.R. Part 206, Subpart I, establishes insurances requirements applicable to disaster assistance provided by FEMA. Prior to approval of a FEMA grant for the repair, restoration, or replacement of an insurable facility or its contents damages by a major disaster:
 - a. Eligible costs shall be reduced by the amount of any insurance recovery actually received or anticipated, relating to eligible costs. Reasonable efforts must be taken to recover insurance proceeds that they are entitled to receive from their insurer(s) per PAPPG and Public Assistance Policy on Insurance.

- b. For properties located within a Special Flood Hazard Area (SFHA), FEMA may reduce Public Assistance funding when the facility is located in a SFHA where FEMA has identified the area as a SFHA for more than one year; damaged by flood; uninsured for flood; or has inadequate flood insurance. The full coverage available under the standard flood insurance policy from the National Flood Insurance Program (NFIP) will be subtracted from otherwise eligible costs for an insurable building and its contents within the special flood hazard area.
 - c. If eligible damages under section 406 of the Stafford Act are greater than \$5,000, a tribal applicant must obtain and maintain insurance to cover the assisted facility for the hazard that caused the major disaster in the amount of the eligible damage to the facility.
 - d. Assistance will not be provided under Section 406 of the Stafford Act for any facility for which assistance was provided as a result of a previous major disaster unless all insurance required by FEMA as a condition of previous assistance has been obtained and maintained. Not even the deductible amount, or damages in excess of the NFIP limits, or for flood damaged items not covered by standard NFIP policy will be eligible.
5. **EHP Compliance Requirements:** The Morongo Band of Mission Indians will comply with EHP conditions that are associated with a grant. Non-compliance with EHP conditions may jeopardize FEMA funding.

E. Tribal Insurance Procedures

- 1. Department Manager or Supervisor Completes the report of damaged property/theft form.
- 2. Tribal Police/ Highway Patrol/ Local Sheriff's Office take the report and investigate. This shall be submitted with claim form.
- 3. Obtain a copy of the police report, original invoices, and replacement costs and submit to our third-party administrator for processing.
- 4. If possible/necessary, third-party liability will be investigated and determined to re-coop any of our losses if necessary.
- 5. All claims up to \$100,000 are paid by the tribe through our third-party administrator.
- 6. Any amount over the \$100,000 will be submitted to our reinsurance carrier.

Please refer to Part V. ADMINISTRATION AND SUPPORT section "5. Insurance Officer"

- F. Reimbursement of Federal Funds:** FEMA will notify the Morongo Band of Mission Indians as soon as possible following the total or partial de-obligation of an approved PW.

FEMA will also notify the Morongo Band of Mission Indians if FEMA has determined that a reimbursement is required. If applicable, the Morongo Band of Mission Indians will notify the sub-recipient as soon as possible.

G. Funding Options

- 1. Improved projects:** The Morongo Band of Mission Indians is authorized to make a determination on any tribal applicant's request to conduct an improved project. Improved project requests must be submitted to FEMA prior to starting the improved portion of the proposed work. If approved, funding will be limited to the federal share of the approved PW amount. Such requests must be coordinated with FEMA to ensure compliance with applicable national historical and environmental laws. This request should contain:
 - a.** The reason for requesting an improved project.
 - b.** A description of the proposed work.
 - c.** A schedule of work.
 - d.** A cost estimate.
 - e.** Information adequate to establish compliance with special requirements, including, but not limited to, floodplain management, environmental assessment, hazard mitigation, protection of wetlands, endangered species, and insurance.
- 2. Alternate projects:** The Morongo Band of Mission Indians may submit a request to FEMA for an alternate project regarding any tribal applicant's project. Requests for alternate projects should be submitted to FEMA for approval prior to starting the proposed work. The Morongo Band of Mission Indians will review the request for eligibility and will ensure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:
 - a.** The reason for requesting an alternate project.
 - b.** A description of the proposed work.
 - c.** A schedule of work.
 - d.** A cost estimate.
 - e.** Necessary assurances to document compliance with special requirements, including but not limited to, insurance floodplain management, historic preservation, Hazard Mitigation, protection of wetlands, endangered species, and other relevant environmental compliance requirements.

