



Item No. 9 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: ROBERT BARRON III, FINANCE DIRECTOR

DATE: JULY 15, 2020

**SUBJECT: ADOPT A RESOLUTION OF PUBLIC ASSISTANCE COST RECOVERY
DESIGNATION OF AUTHORITY FOR EXPENSE REIMBURSEMENT**

RECOMMENDATION

Adopt a Resolution to designate the City Manager and Finance Director as the agents of the Town of Atherton for the purposes of obtaining federal and/or state financial assistance for expenses incurred in response to COVID-19

BACKGROUND

In response to the growing and evolving threat of the COVID-19 pandemic, and to protect the public health and safety, the following actions were taken at the local, state, and federal level:

March 3, 2020- The County of San Mateo County Manager's Office issued a Public Health Emergency Proclamation, and along with the San Mateo County Health Officer, declared a local health emergency, which was ratified by the County of San Mateo Board of Supervisors on March 10, 2020.

March 4, 2020- The Governor of the State of California declared a State of Emergency.

March 13, 2020- The Director of Emergency Services for the Town of Atherton proclaimed a local emergency. The City Council ratified the proclamation at their March 18 City Council Meeting.

March 13, 2020- The President of the United States declared a national emergency and on March 22, 2020, approved a Presidential Major Disaster Declaration (FEMA-DR-4482-CA)

April 16, 2020- the Town submitted a Request for Public Assistance (Grants Portal) for FEMA Funding request Public Assistance for COVID-19 and on April 20, the Town received approval of a request for FEMA Public Assistance and the Recipient (State of California)

FEMA may provide funding to eligible applicants for costs related to emergency protective measures performed because of the COVID-19 pandemic. Such emergency measures are activities performed to address immediate threats to life, public health, and safety. Applicants may submit funding requests to the Recipient and FEMA through the Public Assistance Grants Portal. FEMA provides funding through Recipients to eligible Applicants. The assistance provided through the Public Assistance program is subject to a cost share. The federal share is not less than 75 percent of eligible costs.

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), federal funding is available to state, tribal, and eligible local governments and certain private nonprofit organizations on a cost-sharing, reimbursement basis for emergency protective measures in response to the COVID-19 pandemic, including but not limited to:

1. Management, control, and reduction of immediate threats to public health and safety:
 - a. Emergency Operations Center Costs; (the Town of Atherton opened its Emergency Operations Center on March 13, 2020)
 - b. Training specific to the declared event;
 - c. Disinfection of eligible facilities;
 - d. Technical assistance on emergency management and control of immediate threats to the public health and safety.
2. Emergency Medical Care
3. Purchase and distribution of food, water, ice, medicine, and other consumable supplies, including personal protective equipment (PPE) and hazardous material suits;
4. Movement of supplies and persons
5. Security and law enforcement
6. Communication of general health and safety information to the public; and
7. Eligible overtime costs.

The Town incurred costs related to emergency protective measures during this period and expects to submit a request for Public Assistance to the California Governor's Office of Emergency Services (CalOES) in accordance of the guidelines from CalOES. In addition to the Town qualifying for funding, the Council must adopt a resolution designating an agent or agents for the purpose of responding to and coordinating with CALOES for "all matters pertaining to such state disaster assistance."

The attached resolution designates the City Manager and the Finance Director as the Town's agents. This is a universal resolution and is valid for all open and future disasters for up to three (3) years from date of approval. This will allow the Town to seek cost recovery for eligible disaster expenses.

POLICY FOCUS

The Town of Atherton proclaimed an existence of a local emergency on March 13, 2020 in response to the COVID-19 pandemic. Conditions of extreme peril to the Safety of persons have arisen within the Town of Atherton, caused by a novel coronavirus. Actions are being taken to

protect the public health and limit the spread of COVID-19 and the Town has taken local measures to respond. The Proclamation allowed the Town to take the steps necessary to protect the safety of our community and Town staff in response to the COVID-19 Pandemic. These steps include streamlined purchasing to secure the resources necessary to respond in a timely manner; the implementation of rules or regulations, as needed for the protection of life or property; implementation of programs or services to protect life or property; ramping up or down of Town service delivery in response to COVID-19 social distancing protocols; and the recovery of costs related to any of these responses. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the Town of Atherton.

FISCAL IMPACT

The action of approving the Designation of Applicant’s Agent Resolution for Non-State Agencies has no direct impact. Reimbursement costs incurred by the Town for its emergency protective measures to protect the safety of our community and Town staff in response to the COVID-19 pandemic, will eventually provide some relief for the financial impact to the Town.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

In addition, the Town keeps its financial information up to date via a transparency webpage.

<https://ca-atherton.civicplus.com/index.aspx?NID=269>

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

ATTACHMENTS

1. Resolution Designation of Applicants Agent for Obtaining Federal and/or State assistance for expenses incurred in response to COVID-19
2. Exhibit A- Designation of Applicant's Agent Resolution for Non-State Agencies

Resolution 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON DIRECTING THE CITY MANAGER AND THE FINANCE DIRECTOR AS THE AGENTS OF THE TOWN OF ATHERTON FOR THE PURPOSES OF OBTAINING FEDERAL AND/OR STATE ASSISTANCE FOR EXPENSES INCURRED IN RESPONSE TO COVID-19

The City Council of the Town of Atherton hereby resolves as follows:

WHEREAS, emergency declarations have been taken at all levels of government in reaction to the COVID-19 pandemic; and

WHEREAS, in accordance with Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, federal funding is available to state, tribal, and eligible local governments and certain private nonprofit organizations on a cost-sharing, reimbursement basis for emergency protective measures in response to the COVID-19 pandemic; and

WHEREAS, the Town of Atherton incurred costs related to emergency protective measures, and expects to submit a “Request for Public Assistance” to the California Governor’s Office of Emergency Services (Cal OES); and

WHEREAS, in addition to the Town of Atherton qualifying for funding, the City Council must adopt a resolution designating an agent or agents for the purposes of responding to and coordinating with Cal OES for “all matters pertaining to such state disaster assistance”.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON that:

1. The City Manager and the Finance Director are designated as the Town of Atherton agents pursuant to the Designation of Applicant’s Agent Resolution for Non-State Agencies, included here in as Exhibit A.
2. The Designation of Applicant’s Agent Resolution for Non-State Agencies is approved.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 15th day of July, 2020, by the following vote:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:

Rick DeGolia, Mayor
 Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20 _____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20 _____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")