



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
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Meeting Date: 5/24/2011

Report Type: Staff/Discussion

Title: Grant: 2010 Staffing for Adequate Fire and Emergency Response (SAFER)

Report ID: 2011-00424

Location: Citywide

Recommendation: Adopt a Resolution 1) amending Sections 2 and 3 of Resolution No. 2010-551 to authorize acceptance of \$5,606,863 in federal grant funds and to establish an operating grant for the SAFER grant, without waiver of the condition prohibiting layoffs and supplanting; 2) authorizing the Interim City Manager, or his designee, to restore up to twenty-seven (27) Full Time Employee (FTE) Firefighters to the Fire Department Budget; and 3) directing the Interim City Manager, or his designee, to submit a request for a waiver prohibiting supplanting to the U.S. Department of Homeland Security, Federal Emergency Management Agency.

Contact: Ray Jones, Fire Chief, (916) 808-1601, Fire Department

Presenter: Ray Jones, Fire Chief, (916) 808-1601, Fire Department

Department: Fire

Division: Special Projects

Dept ID: 12001051

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Resolution

City Attorney Review

Approved as to Form
Lan Wang
5/20/2011 11:39:14 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
4/27/2011 3:50:10 PM

Approvals/Acknowledgements

Department Director or Designee: Troy Malaspino - 5/18/2011 5:25:26 PM

Assistant City Manager: Cassandra Jennings - 5/20/2011 11:13:52 AM



Description/Analysis

Issue: The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) administers the Staffing for Adequate Fire and Emergency Response (SAFER) grants which provides financial assistance to help fire departments increase their cadre of frontline firefighters or rehire firefighters that have been laid off or lost through attrition. As one of the conditions of the grant, a grantee must maintain staffing at the level that existed at the time of award as well as the staffing funded by the SAFER grant for the two-year period of performance unless the grantee has been afforded a waiver of this requirement.

On September 14, 2010 the City Council authorized the Fire Department to submit an application for and, if awarded, accept grant funding to restore firefighter positions lost through attrition with the condition prohibiting the City from supplanting and laying off firefighters being waived.

On February 25, 2011, the Sacramento Fire Department was notified of a SAFER grant award of \$5.6 million to fund the salaries and benefits of twenty-seven (27) firefighters, thereby restoring service levels to the community.

As this is the first time the Fire Department has been awarded the SAFER grant, the following provides additional clarification regarding mitigation of potential risks:

Issue: Firefighter Layoffs

Potential Risk: Firefighter layoffs would not be an option available for budget or labor negotiations during the grant performance period which ends May 17, 2013. Restricting the ability to layoff firefighters could negatively impact other department budgets and the overall collective bargaining process. Furthermore, SAFER grantees laying off any firefighters during the SAFER grant's period of performance will be considered in default, the grant would be terminated, and Federal funds disbursed under the grant award would be required to be returned.

Risk Management: The Fire Department's FY2011/12 proposed budget does not include actions that would result in firefighter layoffs nor does the department anticipate the need for firefighter layoffs during the second year of the grant performance period. In addition, the department forecasts that approximately 15-18 employment separations will occur over the next two year period. With current hiring controls in place, these positions will not be filled and could be considered as offsets toward future budget shortfalls.

Issue: Supplanting

Potential Risk: SAFER staffing must be maintained as well as the number of filled positions declared at the time of award throughout the two-year period of performance. Failure to meet this requirement could risk losing the funds awarded.

Risk Management: Petitions for waivers prohibiting supplanting will be considered for departments facing documentable economic hardship and under a hiring freeze that affects the entire public safety sector in their jurisdiction. Due to the city's current economic outlook, the department anticipates that FEMA will grant these waivers.

If waivers for supplanting are not granted, vacancies are not required to be filled under the grant guidelines; instead the grant funding of the SAFER positions would be reduced by the number of positions left vacant.

With the additional information clarifying the process and FEMA's stance on waivers, staff is recommending that further consideration be given to accept the grant award with the understanding that the City petition FEMA to waive the supplanting restriction when appropriate.

Policy Considerations: Applying for and accepting the SAFER grant is consistent with City Council actions relative to state and Federal grant awards and the City's goal of establishing and strengthening community and regional partnerships.

Environmental Considerations: Ongoing administrative maintenance activities, such as purchases of supplies, equipment or materials which are not made for purposes of a public construction project, do not constitute a "project" and are exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15061(b)(3), 15378(b)(2).

Sustainability: There are no sustainability considerations applicable to applying for or acceptance of federal funding through the 2010 SAFER Grant Program.

Commission/Committee Action: None.

Rationale for Recommendation: The purpose of the SAFER program is to provide funding directly to fire departments in order to help increase or restore the number of trained, "front-line" firefighters available in their communities. Presently, attrition coupled with hiring controls has resulted in an ongoing reduction of the Fire Department's workforce. The SAFER grant will fund and restore up to twenty-seven (27) firefighters.

Taking into account the information clarifying FEMA's process and stance on waivers, staff is recommending that further consideration be given to accept the grant award with the condition that a request for waivers prohibiting supplanting will be submitted to FEMA.

Financial Considerations: The Federal SAFER grant award is \$5,606,863 and will fund up to twenty-seven (27) firefighters over a two year period. Federal funds will be used to pay for the actual salary and benefit costs of the firefighters and will be covered solely by the grant with no requirement for a local cost-share. Only the number of firefighters that can be funded by the grant during the period of performance will be hired.

