

THE TEXAS A&M UNIVERSITY SYSTEM

Office of the Chancellor

July 17, 2019

Members, Board of Regents
The Texas A&M University System

Subject: Adoption of a Resolution Relating to the Texas Division of Emergency Management

The chancellor of The Texas A&M University System (A&M System) respectfully requests the Board of Regents' adoption of the following resolution to address key governance issues relating to the transition of the Texas Division of Emergency Management into the A&M System.

“WHEREAS, the Texas Division of Emergency Management (TDEM) is a program of the Department of Public Safety of the state of Texas (DPS) headquartered in Austin, Texas; and

WHEREAS, the 86th Texas Legislature enacted House Bill 2794, which transfers the Texas Division of Emergency Management from the DPS to the A&M System as a new component agency of the A&M System on September 1, 2019; and

WHEREAS, House Bill 2794 became effective immediately on June 10, 2019, when the bill was signed by Governor Greg Abbott; and

WHEREAS, the Texas Division of Emergency Management will be a unique A&M System agency tasked with certain duties relating to overseeing the state's preparation for, and response to, emergencies and disasters; and

WHEREAS, TDEM's internal administration and external operations are currently subject to the DPS' rules, policies, procedures and administrative decisions until superseded by action of the A&M System; and

WHEREAS, the A&M System's policies and regulations should govern the internal administration of TDEM, effective September 1, 2019, in the same manner as other members of the A&M System; and

WHEREAS, TDEM must develop a process for the transition of its rules in the Texas Administrative Code to become TDEM's external operations rules effective September 1, 2019, in coordination with the anticipated repeal of the TDEM Texas Administrative Code rules; and

WHEREAS, TDEM's ongoing process for the development and approval of its external operations rules after September 1, 2019, must ensure transparency, an appropriate opportunity for state and local stakeholder input, and final approval by the Board of Regents; and

WHEREAS, the incorporation of TDEM into the A&M System will also require certain conforming changes to A&M System rules, policies and procedures; and

WHEREAS, the chancellor recommends the chief of TDEM develop a plan for the development, approval, and publication of TDEM's external operations rules to be submitted to the Board of Regents for approval at the Board's February 2020 regular meeting; and

WHEREAS, Section 7(c) of the Master Resolution Establishing Revenue Financing System for The Texas A&M University System (the Master Resolution) provides that, if the Board desires for an agency governed by the Board to become a Participant of the Revenue Financing System for The Texas A&M University

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System (the Financing System), it may include the agency in the Financing System by adoption of a supplement to the Master Resolution; now, therefore, be it

RESOLVED, that, effective September 1, 2019, the A&M System's policies and regulations will govern TDEM; and, be it, further

RESOLVED, that, effective September 1, 2019, the Board adopts TDEM's operational rules in the Texas Administrative Code as TDEM's external operations rules until a detailed process can be developed and approved for the future development, approval, and publication of TDEM's external operations rules; and, be it, further

RESOLVED, that, effective September 1, 2019, TDEM will coordinate with the Public Safety Commission of the DPS on the anticipated repeal of the TDEM Texas Administrative Code rules; and, be it, further

RESOLVED, that, effective September 1, 2019, TDEM will post its external operations rules in a prominent location on the agency's website; and, be it, further

RESOLVED, that, effective September 1, 2019, the chancellor is authorized to make all necessary conforming changes to the A&M System's policies and regulations to reflect TDEM's transfer to the A&M System; and be it, further

RESOLVED, that the chief of TDEM will develop a detailed plan for the development, approval, and publication of TDEM's external operations rules to be approved by the chancellor and submitted to the Board of Regents for approval at the Board's February 2020 regular meeting; and be it, further

RESOLVED, that, effective September 1, 2019, due to the need for employees to respond immediately to disasters, the chief of TDEM shall establish an agency rule relating to the use of division vehicles which may allow employees to routinely drive the vehicles to their homes, and the rule shall be submitted to System Offices for review and approval pursuant to System Policy *01.01, System Policies and Regulations, and Member Rules and Procedures*; and be it, further

RESOLVED, that the Board desires for TDEM, which is an agency governed by the Board, to become a Participant of the Financing System and, accordingly, the Master Resolution is hereby supplemented to include, and TDEM is hereby included, as a Participant in in the Financing System.

ADOPTED, this 8th day of August 2019.”

Respectfully submitted,

[ORIGINAL SIGNED BY]

John Sharp
Chancellor

Approval Recommended:

[ORIGINAL SIGNED BY]

Billy Hamilton
Deputy Chancellor
Chief Financial Officer

Approved for Legal Sufficiency:

[ORIGINAL SIGNED BY]

Ray Bonilla
General Counsel

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[ORIGINAL SIGNED BY]

W. Nim Kidd
Vice Chancellor for Disaster and Emergency Services
Chief, Texas Division of Emergency Management

AGENDA ITEM BRIEFING

Submitted by: W. Nim Kidd, Vice Chancellor for Disaster and Emergency Services
Chief, Texas Division of Emergency Management

Subject: Authorization to Execute Federal Non-research Grants, Cooperative Agreements and Contracts, and Any Amendments, Modifications or Extensions to and Subawards under Non-research Grants, Cooperative Agreements and Contracts for FY 2019, FY 2020, and FY 2021

Proposed Board Action:

Authorize the Texas Division of Emergency Management (TDEM) chief, or designee, to execute the following non-research federal-state grants, cooperative agreements and contracts (subawards), each with a value in excess of \$500,000. The United States Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) and the U.S. Department of Transportation (USDOT) fund the TDEM grant awards listed below. These grant awards and a minimal amount of state general revenue fund the No. 7 contract listed below.

