

LEGISLATIVE DIGEST

[Emergency Ordinance - Delegation of Authority to Amend Certain Agreements]

Emergency ordinance to delegate Board of Supervisors approval authority under Charter, Section 9.118, to City departments to amend certain existing agreements to comply with recommendations and requirements for potential reimbursement of funds from the Federal Emergency Management Agency or the California Governor’s Office of Emergency Services for expenditures in response to the public health emergency related to COVID-19.

Existing Law

Following major disasters and emergencies declared by the President, the Federal Emergency Management Agency (“FEMA”) provides supplemental assistance to state and local governments. Additionally, the California Governor’s Office of Emergency Services (“OES”) may provide matching fund assistance to local governments in California. Through these assistance programs of FEMA and OES, the City may be eligible to receive reimbursement for certain expenditures made in response to the COVID-19 emergency, including payments made by departments under City contracts.

Federal law and regulations require local agencies such as the City to implement specific procurement procedures and use certain contract clauses to qualify for FEMA reimbursement in some circumstances.

Charter Section 9.118 requires the Board of Supervisors to review and approve certain types of significant contracts and some amendments to those contracts. With some limitations, the Board may delegate authority to departments in certain specific circumstances to enter into contracts or amendments that would otherwise require approval under Section 9.118.

Amendments to Current Law

The proposed emergency ordinance would authorize City departments to amend existing agreements without seeking approval by the Board of Supervisors for the amendment under Section 9.118, as long as the Board has previously approved the contract; the amendments only add, change, or remove terms to maximize the ability of the City to obtain federal or state reimbursement; the amendments don’t increase the cost or duration of the contract; and the amendments meet other conditions in the ordinance.