

RESOLUTION R-2324-134

A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY AND CITY OF NORMAN AUTHORIZING APPLICATION FOR HIGH HAZARD POTENTIAL DAMS (HHPD) GRANT FROM THE OKLAHOMA WATER RESOURCES BOARD, FOR FISCAL YEAR 2024, FOR CONSTRUCTION AND REHABILITATION OF THE MISTY LAKE DAM.

1. WHEREAS, the Federal Emergency Management Agency's ("FEMA's") Rehabilitation of High Hazard Potential Dam (HHPD) Grant Program ("Program") makes available federal funds to eligible states for pass through to non-Federal governmental organizations or nonprofit organizations for the rehabilitation of dams that fail to meet minimum dam safety standards and pose unacceptable risk to life and property;
2. WHEREAS, this funding opportunity provides technical, planning, design and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams;
3. WHEREAS, the Oklahoma Water Resources Board ("OWRB") is designated as a State Administrative Agency (SAA) for the HHPD funding and acts as a pass-through entity under the Program;
4. WHEREAS the Program provides a 65% federal match of funds necessary to complete the HHPD repairs, requiring a 35% local share, and has an application submittal deadline of March 31, 2024;
5. WHEREAS the Misty Lake Dam, located within the Summit Lakes and Summit Lake Villas subdivisions within the City of Norman, Oklahoma, meets the criteria for the Program, and the City of Norman is an eligible sub-applicant according to the FEMA's eligibility criteria;
6. WHEREAS, the City of Norman, Oklahoma, a municipal corporation ("City") and the Norman Municipal Authority, a public trust for the benefit of the City of Norman ("NMA") have previously entered into agreements with the Summit Lakes Property Owners Association, the Summit Lake Villas POA (collectively the POAs), and the developer Summit Lakes, LLC (collectively the "Summit Lakes Parties"), which provided for the private funding of a public construction project fully rehabilitating the Misty Lake Dam in a manner that satisfies the purposes and principals of the Program, so that the City and NMA could thereafter accept ownership and responsibility over the continued operation and management of the Misty Lake Dam;
7. WHEREAS, the City is currently in possession of more than \$500,000.00 in funds submitted by Summit Lakes Parties to be used toward rehabilitation of the Misty Lake Dam pursuant to those previous agreements;
8. WHEREAS, the POAs are the owners of the Misty Lake Dam that the project is eligible according to the project eligibility criteria provided in 33 U.S.C. § 467f-2, and pursuant to a Combined Memorandum of Understanding and Amendment 2 to the applicable Participation Agreement, the POAs have given their consent and direction that the City and NMA to submit an application to OWRB for consideration of a grant of funds pursuant to the Program;

9. WHEREAS, City Staff has evaluated the opportunity and in good faith believe the funds in the City's current possession may be used to satisfy the 35% local obligation of the Program, were a grant to be awarded for rehabilitation of the Misty Lake Dam.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NORMAN AND THE NORMAN MUNICIPAL AUTHORITY:

10. The City and NMA hereby determine that the Misty Lake Dam poses unacceptable risk to the public and exists in the City of Norman, Oklahoma, and by reason thereof, the City of Norman, through its Mayor and the NMA, through its Chairman, are hereby authorized and directed to sign an application and related documents necessary to file and process a grant application with the Oklahoma Water Resources Board on behalf of the Summit Lakes POA and the Summit Lake Villas POA, owners of the Misty Lake Dam;

PASSED AND ADOPTED this _____ day of _____, 2024.

CITY OF NORMAN:

Larry Heikkila, Mayor

ATTEST:

Brenda Hall, City Clerk

NORMAN MUNICIPAL AUTHORITY:

Larry Heikkila, Chairman

ATTEST:

Brenda Hall, Secretary