AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a Written Request to the City Clerk or City Manager's Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 6, 2018 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.
SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Estate Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(d)(1): -1- matters

1. Stolnack v. City of El Segundo, Worker’s Compensations Appeals Board, Case No. 10797812

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): -1- matters.


DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): -0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957): -0- matter

PUBLIC EMPLOYMENT (Gov’t Code § 54957) -1- matter

1. Position: City Manager

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters
CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -8-
matters

1. Employee Organizations: Police Management Association; Police Officers Association; Police Support Services Employees Association; Fire Fighters Association; Supervisory, Professional Employees Association; City Employee Association; and Executive and Management/Confidential Employees (unrepresented groups).

Agency Designated Representative: Irma Moisa Rodriquez, City Manager, Greg Carpenter and Human Resources Director.
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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 6, 2018 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Chuck Brady, St. John’s Lutheran Church

PLEDGE OF ALLEGIANCE – Council Member Pimentel
PRESENTATIONS

a) Proclamation – El Segundo Fire Department’s annual Spark of Love Toy Drive from November 12, 2018 – December 20, 2018.

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to 1) conduct a Public Hearing related to the Proposition 218 majority protest process to establish a maximum $20 monthly fee upon eligible residential dwellings for solid waste collection services; 2) close the Public Hearing and adopt a resolution to certify the protest ballot results; and 3) if a majority protest does not exist, set the date to consider introducing an ordinance establishing the new fee. (Fiscal Impact: up to $775,200 savings to the General Fund)
Recommendation – 1) Open the public hearing; 2) Receive all written and verbal testimony regarding proposed fee; 3) Close the public hearing and adopt a resolution to certify the protest ballot results; 4) If a majority protest does not occur, set a date to consider introducing an ordinance to establish a maximum $20 monthly fee upon eligible residential dwellings for solid waste collection services; 5) Alternatively, discuss and take other action related to this item.
2. Consideration and possible action regarding Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07 to amend the El Segundo Municipal Code (ESMC) prohibiting almost all commercial marijuana activity in accordance with State Law. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3) because can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. In addition to the foregoing general exemption, the following categorical exemption applies: 14 Cal. Code Regs. § 15308 (actions taken for the protection of the environment). (Applicant: City of El Segundo) (Fiscal Impact: None)

Recommendation – 1) Conduct a public hearing; 2) Take testimony and other evidence as presented; 3) Introduce an Ordinance amending the Municipal Code to prohibit all commercial marijuana activity to the extent allowed by State Law; 4) Schedule second reading and adoption of the Ordinance for November 20, 2018; 5) Alternatively, discuss and take other action related to this item.

C. UNFINISHED BUSINESS

3. Consideration and possible action to authorize the City Manager to execute a 5 year agreement with Granicus, Inc. to provide design, development, implementation and ongoing hosting and maintenance services for the City’s website redesign project. (Fiscal Impact: $366,477.00 over 5 years; Year one $216,000.00 total; $180,265.00 for design and development services and $35,735 (20%) for contingency; Annual maintenance average of $37,600.00 over the remaining five-year term of the contract)

Recommendation – 1) Following a Request for Proposal (RFP), authorize the City Manager to execute a 5 year agreement with Granicus, Inc., in a form approved by the City Attorney, to purchase design and development services for the City’s website redesign project; 2) Alternatively, discuss and take other action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

4. Consideration and possible action to announce the appointment to the Economic Development Advisory Council. (Fiscal Impact: None)

Recommendation – 1) Announce the appointees; 2) Alternatively, discuss and take other action related to this item.

E. CONSENT AGENDA
5. Warrant Numbers 3023207 through 3023311 and 9000574 through 9000611 on Register No. 2a in the total amount of $434,615.32 and Wire Transfers from 10/8/18 through 10/14/18 in the total amount of $5,861,737.01. Warrant Numbers 3023312 through 3023437 and 9000612 through 9000613 on Register No. 2b in the total amount of $359,845.88 and Wire Transfers from 10/15/18 through 10/21/18 in the total amount of $561,923.63.

   Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


   Recommendation – 1) Approval

7. Consideration and possible action regarding the acceptance of grant funding from the U.S. Department of Homeland Security, through the Office of Grants and Training, under Fiscal Year 2017 State Homeland Security Grant Program (SHSGP).

   (Fiscal Impact: $34,000.00)

   Recommendation – 1) Authorize the acceptance of $34,000 in grant funds from the SHSGP 2017 grant program and allow for Amendments as outlined in Section V, subsection 502 of the Sub-recipient agreement; 2) Authorize the City Manager to sign an Agreement with the County of Los Angeles who will serve as the grant administrator for the grant; 3) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action to approve an increase to the construction contingency for the Police Department Floor Replacement, Project No. PW 18-02.

   (Fiscal Impact: $27,000.00)

   Recommendation – 1) Approve an increase to the project’s construction contingency from $20,696.50 to $47,696.50; 2) Alternatively, discuss and take other action related to this item.

9. Consideration and possible action to accept as complete the Main Street Bollards, Project No. PW 18-08.

   (Fiscal Impact: $134,312.00)

   Recommendation – 1) Accept the work as complete; 2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; 3) Alternatively, discuss and take other action related to this item.
10. Consideration and possible action regarding the retirement and sale of police canine, “Leo,” to his handler for a nominal fee.
   (Fiscal Impact: None)
   Recommendation – 1) Authorize the Police Chief to sign an agreement, approved by the City Attorney, for the sale of police canine, “Leo,” to his handler, Officer Steve Trujillo, for the nominal fee of one dollar ($1.00); 2) Alternatively, discuss and take other action related to this item.

11. Consideration and possible action to approve the second reading and adopt an Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Department Heads.
   (Fiscal Impact: None)
   Recommendation – 1) Approve the Second Reading and adopt Ordinance No. of the Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Department Heads; 2) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

12. Consideration and possible action to create an ad-hoc committee, The Gateway Committee, to determine the vision, goals and scope of the Main Street and Imperial Highway Entryway Capital Improvement Project.
   (Fiscal Impact: None)
   Recommendation – 1) Create the Gateway Committee and establish the composition of members; 2) Alternatively, discuss and take other action related to this item.

13. Consideration and possible action to receive a status update and information related to the upcoming design process for Acacia Park.
   (Fiscal Impact: None)
   Recommendation – 1) Receive and file the informational report; 2) Alternatively, discuss and take other action related to this item.

14. Consideration and possible action to adopt a City of El Segundo Social Media Policy.
   (Fiscal Impact: None)
   Recommendation – 1) Consideration and possible action to adopt a resolution, adopting the City of El Segundo Social Media Policy; 2) Alternatively, discuss and take other action related to this item.

G. REPORTS – CITY MANAGER
H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Pimentel –

Council Member Nicol –

Council Member Brann –

Mayor Pro Tem Pirsztuk –

Mayor Boyles –

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MEMORIALS –

CLOSED SESSION

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REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)
ADJOURNMENT

POSTED:

DATE: 10.31.18

TIME: 3:15 pm

NAME: [Signature]
WHEREAS, In an effort to provide for children who otherwise might not experience the joy of the holiday season, the City of El Segundo Fire Department along with other Southland fire agencies, has participated in the Spark of Love program for the past twenty six years and has been a collection site for toys and food items donated during the holidays; and

WHEREAS, The ever upward spiraling cost of living burdens disadvantaged and displaced families who may not be able to give gifts during the holiday season without help from the Spark of Love program; and

WHEREAS, The true holiday spirit is reflected in unselfish giving and our thoughts and hearts go out to those less fortunate than ourselves; and

WHEREAS, In the past, with the help of civic-minded citizens who live and work in our community, hundreds of toys plus food items have been collected and distributed to children and families in El Segundo and other South Bay cities.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim November 12, 2018 through December 20, 2018 as the Spark of Love Toy Drive.

The community is encouraged to support this holiday program by contributing toys and non-perishable foods to the El Segundo Fire Department, Fire Station No. 1 at 314 Main Street, during the period of November 12 through December 20, 2018.

Mayor Drew Boyles
Mayor Pro Tem Carol Pirsztuk
Council Member Dr. Don Brann
Council Member Chris Pimentel
Council Member Scot Nicol
EL SEGUNDO CITY COUNCIL
AGENDA ITEM STATEMENT

MEETING DATE: November 6, 2018
AGENDA HEADING: Public Hearing

AGENDA DESCRIPTION:
Consideration and possible action to 1) conduct a Public Hearing related to the Proposition 218 majority protest process to establish a maximum $20 monthly fee upon eligible residential dwellings for solid waste collection services; 2) close the Public Hearing and adopt a resolution to certify the protest ballot results; and 3) if a majority protest does not exist, set the date to consider introducing an ordinance establishing the new fee. (Fiscal Impact: up to $775,200 savings to the General Fund)

RECOMMENDED COUNCIL ACTION:
1. Open the Public Hearing;

2. Receive all written and verbal testimony regarding the proposed fee;

3. Close the Public Hearing and adopt a resolution to certify the protest ballot results;

4. If a majority protest does not occur, set a date to consider introducing an ordinance to establish a maximum $20 monthly fee upon eligible residential dwellings for solid waste collection services; or,

5. Alternatively, take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Notice of Public Hearing and Proposition 218 Ballot Resolution Certifying the Protest Ballot Results

FISCAL IMPACT: Savings of up to $775,200 (estimated)

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$0 (from the FY2018-19 Budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>$0</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>001-400-4206-6206 (Solid Waste Recycling Contractual Services)</td>
</tr>
</tbody>
</table>

STRATEGIC PLAN:

<table>
<thead>
<tr>
<th>Goals:</th>
<th>1A</th>
<th>El Segundo provides unparalleled service to internal and external customers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>Champion Economic Development and Fiscal Sustainability</td>
</tr>
</tbody>
</table>

| Objective: | 2  | City services are convenient, efficient and user-friendly for all residents, businesses, and visitors. |

PREPARED BY: Ken Berkman, Director of Public Works
Mark Hensley, City Attorney

APPROVED BY: Greg Carpenter, City Manager
BACKGROUND & DISCUSSION:

At the September 4, 2018 meeting, the City Council approved the Residential Solid Waste Collection Notice of Public Hearing (Notice) and Proposition 218 Ballot (Ballot) to establish a maximum $20.00 monthly fee upon eligible residential dwellings for solid waste collection services.

Proposition 218 requires a minimum 45-day written notice prior to Council holding a public hearing on a proposed rate. The City has met this requirement by mailing the Notice and Ballots on September 20, 2018, which is 45 days prior to the Public Hearing date, November 6, 2018. The communications plan also included an educational postcard mailer that was mailed prior to the Notice and Ballot packages, and posting Frequently Asked Questions (FAQ) on the City’s website and City Facebook page, which was updated based upon inquiries staff had received.

On September 20, 2018, the City sent out 2,912 Notices and Ballots in specially-marked envelopes, “Prop. 218 Solid Waste Rate Fee Notice and Protest Ballot Enclosed” to the property owners of the eligible single-family and two-unit dwellings that will continue to receive the services.

The counting of the Ballots will be conducted in public view for monitoring purposes. In order for the Ballot to be counted as a valid protest, it must be properly filled out and signed by a legal owner of the property.

In addition to the Ballots counted during the Public Hearing, the City Clerk’s Office commenced Ballot processing in full public view in the Human Resources Conference Room at 1:30pm today, (November 6, 2018). This process was also video-recorded in its entirety.

The final tabulation of the Ballots shall be completed prior to the close of the Public Hearing. If there is not a majority protest against the proposed fee (1,457 verified Ballots), the City may impose the fee.

It appears to be a virtual certainty that the cost per dwelling unit will well exceed $20 per month, as the average cost of surveyed peer cities in Los Angeles County is approximately $28/month and rising due to current and anticipated regulatory requirements, as well as the falling marketplace for recyclables.

As Council is aware, staff is currently in the RFP process for solid waste residential hauling services, with proposals due November 7, 2018. Staff expects to request Council’s authorization to commence negotiations with the top ranked proposer on December 18, 2018 and return to Council February 5, 2019 to award a Franchise Agreement with the top ranked proposer with the actual rates and set the date to introduce the ordinance to establish the new fee.

RECOMMENDATION:

Staff respectfully recommends City Council 1) conduct a Public Hearing related to the Proposition 218 majority protest process to establish a maximum $20 monthly fee upon eligible residential dwellings for solid waste collection services; 2) close the Public Hearing and adopt a resolution to certify the protest ballot results; and 3) if a majority protest does not exist, set a future date to potentially introduce an ordinance establishing the new fee.
CITY OF EL SEGUNDO
NOTICE TO PARCEL OWNERS OF A
PROPOSED
SOLID WASTE (TRASH) RATE INCREASE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of El Segundo (City) proposes to consider and potentially establish a monthly fee (Fee) for solid waste disposal (Trash) and the fee rates for a five-year time period (Rates) applicable to the Assessor Parcel Number (APN) for which you are shown as the property owner of record based on the County of Los Angeles 2018/2019 Secured Tax Roll.

NOTICE IS FURTHER GIVEN that on November 6, 2018, at 7:00 p.m., or as soon thereafter as may be heard, at 350 Main Street, El Segundo, CA 90245 in the City Council Chambers, the City Council will conduct a public hearing on the proposed Rate increases.

At the time of the public hearing, the City Council will hear and consider all persons interested in these matters and will consider and may adopt the proposed Fee and Rates or impose a Fee and/or Rates in an amount less than those proposed as set forth below. If the City receives, prior to the closing of the public hearing on November 6, 2018, written protests against the proposed Fee and Rates from a majority of the parcels eligible to receive Trash services, the City cannot impose the proposed Fee and Rates.

There is a Protest Form included for Trash service that allows property owners to protest the proposed Fee and Rates. Any property owner interested in protesting must complete the following:

- Check the box indicating that you wish to protest the proposed Fee and Rates:
- Print and sign your name on the enclosed protest form; and,
- Mail to: City Clerk, Room 5, City of El Segundo, 350 Main Street, El Segundo CA, 90245 or hand deliver the form in the pre-addressed envelope provided to the City Clerk’s office so that the form is received by the City Clerk prior to the closing of the public hearing on November 6, 2018.

Protest forms received after the close of the public hearing shall not be considered. The forms can be hand delivered or mailed to the City Clerk’s Office Room 5 at 350 Main Street, El Segundo, California, 90245. Forms must be signed in order to be tabulated.

If adopted, the Fee and Rates will be effective on or after February 1, 2019.

Please read further for a summary of the reasons and methodology for the proposed Fee and Rates that are the subject of the public hearing:

Solid Waste Disposal (Trash)

In the 1980’s the City established a solid waste “franchise” for single family residential properties with two or fewer units. This means the City has the authority to mandate that either the City or its contract hauler have the exclusive right to collect solid waste from those properties. The property owners are required to use the services provided by the City or they can decide to “self-haul” their solid waste.

The City currently pays 100% of the cost for single family residential properties (with four or fewer units) solid waste collection and contracts with Republic for collection and disposal. The Republic contract expires in April 2019. The City is currently requesting proposals for the next solid waste collections contract. The City Council has voted to cap the potential monthly rate at $20.00 per eligible residential dwelling regardless of the cost proposals received. This means those who receive the services will pay the lesser of the actual amount for providing the service or $20 per eligible residential dwelling for solid waste collection and disposal services.

The initial $20 cap rate may be increased annually, for a five year period, based on the percentage change in the Consumer Price Index (CPI) (for Los Angeles – Long Beach – Anaheim, CA for All Urban Consumers, All Items) for the prior 12-month period. However, the rate will continue to be the lower of the actual cost of providing the service or the CPI increased rate.
Lifeline Assistance Program

The Lifeline Assistance Program will be available to those property owners that qualify based on household size and income if there is not a majority protest and the solid waste service fees are implemented. For qualifying households, solid waste service rates would be reduced by fifty percent (50%) resulting in a maximum rate of $10 per month per unit beginning on or after February 1, 2019.

The following tables indicate existing and proposed solid waste service rates for single family residential:

**Single Family Residential (two units or fewer)**

**Solid Waste Collections Service Charges**

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Current Charges</th>
<th>On or After February 1, 2019</th>
<th>On or After February 1, 2020*</th>
<th>On or After February 1, 2021*</th>
<th>On or After February 1, 2022*</th>
<th>On or After February 1, 2023*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Residential Basic Rate</td>
<td>$0.00</td>
<td>$20.00</td>
<td>$20.60</td>
<td>$21.22</td>
<td>$21.86</td>
<td>$22.52</td>
</tr>
<tr>
<td>Additional Refuse Container</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
</tr>
<tr>
<td>Additional Yard Waste</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
</tr>
<tr>
<td>Additional Recyclable</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
</tr>
<tr>
<td>Bulky Item Collection (maximum 4 pick-ups per year, maximum 6 items per pick-up)</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
<td>No Charge</td>
</tr>
</tbody>
</table>

*The actual rate will be increased by the increase in CPI, the rates in the table have been increased by 3% for example purposes only.*

If you have any questions or would like additional information regarding the rates or the protest procedure, please call the City’s Proposition 218 consultant at 888-510-0290 for further information.
If you wish to protest the implementation of the solid waste disposal (trash) service Fee and Rates, you must 1) check the box indicating that you protest the proposed solid waste disposal (trash) rate increase, 2) sign your name on the lines provided, and 3) deliver the signed protest form in the pre-addressed envelope provided to the City Clerk before the close of the public hearing scheduled for 7:00 p.m. on November 6, 2018 by one of the following methods: U.S. mail addressed to City Clerk Office Room 5, City of El Segundo, 350 Main Street, El Segundo, CA 90245 or hand delivered to the City Clerk's Office Room 5 at the same address.

☐ I protest the proposed solid waste disposal (trash) Fee and Rates.

I hereby declare under penalty of perjury that I am the record owner of the parcel listed above

Print Legibly – Full Name (Required)  

Signature (Required)

Only completed and signed original

<<Code_Yes>>
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING RESIDENTIAL SOLID WASTE SERVICE CHARGES IN ACCORDANCE WITH ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. On November 6, 2018, the City Council held a public hearing to consider the results of protest proceedings conducted in accordance with California Constitution Article XIIIID, § 6(a)(2); and

B. After receiving documentary and oral testimony, the City Council declared the public hearing closed and considered whether written protests were received from property owners representing a majority of properties subject to the solid waste service charges.

SECTION 2: The total number of protest ballots mailed or provided to property owners eligible to file a protest ballot was __2,912__. The number of valid protest ballots received by the City at the end of the November 6, 2018 public hearing was ________.

SECTION 3: The total number of protest ballots received that were not properly filled out was ________.

SECTION 4: The total number of protest ballots returned as undeliverable was ________.

SECTION 5: The number of valid protest ballots required to prevent adoption of the proposed solid waste service charges is __1,457__. Because the number of valid protest ballots received by the City ☐ does ☐ does not represent a majority of property owners eligible to protest, the City Council ☐ may ☐ may not adopt the proposed solid waste service charges.

SECTION 6: The Secretary will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 7: This Resolution will become effective immediately upon adoption.
PASSED AND ADOPTED this 6th day of November, 2018.

______________________________
Drew Boyles, Mayor

ATTEST:

______________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

______________________________
Mark D. Hensley, City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07 to amend the El Segundo Municipal Code (ESMC) prohibiting almost all commercial marijuana activity to the extent allowed by State Law. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3) because can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. In addition to the foregoing general exemption, the following categorical exemption applies: 14 Cal. Code Regs. § 15308 (actions taken for the protection of the environment).
(Applicant: City of El Segundo)

Fiscal Impact: None

RECOMMENDED COUNCIL ACTION:
1. Conduct a public hearing;
2. Take testimony and other evidence as presented;
3. Introduce an Ordinance amending the Municipal Code to prohibit all commercial marijuana activity to the extent allowed by State Law;
4. Schedule second reading and adoption of the Ordinance for November 20, 2018; and/or
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Ordinance
2. Planning Commission Staff Report, dated September 27, 2018 (without attachments)
3. Planning Commission Staff Report, dated October 11, 2018 (without attachments)
4. Excerpts of Minutes from the Planning Commission meetings on September 27 and October 11, 2018
5. List of cannabis-related business types
6. California Department of Public Health Advisory/FAQ regarding Industrial Hemp and Cannabidiol (CBD) in Food Products

FISCAL IMPACT: None

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STRATEGIC PLAN:
Goal: El Segundo is a safe and prepared city
Objective: Proactive communication and community engagement align perceptions of safety with reality
INTRODUCTION

On November 7, 2017, the City Council extended a moratorium on cannabis related uses and activities for an additional year and directed staff to monitor and report on local, regional and national developments on the subject. This report summarizes the City’s previous actions on this subject, and it provides an update on the legal status of cannabis at the local, State and national level. Commercial cannabis uses and activities are already prohibited in ESMC Titles 4 and 15. However, staff recommends certain improvements to the language in Title 15. The draft ordinance attached to this report would amend ESMC Title 15, Chapter 13B to clarify in the City’s zoning regulations that all commercial cannabis uses and activities are expressly prohibited in the City of El Segundo.

ENVIRONMENTAL ANALYSIS

The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the El Segundo Municipal Code to clarify the existing prohibitions on cannabis-related land uses and activities. The ordinance does not portend any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. In addition to the foregoing general exemption, the following categorical exemption applies: 14 Cal. Code Regs. § 15308 (actions taken for the protection of the environment).

BACKGROUND AND DISCUSSION

On March 1, 2016, the City Council adopted Ordinance 1518 amending ESMC Title 15 to prohibit commercial medical marijuana uses in the City (Chapter 15-13B – Medical Cannabis Cultivation and Distribution). This ordinance was adopted in response to the State Medical Marijuana Regulation and Safety Act (“MMRSA”), which established a State licensing scheme for commercial medical marijuana uses.

On November 15, 2016, the City Council adopted urgency Ordinance 1542 amend ESMC Title 4 (Business Regulations and Licensing) to prohibit issuance of a license for any commercial marijuana activity (medicinal or recreational) in the City. This ordinance was adopted in response to the passage of Proposition 64 (on November 9, 2016), the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) and SB 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”). These two laws decriminalized the adult use of recreational marijuana and created a combined regulatory and licensing program for medicinal and commercial marijuana.

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1 On December 6, 2016, the City Council also adopted regular Ordinance No. 1544 with the same prohibitions as Ordinance No. 1543.
activities. Exhibit No. 4 contains a list of marijuana-related business types that may apply for a State license.

On November 15, 2016, the City Council also adopted a moratorium temporarily prohibiting the issuance of any permit for marijuana-related land uses in the City. On December 20, 2016, the City Council extended the moratorium to November 14, 2017 (Ordinance No. 1545). Between June and August 2017, staff conducted a survey to gauge public opinion on marijuana-related uses in El Segundo. The survey was made available online and in paper format. Staff received 736 survey responses indicating approximately 55% of respondents favoring a prohibition of all commercial marijuana-related activities. On November 7, 2017, the City Council extended the moratorium again to allow staff to monitor developments at the State level and in neighboring jurisdictions. The moratorium is due to expire on November 7, 2018.

Developments at the regional level

At the regional level, staff surveyed the regulations of 14 cities in the area, including nine South Bay cities and five other cities in Los Angeles County.\(^2\) Ten of the 14 cities surveyed banned all commercial marijuana-related uses. Santa Monica has permitted medicinal retail and light manufacturing activities, but prohibited all commercial non-medicinal uses. Long Beach, Culver City and Los Angeles permit most or all commercial marijuana uses with restrictions on the hours of operation, locations, and the number of permits. In the City of Los Angeles at least 164 retail dispensaries have been permitted to-date. The nearest three dispensaries to El Segundo are in the Playa Del Rey and Westchester neighborhoods.\(^3\) Los Angeles County, which has jurisdiction over unincorporated areas directly east of El Segundo, prohibits all commercial marijuana-related uses.

Developments at the State level

At the State level, after the passage of Proposition 64 and Senate Bill SB 94, the newly formed Bureau of Cannabis Control (“BCC”) began issuing licenses to commercial marijuana businesses in January 2018. BCC issues licenses to Retailers, Distributors, Microbusinesses, Testing Laboratories, and Cannabis Event Organizers (See Exhibit No. 5), but it may only issue licenses in jurisdictions where local ordinances permit and regulate such businesses. To-date the State has issued more than 5,000 licenses statewide.\(^4\)

On February 16, 2018, State Senator Lara introduced Senate Bill 1302 amending Section 26200 of the Business and Professions Code to prohibit a local government from adopting or enforcing any ordinance that would prohibit a licensee from delivering cannabis within or outside of the jurisdictional boundaries of the local jurisdiction. This means that even if El Segundo prohibits all marijuana-related uses within its jurisdiction, someone licensed to operate a dispensary in another jurisdiction would be allowed to deliver marijuana to a customer in El Segundo. On May 31, 2018, the bill’s author requested that the bill be placed on inactive status (on hold) and there has not been any action on it since May.

\(^2\) The 14 cities are: Hermosa Beach, Manhattan Beach, Redondo Beach, Hawthorne, Lawndale, Gardena, Torrance, Lomita, Rancho Palos Verdes, Los Angeles, Culver City, Long Beach, Santa Monica, and Pasadena.

\(^3\) City of Los Angeles Department of Cannabis Regulation website: http://cannabis.lacity.org/legal-businesses

\(^4\) In addition to the BCC, the California Department of Public Health issues licenses for cannabis manufacturers and the California Department of Food & Agriculture issues licenses for cultivators.
On March 31, 2018, the Governor signed into law Assembly Bill AB 106, which authorized BCC, the California Department of Public Health (CDPH), and the Department of Food and Agriculture to conduct criminal background checks of applicants for State licenses and requires the California Department of Justice (DOJ) to forward requests for federal criminal records to the U.S. Federal Bureau of Investigation (FBI). In addition, the bill appropriated $10.7 million for the purpose of better tracking cannabis and cannabis-related products. The intent of the law is to boost enforcement and to inhibit activities that remain illegal according to State Law.

**Developments at the national level**

Nationally, nine states\(^5\) and the District of Columbia have legalized recreational marijuana use and eight of those States also legalized its commercial sale. Another 20 states legalized marijuana for medical purposes.

At the Federal level, the law is unchanged and the Federal Controlled Substances Act ("CSA") classifies as a schedule 1 substance with no legal medical use and high potential for abuse. However, an important change has occurred with regard to enforcement of Federal Law with the incoming Trump administration in January 2018. Under previous administrations going back to 2009, the Justice Department gave guidance to U.S. Attorneys to prosecute marijuana-related crimes only in specific limited circumstances. As a result, in those nine States where commercial marijuana activity has been de-criminalized, businesses and individuals engaging in such activity had a degree of certainty that they would not be prosecuted under Federal Law. However, on January 4, 2018, the Justice Department issued a memo rescinding previous guidance pertaining to marijuana enforcement. As a result, local U.S. Attorneys have more discretion to prosecute violations of Federal Law related to marijuana. Generally, the January memo has increased uncertainty for investors, the cannabis industry, the banking industry, states and local governments. At this time, it is unclear whether U.S. Attorney’s offices in California will increase prosecution of commercial marijuana uses considered legal under California Law.

**Staff recommendation**

Based on its findings on the legal status of marijuana activities at the regional, state, and national level, staff supported maintaining the City’s current prohibition of all commercial marijuana-related activities and uses in Title 4 and Title 15 (Zoning Code) of the Municipal Code. However, staff recommended amending ESMC Chapter 15-13B (Medical Cannabis Cultivation and Distribution) to ensure there is no ambiguity in the City’s zoning regulations. ESMC Chapter 15-13B prohibits all commercial cannabis activities, but its provisions were adopted before the passage of Proposition 64 in November 2016. As a result, many of its provisions are specific only to medicinal cannabis uses and activities. To avoid any ambiguity in or misinterpretation of its provisions, staff proposed a zone text amendment to update ESMC Chapter 15-13B to use consistent terminology with current State Law and to clarify that all commercial cannabis-related activities are prohibited, and not just medicinal cannabis activities.

**Planning Commission review**

On September 27, 2018, the Planning Commission conducted a public hearing and heard testimony from a representative of an existing business that markets cannabis related businesses and designs cannabis-related packaging. The business operates as an office but stores some cannabis-related packaging on their premises. According to the representative, no cannabis or cannabis-containing products are stored on their premises. The representative expressed concerns about the draft ordinance’s definition of “cannabis accessories” which prohibits certain equipment, products or materials used for cannabis. In the draft ordinance, a “cannabis storage facility” is a prohibited use (Draft Ordinance Section 15-13B-2). A “cannabis storage facility” is one used for, in part, storage of “cannabis accessories,” as defined in the State Health and Safety Code (Section 11018.2). The Planning Commission directed that staff make changes to the ordinance to allow the businesses’ cannabis-related packaging to exist within the City.

The Planning Commission also discussed the issue of industrial hemp and its derivatives. One of its derivatives, cannabidiol (CBD), is sometimes used as an additive in drinks and also given to pets for certain conditions. The draft ordinance exempts industrial hemp and its derivatives. However, the majority of the commissioners asked staff to confirm whether CBD was also exempted.

The Planning Commission also discussed the issue of other potential cannabis related uses, such as medical research and development. Staff advised the commission that medical research and development is not authorized by Proposition 64. The Commission asked staff to confirm whether the City had the option to permit such research in its jurisdiction.

At its October 11, 2018 meeting, the Planning Commission resumed the public hearing and received a staff report. Staff reported that although industrial hemp and CBD were exempt from the draft ordinance, the use of CBD in food and drinks was prohibited by both Federal and State Law. Staff cited a July 2018 California Department of Public Health (CDPH) advisory regarding the use of CBD in food and drinks (Exhibit No. 6).

Regarding the potential for research and development on medical uses of cannabis, staff reported that Proposition 64 authorized specific categories of business types (Exhibit No. 5), but not research and development on medical uses of cannabis. As a result, this type of activity remains illegal under State Law. Under Federal Law,6 cannabis remains illegal, except in limited circumstances related to research on “industrial hemp.” Research on industrial hemp is permitted only when conducted under the auspices of institutions of higher education or State Departments of Agriculture.

Lastly, after discussing the issue, the Planning Commission voted 3-1-1 (Chair Baldino absent) to adopt Resolution No. 2851 recommending City Council approval of a draft ordinance with the following minor amendments to the original definition of “cannabis accessories” to allow equipment, products or materials used for packaging, repackaging and storing cannabis:

‘‘Cannabis accessories’’ means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing,

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6 2014 “Farm Bill,” Section 7606 of the Agricultural Act 2014 (7 USC 5940)
preparing, testing, analyzing, packaging, repackaging, storing, smoking, or vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.
Zone Text Amendment Findings

ESMC Section 15-1-1 (Purpose, Title) states that Title 15 is the primary tool for implementation of the goals, objectives, and policies of the El Segundo General Plan. Accordingly, the City Council must find that the proposed Zone Text Amendment is consistent with those goals, objectives, and policies. The Planning Commission determined there is substantial evidence in the record to support the findings required for the City Council to approve the proposed amendment.

Pursuant to ESMC Title 15, Chapter 26 (Amendments), in order to approve the proposed amendments, the City Council must find that the amendments are necessary to carry out the general purpose of ESMC Title 15. The purpose of this Title (ESMC §15-1-1) is to serve the public health, safety, and general welfare and to provide economic and social advantages resulting from an orderly planned use of land resources. The Planning Commission determined that the City Council can make the findings to approve of the proposed amendment. The findings are discussed in the draft ordinance.
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AMENDING TITLE 15, CHAPTER 13B OF THE EL SEGUNDO MUNICIPAL CODE PROHIBITING CANNABIS-RELATED USES AND ACTIVITIES IN ALL ZONES AND SPECIFIC PLAN AREAS OF THE CITY

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. On November 5, 1996, the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et seq., and entitled the Compassionate Use Act of 1996 ("CUA"). The CUA exempted qualified patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for personal medical use.

B. The intent of the CUA was to enable persons in the State of California who are in need of marijuana for medicinal purposes to obtain it and use it under limited, specified circumstances.

C. The State enacted Senate Bill 420 in October 2003, codified at Health and Safety Section 11362.7, et seq., ("Medical Marijuana Program Act," or "MMPA") to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420. The MMPA created a state-approved voluntary medical marijuana identification card program and provided for certain additional immunities from state marijuana laws. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.

D. The CUA and MMPA did not “legalize” marijuana, but provided limited defenses to certain categories of individuals with respect to certain conduct and certain state criminal offenses.

E. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . .” Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . . .” The Court in
Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

F. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United State, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes.

G. On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act ("MMRSA"). MMRSA established a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. MMRSA allowed a City to completely prohibit commercial medical marijuana activities.

H. On March 1, 2016, the City Council adopted Ordinance No. 1518, adding Chapter 11 to Title 7 and Chapter 13B to Title 15 of the El Segundo Municipal Code to clarify that commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives are prohibited in all zones and specific plan areas of the city.

I. On November 8, 2016, the voters of the State of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"). The AUMA decriminalizes (under California law), controls and regulates the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years of age or older. The AUMA also taxes the commercial growth and retail sale of marijuana. It does not, and cannot, affect federal regulations regarding marijuana or its derivatives.

J. On November 15, 2016, the City Council adopted Ordinance No.1543, a forty-five-day interim zoning ordinance prohibiting the issuance of any permit for marijuana-related land uses in any zone throughout the City.

K. On December 6, 2016, the City Council adopted Ordinance No. 1544, adding Chapter 14 to Title 4 and amending Chapter 11 of Title 7 of the Municipal Code to expressly prohibit all commercial marijuana activity to the extent allowed by state law.

L. On December 20, 2016, the City Council adopted Ordinance No. 1545 extending the moratorium for an additional period of ten months and fifteen days.
M. On November 7, 2017, the City Council adopted Ordinance No. 1561 extending the moratorium for an additional year.

N. The AUMA made it “lawful under state and local law” for persons 21 years of age or older to:

“(1) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis;
(2) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;
(3) Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants;
(4) Smoke or ingest marijuana or marijuana products; and
(5) Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons 21 years of age or older without any compensation whatsoever.” (Health & Safety Code § 11362.1.)

O. The AUMA added Division 10 to the Business & Professions Code, which grants state agencies the exclusive authority to create, issue, renew, discipline, suspend or revoke licenses for marijuana-related businesses, including the transportation, storage, distribution sale, cultivation, manufacturing, and testing of marijuana.

P. The AUMA expressly preserves local control over the regulation of cannabis-related businesses and cannabis-related land uses, including the authority to completely prohibit any cannabis business licensed under Division 10 within its jurisdiction. (Business & Professions Code § 26200, et seq.)

Q. Under the AUMA, no city may completely prohibit persons 21 years of age or older from planting, cultivating, harvesting, drying, or processing up to six cannabis plants at any one time inside a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure. (Health & Safety Code § 11362.2(b)(2).) However, a city may enact and enforce reasonable regulations on indoor cultivation and may completely prohibit the outdoor cultivation of cannabis. (Health & Safety Code § 11362.2(b)(1) and (3).)

R. On June 27, 2017, the Governor signed Senate Bill (SB) 94, which took effect immediately. SB 94 merges existing state laws regarding medicinal and recreational (adult use) marijuana by repealing the Medical Cannabis Regulation and Safety Act (MCRSA) and including certain MCRSA provisions within the licensing provisions of the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). The consolidated provisions are now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
S. MAUCRSA expressly preserves the authority of a local jurisdiction to adopt and enforce local ordinances to regulate cannabis (marijuana) businesses licensed by the state, including, without limitation, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of cannabis businesses within the local jurisdiction.

T. Since the adoption of Ordinance No. 1543, City planning staff, working in conjunction with the City Attorney and local law enforcement, has reviewed and considered the following: (1) federal and state laws pertaining to cannabis; (2) information and data from jurisdictions in other states that have previously decriminalized recreational cannabis, including documented evidence regarding the secondary impacts associated with legalization and the proliferation of cannabis-related uses and activities; (3) ordinances of other California cities that either prohibit or regulate cannabis-related uses; (4) opinions and bulletins from law enforcement agencies in California and in other states regarding impacts associated with cannabis-related uses and activities; and (5) information regarding the effects of cannabis use.

U. On September 27, 2018, the Planning Commission held a duly noticed public hearing and considered Resolution No. 2851. The Commission directed staff to make modifications to the resolution and bring the matter back for further consideration at the Commission’s October 11, 2018 regular meeting. On October 11, 2018, the Planning Commission adopted Resolution No. 2851 recommending that the City Council approve Zone Text Amendment No. ZTA 17-07 to clarify and update the existing prohibition on cannabis-related uses in activities in all zones and specific plan areas throughout the City.

V. On November 6, 2018, the City Council held a duly noticed public hearing on in order to receive and consider public testimony on the subject of this Ordinance.

W. The City Council finds that cannabis-related land uses and activities can adversely affect the health, safety, and well-being of City residents. Cannabis cultivation and distribution can attract crime, lead to fires, expose minors to cannabis, negatively impact neighborhoods, damage buildings, require dangerous electrical alterations and use, and create the nuisance of strong and noxious odors. (White Paper on Marijuana Dispensaries, California Police Chiefs Association’s Task Force on Marijuana Dispensaries, April 22, 2009, p. 12.) In Colorado, where recreational marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period. (The Legalization of Marijuana in Colorado: The Impact, Rocky Mountain High Intensity Drug Trafficking Area, Vol. 3, September 2015, pp. 14-15.) Use of marijuana by Colorado teens ages 12-17 is at least 56% higher than the national average. (Id. at pp. 35-36.) A study released in May 2016 by AAA Foundation for Traffic Research found that fatal crashes involving drivers who recently used marijuana doubled in the state of Washington after it legalized marijuana. (Prevalence of Marijuana Involvement
in Fatal Crashes: Washington, 2010-2014, May 2016, AAA Foundation for Traffic Safety.) Based on these facts and other evidence, there is a concern that the proliferation of cannabis-related uses and activities in the City would result in increased crime and other negative secondary effects like those experienced in other communities throughout California and around the country. To safeguard against these deleterious secondary effects, the City Council finds it is necessary to maintain the prohibition on cannabis-related uses and activities in all zones and specific plan areas to the maximum extent permissible under State law.

X. Although cannabis-related land uses and activities are already prohibited in all areas of the City pursuant to the Municipal Code, the proposed ordinance would update the existing prohibitions to account for changes in the law made by the AUMA and MAUCRSA.

SECTION 2: General Plan Consistency. Based upon oral and written testimony and other evidence received at the public hearing held for this item, and upon studies and investigations made by staff on behalf of the City Council, the City Council finds that the proposed Ordinance is consistent with the goals, policies, and objectives of the General Plan. The General Plan sets as a goal a high quality of life for all residents. The General Plan does not permit or contemplate the establishment or operation of cannabis-related land uses anywhere in the City. The Land Use Element of the General Plan is implemented through the City's Zoning Code. The El Segundo Zoning Code is "permissive" in nature, meaning uses that are not expressly authorized by the Code are prohibited. Cannabis-related uses have never been allowed anywhere in the City and are expressly prohibited. Although this is the current state of the law, the proposed amendments to the Zoning Code are intended to update the City's existing prohibitions to account for changes in the law made by the AUMA and MAUCRSA. By prohibiting cannabis-related uses, the City is preventing the negative secondary effects and other adverse impacts associated with such uses. The City Council further finds that the proposed Zoning Code Amendment will not adversely affect surrounding properties. The Amendment is a City-wide Zoning Code Amendment that prohibits cannabis-related uses and activities to the maximum extent allowed under State law. The prohibition prevents the negative secondary effects associated with such uses, enhances the health, safety, and welfare of the community, and will not adversely affect surrounding properties.

SECTION 3: Zone Text Amendment Findings. In accordance with ESMC Chapter 15-26 (Amendments), the proposed ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

The ordinance is necessary and consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. The ordinance is intended to clarify that all cannabis-related uses and activities are prohibited to the maximum extent allowed under State law. The prohibition prevents the negative secondary effects associated with such uses, enhances the health, safety, and welfare of the community, and will not adversely affect surrounding properties.
SECTION 4: Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including, but not limited to, Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program Act, the Medical Marijuana Regulation and Safety Act, and the Control, Regulate and Tax Adult Use of Marijuana Act, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

SECTION 5: Section 1-6 of Title 15 of the El Segundo Municipal Code is amended to add the following definitions:

CANNABIS: all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including cannabis infused in foodstuff or any other ingestible or consumable product containing cannabis. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. The term “cannabis” includes “medical cannabis” for the purposes set forth in the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

CANNABIS ACCESSORIES: any equipment, products or materials of any kind which are used or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, smoking, or vaporizing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

CANNABIS CULTIVATION: any activity involving the planting, growing, cultivating, harvesting, drying, curing, grading, trimming or processing of cannabis.

CANNABIS CULTIVATION FACILITY: a facility where cannabis is cultivated, prepared, and packaged for sale to cannabis dispensaries, to cannabis product manufacturing facilities, or to other cannabis cultivation facilities, but not to consumers.

CANNABIS DELIVERY: the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division,
that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

CANNABIS DISPENSARY: a facility or location, whether fixed or mobile, where cannabis, cannabis products, or devices for the use of cannabis are offered, made available to, or provided, either individually or in any combination, with or without remuneration, for medical, recreational, or other purposes.

CANNABIS DISTRIBUTION: the procurement, sale, and transport of cannabis and cannabis products between state-licensed entities for commercial use purposes.

CANNABIS ESTABLISHMENT: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

CANNABIS MANUFACTURE: to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

CANNABIS PRODUCT MANUFACTURING FACILITY: a facility where cannabis and cannabis products are manufactured, prepared and packaged for sale to other cannabis product manufacturing facilities or to cannabis dispensaries, but not to consumers.

CANNABIS PRODUCTS: cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

CANNABIS-RELATED ACTIVITY: any commercial cannabis activity, cultivation of cannabis, delivery of cannabis or cannabis products, distribution of cannabis or cannabis products, dispensing of cannabis or cannabis products, manufacture of cannabis or cannabis products, sale of cannabis or cannabis products, and the operation or establishment of a cannabis or medical cannabis cooperative, dispensary, delivery service, or provider. “Cannabis-related activity” does not include the cultivation, planting, harvesting, drying, processing or possession of up to six cannabis plants at one time by persons 21 years of age or older when conducted within a single private residence and in a manner consistent with Health & Safety Code Section 11362.2 and any other applicable regulations.

CANNABIS STORAGE FACILITY: a facility used for the storage of cannabis, cannabis products or cannabis accessories.

CANNABIS TESTING FACILITY: a facility where cannabis is analyzed and certified for safety and potency.
COMMERCIAL CANNABIS ACTIVITY: the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

PRIVATE RESIDENCE: a house, an apartment unit, a mobile home, or other similar habitable dwelling.

SECTION 6: Chapter 13B of Title 15 of the El Segundo Municipal Code is deleted in its entirety and replaced as follows:

Chapter 13B

CANNABIS-RELATED USES AND ACTIVITIES

15-13B-1: Definitions.
15-13B-2: Prohibited uses and activities.
15-13B-3: Cultivation of cannabis for personal use.
15-13B-4: Interpretation.

15-13B-1: Definitions

The definition of "cannabis" and related terms for the purpose of this Chapter are contained in Section 1-6 (Definitions) of this Title.

15-13B-2: Prohibited uses and activities.

The establishment or operation of any commercial cannabis activity, cannabis-related activity, cannabis storage facility, or cannabis establishment, including any business licensed by the state or other government entity pursuant to Division 10 of the Business & Professions Code, as it may be amended from time to time, is prohibited in all zoning districts and specific plan areas of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, can be approved or issued for the establishment or operation of any such business or activity.
15-13B-3: Cultivation of cannabis for personal use.

A. Outdoor Cultivation. The outdoor cultivation of cannabis is prohibited in the City of El Segundo regardless of purpose.

B. Indoor Cultivation. Not more than six plants may be cultivated, planted, harvested, dried, processed or possessed at one time by persons 21 years of age or older when conducted within a single private residence and in a manner consistent with Health & Safety Code Section 11362.2 and any other applicable regulations.

15-13B-4: Interpretation.

The intent of this chapter is to prohibit all cannabis-related uses and activities, including the personal cultivation of cannabis, whether medical or recreational in nature, to the maximum extent allowed under state law. Nothing in this chapter should be interpreted as allowing behavior otherwise prohibited by state law and nothing in this chapter should be interpreted as prohibiting conduct that the city is expressly preempted from prohibiting under state law.

SECTION 7: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the El Segundo Municipal Code to clarify the existing prohibitions on cannabis-related land uses and activities. The ordinance does not portend any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. In addition to the foregoing general exemption, the following categorical exemption applies: 14 Cal. Code Regs. § 15308 (actions taken for the protection of the environment).

SECTION 8: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: Enforceability. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.
SECTION 10: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of El Segundo’s book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this _____ day of __________________, 2018

__________________________________________
Drew Boyles, Mayor

ATTEST:

__________________________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

__________________________________________
Mark D. Hensley, City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding recommending City Council approval of Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07 to amend the Municipal Code to prohibit all commercial marijuana activity to the extent allowed by State Law.

RECOMMENDED PLANNING COMMISSION ACTION: Staff recommends that the Planning Commission open the public hearing and take public testimony on the proposed zone text amendment, close the public hearing and consider the evidence, and adopt Resolution No. 2851 recommending that the City Council approve Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07.

ATTACHED SUPPORTING DOCUMENTS:

1. Draft Planning Commission Resolution No. 2851
2. Draft Ordinance
3. List of cannabis-related business types

ORIGINATED BY: Paul Samaras, Principal Planner
REVIEWED BY: Gregg McClain, Planning Manager
APPROVED BY: Sam Lee, Director of Planning and Building Safety

INTRODUCTION
This staff report provides a summary of the City’s previous actions regarding commercial marijuana uses and activities, it provides an update on the legal status of marijuana at the local, State, and national level, and it introduces an ordinance to amend ESMC Chapter 15-13B to clarify that all commercial marijuana activity in the City of El Segundo is prohibited to the extent allowed by State Law.

BACKGROUND AND DISCUSSION

Background
On March 1, 2016, the City Council adopted Ordinance 1518 amending ESMC Title 15 to prohibit commercial medical marijuana uses in the City (Chapter 15-13B – Medical Cannabis Cultivation and Distribution). This ordinance was adopted in response to the State Medical Marijuana Regulation and Safety Act (“MMRSA”), which established a State licensing scheme for commercial medical marijuana uses.
On November 15, 2016, the City Council adopted urgency Ordinance 1542\(^1\) amending ESMC Title 4 (Business Regulations and Licensing) to prohibit issuance of a license for any commercial marijuana activity (medicinal or recreational) in the City. This ordinance was adopted in response to the passage of Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) and SB 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”). These two laws decriminalized the adult use of recreational marijuana and created a combined regulatory and licensing program for medicinal and commercial marijuana activities. Exhibit No. contains a list of marijuana-related business types that may apply for a State license.

On November 15, 2016, the City Council also adopted a moratorium temporarily prohibiting the issuance of any permit for marijuana-related land uses in the City. The moratorium was extended twice by Ordinance Nos. 1545 and 1561 and is due to expire on November 14, 2018.

**Discussion**

In this section, staff is providing an update on the status of regulations at the regional, State, and Federal levels.

At the regional level, staff surveyed the regulations of 14 cities in the area, including nine South Bay cities and five other cities in Los Angeles County.\(^2\) Ten of the 14 cities surveyed banned all commercial marijuana related uses. Santa Monica has permitted medicinal retail and light manufacturing activities, but prohibited all commercial non-medicinal uses. Long Beach, Culver City and Los Angeles permit most or all commercial marijuana uses with restrictions on the hours of operation, locations, and the number of permits. In the City of Los Angeles a total of 164 retail dispensaries have been permitted to-date. The nearest three dispensaries to El Segundo are in the Playa Del Rey and Westchester neighborhoods.\(^3\)

Los Angeles County, which has jurisdiction over unincorporated areas directly east of El Segundo and elsewhere in the County, bans all commercial marijuana-related uses.

At the State level, after the passage Proposition 64 and Senate Bill SB 94, the newly formed Bureau of Cannabis Control (“BCC”) began issuing licenses to commercial marijuana businesses in January 2018. BCC issues licenses to Retailers, Distributors, Microbusinesses, Testing Laboratories, and Cannabis Event Organizers (See Exhibit No. 3), but it may only issue licenses in jurisdictions where local ordinances permit and regulate such businesses. To-date BCC has issued more than 5,000 licenses statewide.\(^4\)

On February 16, 2018, State Senator Lara introduced Senate Bill 1302 amending Section 26200 of the Business and Professions Code to prohibit a local government from adopting or enforcing

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\(^{1}\) On December 6, 2016, the City Council also adopted regular Ordinance No. 1544 with the same prohibitions as Ordinance No. 1543.

\(^{2}\) The 14 cities are: Hermosa Beach, Manhattan Beach, Redondo Beach, Hawthorne Lawndale, Gardena, Torrance, Lomita, Rancho Palos Verdes, Los Angeles, Culver City, Long Beach, Santa Monica, and Pasadena.

\(^{3}\) City of Los Angeles Department of Cannabis Regulation website: [http://cannabis.lacity.org/legal-businesses](http://cannabis.lacity.org/legal-businesses)

\(^{4}\) In addition to the BCC, the California Department of Public Health issues licenses for cannabis manufacturers and the California Department of Food & Agriculture issues licenses for cultivators.
any ordinance that would prohibit a licensee from delivering cannabis within or outside of the jurisdictional boundaries of the local jurisdiction. This means that even if El Segundo prohibits all marijuana-related uses within its jurisdiction, someone licensed to operate a dispensary in another jurisdiction would be allowed to deliver marijuana to a customer in El Segundo. On May 31, 2018, the bill’s author requested that the bill be placed on inactive status (on hold) and there has not been any action on it since May.

On March 31, 2018, the Governor signed into law Assembly Bill AB 106, which authorized BCC, the California Department of Public Health, and the Department of Food and Agriculture to conduct criminal background checks of applicants for State licenses and requires the California Department of Justice (DOJ) to forward requests for federal criminal records to the U.S. Federal Bureau of Investigation (FBI). In addition, the bill appropriated $10.7 million for the purpose of tracking cannabis and cannabis-related products. The intent of the law is to boost enforcement and to inhibit activities that remain illegal according to State Law.

Nationally, nine states and the District of Columbia have legalized recreational marijuana use and eight of those States also legalized its commercial sale. Another 20 states legalized marijuana for medical purposes.

At the Federal level, the law is unchanged and the Federal Controlled Substances Act ("CSA") classifies as a schedule 1 substance with no legal medical use and high potential for abuse. However, an important change has occurred with regard to enforcement of Federal Law with the incoming Trump administration in January 2018. Under previous administrations going back to 2009, the Justice Department gave guidance to U.S. Attorneys to prosecute marijuana-related crimes only in specific limited circumstances. As a result, in those nine States where commercial marijuana activity has been de-criminalized, businesses and individuals engaging in such activity had a degree of certainty that they would not be prosecuted under Federal Law. However, on January 4, 2018, the Justice Department issued a memo rescinding previous guidance pertaining to marijuana enforcement. As a result, local U.S. Attorneys have more discretion to prosecute violations of Federal Law related to marijuana. Generally, the January memo has increased uncertainty for investors, the cannabis industry, the banking industry, states and local governments. At this time, it is unclear whether U.S. Attorney’s offices in California will increase prosecution of commercial marijuana uses considered legal under California Law.

Conclusion

Based on the regulations in the surrounding cities and unincorporated areas, none of the adjacent cities permit commercial marijuana activity. The City of Los Angeles is the exception, but the Los Angeles International Airport (LAX) serves as a buffer between El Segundo and the dispensaries located in the Westchester area. As a result, the City is relatively insulated from legal marijuana-related commercial activity and a prohibition on all commercial marijuana uses continues to be effective.

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5 Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington.  
https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#State_and_territory_laws
At the State level, it appears that the legislature is making efforts to prevent illicit drug activity to take place under the guise of licensed businesses, which may prevent some of the potential side-effects of marijuana legalization. The status of SB 1302 regarding the delivery of marijuana will be important to follow, because it may have a significant impact on the City’s approach to this issue.

At the Federal level, it will be important to follow the Justice Department’s actions to enforcement of marijuana laws and any legislation from Congress on medical and/or recreational marijuana.

In conclusion, staff believes that the current prohibition on commercial marijuana uses is sustainable and should be maintained. However, as developments occur at various government levels, the City can change its position through future ordinances.

