

File No. 110603

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: May 26, 2011

Board of Supervisors Meeting

Date: _____

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement (Approved as to Form) |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>MOU - CCSF, Oakland, San Jose, Alameda & Santa Clara Counties</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Andrea S. Ausberry

Date May 20, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

1 [Memorandum of Understanding Second Amendment - Urban Areas Security Initiative Grant
2 Funds]

3 **Resolution approving a Second Amendment to the Memorandum of Understanding**
4 **("MOU") between the City and County of San Francisco, the City of Oakland, the City of**
5 **San Jose, the County of Alameda, and the County of Santa Clara that establishes a**
6 **governance structure and procedures for application, allocation, and distribution of**
7 **federal Urban Areas Security Initiative grant funds to the Bay Area Urban Area, to**
8 **extend the term of the MOU to December 31, 2011, and authorizing the Executive**
9 **Director of the Department of Emergency Management to execute that Second**
10 **Amendment on behalf of the City and County of San Francisco.**

11
12 WHEREAS, The United States Department of Homeland Security ("DHS") has a
13 Homeland Security Grant Program, which includes the Urban Areas Security Initiative
14 ("UASI") Program. The UASI Program addresses the unique planning, equipment, training,
15 and exercise needs of high-threat, high-density urban areas, and assists those areas in
16 building an enhanced and sustainable capacity to prevent, protect against, respond to, and
17 recover from threats and acts of terrorism; and

18 WHEREAS, DHS requires each Urban Area receiving funds to establish an Urban Area
19 Working Group ("UAWG") to act as an executive steering committee and provide overall
20 governance of the UASI Program across the regional area encompassed within the defined
21 Urban Area; and,

22 WHEREAS, For fiscal year 2006, the DHS consolidated the City and County of San
23 Francisco, the City of Oakland and the City of San Jose into a combined Tier I "Bay Area
24 Urban Area" for purposes of the UASI Program; and,

1 WHEREAS, For fiscal year 2006, the City and County of San Francisco, the City of
2 Oakland, the City of San Jose, Alameda County, and Santa Clara County (the "Parties") jointly
3 committed to cooperate for the purposes of applying for, allocating, and distributing the fiscal
4 year 2006 UASI Program grant funds, and accordingly entered into a Memorandum of
5 Understanding dated July 1, 2006 ("2006 MOU"), setting forth their agreements regarding the
6 governance structures, responsibilities, and financial agreements to use in applying for,
7 allocating, and distributing UASI grant funds to the Bay Area Urban Area; and,

8 WHEREAS, DHS approved the structure created in the 2006 MOU as the UAWG for
9 the Bay Area Urban Area; and,

10 WHEREAS, The 2006 MOU established procedures for allocating UASI funds, and
11 designated the City and County of San Francisco as the primary grantee and fiscal agent for
12 UASI funds for the Bay Area Urban Area; and,

13 WHEREAS, The Board of Supervisors approved the 2006 MOU in Resolution No. 718-
14 06, File No. 061583; and,

15 WHEREAS, The Parties negotiated and the Board of Supervisors approved an updated
16 Memorandum of Understanding dated July 1, 2007 ("2007 MOU") applicable to fiscal year
17 2007 and future years in Resolution No. 638-07, File No. 071451; and,

18 WHEREAS, The 2007 MOU expired on December 31, 2010. The Parties and other
19 governmental entities within the Bay Area Urban Area are negotiating a successor
20 Memorandum of Understanding, which is not yet complete; and,

21 WHEREAS, the Board of Supervisors approved a First Amendment to the 2007 MOU
22 providing a six-month extension of the 2007 MOU through June 30, 2011 in Resolution No.
23 111-11, File No. 110078; and

24 WHEREAS, The Parties require an additional six-month extension of the term of the
25 2007 MOU, to continue the terms of that agreement until a successor MOU is in place; and,

