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City Manager's Office

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: Norberto Dueñas**

**SUBJECT: Early Council Packet**

**DATE: July 26, 2011**

Approved

Date 7/26/11

## EARLY DISTRIBUTION COUNCIL PACKET FOR AUGUST 9, 2011

Please find attached the Early Distribution Council Packet for the August 9, 2011 Council Meeting.

**8.x Memorandum of Understanding with the City and County of San Francisco for the 2010 Bay Area Urban Areas Security Initiative Grant Allocation.**

**Recommendation:** Subject to appropriation of funds in the 2011-2012 Budget:

(a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area UASI, to accept the 2010 UASI grant allocation in the amount of $1,234,000 and to negotiate and execute additional amendments and related documents without further Council action.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2011-2012:

(1) Establish a city-wide appropriation to the Police Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Police in the amount of $1,030,400;

(2) Establish a city-wide appropriation to the Fire Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Fire in the amount of $203,600; and,

(3) Increase the estimate for Revenue from the Federal Government by $1,234,000.

CEQA: Not a Project, File No. PP10-066(a), 2009 UASI Grant MOU. (Police/Fire/City Manager's Office)

This item will also be included in the Council Agenda Packet with an item number.

NORBERTO DUENAS
Deputy City Manager

COUNCIL AGENDA: 08-9-11
ITEM:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Christopher M. Moore
William McDonald
Jennifer A. Maguire

**SUBJECT:** SEE BELOW

**DATE:** July 18, 2011

Approved

Date 7/25/11

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO TO ALLOCATE 2010 URBAN AREAS SECURITY INITIATIVE (UASI) GRANT FUNDS TO THE CITY OF SAN JOSE IN THE TOTAL AMOUNT OF $1,234,000 AND ADOPTION OF APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE AMOUNT OF $1,234,000 FOR THE 2010 UASI GRANT IN THE GENERAL FUND.**

## RECOMMENDATION

It is recommended the City Council approve the following actions:

1. Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area UASI, to accept the 2010 UASI grant allocation in the amount of $1,234,000 and to negotiate and execute additional amendments and related documents without further Council action.

2. Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2011-2012:

    a. Establish a city-wide appropriation to the Police Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Police in the amount of $1,030,400;

    b. Establish a city-wide appropriation to the Fire Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Fire in the amount of $203,600; and,

    c. Increase the estimate for Revenue from the Federal Government by $1,234,000.

## OUTCOME

Participation in the 2010 UASI grant 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.

## BACKGROUND

In January 2006, the federal Department of Homeland Security announced that the separate Urban Areas Security Initiative cities of Oakland, San Francisco and San José be combined into a single Bay Area UASI region. This regional organization includes the ten counties in the San Francisco Bay: Alameda, Contra Costa, Marin, Napa, Santa Clara, Santa Cruz, San Francisco, San Mateo, Solano, and Sonoma.

The Governor's Office of Homeland Security (now California Emergency Management Agency) approved a governing body called the UASI Approval Authority. The voting members of the UASI Approval Authority consist of appointed representatives for the three UASI cities (Oakland, San Francisco and San José) and the counties in which they are located (Alameda, San Francisco and Santa Clara). The City and County of San Francisco acts as the fiscal agent for the UASI grant.

On October 21, 2010, the federal Department of Homeland Security announced the UASI final award allocations for Fiscal Year 2010. The San Francisco Bay Area received a total of $42,827,600 for the region. As allowed by the grant program, the California Emergency Management Agency retained 20% of this total, reducing the amount the region received to approximately $34,262,100. From this, the City of San José is being awarded $1,234,000 of the region's UASI grant funding. Of this amount, the San José Police Department will receive $1,030,400 and the San José Fire Department will receive $203,600.

The California Emergency Management Agency approved the region's spending plan with the caveat that reimbursements could not be made from the grant until the elected officials from each jurisdiction represented on the UASI Approval Authority approved a governing body resolution. According to the California Emergency Management Agency, a Memorandum of Understanding (MOU), signed by representatives from each of the UASI Approval Authority agencies, will meet this requirement. An MOU was signed by the City and four other Bay Area governmental agencies in 2007 to meet this requirement. The MOU was a multi-year agreement that remained in effect through December 31, 2010 and has been extended through December 31, 2011.

## ANALYSIS

Execution of the Agreement, which has been reviewed by attorneys for each of the signatories, will provide a $1,234,000 grant allocation that the City of San José will receive from the City and County of San Francisco, acting as the Bay Area UASI's fiscal agent. Funds will be used to

support planning activities and equipment purchases. The term of the Agreement is from April 1, 2011 through January 31, 2013.

The following list provides information on 2010 UASI projects and their estimated portion of the grant funding to the City of San José. These estimates are subject to reallocation and/or change over the course of the grant term. However, the total grant amount to the City will remain the same.

