

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

ORDINANCE

APPROVING THE APPLICATION FOR REIMBURSEMENT AND ACCEPTANCE OF FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL BOARD OF THE EMERGENCY FOOD AND SHELTER PROGRAM (EFSP) AND SHELTER AND SERVICES PROGRAM (SSP) GRANTS FOR EXPENSES RELATED TO ASSISTANCE PROVIDED TO MIGRANTS TRAVELING THROUGH SAN ANTONIO IN COORDINATION WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY IN AN AMOUNT UP TO \$6,543,876 FOR THE PERIOD OF APRIL 1, 2023 THROUGH SEPTEMBER 30, 2023; AUTHORIZING THE CITY MANAGER TO UTILIZE FEMA CONTINGENCY FUNDS IF NEEDED, AND AUTHORIZING ANY NECESSARY CONTRACTS.

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WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law, providing \$110 million to the National Board of the Emergency Food and Shelter Program (EFSP) to help defray the costs that state and local service agencies (non-profit, faith-based, and governmental) incur in providing shelter, food, and support services to families and individuals encountered by U.S. Department of Homeland Security (DHS); and

WHEREAS, providers may apply for 100% reimbursement of eligible local costs; and

WHEREAS, on June 23, 2022, City Council authorized the City Manager to seek and accept reimbursement from the EFSP for costs in an amount up to \$12,723,902.00 for the period between January 1, 2022, to December 31, 2022; and

WHEREAS, on December 15, 2022, City Council authorized the City Manager to seek and accept reimbursement for costs in the amount up to \$3,038,252 for the period between January 1, 2023 – March 31, 2023; and

WHEREAS, on February 28, 2022, The Department of Homeland Security announced awards of \$350 Million for Humanitarian Assistance Through the Emergency Food and Shelter Program to help local communities around the country better manage the costs of noncitizen arrivals in their communities; and

WHEREAS, the Bipartisan Year-End Omnibus signed by President Biden on December 29, 2022, authorized the creation of a new DHS grant program, the Shelter and Services Program (SSP), to support these communities; and

WHEREAS, the Omnibus directed Customs and Border Protection (CBP) to transfer \$800 million in funding to FEMA to establish the SSP and authorized the use of a portion of that funding for the existing EFSP-H - until the SSP is established; and

WHEREAS, through the February 28 Notice, the Department of Homeland Security is directing \$350 million to EFSP-H to fund costs incurred by localities and non-governmental organizations that assist screened and vetted noncitizens provisionally released from DHS custody pending the outcome of their immigration court proceedings; and

WHEREAS, since January 2021, the City's Department of Human Services and nonprofit partners, have served more than 385,000 migrants transiting through San Antonio in route to their final destination; and

WHEREAS, due to federal border policy changes, the number of migrant arrivals have decreased, however staff does not have authority to seek reimbursement for any efforts beyond March 31, 2023 and is seeking approval to request reimbursement for costs incurred to September 30, 2023; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Department of Human Services (DHS) or designee, is authorized to request and accept upon award grant funds from the National Board for the Emergency Food and Shelter Program (EFSP) and Shelter and Services Program (SSP) grants in an amount up to \$6,543,876 for projected Federal Emergency Management Association (FEMA) expenses related to assistance provided to migrants traveling through San Antonio in coordination with the U.S. Department of Homeland Security for the period of April 1, 2023 – September 30, 2023. A copy of any grant applications will be on file with the City's Department of Human Services.

SECTION 2. The City Manager or designee is also authorized to use FEMA contingency funding from savings in the Recovery and Resiliency program up to \$4,130,978.00 if costs are not reimbursed by FEMA.

SECTION 3. The City Manager or designee, or the Director of the City's Department of Human Services or designee, is further authorized to initiate, negotiate, and execute any and all necessary documents, including grant contracts and amendments to effectuate the acceptance of the grants referenced in Section 1 of this ordinance to include a) carry-over funds, when ascertained and approved by the funding agency through a revised notice of award; b) line item budget revisions authorized by the funding agency; c) modifications to the performance measures authorized by the funding agency and listed in the grant contract so long as the terms of the amendment stay within the general parameters of the intent of the grant; d) no cost extensions; e) amendments which will provide supplemental grant funds to the grant by the funding agency in an amount up to 20% of the total amount awarded to the grant; f) reimbursement increases of administrative funds for each participant served; g) one time equipment purchases or defined program services; and h) changes in regulations mandated by the funding agency.

SECTION 4. Should funding be awarded, upon acceptance of this award, new funds and internal order numbers will be created, upon which the award amount not to exceed \$6,543,876 will be appropriated in said fund. Funding for services is supported by the DHS General Fund and eligible for reimbursement through the EFSP and the SSP, contingent upon approval.

SECTION 5. The City Manager or designee, or the Director of the Department of Human Services (DHS) or designee, is hereby authorized to enter into contracts and leases, and extensions and amendments for facilities, operations, and support services to provide assistance and shelter to migrants travelling through San Antonio. Furthermore, this ordinance authorizes the Director of Human Services to accept additional funding, if awarded, in an amount up to 20% of the total amount awarded.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this 9th day of March, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney