



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Raymond Riordan

SUBJECT: SEE BELOW

DATE: December 20, 2021

Approved

Date

12/20/21

**SUBJECT: ACTIONS RELATED TO THE MEMORANDUM OF UNDERSTANDING
WITH THE URBAN AREAS SECURITY INITIATIVE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute an updated Memorandum of Understanding (MOU) with the Bay Area Urban Areas Security Initiative (UASI); and
- (b) Execute amendments to the MOU to extend the term of the agreement up to four years and to make minor amendments to the MOU for governance, operational efficiencies, and transfer of funds within the established City Manager authority.

OUTCOME

Adoption of the updated governance MOU provides that the City and County of San Francisco continues to serve as fiscal agent and sub-grantee for funds distributed by the Department of Homeland Security (DHS) and the California Office of Emergency Services (Cal OES) to the Bay Area for UASI grant funds plus other Federal grant funds to the Bay Area Urban Area and other local jurisdictions within the Bay Area Urban Area, until further notice. The updated governance MOU will provide governance and reporting structure, financial arrangements, and procedures for application, allocation and distribution of federal UASI grant funds to the Bay Area Urban Area, and other federal grant funds for the Bay Area Urban jurisdictions as permitted under the MOU. Furthermore, the City of San José will maintain eligibility required for receiving federal DHS grant funds to assist with protecting life, property and the citizens of San Jose by continuing to prepare, mitigate, respond, and recover from disasters, events, and potential acts of terrorism.

BACKGROUND

In Fiscal Year 2003, DHS funding was granted to the top 30 largest urban areas, with the San Francisco Urban Area receiving funding as a core city, and responsible for collaborating funding efforts with the cities of San Jose, Oakland, San Francisco, and the counties of Marin, San Mateo, Alameda, Contra Costa and Santa Clara.

In Fiscal Years 2004 and 2005, the City of San José received funding as a Core City, and Santa Clara was named as a Core County with local jurisdictions in the Operational Area being added as planning partners, in conjunction with the counties of San Benito, Santa Cruz and Monterey.

In Fiscal Year 2006, the cities of Oakland, San Jose and San Francisco received regional funding under the newly created, Bay Area UASI, (Tier 1), which was governed by an MOU agreement encompassing a three-tiered structure of governance, which included the Urban Area Working Group, an Approval Authority, and the Advisory Group.

On December 12, 2006, the MOU was approved as Resolution Number 73554, and gave authority to the City Manager to execute the MOU with the City and County of San Francisco, the City of Oakland, Alameda County, and Santa Clara County to coordinate partnership for receipt of DHS funds under the 2006 UASI grant, with San Francisco as the Fiscal Agent. The multi-year agreement remained in effect through December 31, 2011. An updated MOU was approved by the City Council on November 8, 2011 (Resolution No. 76043) with a term from December 1, 2011 through December 1, 2013.

On December 19, 2017 (Resolution No. 78467), the City Council approved an updated MOU with a term from December 1, 2017 to November 30, 2021. The Memorandum of Understanding extended the MOU and clarified voting rights as a majority rules.

The attached updated Memorandum of Understanding extends the MOU and clarifies requirements for each party. The jurisdictions also adopting the MOU include City of Oakland, City of San José, City and County of San Francisco, County of Alameda, County of Contra Costa, County of Marin, County of Monterey, County of San Mateo, County of Santa Clara, and County of Sonoma as partners in the Bay Area Urban Areas Security Initiative (UASI) grant program with an effective date retroactive to December 1, 2021 to November 30, 2025.

ANALYSIS

The Bay Area UASI Approval Authority is the required oversight board for the Federal funds provided to the Bay Area Region by the Department of Homeland Security for purposes of developing homeland security programs in the three cities (San Jose, San Francisco, and Oakland) and eight counties surrounding the bay (County of Alameda, County of Contra Costa, County of Marin, County of Monterey, County of San Francisco, County of San Mateo, County of Santa Clara, and County of Sonoma). Each of these jurisdictions appoints a representative to

sit on the Approval Authority. The purpose of the Approval Authority is to establish and maintain an agreement between the Parties, develop guidance on how the funds are expended, accept the federal funds, approve the allocation of funds, monitor the use of the funds, and audit the final documentation of funds. For the City of San Jose, the Director of the Office of Emergency Management sits on the Approval Authority, with the Deputy Director of Technical Services of the Police Department as the alternate.