In light of the pending expiration of the temporary moratorium on issuance of permits for marijuana-related activity, staff proposes certain amendments to ESMC Chapter 15-13B to further clarify the City’s intent to prohibit all commercial marijuana-related land uses. As mentioned above, ESMC Title 4 (Business Regulations and Licensing) prohibits the issuance of a license for any commercial marijuana-related activity. However, ESMC Chapter 15-13B (Medical Cannabis Cultivation and Distribution), which is in Title 15 (Zoning Code) was adopted before the State legalized recreational/adult use marijuana and related commercial activities. The revised chapter will clarify that the prohibition applies to all types of marijuana-related land uses, whether medicinal or recreational, consistent with the City’s long-standing intent and purpose. The revised chapter will also set reasonable restrictions on cultivation of cannabis for personal use, consistent with State Law.

**General Plan and Zoning Consistency**

*Consistency with the El Segundo General Plan*
ESMC Section 15-1-1 (Purpose, Title) states that Title 15 is the primary tool for implementation of the goals, objectives, and policies of the El Segundo General Plan. Accordingly, the Planning Commission must find that the proposed Zone Text Amendment is consistent with those goals, objectives, and policies. Planning staff believes there is substantial evidence in the record to support the findings required for the Planning Commission to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.

*Consistency with the El Segundo Municipal Code.*
Pursuant to ESMC Title 15, Chapter 26 (Amendments), in order to recommend City Council approval of the proposed amendments, the Planning Commission must find that the amendments are necessary to carry out the general purpose of ESMC Title 15. The purpose of this Title (ESMC §15-1-1) is to serve the public health, safety, and general welfare and to provide economic and social advantages resulting from an orderly planned use of land resources. Planning staff believes there is substantial evidence in the record to support the findings required for the Planning Commission to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.
Environmental Review

This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3), because it does not have the potential to cause significant effects on the environment. The ordinance amends the El Segundo Municipal Code to clarify the existing prohibitions on cannabis-related land uses and activities. The ordinance does not portend any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. In addition to the foregoing general exemption, the following categorical exemption applies: 14 Cal. Code Regs. § 15308 (actions taken for the protection of the environment).

Recommendation

For the foregoing reasons, Staff recommend that the Planning Commission adopt Resolution No. 2851 recommending that the City Council approve Environmental Assessment (EA) No. EA-1199 and Zone Text Amendment (ZTA) No. 17-07.
AGENDA DESCRIPTION:
Consideration and possible action regarding recommending City Council approval of Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07 to amend the Municipal Code to prohibit all commercial marijuana activity to the extent allowed by State Law.

RECOMMENDED PLANNING COMMISSION ACTION: Staff recommends that the Planning Commission resume the public hearing and take public testimony on the proposed zone text amendment, close the public hearing and consider the evidence, and adopt Resolution No. 2851 recommending that the City Council approve Environmental Assessment No. EA-1199 and Zone Text Amendment No. ZTA 17-07.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Planning Commission Resolution No. 2851
2. Draft ordinance strike-through and underline version
3. Draft ordinance clean version
4. Planning Commission staff report dated September 27, 2018
5. California Department of Public Health Advisory/FAQ regarding Industrial Hemp and Cannabidiol (CBD) in Food Products
6. List of cannabis-related business types

ORIGINATED BY: Paul Samaras, Principal Planner
REVIEWED BY: Gregg McClain, Planning Manager
APPROVED BY: Sam Lee, Director of Planning and Building Safety

BACKGROUND AND DISCUSSION
The Planning Commission considered this item at its meeting on September 27, 2018. In its staff report for that meeting, staff provided a status update on the laws regarding cannabis at the Federal, State, and regional levels (Exhibit No. 4). After receiving public testimony and discussing the item, the Commission voted to continue the item and directed staff to amend the draft ordinance to make the following changes:
1. Amend the definition of “Cannabis accessories” to ensure that businesses engaged in the design of cannabis marketing material or cannabis packages may store such material or packages on their premises.
2. To clarify the distinction between the definition of “Cannabis” and “industrial hemp,” so that the draft ordinance does not prohibit the sale of industrial hemp derived cannabidiol (CBD) or CBD products in food.
3. In addition to the above changes, the Commission directed staff to research the potential for permitting research activities on potential medical uses for cannabis.
Staff conducted additional research and has addressed the Planning Commission’s direction as follows:

1. Staff revised the draft ordinance to address the definition of “Cannabis accessories.” As amended, the ordinance will permit businesses to store cannabis marketing material or packages on their premises, provided that no cannabis or cannabis products are stored on site (Exhibit Nos. 2 and 3).

2. Staff conducted research on “industrial hemp” and cannabidiol (CBD) derived from it. As written in the ordinance and current State law (SB 94), the definition of cannabis exempts “industrial hemp as defined by Section 11018.5 of the Health and Safety Code.” Per the Health and Safety Code, industrial hemp “means a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom [emphasis added].” Therefore, a wide range of industrial hemp derivatives, including CBD, are already exempt from the definition of cannabis and are not subject to the ordinance provisions.

However, while the draft Ordinance does not prohibit it, the use of industrial hemp and its derivatives is prohibited by Federal and State Law. In response to numerous inquiries from food processors and retailers, the California Department of Public Health (CDPH) released an advisory/FAQ regarding industrial hemp and cannabidiol in food products (Exhibit No. 5). The CDPH is the State agency responsible for the regulation of Food and Drugs including any additives. The CDPH follows federal law when it comes to food additives, including industrial hemp and its derivatives. Federal law classifies cannabis, including industrial hemp and its derivatives, as a Schedule I drug (which is illegal). Therefore, the CDPH determined that the use of industrial hemp as the source of CBD to be added to food products for either humans or animals is prohibited.

3. With regard to potential research activity on medical uses of cannabis, the Federal law is clear on the status of cannabis as a Schedule I drug and has very limited exceptions related to research on “industrial hemp.” Specifically, the 2014 “Farm Bill,” Section 7606 of the Agricultural Act 2014 (7 USC 5940) authorized institutions of higher education or State Departments of Agriculture to grow “industrial hemp” for “research conducted under an agricultural pilot program or other agricultural or academic research,” so long as state law permits the growth and cultivation of the plant. For purposes of the Farm Bill, industrial hemp is defined as Cannabis sativa L., having a THC concentration ≤ 0.3%. However, “research” is not defined.

The U.S. Department of Agriculture, the Department of Health and Human Services (DHHS), and Drug Enforcement Administration (DEA) recently issued a Notice concerning the Farm Bill, stating that it did not remove industrial hemp from Schedule I. If private persons are to conduct the research under a pilot program, they must be 1) licensed, registered, or otherwise authorized by the State Department of Agriculture to conduct the research or 2) employed by or under a production contract or lease to conduct research from an institution of higher education. Furthermore, industrial hemp must be cultivated exclusively for industrial purposes, which involve the fiber and seed (hence, by
implication, not the flowering tops). As a result, under Federal law, research on industrial hemp only may only be sanctioned by California’s Department of Agriculture and institutions of higher learning.

Staff is not aware of any State statutes that authorize research on potential medical uses of cannabis. Proposition 64 and SB 94, which legalized certain cannabis activities, authorized the issuance of licenses for specific types of businesses, such as retail, manufacture, distribution, testing laboratories, etc. A testing laboratory, as defined in SB 94, is a laboratory, facility, or entity that performs tests of cannabis products before they are sold to consumers. Testing laboratories must be accredited and must be licensed by the State. The testing performed by testing laboratories is intended only to certify the content and potency of cannabis and cannabis products to ensure that they are properly labeled before they are sold to the consumer. Therefore, testing laboratories licensed under Proposition 64 and SB 94 are not intended to conduct research on the health effects or potential medical uses of cannabis. Consequently, if the City were to authorize such research within its jurisdiction, it would do so in violation of both Federal and State law.

**Recommendation**

For the foregoing reasons, Staff recommend that the Planning Commission adopt Resolution No. 2851, as amended, recommending that the City Council approve Environmental Assessment (EA) No. EA-1199 and Zone Text Amendment (ZTA) No. 17-07.

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A. Call to Order

The meeting was called to order at 5:35 p.m.

B. Roll Call

Present: Chair Baldino
        Vice Chair Newman
        Commissioner Keldorf
        Commissioner Hoeschler

Absent: Commissioner Wingate

C. Pledge of Allegiance

Commissioner Hoeschler led the pledge.

D. Public Communications

None

E. Consent Calendar

1. Consideration and possible other action regarding approval of the September 13, 2018 Planning Commission Meeting Minutes.

   MOTION: Approve the minutes from previous meeting E1.
   Moved by Vice Chair Newman, second by Commissioner Keldorf.

   Motion carried by the following vote (4-0):
   Ayes Baldino, Newman, and Keldorf, Hoeschler
   Absent Wingate

F. Call Items from Consent Calendar

None.

G. Written Communications

None.
H. New Business – Public Hearing

   Address: Citywide
   Applicant: City of El Segundo

Principal Planner Paul Samaras gave a brief staff report, mentioning that the City is making amendments to the Zoning Code in regards to prohibit all commercial marijuana activity to the extent permitted by State Law.

Chari Baldino disclosed that he went to Tyson Ranch and met Ed Calhoun, General Council for Tyson Holistic.

Chair Baldino began the discussion by mentioning that he wants to be sure that the code will not have such a broad definition that it will block accessory uses (for example, packaging and design.) Assistant City Attorney David King addressed Chair Baldino and mentioned that the ordinance will only be triggered if there is Cannabis physically at the facility.

Chair Baldino opened public communication.

Edward Calhoun introduced himself as the General Council for Tyson Holistic. They are an office space located in El Segundo that works to acquire land and building facilities elsewhere for their marijuana related business, and design packaging and other advertising for their product. He said that Tyson Holistic does not have objections on the ordinance with the exception of the “storage” portion of the definition. He argues that any business that meets that definition would be going against the definition, as it could apply to anything used to process, store, or grow marijuana. He mentions that if this definition applies, then it will mean that those businesses are all defined as a “cannabis storage” facility, and thus would be considered illegal.

Vice Chair Newman asked why Tyson Holistic would be worried about the storage portion, if they are just creative office responsible for designing the packaging, not the product. Mr. Calhoun responded that it is broad enough to cover almost everything, especially boxes.

The commission had a discussion on whether the definition is actually too broad, and Assistant City Attorney David King told the commission that they need to give direction to staff on what they feel needs to be included or excluded.

Chair Baldino said that the general consensus is that the residents do not want marijuana shops in town and they do not want to smell it, but the commission does not want to prevent people from developing other uses for it. Brenda noted that they are being asked to assess whether they want any marijuana related anything in town, businesses, use, production of paraphernalia, boxes, marketing, etc. She said she is fine with the ordinance as it is, and did not feel the need to change anything in the ordinance.
There was a discussion on making a note in the definition that would allow for Research and Development.

**Chair Baldino Closed Public Communication.**

The commissioners held a discussion on their options and how to adjust the definition and their direction to give to staff. It was decided that staff would work on the definition further, and bring it back to the Commission at the October 11, 2018 meeting. It was recommended that staff amend the definition of cannabis accessories, while also making the distinction between Industrial Hemp and Cannabis more clear to ensure that CBD is not prohibited. Staff also agreed to look into the potential of allowing research on the uses of Medical marijuana.

**MOTION:** Continue ZTA 17-07 to amend El Segundo Municipal Code (ESMC) Chapter 15-13B to prohibit all to next Regularly Scheduled meeting (October 11, 2018) with the direction to staff to review the definition and look into topics discussed.

Moved by Vice Chair Newman, second by Commissioner Hoeschler
Motion carried by the following vote (4-0):
Ayes  Baldino, Newman, Keldorf, Hoeschler
Absent  Wingate
A. Call to Order

The meeting was called to order at 5:31 p.m.

B. Roll Call

Present: Vice Chair Newman
        Commissioner Keldorf
        Commissioner Hoeschler
        Commissioner Wingate

Absent  Chair Baldino

C. Pledge of Allegiance

Commissioner Hoeschler led the pledge.

D. Public Communications

None

E. Consent Calendar

1. Consideration and possible other action regarding approval of the September 27, 2018 Planning Commission Meeting Minutes.

2. Zoning Code Interpretation: Vehicle Lifts—various zones

RECOMMENDED ACTION: Approve the Minutes and receive and file the zoning code Interpretation.

MOTION: Approve E1 and E2.
Moved by Vice Chair Newman, second by Commissioner Hoeschler.

Motion carried by the following vote (4-0):
Ayes Newman, Wingate, and Keldorf, Hoeschler
Absent Baldino

F. Call Items from Consent Calendar

None.

G. Written Communications

None.
H. New Business – Public Hearing

3. Addition and Remodel of the building at 147 Richmond Street. (BC)
   Address: 147 Richmond Street
   Applicant: Arnold Foster

Planning Manager Gregg McClain gave the staff report.

Vice Chair Newman opened public communication.

- Commissioner Wingate inquired about the number of employees.
- Mr. Foster stated that there about 5-7 employees.
- Commissioner Hoeschler inquired about the type of environment,
- Mr. Foster stated that it is an office environment.

Vice Chair Newman Closed Public Communication.

MOTION: Adopt Resolution No. 2853; Approving the remodel and addition to the building at 147 Richmond Street.

Moved by Commissioner Wingate, second by Commissioner Keldorf
Motion carried by the following vote (4-0):
Ayes Newman, Keldorf, Hoeschler, Wingate
Absent Baldino


4. Ordinance Amending City’s Current Prohibition of Marijuana Related Land Use. (PS)
   Address: Citywide
   Applicant: City of El Segundo

Planning Manager Gregg McClain submitted a revised draft ordinance according to the commission’s direction at its previous meeting, which included amending the definition of permitted accessories. Staff also presented information regarding the status of industrial hemp and its derivative called CBD. In addition, staff presented information regarding potential medical research and development uses and their legal status.

- Commissioner Keldorf inquired if El Segundo could permit research using industrial hemp with a license from the State Agricultural department.
- Principal Planner Paul Samaras stated that the City could permit such research if working with the State Agricultural department or an institution of higher learning authorized to do that particular type of research.
- Ms. Keldorf asked about the use of CBD in food oil, lotions, etc.
- Mr. Samaras stated that the proposed ordinance as drafted would not prohibit it, but that it was considered illegal under both State and Federal law.
Commissioner Wingate stated on page 50 of the packet that there are changes to the "Cannabis Accessories" definition, including the word "storing" being crossed out. Ms. Wingate stated that she interpreted that striking the word "storing" to mean accessories used to store cannabis would be allowed.

Ms. Wingate disclosed that she visited a dispensary in Oregon this weekend.

City Attorney David King explained that allowing accessories used for storing cannabis, referred to the keeping of cardboard boxes on a business premise when no cannabis or cannabis products are present.

Ms. Wingate clarified that the applicant is allowed to design a box/packaging in El Segundo.

Mr. Kings clarified that it was his understanding that the reference of large cardboard boxes being stored.

Ms. Newman is not in agreement with permitting accessories used for storing. She pointed out it could potentially open the doors to other uses.

Ms. Keldorf suggested that the word "packaging" be struck-out as well, and not just storing.

Mr. King stated that staff may have misunderstood the Commission's prior direction, but was open to making any changes that the Commission wished to make.

Commissioner Hoeschler read a news article on medical research on cannabis.

Mr. Kings address the Commission on the decision to have two separate motions in regards to the striking of store/storing or packaging/repackaging.

Ms. Wingate suggested that the commission include accessories used for storing cannabis or cannabis products in the definition cannabis accessories that would be prohibited.

Chair Newman clarified that the storing means that you cannot have equipment, materials of any products which of use of storing cannabis. Mr. Hoeschler added that also includes rolling papers and vapor pins as accessories.

Vice Chair Newman opened and closed public communication
No public communications.

FIRST MOTION: To reinstate the word storing back into the definition of Cannabis Accessories and adopt Resolution No. 2851.
Moved by Commissioner Wingate, second by Vice Chair Newman

Motion failed by the following vote (3-1):
Ayes Newman
Nay Keldorf, Hoeschler, Wingate
Absent Baldino
SECOND MOTION: Recommend to remove “packaging/repackaging from the definition of Cannabis Accessories.
Moved by Commissioner Keldorf, second by Commissioner Hoeschler
Motion carried by the following vote (3-1):
Ayes Keldorf, Hoeschler, Wingate
Nay Newman
Absent Baldino

MOTION: To approve Resolution No. 2851, to recommend Council approval of the ordinance as amended.
Moved by Commissioner Wingate, second by Commissioner Keldorf
Motion carried by the following vote (3-1):
Ayes Keldorf, Hoeschler, Wingate
Nay Newman
Absent Baldino
LIST OF CANNABIS LICENSE TYPES

Bureau of Cannabis Control

A **Retailer (storefront)** sells cannabis goods to customers at its premises or by delivery. A retailer must have a licensed physical location (premises) where commercial cannabis activities are conducted.

A **Retailer (nonstorefront)** licensee must have a licensed premises, but it is not open to the public.

**Distributor** licensees are responsible for transporting cannabis goods, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure they comply with all the packaging and labeling requirements. Distributor transport licenses allow for the transport of cannabis goods between licensed cultivators, manufacturers, and distributors. A distributor transport licensee may not transport cannabis goods to a licensed retailer and may not engage in any other distributor activities.

A **microbusiness** license allows a license to engage in the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (Type 6), and retailer, as specified in an application. In order to hold a microbusiness license, a licensee must engage in at least three (3) of the four (4) listed commercial cannabis activities.

A **testing laboratory**, facility, or entity in the state that offers or performs tests of cannabis goods. Testing laboratories must obtain and maintain (ISO/IEC 17025 accreditation. Testing laboratories may be issued a provisional license allowing them to operate while they obtain ISO/IEC 17025 accreditation, provided they meet all other licensure requirements.

**Cannabis Event Organizers.** Cannabis events can only be held by a person who has been issued a cannabis event organizer license by the Bureau of Cannabis Control. The cannabis event organizer is not authorized to cultivate, distribute, manufacture, or sell cannabis or cannabis products unless the organizer also holds a separate license to engage in such commercial cannabis activities.

**California Department of Public Health – Division of Food, Drug, and Cannabis Safety - Manufactured Cannabis Safety Branch**

**Manufacturer** means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container.

**California Department of Food & Agriculture – CalCannabis Cultivation Licensing Division**

A **Cultivator** license allows a licensee to plant, grow, harvest, dry, cure, grade, or trim cannabis.
California Department of Public Health (CDPH), Food and Drug Branch (FDB) has received numerous inquiries from food processors and retailers who are interested in using industrial hemp-derived cannabidiol (CBD) oil or CBD products in food since the legalization of medicinal and adult-use marijuana (cannabis) in California.

In California, the CDPH Manufactured Cannabis Safety Branch (MCSB) regulates medicinal and adult-use manufactured cannabis products. However, food products derived from industrial hemp are not covered by MCSB regulations. Instead, these products fall under the jurisdiction of CDPH-FDB.

California defines “food” as follows:
(a) Any article used or intended for use for food, drink, confection, condiment, or chewing gum by man or other animal.
(b) Any article used or intended for use as a component of any article designated in subdivision (a).\(^1\)

The definition of food includes pet food, but does not include products containing cannabis (which are, instead, cannabis edibles). Meat, dairy, poultry or eggs are regulated by the California Department of Food and Agriculture (CDFA).

The federal Agricultural Act of 2014, also known as the Farm Bill, only legalized the growing or cultivating of industrial hemp by state departments of agriculture and institutions of higher education (as defined in Title 20 of the United States Code section 1001) for purposes of research under a state pilot program or other agricultural or academic research. In addition, growing or cultivation is only permitted under the Farm Bill if growing or cultivating is allowed under the laws of the State in which such state department or institution is located and such research occurs. In California, the cultivation of industrial hemp is regulated by the CDFA.

“Industrial Hemp” is defined as follows:
“a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L., having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.”\(^2\)

Please refer to the CDFA for further questions about state requirements for cultivation of industrial hemp in California in accordance with the California’s Industrial Hemp Law (Division 24 of the Food and Agricultural Code).

California incorporates federal law regarding food additives, dietary use products, food labeling, and good manufacturing practices for food. The Controlled Substances Act of 1970 classified all forms of cannabis as a Schedule I drug, making it illegal to grow it in the United States.\(^3\) Currently, the United

California Department of Public Health • Food and Drug Branch • (916) 650-6500 • fdinfo@cdph.ca.gov

Revised: 07/08/2016
States Food and Drug Administration (FDA) has concluded that it is a prohibited act to introduce or deliver for introduction into interstate commerce any food (including any animal food or feed) to which tetrahydrocannabinol (THC) or CBD has been added. This is regardless of the source of the CBD – derived from industrial hemp or cannabis.

Therefore, although California currently allows the manufacturing and sales of cannabis products (including edibles), the use of industrial hemp as the source of CBD to be added to food products is prohibited. Until the FDA rules that industrial hemp-derived CBD oil and CBD products can be used as a food or California makes a determination that they are safe to use for human and animal consumption, CBD products are not an approved food, food ingredient, food additive, or dietary supplement.

1 California Health & Safety Code section 109935.
2 California Food and Agriculture Code section 81000(d) which references California Health and Safety Code (HSC) section 11018.5.
3 21 United States Code section 802(16) “The term "marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.”

Frequently Asked Questions

1. What forms of Industrial hemp derived products will and will NOT be allowed in food in California?

Will be allowed in food (without any claim for health benefits):
- Seeds derived from Industrial hemp
- Industrial hemp seed oil or hemp seed oil derived from industrial hemp

Will NOT be allowed in food:
- Any CBD products derived from cannabis
- Any CBD products including CBD oil derived from industrial hemp
- Hemp oil that is not derived from industrial hemp seeds
- Industrial hemp seed oil enhanced with CBD or other cannabinoids

2. Is hemp seed oil the same as CBD oil?

*Industrial hemp seed oil and hemp-derived CBD oil are two different products. Industrial hemp seed oil is derived from the seeds limited to types of the Cannabis sativa L. plant and may contain trace amounts of CBD (naturally occurring) and other cannabinoids. Food grade industrial hemp seed oil is available from a variety of approved sources.*
However, CBD or CBD oil derived from industrial hemp is NOT approved for human and animal consumption by the FDA as food and therefore cannot be used as food ingredient, food additive, or dietary supplement.

3. What is the difference between industrial hemp and cannabis (marijuana) derived cannabidiol (CBD/CBD oil)?

- **CBD can be derived from both hemp and cannabis. CBD derived from hemp and cannabis is a federally-regulated controlled substance. CBD derived from cannabis is regulated within California as a cannabis product and may only be sourced from, produced, and sold by those with commercial cannabis licenses. CBD derived from industrial hemp is not an approved food additive, and therefore it cannot be added to human or animal foods in California.**
- **CBD derived from cannabis is a prohibited food additive. Cannabis cannot be sold in food retail.**
- **CBD derived from a licensed cannabis cultivator, per MCSB regulations, is an allowed additive in cannabis products only.**

4. Does California consider food products that contain CBD or CBD oil from Industrial hemp a cannabis product?

*Although in California, foods containing industrial hemp are not considered cannabis products (products that are subject to Proposition 64), CBD is an unapproved food additive and NOT allowed for use in human and animal foods per the FDA, and thus it is not approved in California.***

5. Can industrial hemp-derived CBD oils be approved as a food ingredient, food additive or dietary supplement to be added in food?

*CCurrently Industrial hemp derived CBD Oil and CBD products are NOT an approved food, food ingredient, food additive or dietary supplement and therefore cannot be used in any human and animal food.*

6. If CDPH, MCSB regulates and licenses cannabis (marijuana) derived product manufacturers, which agency oversees CBD oil produced from industrial hemp?

*There is currently no regulatory agency that provides oversight over the production of CBD oil from industrial hemp. However, CDPH-FDB has authority oversight over food additives, dietary use products, food labeling, and good manufacturing practices for food. Industrial hemp used as a food additive or dietary supplement falls under the authority of CDPH-FDB.*

7. Can industrial hemp derived CBD products be allowed for sale in California if they come from other States? For example, if industrial hemp derived CBD oil is manufactured in another state and sold to customers in California via distributors and retailers?
No, CBD is an unapproved food additive and NOT allowed for use in human and animal foods in California regardless of where the CBD products originate.
AGENDA DESCRIPTION:
Consideration and possible action to authorize the City Manager to execute a 5 year agreement with Granicus, Inc. to provide design, development, implementation and ongoing hosting and maintenance services for the City’s website redesign project. (Fiscal Impact: $366,477.00 over 5 years; Year one $216,000.00 total; $180,265.00 for design and development services and $35,735 (20%) for contingency; Annual maintenance average of $37,600.00 over the remaining five-year term of the contract)

RECOMMENDED COUNCIL ACTION:
1. Following a Request for Proposal (RFP), authorize the City Manager to execute a 5 year agreement with Granicus, Inc., in a form approved by the City Attorney, to purchase design and development services for the City’s website redesign project;
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Selection Criteria and Scores including Base Proposal Cost Estimates
2. Granicus’ Final Bid Proposal
3. Letter from the Chair of the Technology Committee

FISCAL IMPACT: $366,477.00 over 5 years
Amount Budgeted: $250,000 for FY18-19
Additional Appropriation: An average of $37,600.00 per year for ongoing maintenance
Account Number(s): 301-400-8208-8713
301-400-8208-8714

STRATEGIC PLAN:

Goal: 1
Objective: A
Enhance Customer Service Engagement:
El Segundo provides unparalleled service to internal and external customers.

B
El Segundo’s engagement with the community ensures excellence.

Goal: 2
Objective:
Support Community Safety and Preparedness
The City participates in proactive communication and community engagement.
STRATEGIC PLAN CONTINUED:

Goal: 4  Develop Quality Infrastructure and Technology
Objective: A  El Segundo’s physical infrastructure supports and appealing, safe and effective community.
B  El Segundo’s technology supports effective, efficient, and proactive operations.

Goal: 5  Champion Economic Development and Fiscal Sustainability
Objective: A  El Segundo promotes economic growth and vitality for businesses and the community.
B  El Segundo approaches its work in a financially strategic and responsible way.

ORIGINATED BY: Charles Mallory, Information Systems Director
REVIEWED BY: Charles Mallory, Information Systems Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

Today’s consumers live in a digitally connected world and interact with multiple devices throughout the typical day. The expectation is real-time communication, instant information, coordinated and relevant messages regardless of the device being used. The City of El Segundo must be able to provide a means where individuals can search, find and process information and requests efficiently.

The current City of El Segundo website does not encourage community members or visitors to identify with it as a source of information. To resolve these issues, the City of El Segundo is looking to redesign the website to improve both functionality and visual design. A redesigned website will allow for an improved user experience as well as presents a cohesive brand to audiences. Below are a number of key factors that went into making the vendor selection to aide in this important project.

1. Promote the professional brand of the City with a visually dynamic design;
2. Provide easy accessibility and navigational user interface and experience that encourages audiences to use and return to the website frequently;
3. Provide a website that displays and functions seamlessly on tablets and mobile devices;
4. Improve the timeliness of content published to the website by implementing a user friendly content management system (CMS) that is customizable, scalable, and easy to maintain;
5. Implement a cloud based hosting infrastructure that can be easily integrated with other city systems; and
6. Provide a site that is accessible for individuals with disabilities.

In October 2017, the City invited all departments to participate in a website requirements meeting where valuable feedback was received. The City also solicited community and business
owners/operators to provide their feedback on their experiences with the website via online surveys. The feedback received from both internal and community members was consistent. The website was not easily navigated, content was outdated, and the visual design was not welcoming.

The website sub-committee was engaged early in the process to provide input into the community survey, Request for Proposal (RFP), and vendor selection criteria. In late February 2018, a website redesign RFP was released and fifteen potential vendors expressed interest in helping to achieve the goal of a new website. Ultimately, eleven vendors submitted proposals.

Using a scorecard approved by the sub-committee, Department Directors were able to narrow the potential vendors down to the top three finalists. Once the top three vendors were identified, a cross-functional evaluation team comprised of representatives from City departments were identified to perform a thorough review of the top three vendor proposals, interview each vendor, and provide a final selection. After thorough evaluation staff recommends Granicus as the vendor of choice.

Unfortunately, even though the sub-committee was involved in drafting the RFP and creating the selection criteria, they are not in support of staff’s recommended vendor. A NO vote was provided by the sub-committee on October 8, 2018, and the full Technology Committee chose to support their decision. The sub-committee has verbally conveyed that they are not in support of a closed or proprietary CMS. They believe that a proprietary CMS does not offer the user interface flexibility or ultimate city ownership. Staff has asked for supportive examples and none have been provided to date.

Per the Technology Committee bylaws, the sub-committee is expected to rate staff’s choice against the jointly created selection criteria. The Chair has provided the attached email communication in lieu of the selection criteria rating sheet.

Regarding closed versus open source CMS, Granicus’ CMS System is not only significantly less expensive than the highest price open source finalist; it also provides more pre-built capabilities. Their technical offerings include multiple pre-existing integrations with e-government applications, such as community engagements, legislative management, and a multitude of pre-existing consumer facing features. These features include residential dashboards, electronic service requests, and multiple site search options. Granicus’ offering of CMS components combined with its consumer facing features, and their municipal experience make them the ideal partner for the City. With a new website, users will see a visually pleasing website that presents features and functionality that are user friendly. The City website will become the consistent source of information used to feed other social media platforms like Facebook and Instagram for all City communications.

Staff recommends authorizing the City Manager to execute a professional service agreement with Granicus in the amount of $366,477.00 to provide design, development, and hosting services for the City’s website redesign project.
<table>
<thead>
<tr>
<th>Metric</th>
<th>MUNICODE</th>
<th>REVIEW</th>
<th>VISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>How long has the company been in business?</td>
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<td>3.33</td>
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<tr>
<td>Is the company financially stable? Does it have the right staff to</td>
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<td>3.44</td>
<td>4.33</td>
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<td>support the project through all phases?</td>
<td>3.67</td>
<td>3.22</td>
<td>4.44</td>
</tr>
<tr>
<td>Is the company structured properly to provide the services</td>
<td>3.67</td>
<td>3.22</td>
<td>4.44</td>
</tr>
<tr>
<td>outlined in their proposal?</td>
<td>3.78</td>
<td>3.22</td>
<td>4.00</td>
</tr>
<tr>
<td>Does it appear the vendor's team will be qualified with all the</td>
<td>3.78</td>
<td>3.22</td>
<td>4.00</td>
</tr>
<tr>
<td>skill sets that are essential to complete the City's website</td>
<td>3.78</td>
<td>3.22</td>
<td>4.00</td>
</tr>
<tr>
<td>(technical, personable, available, etc.)?</td>
<td>3.78</td>
<td>3.22</td>
<td>4.00</td>
</tr>
<tr>
<td>Did the vendor provide a good overview of the team that will be</td>
<td>3.44</td>
<td>3.33</td>
<td>4.78</td>
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<tr>
<td>working on the website redesign project?</td>
<td>3.44</td>
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<tr>
<td>Does the vendor have government experience? Is this critical to the</td>
<td>3.33</td>
<td>3.22</td>
<td>3.67</td>
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<tr>
<td>success of this project?</td>
<td>3.33</td>
<td>3.22</td>
<td>3.67</td>
</tr>
<tr>
<td>Does the vendor have experience implementing a CMS platform</td>
<td>3.33</td>
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<td>3.67</td>
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<tr>
<td>from scratch?</td>
<td>3.33</td>
<td>3.22</td>
<td>3.67</td>
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<tr>
<td>RFP</td>
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<tr>
<td>Overall, how do you rate the web developer’s marketing and sales</td>
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<td>2.85</td>
<td>3.56</td>
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<tr>
<td>skills based on the proposal, and their own website?</td>
<td>2.78</td>
<td>2.85</td>
<td>3.56</td>
</tr>
<tr>
<td>Does the vendor explain what is included in the quote, clearly?</td>
<td>3.56</td>
<td>3.22</td>
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<tr>
<td>Does the proposal include all the services that are essential to</td>
<td>3.78</td>
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<td>4.00</td>
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<tr>
<td>our website?</td>
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<tr>
<td>Did the proposal talk about the vendor’s ability / flexibility to</td>
<td>3.33</td>
<td>3.56</td>
<td>4.11</td>
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<tr>
<td>process change?</td>
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<td>3.56</td>
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</tr>
<tr>
<td>Does the proposal detail process, timing, and delay consequences?</td>
<td>3.22</td>
<td>3.00</td>
<td>3.67</td>
</tr>
<tr>
<td>Does the vendor offer post launch support?</td>
<td>3.56</td>
<td>2.89</td>
<td>4.22</td>
</tr>
<tr>
<td>Does the vendor offer post launch maintenance updates?</td>
<td>3.67</td>
<td>3.11</td>
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<tr>
<td>Did the vendor address desktop, tablet, and mobile?</td>
<td>3.56</td>
<td>3.78</td>
<td>4.44</td>
</tr>
<tr>
<td>Did the vendor identify any areas of concern (e.g., content</td>
<td>3.44</td>
<td>3.33</td>
<td>3.89</td>
</tr>
<tr>
<td>migration, security, etc.)?</td>
<td>3.44</td>
<td>3.33</td>
<td>3.89</td>
</tr>
<tr>
<td>Does the proposal include details on training a variety of people</td>
<td>3.22</td>
<td>3.22</td>
<td>4.67</td>
</tr>
<tr>
<td>with varying comfort levels?</td>
<td>3.22</td>
<td>3.22</td>
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</tr>
<tr>
<td>Did the vendor identify any areas of concern (e.g., content</td>
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<tr>
<td>migration, security, etc.) - DUPLICATE: DID NOT COUNT</td>
<td>2.33</td>
<td>2.44</td>
<td>2.44</td>
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<tr>
<td>Did the vendor detail plans for content migration?</td>
<td>3.67</td>
<td>3.33</td>
<td>4.11</td>
</tr>
<tr>
<td>Did the vendor detail plans for new content development (to support</td>
<td>3.67</td>
<td>3.33</td>
<td>4.11</td>
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<tr>
<td>the new design)?</td>
<td>3.67</td>
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<td>4.11</td>
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<tr>
<td>Did the vendor proposal discuss backend requirements (e.g.,</td>
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<td>3.22</td>
</tr>
<tr>
<td>hosting, software required, etc.)?</td>
<td>3.00</td>
<td>2.89</td>
<td>3.22</td>
</tr>
<tr>
<td>Did the vendor make recommendations or merely address points in</td>
<td>3.33</td>
<td>3.44</td>
<td>4.33</td>
</tr>
<tr>
<td>the RFP?</td>
<td>3.33</td>
<td>3.44</td>
<td>4.33</td>
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<tr>
<td>TECHNOLOGY</td>
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<td>Does the proposed technology solution provide the functional</td>
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<td>3.89</td>
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<tr>
<td>capability required?</td>
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<td>3.56</td>
<td>3.89</td>
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<tr>
<td>Who from your department will be using the new CMS platform?</td>
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<td>3.11</td>
<td>3.44</td>
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<tr>
<td>How often will you be required to make updates?</td>
<td>3.44</td>
<td>3.11</td>
<td>4.00</td>
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<tr>
<td>Is the proposed CMS platform solution scalable?</td>
<td>3.33</td>
<td>3.56</td>
<td>3.56</td>
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<tr>
<td>What current City services (e.g. online bill payment) require</td>
<td>3.44</td>
<td>3.11</td>
<td>3.78</td>
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<tr>
<td>integration and/or special consideration?</td>
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<td>3.78</td>
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<tr>
<td>Are there any security considerations?</td>
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<td>3.00</td>
<td>3.33</td>
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<tr>
<td>Do you have any questions or comments on the technical approach</td>
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<td>3.00</td>
<td>3.11</td>
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<tr>
<td>outlined in the proposal?</td>
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<td>3.00</td>
<td>3.11</td>
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<tr>
<td>CREATIVE</td>
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<tr>
<td>Are the proposed designs appropriate / flexible for the City</td>
<td>3.11</td>
<td>3.33</td>
<td>3.67</td>
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<tr>
<td>website?</td>
<td>3.11</td>
<td>3.33</td>
<td>3.67</td>
</tr>
<tr>
<td>Do you have any comments on the design approach or ideas?</td>
<td>2.11</td>
<td>2.89</td>
<td>2.78</td>
</tr>
<tr>
<td></td>
<td>2.11</td>
<td>2.89</td>
<td>2.78</td>
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<tr>
<td>TOTAL</td>
<td>100.00</td>
<td>97.00</td>
<td>117.00</td>
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</table>
| Base Proposal Cost Estimates: $23,000.00 $337,230.00 $49,910.00
Granicus Proposal for El Segundo, CA

Granicus Contact
Name: John Redfern
Phone: +1 3102660243
Email: john.redfern@granicus.com

Proposal Details
Quote Number: Q-43910
Prepared On: 10/25/2018
Valid Through: 11/30/2018

Pricing
Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)
Currency: USD
Period of Performance: The term of the Agreement will commence on the date this document is signed and will continue for 60 months.

Domains Included for the Communications Cloud
The subscription includes the following domain(s) and subdomain(s): elsegundo.org

One-Time Fees

<table>
<thead>
<tr>
<th>Solution</th>
<th>Billing Frequency</th>
<th>Quantity/Unit</th>
<th>One-Time Fee</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Milestones - 40/20/20/20</td>
<td>1 Each</td>
<td>$41,030.00</td>
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<td>Active Directory Integration</td>
<td>Milestones - 40/20/20/20</td>
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<td>Advanced UX Analysis Package</td>
<td>Milestones - 40/20/20/20</td>
<td>1 Each</td>
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<td>Approval Cycle</td>
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<td>Content Migration - Up to 500 Pages of Migration Total</td>
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SUBTOTAL: $180,265.00
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<td>Premium Design Package</td>
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<td>Intranet</td>
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<td>Content Strategy and Website Accessibility Training</td>
<td>Upon Delivery</td>
<td>4 Each</td>
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<td>Communications Cloud - Online Training</td>
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<tr>
<td>Peak Agenda Management Standard Agenda Report</td>
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<td>Peak Agenda Management Standard Cover Page Report</td>
<td>Upon Delivery</td>
<td>1 Each</td>
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<td>Peak - Setup and Configuration</td>
<td>Upon Delivery</td>
<td>1 Hours</td>
<td>$0.00</td>
</tr>
<tr>
<td>Peak Agenda Management - Online Training</td>
<td>Upon Delivery</td>
<td>6 Hours</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL:</strong> $180,265.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Annual Fees for New Subscriptions

<table>
<thead>
<tr>
<th>Solution</th>
<th>Billing Frequency</th>
<th>Quantity/Unit</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>govAccess</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>govAccess Plus Edition</td>
<td>Annual</td>
<td>1 Each</td>
<td>$0.00 (First year free)</td>
</tr>
<tr>
<td>govAccess - Maintenance, Hosting, &amp; Licensing Fee - Specialty Subsite</td>
<td>Annual</td>
<td>6 Each</td>
<td>$0.00 (First year free)</td>
</tr>
<tr>
<td>goAccess for Intranet</td>
<td>Annual</td>
<td>1 Each</td>
<td>$0.00 (First year free)</td>
</tr>
<tr>
<td>Custom Laserfiche Integration</td>
<td>Annual</td>
<td>1 Each</td>
<td>$1,350.00</td>
</tr>
<tr>
<td>Transact</td>
<td>Annual</td>
<td>1 Each</td>
<td>$1,999.00</td>
</tr>
<tr>
<td><strong>govDelivery</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications Cloud</td>
<td>Annual</td>
<td>1 Each</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>govMeetings</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Agenda Management</td>
<td>Annual</td>
<td>1 Each</td>
<td>$5,280.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL:** $14,629.00

### Remaining Period(s)

<table>
<thead>
<tr>
<th>Solution(s)</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>govAccess</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>govAccess Plus Edition</td>
<td>$8,900.00</td>
<td>$9,167.00</td>
<td>$9,442.01</td>
<td>$9,725.27</td>
</tr>
<tr>
<td>govAccess - Maintenance, Hosting, &amp; Licensing Fee - Specialty Subsite</td>
<td>$9,000.00</td>
<td>$9,270.00</td>
<td>$9,548.10</td>
<td>$9,834.54</td>
</tr>
<tr>
<td>goAccess for Intranet</td>
<td>$3,000.00</td>
<td>$3,090.00</td>
<td>$3,182.70</td>
<td>$3,278.18</td>
</tr>
<tr>
<td>Custom Laserfiche Integration</td>
<td>$1,390.50</td>
<td>$1,432.22</td>
<td>$1,475.18</td>
<td>$1,519.44</td>
</tr>
<tr>
<td>Transact</td>
<td>$2,058.97</td>
<td>$2,120.74</td>
<td>$2,184.36</td>
<td>$2,249.89</td>
</tr>
</tbody>
</table>

**TOTAL:** $35,967.87 $37,046.91 $38,158.31 $39,303.06
<table>
<thead>
<tr>
<th>Solution(s)</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>govDelivery</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications Cloud</td>
<td>$6,180.00</td>
<td>$6,365.40</td>
<td>$6,556.36</td>
<td>$6,753.05</td>
</tr>
<tr>
<td><strong>govMeetings</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Agenda Management</td>
<td>$5,438.40</td>
<td>$5,601.55</td>
<td>$5,769.60</td>
<td>$5,942.69</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>$35,967.87</strong></td>
<td><strong>$37,046.91</strong></td>
<td><strong>$38,158.31</strong></td>
<td><strong>$39,303.06</strong></td>
</tr>
<tr>
<td>Product Descriptions</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>-----------------------</td>
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<tr>
<td><strong>govAccess</strong></td>
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<tr>
<td><strong>govAccess – Website Design and Implementation - Trailblazer</strong></td>
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</tr>
<tr>
<td>govAccess Website Design and Implementation - Trailblazer provides a citizen focused website and includes:</td>
<td></td>
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<tr>
<td>• Advanced UX Consultation, which may include one (1) or more of the following:</td>
<td></td>
<td></td>
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<tr>
<td>1. One (1) site analytics report</td>
<td></td>
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<tr>
<td>2. One (1) heatmap analysis</td>
<td></td>
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<tr>
<td>3. One (1) internal stakeholder survey</td>
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<tr>
<td>4. One (1) community stakeholder survey</td>
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<tr>
<td>5. One (1) remote user testing of top tasks</td>
<td></td>
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<tr>
<td>• Three (3) customer journeys (top tasks or heavily visited webpages) identified for optimization - Fully customized homepage wireframe</td>
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<tr>
<td>• Fully responsive design</td>
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<tr>
<td>• Custom mobile homepage or standard mobile responsive homepage</td>
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<tr>
<td>• Video background or standard rotating image carousel (switchable at anytime)</td>
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<tr>
<td>• Three (3) specialty alternate homepages - Choose from Granicus’ library including emergencies, election night, special events</td>
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</tr>
<tr>
<td>• Three (3) customer experience features - Choose from Granicus’ library including service finder, geo finder, or data visualization banner</td>
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<td></td>
<td></td>
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<tr>
<td>• Programming/CMS implementation</td>
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<tr>
<td>• Migrate up to 200 webpages</td>
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<tr>
<td>• Ten (10) forms converted into the new CMS</td>
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<tr>
<td>• Three (3) days of on-site consultation / training to be applied towards additional project management or training (two (2) of three (3) days must be consecutive)</td>
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<tr>
<td>• Annual site improvement credits toward annual refresh or complete redesign after 4 years of maintenance.</td>
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</tr>
<tr>
<td><strong>govAccess Plus Edition</strong></td>
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</tr>
<tr>
<td>The govAccess Maintenance, Hosting, and Licensing plan is designed to equip the client with the technology, expertise and training to keep the client’s website relevant and effective over time.</td>
<td></td>
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<tr>
<td>Services include the following:</td>
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<tr>
<td>• Ongoing software updates</td>
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<tr>
<td>• Unlimited technical support (6:00 AM - 6:00 PM PT, Monday - Friday)</td>
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<tr>
<td>• Access to training webinars and on-demand video library</td>
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<tr>
<td>• Access to best practice webinars and resources</td>
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<tr>
<td>• Annual health check with research-based recommendations for website optimization - DDoS mitigation</td>
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<tr>
<td>• Disaster recovery with 90-minute failover (RTO) and 15-minute data replication (RPO)</td>
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</tr>
<tr>
<td>Name</td>
<td>Description</td>
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<td>------------------------------</td>
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</tbody>
</table>
| **govAccess - Maintenance, Hosting, & Licensing Fee - Specialty Subsite** | govAccess Maintenance, Hosting and Licensing includes the following for the client's Specialty Subsite(s) covered by the subscription:  
  • Monthly software updates  
  • Unlimited technical support (6:00 AM - 6:00 PM PT, Monday - Friday)  
  • Access to training webinars and on-demand video library  
  • Access to best practice webinars and resources  
  • Annual health check with research-based recommendations for website optimization  
  • DDoS mitigation  
  • Disaster recovery with 90-minute failover (RTO) and 15-minute data replication (RPO) |
| **govAccess for Intranet**    | govAccess Maintenance and Licensing includes the following for Intranet website(s) covered by the subscription:  
  • Monthly software updates  
  • Unlimited technical support (6:00 AM - 6:00 PM PT, Monday - Friday)  
  • Access to training webinars and on-demand video library  
  • Access to best practice webinars and resources  
  • Annual health check with research-based recommendations for website optimization  
  • The Intranet must be hosted on the client's server according to Granicus' specifications. |
| **Custom Laserfiche Integration** | Custom Laserfiche Integration                                                                                                                                                                                                                                                                           |
| **Transact**                  | Transact enables client's to go digital with forms and services seamlessly integrated with the client's government CMS for greater citizen experiences, efficiency, and savings. Services include: Service center, geo ginder forms, API support, form strategy training, annual forms audit, and an annual integrations audit. |
| **Active Directory Integration** | Includes integrating Active Directory (AD) with the govAccess CMS. This will let AD accounts log-in to the govAccess CMS backend and/or govAccess CMS Extranet. Client commitments required: AD currently in use server to install the govAccess AD web service from client provided sub-domain and SSL certificate. |
| **Advanced UX Analysis Package** | Includes an in-depth User Experience (UX) Analysis of the client's website, which may include:  
  • Advanced Site Analytics: Identify and analyze top pages for desktop and mobile, entrance and exit pages  
  • Online Community Surveys: Conduct and analyze the results of a stakeholder survey and a community survey  
  • Heatmap Analysis: Capture and analyze heat maps and eye tracking maps  
  • Recorded User Testing: Conduct remote video user testing for five (5) users on five (5) tasks  
  • Comprehensive Report: Deliver a report outlining key insights and recommendations for layout, navigation, content and design for the new website which will serve as a guide for the rest of the design and development process |
### Product Descriptions

<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approval Cycle</strong></td>
<td>Granicus will implement Approval Cycle for the client's website, where content updates and changes do not go live on the website until one (1) or more persons have approved them. Approval Cycle allows the client to segment the management of content by groups of users (such as departments), in addition to types of content as determined by the interactive components. The client may define as many workflows as it requires with as many steps in the approval as it deems necessary.</td>
</tr>
<tr>
<td><strong>Content Migration</strong></td>
<td>Includes the migration of up to 500 pages of content</td>
</tr>
<tr>
<td><strong>Up to 500 Pages of Migration Total</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Mega Menu Designer**        | The Mega Menu Designer allows clients to customize and design flexible menus on the client's website. Customization includes:  
  - Defining the levels of navigation and number of columns in the menu  
  - Adding extra columns and placing widgets in these columns (Widgets that can be added to Mega Menus include: News, Events, RFPs, FAQs, Facilities, Jobs, and the Staff, Business, and Service Directories)  
  - Stacking multiple widgets in the same column                                                                                     |
| **Content Audit and Revising** | Granicus will assess and provide guidance on how to update the client's written content to comply with content strategy best practices. Granicus will provide the client with three (3) documents for each page analyzed: the original, the revised with annotations (where appropriate) and a redline showing the difference. Each revised page will also include changes to make them WCAG 2.0 AA compliant. Up to 100 pages are included with this service. Note: Should the client ask for any additional revisions to a page, those pages would count towards the amount purchased. |
| **Up to 100 Pages**           |                                                                                                                                                                                                               |
| **Content Strategy Package - Premium** | The Premium Content Strategy Package will introduce staff members to content strategy and writing for the Web and includes:  
  - On-site consultation and process meeting to create a custom content strategy process  
  - Web analytics report detailing content strategy opportunities (Available only if Granicus is granted access to the client's analytics)  
  - On-site content strategy and plain language writing for the Web  
  - Training customized for the client, including group exercises updating the client's content  
  - Content development and migration best practices guide  
  - Website content best practices guide  
  - Website persona exercise materials  
  - Communicating with your audience exercise materials  
  - Task process evaluation exercise materials  
  - Writing for the Web textbook  
  - Revise 100 web pages of the client's choosing to comply with content strategy best practices |

---

*info@granicus.com | granicus.com*
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Premium Design Package**         | The Premium Plus Design Package includes the creation of a unique design for the client's website using any combination of the following design options:  
  - Video Background: Feature a video in the background instead of a static image (the client will be responsible for providing the video)  
  - Anchor Scrolling: Create anchor links to allow users to navigate to respective positions on the homepage either by scrolling or clicking on the anchor link  
  - Tiles/Cards: Replace the site's top drop-down menus with tiles on the homepage of the website Parallax homepage                                                                                         |
| **Intranet**                       | Includes the development of an Intranet, which is a private website, located behind the client's firewall on the client's own servers and accessible only by the client's internal users to be used for sharing and networking. The design will be based on the approved design for the client's public website, but may include its own color scheme, collage, navigation, and layout. Granicus will migrate or add up to 25 pages of content. RSS viewer widgets can be used to retrieve and display information from the main website, such as news and events, and display them on the Intranet. The Intranet must be hosted on the client's server according to Granicus' specifications. |
| **150 Pages Written From Scratch** |  
  - Granicus will interview the agency's content stakeholder to get direction on aim of each page to be created  
  - Granicus will provide a draft of the page to the agency and seek feedback  
  - Granicus will provide one revision based on the feedback                                                                                                                                                                                                                   |
| **govAccess - Website Design and Implementation - Branded Subsite** | Branded Subsites allow a department to customize their pages with a unique color scheme and branding while still utilizing the framework of the main website.  
This package includes:  
  - Wireframe based on the main website  
  - Unique design theme, including color pallet for landing page and interiorpages  
  - Customizable background image or slideshow  
  - Customizable navigation including graphics  
  - Customizable header and footer                                                                                                                                                                                                                                           |
<p>| <strong>Additional Design Concepts</strong>     | Includes an additional preliminary concept to choose from during the design phase.                                                                                                                                                                                                                                                         |</p>
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Content Strategy and Website Accessibility Training</strong></td>
<td>The Content Strategy and Website Accessibility Training is a one-day class that will enable up to 30 staff members to write content for the Web that is appropriate and accessible for the client's site visitors.</td>
</tr>
<tr>
<td></td>
<td>The training includes:</td>
</tr>
<tr>
<td></td>
<td>• One (1) day of on-site training</td>
</tr>
<tr>
<td></td>
<td>• Content strategy and plain language writing for the Web</td>
</tr>
<tr>
<td></td>
<td>• Training customized for the client, including group exercises updating the client's content and web accessibility standards designed for content editors that include what the standards are, why they are important, and how to create compliant content</td>
</tr>
<tr>
<td></td>
<td>• Content development and migration best practices guide</td>
</tr>
<tr>
<td></td>
<td>• Website content best practices guide</td>
</tr>
<tr>
<td></td>
<td>• Website persona exercise materials</td>
</tr>
<tr>
<td></td>
<td>• Communicating with your audience exercise materials</td>
</tr>
<tr>
<td></td>
<td>• Task process evaluation exercise materials</td>
</tr>
<tr>
<td></td>
<td>• Writing for the Web textbook</td>
</tr>
<tr>
<td><strong>Onsite Project Consulting - One Day</strong></td>
<td>Includes one (1) day of on-site consulting with the Granicus project manager to review initial project decisions, often including: project timeline and specifications UX presentation, presentation of new website wireframe, and website design brainstorm.</td>
</tr>
<tr>
<td><strong>Onsite CMS User Training - Additional Day</strong></td>
<td>Includes an additional day of on-site CMS User Training. Standard training program covers the key features and functions of govAccess, including:</td>
</tr>
<tr>
<td></td>
<td>• Creating and editing a page</td>
</tr>
<tr>
<td></td>
<td>• Managing page approvals and permissions</td>
</tr>
<tr>
<td></td>
<td>• Uploading and managing images</td>
</tr>
<tr>
<td></td>
<td>• Uploading and managing documents</td>
</tr>
<tr>
<td></td>
<td>• Creating and editing news items</td>
</tr>
<tr>
<td></td>
<td>• Creating and editing calendar items</td>
</tr>
<tr>
<td></td>
<td>• Reviewing advanced components</td>
</tr>
<tr>
<td></td>
<td>An individualized training plan will be developed based on the client's permission levels and the group's technical skills.</td>
</tr>
</tbody>
</table>
### Product Descriptions

<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>govDelivery Communications Cloud</strong></td>
<td>The Cloud is a Software-as-a-Service (SaaS) solution that enables government organizations to connect with more people. By leveraging the Cloud, the client will be able to utilize a number of different outreach mediums, including email, SMS/text messages, RSS feeds, and social media integration to connect with its target audiences. The Cloud includes:</td>
</tr>
<tr>
<td></td>
<td>• Unlimited email sends with industry-leading delivery and management of all bounces</td>
</tr>
<tr>
<td></td>
<td>• Support to upload and migrate existing email lists</td>
</tr>
<tr>
<td></td>
<td>• Access to participate in the GovDelivery Network</td>
</tr>
<tr>
<td></td>
<td>• Ability to send mass notifications to multiple devices</td>
</tr>
<tr>
<td></td>
<td>• 24/7 system monitoring, email and phone support during business hours, auto-response to inbound messages from end users, and emergency support</td>
</tr>
<tr>
<td></td>
<td>• Text-to-subscribe functionality</td>
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<tr>
<td></td>
<td>• Up to 2 Web-hosted training sessions annually</td>
</tr>
<tr>
<td></td>
<td>• Up to 50 administrators</td>
</tr>
<tr>
<td></td>
<td>• Up to 1 GovDelivery account(s)</td>
</tr>
<tr>
<td></td>
<td>• Access to a complete archive of all data created by the client for 18 months (rolling)</td>
</tr>
<tr>
<td></td>
<td>• Up to 3 hours of message template and integration development</td>
</tr>
<tr>
<td></td>
<td>• Up to 100 subscription topics</td>
</tr>
<tr>
<td></td>
<td>• Up to 100,000 SMS/text messages per year from a shared short code within the United States*</td>
</tr>
<tr>
<td></td>
<td>*International numbers are not supported. SMS/text messages not used in the period of performance will not carry over to the following year.</td>
</tr>
<tr>
<td><strong>Communications Cloud Setup &amp; Configuration</strong></td>
<td>The Cloud is a Software-as-a-Service (SaaS) solution that enables government organizations to connect with more people. By leveraging the Cloud, the client will be able to utilize a number of different outreach mediums, including email, SMS/text messages, RSS feeds, and social media integration to connect with its target audiences. The Cloud setup and configuration includes:</td>
</tr>
<tr>
<td></td>
<td>• The implementation consultant will be assigned to Recipient during the setup process for up to 90 days</td>
</tr>
<tr>
<td></td>
<td>• Unlimited access to Web-based recorded trainings and online help for administrations on the following topics: standard Messaging, the GovDelivery Network, Automation, Mobile and Analytics</td>
</tr>
<tr>
<td></td>
<td>• Up to 2 Web-hosted training sessions that must be used within 180 days of Kickoff</td>
</tr>
<tr>
<td></td>
<td>• Up to 5 hours of message template and integration development that must be used within 90 days of Kickoff</td>
</tr>
<tr>
<td><strong>Communications Cloud - Online Training</strong></td>
<td>Provides a balance of Product knowledge and industry best practices to a specific audience. Sessions are delivered by product experts via videoconferencing technology.</td>
</tr>
<tr>
<td>Name</td>
<td>Description</td>
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</tr>
<tr>
<td><strong>govMeetings</strong></td>
<td></td>
</tr>
<tr>
<td>Peak Agenda Management</td>
<td>Peak Agenda Management is a Software-as-a-Service (SaaS) solution that enables government organizations to simplify the agenda management process of the clerk’s office. Peak Agenda Management allows clerks to streamline the way they compile and produce agendas for public meetings and includes:</td>
</tr>
<tr>
<td></td>
<td>• Unlimited user accounts</td>
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<td></td>
<td>• Unlimited meeting bodies and meeting types</td>
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<tr>
<td></td>
<td>• Access to one Granicus platform site</td>
</tr>
<tr>
<td></td>
<td>• Access to one Peak Agenda Management site</td>
</tr>
<tr>
<td></td>
<td>• Design services for one public view page portal</td>
</tr>
<tr>
<td></td>
<td>• Design services for one Agenda report template</td>
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<tr>
<td></td>
<td>• Design services for one Cover Page report template</td>
</tr>
<tr>
<td>Peak Agenda Management Standard Agenda Report</td>
<td>Peak Agenda Management Standard Agenda Report is professional service for designing an additional Peak agenda report.</td>
</tr>
<tr>
<td>Peak - Setup and Configuration</td>
<td>Setup and configuration of Peak Agenda</td>
</tr>
<tr>
<td>Peak Agenda Management - Online Training</td>
<td>Peak Agenda Management - Online Training is for online training for Peak Agenda Management, which allows clients to have online sessions with a Granicus trainer to learn how to use the system.</td>
</tr>
</tbody>
</table>
Terms and Conditions

- Link to Terms: https://granicus.com/pdfs/Master_Subscription_Agreement.pdf

- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of El Segundo, CA to provide applicable exemption certificate(s).

- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.

- If submitting a Purchase Order, please include the following language: All pricing, terms and conditions of quote Q-43910 dated 10/25/2018 are incorporated into this Purchase Order by reference.

- Granicus Communications Suite Subscriber Information.
  - Data provided by the client and contact information gathered through the client’s own web properties or activities will remain the property of the client (“Direct Subscriber”), including any and all personally identifiable information (PII). Granicus will not release the data without the express written permission of the client, unless required by law.
  - Granicus shall: (i) not disclose the client’s data except to any third parties as necessary to operate the Granicus Products and Services (provided that the client hereby grants to Granicus a perpetual, non-cancelable, worldwide, non-exclusive license to utilize any data, on an anonymous or aggregate basis only, that arises from the use of the Granicus Products by the client, whether disclosed on, subsequent to, or prior to the Effective Date, to improve the functionality of the Granicus Products and any other legitimate business purpose, including the right to sublicense such data to third parties, subject to all legal restrictions regarding the use and disclosure of such information).
  - Data obtained through the Granicus Advanced Network.
    - Granicus offers a SaaS product, known as the Communications Cloud, that offers Direct Subscribers recommendations to subscribe to other Granicus client’s digital communication (the “Advanced Network”). When a Direct Subscriber signs up through one of the recommendations of the Advanced Network, that subscriber is a “Network Subscriber” to the agency it subscribed to through the Advanced Network.
    - Network Subscribers are available for use while the client is under an active subscription with Granicus. Network Subscribers will not transfer to the client upon termination of any Granicus Order, SOW, or Exhibit. The client shall not use or transfer any of the Network Subscribers after termination of its Order, SOW, or Exhibit placed under this agreement. All information related to Network Subscribers must be destroyed by the client within 15 calendar days of the Order, SOW, or Exhibit placed under this agreement terminating.
    - Opt-In. During the last 10 calendar days of the client’s subscription, the client may send an opt-in email to Network Subscribers that shall include an explanation of the client’s relationship with Granicus terminating and that the Network Subscribers may visit the client’s website to subscribe to further updates from the client in the future. Any Network Subscriber that does not opt-in will not be transferred with the subscriber list provided to the client upon termination.

- Billing Frequency Notes (Milestones - 40/20/20/20):
  - An initial payment equal to 40% of the total;
- A payment equal to 20% of the total upon Granicus' delivery of the draft homepage design concepts to the client;
- A payment equal to 20% of the total upon implementation of the main website into the VCMS on a Granicus-hosted development server; and
- A payment equal to 20% of the total upon completion; provided, however that the client has completed training. If the client has not completed training, then Granicus shall invoice the client at the earlier of: completion of training or 21 days after completion.

- El Segundo, CA is eligible to receive up to five (5) two-day passes to the 2019 Granicus National Summit, valued at $299.00 each. The Granicus National Summit is the premiere user conference for public sector professionals across federal, state, and local government. Attendees will be provided with hands-on training led by Granicus subject matter experts, as well as opportunities to learn and network with peers and leaders in government. Granicus National Summit Dates: May 14-15, 2019

**Agreement and Acceptance**

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

<table>
<thead>
<tr>
<th>Billing Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Email:</td>
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<tr>
<td>Address:</td>
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<table>
<thead>
<tr>
<th>El Segundo, CA</th>
<th>Granicus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
<td>Signature:</td>
</tr>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Title:</td>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
GovDelivery Communications Cloud

Digital communications platform for government

Communications Cloud is a marketing-automation platform that enables government organizations to quickly and easily connect with more constituents. As the only FedRAMP-certified marketing-automation platform, Communications Cloud is the most-secure marketing solution available for public sector organizations.

Craft messages in custom-built branded templates to provide a consistent and familiar experience for audiences across all platforms. Engage citizens with content by sending messages to a specific segment of your audience and save valuable time by crafting a single message and sharing through email, text, and social media instantly.

Grow an audience through text-to-subscribe, social media promotion, other government agencies through the GovDelivery Network and by leveraging website traffic with attention-commanding subscription strategies. The simple sign-up process allows constituents to opt into receiving communication on the topics that matter to them, simultaneously allowing your organization to divide constituent subscribers by interests.

Communications Cloud delivers messaging at a higher rate, keeping email out of spam folders and handling unsubscribes, bounces and inactive emails. Allowing communicators to focus on content.

Available reports on open and click-through rates provide insight into message success and allow for continuous improvements to a marketing strategy to make each touch better than the last.

GOVDELIVERY NETWORK

Further build out subscriber lists through cross-promotion opportunities with nearby and related organizations by leveraging the GovDelivery Network, which includes over 1,800 organizations with more than 150 million citizens. With more than 50,000 new people signing up for messages from the government through Granicus’ solutions everyday, organizations using Communications Cloud have increased subscribers by up to 500 percent.

For more info visit granicus.com/commscloud or email us at info@granicus.com
Peak Agenda Management

Streamlined, paperless agenda creation, approval and publishing

Peak Agenda Management allows staff to easily manage the agenda creation process from start to finish without the paper shuffling. Draft meeting agendas within configurable templates and submit through customized workflows to the correct departments, meeting bodies, and users. Peak’s paperless integration prevents multiple versions of agendas getting shuffled around between different members - which often ends with inefficient use of meeting time spent catching up on the right documents.

Automated emails alert users that new items are up for review, and the intuitive calendar view makes it easy to manage one-time and recurring meetings. Electronically review, add and collaborate on agenda items, including attaching supporting documents and materials as needed. Once approved, agenda packets are generated into a single PDF for efficient online publishing or integration with Granicus’ in-meeting and post-meeting legislative tools.

For more info visit granicus.com/peak or email us at info@granicus.com
AGOVERNMENTWEBSITE TO BETTER SERVE YOUR CITIZENS

Most people come to a government website with one goal—to complete a task—yet most government websites fail to deliver. With Granicus.govAccess, user-friendly design, powerful content, accessibility, and secure transactions have never been easier.

TRANSFORMATIVE DIGITAL EXPERIENCE

Let us help you take your website to the next level, promoting self-service, transparency, and civic engagement. Your project will start with our advanced UX research to identify the services and information important to your website visitors. We'll also work to break down departmental silos and optimize the digital citizen journey across all devices.

SIMPLE, YET DYNAMIC GOVERNMENT CMS

govAccess is a content management system (CMS) that was purpose built for government, allowing your staff to easily create content that informs, engages and serves their communities. Our CMS makes it easy to manage mobile experiences, bring more services online, share content through popular social media channels, create custom interior pages, and more—all while ensuring consistency and control.

ENTERPRISE-CLASS HOSTING + SUPPORT

From our state-of-the-art hosting infrastructure with greater than 99.9% uptime, to a team of certified government experts and tech gurus, the govAccess team relentlessly focuses on client satisfaction. Continuous optimization, regular health checks that include research-based recommendations, and 24x7 support deliver guaranteed success.

Heatmaps help us understand where eyes and clicks are going on your site.

Basing our redesign on science, rather than emotion, helped to keep everyone on the same page as we worked through the process of transforming our web presence from a mere website to a customer service portal.

Kevin Tunell
Communications Director,
Yuma County, AZ
WEBSITE DESIGN + IMPLEMENTATION – TRAILBLAZER

- Advanced UX consultation including
  - Heatmap analysis, web analytics, internal stakeholder survey, community survey
  - Remote user testing of top tasks
  - Three (3) customer journeys (detailed analysis + recommendations to optimize top tasks)
  - Website usability report
- Fully custom homepage wireframe
- Fully responsive design
- Video Background or Standard Rotating Image carousel (switchable at any time)
- Three (3) specialty alternate homepages - choose from our library including emergencies, election night, special events
- Three (3) customer experience features - choose from our library including service finder, geo finder, data visualization banner
- Website Programming + CMS Implementation
- Migrate up to 200 webpages
- Ten (10) forms converted into the new CMS
- Three (3) days of onsite consultation / training to be applied toward onsite project management or training (two of three days must be consecutive)

KEY CMS FEATURES

- Ongoing software updates (quarterly)
- Role-based dashboard for easy content updates, approvals + ability to lock down user permissions
- Mobile management to analyze mobile traffic and customize display on mobile device
- Interior page builder with drag-and-drop page building, 100+ widgets, save and reuse layouts + more
- Social media management with ability to schedule + preview posts to multiple social media accounts
- Form and survey builder with ready-to-use templates for the most common use cases, conditional logic, payment processing, and legally binding digital signatures
- Flexible search with the ability to define search synonyms, promote page + more
- Universal API + a vast number of commonly used apps integrated out-of-the-box

SUPPORT + MAINTENANCE

- 24/7 support
- Online help, including an extensive library of on-demand training videos
- Hosting infrastructure with 99.9% uptime
- Disaster recovery w/ 90 min failover (RTO), data replication every 15 mins (RPO), failover testing every 2 wks.
- Enterprise grade DDoS migration
- Industry leading data security (advanced threat detection and penetration)
From: Hahn, Chad [mailto:chahn@elsegundoccb.org]
Sent: Tuesday, October 30, 2018 9:38 AM
To: Mallory, Charles
Subject: Technology Committee Recommendation RE: Website Vendor

Hi Charles,

Regarding the Technology Committee’s role in the RFP and subsequent vendor selection to design and build a new website for the city, I wanted to provide a summary of the committee’s position so it may be included with your official documentation for the city council.

As you know, the Technology Committee’s Website sub-committee was involved in the drafting of the website selection RFP and participated in creating the selection criteria. Despite this, they chose not to support IT staff’s recommended vendor. A no vote was provided by the sub-committee on October 8, 2018, and the full Technology Committee chose to support their decision, primarily on the basis of the sub-committee’s expertise and proximity to the effort.

The sub-committee’s objections rested on two items:

- That a propriety CMS would not be as viable, flexible or beneficial as an open-source CMS with a large support community
- Frustration about lack of inclusion in vendor demonstrations, which they believed inhibited their ability to properly support and advise IT staff

As per the Technology Committee bylaws, the sub-committee is required to create a “success ranking of the vendor that staff is recommending to Council.” To date, this success ranking has not been provided, in part because the sub-committee didn’t feel they had the information to properly evaluate the selected vendor. I lament that this didn’t take place despite your repeated requests. In the future, it will be incumbent upon the committee and all sub-committee’s to fulfil the duties outlined in the by-laws, regardless of the circumstances.

Despite the committee’s concerns with the selected Vendor, we stand ready to support the decision Council makes regarding the website. We see the website as a critical part of the technology roadmap for the city and stand ready to help the selected vendor make it as successful as possible.
I want to thank you for your patience throughout the process. I have seen positive trends in the last three months regarding the tenor and collaboration between IT staff and the Technology Committee, and I look forward to a strong working relationship moving forward.

Sincerely,

Chad Hahn
Chair, Technology Committee
AGENDA DESCRIPTION:
Consideration and possible action to announce the appointment to the Economic Development Advisory Council. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Announce the appointees; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: None
Amount Budgeted: $None
Additional Appropriation: N/A
Account Number(s):

STRATEGIC PLAN:
Goal: 1 Enhance Customer Service Engagement
Objective: 1(b) The City engages in regular, intentional information gathering

ORIGINATED BY: Mishia Jennings, Executive Assistant
REVIEWED BY:
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

<table>
<thead>
<tr>
<th>Committee/Commission and Board</th>
<th>Number of Openings</th>
<th>Appointee(s)</th>
<th>Term Expiration</th>
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</thead>
<tbody>
<tr>
<td>Economic Development Advisory Council</td>
<td>One</td>
<td>Rick Yuse</td>
<td>Term Expires January 1, 20212</td>
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### CITY OF EL SEGUNDO
### WARRANTS TOTALS BY FUND

<table>
<thead>
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<th>Fund Description</th>
<th>Amount</th>
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<tbody>
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<tr>
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<td>106</td>
<td>STATE GAS TAX FUND</td>
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<td>114</td>
<td>PROP. &quot;C&quot; TRANSPORTATION</td>
<td>-</td>
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<tr>
<td>115</td>
<td>AIR QUALITY INVESTMENT PROGRAM</td>
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<tr>
<td>116</td>
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<td>117</td>
<td>HYPERION MITIGATION FUND</td>
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<td>119</td>
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<td>FEMA</td>
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<tr>
<td>123</td>
<td>C.O.P.S. FUND</td>
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<td>122</td>
<td>L.A.W.A. FUND</td>
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<td>123</td>
<td>P.S.A.F. PROPERTY TAX PUBLIC SAFETY</td>
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<td>502</td>
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<td>601</td>
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<td>708</td>
<td>OUTSIDE SERVICES TRUST</td>
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**TOTAL WARRANTS**  $ 434,615.32

---

**STATE OF CALIFORNIA**
**COUNTY OF LOS ANGELES**

Information on actual expenditures is available in the Director of Finance's office in the City of El Segundo.

For Approval: Regular checks held for City council authorization to release.

**CODES:**

- **R** = Computer generated checks for all non-emergency/urgent payments for materials, supplies and services in support of City Operations
- **A** = Payroll and Employee Benefit checks
- **B-F** = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.
- **H** = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

---

**FINANCE DIRECTOR**

**DATE:** 10-17-18

**CITY MANAGER**

**DATE:** 10-18-18
### CITY OF EL SEGUNDO
#### PAYMENTS BY WIRE TRANSFER
**10/8/18 THROUGH 10/14/18**

<table>
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<td>EFT Child support payment</td>
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<td>10/9/2018</td>
<td>IRS</td>
<td>Federal 941 Deposit</td>
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<td>10/9/2018</td>
<td>IRS</td>
<td>Federal 941 Deposit - Adj to 6/30/18 report</td>
</tr>
<tr>
<td>10/9/2018</td>
<td>Employment Development</td>
<td>State PIT Withholding</td>
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<tr>
<td>10/9/2018</td>
<td>Employment Development</td>
<td>State SDI payment</td>
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<tr>
<td>10/10/2018</td>
<td>West Basin</td>
<td>H2O payment</td>
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<tr>
<td>10/10/2018</td>
<td>Cal Pers</td>
<td>EFT Health Insurance Payment</td>
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<tr>
<td>10/11/2018</td>
<td>PARS</td>
<td>Pension Trust Contribution</td>
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<tr>
<td>10/12/2018</td>
<td>Health Comp</td>
<td>Weekly claims</td>
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<td>10/11/2018</td>
<td>Lane Donovan Golf P't</td>
<td>Payroll Transfer</td>
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<tr>
<td>10/1/18-10/7/16</td>
<td>Workers Comp Activity</td>
<td>SCRMA checks issued</td>
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<tr>
<td>10/1/18-10/7/16</td>
<td>Liability Trust - Claims</td>
<td>Claim checks issued</td>
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<tr>
<td>10/1/18-10/7/16</td>
<td>Retiree Health Insurance</td>
<td>Health Reimbursement checks issued</td>
</tr>
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</table>

**DATE OF RATIFICATION: 10/11/18**

**TOTAL PAYMENTS BY WIRE:** 5,861,737.01

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer II  
Date: 10/11/18

Director of Finance  
Date: 10/17/18

City Manager  
Date: 10/19/18

Information on actual expenditures is available in the City Treasurer’s Office of the City of El Segundo.
<table>
<thead>
<tr>
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<th>Fund Name</th>
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<td>ASSET FORFEITURE FUND</td>
<td>2,600.00</td>
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<td>111</td>
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<td>PROP &quot;A&quot; TRANSPORTATION</td>
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<td>FEMA</td>
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<tr>
<td>702</td>
<td>EXPENDABLE TRUST FUND - DEVELOPTER FEES</td>
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<td>703</td>
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<tr>
<td><strong>TOTAL WARRANTS</strong></td>
<td></td>
<td>$355,843.88</td>
</tr>
</tbody>
</table>

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I certify as to the accuracy of the Demands and the availability of fund for payment thereof.

For Approval: Regular checks held for City council authorization to release.

CODES:

R = Computer generated checks for all non-emergency/urgency payments for materials, supplies and services in support of City Operations

A = Payroll and Employee Benefit checks

B = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or where payment penalties can be avoided, or where a situation arises that the City Manager approves.

H = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

FINANCE DIRECTOR: [Signature]

DATE: 10-19-18

CITY MANAGER: [Signature]

DATE: 10-23-18

VOID CHECKS DUE TO ALIGNMENT:

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES:
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
10/15/18 THROUGH 10/21/18

<table>
<thead>
<tr>
<th>Date</th>
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DATE OF RATIFICATION: 10/19/18
TOTAL PAYMENTS BY WIRE: 561,923.63

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer II  
Date: 10/19/18

Director of Finance  
Date: 10-19-18

City Manager  
Date: 10-23-18

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 16, 2018 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Boyles at 5:00 PM

ROLL CALL

Mayor Boyles Present
Mayor Pro Tem Pirsztuk Present
Council Member Brann Present
Council Member Pimentel Present
Council Member Nicol Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total. None

SPECIAL ORDER OF BUSINESS:

1. Consideration and possible action to interview candidates of the Economic Development Advisory Committee. (Fiscal Impact: None)

Council held interviews for the Economic Development Advisory Committee; Richard Yuse was appointed to EDAC and will be announce at the November 6, 2018 Regular City Council Meeting.

Mayor Boyles announced that Council would be meeting in closed session pursuant to the items listed on the Agenda at the commencement of interviews.

CLOSED SESSION:

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(d)(1): -1- matters

1. Sean Norwood v. City of El Segundo, Workers Compensation Appeals Board Case No. ADJ10243733
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): -1- matters.


DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): -2- matters

1. Public Employee Performance Evaluation
   Title: City Manager

2. Public Employee Performance Evaluation
   Title: City Attorney

APPOINTMENT OF PUBLIC EMPLOYEE (Gov't. Code § 54957): -0- matter

PUBLIC EMPLOYMENT (Gov't Code § 54957) -0- matter

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0- matters

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -8- matters

1. Employee Organizations: Police Management Association; Police Officers Association; Police Support Services Employees Association; Fire Fighters Association; Supervisory, Professional Employees Association; City Employee Association; and Executive and Management/Confidential Employees (unrepresented groups).

Agency Designated Representative: Irma Moisa Rodriguez, City Manager, Greg Carpenter and Human Resources Director.

Adjourned at 6:15 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 16, 2018 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Boyles at 7:02 PM

INVOCATION – Pastor Chris Robbins, Oceanside Christian Fellowship

PLEDGE OF ALLEGIANCE – Council Member Pimentel

PRESENTATIONS

a) Presentation by Shawn Green, Recreation and Parks Department Supervisor, honoring our City Wide Volunteers.

b) Presentation by Randall Collins, Emergency Services Coordinator, regarding the Big Shake Out.

c) Presentation by Barbara Voss, Economic Development Manager, regarding the recent Websites launches; elsegundobusiness.com and destinationelsegundo.com.

d) Presentation by Mary Beth Redding, VP with Bartel and Associates, regarding the City’s unfunded pension liabilities.

ROLL CALL

Mayor Boyles Present
Mayor Pro Tem Pirsztuk Present
Council Member Brann Present
Council Member Pimentel Present
Council Member Nicol Present

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total)

Mike Robbins, resident, commented pensions within the City and encouraged residents to protest Prop 218.

Melissa McCollum, El Segundo Library Director, invited the community to the Arthur’s Fair on Oct. 20, 2018 from 10:00 AM – 5:00 PM at the Library and mentioned ESMoA and the Library will be hosting a Living Library. ESMoA will host on Thursday, Oct. 25 from 5:00 – 7:30 PM and Library will host on Saturday, October 27 from 1:00 - 4:00 PM

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. PROCEDURAL MOTIONS
Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Pirsztuk to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

2. Approve Warrant Numbers 3023018 through 3023206 and 9000573 through 9000573 on Register No 1. in the total amount of $1,191,019.28 and Wire Transfers from 9/24/18 through 9/30/18 in the total amount of $545,084.93 and from 10/1/18 through 10/7/18 in the total amount of $95,809.91. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

3. Approve Special Joint City Council and Economic Development Advisory Council (EDAC) Minutes of September 19, 2018 and Regular City Council Minutes of October 2, 2018.

4. Waive the second reading and adopt Ordinance No. 1575 for Environmental Assessment No. EA-1204 and Specific Plan Amendment No. SPA 18-01, amending the Development Standards of the Corporate Campus Specific Plan (CCSP) § V(F)(4)(c)(8) to allow balconies to project up to 10 feet into a required setback. The City Council Certified a Final EIR (FEIR) on January 2, 2002 for the development of the CCSP. The proposed project is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “State CEQA Guidelines”), since it involves a minor revision to the Development Standards. No new significant effects previously analyzed in the FEIR will result from a minor modification to the Development Standards. Accordingly, no further environmental review is required pursuant to 14 Cal. Code Regs. § 15168(a)(3) in connection with the issuance of rules and regulations. Applicant: William Messori, representing EVA Airways Corporation. (Fiscal Impact: None)
   (Fiscal Impact: To Be Determined)

6. Approve to eliminate the $1.50 DVD Rental Fee at the El Segundo Public Library, eliminate the $1.00 overdue fee for videos/DVDs, apply the $.25 per day overdue fee for audiovisual materials instead and reduce the FY 2018-19 Adopted General Fund Revenue Budget, account number 001-300-0000-3502, by $6,000.00.  
   (Fiscal Impact: Loss of $5000-$6000 revenue per year)

7. Authorize the City Manager to execute a three-year Landscape Maintenance Agreement No. 4611 with option extension, in a form as approved by the City Attorney, in the amount of $252,792.80 annually for three years to LandCare, for the City's landscape maintenance services.  
   (Fiscal Impact: $252,792.80 annually plus adjustments based on the Consumer Price Index)

8. Authorize the City Manager to issue a blanket purchase order for FY 2018-2019 with Tyler Technologies to renew the annual licensing, maintenance and support for the Eden Financial Management System.  
   (Fiscal Impact: $53,000.00)

9. Authorize the City Manager to accept a grant award from Chevron U.S.A., Inc. in the amount of $125,000.00 to support economic development within the City of El Segundo.  
   (Fiscal Impact: $125,000.00 Revenue for the Economic Development Grant Account)

10. Approve the Side Letter between the City of El Segundo and FFA, Approve the Side Letter between the City of El Segundo and PMA, Approve the Side Letter between the City of El Segundo and POA, Approve the Side Letter between the City of El Segundo and PSSEA, regarding Holiday Pay changes affecting members of the El Segundo’s Firefighters’ Association (FFA), Police Management Association (PMA), Police Officers’ Association (POA), and Police Support Services Employees’ Association (PSSEA).  
    (Fiscal Impact: $0 for FY 2018-19, potential savings in subsequent years)

11. PULLED BY MARK HENSLEY, CITY ATTORNEY

12. Approve the new class specification, adopt Resolution No. 5107 establishing the basic monthly salary range and approve the Examination Plan for the Economic Development Coordinator position.  
    (Fiscal Impact: None)

13. PULLED BY COUNCIL MEMBER BRANN
MOTION by Council Member Nicol, SECONDED by Mayor Pro Tem Pirsztuk approving Consent Agenda items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

PULLED ITEMS:

11. Consideration and possible action to approve the Joint Powers Agreement No. 5612 for the Los Angeles Area Regional Training Group (RTG), Adopting Resolution No. 5107 supporting the El Segundo Fire Department’s membership within the RTG authority and authorizing the City Manager to execute the JPA. Fiscal Impact: $0

Mark Hensley, City Attorney, discussed the item.

Chris Donovan, Fire Chief, answered Council questions

Council Discussion

MOTION by Mayor Boyles, SECONDED by Council Member Nicol approving the Joint Powers Agreement for the Los Angeles Area Regional Training Group (RTG) and adopting Resolution No. XXX, with the following expectation; attempt to have the RTG Authority obtain own insurance, if this doesn’t occur, bring the item back to Council for further discussion. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

13. Consideration and possible action regarding 1) Approval of a new Class Specification for the at-will position of Deputy City Manager; and 2) Adoption of a Resolution establishing the basic monthly salary range for Deputy City Manager; 3) Introduction of an Ordinance amending El Segundo Civil Code § 1-6-3, § 1-6-4, and § 1-6-5 regarding City Departments, Exclusions from Civil Service, and Executive position.
(Fiscal Impact: None)

Council Member Brann commented on the item.

Greg Carpenter, City Manager, answered Council questions and explained the reason for a Deputy City Manager.

Council Discussion

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1576

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE SECTIONS 1-6-4 AND 1-6-5 REGARDING EXCLUSIONS AND DEPARTMENT HEADS.
MOTION by Mayor Nicol, SECONDED by Mayor Pro Tem Pirsztuk approving the new class specification, approving Resolution No. 5108 and approving the introduction of Ordinance No. XXX. Second reading of the Ordinance is scheduled for the November 6, 2018 City Council Meeting. MOTION PASSED BY VOICE VOTE. 4/1 YES: Boyles Nicol Pimentel Pirsztuk NO: Brann

F. NEW BUSINESS

G. REPORTS – CITY MANAGER – Thanked Chevron U.S.A for the grant of $125,000.00 (item #E9), to support Economic Development within the City of El Segundo.

H. REPORTS – CITY ATTORNEY – Mentioned the Governor has recently signed bills that will affect the City, the Attorney’s office will compile a summary of the bills in the next few weeks for the City to understand.

I. REPORTS – CITY CLERK – Passed

J. REPORTS – CITY TREASURER – Not Present

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Pimentel – Thanked all who attended and/or contributed to the Walker Benefit held at Chevron Park over the weekend.

Council Member Nicol – Mentioned he will travel to Orlando, Florida with Council Member Pimentel to tour both, Golf Shack and Top Golf, as part of the Lakes Sub Committee.

Council Member Brann – Passed

Mayor Pro Tem Pirsztuk – Thanked all the City’s volunteers and will attend the upcoming Aquatics subcommittee meeting.

Mayor Boyles – Mentioned the new exhibit, Matriarch’s, at ESMoA opened on Saturday, October 13, 2018.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Mike Robbins, resident, commented on the City’s Prop 218 ballot process, the El Segundo School District Bond Measure and Proposition 6, regarding the gas tax repeal.

MEMORIALS – None

ADJOURNMENT at 9:00 PM
Tracy Weaver, City Clerk
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: November 06, 2018
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding the acceptance of grant funding from the U.S. Department of Homeland Security, through the Office of Grants and Training, under Fiscal Year 2017 State Homeland Security Grant Program (SHSGP). (Fiscal Impact: $34,000)

RECOMMENDED COUNCIL ACTION:
1. Authorize the acceptance of $34,000 in grant funds from the SHSGP 2017 grant program and allow for Amendments as outlined in Section V, subsection 502 of the Sub-recipient agreement.
2. Authorize the City Manager to sign an Agreement with the County of Los Angeles who will serve as the grant administrator for the grant;
3. Alternately, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Sub-recipient Agreement.

FISCAL IMPACT: None

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STRATEGIC PLAN:

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<th>Support Community Safety and Preparedness</th>
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</thead>
<tbody>
<tr>
<td>Objective:</td>
<td>1</td>
<td>The City is prepared to respond appropriately when called upon with positive outcomes.</td>
</tr>
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ORIGINATED BY: Carol Lynn Urner, Senior Management Analyst

REVIEWED BY: Christopher Donovan, Fire Chief

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
The City of El Segundo has been allocated $34,000 in State Homeland Security Grant Program (SHSGP) funding, which is passed to the local area through Los Angeles County via a Sub-Recipient agreement. Funding was carved out for the City of El Segundo to provide federal funding to cover expenses associated with Urban Search and Rescue (USAR) equipment and regional training.
In accordance with the City Council Policy regarding grant submissions:

1. The grant award is made by the U.S. Department of Homeland Security, through the Office of Grants and Training. The grant is administered by the County of Los Angeles.
2. The total amount being requested is: $34,000
3. Matching Funds Cost-Share: N/A
4. Source of Matching Funds Cost Share: N/A
5. The grant does not provide up-front funding. Municipalities submit reimbursement requests to the grant administrator after expenditures are made and processed for payment. Approved requests are reimbursed by the County of Los Angeles.
State Homeland Security Program
Subrecipient Agreement
Grant Year 2017

Between the
County of Los Angeles
and the
City of El Segundo
SUBRECIPIENT AGREEMENT
BETWEEN THE
COUNTY OF LOS ANGELES
AND THE
CITY OF EL SEGUNDO

THIS AGREEMENT ("Agreement") is made and entered into by and between the County of Los Angeles, a political subdivision of the State of California (the "County of Los Angeles"), and the City of El Segundo, a public agency (the "Subrecipient").

WITNESSETH

WHEREAS, the U.S. Department of Homeland Security Title 2 Code of Federal Regulations (CFR) through the Office of Grants and Training (G&T), has provided financial assistance for the State Homeland Security Program (SHSP), Catalog of Federal Domestic Assistance (CFDA) 97.067 – Homeland Security Grant Program directly to the California Governor’s Office of Emergency Services (Cal OES) for the 2017 SHSP, FAIN #EMW-2017-SS-00083, Federal Award dated October 20, 2017 with a performance period of September 1, 2017 to May 31, 2020. This Federal Award is not a R&D award; and

WHEREAS, the Cal OES provides said funds to the County of Los Angeles (DUNS #052238763) as its Subgrantee, and the Chief Executive Office (CEO) is responsible for managing and overseeing the SHSP funds that are distributed to other specified jurisdictions within Los Angeles County; and

WHEREAS, this financial assistance is being provided to the Subrecipient in order to address the unique equipment, training, organization, exercise and planning needs of the Subrecipient, and to assist the Subrecipient in building effective prevention and protection capabilities to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, the County of Los Angeles as Subgrantee has obtained approval of the 2017 SHSP grant from Cal OES in the total amount of $10,308,294.00; and

WHEREAS, the CEO now wishes to distribute 2017 SHSP grant funds to the Subrecipient in the amount of $34,000.00, as further detailed in this Agreement; and

WHEREAS, the CEO is authorized to enter into subrecipient agreements with cities providing for re-allocation and use of these funds; and to execute all future amendments, modifications, extensions, and augmentations relative to the subrecipient agreements, as necessary; and

WHEREAS, the County of Los Angeles and Subrecipient are desirous of executing this Agreement, and the County of Los Angeles Board of Supervisors on April 3, 2018 authorized the CEO to prepare and execute this Agreement.
NOW, THEREFORE, the County of Los Angeles and Subrecipient agree as follows:

SECTION I

INTRODUCTION

§101. Parties to this Agreement

The parties to this Agreement are:

A. County of Los Angeles, a political subdivision of the State of California, having its principal office at Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, CA 90012; and

B. City of El Segundo, a public agency, having its principal office at 350 Main Street, El Segundo, CA 90245.

§102. Representatives of the Parties and Service of Notices

A. The representatives of the respective parties who are authorized to administer this Agreement and to whom formal notices, demands and communications must be given are as follows:

1. The representative of the County of Los Angeles is, unless otherwise stated in this Agreement:

Craig Hirakawa  
Chief Executive Office, LAC  
500 West Temple Street, Room B-79-2  
Los Angeles, CA 90012  
Phone: (213) 974-1127  
Fax: (213) 687-3765  
chirakawa@ceo.lacounty.gov

Giles Quan  
Chief Executive Office, LAC  
500 West Temple Street, Room B-79-2  
Los Angeles, CA 90012  
Phone: (213) 974-2319  
Fax: (213) 687-3765  
gquan@ceo.lacounty.gov
2. The representative of Subrecipient is:

<table>
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<tr>
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<th>Greg Carpenter, City Manager</th>
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<tr>
<td>Address:</td>
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<tr>
<td>City/State/Zip:</td>
<td>El Segundo, CA 90245</td>
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<tr>
<td>Phone:</td>
<td>310-524-2301</td>
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<tr>
<td>Email:</td>
<td><a href="mailto:gcarpenter@elsegundo.org">gcarpenter@elsegundo.org</a></td>
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With a copy to:

<table>
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<tr>
<th>Name and Title:</th>
<th>Carol Lynn Urner</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Sr. Management Analyst</td>
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<tr>
<td>Organization</td>
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<td></td>
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<tr>
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<td>314 Main Street</td>
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<tr>
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<td>El Segundo, CA 90245</td>
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<tr>
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<td>310-524-2235</td>
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<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:curner@elsegundo.org">curner@elsegundo.org</a></td>
</tr>
</tbody>
</table>

B. Formal notices, demands and communications to be given hereunder by either party must be made in writing and may be effected by personal delivery, regular U.S. Postal mail service and/or e-mail. In the event of personal delivery or email, the message will be deemed communicated upon receipt by the County of Los Angeles. In the event of mail service, the message will be deemed communicated as of the date of mailing.
C. If the name and/or title of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice must be given, in accord with this section, within five (5) business days of said change.

§103. **Independent Party**

Subrecipient is acting hereunder as an independent party, and not as an agent or employee of the County of Los Angeles. An employee of Subrecipient is not, and will not be deemed, an employee of the County of Los Angeles by virtue of this Agreement, and Subrecipient must so inform each employee organization and each employee who is hired or retained under this Agreement. Subrecipient must not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the County of Los Angeles by virtue of this Agreement.

§104. **Conditions Precedent to Execution of This Agreement**

Subrecipient must provide the following signed documents to the County of Los Angeles, unless otherwise exempted:

A. Certification and Disclosure Regarding Lobbying, attached hereto as Exhibit A and made a part hereof, in accordance with §411.A.14 of this Agreement. Subrecipient must also file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of the information contained in any Disclosure Form previously filed by Subrecipient.

B. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, attached hereto as Exhibit B and made a part hereof, as required by Executive Order 12549 in accordance with §411.A.12 of this Agreement.

C. Certification Regarding Drug-Free Workplace, attached hereto as Exhibit C and made a part hereof, in accordance with §411.A.13 of this Agreement.

D. Certification of Grant Assurances, attached hereto as Exhibit D and made a part hereof, in accordance with §411.C of this Agreement.

**SECTION II**

**TERM AND SERVICES TO BE PROVIDED**

§201. **Performance Period**

The performance period of this Agreement is from September 1, 2017 to February 29, 2020, unless the County of Los Angeles, with Cal OES approval,
provides written notification to the Subrecipient that the performance period has been extended, in which case the performance period will be so extended by such written notification, as provided in §502, below.

§202. Use of Grant Funds

A. Subrecipient and the County of Los Angeles have previously completed a mutually approved budget/expenditure plan, hereinafter “Budget,” for the 2017 SHSP, which has been approved by Cal OES. This information is contained in a copy of the Final Grant Award Letter and Project Worksheet, attached hereto as Exhibit E.

Any request by Subrecipient to modify the Budget must be made in writing with the appropriate justification and submitted to CEO for approval. If during the County of Los Angeles review process, additional information or documentation is required, the Subrecipient will have ten (10) business days to comply with the request. If the Subrecipient does not comply with the request, CEO will issue written notification indicating that the requested modification will not be processed. Modifications must be approved in writing by the County of Los Angeles and Cal OES during the term of this Agreement. Upon approval, all other terms of this Agreement will remain in effect.

Subrecipient must utilize grant funds in accordance with all Federal regulations and State Guidelines.

B. Subrecipient agrees that grant funds awarded will be used to supplement existing funds for program activities, and will not supplant (replace) non-Federal funds.

C. Subrecipient must review the Federal Debarment Listing at https://www.sam.gov/portal/SAM/#1 prior to the purchase of equipment or services to ensure the intended vendor is not listed and also maintain documentation that the list was verified.

D. Prior to the purchase of equipment or services utilizing a sole source contract or the receipt of a single bid response of $150,000.00 or more, justification must be presented to CEO, who upon review will request approval from Cal OES. Such approval in writing must be obtained prior to the commitment of funds.

E. Subrecipient must provide any reports requested by the County of Los Angeles to the CEO indicating Subrecipient's performance under this Agreement, including progress on meeting program goals. Reports must be in the form requested by the County of Los Angeles, and must be provided by the fifteenth (15th) of the following month. Subrecipient must submit claims for reimbursement in a timely manner.
F. Subrecipient must provide an electronic copy of their Annual Single Audit Report, as required by 2 CFR Part 200, to CEO no later than March 31st (fiscal year ending June 30) or June 30th (fiscal year ending September 30) of the year following the reporting period;

G. Subrecipient may be monitored by the County of Los Angeles on an annual basis to ensure compliance with Cal OES grant program requirements. The County of Los Angeles anticipates that said monitoring may include, at a minimum, one on-site visit during the term of this Agreement.

H. Subrecipient must provide a Corrective Action Plan to CEO within thirty (30) days of any audit finding.

I. Any equipment acquired pursuant to this Agreement must be authorized in the G&T Authorized Equipment List (AEL) available online at https://www.fema.gov/authorized-equipment-list and the Funding Guidelines of the 2017 SHSP Notice of Funding Opportunity, incorporated by reference, and attached hereto as Exhibit F. Subrecipient must provide the CEO a copy of its most current procurement guidelines and follow its own procurement requirements as long as they meet or exceed the minimum Federal requirements. Federal procurement requirements for the 2017 SHSP can be found at Title 2 CFR Part 200.313.

Any equipment acquired or obtained with Grant Funds:

1. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;

2. Will be consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that plan;

3. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

J. Equipment acquired pursuant to this Agreement will be subject to the requirements of Title 2 CFR Part 200.313. For the purposes of this subsection, “Equipment” is defined as tangible nonexpendable property, having a useful life of more than one year which costs $5,000.00 or more per unit. Items costing less than $5,000.00, but acquired under the “Equipment” category of the Grant must also be listed on any required Equipment Listing.

1. Equipment must be used by Subrecipient in the program or project for which it was acquired as long as needed, whether or not the project or
program continues to be supported by Federal funds. When no longer needed for the original program or project, the Equipment may be used in other activities currently or previously supported by a Federal agency.

2. Subrecipient must make Equipment available for use on other like projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the awarding agency.

3. An Equipment Listing must be maintained listing each item of Equipment acquired with SHSP funds. The Equipment Listing must be kept up to date at all times. Any changes must be recorded in the Listing within ten (10) business days and the updated Listing is to be forwarded to the County of Los Angeles Auditor-Controller (A-C) Shared Services Division. The Equipment Property Records must be maintained that include: (a) a description of the property, (b) a serial number or other identification number, (c) the source of property, (d) who holds title, (e) the acquisition date, (f) and cost of the property, (g) percentage of Federal participation in the cost of the property, (h) the location, (i) use and condition of the property, (j) and any ultimate disposition data including the date of disposal and sale price of the property. Records must be retained by the subrecipient pursuant to Title 2, Part 200.313 (d) (1) of the CFR.

4. All Equipment obtained under this Agreement must have an appropriate identification decal affixed to it, and, when practical, must be affixed where it is readily visible.

5. A physical inventory of the Equipment must be taken by the Subrecipient and the results reconciled with the Equipment Listing at least once every two years or prior to any site visit by State or Federal auditors/monitors. The Subrecipient is required to have on file a letter certifying as to the accuracy of the Equipment Listing in the frequency as above, and provide to the CEO when requested.

K. Any planning paid pursuant to this Agreement must conform to the guidelines as listed in 2017 SHSP, Notice of Funding Opportunity or subsequent grant year programs.

L. Any training paid pursuant to this Agreement must conform to the guidelines as listed in 2017 SHSP, Notice of Funding Opportunity, and must be first submitted to CEO and then pre-authorized by Cal OES. A catalog of federally approved and sponsored training courses is available at https://www.firstrespondertraining.gov/frt/.
M. Any exercise paid pursuant to this Agreement must conform to the guidelines as listed in 2017 SHSP, Notice of Funding Opportunity. Detailed Homeland Security Exercise and Evaluation Program Guidance is available at https://preptoolkit.fema.gov/web/hseep-resources.

N. Subrecipient must provide to CEO a spending plan detailing the required steps and timeframes required to complete the approved projects within the grant timeframe. Subrecipient must submit the spending plan to CEO prior to final execution of the Agreement.

O. Any organization activities paid pursuant to this Agreement must conform to the guidelines as listed in 2017 SHSP, Notice of Funding Opportunity.

P. Any personnel activities paid pursuant to this Agreement must conform to the guidelines as listed in 2017 SHSP, Notice of Funding Opportunity.

Q. Pursuant to this Agreement, indirect costs are not reimbursable.

SECTION III

PAYMENT

§301. Payment of Grant Funds and Method of Payment

A. The County of Los Angeles will reimburse Subrecipient up to the maximum grant amount of $34,000.00 as expenditures are incurred and paid by Subrecipient and all documentation is reviewed and approved by County of Los Angeles. All expenditures must be for the purchase of equipment, exercises, training, and planning as described in Section II of this Agreement. The grant amount represents the amount allocated to Subrecipient in the 2017 SHSP Grant Award Letter from Cal OES.

B. Subrecipient must submit reimbursement requests to the County of Los Angeles A-C Shared Services Division requesting payment as soon as expenses are incurred and paid, and the required supporting documentation is available. Said timeframe should be within ten (10) business days of Subrecipient’s payment to vendors and/or prescribed due dates by CEO and/or Cal OES. Each reimbursement request must be accompanied by the Reimbursement Form (attached hereto as Exhibit G). All appropriate back-up documentation must be attached to the reimbursement form, including the method of procurement, purchase orders, invoices, report of goods received, and proof of payment.

For training reimbursements, Subrecipient must include a copy of the class roster verifying training attendees, proof that prior approval was obtained from Cal OES.
and that a Cal OES tracking number has been assigned to the course, and timesheets and payroll registers for all training attendees.

For exercise reimbursements, Subrecipient must enter the After Action Report (AAR) and Improvement Plan on the State Office of Domestic Preparedness secure portal within sixty (60) days following completion of the exercise and submit proof of prior State approval of the AAR with the reimbursement request.

For planning reimbursements, Subrecipient must include a copy of the final tangible product as a result of the planning project.

C. The County of Los Angeles may, at its discretion, reallocate unexpended grant funds to another subrecipient. Said reallocation may occur upon approval by the County of Los Angeles of a Subrecipient reimbursement submission, inquiry from the County of Los Angeles to the Subrecipient regarding fund utilization, or by written notification from the Subrecipient to the County of Los Angeles that a portion of the grant funds identified in §301.A., above, will not be utilized. As provided in §502, below, any increase or decrease in the grant amount specified in §301.A., above, may be effectuated by a written notification by the County of Los Angeles to the Subrecipient.

D. Payment of reimbursement request will be withheld by the County of Los Angeles until the County of Los Angeles has determined that Subrecipient has turned in all supporting documentation and completed the requirements of this Agreement.

E. It is understood that the County of Los Angeles makes no commitment to fund this Agreement beyond the terms set forth herein.

F. 1. Funding for all periods of this Agreement is subject to continuing Federal appropriation of grant funds for this program. In the event of a loss or reduction of Federal appropriation of grant funds for this program, the Agreement may be terminated, or appropriately amended, immediately upon notice to Subrecipient of such loss or reduction of Federal grant funds.

2. County of Los Angeles will make a good-faith effort to notify Subrecipient, in writing, of such non-appropriation at the earliest time.

SECTION IV

STANDARD PROVISIONS

§401. Construction of Provisions and Titles Herein

All titles or subtitles appearing herein have been inserted for convenience and do not, and will not be deemed to, affect the meaning or construction of any of the
terms or provisions hereof. The language of this Agreement will be construed according to its fair meaning and not strictly for or against either party.

§402. Applicable Law, Interpretation and Enforcement

Each party’s performance hereunder must comply with all applicable laws of the United States of America, the State of California, and the County of Los Angeles. This Agreement will be enforced and interpreted, as applicable, under the laws of the United States of America, the State of California and the County of Los Angeles.

If any part, term or provision of this Agreement is held void, illegal, unenforceable, or in conflict with any law of a Federal, State or Local Government having jurisdiction over this Agreement, the validity of the remainder of the Agreement will not be affected thereby.

Applicable Federal or State requirements that are more restrictive will be followed.

§403. Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein.

§404. Breach

If any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in all events, no party may recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§405. Prohibition Against Assignment or Delegation

Subrecipient may not do any of the following, unless it has first obtained the written permission of the County of Los Angeles:

A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or

B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.
§406. **Permits**

Subrecipient and its officers, agents and employees must obtain and maintain all permits and licenses necessary for Subrecipient’s performance hereunder and must pay any fees required therefor. Subrecipient further certifies that it will immediately notify the County of Los Angeles of any suspension, termination, lapse, non-renewal or restriction of licenses, certificates, or other documents.

§407. **Nondiscrimination and Affirmative Action**

Subrecipient must comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California, and the County of Los Angeles. In performing this Agreement, Subrecipient must not discriminate in its employment practices against any employee or applicant for employment because of such person's race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, mental disability, marital status, domestic partner status or medical condition. Subrecipient must comply with Executive Order 11246, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).


Any subcontract entered into by the Subrecipient relating to this Agreement, to the extent allowed hereunder, will be subject to the provisions of this §407 of this Agreement.

§408. **Indemnification**

Each of the parties to this Agreement is a public entity. This indemnity provision is written in contemplation of the provisions of Section 895.2 of the Government Code of the State of California, which impose certain tort liability jointly upon public entities, solely by reason of such entities being parties to an agreement, and the parties agree that this indemnity provision will apply and will be enforceable regardless of whether Section 895 et seq. is deemed to apply to this Agreement. The parties hereto, as between themselves, consistent with the authorization contained in Government Code Sections 895.4 and 895.6 agree to each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Government Code Section 895.2. To achieve the above-stated purpose, each party agrees to indemnify and hold harmless the other party for any liability arising out of its own negligent acts or omissions in the performance of this Agreement (i.e., the Subrecipient agrees to indemnify and hold harmless the County of Los Angeles for liability arising out of
the Subrecipient's negligent or wrongful acts or omissions and the County of Los Angeles agrees to indemnify and hold harmless the Subrecipient for liability arising out of the County of Los Angeles' negligent or wrongful acts or omissions). Each party further agrees to indemnify and hold harmless the other party for liability that is imposed on the other party solely by virtue of Government Code Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if fully set forth herein. Subrecipient certifies that it has adequate self-insured retention of funds to meet any obligation arising from this Agreement.

§409. Conflict of Interest

A. The Subrecipient covenants that none of its directors, officers, employees, or agents may participate in selecting, or administrating, any subcontract supported (in whole or in part) by Federal funds where such person is a director, officer, employee or agent of the subcontractor; or where the selection of subcontractors is or has the appearance of being motivated by a desire for personal gain for themselves or others such as family business, etc.; or where such person knows or should have known that:

1. A member of such person's immediate family, or domestic partner or organization has a financial interest in the subcontract;

2. The subcontractor is someone with whom such person has or is negotiating any prospective employment; or

3. The participation of such person would be prohibited by the California Political Reform Act, California Government Code §87100 et seq. if such person were a public officer, because such person would have a "financial or other interest" in the subcontract.

B. Definitions:

1. The term "immediate family" means domestic partner and/or those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father in law, mother in law, brother in law, sister in law, son in law, daughter in law.

2. The term "financial or other interest" means:

   a. Any direct or indirect financial interest in the specific contract, including but not limited to, a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.

   b. Any of the following interests in the subcontractor ownership: partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in
a managerial capacity; or membership on the board of directors or
governing body.

