

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUPPORTING THE PROJECTS FUNDED BY THE 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER, THAT CERTAIN MEMORANDUM OF UNDERSTANDING WITH SANTA CLARA COUNTY FOR THE 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT, AND APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 16-17 ANNUAL BUDGET IN THE GENERAL FUND TO APPROPRIATE \$21,300 THEREFOR**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, in order to utilize the grant funds provided, the City must obtain written authorization in support of the projects to be funded by the grant funds; and

WHEREAS, the reasons supporting the entrance of the City into that certain agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Memorandum of Understanding for 2016 Emergency Management Performance Grant (EMPG) and Budget Amendment for a Disaster Response Trailer, Equipment for Trailer, Laptops, and fees for the California Emergency Services Association (CESA) Conference" submitted for City Council consideration at its meeting of December 14, 2016, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Annual Budget for Fiscal Year 16-17, as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order, and/or direct as follows:

- a. That the City is in support of the projects funded by the 2016 Emergency Management Performance Grant; and
- b. That the Memorandum of Understanding with Santa Clara County for the 2016 Emergency Management Performance Grant substantially in the form attached hereto as Exhibit B and incorporated herein by this reference (the “MOU”) is hereby approved; and
- c. That the City agrees to provide all matching funds required for the grant projects and that any cash match will be appropriated as required; and
- d. That the City agrees that any liability arising out of the performance of the MOU shall be the responsibility of the City and the City Council; and
- e. That the City agrees that grant funds shall not be used to supplant expenditures controlled by the City Council; and
- f. That the City Manager is hereby delegated authority to and is authorized and directed to execute, and subsequently administer including the authority to terminate as necessary or appropriate, the MOU substantially in the form attached hereto as Exhibit B; and
- g. That the City’s previously adopted Fiscal Year 16-17 Annual Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- h. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City’s Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 16-17 Annual Budget of the City; and

- i. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at its meeting held on this 14th day of December, 2016 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Steve Tate, MAYOR**

**∞ CERTIFICATION ∞**

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California,** do hereby certify that the foregoing is a true and correct copy of Resolution No. XXXX, adopted by the City Council at the meeting held on December 14, 2016.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, CITY CLERK**