Federal funds will not pay for uniforms, equipment, physicals, overtime or training. Federal funds will pay the FLSA costs that are part of the base salary of the firefighter's regularly scheduled and contracted shift hours and the salaries and benefits of the firefighters while they are engaged in training.

In addition, providing a full complement of staffing necessary to reinstate two fire companies will incur approximately \$80,000 in costs per year. The department will absorb those additional costs within its operational budget.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this grant.



Background Information:

Staffing for Adequate Fire and Emergency Response (SAFER) grants provide financial assistance to help fire departments increase their cadre of frontline firefighters or to rehire firefighters that have been laid off. The SAFER Program intends to improve local fire departments' staffing and deployment capabilities, so they may more effectively respond to emergencies. It is hoped that as a result of the enhanced or restored staffing, a SAFER grantee's response time will be sufficiently reduced with an appropriate number of trained personnel assembled at the incident scene. Ultimately, SAFER grantees should achieve more efficient responses and scene management; thereby ensuring communities have improved protection from fire and fire-related hazards.

On September 14, 2010 the City Council authorized the Fire Department to submit an application for and, if awarded, accept grant funding to restore and hire firefighter positions lost through attrition with the condition prohibiting the City from supplanting and laying off firefighters being waived.

On February 25, 2011, the Sacramento Fire Department was notified of a SAFER grant award of \$5.6 million to fund the salaries and benefits of up to twenty-seven (27) firefighters over a two year period of performance.

Following the award notice, staff contacted Federal Emergency Management Agency (FEMA) to determine the process to petition for a waiver of the conditions prohibiting supplanting and layoffs. FEMA notified staff that waivers will be considered for supplanting for departments facing documentable economic hardship and under a hiring freeze that affects the entire public safety sector in the jurisdiction. FEMA also stated that waivers prohibiting layoffs would not be considered. SAFER grantees that layoff any firefighters during the SAFER grant's period of performance will be considered in default, the grant would be terminated, and Federal funds disbursed under the grant award would be required to be returned.

In the event a waiver prohibiting supplanting is not granted, FEMA does not require that vacant firefighter positions be filled; however, the grant funding for the SAFER positions would be required to be reduced by the number of positions left vacant. For example, if a grantee with 100 firefighters received a SAFER grant for 27 more firefighters and, over the course of the performance period, one of the 100 firefighters retires and is not replaced, grant funding would be reduced by one firefighter, therefore, only 26 of the SAFER firefighters would be funded instead of 27.

In addition to providing a significant opportunity to maintain an effective response to emergencies, accepting this grant and fulfilling the grant requirements supports the potential for future grant awards. Therefore, with the clarification of the process and mitigation of potential risks, staff is recommending that further consideration be given to

accept the SAFER grant award with the understanding that the City petition FEMA to waive the supplanting restriction when appropriate.

RESOLUTION NO.

Adopted by the Sacramento City Council

AUTHORIZATION TO ACCEPT \$5,606,863 IN GRANT FUNDING THROUGH THE 2010 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

BACKGROUND

- A. The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) administers the Staffing for Adequate Fire and Emergency Response (SAFER) grants which provides financial assistance to help fire departments increase their cadre of frontline firefighters or rehire firefighters that have been laid off or lost through attrition. As one of the conditions of the grant, a grantee must maintain staffing at the level that existed at the time of award as well as the staffing funded by the SAFER grant for the two-year period of performance unless the grantee has been afforded a waiver of this requirement.
- B. On September 14, 2010, City Council authorized the Fire Department to submit an application for and, if awarded, accept SAFER grant funding only if the condition prohibiting the City from supplanting and laying off firefighters is waived.
- C. On February 25, 2011, the Sacramento Fire Department was notified of a SAFER grant award of \$5,606,863 to fund the salaries and benefits of twenty-seven (27) firefighters over a two year period of performance.
- D. FEMA notified staff that:
 1. Petitions for waivers will be considered for supplanting for departments facing documentable economic hardship and under a hiring freeze that affects the entire public safety sector in their jurisdiction.

In the event a waiver for supplanting is not granted, FEMA does not require that vacant firefighter positions be filled; however, the grant funding for the SAFER positions would be required to be reduced by the number of positions left vacant.
 2. Petitions for waivers will not be considered for layoffs. SAFER grantees that layoff any firefighters during the SAFER grant's period of performance will be considered in default, the grant would be terminated, and Federal funds disbursed under the grant award would be required to be returned.

- E. With the additional information clarifying the grant process and FEMA's stance on waivers, staff is recommending that further consideration be given to accept the grant award and authorize hiring the grant funded firefighters with the understanding that the City petition FEMA to waive the supplanting restriction when appropriate.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Sections 2 and 3 of Resolution No. 2010-551 are hereby amended to authorize acceptance of \$5,606,863 in federal grant funds and to establish an operating grant for the SAFER grant, without waiver of the condition prohibiting layoffs and supplanting.
- Section 2. The Interim City Manager, or his designee, is authorized to restore up to twenty-seven (27) Firefighter FTEs to the Fire Department Budget.
- Section 3. The Interim City Manager, or his designee, shall submit a request for waivers prohibiting supplanting to the U.S. Department of Homeland Security, Federal Emergency Management Agency.