C. The Subrecipient further covenants that no officer, director, employee, or agent
may solicit or accept gratuities, favors, or anything of monetary value from any
actual or potential subcontractor, supplier, a party to a sub agreement, (or
persons who are otherwise in a position to benefit from the actions of any officer,
employee, or agent).

D. The Subrecipient may not subcontract with a former director, officer, or employee
within a one year period following the termination of the relationship between
said person and the Subrecipient.

E. Prior to obtaining the County of Los Angeles' approval of any subcontract, the
Subrecipient must disclose to the County of Los Angeles any relationship,
financial or otherwise, direct or indirect, of the Subrecipient or any of its officers,
directors or employees or their immediate family with the proposed subcontractor
and its officers, directors or employees.

F. For further clarification of the meaning of any of the terms used herein, the
parties agree that references are made to the guidelines, rules, and laws of the
County of Los Angeles, State of California, and Federal regulations regarding
conflict of interest.

G. The Subrecipient warrants that it has not paid or given and will not pay or give to
any third person any money or other consideration for obtaining this Agreement.

H. The Subrecipient covenants that no member, officer or employee of Subrecipient
may have interest, direct or indirect, in any contract or subcontract or the
proceeds thereof for work to be performed in connection with this project during
his/her tenure as such employee, member or officer or for one year thereafter.

I. The Subrecipient must incorporate the foregoing subsections of this Section into
every agreement that it enters into in connection with this grant and must
substitute the term "subcontractor" for the term "Subrecipient" and "sub
subcontractor" for "Subcontractor".

§410. Restriction on Disclosures

Any reports, analyses, studies, drawings, information, or data generated as a
result of this Agreement are to be governed by the California Public Records Act
(California Government Code Sec. 6250 et seq.).
§411. Statutes and Regulations Applicable To All Grant Contracts

A. Subrecipient must comply with all applicable requirements of State, Federal, and County of Los Angeles laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. Subrecipient must comply with applicable State and Federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. Subrecipient must comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

1. **CFR**

   Subrecipient must comply with Title 2 CFR Part 200.

2. **Single Audit Act**

   Since Federal funds are used in the performance of this Agreement, Subrecipient must, as applicable, adhere to the rules and regulations of the Single Audit Act (31 USC Sec. 7501 et seq.), 2 CFR Part 200 and any administrative regulation or field memos implementing the Act.

3. **Americans with Disabilities Act**

   Subrecipient hereby certifies that, as applicable, it will comply with the Americans with Disabilities Act 42, USC §§12101 et seq., and its implementing regulations. Subrecipient will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the Americans with Disabilities Act. Subrecipient will not discriminate against persons with disabilities nor against persons due to their relationship to or association with a person with a disability. Any subcontract entered into by Subrecipient, relating to this Agreement, to the extent allowed hereunder, will be subject to the provisions of this paragraph.

4. **Political and Sectarian Activity Prohibited**

   None of the funds, materials, property or services provided directly or indirectly under this Agreement may be used for any partisan political activity, or to further the election or defeat of any candidate for public office. Neither may any funds provided under this Agreement be used for any purpose designed to support or defeat any pending legislation or administrative regulation. None of the funds provided pursuant to this Agreement may be used for any sectarian purpose or to support or benefit any sectarian activity.
Subrecipient must file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of any of the information contained in any Disclosure Form previously filed by Subrecipient. Subrecipient must require that the language of this Certification be included in the award documents for all sub-awards at all tiers and that all subcontractors certify and disclose accordingly.

5. **Records Inspection**

At any time during normal business hours and as often as either the County of Los Angeles, the U.S. Comptroller General or the Auditor General of the State of California may deem necessary, Subrecipient must make available for examination all of its records with respect to all matters covered by this Agreement. The County of Los Angeles, the U.S. Comptroller General and the Auditor General of the State of California have the authority to audit, examine and make excerpts or transcripts from records, including all Subrecipient’s method of procurement, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

Subrecipient agrees to provide any reports requested by the County of Los Angeles regarding performance of this Agreement.

6. **Records Maintenance**

Records, in their original form, must be maintained in accordance with requirements prescribed by the County of Los Angeles with respect to all matters specified in this Agreement. Original forms are to be maintained on file for all documents specified in this Agreement. Such records must be retained for a period five (5) years after termination of this Agreement and after final disposition of all pending matters. “Pending matters” include, but are not limited to, an audit, litigation or other actions involving records. The County of Los Angeles may, at its discretion, take possession of, retain and audit said records. Records, in their original form pertaining to matters covered by this Agreement, must at all times be retained within the County of Los Angeles unless authorization to remove them is granted in writing by the County of Los Angeles.

7. **Subcontracts and Procurement**

Subrecipient must, as applicable, comply with the Federal, State and County of Los Angeles standards in the award of any subcontracts. For purposes of this Agreement, subcontracts include but are not limited to purchase agreements, rental or lease agreements, third party agreements, consultant service contracts and construction subcontracts.
Subrecipient must, as applicable, ensure that the terms of this Agreement with the County of Los Angeles are incorporated into all Subcontractor agreements. The Subrecipient must submit all Subcontractor agreements to the County of Los Angeles for review prior to the release of any funds to the Subcontractor. The Subrecipient must withhold funds to any Subcontractor agency that fails to comply with the terms and conditions of this Agreement and their respective Subcontractor agreement.

8. Labor

Subrecipient must, as applicable, comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed requirements for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System Personnel Administration (5 CFR 900, Subpart F).

Subrecipient must, as applicable, comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7); the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874); the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements; and the Hatch Act (5 USC §§1501-1508 and 7324-7328).

Subrecipient must, as applicable, comply with the Federal Fair Labor Standards Act (29 U.S.C. §201) regarding wages and hours of employment.

None of the funds may be used to promote or deter union/labor organizing activities. CA Gov’t Code Sec. 16645 et seq.

9. Civil Rights

Subrecipient must, as applicable, comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public...
Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (j) the requirements of any other nondiscrimination statute(s) that may apply to the application; and (k) P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

10. **Environmental**

Subrecipient must, as applicable, comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

Subrecipient must, as applicable, comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93205); and (i) Flood Disaster Protection Act of 1973 §102(a) (P.L. 93-234).

Subrecipient must, as applicable, comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Subrecipient must, as applicable, comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
Subrecipient must, as applicable, comply with the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), which restores and maintains the chemical, physical and biological integrity of the Nation’s waters.

Subrecipient must, as applicable, ensure that the facilities under its ownership, lease or supervision that are utilized in the accomplishment of this project are not listed in the Environmental Protection Agency’s (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

By signing this Agreement, Subrecipient warrants and represents that it will, as applicable, comply with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq.

Subrecipient must, as applicable, comply with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat. 871).

Subrecipient must, as applicable, comply with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 U.S.C. 3501 et. seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

11. **Preservation**

Subrecipient must, as applicable, comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

12. **Suspension, Debarment, Ineligibility and Voluntary Exclusion**

Subrecipient must, as applicable, comply with Title 2 CFR Part §3000, regarding Suspension and Debarment, and Subrecipient must submit a Certification Regarding Debarment, attached hereto as Exhibit B, required by Executive Order 12549 and any amendment thereto. Said Certification must be submitted to the County of Los Angeles concurrent with the execution of this Agreement and must certify that neither Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department head or agency. Subrecipient must require that the language of this Certification be included in the award documents for all sub-award at all tiers and that all subcontractors certify accordingly.
13. **Drug-Free Workplace**

Subrecipient must, as applicable, comply with the federal Drug-Free Workplace Act of 1988, 41 USC §701, Title 44 Code of Federal Regulations (CFR) Part §17; the California Drug-Free Workplace Act of 1990, CA Gov't Code §§8350-8357, and Subrecipient must complete the Certification Regarding Drug-Free Workplace Requirements, attached hereto as Exhibit C, and incorporated herein by reference. Subrecipient must require that the language of this Certification be included in the award documents for all sub-award at all tiers and that all subcontractors certify accordingly.

14. **Lobbying Activities**

Subrecipient must, as applicable, comply with 31 U.S.C.1352 and complete the Disclosure of Lobbying Activities, (OMB 0038-0046), attached hereto as Exhibit A, and incorporated herein by reference.

15. **Miscellaneous**

Subrecipient must, as applicable, comply with the Laboratory Animal Welfare Act of 1966, as amended (P.L. 89-544, 7 USC §§2131 et seq.).

B. **Statutes and Regulations Applicable To This Particular Grant Agreement**

Subrecipient must comply with all applicable requirements of State and Federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this particular grant program. Subrecipient must, as applicable, comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

Title 2 CFR Part 200; EO 12372; U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, Office for Domestic Preparedness, ODP WMD Training Course Catalogue; and DOJ Office for Civil Rights.

Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code Chapter 7 of Division 1 of Title 2, §8607.1(e) and CCR Title 19, §§2445-2448.

Provisions of Title 2, 6, 28, 44 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Part 38, Equal Treatment of Faith-based
Organizations; Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; Part 64, Floodplain Management and Wetland Protection Procedures; Federal laws or regulations applicable to Federal Assistance Programs; Part 69, New Restrictions on Lobbying; Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).

Nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.

1. Travel Expenses

Subrecipient, as provided herein, will be compensated for Subrecipient’s reasonable travel expenses incurred in the performance of this Agreement, to include travel and per diem, unless otherwise expressed. Subrecipient’s total travel for in-State and/or out-of-State and per diem costs must be included in the contract budget(s). All travel, including out-of-State travel, that is not included in the budget(s) will not be reimbursed without prior written authorization from the County of Los Angeles.

Subrecipient’s administrative-related travel and per diem reimbursement costs will not be reimbursed. For programmatic-related travel costs, Subrecipient’s reimbursement rates may not exceed the amounts established under the grant.

C. Compliance With Grant Requirements

To obtain the grant funds, the State required an authorized representative of the County of Los Angeles to sign certain promises regarding the way the grant funds would be spent. These requirements are included in the 2017 Notice of Funding Opportunity and in the State’s “Grant Assurances”. By signing these Grant Assurances and accepting the Notice of Funding Opportunity, the County of Los Angeles became liable to the State for any funds that are used in violation of the grant requirements. The State’s Grant Assurances are incorporated into this Agreement through Exhibit D. Subrecipient will be liable to the Grantor for any funds the State determines the Subrecipient used in violation of these Grant Assurances.
Pursuant to this Agreement, Subrecipient shall execute the 2017 Certification of Grant Assurances in Exhibit D, accepting and agreeing to abide by all provisions, assurances, and requirements therein. Subrecipient agrees to indemnify and hold harmless the County of Los Angeles for any sums the State or Federal government determines Subrecipient used in violation of the Grant Assurances.

To the extent Exhibit D conflicts with language or provisions contained in this Agreement, or contains more restrictive requirements under Federal and State law, Exhibit D shall control.

D. Noncompliance With Grant Requirements

Subrecipient understands that failure to comply with any of the above assurances and requirements, including Exhibit D, may result in suspension, termination or reduction of grant funds, and repayment by the Subrecipient to the County of Los Angeles of any unauthorized expenditures.

§412. Federal, State and Local Taxes

Federal, State and local taxes are the responsibility of the Subrecipient as an independent party and not of the County of Los Angeles and must be paid prior to requesting reimbursement. However, these taxes are an allowable expense under the grant program.

§413. Inventions, Patents and Copyrights

A. Reporting Procedure for Inventions

If any project produces any invention or discovery ("Invention") patentable or otherwise under Title 35 of the U.S. Code, including, without limitation, processes and business methods made in the course of work under this Agreement, the Subrecipient must report the fact and disclose the Invention promptly and fully to the County of Los Angeles. The County of Los Angeles will report the fact and disclose the Invention to the State. Unless there is a prior agreement between the County of Los Angeles and the State, the State will determine whether to seek protection on the Invention. The State will determine how the rights in the Invention, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest consistent with the policy ("Policy") embodied in the Federal Acquisition Regulations System, which is based on Ch. 18 of Title 35 U.S.C. Sections 200 et seq. (Pub. L. 95-517, Pub. L. 98-620, Title 37 CFR Part 401); Presidential Memorandum on Government Patent Policy to the Heads of the Executive Departments and Agencies, dated 2/18/1983); and Executive Order 12591, 4/10/87, 52 FR 13414, Title 3 CFR, 1987 Comp., p. 220 (as amended by Executive Order 12618, 12/22/87, 52 FR 48661, Title 3 CFR, 1987 Comp., p. 262). Subrecipient hereby agrees to be bound by the Policy, and will contractually require its personnel to be bound by the Policy.
B. Rights to Use Inventions

As applicable, County of Los Angeles will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license to use, manufacture, improve upon, and allow others to do so for all government purposes, any Invention developed under this Agreement.

C. Copyright Policy

1. Unless otherwise provided by the State or the terms of this Agreement, when copyrightable material ("Material") is developed under this Agreement, the County of Los Angeles, at its discretion, may copyright the Material. If the County of Los Angeles declines to copyright the Material, the County of Los Angeles will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement.

2. The State will have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement or any Copyright purchased under this Agreement.

3. Subrecipient must comply with Title 24 CFR 85.34.

D. Rights to Data

The State and the County of Los Angeles will have unlimited rights or copyright license to any data first produced or delivered under this Agreement. "Unlimited rights" means the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, and perform and display publicly, or permit others to do so; as required by Title 48 CFR 27.401. Where the data are not first produced under this Agreement or are published copyrighted data with the notice of 17 U.S.C. Section 401 or 402, the State acquires the data under a copyright license as set forth in Title 48 CFR 27.404(f)(2) instead of unlimited rights. (Title 48 CFR 27.404(a)).

E. Obligations Binding on Subcontractors

Subrecipient must require all subcontractors to comply with the obligations of this section by incorporating the terms of this section into all subcontracts.

§414. Child Support Assignment Orders

Under the terms of this Agreement, Subrecipient must, as applicable, comply with California Family Code Section 5230 et seq.
§415. Minority, Women, And Other Business Enterprise Outreach Program

It is the policy of the County of Los Angeles to provide Minority Business Enterprises, Women Business Enterprises and all other business enterprises an equal opportunity to participate in the performance of all Subrecipient’s contracts, including procurement, construction and personal services. This policy applies to all of the Subrecipient’s contractors and sub-contractors.

§416. Compliance with Fair Chance Employment Practices

Subrecipient shall comply with fair chance employment hiring practices set forth in California Government Code Section 12952, Employment Discrimination: Conviction History. Subrecipient’s violation of this paragraph of the Agreement may constitute a material breach of the Agreement. In the event of such material breach, County of Los Angeles may, in its sole discretion, terminate the Agreement.

§417. Method of Payment and Required Information

The County of Los Angeles may, at its sole discretion, determine the most appropriate, efficient, secure, and timely form of payment provided under this Agreement. Subrecipient further agrees that the default form of payment shall be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the A-C.

Subrecipient shall provide the A-C with electronic banking and related information for the Subrecipient and/or any other payee that the Subrecipient designates to receive payment pursuant to this Agreement at https://directdeposit.lacounty.gov/. Such electronic banking and related information includes, but is not limited to: bank account number and routing number, legal business name, valid taxpayer identification number or TIN, a working e-mail address capable of receiving remittance advices and other payment related correspondence, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit shall supersede this requirement with respect to those payments. At any time during the duration of this Agreement, the Subrecipient may submit a written request for an exemption to this requirement and must be based on specific legal, business or operational needs and explain why the payment method designated by the A-C is not feasible and an alternative is necessary. The A-C, in consultation with CEO, shall decide whether to approve exemption requests.
SECTION V

DEFAULTS, SUSPENSION, TERMINATION, AND AMENDMENTS

§501. Defaults

Should either party fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the non-breaching party reserves the right to terminate the Agreement, reserving all rights under State and Federal law.

§502. Amendments

Except as otherwise provided in this paragraph, any change in the terms of this Agreement, including changes in the services to be performed by Subrecipient, that are agreed to by the Subrecipient and the County of Los Angeles must be incorporated into this Agreement by a written amendment properly signed by persons who are authorized to bind the parties. Notwithstanding the foregoing, any increase or decrease of the grant amount specified in §301.A., above, or any extension of the performance period specified in §201, above, does not require a written amendment, but may be effectuated by a written notification by the County of Los Angeles to the Subrecipient.

SECTION VI

ENTIRE AGREEMENT

§601. Complete Agreement

This Agreement contains the full and complete Agreement between the two parties. Neither verbal agreement nor conversation or other communication with any officer or employee of either party will affect or modify any of the terms and conditions of this Agreement.

§602. Number of Pages and Attachments

This Agreement may be executed in two (2) duplicate originals, each of which is deemed to be an original. This Agreement includes (25) pages and (7) Exhibits which constitute the entire understanding and agreement of the parties.
IN WITNESS WHEREOF, the Subrecipient and County of Los Angeles have caused this Agreement to be executed by their duly authorized representatives.

COUNTY OF LOS ANGELES

BY
SACHI A. HAMAI
Chief Executive Officer

BY
CELIA ZAVALA
Executive Officer, Board of Supervisors

BY
JOHN NAIMO
Auditor-Controller

APPROVED AS TO FORM

MARY C. WICKHAM
County Counsel

BY
Senior Deputy County Counsel

BY
Greg Carpenter, City Manager
City Representative/Title (Signature) (Print Name) Date

APPROVED AS TO FORM

BY
David King, A.C.A.
City Attorney (Signature) (Print Name) Date

ATTEST

BY
City Clerk (Signature) (Print Name) Date
## EXHIBITS

<table>
<thead>
<tr>
<th>Exhibit A</th>
<th>Certification and Disclosure Regarding Lobbying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit B</td>
<td>Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions</td>
</tr>
<tr>
<td>Exhibit C</td>
<td>Certification Regarding Drug-Free Workplace</td>
</tr>
<tr>
<td>Exhibit D</td>
<td>Certification of Grant Assurances</td>
</tr>
<tr>
<td>Exhibit E</td>
<td>Final Grant Award Letter and Project Worksheet(s)</td>
</tr>
<tr>
<td>Exhibit F</td>
<td>2017 Notice of Funding Opportunity</td>
</tr>
<tr>
<td>Exhibit G</td>
<td>Reimbursement Form and Instructions</td>
</tr>
</tbody>
</table>
INSTRUCTIONS FOR COMPLETION OF SF-LLL,
DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31 U.S.C. Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; sub-grant announcement number; the contract, subgrant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a.) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b.) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.
**DISCLOSURE OF LOBBYING ACTIVITIES**
Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

<table>
<thead>
<tr>
<th>1. Type of Federal Action:</th>
<th>2. Status of Federal Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. contract</td>
<td>a. bid/offer/application</td>
</tr>
<tr>
<td>b. grant</td>
<td>b. initial award</td>
</tr>
<tr>
<td>c. cooperative agreement</td>
<td>c. post-award</td>
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<tr>
<td>d. loan</td>
<td></td>
</tr>
<tr>
<td>e. loan guarantee</td>
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<tr>
<td>f. loan insurance</td>
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<tr>
<th>3. Report Type:</th>
</tr>
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<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>b. material change</td>
</tr>
</tbody>
</table>

For Material Change Only:
Year _____ Quarter _____ date of last report ______

<table>
<thead>
<tr>
<th>4. Name and Address of Reporting Entity:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of El Segundo</td>
</tr>
<tr>
<td>350 Main Street, El Segundo, CA 90245</td>
</tr>
</tbody>
</table>

| □ Prime | X | Subawardee |

<table>
<thead>
<tr>
<th>Congressional District, if known:</th>
</tr>
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<thead>
<tr>
<th>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Los Angeles</td>
</tr>
<tr>
<td>Homeland Security Grant Administration</td>
</tr>
<tr>
<td>500 W. Temple Street, Room B-79-2</td>
</tr>
<tr>
<td>Los Angeles, CA 90012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congressional District, if known:</th>
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<table>
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<tr>
<th>6. Federal Department/Agency:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Homeland Security</td>
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</tbody>
</table>

<table>
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<tr>
<th>7. Federal Program Name/Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeland Security Grant Program</td>
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</table>

<table>
<thead>
<tr>
<th>CFDA Number, if applicable:</th>
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<table>
<thead>
<tr>
<th>8. Federal Action Number, if known:</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>9. Award Amount, if known:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$34,000</td>
</tr>
</tbody>
</table>

| 10. a. Name and Address of Lobbying Entity |
| (if individual, last name, first name, MI): |
| (attach Continuation Sheet(s) SF-LLL-A, if necessary) |

| N/A |

<table>
<thead>
<tr>
<th>11. Amount of Payment (check all that apply):</th>
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<tr>
<td>□ Actual</td>
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<tr>
<td>□ Planned</td>
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</tbody>
</table>

<table>
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<tr>
<th>12. Form of Payment (check all that apply):</th>
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<tbody>
<tr>
<td>□ a. cash</td>
</tr>
<tr>
<td>□ b. in-kind; specify:</td>
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</tbody>
</table>

| nature value |

<table>
<thead>
<tr>
<th>13. Type of Payment (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ a. retainer</td>
</tr>
<tr>
<td>□ b. one-time fee</td>
</tr>
<tr>
<td>□ c. commission</td>
</tr>
<tr>
<td>□ d. contingent fee</td>
</tr>
<tr>
<td>□ e. deferred</td>
</tr>
<tr>
<td>□ f. other; specify:</td>
</tr>
</tbody>
</table>

| 14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11: |
| (attach Continuation Sheet(s) SF-LLL-A, if necessary) |

<table>
<thead>
<tr>
<th>15. Continuation Sheet(s) SF-LLL-A attached:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>□ No</td>
</tr>
</tbody>
</table>

| 16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure. |

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Greg Carpenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>City Manager</td>
</tr>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Telephone:</td>
<td>310-524-2301 (area code)</td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

Authorized for Local Reproduction Standard Form – LLL
DISCLOSURE OF LOBBYING ACTIVITIES
CONCONTINUATION SHEET

Continuation of 10 a-b: additional sheets may be added if necessary
Reporting Entity:

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>MI</th>
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<tbody>
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<tr>
<th>Address</th>
<th>City</th>
<th>Zip</th>
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</table>

Continuation of 14: (additional sheets may be added if necessary)
Brief Description of Services and Payments indicated in item 11:
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 24 CFR Part 24 Section 24.510, Participants' responsibilities.

(READ ATTACHED INSTRUCTIONS FOR CERTIFICATION BEFORE COMPLETING)

1. The prospective recipient of Federal assistance funds certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

AGREEMENT NUMBER

City of El Segundo

CONTRACTOR/BORROWER/AGENCY

Greg Carpenter, City Manager

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE DATE
INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this document, the prospective recipient of Federal assistance is providing the certification as set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this agreement is entered, if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous, when submitted or has become erroneous by reason of changed circumstances.


5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation on this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non Procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
STATE OF CALIFORNIA

DRUG-FREE WORKPLACE CERTIFICATION

COMPANY/ORGANIZATION NAME: CITY OF EL SEGUNDO

The contractor or grant recipient named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above-named contractor or recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).

2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
   (a) The dangers of drug abuse in the workplace,
   (b) The person's or organization's policy of maintaining a drug-free workplace,
   (c) Any available counseling, rehabilitation and employee assistance programs, and
   (d) Penalties that may be imposed upon employees for drug abuse violations.

3. Provide as required by Government Code Section 8355(c), that every employee who works on the proposed contract or subgrant:
   (a) Will receive a copy of the company's drug-free policy statement, and
   (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or subgrant.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or Recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Greg Carpenter, City Manager

OFFICIAL'S NAME                         DATE EXECUTED

Los Angeles

EXECUTED IN THE COUNTY OF

CONTRACTOR or RECIPIENT SIGNATURE

City Manager

TITLE

FEDERAL I.D. NUMBER

Drug-Free Workplace Certification STD. 21 (Revised 7/2015)
STATEMENT ON THE DRUG-FREE WORKPLACE

To comply with the enactment of Senate Bill 1120, (Chapter 1170, Statutes of 1990), which established the Drug-Free Workplace Act of 1990, the City of El Segundo (your agency) accordingly provides this statement of compliance.

In order to maintain funding eligibility, state agencies, along with those in receipt of grant and contractual awards, must certify that they provide drug-free workplaces and have issued drug-free workplace statements to their employees [Section 8355(a) of the Government Code]. Consequently, in accordance with this directive, this statement is issued to meet this requirement.

The City of El Segundo (your agency), an agency within the State of California has adopted this statement in compliance with legislation which addresses issues to avoid the dangers arising from drug and alcohol abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances. [Section 8355(b)(1)]

California law prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California state employees. [Section 8355(a)]

Employees convicted of a violation of criminal drug statute, when the violation occurred at an employee's worksite, shall report the conviction to the granting and monitoring State agency upon conviction. [Section 8356(a)(1)(2)]

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a State worksite, the State may take disciplinary action pursuant to the law and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program. [Section 8355(b)(4)]

The Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all agency employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the City of El Segundo (your agency) to ensure by execution of this statement of compliance that each employee shall abide by the terms of this drug-free workplace statement. [Section 8355(c)]
Standard Assurances
For All Cal OES Federal Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

(a) Applicable Federal Regulations (see below);
(b) Federal Program Notice of Funding Opportunity (NOFO);
(c) California Supplement to the NOFO; and
(d) Federal and State Grant Program Guidelines.

Federal Regulations
Government cost principles, uniform administrative requirements and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/.

Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority
   The Applicant will obtain written authorization from the city council, governing board or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

   (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required.
   (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board or authorized body.
   (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body; and
   (d) The official executing this agreement is, in fact, authorized to do so.

   This Proof of Authority must be maintained on file and readily available upon request.
2. Period of Performance
The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

3. Lobbying and Political Activities
As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension
As required by Executive Orders 12549 and 12689, and 2 C.F.R. §200.212 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principal, subgantees, recipients or subrecipients:
(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
(d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity
The Applicant will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, the following:

(a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. §2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
(b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
(c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794), which prohibits discrimination against those with disabilities or access and functional needs;
(d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs (42 U.S.C. §§ 12101-12213.);
(e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
(f) Public Health Service Act of 1912 (42 U.S.C. §§ 290), relating to confidentiality of patient records regarding substance abuse treatment;
(g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units
(all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);

(h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin;

(i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;

(j) California Public Contract Code §10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;

(k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;

(l) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and

(m) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (m), the Applicant will comply with California’s Fair Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code §§ 12940, 12945, 12945.2), military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, which may be prescribed pursuant to the following, as applicable:

(a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-
21177), to include coordination with the city or county planning agency;

(b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-
15387);
(c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
(d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
(e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
(f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
(g) Executive Order 11514 which sets forth national environmental standards;
(h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
(i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
(j) The Endangered Species Act of 1973, (P.L. 93-205);
(k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
(l) Conformity of Federal Actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits
For subrecipients expending $750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records
In accordance with 2 C.F.R. §200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.
The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest
The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management
False Claims for Payment The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no recipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability
The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating $25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

14. Human Trafficking
The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards
The Applicant will comply with the following federal labor standards:

(a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts; and

(b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker’s Compensation
The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this
Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related
If applicable to the type of project funded by this federal award, the Applicant will:

(a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;

(b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more;

(c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and

(d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects
For all construction projects, the Applicant will:

(a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;

(b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and

(c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited
Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.
The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity’s grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Reporting Accusations and Findings of Discrimination
If during the past three years the recipient has been accused of discrimination on any basis the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS Financial Assistance Office and the DHS Office for Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, Building 410, Mail Stop #0190, Washington, D.C. 20528.

If the courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or the recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Financial Assistance Office and the CRCL by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

22. Acknowledgment of Federal Funding from DHS
All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

23. Activities Conducted Abroad
All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

24. Best Practices for Collection and Use of Personally Identifiable Information (PII)
DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also
find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

25. Copyright
All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

26. Duplication of Benefits
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

27. Energy Policy and Conservation Act
All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

28. Federal Debt Status
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

29. Fly America Act of 1974
All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.
31. Non-supplanting Requirements
All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

32. Patents and Intellectual Property Rights
Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

33. SAFECOM
All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

34. Terrorist Financing
All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

35. Reporting of Matters Related to Recipient Integrity and Performance
If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

36. USA Patriot Act of 2001
All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

37. Use of DHS Seal, Logo, and Flags
All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
IMPORTANT
The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2017, Version 7.0, hereby incorporated by reference, which can be found at: https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

The undersigned represents that he/she is authorized by the Applicant to enter into this agreement for and on behalf of the said Applicant.

Applicant: City of El Segundo

Signature of Authorized Agent: ________________________________

Printed Name of Authorized Agent: Greg Carpenter

Title: City Manager Date: ________________________________

Homeland Security Grant Program – 2017 Grant Assurances
EXHIBIT D

COUNTY OF LOS ANGELES

2017 CERTIFICATION OF GRANT ASSURANCES

As the duly authorized representative of the Subrecipient, I hereby certify Subrecipient's complete acceptance of Exhibit D, and agreement to abide by all provisions, assurances, conditions and requirements of the Grant Assurances therein.

BY ___________________________ Greg Carpenter, City Manager
City Representative/Title (Signature) (Print Name) Date

APPROVED AS TO FORM

BY ___________________________
City Attorney (Signature) (Print Name) Date

ATTEST

BY ___________________________
City Clerk (Signature) (Print Name) Date
October 20, 2017

Sachi Hamai
Chief Executive Office
Los Angeles County
500 West Temple Street, Room 713
Los Angeles, CA 90012

SUBJECT: NOTIFICATION OF SUBRECIPIENT AWARD APPROVAL
Fiscal Year (FY) 2017 Homeland Security Grant Program
Grant #2017-0083, Cal OES ID#037-00000
Subrecipient Performance Period: September 1, 2017, to May 31, 2020

Dear Ms. Hamai:

The California Governor's Office of Emergency Services (Cal OES) approved your FY 2017 Homeland Security Grant Program (HSGP) award in the amount of $10,308,294. Once your completed application is received and approved, you may request reimbursement of eligible grant expenditures using the Cal OES Financial Management Forms Workbook available at www.caloes.ca.gov.

During the review process, a Cal OES Program Representative will examine and evaluate your FY 2017 HSGP grant application. Throughout the grant cycle, Cal OES will use performance milestones set in the Department of Homeland Security/Federal Emergency Management Agency Grants Reporting Tool (GRT) as indicators of performance and grant management capacity and this information may be used in assessing future competitive grant applications. All activities funded with this award must be completed within the Subrecipient performance period.

You are required to comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and sole source procurement requests and controlled equipment requests require additional approvals from Cal OES. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this grant. Subrecipients are also required to obtain a performance bond prior to the purchase of any equipment item over $250,000, including any aviation or watercraft financed with homeland security dollars. Performance bonds must be submitted to your Program Representative no later than the time of reimbursement. 

3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE, (916) 845-8511 FAX
Following acceptance of this award, you must enter your grant information into the GRT for the Biannual Strategy Implementation Report (BSIR) period. The GRT can be accessed online at https://www.reporting.odp.dhs.gov/. Your agency must prepare and submit the BSIR to Cal OES via the GRT semi-annually for the duration of the grant performance period or until you complete all activities and the grant is formally closed. Failure to submit required reports could result in grant reduction, suspension, or termination.

This grant is subject to all provisions of 2 CFR Part 200, Subpart F - Audit Requirements. Any funds received in excess of current needs, approved amounts, or those found owed as a result of a final review or audit, must be refunded to the State within 30 days upon receipt of an invoice from Cal OES.

Your dated signature is required on this letter. Please sign and return the original to your Cal OES Program Representative within 20 days of receipt and keep a copy for your files. For further assistance, please feel free to contact your Cal OES Program Representative or the Homeland Security Grants Unit at (916) 845-8186.

Sincerely,

MARK S. GHILARUCCI
Director

Sachi Hamai
Los Angeles County
<table>
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<tr>
<th>Project #</th>
<th>Project Title</th>
<th>Funding Source</th>
<th>Discipline</th>
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**Project # 020**

**Equipment Description & (Quantity):** 4x4 Crew Cab Truck for CBRNE support

**AEL #:** 12VE-00-CMDV

**AEL Title:** Mobile command vehicles for use at incident scene

**SAFECOM Consultant:** N/A

**Funding Source:** HSGP-SHSP

**Discipline:** FS

**Solution Area Sub-Category:** CBRNE Search and Rescue Equipment

**Deployable / Shareable:** Deployable

**Part of a Procurement over $150K:** No

**Sole Source Involved:** No

**Hold Trigger:** No Hold Indicated

**Budgeted Cost:** 20,000

**Project # 046.24**

**Course Name:** USAR Training - Trench Rescue, Rescue Systems 1, Rescue Systems 2

**Funding Source:** HSGP-SHSP

**Discipline:** FS

**Solution Area Sub-Category:** Staff Expenses

**Expenditure Category:** OT/Backfill

**Feedback Number:** Field-Based Host

**Training Activity:** 8

**Total # Trained:** Alhambra

**EHP Approval Date:** No

**Part of a Procurement over $150K:** No

**Sole Source Involved:** No

**Budgeted Cost:** 10,000

**Project # 041.23**

**Exercise Title:** MOBEX, Mobilization Exercises for Regional Task Force Teams

**Funding Source:** HSGP-SHSP

**Discipline:** FS

**Solution Area Sub-Category:** Conduct/Evaluate

**Expenditure Category:** OT & Backfill

**EHP Approval Date:** Pending

**Date of Exercise:** TBD

**Exercise Activity:** Full Scale Attendee

**Identified Host:** Long Beach

**Date of AAR entered into HSEEP:** No

**Part of a Procurement over $150K:** No

**Sole Source Involved:** No

**Budgeted Cost:** 4,000
The U.S. Department of Homeland Security (DHS)  
Notice of Funding Opportunity (NOFO)  
Fiscal Year 2017 Homeland Security Grant Program (HSGP)

NOTE: Eligible recipients who plan to apply for this funding opportunity but who have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), should take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. New registration can take an average of 7-10 business days to process in SAM. SAM must send out some information for validation with outside parties before your registration can be activated; this includes Taxpayer Identification Number (TIN) validation with the Internal Revenue Service (IRS) and Commercial and Government Entity (CAGE) validation/assignment with the Department of Defense (DoD). This timeframe may be longer if the information you provide is flagged for manual validation by either party. If you notice your registration has had a ‘Submitted’ status for longer than 10 business days, and you have not otherwise been contacted to correct or update information, please contact the Federal Service Desk at 866-606-8220 or https://www.fsd.gov. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: http://www.Grants.gov/web/grants/register.html. Detailed information regarding DUNS and SAM is also provided in Section D of this NOFO, subsection, Content and Form of Application Submission.

A. Program Description

Issued By
U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)

Catalog of Federal Domestic Assistance (CFDA) Number
97.067

CFDA Title
Homeland Security Grant Program (HSGP)

Notice of Funding Opportunity Title
Fiscal Year 2017 Homeland Security Grant Program  
▪ State Homeland Security Program (SHSP)  
▪ Urban Area Security Initiative (UASI)  
▪ Operation Stonegarden (OPSG)

NOFO Number
DHS-17-GPD-067-00-01

Authorizing Authority for Program
(6 U.S.C. § 603)
Appropriation Authority for Program

Program Type
New

Program Overview, Objectives, and Priorities

Overview
The purpose of the Fiscal Year (FY) 2017 HSGP is to support state, local and tribal efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. References to these priorities can be found throughout this document. The FY 2017 HSGP provides funding to implement investments that enhance terrorism preparedness and serve to build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community, inclusive of children, individuals with disabilities and others with access and functional needs, diverse communities, and people with limited English proficiency. The FY 2017 HSGP supports the core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs. The FY 2017 HSGP will provide federal funds to assist state, local, tribal, and territorial agencies to obtain the resources required to support implementation of the National Preparedness System (NPS) and the Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience.

HSGP is comprised of three grant programs:
- State Homeland Security Program (SHSP)
- Urban Area Security Initiative (UASI)
- Operation Stonegarden (OPSG)

Together, these grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

Objectives
- **State Homeland Security Program (SHSP):** The SHSP assists state, tribal, territorial, and local preparedness activities that address high-priority preparedness gaps across all core capabilities that support terrorism preparedness. All supported investments are based on capability targets and gaps identified during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and assessed in the State Preparedness Report (SPR).
- **Urban Area Security Initiative (UASI):** The UASI program assists high-threat, high-density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.

- **Operation Stonegarden (OPSG):** The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies. The OPSG Program provides funding to support joint efforts to secure the United States’ borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

All three programs are risk-driven, capabilities-based and outline high-priority needs relating to terrorism preparedness. For these programs to be effective, government officials and elected leaders, working with the whole community, must consider how to sustain current capability levels, while also addressing potential gaps.

**Priorities**

The Goal defines what it means for the whole community to be prepared for all types of disasters and emergencies. The NPS is the instrument the Nation employs to build, sustain, and deliver core capabilities in order to achieve the Goal of a secure and resilient Nation. Complex and far-reaching threats and hazards require a collaborative and whole community approach to national preparedness that engages individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government. The guidance, programs, processes, and systems that support each component of the NPS allows for the integration of preparedness efforts that build, sustain, and deliver core capabilities and achieve the desired outcomes identified in the Goal.

DHS/FEMA publishes the annual National Preparedness Report (NPR) to communicate progress in building, sustaining, and delivering the core capabilities outlined in the Goal. This analysis provides a National perspective on critical preparedness trends for whole community partners to use to inform program priorities, allocate resources, and communicate with stakeholders about issues of shared concern. The NPR can be found at [http://www.fema.gov/national-preparedness-report](http://www.fema.gov/national-preparedness-report).

In developing applications for the FY 2017 HSGP, recipients should consider funding projects that address core capability gaps within the NPR national areas for improvement that relate to terrorism preparedness, including:

- Cybersecurity;
- Infrastructure Systems;
- Economic Recovery;
- Housing; and
- Natural and Cultural Resources.
In addition, DHS/FEMA requires recipients to prioritize investments that address capability targets and gaps identified through the annual THIRA and SPR process. These assessments set capability targets and measure current ability to meet those targets.

Minimum funding amounts are not prescribed by the DHS for these capability targets and gaps; however, recipients must support state, local, tribal, regional, and national efforts in achieving the desired outcomes of these priorities. Grant funds must clearly support resources the recipients need to achieve the THIRA targets and close capability gaps. Appendix B-Program Priorities addresses additional areas where funding can be applied to strengthen preparedness efforts.

B. Federal Award Information

Award Amounts, Important Dates, and Extensions

Available Funding for the HSGP NOFO: $1,037,000,000

<table>
<thead>
<tr>
<th>HSGP Programs</th>
<th>FY 2017 Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Homeland Security Program</td>
<td>$402,000,000</td>
</tr>
<tr>
<td>Urban Area Security Initiative</td>
<td>$580,000,000</td>
</tr>
<tr>
<td>Operation Stonegarden</td>
<td>$55,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,037,000,000</strong></td>
</tr>
</tbody>
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For details on program-specific funding amounts, refer to Appendix A – FY 2017 Program Allocations.

Period of Performance: Thirty-six (36) months

Extensions to the Period of Performance (PoP) are allowed. For additional information on PoP extensions, refer to Section H – Additional Information of this NOFO.

Projected Period of Performance Start Date: September 1, 2017

Projected Period of Performance End Date: August 31, 2020

Funding Instrument: Grant
C. **Eligibility Information**

**Eligible Applicants**
All 56 states and territories, which includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, are eligible to apply for SHSP funds. For those states that are eligible for UASI and OPSG funding, the State Administrative Agency (SAA) is the only entity eligible to submit applications to DHS/FEMA on behalf of UASI and OPSG applicants. A list of eligible UASIs and OPSG States can be found in **Appendix A**. Tribal governments may not apply directly for HSGP funding; however, funding may be available to tribes under the SHSP and OPSG through the SAA.

**Eligibility Criteria**

Eligible high-risk Urban Areas for the FY 2017 UASI program have been determined through an analysis of relative risk of terrorism faced by the 100 most populous Metropolitan Statistical Areas (MSAs) in the United States. Sub-awards will be made by the SAA to the designated Urban Areas identified in **Appendix A - FY 2017 Program Allocations**.

Eligible sub-recipients under the FY 2017 OPSG Program are local units of government at the county level or equivalent level of government and Federally-recognized tribal governments in states bordering Canada or Mexico and states and territories with international water borders. All applicants must have active ongoing USBP operations coordinated through a CBP sector office to be eligible for OPSG funding.

Under the FY 2017 OPSG Program, subrecipients eligible to apply for and receive a subaward directly from the SAA are divided into three Tiers. Tier 1 entities are local units of government at the county level or equivalent and Federally-recognized tribal governments that are on a physical border in states bordering Canada, states bordering Mexico, and states and territories with international water borders. Tier 2 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 1 county. Tier 3 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 2 eligible subrecipient. Tier 2 and Tier 3 eligible subrecipients may be eligible to receive funding based on border security risk as determined by the USBP, as described in Section E of the NOFO.

**Other Eligibility Criteria**

**National Incident Management System (NIMS) Implementation**
Prior to allocation of any Federal preparedness awards in FY 2017, recipients must ensure and maintain adoption and implementation of NIMS. FEMA describes the specific training and activities involved in NIMS implementation in the NIMS Training Program (https://www.fema.gov/training-o) and the NIMS Implementation Objectives (https://www.fema.gov/implementation-guidance-and-reporting).
Incident management activities require carefully managed resources (personnel, teams, facilities, equipment and/or supplies). Utilization of the standardized resource management concepts such as typing, credentialing, and inventorying promote a strong national mutual aid capability needed to support delivery of core capabilities. Recipients should manage resources purchased or supported with FEMA grant funding according to NIMS resource management guidance. In addition, Comprehensive Preparedness Guide (CPG) 201: Threat and Hazard Identification and Risk Assessment Guide, Second Edition, available at http://www.fema.gov/threat-and-hazard-identification-and-risk-assessment, emphasizes how communities can use THIRA results to make decisions about how to allocate limited resources.

Additional information on resource management and NIMS resource typing definitions and job titles/position qualifications is on DHS/FEMA’s website under http://www.fema.gov/resource-management-mutual-aid.

**Emergency Management Assistance Compact (EMAC) Membership**

In support of the Goal, recipients must belong to, be located in, or act as a temporary member of EMAC, except for American Samoa and the Commonwealth of the Northern Mariana Islands, which are not required to belong to EMAC at this time. All assets supported in part or entirely with FY 2017 HSGP funding must be readily deployable and NIMS typed when possible to support emergency or disaster operations per existing EMAC agreements. In addition, funding may be used for the sustainment of core capabilities that, while they may not be physically deployable, support national response capabilities such as Geographic/Geospatial Information Systems (GIS), interoperable communications systems, capabilities as defined under the mitigation mission area of the Goal, and fusion centers.

**Law Enforcement Terrorism Prevention Activities (LETPA)**

Per section 2006 of the Homeland Security Act of 2002, as amended (6 U.S.C. § 607), DHS/FEMA is required to ensure that at least 25 percent (25%) of grant funding appropriated for grants awarded under HSGP’s authorizing statute are used for law enforcement terrorism prevention activities. DHS/FEMA meets this requirement, in part, by requiring all SHSP and UASI recipients to ensure that at least 25 percent (25%) of the combined HSGP funds allocated under SHSP and UASI are dedicated towards law enforcement terrorism prevention activities, as defined in 6 U.S.C. § 607. The LETPA allocation can be from SHSP, UASI, or both. This requirement does not include award funds from OPSG. Please refer to Appendix A – FY 2017 Program Allocations for LETPA minimum allocations for SHSP and UASI by jurisdiction. The 25 percent (25%) LETPA allocation is in addition to the 80 percent (80%) pass through requirement to local units of government and Tribes, referenced below.

The National Prevention Framework describes those activities that should be executed upon the discovery of intelligence or information regarding an imminent threat to the homeland, in order to thwart an initial or follow on terrorist attack, and provides guidance to ensure the Nation is prepared to prevent, avoid, or stop a threatened or actual act of terrorism. Activities outlined in the National Prevention Framework are eligible for use
as LETPA focused funds. In addition, where capabilities are shared with the protection mission area, the National Protection Framework activities are also eligible. Other terrorism prevention activities proposed for funding under LETPA must be approved by the FEMA Administrator.

Cost Share or Match
There is no cost share or match requirement for the FY 2017 HSGP.

D. Application and Submission Information

Key Dates and Times

Date Posted to Grants.gov: June 2, 2017

Application Submission Deadline: June 22, 2017, 5:00 p.m. EDT

All applications must be received by the established deadline. The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of the full application. In general, DHS/FEMA will not review applications that are not received by the deadline or consider them for funding. DHS/FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, or other exigent or emergency circumstances.

If there are technical issues, please notify the respective FEMA Headquarters (HQ) Program Analyst before the application deadline. Applicants should contact the Centralized Scheduling and Information Desk (CSID) for FEMA HQ Program Analyst contact information. CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@dhs.gov, Monday through Friday, 9:00 a.m. – 5:00 p.m. EDT.

Anticipated Funding Selection Date: September 1, 2017

Anticipated Award Date: No later than September 30, 2017

Address to Request Application Package

Application forms and instructions are available at Grants.gov (hard copies of the NOFO and associated application materials are not available). To access these materials, go to Grants.gov, select “Applicants” then “Apply for Grants.” In order to obtain the application package, select “Download a Grant Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this NOFO, select “Download Package,” and then follow the prompts to download the application package.

Applicants experiencing difficulties accessing information or who have any questions, should call the Grants.gov customer support hotline at (800) 518-4726.
In addition, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is: (800) 462-7585.

Applications will be processed through the Grants.gov portal and DHS/FEMA’s ND Grants System.

**Content and Form of Application Submission**
Applying for an award under this program is a multi-step process. To ensure that an application is submitted on time applicants are advised to start the required steps well in advance of their submission. Failure of an applicant to comply with any of the required steps before the application deadline may disqualify their application from funding.

The steps involved in applying for an award under this program are:
1. Applying for, updating, or verifying their Data Universal Numbering System (DUNS) Number;
2. Applying for, updating, or verifying their Employer ID Number (EIN);
3. Updating or verifying their System for Award Management (SAM) Registration;
4. Establishing an Authorized Organizational Representative (AOR) in Grants.gov;
5. Submitting an initial application in Grants.gov; and
6. Submitting the final application in the ND Grants system.

Each of the required steps associated with the application process are explained in the sections below.

**Unique Entity Identifier and System for Award Management (SAM)**
Before applying for a DHS/FEMA grant at Grants.gov, applicants must have a DUNS number, be registered in SAM, and be approved as an AOR. The steps for completing these pre-application processes are outlined below.

**NOTE:** Applicants are encouraged to register early. The pre-application registration processes can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact the applicant's ability to meet required submission deadlines.

**Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) Number**
The DUNS number must be included in the data entry field labeled "Organizational DUNS" on the SF-424 form. Instructions for obtaining a DUNS number can be found at the following website: [http://www.Grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html](http://www.Grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html).

The applicant must provide a DUNS number with their application. This number is a required field for all subsequent steps in the application submission. Applicants should verify they have a DUNS number, or take the steps necessary to obtain one. Applicants can receive a DUNS number at no cost by calling the DUNS number request line at 866-
705-5711. **DHS/FEMA cannot** assist applicants with questions related to obtaining a current DUNS number.

**Obtain an Employer Identification Number (EIN)**
DHS/FEMA requires both the EIN and a DUNS number prior to the issuance of a financial assistance award and for grant award payment; both EIN and DUNS are also required to register with SAM (see below). The EIN base for an organization is the Internal Revenue Service (IRS) Tax ID number, for individuals it is their social security number, (both the EIN and social security number are nine-digit numbers). Organizations and individuals submitting their applications must correctly differentiate the EIN from the DUNS number since both are nine-digit numbers. If these numbers are not correctly identified in the application, a delay in the issuance of the funding award or incorrect payment to a recipient organization may result.

Organizations applying for an EIN should plan on a minimum of two full weeks to obtain an EIN. For assistance in registering an EIN please contact the IRS helpline. **DHS/FEMA cannot** assist applicants with questions related to obtaining a current EIN.

**Register with the System for Award Management (SAM)**
Applicants applying for grant funds electronically through Grants.gov must register with SAM. Step-by-step instructions for registering with SAM can be found here: http://www.Grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html. All applicants must register with SAM in order to apply online. Failure to register with the SAM will result in the application being rejected by Grants.gov during the submissions process.

Payment under any DHS/FEMA award is contingent on the recipient’s having a current SAM registration. The SAM registration process must be completed by the applicant. It is imperative that the information provided by the applicant is correct and current. Please ensure that the organization’s name, address, DUNS number, and EIN are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all other DHS/FEMA awards.

SAM registration is a multi-step process including validating the EIN with the IRS to obtain a Commercial and Government Entity (CAGE) code. The CAGE code is only valid for one year after issuance and must be current at the time of application. SAM sends notifications to the registered user via email 60, 30, and 15 days prior to expiration of the SAM registration for the Entity. SAM registration may lapse due to inactivity. To update or renew the Entity records(s) in SAM applicants will need to create a SAM User Account and link it to the migrated Entity records.

For assistance registering, please go to SAM or call 866-606-8220. **DHS/FEMA cannot** assist applicants with questions related to registering in SAM or obtaining a current CAGE code.
Authorized Organizational Representative (AOR)
The next step in the registration process is creating a username and password with Grants.gov to become an AOR. AORs will need to know the DUNS number of the organization for which they will be submitting applications to complete this process. Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the AOR; this step is often missed and it is crucial for valid submissions. To read more detailed instructions for creating a profile on Grants.gov visit: http://www.Grants.gov/web/grants/applicants/organization-registration/step-3-username-password.html.

AOR Authorization
After creating a profile on Grants.gov, the E-Biz Point of Contact (POC) who is a representative from the applicant organization listed as the contact for SAM, will receive an email to grant the AOR permission to submit applications on behalf of the organization. The E-Biz POC will then log in to Grants.gov and approve an individual as the AOR, thereby granting permission to submit applications. To learn more about AOR Authorization, visit: http://www.Grants.gov/web/grants/applicants/organization-registration/step-4-aor-authorization.html. To track an AOR status, visit: http://www.Grants.gov/web/grants/applicants/organization-registration/step-5-track-aor-status.html.

Electronic Signature
Applications submitted through Grants.gov constitute an electronically signed application. When submitting the application through Grants.gov, the name of the applicant’s AOR will be inserted into the signature line of the application.

Applicants experiencing difficulties accessing information or who have questions should call the Grants.gov customer support hotline at (800) 518-4726 or email Grants.gov atmailto: support@Grants.gov.

The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award.

Submitting an Initial Application in Grants.gov
Following completion of the procedures above, all applicants must submit their initial application through Grants.gov. Applicants may need to first create a Grants.gov user profile by visiting the Get Registered section of the Grants.gov website. Successful completion of this step is necessary for DHS/FEMA to determine eligibility of the applicant. Applicants should complete this initial step on-line which requires completing:

- Standard Form 424 (SF-424), Application for Federal Assistance, and
- Grants.gov Certification Regarding Lobbying Form.

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FY 2017 HSGP NOFO
Both forms are available in the Forms tab under SF-424 Family. The initial application cannot be started or submitted in Grants.gov unless the applicant’s registration in SAM is confirmed.

The information submitted in Grants.gov will be retrieved by ND Grants, which will allow DHS/FEMA to determine if an applicant is eligible. **Applicants are encouraged to submit their initial application in Grants.gov at least ten days before the June 22, 2017, application deadline.**

Applicants experiencing difficulties accessing information should call the Grants.gov customer support hotline at 800-518-4726 or email Grants.gov at support@grants.gov. DHS/FEMA **cannot assist applicants with questions related to registering with Grants.gov.**

**Submitting the Final Application in ND Grants**

After submitting the initial application in Grants.gov, eligible applicants will be notified by DHS/FEMA after the initial application is submitted in Grants.gov and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement. Early registration will allow applicants to have adequate time to start and complete their application.

In ND Grants applicants will be prompted to submit all of the information contained in the following forms. Applicants should review these forms before applying to ensure they have all the information required:

- Standard Form 424A, Budget Information (Non-construction);
- Standard Form 424B, Standard Assurances (Non-construction); and
- Standard Form LLL, Disclosure of Lobbying Activities.

In addition, applicants must submit copies of the following in ND Grants:
- Investment Justification; and
- Indirect Cost Agreement, if applicable.

Applicants must submit copies of the following in ND Grants, if applying for construction projects:

- Standard Form 424C, Budget Information (Construction); and
- Standard Form 424D, Standard Assurances (Construction).

