



FEMA Requirement E1: Adoption Documentation

Does the Plan include documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval?

Local Mitigation Plan Review Guide, FEMA, 2011, page 28

This “Good Practice” document is intended to help plan developers understand the FEMA requirement for adopting and documenting the adoption process during the development or update of a local hazard mitigation plan. Issues occasionally arise regarding the timing of adoption and the content of adoption documents. Fortunately, minor adjustments typically result in final FEMA approval.

Common Reasons Why FEMA Returns Plans for E1 Revisions

When Draft Plans Are Submitted for Review:

1. The official plan title must be consistent throughout the Final Draft Plan, and adoption documentation.
Tip: Choose a name recognizing mitigation as an on-going endeavor, not just preparatory activity before a hazard event (The title “*Pre-disaster* Hazard Mitigation Plan” is not appropriate). A variety of names are acceptable such as: Hazard Mitigation Plan, Natural Hazard Mitigation Plan, All Hazards Mitigation Plan. Include the name of the jurisdiction or multi-jurisdiction, the state, and date of the initial or updated plan.

Note: Draft adoption resolutions, certificates, or ordinances are not required to be submitted with plans for APA consideration.

However communities may find it advantageous to:

- Include a draft adoption document **with the draft plan** submitted for APA. This ensures a review to identify any inadequacies prior to jurisdiction adoption. (For content guidance see next section, *When Final Approved Plans with Signed Adoption Resolutions Are Submitted.*)

If not included, then leave blank pages in the plan’s front for inserting resolutions from the community or jurisdictions. Having the official signed adoption

certificate(s) inserted within the second or third page or in an appendix of the final adopted plan acknowledges the municipality's ownership and commitment to fully implement the Hazard Mitigation Plan.

- Wait to formally adopt the plan until after receipt of FEMA notification that the plan is "Approvable Pending Adoption" (APA). If FEMA requires changes to a submitted plan before issuing an APA, the resulting revised plan receiving the APA must be the same version adopted by the community. Most communities pursue this approach so they avoid having to request their governing bodies to officially adopt their plans twice, and confusion with multiple resolutions on record.

When Adopted Plans Are Submitted for Final FEMA Approval:

1. The plan was not adopted by the community within one year of receipt of FEMA's "Approval Pending Adoption" notice.
2. The plan date has not been revised throughout the plan document to reflect the date of adoption.
3. Housekeeping changes have not been made in the plan to finalize or remove inclusions such as "draft" notations, old dates, and track change notations.
4. The final plan contains changes beyond minor corrections such as for spelling or dates of adoption from the version that received an Approvable Pending Adoption notice. Major changes may require FEMA to again review the plan for approval. They include any changes that impact the Risk Assessment, the Planning Process, Strategy and Maintenance/Implementation sections of the Plan.
5. The adopted and submitted plan is incomplete and does not include all parts of the plan, e.g., appendices, adoption documentation, and attachments such as maps.
Tip: Submit the adopted plan electronically to FEMA.
6. The method of adoption is not adequately documented within the plan - either a resolution (certificate, ordinance), minutes of the local governing body or other action.
Note: The method and documentation must meet the community's legal requirements. If this is not a formal resolution, then written confirmation must be provided such as proof from the highest elected official/designee, or a copy of applicable local law from town/city clerk or attorney.
7. The resolution, certificate, or ordinance submitted as documentation is not a binding adoption by the community. For instance:
 - a. The date of adoption is not recorded within the adoption document.

- b. The plan title is different within the resolution/certificate of adoption from the title shown on the submitted plan.
 - c. The jurisdiction's resolution uses the language "plan approval," instead of the correct term, "adoption." FEMA approves a plan; the local jurisdiction adopts the plan.
 - d. The resolution does not describe the overall intent of a hazard mitigation plan adoption, including demonstrating the jurisdiction's commitment to fulfilling the hazard mitigation goals outlined in the plan, and to authorize responsible agencies to execute their responsibilities.
(See page 28 within the FEMA's Local Mitigation Review Guide and Plan Demonstrating Good Practice for Requirement E1 on pages 3-4 of this guide.)
 - e. The resolution/certificate/ordinance of adoption is not adopted and signed by the community's governing body or certified by the top elected official and clerk.
8. The governing boards of an incorporated town and village(s) with separate authorities over mitigation do not acknowledge and include separate or combined adoption resolutions for a jointly developed plan (thus considered a multi-jurisdiction plan).
Tip: Include separate or combined resolutions for each governing body to sign. See Example 2 in this guide.

Plans Demonstrating Good Practice for Requirement E1

If applicable, see *Good Practice Guide for Requirement E2: Multi-jurisdiction Adoption*.

