



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 20-0376, Version: 1

REPORT TO COUNCIL

SUBJECT

Approve a Revised Memorandum of Understanding with Santa Clara County for Crime Laboratory Services Related to Department of Public Safety Major Cases

BACKGROUND

On February 4, 2020 Council approved RTC No. 20-0224, authorizing the City Manager to execute a Memorandum of Understanding ("MOU") between the City of Sunnyvale and Santa Clara County for services provided by Santa Clara County Crime Laboratory related to Department of Public ("DPS") Safety Major Cases, for a term of ten years commencing January 1, 2020.

The District Attorney notified DPS on February 16, 2020 that their agency had made revisions to the original MOU. The following is a summary of those changes.

1. The District Attorney's office was not able to meet the January 1, 2020 start date and as such revised the language to read "This agreement shall commence upon the last signature date and continue for ten years or until its termination by either party in accordance with Section H of this MOU."
2. "Firearms Examinations" were added to the types of Major Case Work.
3. After further review and analysis, the District Attorney's office determined that they are no longer able to guarantee that every City's costs, in any given year, will not increase more than 3%. This is simply because each year's billing is based upon the average number of submissions over a five-year period. As such, they have removed the sentence that reads "Notwithstanding the above procedures, the increase of CITY's costs in any given year as compared to the prior year shall not exceed 3%." It should be noted that DPS has received an invoice for FY 2019/20 and the billed amount does not represent more than a 3% increase from the prior year.
4. The County's Legal Department requested the addition of mutual indemnification language. The new language can now be found in Section D.
5. Cindy Chavez is now serving as the Santa Clara County Board of Supervisors President. The signature line is updated to reflect this.

EXISTING POLICY

Goal SN-3 Safe and Secure City: Ensure a safe and secure environment for people and property in the community by providing effective Public Safety Response and prevention and education services.

Policy SN-3.3: Provide investigative services directed toward successful prosecution and conviction of criminal offenders.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

DISCUSSION

Some of the changes proposed by the County after the City Council’s approval of the original agreement, particularly the provisions related to cost, are materially different from the approval authority granted to the City Manager in RTC No. 20-0224. Council did not grant the City Manager broad authority to execute the agreement if amended; therefore, Council approval of the revised MOU is required.

FISCAL IMPACT

The cost of Crime Lab services is currently budgeted in the Department of Public Safety Operating Budget in Program 477. There is no anticipated fiscal impact to the department’s budget plan resulting from this MOU.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City’s website.

RECOMMENDATION

Authorize the City Manager to execute a revised Memorandum of Understanding (MOU), in substantially the form as Attachment 1 of the report, between the City of Sunnyvale and Santa Clara County for services provided by Santa Clara County Crime Laboratory related to Department of Public Safety Major Cases, for a term of ten years commencing with the last signature date of the MOU.

Prepared by: Elaine Ketell, Senior Management Analyst
Reviewed by: Phan S. Ngo, Director, Department of Public Safety
Reviewed by: Jaqui Guzmán, Deputy City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Revised MOU for Major Case Work
2. Report to Council 20-0224, February 4, 2020 (with attachment)