Applicants needing assistance registering for the ND Grants system should contact ndgrants@fema.gov or (800) 865-4076.
HSGP Specific Application Instructions

Development of the Investment Justification (SHSP and UASI)
As part of the FY 2017 HSGP application process for SHSP and UASI funds, applicants must develop formal investment justifications (IJ s) that address the proposed investments.

Each IJ must demonstrate how proposed investments:
- Support terrorism preparedness;
- Address capability gaps identified as State priorities in the most recent SPR (applicable to states only);
- Align resources that support targets set in the Urban Area, state, and/or regional THIRAs and national priorities, as outlined in the NPR; and
- Engage and/or impact the whole community, including children, older adults, pregnant women, individuals with limited English proficiency, individuals with disabilities and others with access and functional needs, and ensure the protection of civil rights in the building, sustainment, and delivery of core capabilities.

Each IJ must explain how the proposed investments will support the applicant’s efforts to:
- Prevent a threatened or an actual act of terrorism;
- Prepare for all hazards and threats, while explaining the nexus to terrorism preparedness;
- Protect citizens, residents, visitors, and assets against the greatest threats and hazards, relating to acts of terrorism; and/or
- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of an act of terrorism or other catastrophic incident.

Alignment of Proposed Investments to the THIRA (SHSP and UASI)
As noted above, investments and projects must clearly address capability targets identified in the THIRA and gaps noted in the SPR.

When completing investment level information, applicants must identify the most relevant portions of their THIRA, SPR (States only) and Capability Estimation and explain how the proposed investment will address at least one of the identified capability gaps. The applicant should use page numbers and reference specific sections of the THIRA.

Development of Investments and Projects (SHSP)
- Applicants must propose at least one and include up to 10 investments.
- Applicants must propose at least one project within each investment in their IJ to describe the activities they would plan to implement with SHSP funds. There is no limit to the number of projects that may be submitted.
- Any projects funded with SHSP funds that are not included in the application must subsequently be included in the first Biannual Strategy Implementation
Report (BSIR). For further information on the BSIR, refer to Section F, subsection Program Performance Reporting Requirements of this NOFO.

- Of the proposed investments, recipients using SHSP funds are required to propose one (1) single investment in support of a designated fusion center that will be funded by SHSP funds. Recipients must coordinate with the fusion center when developing a fusion center investment prior to submission.

- Recipients investing in emergency communications must describe how activities align to their Statewide Communication Interoperable Plan (SCIP). Recipients must coordinate with their Statewide Interoperability Coordinator (SWIC) and/or Statewide Interoperability Governance Body (SIGB) when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems.

Development of Investments and Projects (UASI)

- Applicants must propose at least one and include up to 10 investments.

- Urban Areas must propose at least one project within each investment in their IJ to describe the activities they are planning to implement with UASI funds. There is no limit to the number of projects that may be submitted. Any projects funded with UASI funds that are not included in the application must subsequently be included in the first BSIR.

- Of the proposed 10 investments, Urban Areas are required to propose one (1) single investment in support of a designated fusion center within the Urban Area, if applicable. Recipients must coordinate with the fusion center when developing a fusion center investment prior to submission.

- If UASI funds are used by the SAA in support of the Urban Area, the SAA must, as part of the list of proposed investments, describe how UASI funds will be used by the SAA to directly support the Urban Area.

- Recipients investing in emergency communications must describe how activities align to the SCIP. Recipients must coordinate with the SWIC and/or SIGB when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems.

Completing IJs in the Grant Reporting Tool (GRT) (SHSP and UASI)
The IJ Planning Guide contains the IJ template and instructions for collecting the required information for investments and projects. A fillable version of the IJ template can be obtained from the FEMA HQ Program Analyst. Applicants should contact the Centralized Scheduling and Information Desk (CSID) for FEMA HQ Program Analyst contact information. CSID can be reached by phone at 800-368-6498 or by e-mail at askcsid@dhs.gov, Monday through Friday, 9:00 a.m. – 5:00 p.m. EDT. Additionally, applicants should utilize the Project Worksheet to assemble the information required for each project, which will facilitate the input of that information into the GRT.

For more information on how to complete IJs, refer to the Investment Justification Planning Guide located on fema.gov/grants.
Development of Concept of Operations for OPSG

As part of the FY 2017 OPSG application process, each eligible local unit of government at the county or Federally-recognized tribal government level must develop a strategic plan called a Concept of Operations (CONOP)/Application, which is a formal proposal of action to address a specific situation and forms the basis for Operations Orders (discussed below), in coordination with state and Federal law enforcement agencies, to include, but not limited to CBP/USBP. CONOPs that are developed at the county level should be inclusive of city, county, tribal, and other local law enforcement agencies that are eligible to participate in OPSG operational activities, and the CONOP/Application should describe participating agencies in the Executive Summary. CONOP/Application details should include the names of the agencies, points of contact, and individual funding requests. All CONOPs/Applications must be developed in collaboration with the local USBP sector office, the SAA and the local unit of government. Requests for funding in CONOPs/Applications must be based on risks and the operational enforcement support requirements of its corresponding USBP Sector. Sector offices will forward the CONOPs to USBP Headquarters for vetting and coordination. Applicants will forward corresponding OPSG Applications to the SAA for submission to FEMA. USBP Headquarters will reconcile all submitted CONOPs with the OPSG Applications. For more information, refer to Appendix D – FY 2017 OPSG Operations Order Template and Instructions and Appendix E – OPSG Operational Guidance of this NOFO.

Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state’s Single Point of Contact (SPOC) to comply with the state’s process under Executive Order 12372 (see http://www.fws.gov/policy/library/rgeo12372.pdf). Name and addresses of the SPOCs are maintained at the Office of Management and Budget’s home page at http://www.whitehouse.gov/omb/grants_s poc to ensure currency.

Funding Restrictions

Federal funds made available through this award may be used only for the purpose set forth in this award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other Federal award, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal Government or any other government entity.

Additionally, DHS/FEMA has issued JB 407a: Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017, which has placed further restrictions on controlled equipment. For more information on the Controlled Equipment List and Prohibited Equipment, see Appendix C - Funding Guidelines.

Environmental Planning and Historic Preservation (EHP) Compliance

As a Federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grant funded projects, comply with federal EHP regulations, laws and Executive Orders as applicable. Recipients and sub-recipients proposing projects that have the potential to impact the environment, including but not limited to
construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to non-compliance with EHP laws, executive order, regulations and policies.

Additionally, all recipients are required to comply with GPD EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1 at https://www.fema.gov/media-library/assets/documents/85376 and GPD EHP Compliance and Reference Documentation at: https://www.fema.gov/environmental-planning-and-historic-preservation-compliance.

SAFECOM

Recipients and subrecipients who receive awards under HSGP that wholly or partially provide funding for emergency communication projects and related activities must comply with Appendix D of the SAFECOM Guidance on Emergency Communications Grants. Appendix D outlines requirements for any FEMA recipient using funds for emergency communication activities. These requirements include alignment to national and state communications plans, project coordination, and technical standards for emergency communications technologies. The SAFECOM Guidance is intended to ensure that Federally-funded investments are compatible, interoperable, and support the national goals and objectives for improving emergency communications nationwide. The signatory authority for the SAA must certify in writing to DHS/FEMA their compliance with the SAFECOM Guidance on Emergency Communications Grants, specifically Appendix D. This letter should be coordinated with the SWIC or SWIC equivalent for each State.

Funds Transfer Restriction

The recipient is prohibited from transferring funds between programs (includes SHSP, UASI, and OPSG). Recipients are allowed to submit an investment/project where funds come from multiple funding sources (i.e., SHSP/UASI); however, recipients are not allowed to divert funding from one program to another due to the risk-based funding allocations, which were made at the discretion of DHS/FEMA. For additional details on restrictions on the use of funds, refer to Appendix C – Funding Guidelines.

Indirect (Facilities & Administrative [F&A]) Costs

Indirect costs are allowable under this program as described in 2 C.F.R. § 200.414. With the exception of recipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), recipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant’s
cognizant federal agency) is required at the time of application, and must be provided to
DHS/FEMA before indirect costs are charged to the award.

Pre-award Costs
Pre-award costs are allowable only with the prior written approval of DHS/FEMA and as
included in the award agreement. To request pre-award costs a written request must be
included with the application, signed by the Authorized Representative of the entity. The
letter must outline what the pre-award costs are for, including a detailed budget break-out
of pre-award costs from the post-award costs, and a justification for approval.

Cost Principles
Costs charged to this award must be consistent with the Cost Principles for Federal
Awards located at 2 C.F.R. Part 200, Subpart E.

Direct Costs

Planning
Planning related costs are allowed under this program only as described in this NOFO.

Organization
Organization related costs are allowed under this program only as described in this
NOFO.

Equipment
Equipment related costs are allowed under this program only as described in this
NOFO.

Training
Training related costs are allowed under this program only as described in this NOFO.

Exercises
Exercise related costs are allowed under this program only as described in this NOFO.

Personnel
Personnel hiring, overtime, and backfill expenses are permitted under this grant in order
to perform allowable HSGP planning, training, exercise, and equipment activities. Under
the OPSG Program, overtime costs are allowable only in so far as they meet the intent of
the program. Recipients and sub-recipients may not use more than 50% of their awards
to pay for personnel activities unless a waiver is approved by FEMA. For more
information on the 50% personnel cap, please see FP 207-093-1, Clarification on the
Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland
Security Act of 2008 (Public Law 110-412 – the PRICE Act) at
Operational Overtime
Operational Overtime costs are allowed under this program only as described in this NOFO. Prior to use of funds for operational overtime, recipients must receive approval from DHS/FEMA.

Travel
Domestic travel costs are allowed under this program, as provided for in this NOFO. International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

Construction and Renovation
Construction and renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under this program. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Limits on the total amount of grant funding that may be used for construction or renovation may apply. See Appendix C - Funding Guidelines for additional details. Additionally, recipients are required to submit Standard Form 424C.

Maintenance and Sustainment
Maintenance and Sustainment related costs, such as maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable as described in FEMA Policy, Maintenance Contracts and Warranty Coverage Funded by Preparedness Grants Policy, FP 205-402-125-1 (http://www.fema.gov/media-library/assets/documents/32474).

Management and Administration (M&A) Costs
Management and administration (M&A) activities are those directly relating to the management and administration of HSGP funds, such as financial management and monitoring. A maximum of up to five percent (5%) of HSGP funds awarded may be retained by the state, and any funds retained are to be used solely for M&A purposes associated with the HSGP award. Sub-recipients may also retain a maximum of up to five percent (5%) of funding passed through by the state solely for M&A purposes associated with the HSGP award.

A state’s HSGP funds for M&A calculation purposes includes the sum total of its SHSP, UASI, and, where applicable, OPSG awards. While the SAA may retain up to five percent (5%) of this total for M&A, the state must still ensure that all sub-recipient award amounts meet the mandatory minimum pass through requirements which are applicable to each HSGP program. To meet this requirement, the percentage of SHSP, UASI and OPSG funds passed through to local jurisdictions must be based on the state’s total HSGP award prior to withholding any M&A. For additional information on SHSP and UASI M&A, refer to JB 365: Management and Administration Costs in the Homeland Security Grant Program. For additional clarification on OPSG M&A, refer to DHS/FEMA Policy FP-207-087-1, which can be found at http://www.fema.gov/library/viewRecord.do?id=7837.
Critical Emergency Supplies
Critical emergency supplies are allowed under this program only as described in this NOFO.

Secure Identification
Secure Identification costs are allowed under this program only as described in this NOFO.

E. Application Review Information

Allocations

Risk Methodology
Based upon the requirements of the Homeland Security Act of 2002, as amended, DHS/FEMA continues to use risk to determine final HSGP allocations. DHS/FEMA defines risk as: “potential for an unwanted outcome resulting from an incident, event, or occurrence, as determined by its likelihood and the associated consequences” (see http://www.dhs.gov/xlibrary/assets/dhs-risk-lexicon-2010.pdf). The DHS/FEMA risk methodology is focused on three elements:

- **Threat** – likelihood of an attack being attempted by an adversary;
- **Vulnerability** – likelihood that an attack is successful, given that it is attempted; and
- **Consequence** – effect of an event, incident or occurrence

The risk methodology determines the relative risk of terrorism faced by a given area taking into account the potential risk of terrorism to people, critical infrastructure, and economic security. The analysis includes threats from domestic violent extremists, international terrorist groups, and individuals inspired by terrorists abroad.

SHSP Allocations
FY 2017 SHSP funds will be allocated based on two factors: minimum amounts as legislatively mandated, and DHS/FEMA’s risk methodology.

Each state and territory will receive a minimum allocation under SHSP using thresholds established in the Homeland Security Act of 2002, as amended. All 50 States, the District of Columbia, and the Commonwealth of Puerto Rico will receive 0.35 percent of the total funds allocated for grants under Section 2003 and Section 2004 of the Homeland Security Act of 2002, as amended. Each of the four territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands) will receive a minimum allocation of 0.08 percent of the total funds allocated for grants under Section 2003 and 2004 of the Homeland Security Act of 2002, as amended. For details on program-specific funding amounts, refer to Appendix A – FY 2017 Program Allocations.

UASI Allocations
FY 2017 UASI funds will be allocated based on DHS/FEMA’s risk methodology. Eligible candidates for the FY 2017 UASI program have been determined through an analysis of relative risk of terrorism faced by the 100 most populous Metropolitan

**OPSG Allocations**
The FY 2017 OPSG Risk Assessment is designed to identify the risk to border security and to assist with the distribution of funds for the grant program. Funding under OPSG is distributed based on the risk to the security of the border. Entities eligible for funding are the state, local and tribal law enforcement agencies that are located along the border of the United States.

For the purposes of OPSG, risk is defined as the potential for an adverse outcome assessed as a function of threats, vulnerabilities, and consequences associated with an incident, event, or occurrence.

Based upon ongoing intelligence analysis and extensive security reviews, DHS/CBP continues to focus the bulk of OPSG funds based upon risk analyses. The risk model used to allocate OPSG funds considers the potential risk that certain threats pose to border security and estimate the relative risk faced by a given area. In evaluating risk, DHS/CBP considers intelligence, situational awareness, criminal trends, and statistical data specific to each of the border sectors, and the potential impacts that these threats pose to the security of the border area. For vulnerability and consequence, DHS/CBP considers the expected impact and consequences of successful border events occurring in specific areas.

Threat and vulnerability are evaluated based on specific operational data from DHS/CBP. Threat components present in each of the Sectors are used to determine the overall threat score. These components are: terrorism, criminal aliens, drug trafficking organizations, and alien smuggling organizations.

**Application Evaluation Criteria**
Prior to making a federal award, FEMA is required by 31 U.S.C. § 3321 and 41 U.S.C. § 2313 to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant: (1) financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing federal award; (4) reports and findings from audits; and (5) ability to effectively implement statutory, regulatory, or other requirements.

FEMA will evaluate FY 2017 HSGP applications for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments. FEMA’s review will include verification that each IJ or project:
- Aligns to at least one core capability identified in the Goal;
- Effectively addresses capability targets identified in the THIRA and gaps noted in the SPR; and
- Supports a NIMS-typed resource and whether those assets are deployable/shareable to support emergency or disaster operations per existing EMAC agreements.

In addition to the above, FEMA will evaluate whether proposed projects are: 1) both feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the three-year PoP. FEMA will use the information provided in the application and after the submission of the first BSIR to determine the feasibility and effectiveness of a grant project. Information that would assist in the feasibility and effectiveness determination includes the following:

- Scope of work (purpose and objectives of the project, identification of what is being protected, identification of core capability addressed and whether the core capability is identified in the SPR, where applicable, as a priority);
- Desired outcomes, including expected long-term impact where applicable, and discussion of which core capability gap it helps to close and how;
- Summary of status of planning and design accomplished to date (e.g. included in a capital improvement plan); and
- Project schedule.

Recipients are expected to conform, as applicable, with accepted engineering practices, established codes, standards, modeling techniques, and best practices, and participate in the development of case studies demonstrating the effective use of grant funds, as requested.

Review and Selection Process

**SHSP and UASI**
To ensure the effectiveness of proposed investments and projects, all applications will undergo a federal review. The federal review will be conducted by FEMA HQ Program Analysts. FEMA HQ Program Analysts will use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO. All proposed investments in core capability POETE elements must align to a capability gap in the SPR. IJs will be reviewed at both the investment and project level. A program hold may be placed on any investment which is found to be noncompliant.

Fusion center investments will be jointly reviewed by FEMA and the DHS Office of Intelligence and Analysis (I&A) for compliance with HSGP NOFO requirements to prioritize the alignment of requests with results from the annual Fusion Center Assessment Program. If a fusion center investment does not meet the requirements, a Fusion Center Addendum must be completed and submitted for review and approval prior to expending funds allocated to fusion center activities.
OPSG

Applications will be reviewed by the SAA and USBP Sector Headquarters for completeness and adherence to programmatic guidelines and evaluated for anticipated feasibility, need, and impact of the Operations Orders. For more information on Operations Orders and other requirements of OPSG see Appendix E – OPSG Operational Guidance.

DHS/FEMA will verify compliance with all administrative and eligibility criteria identified in the NOFO and required submission of Operations Orders and Inventory of Operations Orders by the established due dates. DHS/FEMA and USBP will use the results of both the risk analysis and the federal review by DHS/FEMA to make recommendations for funding to the Secretary of Homeland Security.

FY 2017 OPSG funds will be allocated competitively based on risk-based prioritization using the OPSG Risk Assessment described above. Final funding allocations are determined by the Secretary, who may consider information and input from various law enforcement offices or subject-matter experts within the Department. Factors considered include, but are not limited to: threat, vulnerability, miles of border, and other border-specific law enforcement intelligence, as well as feasibility of FY 2017 Operation Orders to designated localities within Border States and territories. For details on program-specific funding amounts, please refer to Appendix A – FY 2017 Program Allocations.

Supplemental Financial Integrity Review

Prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold, currently $150,000, DHS/FEMA is required to review and consider any information about the applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS), which is also accessible through the SAM website.

- An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered.
- DHS/FEMA will consider any comments by the applicant, in addition to the FAPIIS information, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants, as described in 2 CFR §200.205.

F. Federal Award Administration Information

Notice of Award

Notification of award approval is made through the ND Grants system through an automatic electronic mail to the awardee authorized official listed in the initial application. The “award date” for HSGP will be the date that DHS/FEMA approves the award. The awardee should follow the directions in the notification to confirm acceptance of the award.

Funds will remain on hold until the recipient accepts the award through the ND Grants system and all other conditions of award have been satisfied, or the award is otherwise
rescinded. Failure to accept the grant award within the 90-day timeframe may result in a loss of funds.

Recipients must accept their awards no later than 90 days from the award date. The recipient shall notify the awarding agency of its intent to accept and proceed with work under the award through the ND Grants system. For instructions on how to accept or decline an award in the ND Grants system, please see the ND Grants Recipient Training Manual.

**Administrative and National Policy Requirements**

All successful applicants for all DHS grant and cooperative agreements are required to comply with DHS Standard Administrative Terms and Conditions, which are available online at: DHS Standard Terms and Conditions.

The applicable DHS Standard Administrative Terms and Conditions will be those in effect at the time the award was made.

Before accepting the award the AOR should carefully review the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under Federal Awards. Recipients must accept all conditions in this NOFO as well as any Special Terms and Conditions in the Notice of Award to receive an award under this program.

**SHSP and UASI Pass-Through Requirements**

Awards made to the SAA for HSGP carry additional pass-through requirements. Pass-through is defined as an obligation on the part of the SAA to make funds available to local units of government, combinations of local units, tribal governments, or other specific groups or organizations. Four requirements must be met to pass-through grant funds:

- The SAA must make a firm written commitment to pass through grant funds to sub-recipients;
- The SAA's commitment must be unconditional (i.e., no contingencies for availability of SAA funds);
- There must be documentary evidence (i.e., award document, terms and conditions) of the commitment; and
- The award terms must be communicated to the sub-recipient.

**Timing and Amount**

The SAA must pass-through at least 80 percent (80%) of the funds awarded under SHSP and UASI to local or tribal units of government within 45 calendar days of receipt of the funds. "Receipt of the funds" occurs either when the SAA accepts the award or 15 calendar days after the SAA receives notice of the award, whichever is earlier.

SAAs are sent notification of their HSGP awards via the Grant Program Directorate’s (GPD) Non-disaster (ND) Grants system. If an SAA accepts its award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45-calendar days
pass-through period will start on the date the SAA accepted the award. Should an SAA not accept their HSGP award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45-calendar days pass-through period will begin 15 calendar days after the award notification is sent to the SAA via the ND Grants system.

It is important to note that the PoP start date does not directly affect the start of the 45-calendar days pass-through period. For example, an SAA may receive notice of their HSGP award on August 20, 2017, while the PoP dates for that award are September 1, 2017 through August 31, 2019. In this example, the 45-day pass-through period will begin on the date the SAA accepts their HSGP award or September 4, 2017 (15 calendar days after the SAA was notified of the award), whichever date occurs first. The PoP start date of September 1, 2017, would not affect the timing of meeting the 45-calendar-day pass-through requirement.

**Other SHSP and UASI Pass-Through Requirements**
The signatory authority of the SAA must certify in writing to DHS/FEMA that pass-through requirements have been met. A letter of intent (or equivalent) to distribute funds is not considered sufficient. The pass-through requirement does not apply to SHSP awards made to the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. The Commonwealth of Puerto Rico is required to comply with the pass-through requirement and its SAA must also obligate at least 80 percent (80%) of the funds to local units of government within 45 calendar days of receipt of the funds. Any UASI funds retained by the SAA must be used to directly support the designated Urban Areas in the state. The SAA must propose an investment describing how such UASI funds it retains will be used to directly support the Urban Area.

Under SHSP, the SAA may retain more than 20 percent (20%) of funding for expenditure made by the state on behalf of the local unit(s) of government. This may occur only with the written consent of the local unit of government, specifying the amount of funds to be retained and the intended use of funds. States shall review their written consent agreements yearly and ensure that they are still valid. If a written consent agreement is already in place from previous fiscal years, DHS/FEMA will continue to recognize it for FY 2017, unless the written consent review indicates the local government is no longer in agreement. If modifications to the existing agreement are necessary, the SAA should contact their assigned FEMA HQ Program Analyst.

**Additional OPSG Requirements**
The recipient must pass through 100 percent (100%) of OPSG allocations to eligible jurisdictions. The recipient is prohibited from obligating or expending funds provided through this award until each unique and specific county-level or equivalent Operational Order/Fragmentary Operations Order budget has been reviewed and approved through an official electronic mail notice issued by DHS/FEMA removing this special programmatic condition.
Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

Federal Financial Reporting Requirements

Federal Financial Report (FFR)

Recipients must report obligations and expenditures on a quarterly basis through the FFR (SF-425) to DHS/FEMA. Recipients must file the FFR electronically using the Payment and Reporting Systems (PARS). A FFR must be submitted quarterly throughout the PoP, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at: https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1, SF-425 OMB #4040-0014.

Financial Reporting Periods and Due Dates

The following reporting periods and due dates apply for the FFR:

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Report Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1 – December 31</td>
<td>January 30</td>
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<tr>
<td>January 1 – March 31</td>
<td>April 30</td>
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<tr>
<td>April 1 – June 30</td>
<td>July 30</td>
</tr>
<tr>
<td>July 1 – September 30</td>
<td>October 30</td>
</tr>
</tbody>
</table>

Financial and Compliance Audit Report

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend $750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the requirements of Government and Accountability Office’s (GAO) Government Auditing Standards, located at http://www.gao.gov/govaudit/vbk01.htm, and the requirements of Subpart F of 2 C.F.R. Part 200, located at http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f

Program Performance Reporting Requirements

Performance Progress Reports (PPRs)

Recipients are responsible for providing updated performance reports on a biannual basis as an attachment in ND Grants.

The PPR should include the following:

- A brief narrative of the overall project status;
- A summary of project expenditures; and
A description of any potential issues that may affect project completion.

As part of the PPR, recipients will be required to report the following information related to fusion center projects:

- Progress toward addressing shortfalls identified by their annual Fusion Center Assessment results.

**Program Performance Reporting Periods and Due Dates**

The following reporting periods and due dates apply for the PPR:

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Report Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 – June 30</td>
<td>July 30</td>
</tr>
<tr>
<td>July 1 – December 31</td>
<td>January 30</td>
</tr>
</tbody>
</table>

**Additional Programmatic Reporting Requirements and Information**

**Biannual Strategy Implementation Report (BSIR)**

In addition to the quarterly financial and biannual performance progress reports, recipients are responsible for completing and submitting BSIRs through the Grants Reporting Tool (GRT). The BSIR is due within 30 days after the end of the reporting period (July 30 for the reporting period of January 1 through June 30 (the summer BSIR report); and January 30 for the reporting period of July 1 through December 31 (winter BSIR report). All required attributes of each project must be included. Updated obligations, expenditures, and significant developments must be provided within the BSIR to show progress of implementation for every project, as well as how expenditures support Planning, Organization, Equipment, Training and Exercises (POETE). The first BSIR will be due January 30, 2017 (30 days after the end of the first reporting period for the award). Subsequent BSIR reports will require recipients to report on a project-by-project basis.

**State Preparedness Report (SPR)**

The SPR is an annual capability assessment. The *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)* requires an SPR from any state/territory receiving Federal preparedness assistance administered by DHS/FEMA. Each state submits an annual SPR to DHS/FEMA.

UASI recipients can complete an SPR on a voluntary basis. Completing a SPR helps identify capability gaps and prioritize investments required to reach the THIRA targets, resulting in a stronger investment justification. Refer to Appendix B – FY 2017 HSGP Program Priorities for additional guidance on SPR requirements.

**Threat and Hazard Identification and Risk Assessment (THIRA)**

States, territories, and Urban Areas should review and, if necessary, revise and update their THIRAs on an annual basis. A single THIRA submission will support multiple
grant awards received by a jurisdiction. This submission is valid for the entire PoP of the individual grant award(s).


Emergency Operations Plan (EOP)
Recipients must update their EOP at least once every two years to comply with Comprehensive Preparedness Guide (CPG) 101 Version 2.0, Developing and Maintaining Emergency Operations Plans. Recipients will use the Unified Reporting Tool (URT) to report their compliance with this reporting requirement.

Supplemental Information Reporting Systems
In addition to ND Grants, the following information systems are used for the submission of required reports:

Grant Reporting Tool (GRT)
The Grants Reporting Tool (GRT) is the system in which HSGP recipients will submit their BSIR information. HSGP recipients are responsible for filing an semi-annual BSIR report in the GRT and should register to create an account as soon as possible. Recipients should go to the following link and follow the links to create a new account: https://www.reporting.cdp.dhs.gov/. This report is used to track the progress toward the completion of projects.

FY 2017 Unified Reporting Tool (URT)
The URT is DHS/FEMA’s collection mechanism for THIRA, SPR, and related preparedness information. The FY 2017 URT includes questions related to NIMS adoption and implementation, CPG 101v2 compliance, and other preparedness questions, as appropriate. Information on the URT, including when recipients will receive the tool and how to use the tool, will be sent to recipients later in 2017.

Closeout Reporting Requirements
Within 90 days after the end of the PoP, or after an amendment has been issued to close out a grant, whichever comes first, recipients must submit a final FFR and final progress report detailing all accomplishments and a qualitative summary of the impact of those accomplishments throughout the PoP, as well as the following documentation:

1) Final request for payment, if applicable;
2) SF-425—Final FFR;
3) Final Performance Progress Report;
4) A qualitative narrative summary on the impact of those accomplishments throughout the entire PoP submitted to the respective FEMA HQ Program
Analyst, which includes a description of progress made in closing core capability
gaps identified in the SPR and reaching THIRA targets; and
5) Other documents required by program guidance or terms and conditions of the
award.

After these reports have been reviewed and approved by DHS/FEMA, a close-out notice
will be completed. The notice will indicate the PoP as closed, list any remaining funds
that will be de-obligated, and address the requirement of maintaining the grant records for
three years from the date of the final FFR.

In addition, any HSGP recipient that issues sub-awards to any sub-recipient is responsible
for closing out those sub-awards as described in 2 C.F.R. § 200.343. HSGP recipients
must ensure that they complete the closeout of their sub-awards in time to submit all
necessary documentation and information to DHS/FEMA during the closeout of their
own grant award.

The recipient is responsible for returning any funds that have been drawn down but
remain as unliquidated on recipient financial records.

G. DHS/FEMA Awarding Agency Contact Information

Contact and Resource Information

Centralized Scheduling and Information Desk (CSID)
CSID is a non-emergency comprehensive management and information resource
developed by DHS/FEMA for grant stakeholders. CSID provides general information on
all DHS/FEMA grant programs and maintains a comprehensive database containing key
personnel contact information at the federal, state, and local levels. When necessary,
recipients will be directed to a Federal point of contact who can answer specific
programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498
or by e-mail at askcsid@dhs.gov, Monday through Friday, 9:00 a.m. – 5:00 p.m. EST.

GPD Grant Operations Division
GPD’s Grant Operations Division Business Office provides support regarding financial
matters and budgetary technical assistance. Additional guidance and information can be
obtained by contacting the FEMA Call Center at 866-927-5646 or via e-mail to ASK-
GMD@dhs.gov.

FEMA Regions
FEMA Regions may also provide fiscal support, including pre- and post-award
administration and technical assistance such as conducting cash analysis, financial
monitoring, and audit resolution to the grant programs included in this solicitation. GPD
will provide programmatic support and technical assistance. Contact information for the
ten FEMA Regions is available at the following websites:
Region I  https://www.fema.gov/region-i-ct-me-ma-nh-ri-vt
Region II https://www.fema.gov/region-ii-nj-ny-pr-vi-
Region III https://www.fema.gov/region-iii-de-de-md-pa-va-wy
Region IV https://www.fema.gov/region-iv-al-fl-ga-ky-ms-nc-sc-tn
Region V https://www.fema.gov/region-v-il-mi-mn-oh-wi
Region VI https://www.fema.gov/region-vi-ar-kansas-louisiana-new-mexico-oklahoma-texas
Region VII https://www.fema.gov/region-vii-ia-ks-mo-ne
Region VIII https://www.fema.gov/region-viii-co-mt-nd-sd-ut-wy
Region X https://www.fema.gov/region-x-contact-information-ak-id-or-wa

GPD Environmental Planning and Historic Preservation (GPD EHP)
The DHS/FEMA GPD EHP Team provides guidance and information about the EHP review process to recipients and sub-recipients. All inquiries and communications about GPD projects or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpsinfo@fema.gov. EHP Technical Assistance, including the EHP Screening Form, can be found online at: https://www.fema.gov/environmental-planning-and-historic-preservation-compliance.

Systems Information

**Grants.gov.** For technical assistance with Grants.gov, please call the customer support hotline at (800) 518-4726.

**Non-Disaster (ND) Grants.** For technical assistance with the ND Grants system, please contact ndgrants@fema.gov or (800) 865-4076.

H. Additional Information

National Preparedness
The National Preparedness Goal defines what it means for the whole community to be prepared for all types of disasters and emergencies. The National Preparedness System is the instrument the Nation employs to build, sustain, and deliver core capabilities in order to achieve the Goal of a secure and resilient Nation.

DHS/FEMA coordinates with local, state, territory, and tribal governments as well as the private and non-profit sectors to facilitate a whole community, risk-driven, and capabilities-based approach to preparedness. This risk-driven, capabilities-based approach is grounded in the identification and assessment of risk through the THIRA. For additional information on THIRA, please refer to: http://www.fema.gov/threat-and-hazard-identification-and-risk-assessment. Recipients should review and, if necessary, revise and update their THIRAs on an annual basis to ensure that the community's shared understanding of risk evolves to account for changes in the risk landscape, including successful mitigation efforts, emerging threats, hazards, and associated consequences. Information on the National Preparedness System can be found at http://www.fema.gov/national-preparedness-system. Additional details
regarding the National Preparedness System and how it is supported by HSGP can be found in Appendix B - Program Priorities.

**Active Shooter Preparedness**

DHS aims to enhance national preparedness through a whole community approach by providing the necessary products, tools, and resources to help all stakeholders prepare for and respond to an active shooter incident. To that end, DHS has developed a comprehensive “Active Shooter Preparedness” website, which includes a variety of informational resources. The website address is: [https://www.dhs.gov/active-shooter-preparedness](https://www.dhs.gov/active-shooter-preparedness).

In addition, within the Homeland Security Information Network (HSIN), the Joint DHS and FBI Countering Violent Extremism (CVE) and Active Shooter Web Portal provides a restricted-access forum to share Unclassified For Official Use Only (FOUO), Sensitive but Unclassified (SBU), and Law Enforcement Sensitive (LES) Information. The portal provides users and training practitioners with accurate, appropriate, and relevant CVE and Active Shooter training development resources, subject-matter expert information, and outreach initiatives. It also has forums to provide feedback, products useful to others, and allows participants to ask questions concerning CVE or the Active Shooter Program. Persons with a job-related duty, public service interest, or who support a CVE and/or Active Shooter program can request access into this Portal. Additional information can be found on the DHS website at: [https://www.dhs.gov/cveas-portal](https://www.dhs.gov/cveas-portal).

States, territories, and Urban Areas are encouraged to review the referenced active shooter guidance, evaluate their preparedness needs in conjunction with, or supplemental to, their THIRA and SPR processes, and to utilize preparedness grant funds as necessary to address any capability gaps identified in this area.

**Expanded Allowable Costs for General Purpose Equipment**

HSGP allows expenditures on general purpose equipment if it aligns to and supports one or more core capabilities identified in the Goal and has a nexus to terrorism. General purpose equipment must be sharable through the Emergency Management Assistance Compact (EMAC) \(^1\) and allowable under 6 U.S.C. § 609. Examples of such general purpose equipment may include:

- Law enforcement vehicles;
- Emergency medical services (EMS) equipment and vehicles;
- Fire service equipment and vehicles, to include hose, pump accessories, and foam concentrate for specialized chemical, biological, radiological, nuclear, and explosives (CBRNE) response; and

\(^1\) Except for American Samoa and the Commonwealth of the Northern Mariana Islands which are not required to belong to EMAC at this time.
Office equipment for staff\(^2\) engaged in homeland security program activity.

Equipment allowability is based on the Authorized Equipment List (AEL) but exceptions may be considered on a case-by-case basis if (1) the equipment identified to be purchased directly maps to a core capability contained within the Goal\(^3\), and (2) the equipment’s purpose (when operational) falls under the permitted use of funds in accordance with the Homeland Security Act of 2002, as amended.

**Payments**
DHS/FEMA uses the Payment and Reporting System (PARS) for financial reporting, invoicing and tracking payments.

DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, recipients must complete a Standard Form 1199A, Direct Deposit Form.

**Monitoring and Evaluation**
Recipients will be monitored on an annual and as needed basis by DHS/FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring may be accomplished through desk-based reviews, on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance and administrative processes, policies, activities, and other attributes of each Federal assistance award and will identify areas where technical assistance, corrective actions and other support may be needed.

**Case Studies**
As part of its grant oversight responsibility, FEMA is conducting a series of grant effectiveness case studies jointly with grant recipients to highlight how states and urban areas have used federal grants to improve preparedness. The purpose of the project is to better understand the factors that jurisdictions consider when determining which grant projects to fund, how grant recipients measure grant effectiveness, and to document key findings and success stories that will help both grant recipients and FEMA more effectively communicate the importance of federal grant programs to policymakers and the public. Although not mandatory, recipients are encouraged to participate given the mutual benefits to be gained from this collaborative effort.

**Conflict of Interest**
To eliminate and reduce the impact of conflicts of interest in the sub-award process, recipients and sub-recipients must follow their own policies and procedures regarding the

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\(^2\) This applies to all homeland security personnel, and is not limited to management and administration staff, and costs are to be captured outside the cap on management and administration costs.

\(^3\) https://www.fema.gov/media-library/assets/documents/25959
elimination or reduction of conflicts of interest when making sub-awards. Recipients and pass-through entities are also required to follow any applicable Federal, state, local, tribal, or territorial statutes or regulations governing conflicts of interest in the making of sub-awards.

The recipient or sub-recipient must disclose to the respective Program Analyst, in writing, any real or potential conflict of interest as defined by the Federal, state, local, tribal or territorial statutes or regulations or their own existing policies, which may arise during the administration of the Federal award within five days of learning of the conflict of interest. Similarly, sub-recipients must disclose any real or potential conflict of interest to the pass-through entity as required by the recipient’s conflict of interest policies, or any applicable Federal, state, local, tribal, or territorial statutes or regulations.

Conflicts of interest may arise during the process of DHS/FEMA making a Federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub-applicant, recipient, sub-recipient, or DHS/FEMA employees.

Extensions

Extensions to this program are allowed. Extensions to the initial PoP identified in the award will only be considered through formal, written requests to the recipient’s FEMA HQ Program Analyst and must contain specific and compelling justifications as to why an extension is required. SAAs are advised to coordinate with the FEMA HQ Program Analyst as needed, when preparing an extension request. All extension requests must address the following:

1) Grant program, fiscal year, and award number;
2) Reason for delay – this must include details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline;
3) Current status of the activity/activities;
4) Approved PoP termination date and new project completion date;
5) Amount of funds drawn down to date;
6) Remaining available funds, both Federal and non-federal;
7) Budget outlining how remaining Federal and non-federal funds will be expended;
8) Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
9) Certification that the activity/activities will be completed within the extended PoP without any modification to the original Statement of Work, as described in the investment justification and approved by DHS/FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:
• Contractual commitments by the grant recipient with vendors or sub-recipients prevent completion of the project within the existing PoP;
• The project must undergo a complex environmental review that cannot be completed within this timeframe;
• Projects are long-term by design and therefore acceleration would compromise core programmatic goals; and
• Where other special circumstances exist.

Recipients must submit all proposed extension requests to DHS/FEMA for review and approval no later than 120 days prior to the end of the PoP. In accordance with GPD policy, extensions are typically granted for no more than a six month time period.
## Appendix A – FY 2017 HSGP Program Allocations

### FY 2017 SHSP Allocations

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## FY 2017 UASI Allocations

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## FY 2017 OPSG Eligible States and Territories

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Note: Not all applicants are guaranteed to receive funding under the FY 2017 OPSG.
Appendix B – FY 2017 HSGP Program Priorities

Alignment of HSGP to the National Preparedness System
The Nation uses the National Preparedness System to build, sustain, and deliver core capabilities in order to achieve the National Preparedness Goal (the Goal). The Goal is “a secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.” The objective of the National Preparedness System is to facilitate an integrated, whole community, risk-informed, capabilities-based approach to preparedness. Complex and far-reaching threats and hazards require the engagement of individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government (http://www.fema.gov/whole-community).

Recipients will use the components of the National Preparedness System to support building, sustaining, and delivering these core capabilities. The components of the National Preparedness System are: Identifying and Assessing Risk; Estimating Capability Requirements; Building and Sustaining Capabilities; Planning to Deliver Capabilities; Validating Capabilities; and Reviewing and Updating. Additional information on the National Preparedness System is available at http://www.fema.gov/national-preparedness-system.

The FY 2017 HSGP contributes to the implementation of the National Preparedness System by financially supporting the ability of States and local jurisdictions to build, sustain, and deliver core capabilities identified in the Goal. The HSGP’s allowable costs support efforts across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. A key focus and requirement of the HSGP is to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States, and the greatest risks along the Nation’s Borders. When applicable, funding should support deployable assets that can be used anywhere in the Nation through automatic assistance and mutual aid agreements, including but not limited to the Emergency Management Assistance Compact (EMAC).

Recipients are expected to consider national areas for improvement identified in the 2016 National Preparedness Report as they relate to terrorism preparedness. They include cybersecurity; economic recovery; housing; infrastructure systems; natural and cultural resources; and supply chain integrity and security. Addressing these areas for improvement will enhance preparedness nation-wide. Minimum funding amounts are not prescribed by the Department for these priorities; however, recipients are expected to support state, local, regional, and national efforts in achieving the desired outcomes of these priorities.

In addition, DHS/FEMA requires recipients to prioritize grant funding to address capability gaps identified through the THIRA and SPR process. These assessments identify the jurisdiction’s capability targets, current ability to meet those targets, and capability gaps. Recipients must prioritize grant funds to address high-priority core capabilities with low capability levels. The FY 2017 HSGP supports investments that improve the ability of jurisdictions nationwide to:
• Prevent a threatened or an actual act of terrorism;
• Protect citizens, residents, visitors, and assets against the greatest threats that pose the greatest risk to the security of the United States;
• Mitigate the loss of life and property by lessening the impact of future catastrophic events;
• Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident; and/or
• Recover through a focus on the timely restoration, strengthening, accessibility and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident; and do so in a manner that engages the whole community while ensuring the protection of civil rights.

The core capabilities contained in the Goal are highly interdependent and require the use of existing preparedness networks and activities, improved training and exercise programs, innovation, and appropriate administrative, finance, and logistics systems.

**Reporting on the Implementation of the National Preparedness System**

*Identifying and Assessing Risk and Estimating Capability Requirements*

States, territories, and Urban Areas should review and, if necessary, revise and update their THIRAs on an annual basis. A single THIRA submission will support multiple grant awards received by a jurisdiction. This submission is valid for the entire PoP of the individual grant award(s). The THIRA, a four-step risk assessment process, provides a comprehensive approach for identifying and assessing risks and associated impacts. It expands on existing local, tribal, territorial, and state Hazard Identification and Risk Assessments (HIRAs) and other risk methodologies by broadening the factors considered in the process, incorporating the whole community throughout the entire process, and by accounting for important community-specific characteristics. CPG 201, Second Edition is available at [http://www.fema.gov/threat-and-hazard-identification-and-risk-assessment](http://www.fema.gov/threat-and-hazard-identification-and-risk-assessment).

In step four of the THIRA process, a jurisdiction estimates the resources required to deliver the capability targets set in their THIRAs. Communities express resource requirements as a list of whole community resources needed to successfully achieve their capability targets. Each jurisdiction should decide which combination of resources is most appropriate to achieve its capability targets.

The SPR is an annual self-assessment of state preparedness submitted by the 56 States and territories to DHS/FEMA. The *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)* requires an SPR from any state or territory receiving Federal preparedness assistance administered by the Department of Homeland Security.

**Reporting**

- Urban Areas should review and, if necessary, revise and update their THIRAs on an annual basis. UASIs should submit their updated THIRAs to the designated SAA. THIRA updates should be in alignment with CPG 201, Second Edition.
Urban Areas should coordinate internally to ensure THIRAs represent all jurisdictions within the Urban Area.

- For FY 2017, if any updates are made to an Urban Area THIRA, Step 4 of the THIRA should be completed for all Response and Recovery core capabilities, including the core capabilities common to multiple mission areas.

- States and territories should review and, if necessary, revise and update their THIRAs on an annual basis. States and territories should submit their THIRA updates along with their annual SPR through the URT and email a copy of the URT submission to their respective FEMA Regional Federal Preparedness Coordinator (refer to the FEMA Region websites above) and copy fema-spr@fema.dhs.gov. THIRA submissions should be in alignment with CPG 201, Second Edition.

- For FY 2017, SHSP recipients should complete Step 4 of the THIRA for all Response and Recovery core capabilities, including the common core capabilities for those mission areas.

- States and territories must submit their SPRs to FEMA no later than December 31 each year. SAAs should coordinate with eligible Urban Areas in advance of this deadline to include the Urban Area’s input when conducting the statewide SPR assessment.

**Building and Sustaining Capabilities**

States are required to prioritize grant funding for building and sustaining capabilities in areas with capability gaps identified through the THIRA and SPR process.

**Reporting**

- In each HSGP recipient’s BISR, as part of programmatic monitoring, recipients will be required to describe how expenditures support maintenance and sustainment of core capabilities. HSGP recipients will, on a project-by-project basis, check one of the following:

  - Building a capability acquired with HSGP funding; or
  - Sustaining a capability acquired with HSGP funding.

**NIMS Implementation**

Recipients receiving HSGP funding are required to implement NIMS. NIMS defines a national, interoperable approach for sharing resources, coordinating and managing incidents, and communicating information. Incident management refers to how incidents are managed across all homeland security activities, including prevention, protection, mitigation, response, and recovery. FY 2017 HSGP recipients must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

**Reporting**

- Recipients report on NIMS implementation through the URT.
Fusion Centers
DHS has identified state and major Urban Area fusion centers as a critical component of our Nation’s distributed homeland security and counterterrorism architecture. They provide grassroots intelligence and analytic capabilities within the state and local jurisdiction (http://www.dhs.gov/state-and-major-urban-area-fusion-centers). To that end, DHS/FEMA preparedness grants will continue to support designated state and major Urban Area fusion centers (http://www.dhs.gov/fusion-center-locations-and-contact-information) and the maturation of the Information Sharing Environment (ISE).

The national network of fusion centers (National Network) provides a mechanism for the Federal Government to receive information from state, local, tribal, and territory partners, which helps create a more complete threat picture at the National level. Participating in the Nationwide Suspicious Activity Reporting (SAR) Initiative enables fusion centers to receive and analyze suspicious activity reporting from frontline public safety personnel, the private sector, and the public, and ensure the sharing of SAR with the Federal Bureau of Investigation’s Joint Terrorism Task Forces for further investigation.

In support of this strategic vision, the DHS/FEMA is requiring designated state and major Urban Area fusion centers to participate in an annual assessment of their performance. As maturation of the National Network continues to be a high-priority in FY 2017, DHS/FEMA is requiring that all fusion center-related funding requests be consolidated into a single (1) investment for states or Urban Areas in which designated fusion centers reside. The single investment provides states and Urban Areas a means to centrally manage and report on fusion center related activities. **Recipients must coordinate with the fusion center when developing the fusion center investment prior to application submission.** The fusion center must utilize its individual assessment data when developing the investment. Each proposed project included in the fusion center investment must align to, and reference, specific performance areas of the Assessment that the funding is intended to support. Additionally, any jurisdiction or agency that leverages HSGP funds to support intelligence- or fusion process-related activities (e.g., intelligence unit, real time crime information and analysis centers) must ensure efforts are integrated and/or coordinated with the state or major Urban Area fusion center(s).

State and major Urban Area fusion centers receiving SHSP and/or UASI grant funds will be evaluated based on compliance with the guidance and requirements for the National Network as set forth by DHS I&A through the annual Fusion Center Assessment.

- FY2017 Fusion Center Grant requirements are listed at http://www.dhs.gov/homeland-security-grant-program-hsgp.
- DHS/FEMA approved analyst courses that meet the grant requirement are listed at http://www.dhs.gov/fema-approved-intelligence-analyst-training-courses.

Through the PPR, fusion centers will report on the compliance with measurement requirements within the fusion centers priority through the annual Fusion Center Assessment managed by DHS I&A and reported to FEMA.
Planning to Deliver Capabilities

Recipients shall develop and maintain, jurisdiction wide, all threats and hazards EOPs consistent with CPG 101 v.2. Recipients must update their EOP at least once every two years.

Reporting

- Recipients report EOP compliance with CPG 101 v2 in the URT.

Validating Capabilities

Recipients should engage elected and appointed officials and other whole community stakeholders to identify long-term training and exercise priorities. These priorities must address capability targets and gaps identified through the annual THIRA and SPR processes, areas for improvement identified from real-world events and preparedness exercises, and national areas for improvement identified in the most recent NPR.

Recipients should document these priorities and use them to deploy a schedule of exercise events and supporting training activities in a Multi-Year Training and Exercise Plan (TEP). Information related to Multi-year TEPs and Training and Exercise Planning Workshops (TEPWs) can be found on the Homeland Security Exercise and Evaluation Program (HSEEP) website at https://www.fema.gov/exercise.

All recipients will develop and maintain a progressive exercise program consistent with HSEEP. A progressive, multi-year exercise program is a series of increasingly complex exercises linked to a set of common program priorities with each successive exercise building upon the previous one until proficiency is achieved.

The NEP serves as the principal exercise mechanism for examining national preparedness and measuring readiness. Recipients are strongly encouraged to nominate exercises into the NEP. For additional information on the NEP, please refer to http://www.fema.gov/national-exercise-program.

Reporting

- Recipients are required to develop a Multi-year TEP that identifies training and exercise priorities and activities. The Multi-year TEP shall be submitted to hseep@fema.dhs.gov no later than 90 days after the completion of the TEPW.
- Recipients are required to submit either one After Action Report/Improvement Plan (AAR/IP) for each HSGP-funded progressive exercise series; or individual AAR/IPs for each HSGP-funded exercise to hseep@fema.dhs.gov no more than 90 days after completion of the exercise.
- Recipients are reminded of the importance of implementing corrective actions iteratively throughout the progressive exercise cycle. Recipients are encouraged to use the HSEEP AAR/IP template located at https://www.fema.gov/exercise.
Supplemental SHSP Guidance

Governance
In keeping with the guiding principles of governance for all DHS/FEMA preparedness programs, recipients must coordinate activities across preparedness disciplines and levels of government, including state, territorial, local, and tribal governments. A cohesive planning framework should incorporate DHS/FEMA resources, as well as those from other Federal, state, local, tribal, territorial, private sector, and faith-based community organizations. Specific attention should be paid to how available preparedness funding sources can effectively support a whole community approach to emergency preparedness and management and the enhancement of core capabilities. To ensure this, the SAA must establish or reestablish a unified Senior Advisory Committee (SAC).

Senior Advisory Committee (SAC)
The SAC builds upon previously established advisory bodies under HSGP (including the SHSP and UASI programs), Nonprofit Security Grant Program (NSGP), Transit Security Grant Program (TSGP), and Port Security Grant Program (PSGP). Examples of advisory bodies that should be included on the SAC include: Urban Area Working Groups (UAWGs), Statewide Interoperability Governing Board (SIGB), Area Maritime Security Committees (AMSCs), Regional Transportation Security Working Groups (RTSWGs), Citizen Corps Whole Community Councils, Disability Inclusion Working Groups, and Children’s Working Groups. SAC membership shall include at least one representative from relevant stakeholders including:

- Individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions;
- UASI-funded Urban Areas;
- Citizen Corps Whole Community Councils;
- Local or tribal government officials;
- Tribal organizations;
- Emergency response providers, including representatives of the fire service, law enforcement, emergency medical services, and emergency managers;
- Public health officials and other appropriate medical practitioners;
- Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education;
- State and regional interoperable communications coordinators, as appropriate;
- State and major urban area fusion centers, as appropriate; and
- Non-profit, faith based, and other voluntary organizations such as the American Red Cross.

SACs are encouraged to develop subcommittee structures, as necessary, to address issue- or region-specific considerations.
The responsibilities of a SAC include:

- Integrating preparedness activities across disciplines, the private sector, non-profit organizations, faith-based and community organizations, and all levels of government, including local, state, tribal, and territorial, with the goal of maximizing coordination and reducing duplication of effort;
- Creating a cohesive planning network that builds and implements preparedness initiatives using DHS/FEMA resources, as well as other Federal, state, local, tribal, territorial, local, private sector, and faith-based community resources;
- Management of all available preparedness funding sources to ensure their effective use of and to minimize duplication of effort;
- Ensuring applications for SHSP and UASI funds align with the capability gaps identified in the THIRA and SPR;
- Assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be; and
- Assist in determining effective funding priorities for SHSP grants.

**SAC Composition and Scope**

1. **Membership.** The SAC must include whole community intrastate and interstate partners as applicable and have balanced representation among entities with operational responsibilities for terrorism/disaster prevention, protection, mitigation, response, and recovery activities within the state, and include representation from the stakeholder groups and disciplines identified above.

   The membership of the SAC must reflect the threats and hazards identified in the state’s THIRA as well as each of the core capabilities, in particular those core capabilities identified as having large capability gaps identified in the state’s most recent SPR. SAAAs will use the URT to verify compliance of SAC charter requirements. Further, the SAC must include representatives that were involved in the production of the state’s THIRA and represent the interests of the five mission areas as outlined in the Goal.

   The above membership requirement does not prohibit states, Urban Areas, regional transit and port entities, or other recipients of DHS/FEMA preparedness funding from retaining their existing structure under separate programs; however, at a minimum, those bodies must support and feed into the larger SAC. The composition, structure and charter of the SAC should reflect this focus on building core capabilities, instead of simply joining previously existing advisory bodies under other grant programs.