1. Reimbursement to the City of San José's Police Department for installation and implementation costs for the Automated Field Reporting/Records Management System (AFR/RMS). ($680,400)

2. Reimbursement to the City of San José's Police Department for salary and benefit costs for one temporary employee to provide planning support for the AFR/RMS. ($150,000)

3. Reimbursement to the City of San José's Police Department for funding to purchase one Chemical Detection Device. ($62,000)

4. Reimbursement to the City of San José's Police Department for funding to purchase one large Vehicle Bomb Counter Measure Delivery System Trailer. ($15,000)

5. Reimbursement to the City of San José's Police Department for funding to purchase a remote firing device for explosives. ($26,000)

6. Reimbursement to the City of San José's Police Department for funding to purchase two bomb suits. ($54,000)

7. Reimbursement to the City of San José's Police Department for funding to purchase a Dragon Runner (bomb robot) upgrade. ($43,000)

8. Reimbursement to the City of San José's Fire Department Office of Emergency Services (OES) for funding for personnel to provide planning support for regional initiatives. ($169,600)

9. Reimbursement to the City of San José's Fire Department for the purchase of two thermal imaging cameras. ($22,000)

10. Reimbursement to the City of San José's Fire Department for the purchase of one concrete breaching pneumatic hammer. ($12,000)

Within the 2010 Agreement there are various additions or modifications that were not included in the 2009 UASI agreement and are outlined below:

- *Section 3.7 (b): Specific Purchases. If SAN JOSÉ is using Grant Funds to purchase interoperable communication equipment, SAN JOSÉ shall consult DHS's SAFECOM's coordinated grant guidance, which outlines standards and equipment information to enhance interoperable communication. If SAN JOSÉ is using Grant Funds to acquire critical emergency supplies, prior to expending any Grant Funds, SAN JOSÉ shall submit*

*to the UASI Management Team for approval by CalEMA a viable inventory management plan, an effective distribution strategy, sustainment costs for such an effort, and logistics expertise to avoid situations where funds are wasted because supplies are rendered ineffective due to lack of planning.*

- *Section 3.9 (c) If after any monitoring review, the DHS or CalEMA makes findings that require a Corrective Action Plan by SAN JOSÉ, the City shall place a hold on all Reimbursement Requests from SAN JOSÉ until the findings are resolved.*

- *Section 12.5 Submitting False Claims; Monetary Penalties. Pursuant to San Francisco Administrative Code §21.35, any contractor, subcontractor, or consultant who submits a false claim shall be liable to the City for the statutory penalties set forth in that section. The text of Section 21.35, along with the entire San Francisco Administrative Code is available on the web at http://www.municode.com/Library/clientCodePage.aspx?clientID=4201. A contractor, subcontractor or consultant will be deemed to have submitted a false claim to the City if the contractor, subcontractor or consultant: (a) knowingly presents or causes to be presented to an officer or employee of the City a false claim or request for payment or approval; (b) knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the City; (c) conspires to defraud the City by getting a false claim allowed or paid by the City; (d) knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the City; or (e) is a beneficiary of an inadvertent submission of a false claim to the City, FY 10 UASI –SAN JOSE Page 20 of 21 April 1, 2011 subsequently discovers the falsity of the claim, and fails to disclose the false claim to the City within a reasonable time after discovery of the false claim.*

Staff feels that the City can comply with these additions. Staff will work with the UASI management team to ensure adequate estimates for sustainment costs as required in 3.7 (b). Staff must also work with the UASI management team to ensure documentation of National Incident Management System (NIMS) compliance is collected without an additional cost to the City. In addition, there are other minimal language alterations within the Agreement that do not hinder the City's ability to comply with the Agreement.

## EVALUATION AND FOLLOW-UP

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 action meets Criterion 1, and has been posted on the City's website for the August 9, 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:

> San José must focus on protecting its vital core city services for both the short- and long-term.
>
> San José must continue to streamline, innovate, and simplify its operations so that the City can deliver services at a higher quality level and with better flexibility.

## COST SUMMARY/IMPLICATIONS

According to the terms and conditions of the 2010 UASI grant, the City of San José will be reimbursed by the City and County of San Francisco, the fiscal agent for the Bay Area UASI, for grant-related purchases of equipment, supplies, training, and planning expenditures not to exceed $1,234,000. No matching funds are required for this grant.

On March 1, 2011, the City Council approved the new AFR/RMS project for the Police Department. This action included the costs for ongoing maintenance and support for the new AFR/RMS. The bomb suits will need to be replaced when they reach the end of their warranty period. The Police Department will continue to apply for grants for this purpose. The other projects contained within this Agreement do not necessitate replacement or ongoing maintenance costs.

## CEQA

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

/s/

CHRISTOPHER M. MOORE
Chief of Police

/s/

WILLIAM MCDONALD
Fire Chief

JENNIFER A. MAGUIRE
Budget Director

I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2011-2012 moneys in excess of those heretofore appropriated wherefrom, said excess being at least $1,234,000.

JENNIFER A. MAGUIRE
Budget Director

For questions please contact Melanie Jimenez, UASI Project Planner, at 408.277.2286.

CMM: MMJ