This section provides examples of resolutions used in adopting a single and a multiple jurisdiction plan. Each abstract is preceded by a brief explanation why the adoption document meets requirements. In addition, practices going "Beyond Minimum Requirements" are noted.

The overall format and content are largely shared by single and multi-jurisdiction plans. However, jurisdictions participating in multi-jurisdiction plans should also consult the *Best Practice Guide* for Requirement E2 addressing additional considerations.

Example 1: *Chelsea, Vermont 2015 Local Hazard Mitigation Plan*

Why This Single-Jurisdiction Plan Demonstrates Good Practice

1. The resolution expresses commitment to plan implementation and identifies its purpose, desired outcome, responsible parties, and plan update schedule to fulfill the plan's intent.

2. The resolution and the plan consistently use the same title for the plan, thus correctly identifying the adopted plan.
Note: The plan title is up-to-date with current mitigation planning concepts, i.e., the plan does not reference “Pre-disaster Mitigation.”
3. The adoption resolution contains the date of adoption.
4. The resolution is signed by the town’s Selectboard Chair, an additional Selectboard member, and attested by signature of the Town Clerk.

See Abstract on following page.

Abstract from

Chelsea, Vermont 2015 Local Hazard Mitigation Plan

A RESOLUTION ADOPTING THE Chelsea, VT 2015 Local Hazard Mitigation Plan

WHEREAS, the Town of Chelsea has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of the hazards profiled in the Chelsea, Vermont 2015 Local Hazard Mitigation Plan, which result in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Town of Chelsea has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its Chelsea, Vermont 2015 Local Hazard Mitigation Plan (Plan) under the requirements of 44 CFR 201.6; and

WHEREAS, the Plan specifically addresses hazard mitigation strategies, and Plan maintenance procedures for the Town of Chelsea; and

WHEREAS, the Plan recommends several hazard mitigation actions (projects) that will provide mitigation for specific natural hazards that impact the Town of Chelsea with the effect of protecting people and property from loss associated with those hazards; and

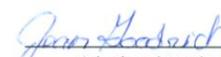
WHEREAS, adoption of this Plan will make the Town of Chelsea eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by Town of Chelsea Selectboard:

1. The Chelsea, Vermont 2015 Local Hazard Mitigation Plan is hereby adopted as an official plan of the Town of Chelsea;
2. The respective officials identified in the mitigation action plan of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as part of this resolution for a period of five (5) years from the date of this resolution; and
4. An annual report on the process of the implementation elements of the Plan will be presented to the Selectboard by the Emergency Management Director or Coordinator.

IN WITNESS WHEREOF, the undersigned have affixed their signature and the corporate seal of the Town of Chelsea this 3rd day of November, 2015.


Selectboard Chair


Selectboard Member

ATTEST


Town Clerk

**Example 2: 2015 Town and Village of Woodstock, Vermont
Multi-Jurisdictional Hazard Mitigation Plan**

Why This Multi-Jurisdiction Plan Demonstrates Good Practice

1. Separate adoption resolutions are included for both the Town and Village. Separate or joint resolutions are acceptable.
2. The resolutions each express commitment to plan implementation and identifies its purpose, desired outcome, responsible parties, and plan update schedule to fulfill the plan's intent.
3. Each resolution and the plan consistently use the same title for the plan, thus correctly identifying the adopted plan.
Note: The plan title is up-to-date with current mitigation planning concepts, i.e., the plan does not reference "Pre-disaster Mitigation."
4. Each resolution states the date of adoption.
5. The Town resolution is signed by the town's Selectboard Chair, an additional Selectboard member, and attested by signature of the Town Clerk. The Village resolution is signed by Board of Village Trustee's Chair, an additional Board of Village Trustee's member, and attested by signature of the Town Clerk.

See Abstract on following pages.

1 of 2 Abstracts from
***2015 Town and Village of Woodstock, Vermont
Multi-Jurisdictional Hazard Mitigation Plan***

CERTIFICATE OF ADOPTION

July 21, 2015

TOWN OF Woodstock, Vermont Selectboard

**A RESOLUTION ADOPTING THE 2015 Town and Village of Woodstock, Vermont
Multi-Jurisdictional Hazard Mitigation Plan**

WHEREAS, the Town of Woodstock has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of the hazards profiled in the **2015 Town and Village of Woodstock, VT Multi-Jurisdictional Hazard Mitigation Plan (Plan)**, which result in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Town of Woodstock has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its **Plan** under the requirements of 44 CFR 201.6; and

WHEREAS, the **Plan** specifically addresses hazard mitigation strategies, and Plan maintenance procedures for the Town of Woodstock; and