   The SAA must ensure that appropriate representation from defined UASI-funded Urban Areas is included on the SAC. DHS/FEMA strongly encourages that, wherever possible, previously established local working groups be leveraged for this purpose to ensure that UASI resources are managed in the most efficient and effective manner possible. The UAWG should also support state efforts to develop the THIRA and SPR, particularly as it relates to UASI activities.
For designated Urban Areas, the SAA POCs are responsible for identifying and coordinating with the POC for the UAWG, who should be a member of the SAC. The POC’s contact information must be provided to DHS/FEMA with the grant application. SAAs must work with existing Urban Areas to ensure that information for current POCs is on file with DHS/FEMA.

Finally, DHS/FEMA recommends that organizations advocating on behalf of youth, older adults and individuals with disabilities, individuals with limited English proficiency and others with access and functional needs, socio-economic factors and cultural diversity, be invited to participate in the SAC.

2. **Collaboration with state agencies and other stakeholder organizations.**

Program representatives from the following entities should be members of the SAC (as applicable): State Primary Care Association, State Homeland Security Advisor (HSA) (if this role is not also the SAA), State Emergency Management Agency (EMA) Director, State Public Health Officer, State Public Safety Officer (and SAA for Justice Assistance Grants, if different), State Coordinator for DoD 1033 Program, State Court Official, State Emergency Medical Services (EMS) Director, State Trauma System Manager, Statewide Interoperability Coordinator, State Citizen Corps Whole Community Council, the State Emergency Medical Services for Children (EMSC) Coordinator, State Education Department, State Human Services Department, State Child Welfare Services, State Juvenile Justice Services, Urban Area POC, Senior Members of AMSCs, Senior Members of the RTSWG, Senior Security Officials from Major Transportation Systems, and the Adjutant General.

**Senior Advisory Committee Charter**

The governance of the SHSP and UASI programs through the SAC should be directed by a charter. All members of the SAC should sign and date the charter showing their agreement with its content and their representation on the Committee. Revisions to the governing charter must be sent to the recipient’s assigned FEMA HQ Program Analyst. The SAC charter must at a minimum address the following:

- A detailed description of the SAC’s composition and an explanation of key governance processes, including how the SAC is informed by the state’s THIRA and SPR data reflecting capability gaps and the approach to address gaps in core capabilities;
- A description of the frequency at which the SAC will meet;
- How the committee will leverage existing governance bodies;
- A detailed description of how decisions on programmatic priorities funded by SHSP and UASI are made and how those decisions will be documented and shared with its members and other stakeholders, as appropriate; and
- A description of defined roles and responsibilities for financial decision making and meeting administrative requirements.

To ensure ongoing coordination efforts, SAAs are encouraged to share community preparedness information submitted in the state’s BSIR with members of the SAC. SAAs are also encouraged to share their THIRA and SPR with members of the SAC applying for other FEMA preparedness
grants in order to enhance their understanding of statewide capability gaps. The charter should be made available upon request to promote transparency in decision-making related to HSGP activities.

To manage this effort and to further reinforce collaboration and coordination across the stakeholder community, a portion of the 20 percent (20%) holdback of a state or territory award may be utilized by the SAA for the purpose of supporting the SAC and to ensure representation and active participation of SAC members. Funding may be used for hiring and training planners, establishing and maintaining a program management structure, identifying and managing projects, conducting research necessary to inform the planning process, and developing plans that bridge mechanisms, documents, protocols, and procedures.

SAAs will use the URT to verify compliance of SAC charter requirements.

**Supplemental UASI Guidance**
The UASI program is intended to provide financial assistance to address the unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and to assist these areas in building and sustaining capabilities to prevent, protect against, mitigate, respond to, and recover from threats or acts of terrorism using the whole community approach. Urban Areas must use UASI funds to employ regional approaches to overall preparedness and are encouraged to adopt regional response structures whenever appropriate. UASI program implementation and governance must include regional partners and should have balanced representation among entities with operational responsibilities for prevention, protection, mitigation, response, and recovery activities within the region. In some instances, Urban Area boundaries cross state borders. States must ensure that the identified Urban Areas take an inclusive regional approach to the development and implementation of the UASI program and involve the contiguous jurisdictions, mutual aid partners, port authorities, rail and transit authorities, state agencies, state-wide Interoperability Coordinators, Citizen Corps Whole Community Council(s), and campus law enforcement in their program activities.

**Composition**
Pursuant to provisions of the Homeland Security Act of 2002, as amended, eligible Urban Areas were determined based on an analysis of relative risk of the 100 most populous Metropolitan Statistical Areas (MSAs), as defined by the Office of Management and Budget (OMB). MSAs are used by DHS/FEMA to determine eligibility for participation in the program. Geographical areas queried do not equate to minimum mandated membership representation of an Urban Area, nor does this guarantee funding for geographical areas queried. UAWGs must continue to take a regional approach to membership but are not required to expand or contract existing Urban Area participation to conform to MSA composition. Detailed information on MSAs is publicly available from the United States Census Bureau at [http://www.census.gov/population/www/metroareas/metrodef.html](http://www.census.gov/population/www/metroareas/metrodef.html).

**UASI Program Requirements**
The SAA will be responsible for ensuring compliance with the fiduciary and programmatic administration requirements of the UASI program.
• **Identify POCs.** The SAA must confirm a specific POC with the designated Urban Area. The SAA POCs are responsible for identifying and coordinating with the POC for the UAWG. This information must be provided to DHS/FEMA with the grant application. SAAs must work with existing Urban Areas to ensure that information for current POCs is on file with DHS/FEMA.

• **Define the Urban Area.** The SAA POC, in coordination with the candidate Urban Areas, must define the Urban Area, as it will apply to the UAASI program. The identified city or combined entity represents the candidate Urban Area eligible to apply for funding under the UAASI program. For those Urban Areas with a combined entity, that area represents the minimum area that must be part of the defined Urban Area. The definition of the Urban Area is limited to jurisdictions contiguous to the geographic area used to determine eligibility, or those jurisdictions in that area which have established formal mutual aid agreements. States may request a waiver for this limitation for regions previously established by Executive Order, law, or compact. For the purposes of the UAASI program, the Washington, D.C. Urban Area will consist of the National Capital Region (NCR) as set forth in 10 U.S.C. §2674(f)(2). In coordination with the SAA, the UAWG may redefine the geographic boundaries of an existing Urban Area through the addition of jurisdictions to the UAWG, as it will apply to the UAASI program. The SAA POC must notify DHS/FEMA of this change.

**Establish the UAWG.** Membership in the UAWG must provide either direct or indirect representation for all relevant jurisdictions and response disciplines (including law enforcement, fire service, EMS, and emergency management) that comprise the defined Urban Area. It must also be inclusive of local Whole Community Citizen Corps Council and tribal representatives. The UAWG should also include at least one representative from each of the following significant stakeholders:

- Local or tribal government officials;
- Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers;
- Public health officials and other appropriate medical practitioners;
- Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education;
- State and regional interoperable communications coordinators, as appropriate; and
- State and major urban area fusion centers, as appropriate.

Members of the UAWG shall be a representative group of individuals from the counties, cities, towns, and tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

- In addition, the UAWG should include officials responsible for the administration of Centers for Disease Control and Prevention (CDC) and Assistant Secretary for Preparedness and Response’s (ASPR) cooperative agreements. Finally, it must be inclusive of members advocating on behalf of youth, older adults, individuals with
disabilities, individuals with limited English proficiency and others with access and functional needs, socio-economic factors and cultural diversity.

The SAA POC must ensure that appropriate representation for the defined Urban Area is included per this guidance. DHS/FEMA strongly encourages that, wherever possible, previously established local working groups should be leveraged for this purpose to ensure that UASI funded resources are managed in the most efficient and effective manner possible. The UAWG should support state efforts to develop the SPR, particularly as it relates to UASI funded activities. UASI recipients can complete an SPR on a voluntary basis and should coordinate with the respective state(s). Completing an SPR helps to identify capability gaps and to prioritize investments required to reach the THIRA targets, resulting in a stronger investment justification.

- **Governance.** The jurisdictions identified in Appendix A – FY 2017 Program Allocations represent the candidate Urban Areas eligible to apply for funding. The UAWG will be responsible for coordinating the development and implementation of all program initiatives. States and Urban Areas must consider including counties within which the cities reside, contiguous jurisdictions, MSAs, operational areas, and mutual aid partners, as appropriate, in the governance process.

In keeping with sound project management practices, the UAWG must ensure that its approach to critical issues such as membership, governance structure, voting rights, grant management and administration responsibilities, and funding allocation methodologies are formalized in a working group charter or other form of standard operating procedure related to the UASI program governance. The charter must also outline how decisions made in UAWG meetings will be documented and shared with UAWG members. The UAWG charter must be on file with DHS/FEMA prior to drawing down UASI funding and must be available to all UAWG members to promote transparency in decision-making related to the UASI program.

UASIs will use the URT to verify UAWG structure and membership. Urban Areas must notify the SAA and FEMA HQ Program Analyst of any updates to the UAWG structure or membership.

- **Develop Urban Area THIRA.** As a result of the improved governance process and the rationale for maintaining and sustaining existing capabilities and the development of new capabilities, members of the UAWG should be involved in the development of an Urban Area THIRA coordinated with the state THIRA and SPR, and subsequent updates. UAWGs must ensure that applications for funding under the UASI Program align with the capability gaps identified in the Urban Area THIRA.

- **Allocation of Funds.** The use and allocation of all grant funds available through the UASI program must focus on the investments identified in the Urban Area's II and investments in building capabilities should focus on resource requirements identified in the THIRA to the extent practicable. The use of funds must also be consistent with overall UASI program guidelines, the National Preparedness System, and must develop
or sustain one or more core capabilities in the Goal. Funds used to support whole community and individual preparedness related efforts, such as engaging non-governmental organizations demonstrating the integration of children, individuals with disabilities or access and functional needs, limited English proficiency, and individuals from underserved socio-economic populations in all phases of emergency management, participation of disaster volunteers, such as Community Emergency Response Teams (CERTs) in training, exercises and response and recovery operations, and educating the public should be coordinated with local CERT programs and/or Citizen Corps Whole Community Councils.

The UAWG, in coordination with the SAA POC, must develop a methodology for allocating funding available through the UASl program. The UAWG must reach consensus on all UASI funding allocations. If consensus cannot be reached within the 45-day time period allotted for the state to obligate funds to sub-recipients, the SAA must make the allocation determination. The SAA must provide written documentation verifying the consensus of the UAWG, or the failure to achieve otherwise, on the allocation of funds and submit it to DHS/FEMA immediately after the 45-day time period allotted for the state to obligate funds to sub-recipients.

Any UASI funds retained by the state must be used in direct support of the Urban Area. States must provide documentation to the UAWG and DHS/FEMA upon request demonstrating how any UASI funds retained by the state are directly supporting the Urban Area. If the SAA intends to retain any UASI funds, the SAA must prepare an investment that demonstrates how the retained funds will be used to directly support the designated Urban Area in the state. This investment should be included in the designated Urban Area's UI.

**Supplemental SHSP and UASI Guidance**

**Collaboration with Other Federal Preparedness Programs**

DHS/FEMA strongly encourages states, Urban Areas, and regions to understand other federal preparedness programs in their jurisdictions and to work with them in a collaborative manner to leverage all available resources and avoid duplicative activities. For example, the U.S. Department of Health and Human Services (HHS) has two robust preparedness programs – Centers Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) cooperative agreement program and Assistant Secretary for Preparedness and Response’s (ASPR) Hospital Preparedness Program (HPP) cooperative agreement program – that focus on preparedness capabilities. CDC’s 15 public health preparedness capabilities and ASPR’s eight healthcare preparedness capabilities serve as operational components for many of the core capabilities, and collaboration with the PHEP directors and HPP coordinators can build capacity around shared interests and investments that fall in the scope of these HHS cooperative agreements and the HSGP. States and Urban Areas should coordinate among the entire scope of federal partners, national initiatives and grant programs to identify opportunities to leverage resources when implementing their preparedness programs. These may include but are not limited to: Medical Reserve Corps; Emergency Medical Services for Children grants; ASPR HPP; CDC PHEP; CDC Cities Readiness Initiative; Strategic National Stockpile Programs;
EMS; Department of Justice grants; the Department of Defense 1033 Program; and NPPD/Office of Infrastructure Protection’s Regional Resilience Assessment Program (RRAP). However, coordination is not limited to grant funding. It also includes leveraging assessments such as TSA’s Baseline Assessment and Security Enhancement (BASE); reporting from the Intelligence Community, risk information such as U.S. Coast Guard’s Maritime Security Risk Analysis Model (MSRAM), and USBP Sector Analysis.

Each SHSP and UASI funded investment that addresses biological risk, patient care or health systems preparedness should be implemented in a coordinated manner with other Federal programs that support biological and public health incident preparedness such as those administered by the HHS ASPR, the CDC, and the U.S. Department of Transportation’s (DOT) National Highway Traffic Safety Administration.

Federal agencies participating in the Emergency Preparedness Grant Coordination process are working to identify current preparedness activities and areas for collaboration across federal grants with public health and healthcare preparedness components. The participating federal agencies include:

- Department of Health and Human Services (HHS) Assistant Secretary for Preparedness and Response (ASPR)
- Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)
- HHS Centers for Disease Control and Prevention (CDC)
- HHS Health Resources and Services Administration (HRSA)
- Department of Transportation (DOT) National Highway Traffic Safety Administration (NHTSA)

Federal agencies are actively coordinating guidance and technical assistance and encourage all recipients to actively coordinate preparedness activities for their jurisdictions. More information on the Emergency Preparedness Grant Coordination process can be found at http://www.fema.gov/media-library/assets/documents/114411.

**Ensuring the Protection of Civil Rights**

As the Nation works towards achieving the Goal it is important to continue to protect the civil rights of individuals. Recipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations. These populations include, but are not limited to individuals with disabilities and others with access and functional needs, individuals with limited English proficiency, and other diverse racial and ethnic populations in accordance with Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and related statutes. The DHS Standard Terms and Conditions includes the civil rights provisions that apply to recipients. These terms and conditions can be found at DHS Standard Terms and Conditions. Additional information on civil rights provisions is available at: http://www.fema.gov/office-equal-rights.
Collaboration with Nonprofit Organizations
SHSP and UASI recipients are encouraged to work with the nonprofit community to address terrorism and all hazards prevention concerns, seek input on the needs of the nonprofit sector, and support the goals of their investments.

Collaboration with Tribes
DHS/FEMA strongly encourages states, Urban Areas, and regions to work with tribal nations in overall initiatives such as whole community preparedness and emergency management planning.

Multiple Purpose or Dual-Use of Funds
For both SHSP and UASI, many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, all SHSP and UASI funded projects must assist recipients and sub-recipients in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

Improving Cybersecurity
When requesting funds for cybersecurity, applicants are encouraged to propose projects that would aid in implementation of all or part of the Framework for Improving Critical Infrastructure Cybersecurity (“The Framework”) developed by the National Institute of Standards and Technology (NIST). The Framework gathers existing international standards and practices to help organizations understand, communicate, and manage their cyber risks. For organizations that do not know where to start with developing a cybersecurity program, the Framework provides initial guidance. For organizations with more advanced practices, the Framework offers a way to improve their programs, such as better communication with their leadership and suppliers about management of cyber risks.

The Department of Homeland Security’s Critical Infrastructure Cyber Community C³ Voluntary Program also provides resources to critical infrastructure owners and operators to assist in adoption of the Framework and managing cyber risks. Additional information on the Critical Infrastructure Cyber Community C³ Voluntary Program can be found at [www.dhs.gov/ccubedvp](http://www.dhs.gov/ccubedvp).

The Department of Homeland Security’s Enhanced Cybersecurity Services (ECS) program is an example of a resource that assists in protecting U.S.-based public and private entities and combines key elements of capabilities under the “Detect” and “Protect” functions to deliver an impactful solution relative to the outcomes of the Cybersecurity Framework. Specifically, ECS offers intrusion prevention and analysis services that help U.S.-based companies and state, local, tribal, and territorial governments defend their computer systems against unauthorized access, exploitation, and data exfiltration. ECS works by sourcing timely, actionable cyber threat indicators from sensitive and classified Government Furnished Information (GFI). DHS then shares those indicators with accredited Commercial Service Providers (CSPs). Those CSPs in turn use the indicators to block certain types of malicious traffic from entering a company’s networks. Groups interested in subscribing to ECS must contract directly with a CSP in order to receive services. Please visit [http://www.dhs.gov/enhanced-cybersecurity-services](http://www.dhs.gov/enhanced-cybersecurity-services) for a current list of ECS CSP points of contact.
Mass Casualty Incident Preparedness and Individual Preparedness

Although the Citizen Corps Program (CCP) and Metropolitan Medical Response System (MMRS) are no longer funded as discrete grant programs within HSGP, SAAs may include IJs funding to support CCP and MMRS activities/programs. Activities funded under these projects must meet the allowability requirements of the SHSP and UASI programs. The following coordination requirements will remain in place for proposed activities that support mass casualty incident preparedness, as well as citizen preparedness.

Mass casualty preparedness must be conducted in collaboration with state/city/local health departments that administer federal funds from HHS to enhance the integration of local emergency management, public health, emergency medical services, and health care systems into a coordinated, sustained local capability to respond effectively to a mass casualty incident or a response to catastrophic events and acts of terrorism. The Federal Interagency Committee on Emergency Medical Services (FICEMS) has recommended that State and local EMS systems improve their mass casualty incident triage capabilities through adoption of triage protocols and systems that are based on the Model Uniform Core Criteria. Recipients must also demonstrate how their investments will increase the effectiveness of emergency preparedness planning and response for the whole community by integrating and coordinating activities including underrepresented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations. Further, recipients are strongly encouraged to collaborate with local, regional, and state public health and health care partners, including Medical Reserve Corps Units Community Emergency Response Teams (CERTs) Citizen Corps Whole Community Councils, as well as leverage other federal programs, such as the HHS ASPR Hospital Preparedness Program and Emergency Systems for Advance Registration of Volunteer Health Professionals, CDC Cities Readiness Initiative, PHEP, and Strategic National Stockpile Programs.

Whole Community Preparedness

SHSP and UASI recipients should engage with the whole community to advance community and individual preparedness and to work as a nation to build and sustain resilience. Recipients should have a coordinating body to serve as their Citizen Corps or Whole Community Council, with membership that may include, but is not limited to: representatives from emergency management, homeland security, law enforcement, fire service, EMS, public health or their designee, elected officials, the private sector (especially privately owned critical infrastructure), private nonprofits, nongovernmental organizations (including faith-based, community-based, and voluntary organizations), advocacy groups for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations. Recipients must also integrate program design and delivery practices that ensure representation and services for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations.
Individual preparedness must be coordinated by an integrated body of government and nongovernmental representatives. Recipients must have a coordinating body to serve as their Citizen Corps Whole Community Council, with membership that includes, but is not limited to: representatives from emergency management, homeland security, law enforcement, fire service, EMS, public health or their designee, elected officials, the private sector (especially privately owned critical infrastructure), private nonprofits, nongovernmental organizations (including faith-based, community-based, and voluntary organizations), advocacy groups for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations.

In addition to the Citizen Corps Whole Community Councils and CERT programs, the following preparedness programs are allowable expenses:

- **Prepareathon**: FEMA’s Individual and Community Preparedness Division (ICPD) launched Prepareathon (formerly America’s PrepareAthon!) in 2013, with the goal of empowering individuals and communities to take action to improve their preparedness and resilience. The purpose of Prepareathon is to motivate people and communities to take action to prepare for and protect themselves against disasters. Supported by FEMA, communities conduct Prepareathon events year-round with a focus on encouraging participants to take specific actions to protect themselves from the disasters most likely to affect them and their community. Prepareathon events are unique to each community and may be aligned to a particular theme in the Ready Campaign’s National Seasonal Preparedness Messaging Calendar ([www.ready.gov/prepare](http://www.ready.gov/prepare)). Prepareathon is a critical part of FEMA’s overarching mission to support citizens and first responders to ensure that as a Nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

- **Youth Preparedness Resources** to support practitioners as they create and run programs in their communities are available at [www.ready.gov/youth-preparedness](http://www.ready.gov/youth-preparedness). One of these resources, the Youth Preparedness Catalog, identifies over 200 existing programs, curricula, and resources that may be of interest to those seeking an introduction to, or learning more about, youth preparedness programs. The Catalog describes national, regional, and state-level programs. The Catalog can be found at [http://www.fema.gov/media-library/assets/documents/94775](http://www.fema.gov/media-library/assets/documents/94775).

**Emergency Management Accreditation Program**

With funds provided through FY 2017 HSGP, states have the opportunity to encourage their local jurisdictions to pursue assessment and accreditation under the Emergency Management Accreditation Program (EMAP).

EMAP’s assessment and accreditation of emergency management organizations against consensus-based, American National Standards Institute (ANSI)-certified standards allows for standardized benchmarking of critical functions necessary for an emergency management
organization to meet the core capabilities identified in the Goal. Additional information on the EMAP Standard is available at http://www.emaponline.org.

Supplemental OPSG Guidance
OPSG provides funding to designated localities to enhance cooperation and coordination between Federal, State, local, tribal, and territorial law enforcement agencies in a joint mission to secure the United States Borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

OPSG is intended to support Border States and territories of the United States in accomplishing the following objectives:

- Increase capability to prevent, protect against, and respond to border security issues;
- Increase coordination and collaboration among Federal, state, local, tribal, and territorial law enforcement agencies;
- Continue the distinct capability enhancements required for border security and border protection;
- Provide intelligence-based operations through USBP Sector Level experts to ensure safety and operational oversight of Federal, state, local, tribal, and territorial law enforcement agencies participating in OPSG operational activities;
- Support a request to any Governor to activate, deploy, or redeploy specialized National Guard Units/Packages and/or elements of state law enforcement to increase or augment specialized/technical law enforcement elements operational activities; and
- Continue to increase operational, material and technological readiness of state, local, tribe, and territorial law enforcement agencies.

OPSG funds must be used to provide an enhanced law enforcement presence and to increase operational capabilities of Federal, state, local, tribal, and territorial law enforcement, promoting a layered, coordinated approach to law enforcement within Border States and territories of the United States.

- Federal, State, Local, Tribal, and Territorial OPSG Integrated Planning Team (IPT). It is required that Federal, state, local, tribal, and territorial partners establish and maintain a formalized OPSG IPT with representation from all participating law enforcement agencies, co-chaired by representatives from USBP, the SAA, and participating law enforcement agencies’ OPSG program representatives.
- No less than two IPT meetings must take place during every funding year:
  - Prior to submitting the Concept of Operations (application)
  - Prior to submitting the Campaign Plan

Coordination Requirements
All operational plans should be crafted in cooperation and coordination among Federal, state, local, tribal, and territorial partners. Consideration will be given to applications that are coordinated across multiple jurisdictions. All applicants must coordinate with the USBP Sector
Headquarters with geographic responsibility for the applicant’s location in developing and submitting an Operations Order with an embedded budget to the SAA.

After awards are announced, prospective recipients will re-scope the draft Operations Order and resubmit as a final Operations Order with an embedded budget, based on actual dollar amounts awarded. Final Operations Orders will be approved by the appropriate Sector Headquarters and forwarded to Headquarters, Office of Border Patrol, Washington, D.C., before funding is released.

Recipients may not begin operations, obligate, or expend any funds until the final Operations Order and embedded budget has been approved by FEMA GPD and USBP Headquarters and any existing special conditions and/or restrictions are removed.

Management and Administration (M&A)
Management and administration (M&A) activities are those directly relating to the management and administration of OPSPG funds, such as financial management and monitoring. Sub-recipients and friendly forces may retain funding for M&A purposes; however, the total amount retained by both the sub-recipient and friendly forces cannot exceed 5% of the subrecipient award.

Friendly forces are local law enforcement entities that are second tier sub-recipients under OPSPG. In other words, friendly forces are entities that receive a subaward from a subrecipient under the OPSPG program. Friendly Forces must comply with all requirements of sub-recipients under 2 C.F.R. Part 200.

Other Requirements

National Information Exchange Model (NIEM). DHS/FEMA requires all grant recipients to use the latest NIEM specifications and guidelines when using HSGP funds to develop, procure, or implement homeland security information exchanges, including systems and databases. This includes, but is not limited to the use of Extensible Markup Language (XML) and Java Script Object Notation (JSON). Further information about NIEM specifications and guidelines is available at http://www.niem.gov.

28 C.F.R. Part 23 Guidance. DHS/FEMA requires that any information technology system funded or supported by these funds comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if this regulation is determined to be applicable.
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Recipients must comply with all the requirements in 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

In general, recipients should consult with their FEMA HQ Program Analyst prior to making any investment that does not clearly meet the allowable expense criteria established by this NOFO. Funding guidelines established within this section support the five mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and associated core capabilities within the Goal.

Allowable investments made in support of the HSGP priorities as well as other capability-enhancing projects must have a nexus to terrorism preparedness and fall into the categories of planning, organization, exercises, training, or equipment aligned to a capability gap in the SPR. Recipients are encouraged to use grant funds for evaluating grant-funded project effectiveness and return on investment aligned to the relevant POETE element, and FEMA encourages recipients to provide the results of that analysis to FEMA.

Continuity of Operations
Continuity planning and operations are an inherent element of each core capability and the coordinating structures that provide them. Continuity operations increase resilience and the probability that organizations can perform essential functions in the delivery of core capabilities that support the mission areas. FEMA is responsible for coordinating the implementation and development, execution, and assessment of continuity capabilities among executive departments and agencies. To support this role, FEMA develops and promulgates Federal Continuity Directives (FCDs) to establish continuity program and planning requirements for executive departments and agencies and Continuity Guidance Circulars (CGCs) for state, local, tribal, and territorial governments, non-governmental organizations, and private sector critical infrastructure owners and operators. This direction and guidance assists in developing capabilities for continuing the essential functions of federal and state, local, tribal, territorial governmental entities as well as the public/private critical infrastructure owners, operators, and regulators enabling them.

Presidential Policy Directive 40, FCD 1, FCD 2, CGC 1, and CGC 2 outline the overarching continuity requirements and guidance for organizations and provides guidance, methodology, and checklists. For additional information on continuity programs, guidance, and directives, visit http://www.fema.gov/guidance-directives and https://www.fema.gov/national-continuity-programs.

Planning (SHSP and UASI)
SHSP and UASI funds may be used for a range of emergency preparedness and management planning activities and such as those associated with the development, and review and revision of the THIRA, SPR, continuity of operations plans and other planning activities that support the Goal and placing an emphasis on updating and maintaining a current EOP that conforms to the guidelines outlined in CPG 101 v 2.0.
Organization (SHSP and UASI)
Organizational activities include:

- Program management;
- Development of whole community partnerships, through groups such as Citizen Corp Councils;
- Structures and mechanisms for information sharing between the public and private sector;
- Implementing models, programs, and workforce enhancement initiatives to address ideologically-inspired radicalization to violence in the homeland;
- Tools, resources and activities that facilitate shared situational awareness between the public and private sectors;
- Operational Support;
- Utilization of standardized resource management concepts such as typing, inventoring, organizing, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident;
- Responding to an increase in the threat level under the National Terrorism Advisory System (NTAS), or needs in resulting from a National Special Security Event; and
- Paying salaries and benefits for personnel to serve as qualified intelligence analysts.

States and Urban Areas must justify proposed expenditures of SHSP or UASI funds to support organization activities within their IJ submission. All SAAs are allowed to utilize up to 50 percent (50%) of their SHSP funding and all Urban Areas are allowed up to 50 percent (50%) of their UASI funding for personnel costs. At the request of a recipient, the FEMA Administrator may grant a waiver of the 50 percent (50%) limitation noted above. Requests for waivers to the personnel cap must be submitted by the authorized representative of the SAA to GPD in writing on official letterhead, with the following information:

- Documentation explaining why the cap should be waived;
- Conditions under which the request is being submitted; and
- A budget and method of calculation of personnel costs both in percentages of the grant award and in total dollar amount. To avoid supplanting issues, the request must also include a three-year staffing history for the requesting entity.

Organizational activities under SHSP and UASI include:

- **Intelligence Analysts.** Per the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act (Pub. L. No. 110-412), SHSP and UASI funds may be used to hire new staff and/or contractor positions to serve as intelligence analysts to enable information/intelligence sharing capabilities, as well as support existing intelligence analysts previously covered by SHSP or UASI funding. In order to be hired as an intelligence analyst, staff and/or contractor personnel must meet at least one of the following criteria:
  - Successfully complete training to ensure baseline proficiency in intelligence analysis and production within six months of being hired; and/or,
- Previously served as an intelligence analyst for a minimum of two years either in a Federal intelligence agency, the military, or state and/or local law enforcement intelligence unit.

All fusion center analytic personnel must demonstrate qualifications that meet or exceed competencies identified in the Common Competencies for State, Local, and Tribal Intelligence Analysts, which outlines the minimum categories of training needed for intelligence analysts. A certificate of completion of such training must be on file with the SAA and must be made available to the recipient’s respective FEMA HQ Program Analyst upon request.

- **Overtime Costs.** Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities specifically related to homeland security and specifically requested by a federal agency. Allowable costs are limited to overtime associated with federally requested participation in eligible activities, including anti-terrorism task forces, Joint Terrorism Task Forces (JTTFs), Area Maritime Security Committees (as required by the Maritime Transportation Security Act of 2002), DHS Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. Grant funding can only be used in proportion to the federal man-hour estimate, and only after funding for these activities from other federal sources (i.e., FBI JTTF payments to state and local agencies) has been exhausted. Under no circumstances should DHS/FEMA grant funding be used to pay for costs already supported by funding from another federal source.

- **Operational Overtime Costs.** In support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events, operational overtime costs are allowable for increased protective security measures at critical infrastructure sites or other high-risk locations and to enhance public safety during mass gatherings and high-profile events, as determined by the recipient or sub-recipient through intelligence threat analysis. SHSP or UASI funds for organizational costs may be used to support select operational expenses associated with increased security measures. In the following authorized categories:
  - Backfill and overtime expenses for staffing state or major Urban Area fusion centers;
  - Hiring of contracted security for critical infrastructure sites;
  - Participation in Regional Resiliency Assessment Program activities;
  - Public safety overtime;
  - Title 32 or state Active Duty National Guard deployments to protect critical infrastructure sites, including all resources that are part of the standard National Guard deployment package (Note: Consumable costs, such as fuel expenses, are not allowed except as part of the standard National Guard deployment package); and
  - Increased border security activities in coordination with USBP.

SHSP or UASI funds may only be spent for operational overtime costs upon prior approval provided in writing by the FEMA Administrator per the instructions in IB 379:

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Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding.

Note: States with UASI jurisdictions can use funds retained at the state level to reimburse eligible operational overtime expenses incurred by the state (per the above guidance limitations and up to a maximum of 50 percent (50%) of the state share of the UASI grant). Any UASI funds retained by the state must be used in direct support of the Urban Area. States must provide documentation to the UAWG and DHS/FEMA upon request demonstrating how any UASI funds retained by the state would directly support the Urban Area.

Organization (OPSG)

- **Operational Overtime Costs.** OPSG funds should be used for operational overtime costs associated with law enforcement activities, in support of border law enforcement agencies for increased border security enhancement. At the request of a recipient, the FEMA Administrator may waive the 50 percent (50%) personnel cap. Waiver decisions are at the discretion of the FEMA Administrator and will be considered on a case-by-case basis. A formal OPSG personnel waiver request should:
  
  - Be requested on official letterhead, include a written justification, and be signed by the local jurisdiction;
  - Include a budget and method of calculation of personnel costs both in percentage of the grant award and in total dollar amount;
  - Include an approved Operations Order from the USBP Sector office which supports the local jurisdiction’s written justification; and
  - Be coordinated with the USBP Sector, SAA, and the DHS/CBP Office of the Border Patrol (OBP).

- **Personnel**
  
  - OPSG funds may be used to pay additional current part time law enforcement personnel salaries in order to bring them to temporary full time status.
  - OPSG funds may support a Governor’s request to activate, deploy, or redeploy specialized National Guard Units/Package and/or elements of state law enforcement to increase or augment specialized/technical law enforcement elements’ operational activities.
  - Costs associated with backfill for personnel supporting operational activities are allowable.
  - As with all OPSG personnel costs, OPSG grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or recipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
  
  - Temporary or Term Appointments
    - Sub-recipients may utilize temporary or term appointments for the purpose of augmenting the law enforcement presence on the borders. However, applying
funds toward hiring full-time or permanent sworn public safety officers is unallowable.

- For OPSG purposes, temporary appointments are non-status appointments for less than one year.
- For OPSG purposes, term appointments are non-status appointments for one year, extendable for one year as necessary.
- OPSG-funded temporary or term appointments may not exceed the approved period of performance.
- OPSG funding for temporary or term appointments may pay for salary only. Benefits are not allowable expenses for term or temporary employees.
- OPSG remains a non-hiring program. Appropriate uses of temporary or term appointments include:
  - To carry out specific enforcement operations work for ongoing OPSG funded patrols throughout the Sector Area of Operation;
  - To staff operations of limited duration; such as OPSG enhanced enforcement patrols targeting specific locations or criminal activity; and,
  - To fill OPSG positions in activities undergoing transition or personnel shortages and local backfill policies (medical/military deployments)
  - OPSG term and temporary appointments must have all necessary certifications and training to enforce state and local laws. OPSG funds will not be used to train or certify term or temporary appointments except as otherwise stated in the OPSG section of this NOFO.
  - DHS provides no guarantee of funding for temporary or term appointments. In addition to the terms of this NOFO, sub-recipients must follow their own applicable policies and procedures regarding temporary or term appointments.

- Travel, Per Diem, and Lodging. OPSG funds may be used for domestic travel and per diem, including costs associated with the deployment/redeployment of personnel to border areas and for travel associated with law enforcement entities assisting other local jurisdictions in law enforcement activities. In addition, allowable costs include supporting up to six month deployment of law enforcement personnel to critical Southwest Border locations for operational activities (travel costs must be in accordance with applicable travel regulations).

**Equipment (SHSP and UASI)**
The 21 allowable prevention, protection, mitigation, response, and recovery equipment categories and equipment standards for HSGP are listed on the Authorized Equipment List (AEL). The AEL is available at [http://www.fema.gov/authorized-equipment-list](http://www.fema.gov/authorized-equipment-list). Unless otherwise stated, equipment must meet all mandatory regulatory and/or DHS/FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.
Grant funds may be used for the procurement of medical countermeasures. Procurement of medical countermeasures must be conducted in collaboration with state, city, or local health departments that administer Federal funds from HHS for this purpose and with existing MMRS committees where available, in order to sustain their long-term planning for appropriate, rapid, and local medical countermeasures, including antibiotics and antidotes for nerve agents, cyanide, and other toxins. Procurement must have a sound threat based justification with an aim to reduce the consequences of mass casualty incidents during the first crucial hours of a response. Prior to procuring pharmaceuticals, recipients must have in place an inventory management plan to avoid large periodic variations in supplies due to coinciding purchase and expiration dates. Recipients are encouraged to enter into rotational procurement agreements with vendors and distributors. Purchases of pharmaceuticals must include a budget for the disposal of expired drugs within each fiscal year’s PoP for HSGP. The cost of disposal cannot be carried over to another DHS/FEMA grant or grant period.

EMS electronic patient care data systems should comply with the most current data standard of the National Emergency Medical Services Information System (www.NEMSIS.org).

Equipment (OPSG)

- **Equipment Marking.** Because equipment purchased with OPSG funding is intended to be used to support Operation Stonegarden activities, it must be appropriately marked to ensure its ready identification and primary use for that purpose. When practicable, any equipment purchased with OPSG funding shall be prominently marked as follows:

  "Purchased with DHS funds for Operation Stonegarden Use"

- **Fuel Cost and/or Mileage Reimbursement.** There is no cap for reimbursement of fuel and mileage costs in support of operational activities.

- **Vehicle and Equipment Rentals.** Allowable purchases under OPSG include patrol cars and other mission-specific vehicles whose primary use is to increase operational activities/patrols on or near a border nexus in support of approved border security operations. A detailed justification must be submitted to the respective FEMA HQ Program Analyst prior to purchase.

Training (SHSP and UASI)
Allowable training-related costs under HSGP include the establishment, support, conduct, and attendance of training specifically identified under the SHSP and UASI programs and/or in conjunction with emergency preparedness training by other Federal agencies (e.g., HHS and DOT). Training conducted using HSGP funds should address a performance gap identified through a TEP or other assessments (e.g., National Emergency Communications Plan NECP Goal Assessments) and contribute to building a capability that will be evaluated through a formal exercise. Any training or training gaps, including training related to under-represented diverse populations that may be more impacted by disasters, including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations, should be
identified in a TEP and addressed in the state or Urban Area training cycle. Recipients are encouraged to use existing training rather than developing new courses. When developing new courses, recipients are encouraged to apply the Analysis, Design, Development, Implementation and Evaluation model of instructional design. Recipients are also encouraged to utilize the FEMA training courses offered through the Emergency Management Institute, the Center for Domestic Preparedness, the National Domestic Preparedness Consortium, and other partners. The FEMA training course catalog is found by accessing the following link: www.firstrespondertraining.gov.

Exercises (SHSP and UASI)
Exercises conducted with grant funding should be managed and conducted consistent with HSEEP. HSEEP guidance for exercise design, development, conduct, evaluation, and improvement planning is located at https://www.fema.gov/exercise.

Maintenance and Sustainment (SHSP, UASI, and OPSG)
The use of DHS/FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable, as described in FEMA Policy EP 205-402-125-1 under all active and future grant awards, unless otherwise noted. With the exception of maintenance plans purchased incidental to the original purchase of the equipment, the period covered by maintenance or warranty plan must not exceed the PoP of the specific grant funds used to purchase the plan or warranty.

Grant funds are intended to support the Goal by funding projects that build and sustain the core capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation. In order to provide recipients the ability to meet this objective, the policy set forth in GPD’s JB 379: Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding, allows for the expansion of eligible maintenance and sustainment costs which must be in 1) direct support of existing capabilities; (2) must be an otherwise allowable expenditure under the applicable grant program; (3) be tied to one of the core capabilities in the five mission areas contained within the Goal, and (4) shareable through the Emergency Management Assistance Compact. Additionally, eligible costs may also be in support of equipment, training, and critical resources that have previously been purchased with either federal grant or any other source of funding other than DHS/FEMA preparedness grant program dollars.

Law Enforcement Terrorism Prevention Activities Allowable Costs (SHSP and UASI)
Activities eligible for use of LETPA focused funds include but are not limited to:

- Maturation and enhancement of designated state and major Urban Area fusion centers, including information sharing and analysis, threat recognition, terrorist interdiction, and training/hiring of intelligence analysts;
- Coordination between fusion centers and other analytical and investigative efforts including, but not limited to Joint Terrorism Task Forces (JTTFs), Field Intelligence Groups (FIGs), High Intensity Drug Trafficking Areas (HIDTAs), Regional Information Sharing Systems (RISS) Centers, criminal intelligence units, and real-time crime analysis centers;

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• Implementation and maintenance of the Nationwide SAR Initiative, including training for front line personnel on identifying and reporting suspicious activities;
• Implementation of the “If You See Something, Say Something™” campaign to raise public awareness of indicators of terrorism and terrorism-related crime and associated efforts to increase the sharing of information with public and private sector partners, including nonprofit organizations. Note: DHS requires that the Office of Public Affairs (OPA) be given the opportunity to review and approve any public awareness materials (e.g., videos, posters, tri-folds, etc.) developed using HSGP grant funds for the “If You See Something, Say Something™” campaign to ensure these materials are consistent with the Department’s messaging and strategy for the campaign and the initiative’s trademark. This coordination with OPA should be facilitated by the FEMA HQ Program Analyst;
• Increase physical security, through law enforcement personnel and other protective measures, by implementing preventive and protective measures at critical infrastructure site or at-risk nonprofit organizations; and
• Building and sustaining preventive radiological and nuclear detection capabilities, including those developed through the Securing the Cities initiative.

Law Enforcement Readiness (OPSG)
OPSG grant funds may be used to increase operational, material, and technological readiness of state, local, tribal, and territorial law enforcement agencies. The Delegation of Immigration Authority, Section 287(g) of the Immigration and Nationality Act (INA) program allows a state or local law enforcement entity to enter into a partnership with Immigration and Customs Enforcement (ICE), under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions. OPSG grant funds may be requested and may be approved on a case by case basis for immigration enforcement training in support of the border security mission. Requests for training will be evaluated on a case by case basis and can only be used for certification in the 287(g) program provided by DHS/ICE. OPSG sub-recipients with agreements under Section 287(g) of the INA (8 U.S.C. 1357(g)) to receive delegated authority for immigration enforcement within their jurisdictions may also be reimbursed for 287(g) related operational activities with approval from FEMA on a case by case basis. For OPSG, sub-recipients must be authorized by USBP Headquarters and Sectors and operational activities must be coordinated through a USBP Sector.

Federally-Led Task Forces and Investigations (SHSP and UASI)
In addition, reimbursement for operational overtime law enforcement activities related to combating transnational crime organizations in support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism is an allowable expense under SHSP and UASI on a case by case basis. Allowable costs are limited to overtime associated with federally requested participation in federally-led task forces and investigations, including anti-terrorism task forces, Joint Terrorism Task Forces (JTTFs), Area Maritime Security Committees (as required by the Maritime Transportation Security Act of 2002), DHS Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. SHSP and UASI operational overtime for combating transnational crime organizations require prior approval in writing by the FEMA Administrator per the instructions in IB 379 (Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding).

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Appendix C – FY 2017 HSGP Funding Guidelines
Regional Border Projects (OPSG)
Recipients are encouraged to prioritize the acquisition and development of regional projects on the borders to maximize interoperability and coordination capabilities among federal agencies and with state, local, and tribal law enforcement partners.

Such regional projects include:

- Communications equipment:
  - Radio systems and repeaters
- Situational Awareness equipment:
  - License Plate Reader Networks
  - Visual detection and surveillance systems
  - Sensor Systems
  - Radar Systems (for air incursions)

Controlled Equipment (SHSP, UASI, and OPSG)
Grant funds may be used for the purchase of Controlled Equipment, however, because of the nature of the equipment the potential impact on the community, there are additional and specific requirements in order to acquire this equipment. Refer to IB 407a: Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017, for the complete Controlled Equipment List and specific requirements for acquiring controlled equipment with DHS/FEMA grant funds. FEMA Form 087-0-0-1: Controlled Equipment Request is available for download at https://www.fema.gov/media-library/assets/documents/115708.

Requirements for Small Unmanned Aircraft System (SHSP, UASI, and OPSG)
All requests to purchase Small Unmanned Aircraft System (SUAS) with FEMA grant funding must also include a description of the policies and procedures in place to safeguard individuals’ privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment.

Critical Emergency Supplies (SHSP and UASI)
Critical emergency supplies, such as shelf stable products, water, and basic medical supplies are an allowable expense under SHSP and UASI. Prior to the allocation of grant funds for stockpiling purposes, each state must have DHS/FEMA’s approval of a five-year viable inventory management plan, which should include a distribution strategy and related sustainment costs if planned grant expenditure is over $100,000.

If grant expenditures exceed the minimum threshold, the five-year inventory management plan will be developed by the recipient and monitored by FEMA GPD with the assistance of the FEMA Logistics Management Directorate (LMD). FEMA GPD will coordinate with LMD and the respective FEMA Region to provide program oversight and technical assistance as it relates to the purchase of critical emergency supplies under UASI. FEMA GPD and LMD will establish guidelines and requirements for the purchase of these supplies under UASI and monitor development and status of the state’s inventory management plan.
SAAs (through their Emergency Management Office) are strongly encouraged to consult with their respective FEMA Regional Logistics Chief regarding disaster logistics-related issues. States are further encouraged to share their DHS/FEMA approved plan with local jurisdictions and Tribes.

Construction and Renovation (SHSP and UASI)
Project construction using SHSP and UASI funds may not exceed the greater of $1,000,000 or 15 percent (15%) of the grant award. For the purposes of the limitations on funding levels, communications towers are not considered construction. See guidance on communication towers below.

Written approval must be provided by DHS/FEMA prior to the use of any HSGP funds for construction or renovation. When applying for construction funds, recipients must submit evidence of approved zoning ordinances, architectural plans, and any other locally required planning permits. Additionally, recipients are required to submit a SF-424C Budget and Budget detail citing the project costs.

Recipients using funds for construction projects must comply with the Davis-Bacon Act (40 U.S.C. § 3141 et seq.). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the Davis-Bacon Act, including Department of Labor (DOL) wage determinations, is available from the following website https://www.dol.gov/whd/govcontracts/dbra.htm.

OPSG funds may not be used for any type of construction.

Communications Towers. When applying for funds to construct communication towers, recipients and sub-recipients must submit evidence that the FCC’s Section 106 review process has been completed and submit all documentation resulting from that review to GPD using the guidelines in EHP Supplement prior to submitting materials for EHP review. Completed EHP review materials for construction and communication tower projects must be submitted as soon as possible to get approved by the end of the PoP. EHP review materials should be sent to gpdehpmfo@fema.gov.

Personnel (SHSP and UASI)
Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform allowable HSGP planning, training, exercise, and equipment activities. Personnel may include but are not limited to: training and exercise coordinators, program managers for activities directly associated with SHSP and UASI funded activities, intelligence analysts, and statewide interoperability coordinators (SWIC).

For further details, SAAs should refer to the Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008 (Public Law 110–412 – the PRICE Act), or contact their FEMA HQ Program Analyst.

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Appendix C – FY 2017 HSGP Funding Guidelines
HSGP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public health and safety duties or to supplant traditional public health and safety positions and responsibilities.

The following are definitions as it relates to personnel costs:

- **Hiring.** State and local entities may use grant funding to cover the salary of newly hired personnel who are exclusively undertaking allowable DHS/FEMA program activities as specified in this guidance. This may not include new personnel who are hired to fulfill any non-DHS/FEMA program activities under any circumstances. Hiring will always result in a net increase of Full Time Equivalent (FTE) employees.

- **Overtime.** These expenses are limited to the additional costs which result from personnel working over and above 40 hours of weekly work time as a direct result of their performance of DHS/FEMA-approved activities specified in this guidance. Overtime associated with any other activity is not eligible.

- **Backfill-related Overtime.** Also called “Overtime as Backfill,” these expenses are limited to overtime costs which result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to DHS/FEMA-approved activities outside their core responsibilities. Neither overtime nor backfill expenses are the result of an increase of FTE employees.

- **Supplanting.** Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or recipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

**Operational Packages (OPacks) (SHSP and UASI)**

Applicants may elect to pursue OPack funding, such as Canine Teams, Mobile Explosive Screening Teams, and Anti-Terrorism Teams, for new capabilities as well as to sustain existing OPacks. Applicants must commit to minimum training standards to be set by DHS for all federally-funded security positions. Applicants must also ensure that the capabilities are able to be deployable, through EMAC, outside of their community to support regional and national efforts. When requesting new OPacks-related projects, applicants must demonstrate the need for developing a new capability at the expense of sustaining an existing core capability.

**Western Hemispheric Travel Initiative (SHSP)**

In addition to the expenditures outlined above, SHSP funds may be used to support the implementation activities associated with the Western Hemisphere Travel Initiative (WHTI), including the issuance of WHTI-compliant tribal identification cards. More information on the WHTI may be found at [http://www.dhs.gov/files/programs/gc_1200693579776.shtm](http://www.dhs.gov/files/programs/gc_1200693579776.shtm) or [http://www.getyouhome.gov/html/eng_map.html](http://www.getyouhome.gov/html/eng_map.html).

**Other Secure Identification Initiatives (SHSP)**

SHSP funds may also be used to support the Department’s additional efforts to enhance secure identification, including driver’s license and identification security enhancements. Activities that facilitate secure identification, including IT enhancements for identification management and
verification systems are a priority. DHS is currently developing and implementing a number of screening programs in which secure identification credentials figure prominently. These include the Transportation Worker Identification Credential (TWIC) program which promotes tamper-resistant biometric credentials for workers who require unescorted access to secure areas of ports, vessels, outer continental shelf facilities, and all credentialed merchant mariners; and the credentialing of first responders which entails enhancing real-time electronic authentication of identity and attribute(s) (qualification, certification, authorization, and/or privilege) of emergency response/critical government personnel responding to terrorist attacks or other catastrophic events.

States may continue implementing activities previously funded through the Driver’s License Security Grant Program (DLSGP) that focus on securing driver’s license and identification card issuance processes. Initiatives related to securing identification should:

- Have the greatest impact upon reducing the issuance and use of fraudulent driver’s license and identification cards;
- Reduce the cost of program implementation for individuals, states, and the Federal Government;
- Satisfy driver’s license identification material requirements;
- Expedite state progress toward meeting minimum security standards; and
- Plan and expedite state-specific activities to support federal data and document verification requirements and standards.

**Unallowable Costs (OPSG)**

OPSG unallowable costs include costs associated with staffing and general IT computing equipment and hardware, such as personal computers, faxes, copy machines, modems, etc. OPSG is not intended as a hiring program. Therefore, applying funds toward hiring full-time or permanent sworn public safety officers is unallowable. OPSG funding shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local and federal law enforcement agencies. Finally, construction and/or renovation costs are prohibited under OPSG. Applicants should refer to FP 207-093-1 at [https://www.fema.gov/media-library/assets/documents/85384](https://www.fema.gov/media-library/assets/documents/85384), or contact their FEMA HQ Program Analyst at (800) 368-6498 for guidance and clarification.

Due to the nature of OPSG, exercise expenses are not allowable costs under OPSG.

**Unallowable Costs (SHSP, UASI and OPSG)**

Per FEMA policy, the purchase of weapons and weapons accessories, including ammunition, is not allowed with HSGP funds.

**Prohibited Equipment (SHSP, UASI and OPSG)**

Grant funds may not be used for the purchase of Prohibited Equipment. Refer to [IB 407a: Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017](#).
Additional Planning Assistance
FEMA’s National Preparedness Directorate (NPD) offers technical assistance (TA) that is designed to provide recipients and sub-recipients with specialized expertise to improve and enhance the continuing development of state and local emergency management across the five mission areas of the Goal and across all core capabilities. TA provides the opportunity to engage emergency managers, emergency planners, and appropriate decision-makers in open discussion of options to improve plans and planning in light of their jurisdiction’s needs. While there is no direct cost to approved jurisdictions for DHS/FEMA TA, jurisdictions are expected to invest staff resources and take ownership of the resulting products and tools.

TA deliveries combine current emergency management best practices with practical consideration of emerging trends, through discussion facilitated by DHS/FEMA contract specialists and with the support of FEMA Region operational specialists. Additionally, peer-to-peer representation may also be included from other jurisdictions that have recently addressed the same planning issue.


Additional Training Information
Per DHS/FEMA Grant Programs Directorate Policy FP 207-008-064-1, Review and Approval Requirements for Training Courses Funded Through Preparedness Grants, issued on September 9, 2013, states, territories, tribal entities and urban areas are no longer required to request approval from FEMA for personnel to attend non-DHS FEMA training as long as the training is coordinated with and approved by the state, territory, tribal or Urban Area Training Point of Contact (TPOC) and falls within the FEMA mission scope and the jurisdiction’s Emergency Operations Plan (EOP). The only exception to this policy is for Countering Violent Extremism courses, which must be approved in advance by the DHS Office for Civil Rights and Civil Liberties. For additional information on review and approval requirements for training courses funded with preparedness grants please refer to the following policy: http://www.fema.gov/media-library/assets/documents/34856.

DHS/FEMA will conduct periodic reviews of all state, territory, and Urban Area training funded by DHS/FEMA. These reviews may include requests for all course materials and physical observation of, or participation in, the funded training. If these reviews determine that courses are outside the scope of this guidance, recipients will be asked to repay grant funds expended in support of those efforts.

For further information on developing courses using the instructional design methodology and tools that can facilitate the process, SAAs and TPOCs are encouraged to review the NTED Responder Training Development Center (RTDC) website.

DHS/FEMA Provided Training. These trainings include programs or courses developed for and delivered by institutions and organizations funded by DHS/FEMA. This includes the Center for Domestic Preparedness (CDP), the Emergency Management Institute (EMI), and the National Training and Education Division’s (NTED) training partner programs including, the Continuing
Training Grants, the National Domestic Preparedness Consortium (NDPC) and the Rural Domestic Preparedness Consortium (RDPC).

Approved State and Federal Sponsored Course Catalog. This catalog lists state and federal sponsored courses that fall within the DHS/FEMA mission scope, and have been approved through the FEMA course review and approval process. An updated version of this catalog can be accessed at http://www.firstrespondertraining.gov.

