



CITY COUNCIL AGENDA REPORT

Meeting Date: June 4, 2020

From: Community Development Director via City Manager

Subject: Building Safety Inspection Mutual Aid Agreement

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose:

To enter into a mutual aid agreement with the County of San Mateo and other cities within the County for building safety inspection services in the event of an emergency.

Recommendation:

Approve Resolution No. 2020-43 authorizing the execution of a Building Safety Inspection Mutual Aid Agreement and rescinding Resolution No. 2017-36.

Background:

Although not related to the current emergency that cities throughout San Mateo County are experiencing, other types of emergencies may occur that may overwhelm a particular city's building safety inspection services and resources. For example, the heavy winter storms of late 2016/2017 affected adversely several communities within San Mateo County. During that storm event emergency, the San Mateo County Office of Emergency Services (OES, acting in its capacity as the Operational Area) encountered difficulties in obtaining building safety inspection mutual aid assistance for impacted jurisdictions.

Accordingly, building officials in San Mateo County expressed an interest in establishing a plan to facilitate and encourage mutual aid and agreements among building officials in the County so that emergency personnel, equipment and facility assistance could be provided from one public entity to another if a particular public entity's own resources, facilities and services were depleted. To that end, in 2017 a proposed Mutual Aid Agreement was circulated among the cities in the County and the County itself to accomplish that purpose. The City Council approved such Agreement in 2017.

Not all cities in the County, however, approved the form of that Agreement as some cities apparently felt the Agreement did not provide sufficient guidance as to what triggered the need for mutual aid while other cities apparently felt the Agreement was too limiting. Accordingly,

the County, as the originator of the document, requested that cities that had not approved the Agreement put the item on hold in order for the Agreement to be revised.

Over the course of several months, building officials and city attorneys revised the Agreement in order to meet the concerns of all cities and the County. The revised Agreement is now presented to the City Council for its consideration. City staff recommends it be approved.

Discussion

The salient provisions of the Agreement are as follows:

1. The Agreement identifies the Director of the San Mateo County Office of Emergency Services as the “Operational Area Coordinator” who shall coordinate the Local Building Officials for the Safety Assessment Program, the California Office of Emergency Services that provides professional engineers, architects and certified building inspectors to assist local governments in safety evaluation of their building environment following a disaster.
2. Where a governing body has declared a Local Emergency, that jurisdiction’s Coordinator may request assistance from other jurisdictions in accordance with the Procedures Guide (discussed below). (In extreme situations, the County may waive the need for a declaration of a Local Emergency prior to assistance being requested/provided.)
3. Mutual aid will be extended provided that it does not compromise a jurisdiction’s ability or capacity to respond to its own calls for services or resources; no jurisdiction receiving a request for assistance has an obligation to provide such assistance or incur any liability for not complying with a request for assistance.
4. The jurisdiction receiving resources has the responsibility to keep the resources safe, to remain in charge of the incident, and maintain control and direction of the resources, including making arrangements for the feeding of personnel and fueling, servicing and repairing equipment.
5. The personnel of the jurisdiction who provides personnel shall not be considered employees of the jurisdiction who has received assistance and each jurisdiction is to provide workers compensation coverage to its own employees who may be injured while providing assistance to another jurisdiction.
6. The jurisdiction that requested assistance is to pay for all reasonable costs, including administrative and contracted costs, that the jurisdiction who provides assistance incurs as a result of providing assistance.
7. Each jurisdiction agrees to defend and indemnify any other jurisdiction against any claims or proceeding if the acts giving rise to the claim were the acts of that jurisdiction. If a claim arises from concurrent acts, each jurisdiction will defend itself, although the jurisdictions may agree to provide a joint defense, subject to an allocation of liability and costs under a settlement agreement or judgment.
8. Prior mutual aid agreements concerning this issue, such as the one the City Council approved in 2017, are null and void.

As mentioned, attached to the Agreement is a Procedures Guide, whose purpose is to provide the parties to the Agreement with a practical set of guidelines on how to effectively provide and receive building safety inspection assistance. If a jurisdiction receives assistance, the Guidelines are to be followed. The salient provisions of the Guidelines are as follows:

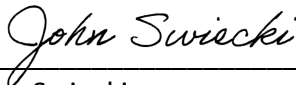
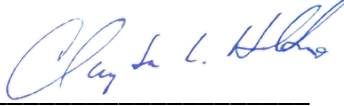

1. As general principles, assistance is voluntary, assistance will be reimbursed by the receiving jurisdiction, jurisdictions must commit their own resources before requesting mutual aid, and a Proclamation of Emergency is necessary (unless waived in an extreme situations).
2. Each jurisdiction is to designate a Coordinator, who is authorized to request Safety Assessment Program resources and is in a position to authorize a jurisdiction to release personnel and equipment to another jurisdiction.
3. A jurisdiction must put in place a planned method of communicating requests using WebOEC as the primary means to process requests and maintain lines of communication.
4. The jurisdiction should prepare a list of building safety inspection resources such as quantity and types of personnel, equipment and materials. This list should be reviewed regularly and the information updated to the Operational Area Coordinator.
5. Each jurisdiction must keep accounting records of personnel, equipment and materials required by FEMA so that the receipt of reimbursement can be maximized.
6. Each jurisdiction is encouraged to develop checklists for the Coordinator to use to assure that all required steps are properly followed. For example, these checklists would establish who is to carry out each essential function both internally to the jurisdiction and externally, with contact numbers and means to contact those individuals.

Fiscal Impact:

The Agreement requires that the “Requesting Party” reimburse the “Assisting Party” for all of its costs of providing assistance within sixty days. The advantage provided to the “Requesting Party” by the Agreement is that pre-existing arrangements for the provision of services are often necessary to promptly obtain reimbursement from state (i.e., California Disaster Assistance Act) or federal (i.e., Federal Emergency Management Agency) funds.

Measure of Success

Protecting public safety by proactively establishing the means and procedures to ensure that mutual aid of building services can be provided/requested in an efficient and effective manner in the event of a disaster.

		
_____ John Swiecki Director of Community Development	_____ Clay Holstine City Manager	_____ Michael Roush Legal Counsel

Attachment: Resolution 2020-43 authorizing the execution of a Building Safety Inspection Mutual Aid Agreement

RESOLUTON NO. 2020-43

A RESOLUTION OF THE CITY OF BRISBANE AUTHORIZING THE EXECUTION OF A BUILDING SAFETY INSPECTION MUTUAL AID AGREEMENT

Whereas, the County of San Mateo and the cities in San Mateo County have expressed a mutual interest in establishing a plan to encourage a building safety inspection mutual aid agreement among the County's various jurisdictions; and

Whereas, the City Council has determined that it would be in the best interest of the City to participate in such an agreement; and

Whereas, Section 8630 and following of the Government Code grants local agencies full power to provide mutual aid under established agreements; and

Whereas, the City Council has reviewed and considered a proposed Building Safety Inspection Mutual Aid Agreement and finds that such Agreement is in the best interest of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE RESOLVES AS FOLLOWS:

Section 1. The Building Safety Inspection Mutual Aid Agreement is approved and the Mayor is authorized to sign the Agreement on behalf of the City.

Section 2. Resolution No. 2017-36 which approved an earlier version of this Agreement is rescinded.

Terry O'Connell, Mayor

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane on June 4, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Attest:

Ingrid Padilla, City Clerk