WHEREAS, the **Plan** recommends several hazard mitigation actions (projects) that will provide mitigation for specific natural hazards that impact the Town of Woodstock with the effect of protecting people and property from loss associated with those hazards; and

WHEREAS, adoption of this **Plan** will make the Town of Woodstock eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by Town of Woodstock Selectboard:

1. The **2015 2015 Town and Village of Woodstock, VT Multi-Jurisdictional Hazard Mitigation Plan** is hereby adopted as an official plan of the Town of Woodstock;
2. The respective officials identified in the mitigation action plan of the **Plan** are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and **Plan** maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as part of this resolution for a period of five (5) years from the date of this resolution; and
4. An annual report on the process of the implementation elements of the Plan will be presented to the Selectboard by the Emergency Management Director or Coordinator.

IN WITNESS WHEREOF, the undersigned have affixed their signature and the corporate seal of the Town of Woodstock this 21 day of July 2015.



Select Board Chair



Select Board Member

ATTEST



Town Clerk

Second abstract, next page

2 of 2 Abstracts from
***2015 Town and Village of Woodstock, Vermont
Multi-Jurisdictional Hazard Mitigation Plan***

**CERTIFICATE OF ADOPTION
August 11, 2015
Village OF Woodstock, Vermont Board of Trustees
A RESOLUTION ADOPTING THE 2015 Town and Village of Woodstock, Vermont
Multi-Jurisdictional Hazard Mitigation Plan**

WHEREAS, the Village of Woodstock has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of the hazards profiled in the **2015 Town and Village of Woodstock, VT Multi-Jurisdictional Hazard Mitigation Plan (Plan)**, which result in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Village of Woodstock has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its **Plan** under the requirements of 44 CFR 201.6; and

WHEREAS, the **Plan** specifically addresses hazard mitigation strategies, and Plan maintenance procedures for the Village of Woodstock; and

WHEREAS, the **Plan** recommends several hazard mitigation actions (projects) that will provide mitigation for specific natural hazards that impact the Village of Woodstock with the effect of protecting people and property from loss associated with those hazards; and

WHEREAS, adoption of this **Plan** will make the Village of Woodstock eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by Village of Woodstock Board of Trustees:

1. The **2015 Town and Village of Woodstock, VT Multi-Jurisdictional Hazard Mitigation Plan** is hereby adopted as an official plan of the Village of Woodstock;
2. The respective officials identified in the mitigation action plan of the **Plan** are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and **Plan** maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as part of this resolution for a period of five (5) years from the date of this resolution; and
4. An annual report on the process of the implementation elements of the Plan will be presented to the Board of Trustees by the Emergency Management Director or Coordinator.

IN WITNESS WHEREOF, the undersigned have affixed their signature and the corporate seal of the Village of Woodstock this 11 day of July 2015.


Board of Village Trustees Chair


Board of Village Trustees Member

ATTEST


Town Clerk

E1 Regulatory Guidance

Abstracts from *Code of Federal Regulations and Local Mitigation Plan Review Guide, October 1, 2011*

Element E1 Regulation [§201.6(c) (5)] (page 28)

[The plan shall include...] Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County commissioner, Tribal Council). For multi - jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

Element Intent (page 28)

To demonstrate the jurisdiction's commitment to fulfilling the hazard mitigation goals outlined in the plan, and to authorize responsible agencies to execute their responsibilities.

Element Requirements (page 28)

- a. The plan **must** include documentation of plan adoption, usually a resolution by the governing body or other authority.

If the local jurisdiction has not passed a formal resolution, or used some other documentation of adoption, the clerk or city attorney **must** provide written confirmation that the action meets their community's legal requirements for official adoption and/or the highest elected official or their designee **must** submit written proof of the adoption. The signature of one of these officials is required with the explanation or other proof of adoption.

Minutes of a council or other meeting during which the plan is adopted will be sufficient if local law allows meeting records to be submitted as documentation of adoption. The clerk of the governing body, or city attorney, **must** provide a copy of the law and a brief, written explanation such as, "in accordance with section ___ of the city code/ordinance, this constitutes formal adoption of the measure," with an official signature.

If adopted after FEMA review, adoption **must** take place within one calendar year of receipt of FEMA's "Approval Pending Adoption." See Section 5, *Plan Review Procedure* for more information on "Approvable Pending Adoption."

Check Out These Additional Aids

Local Mitigation Plan Review Guide, October 2011

<http://www.fema.gov/media-library/assets/documents/23194>

Local Mitigation Planning Handbook, March 2013 (pages 8-2 through 8-3)

<http://www.fema.gov/media-library/assets/documents/31598>