Training Not Provided by DHS/FEMA. These trainings include courses that are either state sponsored or federal sponsored (non-DHS/FEMA), coordinated and approved by the SAA or their designated TPOC, and fall within the DHS/FEMA mission scope to prepare state, local, tribal, and territorial personnel to prevent, protect against, mitigate, respond to, and recover from acts of terrorism or catastrophic events.

- **State Sponsored Courses.** These courses are developed for and/or delivered by institutions or organizations other than federal entities or DHS/FEMA and are sponsored by the SAA or their designated TPOC.

- **Joint Training and Exercises with the Public and Private Sectors.** These courses are sponsored and coordinated by private sector entities to enhance public-private partnerships for training personnel to prevent, protect against, mitigate, respond to, and recover from acts of terrorism or catastrophic events. In addition, states, territories, Tribes, and Urban Areas are encouraged to incorporate the private sector in government-sponsored training and exercises.

Additional information on both DHS/FEMA provided training and other Federal and state training can be found at http://www.firstrespondertraining.gov.

Training Information Reporting System ("Web-Forms"). Web-Forms are an electronic form/data management system built to assist the SAA and its designated state, territory and Tribal Training Point of Contact (TPOC). Reporting training activities through Web-Forms is not required under FY 2017 HSGP; however, the system remains available and can be accessed through the DHS/FEMA Toolkit located at http://www.firstrespondertraining.gov/admin in order to support recipients in their own tracking of training.

Additional Exercise Information
Recipients that use HSGP funds to conduct an exercise(s) are encouraged to complete a progressive exercise series. Exercises conducted by states and Urban Areas may be used to fulfill similar exercise requirements required by other grant programs. Recipients are encouraged to invite representatives/planners involved with other Federally-mandated or private exercise activities. States and Urban Areas are encouraged to share, at a minimum, the multi-year training and exercise schedule with those departments, agencies, and organizations included in the plan.

- **Validating Capabilities.** Exercises examine and validate capabilities-based planning across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. The extensive engagement of the whole community, including but not limited to
examining the needs and requirements for individuals with disabilities, individuals with limited English proficiency and others with access and functional needs, is essential to the development of an effective and comprehensive exercise program. Exercises are designed to be progressive – increasing in scope and complexity and drawing upon results and outcomes from prior exercises and real-world events – to challenge participating communities. Consistent with Homeland Security Exercise and Evaluation Program guidance and tools, the National Exercise Program (NEP) serves as the principal exercise mechanism for examining national preparedness and measuring readiness. Exercises should align with priorities and capabilities identified in a multi-year TEP.

- **Special Event Planning.** If a state or Urban Area will be hosting a special event (e.g., Super Bowl, G-8 Summit), the special event planning should be considered as a training or exercise activity for the purpose of the multi-year TEP. States must include all confirmed or planned special events in the Multi-year TEP. The state or Urban Area may plan to use SHSP or UASI funding to finance training and exercise activities in preparation for those events. States and Urban Areas should also consider exercises at major venues (e.g., arenas, convention centers) that focus on evacuations, communications, and command and control.

- **Regional Exercises.** States should also anticipate participating in at least one regional exercise annually.

- **Role of Non-Governmental Entities in Exercises.** Non-governmental participation in all levels of exercises is strongly encouraged. Leaders from non-governmental entities should be included in the planning, design, and evaluation of an exercise. State, local, tribal, and territorial jurisdictions are encouraged to develop exercises that test the integration and use of resources provided by non-governmental entities, defined as the private sector and private non-profit, faith-based, and community organizations. Participation in exercises should be coordinated with local Citizen Corps Whole Community Council(s) or their equivalents and other partner agencies.

**Unauthorized Exercise Costs**
Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles), medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances).
- Equipment that is purchased for permanent installation and/or use, beyond the scope of the conclusion of the exercise (e.g., electronic messaging sign).
Appendix D –
FY 2017 OPSG Operations Order Template and Instructions

Operations Order Template Instructions
The OPSG Operations Order Template can be found by selecting the link for the FY 2017 HSGP NOFO on FEMA’s preparedness grants page (https://www.fema.gov/preparedness-non-disaster-grants).

Executive Summary Overview
Operations Order Executive Summary must:

- Identify the organization name, point of contact, committees, and other structures accountable for implementing OPSG in the jurisdiction (typically this will be a program lead or manager overseeing operations and individuals assigned to that agency).
- Describe how Federal, state, local, tribal, and territorial law enforcement agencies will work together to establish and enhance coordination and collaboration on border security issues.

Budget Requirements Overview
Operations Order Detailed Annual Budget must:

- Explain how costs and expenses were estimated.
- Provide a narrative justification for costs and expenses. Supporting tables describing cost and expense elements (e.g., equipment, fuel, vehicle maintenance costs) may be included.

Submission Requirements
Operations Orders must meet the following submission requirements:

- Must be created and submitted as an Adobe Acrobat (*.pdf) document
- Must not exceed six pages in length
- Must be submitted using the following file naming convention: “FY 20XX OPSG <State Abbreviation> - <Local Unit of Government Name>”

Due to the competitive nature of this program, separate attachments will not be accepted or reviewed.
Appendix E – FY 2017 OPSG Operational Guidance

Appendix E is intended to provide operational guidance to OPSG applicants on the development of a concept of operations and campaign planning, the tactical operation period, and reporting procedures. This guidance also delineates specific roles and responsibilities, expectations for operations, and performance measures. Successful execution of these objectives will promote situational awareness among participating agencies and ensure a rapid, fluid response to emerging border-security conditions.

OPSG uses an integrated approach to address transnational criminal activity. Federal, state, local, tribal, and territorial partners are required to establish and maintain an OPSG Integrated Planning Team (IPT) with representation from all participating law enforcement agencies, co-chaired by representatives from USBP, the SAA, and participating local law enforcement agencies’ OPSG program representatives. USBP will provide routine monitoring and technical expertise to each participating agency. The content of each operational plan, to include the requested items, will be reviewed for border-security value and approved by the corresponding sector’s Chief Patrol Agent or his/her designee.

All operational plans should be crafted in cooperation and coordination with federal, state, local, tribal, and territorial partners, to meet the needs of the USBP Sector. Consideration will be given to applications that are coordinated across multiple jurisdictions. All applicants must coordinate with the CBP/USBP Sector Headquarters with geographic responsibility for the applicant’s location in developing and submitting an Operations Order with an embedded budget to the SAA.

As OPSG continues to evolve, several proven practices are being recognized, centered on short-term, periodic operations in support of overarching near and long-term goals. A multi-step process will be established through the area IPT, including a campaign plan and a cycle of operations to ensure that OPSG partners maintain synergism and have a coordinated impact on reducing border-security risk.

I. Concept of Operations and Campaign Planning (Post Allocation Announcement/Pre-Award)

The overarching operational cycle involves three stages: 1) application, 2) concept of operations to formulate a Campaign Plan, and 3) one or more tactical operational periods, which are all developed by the IPT. All operations orders: Concept of Operations (CONOPS), Operation Orders (OO) or Campaign Plans and Fragmentary Orders (FRAGOs) except for the initial application package shall be submitted through the CBP Stonegarden Data Management System in MAX.gov.

Application: Please refer to Section D – Application and Submission Information-Instructions for OPSG.

Campaign Plan: After awards are announced participants will create and submit an operations order that forms a campaign plan and captures the initial, generalized-budgetary intent to their...
IPT. The campaign plan should articulate the participant agency’s long-term border security objectives and goals designed to mitigate border-security risk.

Funds should be obligated as needed to target specific threats or vulnerabilities and ensure that OPSG usage is commensurate to the unique risk of each border region. This may require several short-term operations that combine to form an ongoing operational cycle, ensuring that USBP commanders and state, local, tribal, and territorial agency partners reserve the flexibility to respond to the ever-changing elements of border security.

The operations plan also will articulate the budgetary intent of how funds are to be used throughout the performance period. The operations plan will project planned expenditures in the following categories: overtime, equipment, travel, maintenance, fuel, and administrative funds. The sub-recipient can initiate the procurement of equipment, as well as state how much the county intends to use for M&A while keeping funds for overtime or residual equipment funds available for use as needed. If the sub-recipient intends to spend more than 50% of its award on overtime over the course of the performance period, a PRICE Act waiver request must be submitted in accordance with IB 379: Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding. The operations plan will meet both the SAA expectations to obligate the funds within 45 days of the award announcement and the demands of the grant’s operational intent. Sector approved campaign plans must be submitted to USBP Headquarters no later than 4 months after the official awards announcement has been made.

**Tactical Operational Periods:** Once the sub-recipient is ready to conduct operations, the area IPT will begin planning tactical operations. The operation order tracking number for each operational plan will be assigned by CBP/USBP. The operation order number will remain intact for the duration of the grant’s PoP.

In the event that changes or additional funding requests to the original operational plan must be made, a Fragmentary Order (FRAGO) will be created. These modifications will be annotated in the annex section of the FRAGO.

II. Tactical Operational Period

Operational discipline is necessary for the success of OPSG. Deliberate, adaptive, integrated, and intelligence-driven planning is critical to conducting targeted enforcement operations consistent with the objectives of the OPSG. By participating in the OPSG, the state, local, tribal, and territorial agencies agree to conduct operations designed to reduce border-security risk. Tactical operations will be conducted on a periodic basis meeting the criteria outlined below. Tactical operational periods are composed of six critical elements: 1) a pre-planning meeting with the IPT; 2) specified beginning and ending dates; 3) the integration of intelligence and border security; 4) use of targeted enforcement techniques; 5) clearly stated objectives; and 6) an after-action meeting. A campaign should involve several tactical operational periods. These periods require deliberate on-going planning to ensure command, staff, and unit activities synchronize to current and future operations. The cyclical nature of the process will ensure OPSG activities align with the fluctuating border-security threats and vulnerabilities. Planners
should recognize that shorter, frequent tactical operational periods increase the flexibility and leverage gained through OPSG funding.

The IPT should leverage information provided by the fusion center, Border Intelligence Centers or other local intelligence center, when possible, and establish a common operational vision. The USBP sector’s Chief Patrol Agent, or his/her designee, will ensure that the information or intelligence has a clear nexus to border security. Intelligence will be shared and vetted for border security value, driving the focus of operations. The tactical operational period should focus on specific targets of interest or specific areas of interest identified by the IPT. Once intelligence-driven targets are identified, the IPT will decide on operational objectives that reflect the intended impact of operations. The objectives should outline how the operation will deter, deny, degrade, or dismantle the operational capacity of the targeted transnational criminal organizations.

The frequency and duration of each tactical operational period should be predicated by local risk factors. The tactical periods may be broken down into three, six or twelve month increments. The tactical operational period may combine to develop an operational cycle that is synchronous or asynchronous, connected, or unconnected, depending on security conditions and the IPT’s intent. Each tactical operational period will begin on a predetermined date and end on a predetermined date, but the dates may be subject to change commensurate with emerging security conditions. The starting date of the operational period should be established to allow sufficient time for the order to be submitted and approved by the corresponding USBP Sector and in concurrence with its SAA and USBP Headquarters. The USBP Sectors will upload copies of tactical period operations in the corresponding campaign plan folder in the CBP Stonegarden Data Management System in MAX.gov.
The following diagrams illustrate two different approaches for conducting operations:

### CAMPAIGN PLAN'S OPERATIONAL CYCLE
DURATION: 1 FISCAL YEAR

**FY start** — **FY end**

<table>
<thead>
<tr>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
<th>February</th>
<th>March</th>
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<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
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</thead>
</table>

- Period 01
- Period 02
- Period 03
- Period 04

This cycle illustrates contiguous operations. This is an example of a twelve month campaign plan with four *tactical operational periods*.

**Figure 1:** Example of an Ongoing Synchronized Operational Cycle

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### CAMPAIGN PLAN'S OPERATIONAL CYCLE
DURATION: 1 FISCAL YEAR

**FY start** — **FY end**

<table>
<thead>
<tr>
<th>October</th>
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<th>August</th>
<th>September</th>
</tr>
</thead>
</table>

- Period 01
- Period 02
- Period 03
- Period 04
- Period 05

This cycle illustrates operations on an *as-needed* basis, in response to emerging border security threats. This is an example of a twelve month campaign plan with five tactical operational periods. This sample shows overlapping operations as well as times when there are no operations being conducted.

**Figure 2:** Example of a Dynamic, Unsynchronized Operational Cycle

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4 These illustrations reflect a twelve month campaign plan. A campaign plan should be written to encompass the performance period. Performance periods vary from state to state, please contact the State Administrative Agency for clarification.
III. Reporting Procedures

Participation in OPSG requires accurate, consistent, and timely reporting of how funds are used, and how the state, local and tribal agencies’ operations have impacted border security through the mitigation of threat or vulnerability and the overall reduction of risk. Reporting will focus on: monitoring program performance; determining the level of integration and information sharing; and developing best practices for future operations. To ensure consistent reporting each state, local and tribal agency will identify a single point of contact to represent their agency as a member of the IPT and to coordinate the submission of reports or execute other aspects of the grant.

The Daily Activity Report, which can be found by selecting the link for the FY 2017 HSGP NOFO on FEMA’s preparedness grants page (https://www.fema.gov/preparedness-non-disaster-grants), is to be used to submit the ongoing results and outputs from OPSG operations conducted. The information and statistics included in the DAR will be delineated by agency (friendly forces). The Daily Activity Report must be submitted to the USBP sector, or the participating agency’s OPSG coordinator within 48-hours of the conclusion of each OPSG shift. Sub-recipients and Sectors are responsible to ensure that DARS are submitted in the proper format and in a timely manner. DARS will be submitted using the CBP Stonegarden Data Management System in www.MAX.gov. Friendly Forces receiving funding through a sub-recipient will submit DARS within 48 hours. Border Patrol Sectors and OPSG sub-recipients will implement internal protocols to ensure operational data from sub-recipients and friendly force DARS are properly collected following the established guidelines. USBP Sector Coordinators will compile the results from each Daily Activity Report at the end of the month and reconcile with the OPSG sub-recipients by the 10th day of the following month. The USBP sector will compile the reconciled results from the participating agencies and submit the results to USBP Headquarters by the 15th of each following month.

In addition to the ongoing reporting of outputs, sub-recipient participants will be required to submit After Action Reports to USBP sectors within 10 days of closing the operational POP for that funding year. The After Action Report should carefully articulate outcomes and outputs, as well as how the results of the operation compare with the objectives identified during the pre-planning meeting. Failure to submit the After Action report in a timely manner may prevent the approval of future operations requests. All AARs and other OPSG reporting requirements will be submitted through the CBP Stonegarden Data Management System in www.MAX.gov. Sectors are responsible for submitting AARs into Border Patrol Enforcement Tracking System (BPETS) as applicable.

IV. Operational roles and responsibilities

In order to achieve unity of effort, it is essential that each participant know the roles and responsibilities within the IPT.

The USBP sector’s Chief Patrol Agent, or his/her designee, will:

- Coordinate and chair the area Integrated Planning Team’s meetings;

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Appendix E – OPSG Operational Guidance
- Coordinate with all interested and eligible state, local, tribal, and territorial agencies in the sector’s area of operation during the open period of the OPSG application process by:
  - Assisting applicants in completing the operations planning portion of the application, which is similar to the Operations Order used by the Border Patrol.
  - Forwarding the approved operation portion of the application to CBP/USBP Headquarters, as well as to the SAA to complete the application process set by DHS/FEMA/GPD.
  - Detailing what operational support the USBP Sector anticipates for specific periods and matching the capabilities of partners to fill those gaps; and
- Following the announcement of grant awards, coordinate and chair a meeting with state, local, tribal, and territorial agencies that received OPSG awards to develop an individualized campaign plan. This includes:
  - Working with state, local, tribal, and territorial agencies, along with other federal law enforcement agencies to determine the dates, focus, and needs of each tactical operational period, ensuring that each operation has a nexus to border security;
  - Receiving the first periodic operations order from the state, local, tribal, and territorial agencies and ensuring that the operation is conducted as outlined in Section I;
  - Monitoring and supporting the Operational Cycle throughout the performance period;
  - Ensuring Daily Activity and After Action Reports are submitted by state, local and tribal agencies in the proper format and within the established timeframes;
  - Providing instruction, when possible, to state, local and tribal agencies regarding techniques, methods and trends used by transnational criminal organizations in the area;
  - Providing a single point of contact to participants as a subject-matter expert in OPSG that can coordinate, collect, and report operational activities within the established reporting procedures;
  - Providing verification that operations are actually conducted;
  - Documenting and conducting random, on-site operational verification of OPSG patrols by sub-recipients and friendly forces;
  - Verifying that sub-recipients are performing OPSG enforcement duties in accordance with applicable grant, statute, regulatory guidance, and instructions; and
  - Ensuring that grant funds are appropriately expended to meet sector border enforcement operational requirements and assist in enhancing sub-recipient/friendly force capabilities in order to provide for enhanced enforcement presence, operational integration, and intelligence sharing in border communities.

---

5 This will not be entered into the Border Patrol Enforcement Tracking System (BPETS).
The state, local or tribal agency lead, or their designee, will:

- Coordinate with the SAA on all grant management matters, including but not limited to the development and review of operations orders, expenditure of funds, allowable costs, reporting requirements;
- Participate as a member of the Integrated Planning Team to facilitate the application process during the open period and ensure the application is submitted in compliance with the grant instructions;
- Upon receiving a grant award, coordinate and meet as a member of the Integrated Planning team to develop an individualized campaign plan that covers the length of the grant performance period;
- Work within the Integrated Planning team to develop an initial Operational Cycle and determine the duration of the first operational period based on the tactical needs specific to the area;
- Submit all operations orders to the SAA for review, and submit the first periodic operations order to the Border Patrol and ensure the operation meets the six criteria established in Section II;
- Conduct operations, on an as-needed basis throughout the length of the grant performance period;
- Integrate law enforcement partners from contiguous counties and towns into their tactical operations to expand the layer of security beyond existing areas;
- Ensure all required reports, including reports from friendly forces, are submitted to the Border Patrol and the SAA, when applicable, in the proper format and within established timeframes;
- Ensure applicable Operation Stonegarden derived data is shared with the designated fusion center in the state and/or Urban Area.
- Request instruction and information from the SAA, when applicable, and/or Border Patrol and other federal law enforcement agencies regarding techniques, methods, and trends used by transnational criminal organizations in the area; and
- Provide the SAA and Border Patrol a single point of contact that maintains subject-matter expertise in OPSG who can coordinate, collect, and report operational activities within the established reporting procedures.

The SAA will:

- Actively engage in the IPT meetings;
- Work in direct coordination and communication with the local or tribal agency lead on all grant management matters;
- Review all Operations orders created by the local or tribal agency;
- Acts as the fiduciary agent for the program and provide expertise in state policy and regulations;
- Enter into a sub-award agreement to disburse the allocated funding awarded through DHS/FEMA/GPD;
- Generate quarterly reports to DHS/FEMA capturing the sub-recipients’ obligation and expenditure of funds;
- Determine if the grant’s performance period requires additional refinement over the federally established 36-month period; and
- Conduct audits of the program to ensure that the sub-recipients are in compliance with program guidance.

V. Definitions (OPSG only)

Area of Interest: A specific area, areas, or facilities known to be used by transnational criminal organizations in furtherance of their criminal activity.

Campaign Plan: The first Operational Order based on the CONOP aimed at accomplishing a strategic or operational objective within a given time and space.

Concept of Operations (CONOP): A written statement that clearly and concisely expresses what the state, local or tribal commander intends to accomplish and how it will be done using available resources (and funding). It is also the operational equivalent of the OPSG grant application.

Fragmentary Order (FRAGO): A fragmentary order is a modification of the approved campaign plan. After an operation order has been approved, any changes to a campaign plan will be submitted as a FRAGO. Subsequent FRAGO’s are permissible.

Friendly Forces: Local law enforcement entities with whom OPSG sub-recipients provide funding to support border security operations.

Integrated Planning Team: Group that coordinates on all aspects of OPSG application, planning, and de-briefings.

Operational Cycle: A deliberate on-going cycle of command, staff, and unit activities intended to synchronize current and future operations (driven by current intelligence and short-term goals that support the campaign).

Operational Discipline: The organized manner in which an organization plans, coordinates, and executes the OPSG mission with common objectives toward a particular outcome.

Operation/Operational Order (OO): A formal description of the action to be taken to accomplish or satisfy a CONOP, Campaign Plan, or FRAGO. The OO includes a detailed description of actions to be taken and required logistical needs to execute an operation.

Performance Measure: A numerical expression that quantitatively conveys how well the organization is doing against an associated performance goal, objective, or standard.

Risk: Potential for an adverse outcome assessed as a function of threats, vulnerabilities, and consequences associated with an incident, event, or occurrence.
**Tactical Operational Period:** An operational segment that meets the following six criteria: 1) specified beginning and ending dates; 2) begins with pre-planning; 3) is intelligence-driven; 4) uses targeted enforcement techniques; 5) has clearly stated objectives; and 6) concludes with an after-action meeting.

**Targeted Enforcement:** The leveraging of all available assets against a specific action, area, individual, or organization and using those deemed most appropriate to mitigate risk.

**Target of Interest:** A specific person, group of persons, or conveyance known to be part of, or used by transnational criminal organizations to advance their criminal activity.

**Threat:** Information expressing intent to conduct illegal activity often derived from intelligence sources, the overall context, a specific event or series of events, or observation of suspicious activity.

**Tier:** Tier refers to the geographical location of a municipality, county or tribe with respect to the border, i.e., Tier 1 is a county located on the border; a Tier 2 county is a county contiguous to a Tier 1 county. A Tier 3 is a county not located on the physical border; a Tier 3 county is a county contiguous to a Tier 2 county.

**Unity of Effort:** Coordination and cooperation among all organizational elements, even though they may not be part of the same “command” structure, to achieve success.

**Vulnerability:** The protective measures in place are less than the protective measures needed to mitigate risk.
## Appendix F – FY 2017 HSGP Allowable Cost Matrix

<table>
<thead>
<tr>
<th>Allowable Program Activities</th>
<th>SHSP</th>
<th>UASI</th>
<th>OPSG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allowable Planning Costs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developing hazard/threat-specific annexes that incorporate the range of prevention, protection, response, and recovery activities</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Developing related terrorism and other catastrophic event prevention activities</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Developing and enhancing plans and protocols</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Developing or conducting assessments</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Hiring of full- or part-time staff or contract/consultants to assist with planning activities (not for the purpose of hiring public safety personnel fulfilling traditional public safety duties)</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Materials required to conduct planning activities</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Travel/per diem related to planning activities</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Overtime and backfill costs (in accordance with operational Cost Guidance)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Issuance of WHTI-compliant Tribal identification cards</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Activities to achieve planning inclusive of people with disabilities and others with access and functional needs and limited English proficiency</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Coordination with Citizen Corps Councils for public information/education and development of volunteer programs</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Update governance structures and processes and plans for emergency communications</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Activities to achieve planning inclusive of people with limited English proficiency</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Allowable Organizational Activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reimbursement for select operational expenses associated with increased security measures at critical infrastructure sites incurred (up to 50 percent of the allocation)</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Overtime for information, investigative, and intelligence sharing activities (up to 50 percent of the allocation)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Hiring of new staff positions/contractors/consultants for participation in information/intelligence analysis and sharing groups or fusion center activities (up to 50 percent of the allocation)</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td><strong>Allowable Equipment Categories</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Protective Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Explosive Device Mitigation and Remediation Equipment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>CBRNE Operational Search and Rescue Equipment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Information Technology</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Cybersecurity Enhancement Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Interoperable Communications Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Detection</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Decontamination</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Medical</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Power (e.g., generators, batteries, power cells)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>CBRNE Reference Materials</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>CBRNE Incident Response Vehicles</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Terrorism Incident Prevention Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Physical Security Enhancement Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

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*Current as of publication for FY 2017 Programs. This list is not all-inclusive. See the respective program guidance for additional details and/or requirements.*

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Appendix F – FY 2017 HSGP Allowable Cost Matrix
<table>
<thead>
<tr>
<th>Allowable Program Activities</th>
<th>SHSP</th>
<th>UASI</th>
<th>OPSG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection and Screening Systems</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Animal Care and Foreign Animal Disease</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>CBRNE Prevention and Response Watercraft</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>CBRNE Aviation Equipment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>CBRNE Logistical Support Equipment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Intervention Equipment (e.g., tactical entry, crime scene processing)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Other Authorized Equipment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Allowable Training Costs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overtime and backfill for emergency preparedness and response personnel attending DHS/FEMA-sponsored and approved training classes</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Overtime and backfill expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA training</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Training workshops and conferences</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Activities to achieve training inclusive of people with disabilities and others with access and functional needs and limited English proficiency</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Full- or part-time staff or contractors/consultants</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Travel</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Supplies</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Instructor certification/re-certification</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Coordination with Citizen Corps Councils in conducting training exercises</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Interoperable communications training</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Activities to achieve planning inclusive of people with limited English proficiency</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td><strong>Allowable Exercise Related Costs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design, Develop, Conduct, and Evaluate an Exercise</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Full- or part-time staff or contractors/consultants</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Overtime and backfill costs, including expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA exercises</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Implementation of HSEEP</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Activities to achieve exercises inclusive of people with disabilities and others with access and functional needs</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Travel</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Supplies</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Interoperable communications exercises</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Activities to achieve planning inclusive of people with limited English proficiency</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td><strong>Allowable Management &amp; Administrative Costs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hiring of full- or part-time staff or contractors/consultants to assist with the management of the respective grant program, application requirements, and compliance with reporting and data collection requirements</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Development of operating plans for information collection and processing necessary to respond to DHS/FEMA data calls</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Overtime and backfill costs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Travel</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Meeting related expenses</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Authorized office equipment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Recurring expenses such as those associated with cell phones and faxes during the PoP of the grant program</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Leasing or renting of space for newly hired personnel during the PoP of the grant program</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>
Appendix G – FY 2017 HSGP Supplemental Material

GPD collaborates with various subject-matter experts and acknowledges the value and expertise these federal partner agencies provide to help shape the development and implementation of the HSGP. This continued partnership and collaboration helps provide recipients with the greatest number of resources required to effectively manage and implement funds as well as promote transparency. Therefore, GPD is providing hyperlinks to information on various subjects and policies that are relevant to the mission and intent of the DHS/FEMA and its preparedness grant programs.

Radiological/Nuclear Detection

The Domestic Nuclear Detection Office (DNDO) is charged with coordinating the development of the global nuclear detection and reporting architecture for a managed and coordinated response to radiological and nuclear threats. This is achieved through planning and coordination efforts with partners from federal, state, local, tribal, territorial, and international governments and the private sector. To support these efforts, DNDO has developed a Radiological/Nuclear Detection Supplemental Resource to provide guidance to stakeholders seeking to build or sustain preventive radiological and nuclear detection capabilities using DHS/FEMA preparedness grants. The guidance outlines integrating these capabilities with broader national preparedness initiatives, including PPD-8 and THIRA, as well as the Global Nuclear Detection Architecture using POETE-aligned activities. For more information please refer to http://www.dhs.gov/publication/homeland-security-grant-program-hsgp-supplemental-resource-radiologicalnuclear-detection.

National Information Exchange Model (NIEM)

NIEM is a common vocabulary that enables efficient information exchange across diverse public and private organizations. NIEM can save time and money by providing consistent, reusable data terms and definitions and repeatable processes. To support information sharing, all recipients of grants for projects implementing information exchange capabilities are required to use NIEM and to adhere to the NIEM conformance rules. Visit https://niem.gov/grants for guidance on how to utilize DHS/FEMA award funding for information sharing, exchange, and interoperability activities.

The NIEM Emergency Management domain supports emergency-related services (including preparing first responders and responding to disasters), information sharing, and activities such as homeland security and resource and communications management. The Emergency Management domain has an inclusive governance structure that includes federal, state, local, industry, and, where necessary, international partnerships. The NIEM Emergency Management domain is committed to community support via technical assistance and NIEM training. For more information on the NIEM Emergency Management domain, to request training or technical assistance or to just get involved, visit https://niem.gov/EM.

Integrated Public Alert and Warning System (IPAWS)

The 2017 IPAWS Supplemental Guidance on Public Alert and Warning provides guidance on eligible public alert and warning activities and equipment standards for prospective state, local, tribal, and territorial recipients. The intent of this document is to promote consistency in policy
across federal grant programs, and to ensure compatibility among federally-funded projects. For more information on the IPAWS, please go to https://www.fema.gov/media-library/assets/documents/105518.

Homeland Security Information Network
HSIN is a user-driven, web-based, information sharing platform that connects all homeland security professionals including the Department of Homeland Security (DHS) and its federal, state, local, tribal, territorial, international, and private sector partners across all homeland security mission areas. HSIN is used to support daily operations, events, exercises, natural disasters, and incidents. To support user mission needs, HSIN provides three sets of services for secure information sharing. The first set provides a shared place for communities to securely collaborate on homeland security issues and includes core functions such as a web conferencing and instant messaging tools with white boarding, video, and chat services for real time communication and situational awareness. The second set provides secure dissemination and sharing capabilities for homeland security alerts, reports, and products. The third set allows users to access and query a variety of shared data and services from all homeland security mission areas and trusted federal partners. Preparedness grant funds may be used to support planning, training and development costs associated with developing and managing, mission critical, HSIN communities of interest and sites. Learn more about HSIN at http://www.dhs.gov/hsin-hsgp-guidance.

GSA’s State and Local Purchasing Programs
The U.S. General Services Administration (GSA) offers two efficient and effective procurement programs for State and local governments and certain other non-Federal entities, to purchase products and services directly from pre-vetted contractors, to fulfill homeland security and technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Cooperative Purchasing (www.gsa.gov/cooperativepurchasing)
Cooperative Purchasing, authorized by statute, allows state and local governments to purchase under specific GSA Federal Supply Schedule (also known as Multiple Award Schedules (MAS) and Schedules) contracts to save time, money, and meet their everyday needs and mission.

State and local governments are authorized to purchase IT products, software and services found under Federal Supply Schedule 70 and the IT related categories under the Consolidated Schedule through the introduction of Cooperative Purchasing, and state and local governments may purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services as contained in Federal supply Schedule 84 (or any amended or subsequent version of that Federal supply classification group).

Disaster Purchasing (www.gsa.gov/disasterpurchasing)
Disaster Purchasing, authorized by statute, allows state and local governments access to all Federal Supply Schedules, for the purchase of products and services to facilitate disaster preparedness or response or recovery from major disasters declared by the president under the
Robert T. Stafford Disaster Relief and Emergency Assistance Act OR to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

**State, Local, Tribal and Territorial (SLTT) Cybersecurity Engagement Program**
The DHS Office of Cybersecurity and Communications (CS&C), within the National Protection and Programs Directorate, is responsible for enhancing the security, resilience, and reliability of the Nation’s cyber and communications infrastructure. CS&C works to prevent or minimize disruptions to critical information infrastructure in order to protect the public, the economy, and government services. CS&C leads efforts to protect the federal “.gov” domain of civilian government networks and to collaborate with the private sector—the “.com” domain—to increase the security of critical networks.

The DHS SLTT Cybersecurity Engagement Program within CS&C was established to help non-federal public stakeholders and associations manage cyber risk. The program provides appointed and elected SLTT government officials with cybersecurity risk briefings, information on available resources, and partnership opportunities to help protect their citizens online. Through these and related activities, the program coordinates the Department’s cybersecurity efforts with its SLTT partners to enhance and protect their cyber interests. More information on all of the DHS CS&C resources available to support SLTT governments is available at [https://www.us-cert.gov/ccubedvp](https://www.us-cert.gov/ccubedvp).

**Regional Resiliency Assessment Program (RRAP)**
The Regional Resiliency Assessment Program (RRAP) is a cooperative assessment of specific critical infrastructure within a designated geographic area and a regional analysis of the surrounding infrastructure that address a range of infrastructure resilience issues that could have regionally and nationally significant consequences. These voluntary, non-regulatory RRAP projects are led by the Office of Infrastructure Protection (IP), within the Department of Homeland Security’s National Protection and Programs Directorate, and are selected each year by the Department with input and guidance from Federal, State, and local partners. For additional information on the RRAP, please visit [https://www.dhs.gov/regional-resiliency-assessment-program](https://www.dhs.gov/regional-resiliency-assessment-program).
# Grant Payment Request

## Section A: Submitting Your Request

Please submit [legible supporting documents, files and completed request form at:](#)

**Grants@auditor.lacounty.gov**

In the event e-mail is not available, you can mail your Grant payment request to (please do not fax or send duplicates):  

Department of Auditor-Controller  
Shared Services Division / Attn: Grants Unit  
3470 Wilshire Blvd., Suite 812  
Los Angeles, CA 90010

1. **Grant Name & Year:**  
   [ ]

20__

## Section B: Sub-Recipient’s Information

1. **Sub-Recipient’s Name:** (reimbursement check will be made payable to the name entered here)

2. **Mailing Address** (please let us know where you want your check delivered, including attention line if necessary):

3. **Taxpayer ID #:**

4. **Contact’s Name:**

5. **Contact’s Phone:**

6. **Contact's E-mail:**

## Section C: Detail Payment Request Information

<table>
<thead>
<tr>
<th>1. Solution Area</th>
<th>2. Item # (e.g. 17.003)</th>
<th>3. Project Alpha (e.g. D)</th>
<th>4. EHP required? (Environmental &amp; Health Preservation)</th>
<th>5. VENDOR’S INVOICE #</th>
<th>6. Purchase Method</th>
<th>7. Claim Amount (indicate the amount per each line)</th>
</tr>
</thead>
<tbody>
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<td>No</td>
<td>Yes (attach prior State Approval)</td>
<td>Competitive Bid? (How many?)</td>
<td>Non-Competitive Bid</td>
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8. **Total $**

## Section D: Sub-Recipient’s Certification

1. I am the duly authorized officer of the claimant herein and this claim is in all respects true and correct. All expenditures were made in accordance with applicable laws, rules, regulations and grant conditions and assurances.

2. All instructions for this form were followed and all the supporting documentation (per instructions) is included with this claim.

3. **Authorized Signature**

   [ ]

4. **Authorized Printed Name**

5. **Authorized Contact Information** (If different from Section B):

   PHONE #: ____________________________

   E-MAIL: ____________________________

**Assigned Invoice No.**

---

**Note:** This Form is intended for Internal SSD review purpose only.

Revised on 11/20/2017
Purpose of these instructions:

To assist sub-recipients in completing the Grant Payment Request. We appreciate your participation in this program, for questions or suggestions please use our e-mail below to contact us. Please do not send these instructions to us, they are to be used for your guidance only.

SECTION A: GENERAL INSTRUCTIONS FOR SUBMISSION OF GRANT PAYMENT REQUEST

In numeral 1 of this section, please enter the name and year of the grant program that you are submitting for payment. In addition, please help us expedite the process of your Homeland Security claims by:

- Completing the Grant payment request correctly and according to these instructions.
- Submitting your Grant payment request using our e-mail --> Grants@auditor.lacounty.gov (please do not fax documents).
- Sending your Grant payment request only once (we do not require original documents and duplicates will slow down our process).
- Using the checkboxes to ensure all the required supporting documents and files accompany your Grant payment request. Supporting documents are flagged for your convenience with a checkbox within the corresponding areas.
- Ensuring that all documents attached to your Grant payment requests are legible.
- Submitting Grant payment request timely. We do not guarantee the process of Grant payment requests that are submitted late or too close to the final due date. Reimbursable expenditures need to be charged within the performance period of the grant and submitted to us as soon as they are incurred.

SECTION B: SUB-RECIPIENT’S INFORMATION

The following numerals provide the instructions to fill in the corresponding numeral in the form:

1. Please enter the name of the agency requesting for payment. The name of the agency should be typed according to its signed agreement and as you need it to appear in the payee line of the reimbursement check.

2. Please enter the complete address (street number and name, city, zip code) and attention line where you will need to receive the reimbursement check. Please note that this is not necessary for L.A. County departments.

3. Please enter the tax ID of the governmental entity requesting payment. Please leave blank for L.A. County departments.

4. Please enter the information of the person that can assist us with detail claim questions.

SECTION C: DETAIL PAYMENT REQUEST INFORMATION:

In order to expedite your Grant payment request, in this area’s grid, include a maximum of five (5) invoices or reimbursements charges (one charge or one invoice per line). The invoices or charges need to share the same solution area, project alpha and item #. In addition, invoices from one fiscal year should be claimed separate from invoices of another fiscal year. For example: an invoice dated June 2015 (FY 14/15) should not be combined with an invoice dated October 2015 (FY 15/16) in the same claim request.

The following numerals provide the instructions to fill in the corresponding numeral in the form:

1. Enter the solution area corresponding to the claim. This information is found in the latest budget of the grant. Examples of solution areas are: equipment, training, planning or exercise.

2. Enter the item # corresponding to the claim. This information is found in the latest budget of the grant. An example of Item # is 17.020.

3. Enter the project alpha corresponding to the claim. This information is found in the latest budget of the grant. An example of project alpha is D.

4. Check with an X under either yes or no according to the claim’s Environmental & Historical Preservation (EHP) requirements from the State. EHP approval needs to be obtained from the State prior to the start of the project on certain equipment items (see AEL description) or training/exercise projects. Please attach the following:
   a) [ ] State EHP Approval: if required by the state for your claim.
5. If the expenditures that you are claiming were purchased thru a vendor or contractor, please enter the invoice # in the grid area. Please note that you are responsible for following acceptable purchasing policies and for documenting your procurement process. Additionally please include the following documentation with your claim:

a) □ Copy of the invoice: Please attach an invoice that provides sufficient information to be used as a cross reference with the items described in your grant line item and AEL #. When the invoice includes items that are not being claimed or that belong to different claims or grants, please circle and designate on the invoice the items that you are requesting for reimbursement. Each item circled must have a project #, a funding source, and a total. Purchase orders and price quotes will not be accepted in the place of the invoice.

b) □ Copy of the purchase order

c) □ Print out of the corresponding AEL # (Authorized Equipment List number). The AEL listing can be found at: https://www.rkb.us/fema_grants.cfm

d) □ Proof of payment of the invoice: The proof of payment for L.A. County Departments is the printout from e-CAPS showing that the check cleared the bank. The proof of payment for other than L.A. County Department is the corresponding copy of the bank’s cleared check.

e) □ Calculations for use tax paid: When use tax is paid, clearly show the calculations of the use tax in the invoice included in your claim.

f) □ Proof of payment of the use tax: Please provide official documents which authenticate the remittance of the use tax to the state, the amount and the reference to the invoice being claimed.

g) □ Federal Debarment Listing: Please provide a screen print out of the queried Federal Debarment Listing at http://www.sam.gov/portal/public/SAM. (you will need a username and a password; if you don’t please create an account). The listing needs to be queried prior to the selection of the vendor.

6. If you are claiming services, supplies or any other type of items purchased thru a vendor or contractor, please indicate with an X the method that you used to acquire the items (do not leave blank or mark more than one). Please note that competitive bid, non-competitive bid or sole source are the only valid purchasing methods.

a) □ Competitive Bid: for projects that received more than one bid. Please indicate number of bids received (must be more than one).

b) □ Non-Competitive Bid: for single bid purchases of $150,000 or more to a single vendor or a single project, please attach the approval from the State. The approval needs to be requested from the State prior to the start of the project.

c) □ Sole Source: for non-bid purchases of $150,000 or more to a single vendor or a single project, please attach the approval from the State. The approval needs to be requested from the State prior to the start of the project.

7. Enter the amount of your claim after you verify that your budget is sufficient to cover your request. When the amount of the budget is not sufficient, please let your Program Coordinator know of the possible need for budget modification.

8. Enter the "Total Amount" by adding the subtotal claims included in each line.

SECTION D: SUB-RECIPIENT’S CERTIFICATION

The following numerals provide the instructions to fill in the corresponding numeral in the form:

1. Please read and check the box provided if you are an authorized signor.

2. Please read and check the box provided if you are an authorized signor.

3. Please sign the Grant payment request if you are an authorized signor of your agency.

4 & 5. When the authorized person is the same as the contact person in Section B you do not need to enter the authorized contact information. If the authorized person and the contact person in Section B are different, please enter all the fields in this area as requested.
ADDITIONAL ITEMS THAT YOU NEED TO ATTACH TO YOUR GRANT PAYMENT REQUEST:

For Equipment Claims:

a) Equipment Inventory Listing (Print out & Excel File): Please include both the printout of the listing and the corresponding excel file with your claim. The excel file is used to submit your claim with the state and the printout as backup document for audits. If there is no serial # for your equipment please assign a valid ID tag, or write "Consumable" (if it applies) or write N/A. please do NOT leave the corresponding space blank. "*" Please refer to the Instructions to Equip Inty Tab for completion procedures of Equipment Inventory.

Additionally, please enter the appropriate CBRNE Mission (Chemical, Biological, Radiological, Nuclear, or Explosive) in the column titled "Equipment Description & Quantity". This only applies to vehicles with AEL # 12VE-00-MISS (Vehicle Specialized Mission: CBRNE).

You need to inform us of any changes on the items above "*". This applies to each piece of equipment added in the Inventory Listing, including when the items are disposed and/or no longer useful. We will update the master inventory listing (per grant requirement) according to the information you give us. Please make sure that you include all the attachments that are necessary to provide us with the requested information.

For Training Claims:

a) State-Sponsored Training Reporting Form (with the tracking request #): Please add this form along with the Training Request Form Training Officer (POC), which you completed at the website, to the claim's backup documentation. All the backup documentation submitted for the training claim needs to agree with the training period and the detail description on the Training Reporting Form and the line item of the Grant. Training request #s must be obtained from the State prior to the start of the project.

b) Receipts and paid invoices: please include the complete copy of the receipts and paid invoices with your claim for itemized costs such as air plane tickets, hotel stays, instructor's fees, workshop cost, facilities fees, consulting services, etc. Additionally, you will need to include the documents requested in numeral 5 under Section C.

If you are including personnel cost with your training claim, please add the following:

c) Personnel List (Print out & Excel File): Please include both the printout of the listing and the corresponding excel file with your claim. The excel file is used to submit your claim with the state and the printout as backup document for audits.

d) Documents that certify completion of the training: please attach supporting documents that show the class name, dates of training, # of hours of the training class, printed name and signature of individual taking the class and approval signature from supervisor or trainer (attach the information for backfilled positions also). Examples of documents that certify completion of training are:

- Attendance sheets (signed by employee and instructor)
- Sign in sheets (same as above)
- Signed training certificates

e) Summary Listing of Charges: Please use the Training Summary Sheet form provided in this claim packet that clearly shows the breakdown of the training charges per employee and that match the total claimed. This form includes the following: employee name, assignment, job title, date, salary, hours claimed, regular rate, overtime rate, employee benefits rate, claim amount per employee, clear calculations of amount claimed per employee and total (equal to the amount claimed).

Please ensure that the Training Summary Sheet is verified/approved by an authorized signatory, with printed name and title, and dated.

f) Backup for the Benefits Rate: If you are adding benefits to your claim, please make sure that you include the official calculation for the rate used.

g) Timecards: Include a printout of the corresponding timecards. Manual timecards need to indicate the # of hours charged per day to the grant, supervisor's signature, employee name and signature. Automatic system generated timecards need to be approved and include the name of the employee and hours charged per day to the grant.

h) Explanation of timekeeping codes: When the supporting documentation (timesheet, payroll register, etc.) includes timekeeping codes please provide a printout with the explanation of the usage as detailed as possible.

i) Payroll register: The payroll register needs to clearly support and explain the amount claimed per employee. It also needs to show the salary, hourly rate, employee benefits and overtime rate.
j) □ Roster of backfilled positions: When you are claiming overtime for a backfilled position, please attach the backfilled roster to your claim. The roster needs to include the name of the backfilling employees, a short description of duties performed, the corresponding employee whose duties were covered and the dates accordingly. Please make sure that the roster is signed and that you include documentation corresponding to the employee covered by the backfilling position.

For Planning Claims:

a) □ Deliverable (or final product): Please include with your claim the final product of the planning activity (deliverable) that was identified in the grant award.

b) □ Signed Certificate of Completion: The certificate of completion can be an e-mail confirming that the planning activity was completed.

c) □ Invoices: If your planning claim includes charges invoiced by vendors, please see requirements and documents you need to attach to your claim form under Section C (numeral 5 and numeral 6).

d) □ Supporting Documentation for Personnel Cost: When your planning claim includes personnel cost, please see d) to i) under Training Claim (supporting documents needed) and add to the documentation.

For Exercise Claims:

a) □ Proof of State Approval of After Action Report (AAR): In order for your AAR to be approved you have to submit it to the State using the ODP Portal (see link below), within 90 days after completion of the exercise. You need to notify the State when the AAR is uploaded so they can proceed with the approval process.

https://hseep.dhs.gov/DHS_SSO/

b) □ Invoices: If your exercise claim includes charges invoiced by vendors please see requirements and documents you need to attach to your claim form under Section C (numeral 5 and numeral 6).

c) □ Supporting Documentation for Personnel Cost: When your exercise claim includes personnel cost, please see d) to i) under Training Claim (supporting documents needed) and add to the documentation.

For Organization Claims: Please see above b) and c) under Exercise Claims.
Equipment Inventory Listing
Procedures for Completion

**OBJECTIVE:** To provide an equipment inventory listing that links the State Homeland Security Workbook, to the Equipment Ledger and to the Equipment Listing to simplify the tracking and accountability, and to eliminate duplication and confusion.

<table>
<thead>
<tr>
<th>Field</th>
<th>Date Element</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Grant Name</td>
<td>SHSP or EMPG</td>
</tr>
<tr>
<td>(2)</td>
<td>Sub-Recipient</td>
<td>Name of your agency</td>
</tr>
<tr>
<td>(3)</td>
<td>Date of Report</td>
<td>Date report completed (1)</td>
</tr>
<tr>
<td>(4)</td>
<td>Grant Year</td>
<td>Grant Year of funds used to purchase equipment</td>
</tr>
<tr>
<td>(5)</td>
<td>Project Line</td>
<td>Project Line (from Grant Workbook)</td>
</tr>
<tr>
<td>(6)</td>
<td>Project Alpha</td>
<td>Project Alpha character (from Grant Workbook)</td>
</tr>
<tr>
<td>(7)</td>
<td>AEL No.</td>
<td>Authorized Equip Listing No (from Grant Workbook)</td>
</tr>
<tr>
<td>(8)</td>
<td>Description</td>
<td>Description of the equipment</td>
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<td>(9)</td>
<td>Serial # or Other ID #</td>
<td>Serial # or Other identification # used</td>
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<td>Safecom consult</td>
<td>Fill out either by Yes, No, or N/A</td>
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<td>(11)</td>
<td>Source of Property</td>
<td>Funding source, i.e., SHSP, EMPG, etc.</td>
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<td>(12)</td>
<td>Title Holder</td>
<td>Name of agency (City/Department)</td>
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<td>(13)</td>
<td>Vendor Name</td>
<td>Name of the vendor</td>
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<td>(14)</td>
<td>Invoice Number</td>
<td>Invoice number</td>
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<td>(15)</td>
<td>Acquisition Date</td>
<td>Date equipment acquired</td>
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<td>(16)</td>
<td>Acquisition Cost</td>
<td>Cost of the individual equipment item</td>
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<td>(17)</td>
<td>% of Fed Part</td>
<td>Fed participation in the cost of equipment</td>
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<tr>
<td>(18)</td>
<td>Location</td>
<td>Location of equipment</td>
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<td>(19)</td>
<td>Use &amp; Condition</td>
<td>Use &amp; condition (2)</td>
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<td>(20)</td>
<td>Disposition data</td>
<td>Date of disposition</td>
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<td>(21)</td>
<td>Sale Price</td>
<td>Sale price, if applicable, or N/A for not applicable</td>
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The **Equipment Inventory Listing** must be completed in its entirety to meet the objective of the form.

**Note (1):** This date should be the date the physical inventory of equipment was taken and the results reconciled with the equipment records (at least once every two years).

**Note (2):** Indicate: N = New, D = Deployed, O = Out of Service, L = Lost & S = Stolen

**Distribution**
Copy maintained in sub-recipient file
Copy forwarded to Shared Services Division
# Training Summary Sheet

**Grant Name**

**Jurisdiction Name:**

**Training Provider:**

**OHS Approved Course Title:**

**Non-SLGCIP Course Title & OHS Tracking No.**

(Requires pre-approval thru OEM)

**Date of Course:**

**Class/Exercise Duration/Hours:**

<table>
<thead>
<tr>
<th>EMP NO.</th>
<th>EMPLOYEE NAME</th>
<th>ASSIGNMENT</th>
<th>TITLE</th>
<th>TRAINING REQUEST #</th>
<th>TRAINING START DATE</th>
<th>TRAINING END DATE</th>
<th>SALARY</th>
<th>OT HOURS</th>
<th>REG RATE</th>
<th>OT RATE</th>
<th>OT PAY</th>
<th>Are you claiming for Employee Benefits?</th>
<th>Employee Benefits Rate</th>
<th>CLAIM TOTAL</th>
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**GRAND TOTAL**

Approved by: __________________________

Authorized Signature

Print Name and Title: __________________________

Date: _________________
<table>
<thead>
<tr>
<th>Project</th>
<th>Exercise Title</th>
<th>Funding Source</th>
<th>Solution Area Sub-Category</th>
<th>Discipline</th>
<th>Cash Request Number</th>
<th>Total Cost</th>
<th>Total Claimed</th>
<th>Conducted By</th>
<th>Date of Exercise</th>
<th>Exercise Type</th>
<th>Exercise Role</th>
<th>Date AAR entered into HSEEP</th>
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</table>

**GRAND TOTAL** $ 

Approved by: 

Authorized Signature 

Print Name and Title 

Date
<table>
<thead>
<tr>
<th>Project</th>
<th>Employee Name</th>
<th>Project / Deliverable</th>
<th>Funding Source</th>
<th>Discipline</th>
<th>Solution Area</th>
<th>Solution Area Sub Category</th>
<th>Dates of Payroll Period</th>
<th>Total Salary &amp; Benefits charged for this Reporting Period</th>
<th>Total Project Hours</th>
<th>REIMB Request #</th>
<th>Total Cost Charged to Grant</th>
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</table>
8. Notes on Personnel Cost:

In general, costs associated with:

- Work performed under contract for a specific deliverable DOES NOT count against the personnel cap, however,
- Work performed under contract for an undefined period, such as for personnel costs supporting operational activities, including general planning, training or exercise activities DO count against the personnel cap; and
- Work performed by all non-contractor personnel, including for full- or part-time staff and operational overtime DO count against the personnel cap.

The following examples would not count towards the personnel cap:

- Vendor installation of a radio tower;
- Vendor training on new equipment purchased;
- Contractor hired to create an Emergency Operations Plan;
- Contractor hired to provide deliveries of ICS 400; and
- Contractor hired to assist with planning, training, evaluating, and reporting the effectiveness of a specific exercise.

The following examples would count towards the personnel cap:

- Contractor hired to be the State’s WMD training instructor with no specific deliverables under contract;
- Contractor hired to facilitate unidentified number of exercises throughout the performance period;
- Contractor hired to be the part-time auditor of Homeland Security Grants throughout the year; and
- Contractor hired to be an intelligence analyst.
EL SEGUNDO CITY COUNCIL

MEETING DATE: November 6, 2018

AGENDA STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to approve an increase to the construction contingency for the Police Department Floor Replacement, Project No. PW 18-02 (Fiscal Impact: $27,000.00)

RECOMMENDED COUNCIL ACTION:

1. Approve an increase to the project’s construction contingency from $20,696.50 to $47,696.50; or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None.

FISCAL IMPACT: Included in Adopted FY 2017-18 Budget

Amount Budgeted: $250,000 for Various Police Department Upgrades
Additional Appropriation: N/A
Account Number(s): 301-400-8201-8708 (Police Dept. Upgrades)

STRATEGIC PLAN:

<table>
<thead>
<tr>
<th>Goal</th>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>(a)</td>
<td>El Segundo’s physical infrastructure supports an appealing, safe, and effective City</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Develop as a Choice Employer &amp; Workforce</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>The City has an inspired, engaged workforce</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Orlando Rodriguez, Senior Civil Engineer
REVIEWED BY: Ken Berkman, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On March 20, 2018, City Council awarded a $206,965.00 standard Public Works Contract and an additional $20,696.50 for construction related contingencies to Cinbad Industry, Inc. (Contractor) as the low bidder for the Police Department Floor Replacement Project (Project). The Project consists of the replacement of the carpet and linoleum flooring in the Police Department (PD), as well as re-painting of the basement and the stairwell. Most of the original work identified in the contract has been completed to staff’s satisfaction.