1. DHS/FEMA Emergency Management Performance Grants
2. DHS/FEMA Hazard Mitigation Grant Program
3. DHS/FEMA Public Assistance Grants
4. DHS/FEMA Crisis Counseling Program Grants
5. DHS/FEMA Pre-Disaster Mitigation Grants
6. DHS/FEMA Fire Management Assistance Grants
7. USDOT Pipeline and Hazardous Material Safety Administration (PHMSA) Hazardous Materials Emergency Preparedness Grant Program

Background Information:

System Policy [25.07, Contract Administration](#), requires that contracts, grants and agreements to perform educational and/or service activities consistent with a member's mission and involving a total stated or implied consideration of \$500,000 or more be submitted to the Board of Regents for approval.

DHS/FEMA – TDEM has administered DHS/FEMA programs listed above as far back as 1963. The funding is critical to TDEM's mission to carry out a comprehensive all-hazard emergency management program for the state and for assisting cities, counties, and state agencies in planning and implementing their emergency management programs. This includes pre and post-disaster mitigation of known hazards to reduce their impact; preparedness activities, such as emergency planning, training, and exercises; provisions for effective response to emergency situations; and recovery programs for major disasters.

USDOT – TDEM has applied for and participated in the PHMSA program every year since 1996. The funding is critical to TDEM's mission to carry out a comprehensive all-hazard emergency management program for the state and for assisting cities, counties, and state agencies in planning and implementing their emergency management programs. This includes pre and post-disaster mitigation of known hazards to reduce their impact; preparedness activities, such as emergency

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planning, training, and exercises; provisions for effective response to emergency situations, and recovery programs for major disasters.

Grant award funding received by TDEM has allowed TDEM to provide a comprehensive all-hazard emergency management program for the state and provide emergency management assistance for its jurisdictions. This includes preparedness, response, recovery, mitigation, and management of the State Operations Center.

Time Sensitive Awards – Upon the governor’s designation, the chief of TDEM is empowered to act as the governor’s authorized representative whereby TDEM serves as the state recipient and pass-through entity for the above federal non-research funds. Federal and private non-research sponsor agreements, to carry out the grant programs listed above, require execution in a timely manner in order to receive funds designated by the governor and then pass-through the subaward funding as needed to local jurisdictions so they can conduct planning, training, mitigation, response and recovery operations. Prior to the transition to The Texas A&M University System, these grant awards are approved promptly at the division level as soon as the division is notified of the award. The awards to the subrecipients are then allocated and distributed as soon as grant-funding requirements are met. As TDEM serves as the state-designated pass-through entity for these funds, and the ultimate recipients are the local jurisdictions, waiting to receive Board of Regents approval will result in either delays in these jurisdictions receiving the funds, or loss of awards from DHS/FEMA and USDOT. These awards include ongoing grants related to previous disasters that continue to be open and charged against.

A&M System Funding or Other Financial Implications:

All grant award amounts received by TDEM are fully funded by federal sponsor dollars. TDEM will receive a minimal amount of state general revenue funding for the performance of federally sponsored awards. Federal award amounts range from \$1.5 million to \$5 billion depending on disaster activity, sponsor appropriations and allocations to funded programs, and subawards range in excess of \$500,000 within the annual grant award amounts as follow:

1. DHS/FEMA Emergency Management Performance Grants: \$20 million per year
2. DHS/FEMA Hazard Mitigation Grant Program: \$10 million or more per year
3. DHS/FEMA Public Assistance Grants: \$130 million to \$1 billion per year
4. DHS/FEMA Crisis Counseling Grants: \$500,000 or more per year
5. DHS/FEMA Pre-Disaster Mitigation Grants: \$500,000 or more per year
6. DHS/FEMA Fire Management Assistance Grants: \$500,000 or more per year
7. USDOT Pipeline and Hazardous Material Safety Administration (PHMSA) Hazardous Materials Emergency Preparedness Grant Program: \$1.5 million per year

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TEXAS DIVISION OF EMERGENCY MANAGEMENT
Office of the Vice Chancellor for Disaster and Emergency Services
Chief, Texas Division of Emergency Management
July 1, 2019

Members, Board of Regents
The Texas A&M University System

Subject: Authorization to Execute Federal Non-research Grants, Cooperative Agreements and Contracts, and Any Amendments, Modifications or Extensions to and Subawards under Non-research Grants, Cooperative Agreements and Contracts for FY 2019, FY 2020, and FY 2021 Programs

I recommend adoption of the following minute order:

“The chief of the Texas Division of Emergency Management, or designee, is authorized to execute, following review for legal sufficiency by the Office of General Counsel, federal non-research grants, cooperative agreements, contracts, amendments, modifications, or extensions with the United States Department of Homeland Security/Federal Emergency Management Agency and the United States Department of Transportation, and any other federal and private non-research time sensitive award agreements to provide emergency and disaster-related training, planning, mitigation, response, recovery and related services, and subawards under any of the preceding, for fiscal year 2019, fiscal year 2020, and fiscal year 2021 programs.”

Respectfully Submitted,

[ORIGINAL SIGNED BY]

W. Nim Kidd
Vice Chancellor for Disaster and Emergency Services
Chief, Texas Division of Emergency Management

Approval Recommended:

[ORIGINAL SIGNED BY]

John Sharp
Chancellor

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