



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving the Department of Forestry and Fire Protection Contractor Certification Clauses for Services Agreement and Authorizing the City Manager to Execute the Agreement
Category:	Consent Calendar-Public Safety
Meeting Date:	11/17/2020
Staff Contact:	Rick Frawley, Deputy Fire Chief, 408-586-2824
Recommendation:	Adopt a Resolution approving the Department of Forestry and Fire Protection Contractor Certification Clauses for Services Agreement and authorizing the City Manager to execute the agreement.

Background:

The Milpitas Fire Department is responsible for providing fire, medical, rescue, and emergency services within the City of Milpitas. As part of mutual aid partnerships, the Milpitas Fire Department provides fire response to jurisdictions outside of the City of Milpitas when requested through the California Fire Service and Rescue Emergency Mutual Aid System. The reimbursement of the costs associated with this assistance is defined through the Agreement for Local Government Fire and Emergency Assistance to the State of California and Federal Fire Agencies, referred to as the "California Fire Assistance Agreement" (CFAA). The CFAA is the negotiated reimbursement mechanism for local government fire agency response through the California Fire Service and Rescue Emergency Mutual Aid System as coordinated by the California Office of Emergency Services (Cal OES). On June 2, 2015, the Milpitas City Council adopted Resolution No. 8486 identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident under the CFAA. The CFAA ensures reimbursement for local agencies, including the City of Milpitas, by gathering employee cost information and associated vehicle data on an annual basis. This is known as the "salary survey." The CFAA is revised and updated from time to time and was last updated on May 1, 2020 (Attachment #2).

Analysis:

In addition to the above-mentioned mutual aid response, the Cal Fire Santa Clara Unit may also request assistance in fire response and station coverage. The reimbursement for these assignments is often outside of the CFAA and is reimbursed directly from the Santa Clara Cal Fire Unit. Examples of reimbursement for these types of incidents would include short duration incidents lasting less than 72 hours in length as well as long term fire station coverage by local fire agency personnel to replace depleted Cal Fire resources. Cal Fire reimbursement for this type of response is known as "Assistance by Hire" (ABH). ABH has been utilized by various local government fire agencies in the past several years. Examples include the Santa Clara County FD, the Mountain View FD, and the Spring Valley Volunteer FD. For ABH reimbursement to local fire agencies, Cal Fire utilizes a contractor services agreement titled Department of Forestry and Fire Protection Contractor Certification Clauses for Services" (the "Contractor Certification Clauses for Services Agreement, which requires execution by the City of Milpitas (Attachment #3). In support of this Contractor Certification Clauses for Services Agreement, the Cal Fire Santa Clara Unit also provides a Santa Clara Unit ABH Procedure that explains the reimbursement guidelines not listed in the Contractor Certification Clauses for Services Agreement (Attachment #4). Cost recovery for fire units working under ABH contracts is based upon the annual salary survey provided by the City for the CFAA as outlined in the above paragraph.

With the approval and execution of the Contractor Certification Clauses for Services Agreement with Cal Fire, the City can continue to ensure cost neutrality for mutual response in the region and statewide. It should be noted that elements of the CFAA are embedded in the Contractor Certification Clauses for Services Agreement and procedures relative to reimbursement rates and employee safety.

Staff recommends that City Council adopt a resolution approving the Contractor Certification Clauses for Services Agreement and authorizing the City Manager to execute the Agreement.

Policy Alternative:

Alternative: Elect to not support mutual aid requests made through the Contractor Certification Clauses for Services Agreement. As a result, City would not respond to local Cal Fire emergencies with mutual aid requests that fall under ABH and/or would not be eligible for reimbursement should these responses occur in a state of emergency.

Pros: There are none.

Cons: The City would not respond to local Cal Fire emergencies and would not be eligible for reimbursement.

Reason not recommended: Mutual Aid is necessary for wildfire protection at times of severe wildfire conditions and other severe emergencies.

Fiscal Impact: Approval of the Agreement ensures timely reimbursement for costs related to wildfire deployments.

California Environmental Quality Act: By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation: Adopt a Resolution approving the Department of Forestry and Fire Protection Contractor Certification Clauses for Services Agreement and authorizing the City Manager to execute the Agreement.

Attachments:

- 1) Resolution
- 2) California Fire Assistance Agreement (CFAA) dated May 1, 2020
- 3) Contractor Certification Clauses for Services Agreement (CAL FIRE-20 Rev. 05/15)
- 4) Santa Clara Unit Assistance by Hire (ABH) Procedure