ESP and Public Works staff would like to take advantage of the low bid price and the excellent work of the Contractor to make improvements to the evidence room, the CSI room, the gym, and the mechanical room. These areas were initially excluded from the original scope of work due to budgetary concerns as other PD projects were still in construction when the project was bidding.
However, $88,000 of additional funding has become available in the PD Upgrades account with the completion of other PD capital improvement projects such as the roof and basement AC replacement projects. Staff recommends allocating a $27,000 portion of these funds to this project to allow the remainder to potentially supplement other current PD projects, such as the fixed license plate readers. An increase in construction contingency is necessary since the approved 10% contingency is only sufficient to cover improvements to the evidence room and the CSI room, and the gym (in part).

As requested, the additional contingency shall be used to provide improvements to the gym and the mechanical room that are similar in scope to the current project. The additional work shall include:

- Installation of drywall: 75-square feet
- Preparation and painting of interior walls: 1925-square feet
- Preparation and painting of exterior siding: 2210-square feet
- Removal and installation of waterproof floor: 270-square feet

With the completion of all the requested additional work, the problematic areas identified by ESPD and Building Maintenance staff will be addressed. If approved, the additional work shall be completed by the Contractor by December 2018.

Staff respectfully recommends City Council approve an increase to the construction contingency for the Police Department Floor Replacement, Project No. PW 18-02 from $20,696.50 to $47,696.50.
AGENDA DESCRIPTION:
Consideration and possible action to accept as complete the Main Street Bollards, Project No. PW 18-08 (Fiscal Impact: $134,312.00)

RECOMMENDED COUNCIL ACTION:
1. Accept the work as complete;
2. Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; or,
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Notice of Completion

FISCAL IMPACT: Included in Adopted FY 2017-18 Budget

Amount Budgeted: $152,000
Additional Appropriation: No.
Account Number(s):
   $70,000 from 301-400-8203-8908 (Retractable Bollards-Main St)
   $58,000 transferring from 301-400-8201-8513 (Police Roof Replacement) to 301-400-8203-8908 (Retractable Bollards-Main St)
   $24,000 from 001-400-2601-6281 (Emergency Facility Maintenance)

STRATEGIC PLAN:

Goal: 2 Support Community Safety and Preparedness
Objective: (a) The City has a proactive approach to public safety, preparedness and crime that is outcome focused.

Goal: 4 Develop Quality Infrastructure & Technology
Objective: (a) El Segundo’s physical infrastructure supports an appealing, safe, and effective City

ORIGINATED BY: Orlando Rodriguez, Senior Civil Engineer
REVIEWED BY: Ken Berkman, Public Works Director
APPROVED BY: Greg Carpenter, City Manager
BACKGROUND AND DISCUSSION:

On May 15, 2018, City Council awarded a standard Public Works Contract to Palp, Inc. dba Excel Paving Company (Excel) for the installation of removable bollards on Main Street in the amount of $138,200 and authorized an additional $13,800 for construction related contingencies.

Construction began on August 20, 2018, and was completed by Excel on October 1, 2018. A final inspection of the work has been performed and it was determined that the project was completed per the plans and specifications and to the satisfaction of the Public Works Department. Project savings were achieved through an adjustment in the pavement restoration quantities as the quantity of asphalt concrete needed on the project was less than anticipated. The remaining $17,688 (project savings plus unspent contingency) will be disencumbered and returned to the Emergency Facility Maintenance account.

Staff respectfully recommends that City Council accept the work performed by Palp Inc. dba Excel Paving Company as complete and authorize the City Clerk to file a Notice of Completion with the County Recorder’s Office.

Accounting Summary:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$138,200.00</td>
<td>Construction Contract Amount</td>
</tr>
<tr>
<td>- $4,800.00</td>
<td>Change Order</td>
</tr>
<tr>
<td>+ $912.00</td>
<td>Advertising for Bids in Newspaper</td>
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<tr>
<td>$134,312.00</td>
<td>Total Funds Spent</td>
</tr>
<tr>
<td>$152,000.00</td>
<td>Budgeted Amount (Contract + Contingency)</td>
</tr>
<tr>
<td>-$134,312.00</td>
<td>Total Funds Spent</td>
</tr>
<tr>
<td>$17,688.00</td>
<td>Unspent Budgeted Amount Returned to Emergency Facility Maintenance Account</td>
</tr>
</tbody>
</table>
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Main Street Bollards Project
Project No.: PW 18-08  Contract No. 5531

Notice is hereby given pursuant to State of California Civil Code Section 3093 et seq that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described.

2. The full name of the owner is: City of El Segundo

3. The full address of the owner is: City Hall, 350 Main Street, El Segundo, CA, 90245

4. The nature of the interest of the owner is: Public Facilities

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on October 1, 2018. The work done was: removable bollards.

6. On November 6, 2018, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.

7. The name of the Contractor for such work of improvement was: Palp Inc. dba Excel Paving Company.

8. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Installation of removable bollards in the City of El Segundo.

9. The street address of said property is: 350 Main Street, El Segundo, CA 90245

Dated: ________________

Ken Berkman
Public Works Director

VERIFICATION

I, the undersigned, say: I am the Director of Public Works/City Engineer of the City El Segundo, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on ________________, 2018 at El Segundo, California.

________________________
Ken Berkman
Public Works Director
AGENDA DESCRIPTION:
Consideration and possible action regarding the retirement and sale of police canine, “Leo,” to his handler for a nominal fee (Fiscal Impact: None).

RECOMMENDED COUNCIL ACTION:
(1) Authorize the Police Chief to sign an agreement, approved by the City Attorney, for the sale of police canine, “Leo,” to his handler, Officer Steve Trujillo, for the nominal fee of one dollar ($1.00);
(2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None.

FISCAL IMPACT:
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

STRATEGIC PLAN:
Goal: 3(a) Develop as a Choice Employer and Workforce
Objective: The City has a strong culture of customer service, employee retention, and internal feedback.

ORIGINATED BY: Carlos Mendoza, Captain
REVIEWED BY: Bill Whalen, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
On September 15, 2018, Officer Steve Trujillo was reassigned from his position as a police dog handler after 5 1/2 years of dedicated canine service. Officer Trujillo’s police dog, Leo, a 7 year-old Belgian Malinois, has been his canine partner since March of 2013. During that term, Leo and Officer Trujillo were responsible for multiple suspect searches, surrenders and apprehensions. Further, Leo conducted multiple narcotic and article searches.

Staff recommends that Leo be permitted to retire from police canine service as he is no longer fit for police duty. El Segundo Police Department General Orders Manual (GOM) Volume 400,
Section 690.15 allows a canine handler to purchase their police service dog for a nominal fee if the dog is considered unfit for duty by the Chief of Police.

Officer Trujillo will sign a hold harmless agreement releasing the City and the Department from liability as outlined in the Department GOM.

Although the El Segundo Police Canine Unit is losing an outstanding service dog team in Officer Trujillo and K-9 Leo, the new team of Officer Jeff Rudolph and his K-9 partner, Ory, recently completed the initial training requirements and are excited to continue in this beneficial and successful program.
AGENDA DESCRIPTION:
Consideration and possible action to approve the second reading and adopt an Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Department Heads. Fiscal Impact: ($0)

RECOMMENDED COUNCIL ACTION:
1. Approve the Second Reading and adopt Ordinance No. of the Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Department Heads.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Agenda item and all attachments from October 16, 2018
2. Ordinance No.

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>Included in FY 2018-19 Adopted Budget</th>
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<td>Additional Appropriation:</td>
<td>N/A</td>
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Account Number(s):

ORIGINATED BY: Joseph Lillio, Director of Finance & Acting Director of Human Resources

REVIEWED BY: Juliana Demers, Acting HR Manager

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
On October 16, 2018, the City Council held the first reading and introduced an Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Department Heads. This was done in conjunction with the approval of a class specification for Deputy City Manager, as well as a Resolution establishing the Basic Monthly Salary Range for the job classification of Deputy City Manager.

If adopted, this Ordinance will become effective in 30 days from adoption.
AGENDA DESCRIPTION:
Consideration and possible action regarding 1) Approval of a new Class Specification for the at-will position of Deputy City Manager; and 2) Adoption of a Resolution establishing the basic monthly salary range for Deputy City Manager; and 3) Introduction of an Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4, and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Executive position (Fiscal Impact: none)

RECOMMENDED COUNCIL ACTION:
1. Adopt the Resolution establishing the Basic Monthly Salary Range for the job classification of Deputy City Manager (At-Will).
2. Introduce and schedule second reading of the Ordinance for November 6, 2018
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Deputy City Manager Class Specification
2. Resolution establishing the Basic Monthly Salary for Deputy City Manager
3. Ordinance amending El Segundo Municipal Code §1-6-3, §1-6-4 and §1-6-5 Regarding City Departments, Exclusions from Civil Service, and Executive positions.

FISCAL IMPACT: None
Amount Budgeted: Included in FY 2018-19 Adopted Budget
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Joseph Lillio, Director of Finance & Acting Director of Human Resources
REVIEWED BY: Juliana Demers, Acting HR Manager
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
During the strategic planning sessions held in 2018, City Council identified a need for improved citywide communications. A fully staffed communications program would support all five of the City’s strategic goals.

1. Enhance Customer Service and Engagement
   • Residents better informed of City policies and activities
   • Improve how businesses interact with the City
• Consistent and proactive information/feedback gathering

2. Support Community Safety and Preparedness
• Develop communication initiatives in conjunction with the Emergency Management Coordinator to prepare residents/businesses for an emergency
• Assist in providing the community with information about the emergency and instructions about what they should do.
• Coordinate accurate, timely information about the extent of the emergency and response efforts to the media

3. Develop as a Choice Employer and Workforce
• Enhance employee engagement, highlight successes
• Increase interdepartmental collaboration
• Streamline efforts, avoid duplicative efforts, guide content
• Communications training for employees

4. Develop Quality Infrastructure and Technology
• Ongoing updates to city websites
• Monitor and track website performance
• Improved customer interface with the website

5. Champion Economic Development and Fiscal Stability
• Marketing, public relations, advertising - brand/image enhancement
• Business retention outreach, forums and events
• Targeted business attraction
• Business to business connections

Staff was asked to develop an approach for a citywide communications program and presented a proposed framework to City Council at the July 16th, 2018 budget session. Staff’s recommendations included:

• Identification of Key Stakeholders
• Summary of Existing Communications Platforms
• Strategic Implementation Approach
• Staffing Recommendations

The staffing recommendations included reclassifying the Economic Development Manager position to Deputy City Manager. The proposed new title of Deputy City Manager will be part of the Executive group and the Deputy City Manager will work closely with City Council and the Department Directors on communications and economic development related initiatives. The proposed budget increase associated with this reclassification is $18,500. Funding is already included in the FY 2018-19 adopted budget for this position.

Based on staff research, the proposed basic salary range for this position is $10,640.60 - $13,186.95 monthly (Grade 60D), which is considered as a competitive salary range for a Deputy City Manager in today’s job market with the assigned duties to this classification.

Staff is requesting City Council to approve the job title of Deputy City Manager. This new class specification will also reflect the essential job functions, required knowledge, higher level
skillset, and position requirements. The proposed new Class Specification will more accurately reflect the nature and level of duties and responsibilities deemed necessary.

Adoption of the a Resolution establishing a Basic Monthly Salary Range and approval of a Class Specification and Examination Plans for the new classification is necessary in order to implement the change, if-and-when approved.

The Deputy City Manager will report directly to the City Manager and will have supervisory responsibility for Cable TV, Economic Development and Citywide communications.
Class Title
Deputy City Manager

Class Code
60D

Salary
$10,640.60 - $13,186.95 Monthly

Definition
Under general direction, to plan, coordinate, recommend and implement the strategies, activities and operations of the City’s Communications and Economic Development program; to develop and implement marketing programs emphasizing business retention, attraction and development; to serve as a resource for the public including developers, property owners, community organizations, businesses and residents; to serve as the City’s point person for City-wide communication efforts; to support the City management team with coordinated communications throughout the City organization and community; and to perform related duties as required.

Status
This is an FLSA Exempt and “At-Will” classification serving at the pleasure of the City Manager

Essential Job Functions
Essential functions, as defined under the Americans with Disabilities Act, include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by the incumbent in this position.

Characteristic Duties and Responsibilities
Oversees the City’s Communications and Economic Development Programs.

Develops and manages annual budgets for the City’s Communication and Economic Development Programs;

Manages City-wide marketing campaigns for economic development, hospitality and tourism;

Manages and coordinates all activities related to the economic development of the City, including business recruitment and retention;

Manages and coordinates activities of the Economic Development Advisory Council, including coordinating activities with the City Council, Planning Commission, and Downtown Revitalization Sub-Committee;
Develops and implements a comprehensive communications, outreach and community engagement program for the City, including the use of print and digital media;

Directs all community and City Council outreach efforts on behalf of City Management to ensure that City residents are aware of the services provided by all City departments.

Establishes and maintains effective working relationships with the local real estate community and business organizations;

Assists departments and the City Manager in developing strategic short-range and long-range plans and project management;

Makes presentations regarding economic development, hospitality and City services to the City Council, boards, commissions, civic groups and the public; coordinates activities with other departments and agencies as needed.

Plans, directs, organizes and manages all activities of the Community Cable Division; including acting as staff representative to the Community Cable Advisory Committee.

Works closely with members of the City Council and the public in responding to requests for service and/or resolving concerns related to the delivery of services.

Confers with and advises staff and the public by providing advice and assistance, and by answering questions regarding City goals and policies.

Participates, as a member of the City's executive management team, in the management of the City and may serve on various committees, boards and task forces.

**Qualifications**

Knowledge, Skills and Other Characteristics:

Must have knowledge of principles of municipal government organization, administration and operations
Must have knowledge of the principles and practices of effective leadership, management and supervision.
Must have knowledge of project management principles and practices.
Must have knowledge of principles and practices of economic development, marketing and communications.
Must be able to develop, implement, operate and evaluate administrative programs.
Must be able to develop and implement strategic plans, operational policies and procedures.
Must have experience in managing professional and support staff.
Must be able to understand and apply complex regulations, procedures and guidelines.
Must communicate effectively both orally and in writing.
Must be able to work under pressure, handling significant problems and tasks that arise simultaneously and/or unexpectedly.
Must establish and maintain effective working relationships with government officials, City employees, the media and the public.
Ability to attend special City events including weekends, evenings and holidays, as required.
Ability to attend night meetings and work extended hours, as needed and/or required.

Minimum Qualifications: Bachelor’s degree in Public Administration, Business Administration or a directly related field; and seven (7) years of municipal administration experience including economic development, marketing and communications, of which, four (4) years included management and supervisory experience; or an equivalent combination of education and experience.

Benefits

PERS Retirement:

Miscellaneous employees – Tier I -2% @ 55. 2% @ 60 for individuals first employed by the City on or after 12/30/12 who are already PERS “classic” members. Tier I and II members pay 7% of PERS member contribution by payroll deduction. Single highest year coordinated with Social Security and Medicare. PERS 2% @ 62 for employees hired on or after 1/1/13 who are PERS “new members.” Three year average coordinated with Social Security and Medicare. Members pay 50% of normal cost (currently 6.25%) by payroll deduction.

Medical – The City provides health plans through CalPERS. Effective June 1, 2016, the City’s monthly medical contribution is $782.

Retiree Medical: City offers paid retiree medical insurance at same rate as active employees.

Employee Assistance Program: Employees are eligible for the basic level of service and are able to purchase the Outpatient Tier at their own cost (2018 rate is $11.61).


Optical/Dental: Fully paid for employee and eligible dependents.

Flex Plan: Section 125 Plan, allows for payment of employee-paid insurance, medical treatment, and dependent care expenses with pre-tax dollars. Council excluded.

Life Insurance: $50,000 term life policy provided by City; employee can purchase additional self and dependent coverage at group rates.

Long-Term Disability: City provides Executive LTD which pays 75% of first $12,000 of employee's salary less the amount of any other income, up to a total of $2,500. Applies to non-job-related causes. 90 day waiting period. Council excluded.

Holidays: 11 fixed paid holidays plus 1 day of personal leave/floating holiday per year. Council excluded.

Vacation Leave: 96 hours per year (1-5 years); 120 hours (6 – 10 years); 144 hours (11 – 14 years): 200 hours after 14 years. Leave can be used after 6 months of service. Annual cash conversion
option. Employees on "E" step accrue vacation based on total years of service in a PERS or comparable agency. Council excluded.

**Sick Leave:** 8 hours per month. 100% payment upon separation with 5 years of service. Council excluded.

**Executive Leave:** 80 hours per year. Leave cannot be cashed in. Council excluded.

**Exceptional Leave:** City Manager may provide up to 8 days (taken as time off or cashed in) in recognition of extraordinary service. Council excluded.

**Bereavement Leave:** Three (3) working days (or 40 hours where travel is 500 miles or more) for qualifying incident. Council excluded.

**Tuition Reimbursement:** Up to $2,000/year for work-related college courses. Council excluded.

**Cell Phone Stipend:** $120/month for Department Heads who opt to use their own personal device. Otherwise the City provides the employee with a City owned cell phone for business use only.

**Other:** Voluntary participation in Credit Union; Payroll Direct Deposit; Up to $4,000 interest free computer loan; Long-Term Care (premiums paid by employee).

**Salaried exempt position:** This is a position which is "exempt" for purposes of the Fair Labor Standards Act of 1937 and is paid on a salaried basis and is not eligible for overtime pay.
RESOLUTION NO. ________

A RESOLUTION ESTABLISHING A BASIC MONTHLY SALARY RANGE FOR THE JOB CLASSIFICATION OF DEPUTY CITY MANAGER.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council approves the following basic monthly salary range:

<table>
<thead>
<tr>
<th>Step A</th>
<th>Step B</th>
<th>Step C</th>
<th>Step D</th>
<th>Step E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy City Manager</td>
<td>10,640.60</td>
<td>11,538.58</td>
<td>12,061.46</td>
<td>12,610.48</td>
</tr>
<tr>
<td>Range 60D</td>
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</tbody>
</table>

SECTION 2: Authority. The City Manager or his designee is authorized to take any steps necessary in order to effectuate this Resolution.

SECTION 3: Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 4: Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City’s original resolutions, and make a minute of this adoption of the Resolution in the City Council’s records and the minutes of this meeting.

SECTION 6: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 16th day of October, 2018.

____________________________
Drew Boyles,
Mayor
ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. ____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ____ day of ______, 2018, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney
ORDINANCE NO. _______

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE
SECTIONS 1-6-4 and 1-6-5 REGARDING EXCLUSIONS AND
DEPARTMENT HEADS.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds as follows:

A. The El Segundo Municipal Code ("ESMC") provides that the City Council may from time to time by Ordinance designate departments, appointive officers, or employees of the City; and

B. It is in the best interest of the City to list all existing officers and members of departments excluded from the Personnel Merit System; and

SECTION 2: ESMC § 1-6-4 is amended as follows:

Sec 1-6-4. EXCLUSIONS

Those officers and members of departments in addition to department heads and elected officers who are expressly excluded from the merit system are:

Assistant City Manager
City Attorney
City Manager
City Engineer
Deputy City Manager
Information Systems Director
Senior Civil Engineer
Senior Executive Assistant

SECTION 3: ESMC §1-6-5 is amended as follows:

Sec 1-6-5. DEPARTMENT HEADS

For the purpose of this chapter and for the purpose of initiative ordinance 586 and for the purpose of ordinances expanding the coverage of initiative ordinance 586, and not by way of limitation, effective October 16, 2018, the term "department head" includes:

Assistant city manager
Chief of police
City manager
Deputy city manager
Director of finance
Director of human resources
Director of library services
Director of planning and building safety
Director of public works
Director of recreation and parks
Fire chief
Information systems director

SECTION 4: Repeal of any provision of the ESMC herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 16th day of October, 2018.

________________________________________
Drew Boyles, Mayor

CERTIFICATION

STATE OF CALIFORNIA   )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO    )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. _____ was duly introduced by said City Council at a regular meeting held
on the 16th day of October 2018, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of ___, 2018, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

_________________________
Mark D. Hensley, City Attorney
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to create an ad-hoc committee, The Gateway Committee, to determine the vision, goals and scope of the Main Street and Imperial Highway Entryway Capital Improvement Project. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Create the Gateway Committee and establish the composition of members; or,
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS: None

FISCAL IMPACT: None

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<thead>
<tr>
<th>Amount Budgeted:</th>
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STRATEGIC PLAN:

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<th>Goal:</th>
<th>Objective:</th>
<th>Description</th>
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<tbody>
<tr>
<td>1B</td>
<td>1</td>
<td>El Segundo's engagement with the community ensures excellence</td>
</tr>
<tr>
<td></td>
<td>4A</td>
<td>El Segundo’s physical infrastructure supports an appealing, safe and effective community</td>
</tr>
</tbody>
</table>

PREPARED BY: Meredith Petit, Director of Recreation and Parks
REVIEWED BY: Meredith Petit, Director of Recreation and Parks
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

Within the approved and adopted FY 2018/2019 Budget, the City Council allocated $150,000 for the improvement of the entryway area to the City at Main Street and Imperial Highway. The scope of the project has yet to be determined, but will likely include landscape design and signage. As a major thoroughfare and entry into the City of El Segundo, this improvement will help define the City boundary physically as well as brand the City upon entrance.

Because this project incorporates many different aspects from various departments as well as sectors of the community, staff recommends an ad-hoc committee be created that is fully represented by a variety of groups. The City has existing committees and commissions that are comprised of invested individuals who could help to determine the vision of this project. The committee will help staff develop the scope of the project to enable proper plans and specifications are developed and executed.
It is recommended that the Gateway Committee be comprised of the following representatives:

Staff:
- Park Maintenance Superintendent
- Public Works Engineer (Assigned Project Manager)
- Deputy City Manager (Economic Development)

Community Members:
- (1) Recreation & Parks Commissioner
- (1) Planning Commissioner
- (1) Economic Development Advisory Committee (EDAC) Member
- (1) Arts & Culture Advisory Committee Member
- (1) Downtown Committee Member
- (1) Chamber of Commerce Representative
- (1) Business Representative from Imperial Avenue Corridor

Should this committee be approved by City Council, staff liaisons of the various committees and commissions would be notified to place an item on the next available agenda for each meeting to establish an appointed representative to The Gateway Committee. Appointments would be made by the end of the calendar year and the committee would begin meeting in January 2019. It is anticipated that the task could be completed with two to three months, with a scope developed and presented to the City Council during the third quarter of the fiscal year.

By definition, this ad-hoc committee will be a project-specific group for limited duration working towards a focused outcome. Additionally, all committee meetings will be open to the public with a posted agenda notice.

Staff is seeking feedback and approval from City Council to establish The Gateway Committee for the purposes of defining the vision and scope of the Main/Imperial Entryway Capital Improvement Project.
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to receive a status update and information related to the upcoming design process for Acacia Park. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Receive and file the informational report; and/or,
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Interim Acacia Park Design
2. Photos and Specifications of MiniLinks Miniature Golf Course
3. Acacia and Washington Park Design Project Schedule

FISCAL IMPACT: None

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<tr>
<td>1B</td>
<td>El Segundo’s engagement with the community ensures excellence</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>The City engages in regular, intentional information gathering</td>
<td></td>
</tr>
<tr>
<td>4A</td>
<td>El Segundo’s physical infrastructure supports an appealing, safe and effective community</td>
<td></td>
</tr>
</tbody>
</table>

PREPARED BY: Meredith Petit, Director of Recreation and Parks

REVIEWED BY: Meredith Petit, Director of Recreation and Parks

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

The Public Works Department began the “Pump Station #1 and #7 Modification Project” in June 2017. The project includes consolidation of sewer pump station #1 (on Acacia Ave at Acacia Park) and pump station #7 (Palm Ave. and Virginia St.), addition of sewage storage capacity, installation of new electrical control and telemetry systems, and realignment of the sewer force main pipe within the street right-of-way instead of private properties via an easement. The project also replaces the broken emergency generator for pump station #4 at Kansas St. and Holly Ave. The project is nearing completion and expected to be finalized at the end of November 2018.

The Pump Station Project required the closure of the park as well as the outdoor pool. It also required the demolition and removal of the playground, swings, some trees, picnic tables, and turf. The playground equipment was old and in need of replacement and the surfacing was sand, which is not compliant with ADA. Therefore, the Department’s collaborated with the intention that a new park and playground would be designed and installed subsequent to the pump station project completion.
Due to the timing of the various projects, funding requests, and staff prioritization, among other factors, there will be a period of time between the completion of the current project and the beginning of construction on a newly designed park. Furthermore, discussions and community outreach will take place to determine what park amenities should be selected and if the outdoor pool and supporting restroom will remain or be removed. While a landscape architecture firm has been selected to manage the design and outreach process, the time lapse requires both departments to determine an acceptable park restoration plan for the interim period, to enable residents to have a park space that is usable and enjoyable. To that end, the departments have collaborated on the following plan:

- At the completion of the current project, the contractor will restore the park to include a central grassy area with proper irrigation
- The restroom and pool will remain closed until further determination on the future design is made
- Wood chips will be installed along the perimeter of the park and under trees
- A decomposed granite path will be installed from the sidewalk into the park
- Parks staff will purchase and install an 18-hole portable/modular miniature golf system among the wood chip area

The miniature golf system costs approximately $25,000, and can be removed and relocated when the park is re-designed and construction is to begin. Possible alternative locations including the lawn bowling area at Recreation Park or the “skate circle” area near the Clubhouse at Recreation Park. A conceptual drawing has been completed by Park Maintenance Superintendent and Registered Landscape Architect, Christopher Hentzen (Attachment #1).

For the Acacia Park design process, the Department has selected RHA Landscape Architects-Planners, Inc., and have held the first Project Kickoff Meeting. The first Community Workshop is scheduled for Thursday, November 29th and the first set of three conceptual plans will be completed by December 20th and discussed with staff. There will be a series of additional community workshops and fine-tuning of the conceptual designs with a final Design Plan presented to Recreation and Parks Commission at their March meeting. City Council approval is targeted for April 2, 2019. After the design is approved, Public Works will compile construction documents (Plans and Specifications) and go out to bid. It is likely that the project will be constructed and completed in Spring 2020.

The FY 2018/2019 budget has allocated $350,000 in the General Fund for the project. Additionally, the Sewer Fund will provide supplemental funding (up to $200,000) as a result of the need to remove the playground for the pump station project, for a total project budget of $550,000. Additionally, the FY 2018/2019 budget allocates $270,000 for replacement of the playground at Washington Park. Staff and RHA will also be including Washington Park Playground into the design and community engagement process, which will allow us to evaluate both parks/playgrounds holistically as they relate to the entire park system.
INTERIM
ACACIA PARK

EXISTING TREES
18 HOLES MINI LINKS

POOL
RESTROOMS

PICNIC TABLES

TURF

D.G. WALK

WOOD CHIPS

ACACIA

NORTH
1" = 20'

266
Turf

Hole Cup

Suggested pathway
(drawing only)

Optional polysoft obstacles:
- 2" x 8" cylinder (0)
- 2" x 12" cylinder (3)
- 2" x 6" x 8" wedge (6)
- 2" x 15" x 19" wedge (0)
- 2" x 3" x 24" straight bar (9)
- 2" x 3" x 30" curve bar (2)

Mounting screws included.

Example 9 Hole Layout Plan

Minimum area needed: 1500 SF (140 m²)
Recommended area: 2450 SF (227 m²)
MINI LINKS

Optional polysoft obstacles:
- 2" x 8" cylinder (0)
- 2" x 12" cylinder (7)
- 2" x 6" x 8" wedge (9)
- 2" x 15" x 10" wedge (0)
- 2" x 3" x 24" straight bar (13)
- 2" x 3" x 30" curve bar (5)

Example 18 Hole Layout Plan

Minimum area needed: 3000 SF (278 m²)
Recommended area: 4900 SF (455 m²)

Mounting screws included.

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Not to be reproduced or used for construction purposes without written permission from the company.
MINI LINKS
PANEL PLAN (1-9)

25 panels
ML-1
- CFP (6)
- BRC (22)
- PS (80)
- FHC (1)
- TMA (1)

24 panels
ML-2
- CFP (6)
- BRC (18)
- PS (56)
- FHC (1)
- TMA (1)

27 panels
ML-3
- CFP (10)
- BRC (20)
- PS (112)
- FHC (1)
- TMA (1)

21 panels
ML-4
- CFP (8)
- BRC (15)
- PS (64)
- FHC (1)
- TMA (1)

23 panels
ML-5
- CFP (5)
- BRC (20)
- PS (104)
- FHC (1)
- TMA (1)

27 panels
ML-6
- CFP (10)
- BRC (16)
- PS (112)
- FHC (1)

26 panels
ML-7
- CFP (6)
- BRC (20)
- PS (104)
- FHC (1)
- TMA (1)

21 panels
ML-8
- CFP (6)
- BRC (20)
- PS (64)
- FHC (1)
- TMA (1)

27 panels
ML-9
- CFP (10)
- BRC (20)
- PS (112)
- FHC (1)
- TMA (1)

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MINI LINKS
FREIGHT

1) 9 Hole MiniLinks - 4 pallets panels (10 panels per box), 3 rolls turf
Total Weight: 2300 LB (1043 kg)

Example Freight: 20' Container

2) 9 Hole Mini Links or 1) 18 Hole Mini Links

End Opening

Top View

Example Freight: 40' Container HC

3) 18 Hole MiniLinks

Top View

End Opening (HC)
MINI LINKS
DETAILS/SECTIONS

TOP VIEW

BOTTOM VIEW

Screw tee marker in support base, groove up

Position tee marker near tee on the outside radius panel

Set panel edge on tee marker base groove

© Copyright Miniature Golf Services, By Ame Lundmark, Inc. Dba Adventure Golf Services, Inc. This concept drawing is property of Miniature Golf Services, By Ame Lundmark, Inc. Dba Adventure Golf Services, Inc. All details including design, drawings, customer job information is strictly confidential. Not to be reproduced or used for construction purposes without written permission from the company.
AGENDA DESCRIPTION: Consideration and possible action to adopt a City of El Segundo Social Media Policy.

RECOMMENDED COUNCIL ACTION:
1. Consideration and possible action to adopt a resolution, adopting the City of El Segundo Social Media Policy; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Proposed Resolution and Policy

FISCAL IMPACT: None.

Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

STRATEGIC PLAN:
Goal: N/A
Objective: N/A

PREPARED BY: City Attorney’s office
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On July 17, 2018, the City Council adopted an “Elected Officials, Committees, Commissions and Boards Electronic Communications Policy” that pertained to the use of emails and electronic communications including social media by City elected officials and appointed officials.

In addition to City officials’ use of social media, the City maintains a public website and a variety of other social media sites, including Facebook and Nixle. Although the Police Department has a Social Networking Policy that applies to Department employees, the City does not currently have any written social media policies or procedures that apply to City employees in general. While social media is an important and effective means of communicating in the 21st century, the use of social media by City staff and Council members raises legal issues, including compliance with California’s open meeting law (the Ralph M. Brown Act), the City’s records retention schedule and Public Records Act. In addition, significant First Amendment issues can be triggered whenever the government creates opportunities for speech.

The attached policy is intended to help guide the City’s involvement in social media by City staff and officials. In particular, the policy:
• Outlines how City social media sites are to be created and maintained
• Creates standard for information posted by City staff on City social media sites
• Provides guidance on how City staff should handle content posted by members of the public on City social media sites
• Assigns responsibilities under the policy to the City Manager, Council and CCB members, Clerk’s office and Human Resources Department, employees and social media administrators
• Makes a violation of the policy subject to possible disciplinary action under the City’s Personnel Rules and Regulations, along with possible removal of the City social media site

The attached policy was circulated among all City department directors in October. Comments were received from the directors of the Fire, Library, Public Works and Recreation and Parks (including El Segundo TV), and certain changes were made in response to each department’s comments.

Social Media Use by Council and Appointed Officials
The proposed policy includes guidance on the use of social media by the City Council and other appointed officials (see Section 7, pages 7-8 of the proposed policy). As the City Council is aware, California’s open meeting exists to ensure that decisions, discussions and deliberations relating to public business occur in public, so that the public has an opportunity to participate in the decision. Under the open meeting law, a majority of the City Council or a City Commission may not, outside of a noticed, public meeting, “use a series of communications of any kind … to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” (Gov. Code § 54952.2(b)).

The open meeting law was first adopted in 1953, so it did not conceive of public officials having the ability to hear, discuss, deliberate or take action on items received electronically. As technology and social media has developed, courts and the Attorney’s General Office have interpreted the Brown Act to apply to electronic communications as well. Staff recognize the convenience and efficiency of communicating electronically with others; however, the open meeting law is not concerned with efficiency or convenience. Instead, the open meeting law requires that communications among a majority of the members on items of City business only occur during a noticed, public meeting, so that any member of the public can participate in the decision-making process.

RECOMMENDATION:

Staff recommends the City Council consider and discuss the proposed policy, then adopt a resolution adopting the policy.
RESOLUTION NO. ___

A RESOLUTION ADOPTING A SOCIAL MEDIA POLICY.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: Recitals:

A. While social media is an important and effective means of communicating in the 21st century, the use of social media by City staff and Council members raises legal issues, including compliance with California's open meeting law (the Ralph M. Brown Act), the City's records retention schedule and Public Records Act; in addition, significant First Amendment issues can be triggered whenever the government creates opportunities for speech;

B. On March 2, 2017, the California Supreme Court decided the case City of San Jose v. Superior Court, (2017) 2 Cal.5th 608, in which the court held that a city official's electronic communications related to the conduct of public business are public records under the California Public Records Act, even if such communications are sent or received using a personal account or personal device;

C. On July 17, 2018, the City Council adopted an "Elected Officials, Committees, Commissions and Boards Electronic Communications Policy" that pertained to the use of emails and electronic communications (including social media) by City elected officials and appointed officials;

D. The City of El Segundo currently hosts several social media sites, including Facebook and Nixle pages and Twitter accounts for the Police Department, Fire Department, Library Services and Recreation and Parks Department, and is looking to expand its social media use to promote business growth in the City and to provide useful information to City residents and businesses;

E. Although the Police Department has a "Social Networking Policy" that applies to Department employees, the City does not currently have any written social media policies or procedures that apply to City employees in general; and

F. This policy establishes procedures and conduct for creating and posting on City social media sites, assigns responsibilities under the policy to certain employees and officials within the City, and creates a standard for information posted by City staff on City social media sites.

SECTION 2: Adoption and Authorization. The City Council hereby adopts the "Social Media Policy," attached as Exhibit A and incorporated by this reference. The City
Manager or his designee is authorized to take any actions necessary to effectuate the policy.

SECTION 3: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED this ___ day of ________________, 2018.

______________________________
Drew Boyles, Mayor

ATTEST:

______________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

______________________________
Mark D. Hensley
City Attorney
CITY OF EL SEGUNDO

Policy: Social Media Policy

1. Purpose

a. Currently, the City of El Segundo ("City") hosts several social media sites, including Facebook and Nixle pages and Twitter accounts for the Police Department, Fire Department, Library Services and Recreation and Parks Department. Additionally, the City is looking to expand its social media use for purposes of promoting business growth in the City and providing useful information to its residents and businesses. The City's participation with such social media sites is an effort to engage the community in open, interactive communications while effectively disseminating accurate information to a unique target market. With the advent and widespread use of social media sites, the City desires to capitalize on the potential value of and increasing opportunities presented by social media.

b. This policy is designed to guide the City's involvement in social media websites and address certain challenges presented by the City's social media usage. It establishes certain procedures and conduct for creating and posting on City social media sites, outlines acceptable site content, discusses privacy issues and how the City's social media sites related to the City's retention schedule, and provides other pertinent standards.

c. The City intends for its use of any social media site to relate solely to matters of City business and does not, in any way, intend to nor actually create general public forums. Each social media site is intended to be a limited public forum only.

2. Definitions

a. The term “Social media sites” as used in this policy applies broadly to websites primarily designed for open dialogue through written communication, such as Facebook, Nixle and Twitter, as well as to multimedia websites primarily designed for the distribution of media content, such as photo streams, podcasts, visual worlds, or video sharing websites including YouTube and Flickr.

b. The term “City social media sites” means social media sites which are created and maintained by City employees or agents on behalf of the City and as authorized and approved by the City Manager or designee.
c. The term “comments” means comments and dialogue posted by the social media follower in response to a City posting or in response to another response.

d. The term “post” means information, articles, comments, pictures, videos or any other form of communication posted on a City social media site.

e. The term “user” means any member of the public who posts, comments, “likes,” and/or otherwise participates on City social media sites.

3. Scope and Applicability

a. This policy applies to all City employees, elected and appointed officials, volunteers, consultants, service providers and contractors performing business on behalf of the City.

b. This policy applies to all social media sites, including but not limited to existing and future City social media sites.

4. Creating City Social Media Sites

a. All Departments, employees, and officials must obtain written approval from the City Manager or designee prior to creating a City social media site.

b. All City social media sites must utilize authorized City contact information for account set-up, monitoring and access. Such contact information should be provided to the City’s Information Technology division. The use of personal email accounts or phone numbers is not allowed for the purpose of setting-up, monitoring or accessing a City social media site.

c. Whenever possible, City social media sites will display a prominent link to the City’s official website and will direct site traffic to the City’s official website, www.elsegundo.org.

d. The City official website will be maintained as the primary source of information for the City; City social media sites will contain supplemental information only. City social media sites may supplement, but do not replace, the City’s required notices and traditional methods of communication.

e. City social media sites will display a prominent official logo or identifying marker for the City and will include language noting that the page is maintained by the City.

f. Each department head, where applicable, must designate a specific staff
member to maintain and monitor the City social media site. Department heads are responsible for ensuring their employees follow this policy. If an employee assigned to maintain and monitor a City social media site ceases to be employed by the City, the department head is responsible for ensuring that all password(s) to the City social media site are revised immediately upon that employee’s cessation of employment and that another employee is assigned to maintain and monitor the site. The department heads must ensure that each employee assigned to maintain and monitor a City social media site has a copy of this policy and understands its requirements.

g. Those employees designated to utilize City social media sites are responsible for regularly posting information, monitoring comments, removing any “unacceptable” content as described in this policy and saving content required under the Public Records Act and forwarding information to the appropriate person to ensure that information required to be posted relating to meetings subject to the Brown Act is timely posted and made available to the public.

h. All log-in information, including passwords, for all City social media sites must be provided to the City Manager’s office. At the discretion of the City Manager and/or designee, any City social media site may be terminated at any time, without advance or other notice. The City Manager and/or designee may remove content that is inappropriate or inconsistent with this policy.

i. The City will display a prominent disclaimer or hyperlink to a disclaimer (Exhibit 1), on each City social media site or profile, with notifications to include:

1. Social media interaction deemed unacceptable, may be deleted.

2. Content on the site may constitute a “public record” that is subject to disclosure under the California Public Records Act.

3. City social media sites are not recognized as appropriate venues or means for providing legal notification. Any notification or posting appearing on a City social media profile or site does not constitute a legitimate form of legal notification.

4. Commentary posted by any member of the public on any City
social media site is the opinion of the commentator and its publication does not imply endorsement of, or agreement by the City; and does not reflect the opinions or policies of the City.

5. The City may make use of available technology to filter unacceptable content, comments and other interactions within City social media sites.

6. Participants on the site agree to grant a non-exclusive, irrevocable, royalty-free license to any information posted.

7. Participants must honor intellectual property standards and must limit content to that which is rightfully posted.

8. Emergency responders are not monitoring City social media sites.

9. City social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site’s owners, vendors or partners.

5. Information Posted on City Social Media Sites

   a. All information posted to City social media sites by the City must:

      i. Directly pertain to City-sponsored or City-endorsed programs, services and events, or to the subject matter of the particular City department maintaining the site;

      ii. Present information in an accurate and professional manner. A post may include links to City Council and City Committees, Commissions and Boards’ agenda items that are likely to be of interest to a significant number of residents or businesses. However, a post must not be made that responds to opinions expressed by the public about such agenda items;

      iii. Contain information that is freely available to the public and that is not confidential as defined by any City policy or local, state or federal law;

      iv. Be approved in advance by the City Manager or designee, or
department head or designee, and be consistent with the City's goals and standards;

v. Not contain any confidential, personal information;

vi. Not include content that is contrary or detrimental to the City's mission, values, image and interests;

vii. Not make statements of guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions;

viii. Not contain religious messages or advocate or promote religious beliefs; and

ix. Comply with all local, state, and federal laws, and this policy.

b. Those designated and authorized to utilize social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies, including this policy. This includes adherence to established laws and policies regarding copyright, records retention, Public Records Act, First Amendment, privacy laws, acceptable use of City owned or controlled digital equipment, Internet access, and information security policies established by the City.

c. No content posted by any City user may violate copyright or other laws. When required by law, the posting of content subject to copyright requires the prior written permission of the copyright holder.

d. Those designated and authorized to utilize City social media sites are representing the City via social media sites and must conduct themselves at all times as representatives of the City.

e. Those designated and authorized to post on City social media sites shall not express their own personal views or concerns through such postings. Instead, postings on any of the City's social media sites shall reflect the views of the City.

f. Information posted to City social media sites becomes public information and there should be no expectation of privacy regarding the information posted on these sites.
g. All public or private affiliations, including those with other agencies or cities, employees, volunteers, council or board members and members of the public require the prior approval of the City Manager or the Department Head.

h. Employees administering a City social media site on behalf of the City must understand the current terms of service for that site.

i. Authorized users shall be provided a copy of this Social Media Policy and are required to acknowledge their understanding and acceptance by signing and dating the last page of this document and returning the original copy to the City Manager’s office or designee and retaining a copy for their records.

6. Content Posted by Members of the Public

a. Posted content (including comments, photos and links) must be related to the topic posted by the City or will be removed.

b. Comments containing any of the following examples of unacceptable content must not be permitted on City social media sites and must be removed by an authorized employee or the City Manager or designee:

1. Profane, obscene, or pornographic content and/or language;

2. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, physical or mental disability, sexual orientation, national origin, as well as any other category protected by federal, state or local laws;

3. Threats of physical harm to any person, property or organization;

4. Ad hominem attacks on, or defamatory statements regarding, any person;

5. Comments related to or in support of, or in opposition to, any political campaigns or ballot measures except to announce election dates and voter registration locations;

6. Conduct found to be in violation of any Federal, State or Local law;

7. Solicitation, encouragement or promotion of illegal activity;
8. Information that is illegal to disseminate or that may compromise the safety or security of the general public or public systems;

9. Information or content that violates a legal ownership interest, such as a copyright, of another party;

10. Comments in support of, or in opposition to, a specific religion or religious belief;

11. Solicitations, advertisements, or endorsements of any financial, commercial, or non-governmental agency.

c. Comments shall not be removed other than for the reasons set forth in Section 6.c. above.

7. Other Considerations Regarding Social Media

a. When using social media sites, staff must abide by all applicable federal, state, and local laws, regulations, and policies, including this policy. In addition, employees must ensure they:

   i. Use good judgment in responding to a post; engaging any person posting in an argumentative or offensive manner should be avoided;
   ii. Do not violate the City's privacy, confidentiality, and legal guidelines;
   iii. Do not publish any material that is confidential;
   iv. Never comment on anything related to legal matters or personnel issues;
   v. Protect their privacy and the privacy of other employees and officials.

b. All members of the City Council, Planning Commission, and other City commissions or committees subject to the Ralph M. Brown Act must abide by the Act as it pertains to social media sites. These elected and appointed officials must not use social media sites to respond to or comment on, “like,” “share,” “retweet,” blog about, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the legislative body.

c. Due to Brown Act considerations, members of the City Council, Planning Commission, and other City commissions or committees must not post or respond to, “like,” “share,” or “retweet” or otherwise participate in any public
postings on a City social media site, except for a posting relating to purely ceremonial or City social events.

d. City social media sites are subject to the California Public Records Act. Any content maintained on a City social media site that is related to City business may be considered a public record and subject to public disclosure. All postings on City social media sites will be archived and maintained for two years or as otherwise required in accordance with the City’s record retention schedule.

e. Any content removed based on the guidelines contained herein must be retained in accordance with the retention schedule, including the time, date, and identity of the poster, when available.

f. Comments posted by the public on non-City social media pages are not considered part of the official City public record and, therefore, are not generally subject to public record requirements. However, comments that are posted on a public official’s personal social media page and which relate to a pending agenda item must be transmitted to the City Clerk’s office and/or applicable secretary of the Board or Commission to be included in the record for the agenda item.

g. Individuals wishing to file a complaint are encouraged to contact the City Clerk’s Office at (310) 524-2305 or submit a written complaint to: El Segundo City Clerk, 350 Main Street, El Segundo, CA 90245. The City will review all received complaints and take action as appropriate.

8. Violations

Violation of this policy may result in the removal of the City social media sites and may cause disciplinary action to be taken as determined in accordance with the City’s Personnel Rules and Regulations, Memoranda of Understanding, etc.

9. Responsibility Assignments

a. City Manager:

   i. Administer policy and provide direction for implementation;

   ii. Provide oversight and direction to ensure that participation in social media sites comply with the City’s goals, standards and adopted
policy;

iii. Direct staff to conduct an annual audit of social media sites, to
evaluate current social media sites in use by the City, user account
information, employee training relating to appropriate site use, and
compliance with current social media legislation, open meeting and
public record standards;

iv. Direct staff to preserve and maintain all documents as required by
the City’s adopted retention schedule.

b. City Council, Committees and Commission members:

i. Uphold the City’s policy that members are not permitted to post on
any City social media profile or site in any official capacity, addressing
any topic, question, or request for information within the subject
matter jurisdiction of their office or appointment;

ii. Understand that posts on any City social media site may constitute
“public records” subject to the Public Records Act.

c. City Clerk’s Office and Human Resources Department:

i. Assist departments with employee complaints and alleged violations
of this policy;

ii. Work with those administering sites for the City to achieve compliance
with the Public Records Act and Brown Act.

d. Employee/Agent:

i. Uphold the City’s policy that unless authorized, employees and agents
must not post on any City social media site regarding official business
or assigned job duties;

ii. Uphold the City’s policy not to access social media for personal use
with City-owned equipment;

iii. Responsible to be informed that posts on any City social media site
may be considered “public records” subject to the Public Records Act
as well as Brown Act compliance;

iv. Read and comply with this policy.

e. Social Media Administrators:
i. Ensure compliance with the terms and conditions of this Policy with regard to the site(s) that the Administrator is managing;

ii. Assist, recommend and post social media information as directed;

iii. Under direction, perform an annual audit;

iv. Assist and fulfill information requests regarding social media, as necessary.

Attachment:

Exhibit 1 – City of El Segundo Social Media Policy Disclaimer
Privacy Policy and Disclaimer

Any individual accessing, browsing and using a City of El Segundo Social Media site accepts without limitation or qualification, the City’s Social Media Policies (hereafter "Policies"). These terms and conditions apply only to the Social Media sites (defined here as third party hosted online technologies that facilitate social interaction and dialogue, such as Facebook, Twitter and YouTube) that are managed by the City of El Segundo.

The City of El Segundo reserves the right to modify these Policies without notice. Any modification is effective immediately upon posting the modification on the Social Media Policy page unless otherwise stated. Continued use of a City of El Segundo Social Media site following the posting of any modification signifies acceptance of such modification.

All users of a City of El Segundo Social Media site are also subject to the site’s own Privacy Policy. The City has no control over a third-party site’s privacy policy or their modifications to it. The City also has no control over content, commercial advertisements or other postings produced by the Social Media site that appear on the City of El Segundo Social Media site as part of the site’s environment.

The City of El Segundo operates and maintains its Social Media sites as a public service to provide information about City programs, services, projects, issues, events and activities. The City of El Segundo assumes no liability for any inaccuracies these Social Media sites may contain and does not guarantee that the Social Media sites will be uninterrupted, permanent or error-free.

Posting Policy

Although posts and comments are encouraged on the City of El Segundo Social Media sites that allow posts, these sites are limited public forums and are moderated by City staff. All posted content (comments, photos, links, etc.) must be related to discussion of City programs, services, projects, issues, events and activities.

The following are prohibited on City of El Segundo Social Media sites:

- Comments not topically related to City programs, services, projects, issues, events and activities, or the particular post being commented upon

- Posts and comments that promote or advertise commercial services, entities or products except as stipulated in City marketing plans and determined by the City to be essential to economic development
• Political statements, including comments that endorse or oppose political candidates or ballot propositions

• Religious statements, including comments that endorse or oppose any type of religious opinions or activities

• Posts and comments that promote, foster or perpetuate discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation

• Posts and comments that include vulgar, offensive, threatening or harassing language, personal attacks or unsupported accusations

• Obscene or sexual content or links to obscene or sexual content Illegal activity or encouragement of illegal activity

• Information that may tend to compromise the safety or security of the public or public systems Content that violates a legal ownership interest of any other party

All posts and comments uploaded to City of El Segundo Social Media sites that allow posts will be monitored. The City of El Segundo reserves the right to remove posted content that does not comply with these Policies. The City may make use of available technology to filter unacceptable content, comments and other interactions within City Social Media sites.

Please be aware that content appearing on the site, including comments and posts from the public, may constitute a “public record” that is subject to disclosure under the California Public Records Act. This may include information that you make available through privacy settings on this personal site on your own page(s).

Communications made through City of El Segundo Social Media sites in no way constitute a legal or official notice or comment to the City of El Segundo. (For example, a post or comment that asks for public records will not be considered a public records request.) To comment about a specific City project or program, please contact the appropriate department. To comment on an agenda item of the City Council or any City board or commission, please direct your comments as indicated on the applicable agenda.

Commentary posted by any member of the public on any City Social Media site is the opinion of the commentator and its publication does not imply the endorsement of, or agreement by, the City and does not reflect the opinions or policies of the City.
Links and Embedded Content Policy

Links to other Social Media and/or External Websites Provided on City Social Media Sites

The City of El Segundo may select links to other Social Media sites and outside websites that offer helpful resources for users. Once an individual links to another page or site, the City’s Policies no longer apply and you become subject to the policies of that page or site.

The City of El Segundo’s Social Media sites are intended specifically to share information about City programs, events and services. The City of El Segundo is not responsible for the content that appears on these outside links and provides these links as a convenience only.

Users should be aware that these external pages and sites and the information found on those pages and sites are not controlled by, provided by or endorsed by the City of El Segundo. The City reserves the right to delete links posted by outside individuals that violate the City’s Posts Policy at any time without notice.

Links by Other Entities to City Social Media Sites

It is not necessary to get advance permission to link to City of El Segundo Social Media sites; however, entities and individuals linking to City of El Segundo Social Media sites should not in any way suggest that the City of El Segundo has any relationship or affiliation with that organization or that the City endorses, sponsors or recommends the information, products or services of that site.

Embedded content from City Social Media Sites on other sites

It is not necessary to get advance permission to embed City of El Segundo Social Media site content; however, entities and individuals embedding content must not present City of El Segundo content as their own or otherwise misrepresent any of the City’s Social Media site content. Furthermore, they shall not misinform users about the origin or ownership of City of El Segundo Social Media site content. Embedded content from City of El Segundo Social Media sites should not in any way suggest that the City of El Segundo has any relationship or affiliation with that organization or that the City endorses, sponsors or recommends the information, products or services of that site.

Copyright Policy

All information and materials generated by the City of El Segundo and provided on City of El Segundo Social Media sites are the property of the City of El Segundo. The City retains copyright on all text, graphic images and other content that was produced by the City of El Segundo and found on the page. You may print copies of information and material for your
own non-commercial use, provided that you retain the copyright symbol or other such proprietary notice intact on any copyrighted materials you copy.

Commercial use of text, City logos, photos and other graphics is prohibited without the express written permission of the City of El Segundo. Use of the City logo is prohibited for any non-governmental purpose. Any person reproducing or redistributing a third-party copyright must adhere to the terms and conditions of the third-party copyright holder. If you are a copyright holder and you feel that the City of El Segundo did not use an appropriate credit line, please notify the City’s Information Technology division with detailed information about the circumstances, so that the copyright information can be added or the material in question can be removed.

Participants on the site agree to grant the City a non-exclusive, irrevocable, royalty-free license to any information posted.