3. **Time Limitations:** The Morongo Band of Mission Indians will ensure that approved work is completed within the following time frames from the date a major disaster or emergency is declared:

- a. Emergency Work = 6 months.
- b. Permanent Work = 18 months.

4. **Time Extensions:** The Morongo Band of Mission Indians may grant a time extension on any tribal subrecipients' project if the reason for delay is based on extenuating circumstances or unusual project requirements beyond the applicable tribal applicant's control. A tribal applicant may request a time extension on any approved PW by submitting a written request to the Morongo Band of Mission Indians prior to the completion date currently in effect. The additional time requested may not exceed the following time frames:

- a. Emergency Work = 6 months.
- b. Permanent Work = 30 months.

The Morongo Band of Mission Indians will notify FEMA of all time extensions that have been approved. Requests for time extensions beyond the Morongo Band of Mission Indians authority will be forwarded to FEMA in writing for determination with the Morongo Band of Mission Indians recommendation in accordance with the requirements of 44 C.F.R. Section 206.204 (d). Work performed after the last approved completion deadline is subject to having funding reduced or withdrawn.

5. **Tribal Departments** and their Managers are responsible for the following:

- a. Project management.
- b. Weekly project logs will be kept to determine progress.
- c. Submitting formal requests for project extensions 60 days prior to deadline.
- d. Justification for extension must be included.

6. **Project Completion**

- a. Upon completion of a Large Project, the Morongo Band of Mission Indians will conduct a review of each project's cost summary (a listing of all labor, equipment, materials, and contract costs associated with making needed repairs) to verify the actual project cost. If a Large Project was 100 percent complete at the time the PW was prepared, the eligible cost was based on actual cost information and no additional funding is claimed, no further review by the Morongo Band of Mission Indians will be necessary.

- b. If an approved project is not completed, the Morongo Band of Mission Indians will be required to return the federal funding that was provided for that project.

7. Cost Overruns

- a. Small Projects: The Morongo Band of Mission Indians will verify all significant cost overrun appeals submitted on Small Projects by conducting a review of all approved Small Project PWs. The Morongo Band of Mission Indians will base its recommendation for additional funding (a Net Small Project Overrun) on the information obtained during the review and will forward a report to FEMA for final determination. The cost share will be determined from final actual eligible project costs (whether an overrun or an under run) and will be adjusted at the time actual eligible costs for all Small Projects are determined.
- b. Large Projects: Each tribal applicant must evaluate each cost overrun and, when justified, submit a request for additional funding to the RA, through the Morongo Band of Mission Indians, for a final determination. All requests for the RA's approval will contain enough documentation to support the eligibility of all claimed work and costs. The Morongo Band of Mission Indians shall include a written recommendation when forwarding each request. The RA will notify the Morongo Band of Mission Indians in writing of the final determination.

8. Disputes/Conflict Resolution: In order to expedite funding and minimize tribal subrecipient appeals, the following conflict resolution process should be followed:

- a. If a tribal subrecipient liaison has been assigned, the tribal recipient should notify this individual of the unresolved issue.
- b. The tribal applicant liaison should work to resolve the issue with the PDMG. If the issue remains unresolved, the tribal applicant liaison should notify the Tribal PAGS.
- c. The Tribal PAGS should work to resolve the issue with the PAGS.
- d. Only after all these steps have been taken will the Tribal Applicant be referred to the appeal process.

9. Appeals: Any Tribal Subrecipient may appeal a determination made by FEMA. Upon receipt of an appeal from a tribal applicant, the Morongo Band of Mission Indians will review the material submitted, make such additional investigations as necessary, and will forward the appeal with a written recommendation to FEMA within 60 days of receiving the appeal from the tribal subrecipient. The Morongo Band of Mission Indians must submit its own appeals, and any sub-recipient tribal applicant must submit its appeals to the Morongo Band of Mission Indians, within 60

days from the date of written notice of the determination being appealed. Appeals regarding Net Small Project Overruns must be submitted 60 days from the date the last Small Project was completed.

