

# Item No. 13

## **“To Be Delivered” Material**

**For**

### **City of Sacramento**

**City Council  
Housing Authority  
Redevelopment Agency  
Economic Development Commission  
Sacramento City Financing Authority**

### **Agenda Packet**

**Submitted:** January 8, 2010

**For the Meeting of:** January 12, 2010

The attached materials were not available at the time the Agenda Packet was prepared.

**Subject:** Grant application: Staffing for Adequate Fire and Emergency Response (SAFER)

**Contact Information:** Michelle Basurto, 916-808-1357

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# REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
www.CityofSacramento.org

Consent  
January 12, 2010

Honorable Mayor and  
Members of the City Council

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

**Location/Council District:** Citywide

**Recommendation:** Adopt a **Resolution: 1)** authorizing the City Manager to apply for grant funding to increase staffing and deployment capabilities through the SAFER grant; **2)** accepting federal funds awarded only if the condition prohibiting layoffs and supplanting is waived; and **3)** establishing an operating grant, and revenue and expenditure budgets, contingent on the layoff/supplanting prohibitions being waived.

**Contact:** Michelle Basurto, Program Specialist, 808-1357; Ray Jones, Fire Chief 808-1601

**Presenters:** None

**Department:** Fire

**Division:** Special Projects

**Organization No:** 12001051

## **Description/Analysis**

**Issue:** The U.S. Department of Homeland Security (DHS) is currently accepting grant applications for the SAFER grant. The purpose of the 2009 SAFER grant is to award two-year grants directly to fire departments and non-affiliated emergency medical services to enhance their abilities to protect first responders and the public from fire and fire-related hazards. The Sacramento Fire Department is seeking grant funding to restore and hire twelve (12) firefighter positions lost to attrition.

The SAFER grant is for rehiring of firefighters and will provide fire departments with funding to pay 100 percent of the salaries and benefits (excluding overtime) and have a two-year period of performance (see Attachment 1). Grantees must maintain their staffing at the level that existed at the time of application as well as the staffing funded by the SAFER grant for the two-year period of performance. However, DHS will consider petitions for waivers from grantees on a case-by-case basis and under certain conditions. Due to the current state of the City's budget the City is not in the financial position to accept funding unless the prohibitions on layoffs and supplanting

are waived.

**Policy Considerations:** The continued response to community, industry, construction, and business for rescue services is consistent with the City Council goal of improving and expanding public safety. Applying for 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:**

**California Environmental Quality Act (CEQA):** 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)(1), 15378(b)(3).

**Sustainability Considerations:** There are no sustainability considerations applicable to applying for or acceptance of federal funding through the 2009 SAFER Grant Program.

**Commission/Committee Action:** None

#### **Rationale for Recommendation:**

Beginning in July 2008, the Fire Department implemented a course of action to achieve a budget reduction by not filling twelve (12) career firefighter positions that had been vacated through attrition. In an attempt to fill the twelve (12) firefighter positions the Fire Department is seeking funding from the SAFER grant.

#### **Financial Considerations:**

If the Fire Department is successful and awarded the SAFER grant funds, there is no prescribed cost-share. Federal funds may be used to pay for 100 percent of the actual salary and benefit costs of rehired firefighters.

Conditions of the grant require that the grant funded positions remain filled until the end of the two-year period of performance. There is no retention commitment beyond the performance period. However, should the Department lose any firefighters during the period of performance, the grant requires the Department to fill the vacated positions or lose grant funding for an equivalent number of positions. Failure to maintain the awarded positions during the two-year performance period would be considered a default of the grant agreement, and may require the return of all the Federal funds disbursed under the grant. DHS will consider petitions for waivers on supplanting on a case-by-case basis and under certain conditions. Staff is recommending that the City only accept the grant if the prohibitions of layoffs and supplanting is waived .

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

Respectfully Submitted by: *Ray S. Jones* Deputy Chief  
*FOR* Ray S. Jones  
Fire Chief

Approved by: *Gus Vina*  
Gus Vina  
Assistant City Manager

Recommendation Approved:

*SK* *Gus Vina*  
Ray Kerridge  
City Manager

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**Background Information:**

In Fiscal Year (FY) 2009, Congress appropriated a total of \$210 million to the U. S. Department of Homeland Security (DHS) for the Staffing for Adequate Fire and Emergency Response (SAFER) grant. SAFER grants are managed by the Federal Emergency Management Agency's Assistance to Firefighters Grants (AFG) Program Office.

On November 16, 2009, DHS opened the application period for the SAFER grant. Applications are due by January 15, 2010. The FY 2009 appropriated funds are available for award until September 30, 2010.

DHS anticipates that 4,000 to 5,000 applications for assistance will be submitted during the FY 2009 SAFER application period. DHS also anticipates the total amount requested may total \$4 billion to \$6 billion and expects that approximately 200 grants will be awarded from the \$210 million of available SAFER funding.

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 whenever they may occur. It is hoped that as a result of the enhanced or restored staffing, a SAFER grantee's response time should be sufficiently reduced with an appropriate number of trained personnel assembled at the incident scene. Additionally, the enhanced or restored staffing levels should provide improved safety for firefighters by ensuring all frontline/first-due apparatus of SAFER grantees have a minimum of four qualified personnel to meet National Fire Protection Association (NFPA) standards. Ultimately, SAFER grantees should achieve more efficient responses and a safer incident scene; thereby ensuring communities have improved protection from fire and fire-related hazards.