1 WHEREAS, A copy of the Second Amendment to the 2007 MOU, which extends the
2 term of that MOU through December 31, 2011, is on file with the Clerk of the Board of
3 Supervisors in File No. 110603, which is hereby declared to be a part of this Resolution as if
4 set forth fully herein; now, therefore, be it

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
6 hereby approves the Second Amendment to the 2007 MOU between the City and County of
7 San Francisco, the City of Oakland, the City of San Jose, Alameda County, and Santa Clara
8 County; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
10 Francisco authorizes the Executive Director of the Department of Emergency Management, or
11 the Director's designee, to execute the Second Amendment to the 2007 MOU for and on
12 behalf of the City and County of San Francisco.



Edwin M. Lee
Mayor

Department of Emergency Management
1011 Turk Street, San Francisco, CA 94102

Division of Emergency Communications
Phone: (415) 558-3800 Fax: (415) 558-3843

Division of Emergency Services
Phone: (415) 487-5000 Fax: (415) 487-5043



Anne Kronenberg
Executive Director

MEMORANDUM

To: Supervisor Carmen Chu

From: Amiee Alden, Policy and Planning Manager, DEM

Date: April 29, 2011

Re: **Legislation to Extend 2007 UASI MOU Through December 31, 2011**

The Department of Emergency Management (DEM) respectfully requests that you introduce the attached legislation at the May 3, 2011 Board of Supervisors meeting to extend the current term of the 2007 Memorandum of Understanding (MOU) governing the Bay Area Urban Area Security Initiative (UASI) through December 31, 2011.

On March 1, 2011, the Board of Supervisors passed a First Amendment to the 2007 UASI MOU (attached), which extended the term through June 30, 2011 while negotiations on a new 2011 MOU are ongoing. The UASI Approval Authority has since approved a Second Amendment to the 2007 MOU that extends the term through December 31, 2011 because negotiations on the 2011 MOU may not conclude before the first extension expires. The Second Amendment must be approved by all jurisdictions on the UASI Approval Authority, including the City and County of San Francisco.

The Second Amendment makes no other changes to the terms of the 2007 MOU – it simply extends the term through the end of the year. We will return to the Board with a final 2011 MOU once it has been agreed to by the Approval Authority. The 2011 MOU will set new terms and will supersede the extensions to the 2007 MOU.

If possible, we would appreciate if this legislation could be introduced for Adoption Without Committee Reference, since it makes no new policy or appropriation, and is identical to legislation approved by the Board on March 1, with the only change being a new date for termination of the 2007 MOU.

Thank you for your assistance. Please contact me if you have any questions or would like additional information.

Attachments

Cc: Jason Elliott, Office of Mayor Lee

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 **June 24, 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 and County of San Francisco, California

Signature: _____

By: _____

Title: _____

City of Oakland, California

Signature: _____

By: _____

Title: _____

City of San Jose, California

Signature: _____

By: _____

Title: _____

Alameda County, California

Signature: _____

By: _____

Title: _____

Santa Clara County, California

Signature: _____

By: _____

Title: _____

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or
Meeting Date

I hereby submit the following item for introduction:

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment
- 2. Request for next printed agenda without reference to Committee
- 3. Request for Committee hearing on a subject matter
- 4. Request for letter beginning "Supervisor _____ inquires..."
- 5. City Attorney request
- 6. Call file from Committee
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File Nos.
- 9. Request for Closed Session
- 10. Board to Sit as A Committee of the Whole
- 11. Question(s) submitted for Mayoral Appearance before the BOS on 5/10/11

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- | | |
|---|--|
| <input type="checkbox"/> Small Business Commission | <input type="checkbox"/> Youth Commission |
| <input type="checkbox"/> Ethics Commission | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Inspection Commission | |


Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

Sponsor(s): Supervisor Carmen Chu

Memorandum of Understanding amendment for UASI grant funds

SUBJECT: _____

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