10. Final Inspection: A final inspection and/or audit will be conducted by the Morongo Band of Mission Indians on all Large Projects once the projects have been completed and the project cost summary has been submitted by the tribal applicant (unless the PW was 100% complete at the time it was prepared) in order to certify to FEMA that the reported costs were incurred in the performance of eligible work. For those projects of a technical nature, a qualified member of the applicable tribal agency to which the project pertains will conduct a final inspection. The final inspection should be completed as soon as practical following the completion or receipt of the project cost summary.

11. Audit Requirement: Audit requirements will be in accordance with or 2 C.F.R. Parts 200 and 3002 as appropriate.

- a. A review of all Large Projects (and all Small Projects with significant cost overruns) will be conducted by the Morongo Band of Mission Indians once those projects are completed. Tribal subrecipients expending \$750,000 or more in total federal financial assistance in a fiscal year will be required to have an audit made in accordance with the 2 C.F.R. Subpart F. Such tribal subrecipients must provide the Morongo Band of Mission Indians with a copy of the single audit.
- b. FEMA may elect to conduct a federal audit of the disaster assistance grant or any of the sub grants.

12. Financial statements: The auditor shall determine whether the financial statements of the auditee are presented fairly in all material respects in conformity with generally accepted accounting principles. The auditor shall also determine whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the auditee's financial statements taken as a whole.

13. Subpart D of 2 C.F.R. Post-Federal Award Requirements states that a pass-through entity shall perform the following for the federal awards it makes:

- a. Identify federal awards made by informing each sub-recipient of the Catalog of Federal Domestic Assistance (CFDA) title and number, award name and number, award year, the period of performance dates, and the amount of the federal award is and name of federal agency. When some of this information is

not available, the pass-through entity shall provide the best information available to describe the federal award.

- b. Advise sub-recipients of requirements imposed on them by applicable federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.
- c. Monitor the activities of sub-recipients as necessary to ensure that federal awards are used for authorized purposes in compliance with applicable laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- d. Ensure that sub recipients meet the audit requirements of this part for that fiscal year.
- e. Issue a management decision on audit findings within six months after receipt of the sub-recipient's audit report and ensure that the sub recipient takes appropriate and timely corrective action.
- f. Consider whether sub-recipient's audits necessitate adjustment of the pass-through entity's own records.
- g. Require each sub-recipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

14. General Administrative Requirements: The Morongo Band of Mission Indians is responsible for developing and implementing procedures to ensure compliance with all administrative requirements of 44 C.F.R. Part 206 and 2 C.F.R. Part 200, Subparts B through D. Those procedures must be documented in this plan or referenced in and attached to this plan. The Morongo Band of Mission Indians "must monitor grant and sub grant supported activities to assure compliance with applicable Federal requirements." The Morongo Band of Mission Indians also shall ensure "that sub-recipients are aware of requirements imposed upon them by Federal statute and regulation." Tribal procedures documented in this plan or referenced and attached to this plan include, but are not limited to, those addressing the following sections of 2 C.F.R. Part 200. Procedures must describe how the Morongo Band of Mission Indians will ensure compliance and how the Morongo Band of Mission Indians will ensure that sub-recipients comply:

- a. **Standards** for financial management systems.
- b. **Payment.** The Morongo Band of Mission Indians will draw funds against designated federal systems. The Morongo Band of Mission Indians has no sub-recipients and wholly owns all tribal departments, offices, and enterprises. The

Morongo Band of Mission Indians does not advance PA grant funds. Therefore, no interest is earned and/or tracked.

- c. Allowable costs.** The Morongo Band of Mission Indians has primary responsibility for project management and accountability of funds as indicated in 2 CFR Part 200. To ensure proper accounting practices, the Morongo Tribe will track grant expense allowability in correlation with the award packet documentation. The Morongo Finance Department will ensure all expenses on purchase orders are allowable expenses to the grant award. The Morongo Tribe does not anticipate any sub recipients of the grant award.
- d. Period of availability of funds.**
- e. Matching or cost sharing.**
- f. Program income.**
- g. Non-Federal audit.**
- h. Changes.**
- i. Real property.**
- j. Equipment.**
- k. Supplies.**
- l. Copyrights.**
- m. Sub awards to debarred and suspended parties.**
- n. Procurement**

All procurement must meet the requirements of 2 C.F.R. §§ 200.317 through 200.332, regardless of state, tribal, and local emergency provisions to be eligible for federal assistance.

[Sub-recipients often do not comply with this section. Therefore, procedures should emphasize how the Morongo Band of Mission Indians will advise sub-recipients of procurement rules and regulations immediately after a disaster or emergency occurs and how the Morongo Band of Mission Indians will ensure sub-recipients comply. For example, except for small purchases, the Morongo Band of Mission Indians should prohibit sub-recipients from using non-competitive, time-and-material-type contracts after the first 3 days following the occurrence of a disaster or emergency.] The Morongo Band of Mission Indians has a Fiscal Management Document guided by 2 C.F.R. Part 200 and 24 C.F.R. Part 1003 requirements, which is periodically reviewed and updated. The Tribe has three sets of procedures, depending on the value of the contract. One for procurements with an aggregate of \$4,999 and lower, one for procurements with an aggregate of \$5,000 and higher, and one for CMGC contracting procedures for projects involving complex scheduling, phasing, and coordination. With procurements of over \$5,000, including CMGC projects,

program directors must prepare a scope of work and specifications of materials/services to be solicited.

A Request for Contracts is created with information about the scope of work, date and time for advertisement, closing date of receipt of bids/proposals, minimum requirements, work quality standards, date of bidders conference, right of agency to accept or reject all bids, period of contract, and evaluation criteria. The Tribe will accept bids through the closing date and evaluate, at the minimum, 2 bids. The Tribe will consider proposals from contractors and their ability to fulfill the work plan in the Request for Contracts and will also consider if the contractor is a tribal firm, federally recognized Indian firm, women business enterprise, labor surplus firm or small business (defined as any business whose gross revenue is \$2,000,000 or less per year). The program director will check <https://www.sam.gov/SAM/> to make sure the contractor is not on the exclusion list and declared ineligible to receive federal contracts. Morongo will only make awards to responsible contractors possessing the ability to perform successfully under the terms and conditions of proper procurement and give consideration to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. The contractor will be required to sign certifications regarding debarment and suspension, lobbying and certify that their business is a drug free workplace. The selected contractor will also be required to show a Certificate of Insurance, a review of suppliers list, if applicable, and secure a required license, if applicable.

o. Subgrants

p. Monitoring and reporting program performance. [To ensure quarterly progress reports to FEMA are timely, accurate, and complete, procedures should emphasize how the Morongo Band of Mission Indians will obtain timely and accurate quarterly information from sub-recipients on the status of every open Large Project.] In accordance with 2 C.F.R. Part 200.302, Morongo will submit the quarterly reports to FEMA at the end of each quarter, on January 15th, April 15th, July 15th and October 15th. Morongo will submit a cover sheet identifying the project and providing comments regarding projects status, and a Standard Form 425 (SF 425), Financial Status Report, to meet the requirements of 2 C.F.R. Part 200.302, Financial Management.

<u>Reporting Period</u>	<u>Report Due to THMO</u>	<u>Report Due to FEMA</u>
January 1 through March 31	April 1	April 15
April 1 through June 30	July 1	July 15

July 1 through September 30	October 1	October 15
October 1 through December 31	January 1	January 15

The Morongo Grant Manager and Morongo Finance Department will ensure programmatic information is being documented throughout the project period.

- q. Financial reporting.** [Procedures should ensure that quarterly financial status reports are reconciled to the Morongo Band of Mission Indians accounting records and contain complete information on both the federal and non-federal funds authorized, obligated, and expended.] The Tribe has financial systems in place to manage federal grant funds as required by OMB circulars and 2 C.F.R. In accordance with 2 C.F.R. § 200.302, Morongo will submit the quarterly reports to FEMA at the end of each quarter on January 15th, April 15th, July 15th and October 15th. Morongo will submit a cover sheet identifying the project and providing comments regarding projects status, and a Standard Form 425 (SF 425), Financial Status Report, to meet the requirements of 2 C.F.R. § 200.302, Financial Management.