To provide an understanding of how the UASI funds benefit the City of San Jose, over the last three federal fiscal years, the Approval Authority distributed \$18,430,433 throughout the Region for local programs that enhance homeland security. From that total, the Approval Authority awarded \$4,627,363 (or 25.1%) to local jurisdictions in the South Bay, based on competitive applications. The City of San Jose successfully applied for \$1,690,464 (or 36.5% of the available South Bay Hub funds). In addition, each year by agreement, the City receives (non-competitively) \$1,000,000 per year, for a total distribution to the City of \$4,690,464 over the three years.

Memorandum of Understanding

The MOU is the instrument that allows the City of San Jose to continue to receive the UASI funds, and actively participate on the Approval Authority. On November 18, 2021, the Approval Authority for the Bay Area UASI approved the updated governance MOU and by-laws with two key modifications:

1. Item 1, a, v:

In 2017, the MOU stated:

Attendance Requirement. If a Party fails to send a Representative to two or more Approval Authority meetings in a calendar year, the Approval Authority may remove that Party as a Member of the Approval Authority by a two-thirds vote. In the event of such a vote, the party in question will not be eligible to vote on said issue.

In 2021, the MOU states:

Only one Representative per Member may participate and vote at a meeting of the Approval Authority, except that up to two Representatives from the City and County of San Francisco may participate and vote. If no Representative of a Party is in attendance at two or more Approval Authority meetings in a calendar year, the Approval Authority may remove that Party as a Member of the Approval Authority by a two-thirds vote. In the event of such a vote, the Party in question will not be eligible to vote on said issue.

Notes: In the 2017 MOU, Item 4.a established that the City and County of San Francisco would have two members with voting rights on the Approval Authority. This modification does not provide any additional voting rights to the City and County of San Francisco, rather provide clarification that both would attend the Approval Authority meetings.

2. Item 3, c:

In 2021 MOU, it states:

Each Party expressly retains all rights and powers necessary to accept and adopt regional plans

Notes: This is an addition to the MOU to clarify that each Party to the MOU can determine need to adopt any of the plans created by the Bay Area UASI working groups.

These administrative changes are the purpose of the second part of the resolution, delegating authority to the City Manager or designee to execute amendments to the MOU to extend the term of the MOU up to four years and to make minor amendments to the MOU for governance, operational efficiencies, and transfer of funds within the established City Manager authority.

Providing this authority will allow for efficient updates to the MOU reducing staff time on these tasks.

CONCLUSION

Adoption of the updated governance MOU will allow the City of San José to maintain eligibility for receiving federal DHS grant funds. The grant funds provide critical funding to the City of San José to continue to prepare for, respond to, and recover from potential incidents of terrorism and other hazards through a regional collaboration of local jurisdictions around the San Francisco Bay Area.

EVALUATION AND FOLLOW-UP

There is no additional follow-up or evaluation required.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

HONORABLE MAYOR AND CITY COUNCIL

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PUBLIC OUTREACH

The UASI Approval Authority meetings allow public comment on the activity of the Approval Authority activities. Public did attend the November 18, 2021 meeting and had no negative reaction. This memorandum will be posted on the City's Council Agenda website for the January 11, 2022 Council Meeting.

COORDINATION

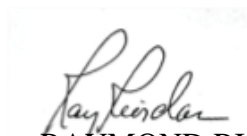
This memorandum was coordinated with the Police Department, Fire Department, City Attorney's Office, and City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application.



RAYMOND RIORDAN

Director, Office of Emergency Management

For questions, please contact Raymond Riordan, Director of the Office of Emergency Management, at (408) 794-7050.