In order for a position to be eligible for funding under the rehiring initiative, the position must have been the object of a layoff action or lost to attrition, and not subsequently refilled as a result of the economy during the period between January 1, 2008, and October 31, 2009.

Grants for rehiring of firefighters provide fire departments with funding to pay 100 percent of the salaries and benefits (excluding overtime) and have a two-year period of performance. Grantees must maintain their staffing at the level that existed at the time of application as well as the staffing funded by the SAFER grant for the two-year period of performance. Grantees cannot layoff any firefighters during the two-year period of performance. If a SAFER grantee loses any firefighters for any reason (such as attrition or termination) during the two-year period of performance, they must fill the position(s) or lose funding for the position(s) until the vacancy or vacancies are filled. However, DHS will consider petitions for waivers on supplanting from 2009 grantees on a case-

by-case basis and under certain conditions:

- 2009 SAFER grantees that lose firefighters during the period of performance and find that they are unable to back-fill vacated firefighting positions due to documentable economic hardship may petition for a waiver. In order to qualify for this waiver, the economic hardship must affect the entire public safety sector in their jurisdiction, not merely the fire department.
- The causes of the vacancies could include retirement, voluntary or involuntary separation, or calls to active duty in the reserves or National Guard.
- In the absence of a granted waiver, the policies stated in the present guidance would still apply, i.e., vacancies caused by one of the circumstances cited in the second bullet above do not have to be replaced and will not cause a cancellation of the grant if not replaced. However, the amount of the allowable reimbursement of positions funded by the SAFER grant would be reduced by the number of vacated positions, not replaced. (Example – A grantee has 20 firefighters (FF's) and receives a SAFER grant for five more FF's. One of the 20 FF's retires and is not replaced. The grantee would then be eligible to receive reimbursement only for four FF's instead of the original five.)
- The policy regarding the prohibition against layoffs has not changed. No waivers will be granted for layoffs and SAFER grantees are prohibited against laying-off any firefighters during the SAFER grant's period of performance.

Additional features of the grant include:

- No annual salary limits
- No maximum award amount for applications to rehire firefighters. However, applications for rehiring laid-off firefighters are limited to requesting the number of firefighters the applicant laid off between January 1, 2008, and October 31, 2009. No other positions qualify for rehiring under the Hiring of Firefighters Activity. Applicants requesting to rehire firefighters are not eligible to request funding for hiring new firefighters. A firefighting position that was lost to attrition and not subsequently refilled as a result of the economy is considered to be the equivalent of a laid-off firefighter and eligible under a rehire request.
- No prescribed cost-share
  - Federal funds may be used to pay for 100 percent of the actual salary and benefit costs of rehired firefighters with no requirement for a local cost-share
- No retention commitment beyond the performance period
- Period of performance is two years
- A recruitment period of 90 days, which begins when the application is approved for award, is provided for all grantees under the Hiring of Firefighters Activity regardless of whether the grant is for hiring new firefighters or for rehiring firefighters. The 2-year period of performance starts after the 90-day recruitment period, regardless of whether the grantee has been able to affect the hiring of the requested firefighters.
- Overtime costs are not eligible. However, costs for overtime, in order to comply with the Fair Labor Standards Act (FLSA), which fire departments routinely pay

as a part of the base salary or the firefighter's regularly scheduled and contracted shift hours, are eligible.

- Costs for uniforms and physicals are not eligible.
- Costs for training and equipping firefighters are not eligible. However, the salaries and benefits of firefighters hired under the SAFER grants while they are engaged in training are eligible.
- Funds to support additional hired positions or funds received from Federal, State, or local sources cannot be used to supplant normal operating budgets.
- Failure to maintain the awarded positions will be considered a default of the grant agreement, and may require the return of all the Federal funds disbursed under the grant. Once the firefighter funded by the SAFER grant is hired, the funded position must remain filled until the end of the period of performance. Should a SAFER grantee lose any firefighters during the two-year period of performance, the grantee must fill the vacated position or lose the SAFER funding for an equivalent number of positions. In other words, the number of SAFER-funded positions would be reduced by the number of vacant positions until the vacancy or vacancies are filled. The intent of the SAFER program for 2009 is to address ineffective compliance with NFPA standards due to insufficient staffing levels. Those fire departments who are seeking to hire new firefighters or to rehire laid off firefighters in order to produce a more effective response and a safe incident scene are the priority. In order to assure that this intent is met, SAFER grantees will be prohibited from laying off any firefighters during the two-year period of performance.

The Fire Department is intending to submit an application for SAFER grant funds to restore and rehire twelve (12) firefighter positions lost through attrition.

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **AUTHORIZATION TO APPLY FOR GRANT FUNDING THROUGH THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**

#### **BACKGROUND**

- A. On November 16, 2009, the U.S. Department of Homeland Security opened the application period for the SAFER Grant. Applications are due by January 15, 2010.
- B. The Sacramento Fire Department is seeking grant funding to restore and rehire twelve (12) firefighter positions lost through attrition.

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

- Section 1. The City Manager or his designee is authorized to apply for grant funding through the SAFER grant.
- Section 2. The City Manager, or his designee, is authorized to accept federal funds in the amount awarded only if the condition prohibiting layoffs and supplanting is waived.
- Section 3. An operating grant for the SAFER grant including revenue and expenditure budgets for the program shall be established in the amount awarded, contingent on the layoff/supplanting prohibitions being waived.