



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Deanna J. Santana
Teresa Reed

SUBJECT: SEE BELOW

DATE: May 27, 2011

Approved

Date

5/30/11

COUNCIL DISTRICT: City-Wide

SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO EXTEND THE TERM OF A JOINT MEMORANDUM OF UNDERSTANDING WITH THE CITY AND COUNTY OF SAN FRANCISCO, CITY OF OAKLAND, ALAMEDA COUNTY, AND SANTA CLARA COUNTY AS PARTNERS IN THE SAN FRANCISCO BAY URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM.

RECOMMENDATION

It is recommended the City Council:

1. Adopt a resolution authorizing the City Manager to execute a second amendment to extend the term of the joint Memorandum of Understanding (MOU) with the City and County of San Francisco, City of Oakland, Alameda County, and Santa Clara County as partners in the San Francisco Bay Urban Area Security Initiative (UASI) grant program for July 1, 2011 to December 31, 2011.

OUTCOME

Participation in the UASI grant program enables the City of San José to continue to prepare for, respond to, and recover from potential terrorism incidents and other hazards through a regional collaboration of local jurisdictions around the San Francisco Bay. This recommendation would result in an extension of the current MOU by an additional six months.

BACKGROUND

In 2006, the separate Urban Area Security Initiative cities: Oakland, San Francisco, and San José were combined into a single Bay Area UASI region. This regional organization also includes the ten counties surrounding the San Francisco Bay: Alameda, Contra Costa, Marin, Napa, Santa Clara, Santa Cruz, San Francisco, San Mateo, Solano, and Sonoma.

On December 12, 2006, the City Council approved a resolution (Resolution Number 73554) authorizing the City Manager to execute an MOU with the City and County of San Francisco, the City of Oakland, Alameda County, and Santa Clara County as partners in the Fiscal Year 2006 UASI grant. The City Manager subsequently executed this MOU.

ANALYSIS

The current MOU covered the period July 1, 2007 to December 31, 2010. On September 28, 2010, the Bay Area UASI Approval Authority voted to extend the term of the joint MOU for six months from December 31, 2010 to June 30, 2011. An ad-hoc committee was formed to draft a new MOU. The committee consisted of twelve (12) counties and the three core cities (San Jose, Oakland and San Francisco) with the County of Santa Clara as the lead agency.

On March 8, 2011, the Council approved an amendment to extend the term of the joint MOU from December 31, 2010 to June 30, 2011, to allow the Bay Area jurisdictions to continue efforts to negotiate and adopt a successor MOU. The ad-hoc committee has met numerous times to draft a document that could be presented to the UASI Approval Authority. On April 22, 2011, with a recommendation from the ad-hoc committee, the Bay Area UASI Approval Authority voted and approved an additional six month extension of the joint MOU from July 1, 2011 to December 31, 2011.

As such, we are requesting council approval of a second extension of the joint MOU from July 1, 2011 to December 31, 2011.

EVALUATION AND FOLLOW-UP

There is no additional evaluation or follow-up required.

POLICY ALTERNATIVES

No additional City Council action is expected for this grant.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the above criteria, but it is posted on the City's website as part of the March 8, 2011 Council agenda.

COORDINATION

This report was coordinated with the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This action is consistent with the following General Budget Principles:

1. Focus on protecting our vital core city services for both the short- and long-term.
2. Continue to streamline, innovate, and simplify our operations so that we can deliver services at a higher quality level and with better flexibility.

CEQA

Not a Project, File No. PP10-066 (a), 2010 UASI Grant MOU.

/s/
DEANNA J. SANTANA
Deputy City Manager

/s/
TERESA REED
Assistant Fire Chief

For questions please contact Christopher Godley, Director of Emergency Services, at 408.277.4595.

Attachment: Bay Area UASI's Second Amendment to the UASI Master MOU, dated May 1, 2011.

MEMORANDUM OF UNDERSTANDING BETWEEN
CITY AND COUNTY OF SAN FRANCISCO; CITY OF OAKLAND;
CITY OF SAN JOSE; ALAMEDA COUNTY; AND SANTA CLARA COUNTY

Second Amendment

This Amendment ("Amendment") is made this **May 1, 2011**, by and between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda and the County of Santa Clara (collectively, "the Parties").

RECITALS

WHEREAS, The Parties entered an Agreement (defined below); and

WHEREAS, The Parties wish to amend the Agreement to extend the term for up to six months; and

WHEREAS, At its noticed public meeting on April 22, 2011, the Bay Area UASI Approval Authority voted to extend the term of the Agreement;

NOW THEREFORE, The Parties agree as follows:

1. Definitions. The following definitions shall apply to this Amendment:

a. Agreement. The term Agreement shall mean the "Memorandum of Understanding between City and County of San Francisco; City of Oakland; City of San Jose; Alameda County; and Santa Clara County," with an effective date of July 1, 2007, entered by the Parties, as amended by the First Amendment dated December 29, 2010.

b. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

a. Section 12, Term. Section 12 of the Agreement currently reads as follows:

This MOU shall take effect on the Effective Date as described in Section 17 below and shall extend until June 30, 2011, unless sooner terminated as provided below ("Term"). If the Parties negotiate and fully approve a successor Memorandum of Understanding before the expiration of the Term, this MOU shall expire on final execution of the successor Memorandum of Understanding.

Such section is hereby amended in its entirety to provide as follows:

This MOU shall take effect on the Effective Date as described in Section 17 below and shall extend until December 31, 2011, unless sooner terminated as provided below ("Term"). If the Parties negotiate and fully approve a successor Memorandum of Understanding before the expiration of the Term, this MOU shall expire on final execution of the successor Memorandum of Understanding.

3. Effective Date. The modification set forth in Section 2 shall be effective on and after the date of this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The individuals executing this Amendment represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

The undersigned approve the terms and conditions of this Amendment.

City of San Jose, California

Signature: _____

By: _____

Title: _____