<u>Reporting Period</u>	<u>Report Due to THMO</u>	<u>Report Due to FEMA</u>
January 1 through March 31	April 1	April 15
April 1 through June 30	July 1	July 15
July 1 through September 30	October 1	October 15
October 1 through December 31	January 1	January 15

The Morongo Grant Manager and Morongo Finance Department will ensure financial information is being documented throughout the project period. The Morongo Tribe does not anticipate any sub recipients of the grant award and therefore will not have to obtain reporting information from subrecipients.

- r. Retention and access requirements for records.**

H. Records and Reports

- 1. Progress Reports:** The Morongo Band of Mission Indians will submit a quarterly progress report to FEMA, which will contain the status of all Large Projects, which have not received final payment. The first quarterly report will be submitted three months from the date the JFO opened or on a quarterly schedule mutually agreed upon between FEMA and the Morongo Band of Mission Indians. FEMA has no reporting requirements for tribal subrecipients, but the Morongo Band of Mission Indians is expected to impose some reporting requirements on tribal subrecipients so that it can prepare quarterly reports. This information will be a key element in identifying Large Project cost overruns.
- 2. Closeout:** The Morongo Band of Mission Indians and each tribal applicant will be closed out once its Small and Large Projects are closed out. Small Projects will be

closed out in accordance with 44 C.F.R. § 206.205(a) after the Morongo Band of Mission Indians has determined that all work has been completed, all necessary documents have been received, and any appeal for Small Project overruns has been reconciled. Large Projects will be closed out individually in accordance with 44 C.F.R. § 206.205(b), after the Morongo Band of Mission Indians has determined that all work has been completed, all necessary documents have been received, the costs for each individual large project have been reconciled, all project payments have been made, and no further action is pending or anticipated (including litigation or lawsuits). The Morongo Band of Mission Indians will notify FEMA when all eligible funds have been paid to a tribal applicant and request tribal applicant closeout within 180 days from the date that the applicant completes each Large Project. When all tribal subrecipients have been closed out and all eligible funding has been reconciled, the Morongo Band of Mission Indians will request that FEMA close the Public Assistance Program for that disaster.

3. The closeout of a grant does not affect:

- a.** FEMA's right to disallow costs and recover funds on the basis of a later audit or other review;
- b.** The Morongo Band of Mission Indians obligation to return any funds due as a result of later refunds, corrections, or other transactions;
- c.** Records retention as required by 2 C.F.R. § 200.333;
- d.** Property management requirements in 44 C.F.R. § 200.344;
- e.** Audit requirements in 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- f.** Financial Status Report (SF 425)/SF 425A). The Morongo Band of Mission Indians shall submit the financial reports to the FEMA regional office 30 days after the end of the first federal quarter following the initial grant award. Financial Reports will be submitted to FEMA at least quarterly thereafter. Reports are due January 30, April 30, July 30, and October 30.
- g.** Project Documentation (Record Retention). All tribal subrecipients will be required to keep complete records of all work (i.e., receipts, checks, job orders, contracts, equipment usage documentation, and payroll information) funded under the Program for three years from the date that that tribal applicant is closed out. During this three-year period, all approved PWs are subject to tribal and federal audit/review.

VII. DEVELOPMENT AND MAINTENANCE

The Morongo Band of Mission Indians shall submit a revised plan annually and for each disaster for which Public Assistance is included. Revisions will be forwarded to the FEMA Regional Administrator for approval.

The Morongo Band of Mission Indians will amend this plan whenever necessary to reflect current policy guidelines and any applicable new or revised federal statutes or regulations or a material change in any tribal law, organization, policy, or tribal agency operation that is relevant to the administration of the PA program. The Morongo Band of Mission Indians will obtain approval for the plan amendment and its effective date but need submit for approval only the amended portions of the plan.

Submitted for Approval:

The attached Plan constitutes the Public Assistance Administration Plan of the Morongo Band of Mission Indians of Banning, California, which is submitted for approval in accordance with 44 C.F.R. § 206.207. The Plan will be incorporated into the emergency plan of the Morongo Band of Mission Indians in the form approved.

[Charles Martin],

Tribal Chairman

Morongo Band of Mission Indians

Date