



# Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Susan Dueñas, Public Safety Director

Approved by: Steve McClary, City Manager

Date prepared: February 22, 2023 Meeting date: March 13, 2023

Subject: Delegation of Staff to Execute Federal and State Documents

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**RECOMMENDED ACTION:** Adopt Resolution No. 23-10 authorizing the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to federal and state disaster documents, including applications with the State of California Office of Emergency Services (Cal OES) and Federal Emergency Management Agency (FEMA) on behalf of the City of Malibu.

**FISCAL IMPACT:** There is no fiscal impact associated with this action at this time. When the City applies for Public Assistance from the federal government after a declared disaster, FEMA will reimburse the City for 75% of the approved costs and Cal OES will reimburse the City 18.75% and the remaining 6.25% will be the City's cost share.

**WORK PLAN:** This item was included as Item #1.d. in the Adopted Work Plan for Fiscal Year 2022-2023.

**DISCUSSION:** When the Governor declares a State of Emergency or the President of the United States declares a major disaster, it allows Cal OES and FEMA to assist local governments and other eligible entities with the actions they take to protect life and property. As part of the process to receive reimbursements from FEMA and Cal OES, the City must submit a "Designation of Applicant's Agent Resolution for Non-State Agencies" (Cal OES Form 130). This form is a resolution adopted by City Council designating the officials who will act on the City's behalf in submitting for reimbursements. The resolution is a standard form that Cal OES provides. The form remains in place for three years.

The City's current Applicant's Agent Resolution was adopted on April 13, 2020, and expires on April 13, 2023. It is considered a best practice to always have a current Applicant's Agent Resolution on file with Cal OES in order to prevent any delays when

requesting assistance. Therefore, the City Council should adopt a new resolution designating the officials who will act on the City's behalf in order to maintain its eligibility for FEMA and Cal OES reimbursements. Resolution No. 23-10 authorizes the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to Federal and State disaster documents, including applications with Cal OES and FEMA on behalf of the City of Malibu.

ATTACHMENTS: Resolution No. 23-10

RESOLUTION NO. 23-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU  
AUTHORIZING STAFF TO EXECUTE CERTAIN FEDERAL AND STATE  
DISASTER DOCUMENTS ON BEHALF OF THE CITY AND FINDING THE  
SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. On April 13, 2020, the City Council adopted Resolution 20-16 authorizing staff to execute certain federal and state disaster documents on behalf of the City.
- B. Resolution 20-16 will expire on April 13, 2023 and the City wishes to update the resolution on file with the Governor's Office of Emergency Services.
- C. This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of the approval.

SECTION 2. The City Council does hereby adopt the above recitals and resolve that the City Manager, the Assistant City Manager, and the Public Works Director are authorized to execute for and on behalf of the City of Malibu, a public entity established under the laws of the State of California, such applications and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and/or state financial assistance under the California Disaster Assistance Act.

The City of Malibu, a public entity established under the laws of the State of California, hereby authorizes its agents(s) to provide to the Governor's Office of Emergency Services all matters pertaining to such state disaster assistance the assurances and agreements required.

SECTION 4. This authorization to various City employees is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13th day of March 2023.

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

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TREVOR RUSIN, Interim City Attorney

