



Office of the City Manager

CONSENT CALENDAR
January 19, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams Ridley, City Manager
Submitted by: David White, Deputy City Manager
Subject: Authorized Agent Update for FEMA Public Assistance for COVID-19

RECOMMENDATION

Adopt a Resolution authorizing the Deputy City Managers and AG Witt, LLC to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the City of Berkeley for the FEMA-4482-DR-CA California COVID-19 Pandemic.

FISCAL IMPACTS OF RECOMMENDATION

The California Governor's Office of Emergency Services (Cal OES) is administering applications for disaster relief funding, including Federal Emergency Management Agency (FEMA) Public Assistance (PA) funds. Costs related to COVID-19 that are incurred by the City and deemed eligible for FEMA PA funding are reimbursable by the Federal government at 75% and potentially by the State at up to 18.75%. In other words, for every \$100 dollars of COVID-19 expenditures deemed eligible, the City may be reimbursed for up to \$93.75.

CURRENT SITUATION AND ITS EFFECTS

Currently the City Manager is the only individual authorized to engage with Cal OES and FEMA regarding grants applied for through the FEMA Public Assistance Program. The City is in contract with a Cost Recovery consultant, AG Witt LLC, to develop applications for FEMA Public Assistance funding for the COVID-19 Pandemic. In order for the consulting firm to answer FEMA questions on the City's behalf, the City must formally designate AG Witt, LLC by resolution an Authorized Agent. This resolution must be filed with the California Governor's Office of Emergency Services along with a completed "Designation of Applicant's Agent Resolution for Non-State Agencies" form (Cal OES Form 130) (Exhibit A).

BACKGROUND

On March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19). On

March 10, 2020, City Council adopted a resolution ratifying the Proclamation of Local Emergency.

The costs already incurred by the City as a result of the COVID-19 pandemic are substantial. Depending on the length and extent of the crisis, the City will continue to shoulder currently unbudgeted costs associated with COVID-19 for some time to come – all amidst a severe economic downturn.

The City of Berkeley is in contract with AG Witt, LLC (Contract No. 32000282) for strategic advice regarding cost recovery and development of applications (“project worksheets”) for the FEMA Public Assistance Grant Program.

On May 26, 2020, the City Council passed a resolution designating the City Manager as the Authorized Agent to engage with FEMA and Cal OES for the coming three years.

This resolution:

- 1) Confirms the City Manager designation as Authorized Agent for any disasters in the coming three years.
- 2) Adds the Deputy City Manager position as Authorized Agent for any disasters in the coming three years.
- 3) Adds key AG Witt staff as Authorized Agents for the COVID-19 disaster only.

Adding AG Witt staff to this list authorizes the firm to engage with State and federal agencies on the City’s behalf. This new authorization limits AG Witt staff to providing representation for the COVID-19 disaster only, matching the scope of work in their contract.

Given these circumstances, it is incumbent upon the City to maximize opportunities for reimbursement from State and federal sources. Authorizing AG Witt, LLC to engage with FEMA and Cal OES regarding these grants will ensure the City has expert representation for any questions that may arise from funders.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

In order for the City’s cost recovery contractor to engage on the City’s behalf with the State and federal government with regards to the City’s applications for reimbursement through the FEMA Public Assistance Program, Cal OES requires that the Deputy City Managers and AG Witt be designated as Authorized Agents.

CONTACT PERSON

David White, Deputy City Manager, City Manager’s Office, 981-7012

Attachments:

1: Resolution

Exhibit A - Cal OES Form 130 (Designation of Applicant's Agent Resolution for Non-State Agencies) – City Manager and Deputy City Manager

Exhibit B - Cal OES Form 130 (Designation of Applicant's Agent Resolution for Non-State Agencies) – AG Witt

RESOLUTION NO. ##,###-N.S.

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES – AUTHORIZED
AGENT FOR DISASTER RELIEF FOR COVID-19

WHEREAS, on March 3, 2020, the City Manager in her capacity as Director of Emergency Services, proclaimed an Emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe respiratory illness caused by a novel (new) corona virus (COVID-19); and

WHEREAS, on March 10, 2020, City Council adopted a resolution ratifying the March 3, 2020, Proclamation of Local Emergency; and

WHEREAS, on March 4, 2020, the Governor of California ordered a statewide State of Emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the U.S. President declared that the COVID-19 outbreak in the United States constitutes a National Emergency;

WHEREAS, on March 22, 2020, the U.S. President approved a Major Disaster Declaration for the State of California, making federal funding available to local governments and other jurisdictions to address this crisis, beginning on January 20, 2020 and continuing; and

WHEREAS, to ensure the health and wellbeing of its citizens during the COVID-19 pandemic, the City of Berkeley has incurred significant unbudgeted costs and anticipates additional costs until the resolution of this public health crisis; and

WHEREAS, the main sources for disaster financial assistance are the state and federal government; these sources include, but are not limited, to Federal Emergency Management (FEMA) Public Assistance (PA) funding, which is administered by the California Governor's Office of Emergency Services (Cal OES); and

WHEREAS, in order to obtain certain federal and state financial assistance related to COVID-19, Cal OES requires the City to formally designate by resolution an Authorized Agent to execute applications, agreements, and other actions pertaining to disaster relief with Cal OES; and

WHEREAS, on May 26, 2020, the Council of the City of Berkeley designated the City Manager as Berkeley's Authorized Agent in Resolution 69,400-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager and Deputy City Managers are hereby designated as Authorized Agents to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the City of Berkeley.

January 19, 2021

BE IT FURTHER RESOLVED that AG Witt, LLC is hereby designated as an additional Authorized Agent to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the City of Berkeley for the FEMA-4482-DR-CA California COVID-19 Pandemic.

BE IT FURTHER RESOLVED that the City Clerk is authorized to submit a Cal OES "Designation of Applicant's Agent Resolution for Non-State Agencies" Form 130 (Exhibit A) with the information contained in this resolution.

BE IT FURTHER RESOLVED that the City Clerk is authorized to submit a Cal OES "Designation of Applicant's Agent Resolution for Non-State Agencies" Form 130 (Exhibit B) with the information contained in this resolution.

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

BE IT RESOLVED BY THE City Council OF THE City of Berkeley
(Governing Body) (Name of Applicant)

THAT City Manager, OR
(Title of Authorized Agent)

Deputy City Manager, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Berkeley, 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 City of Berkeley, 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 19th day of January, 2021

(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)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130 - Instructions

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.")

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

BE IT RESOLVED BY THE City Council OF THE City of Berkeley
(Governing Body) (Name of Applicant)

THAT AG Witt, LLC, 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 City of Berkeley, 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 City of Berkeley, 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) FEMA-4482-DR-CA

Passed and approved this 19th day of January, 2021

(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)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
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