

ADDITIONAL RESPONSE TO COUNCIL QUESTIONS RE: 4/23/2024 CITY COUNCIL AGENDA

Agenda Item #: 1.I

Title: Adopt a Resolution to Identify the Terms and Conditions for Mutual Aid Response to Emergency Incidents Outside of the Jurisdiction and to Rescind and Replace Resolution No. 696-15

1I.1 Council Question: Can staff be more specific on the “language” that Cal OES notified DPS that does not adhere to their current guidelines?

Staff Response: In February 2024, Cal OES contacted DPS to request an update to our resolution. They indicated the original resolution was outdated and requested we change the highlighted language below as it did not adhere to CFAA (California Fire Assistance Agreement) guidelines. Their guidelines do not allow contingent language of receiving payment to be tied to payment of personnel.

Original resolution 696-15 stated:

“A RESOLUTION OF THE CITY OF SUNNYVALE IDENTIFYING THE TERMS AND CONDITION FOR RESPONSE TO FIRE INCIDENTS OUTSIDE OF THE JURISDICTION WHEN THE DEPARTMENT OF PUBLIC SAFETY – FIRE IS COMPENSATED OR REIMBURSED FOR SUCH RESPONSE”

WHEREAS, the City of Sunnyvale (“City”) Department of Public Safety (“DPS”) is a public agency providing fire protection services located in the County of Santa Clara, State of California, and

WHEREAS, DDP routinely responds to requests for assistance to incidents outside the jurisdiction; and

WHEREAS, under California Fire Assistance Agreement (“CFAA”) City has participated as a Mutual Aid Provider and the request for resources to respond for assistance has been governed through the CFAA; and

WHEREAS, City may be compensated for resources provided or reimbursed for response expenses through such agreements; and

The prior resolution is attached for reference.

1I.2 Council Question: Can staff provide an overview of Mutual Aid we have provided over the last 5 years and the costs re-imbursed?

Staff Response: DPS began tracking Mutual Aid deployment costs in FY20/21. We have provided the last four years of financial costs and reimbursements below. Individual deployments are not specifically tracked.

DPS is waiting for reimbursement for FY23/24 Deployment. The deployment payment was approved earlier this month and is pending in the state system.

DPS MUTUAL AID - PROJECT 835150					
	2021	2022	2023	2024	Grand Total
State of California Reimbursements	\$ 530,905.92	\$ 427,091.48	\$ 51,606.77	\$ -	\$ 1,009,604.17
Costs:					
Salaries & Benefits	\$ 509,133.50	\$ 336,680.99	\$ 51,515.91	\$ 34,449.09	\$ 931,779.49
Goods and Services	\$ 384.43	\$ 7,708.38	\$ -	\$ -	\$ 8,974.25
	\$ 509,517.93	\$ 344,389.37	\$ 51,515.91	\$ 34,449.09	\$ 940,753.74
Net Reimbursements vs Costs	\$ 21,387.99	\$ 82,702.11	\$ 90.86	\$ (34,449.09)	\$ 68,850.43

DRAFT 4/21/15 *rum*

RESOLUTION ____-15

**A RESOLUTION OF THE CITY OF SUNNYVALE
IDENTIFYING THE TERMS AND CONDITION FOR
RESPONSE TO FIRE INCIDENTS OUTSIDE OF THE
JURISDICTION WHEN THE DEPARTMENT OF PUBLIC
SAFETY – FIRE IS COMPENSATED OR REIMBURSED
FOR SUCH RESPONSE**

WHEREAS, the City of Sunnyvale (“City”) Department of Public Safety (“DPS”) is a public agency providing fire protection services located in the County of Santa Clara, State of California, and

WHEREAS, DPS routinely responds to requests for assistance to incidents outside the jurisdiction; and

WHEREAS, under California Fire Assistance Agreement (“CFAA”) City has participated as a Mutual Aid Provider and the request for resources to respond for assistance has been governed through the CFAA; and

WHEREAS, City may be compensated for resources provided or reimbursed for response expenses through such agreements; and

WHEREAS, in January 2015, the State of California Office of Emergency Services (“Cal OES”) notified all Mutual Aid Providers in the State of California that the CFAA Committee had performed both a five year review and an overhaul of the rates, methodologies and formulas of the CFAA which took effect on January 1, 2015; and

WHEREAS, the City will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the City will compensate its employees overtime in accordance with the current City Salary Resolution, Memorandum of Understanding and fiscal policies while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. City Personnel shall be compensated according to Memorandum of Understanding (“MOU”), Personnel Rules and Regulations, and/or other directive that identifies personnel compensation in the workplace.
2. In the event a DPS Fire personnel classification does not have an assigned compensation rate, a “Base Rate” as set forth in an organizational policy, administrative directive or similar document will to compensate such personnel.
3. DPS will maintain a current salary survey or acknowledgement of acceptance of the “base rate” on file with Cal OES, Fire Rescue Division.
4. City Personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.
5. DPS Fire response personnel includes: Director of Public Safety, Deputy Chief, Battalion Chief, Lieutenant, Engineer, Apparatus Operator, Firefighter/EMT, Radio Operator and General Mechanic.

Adopted by the City Council at a regular meeting held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney