

AGENDA ITEM NO. IN

COUNCIL MEETING 08/19/08

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

August 19, 2008

FROM: RANDY R. BRUEGMAN, Fire Chief
Fire Department

SUBJECT: APPROVE AMENDMENT NO. 3 TO SERVICE AGREEMENT FOR FIRE PROTECTION AND EMERGENCY SERVICES TO NORTH CENTRAL FIRE PROTECTION DISTRICT

- 1) APPROVAL OF THE FOURTH AMENDMENT TO PAR NO. 2008-163 ADDING ONE SENIOR FIRE PREVENTION INSPECTOR POSITION TO THE FIRE DEPARTMENT BEGINNING AUGUST 19, 2008, THROUGH JUNE 30, 2009, AND
- 2) A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 9TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2008-162 TO APPROPRIATE \$55,100 IN THE FIRE DEPARTMENT FOR THE ADDITION OF ONE SENIOR FIRE INSPECTOR POSITION IN THE NORTH CENTRAL FIRE PROTECTION DISTRICT AGREEMENT

KEY RESULT AREA: 0209003000

Public Safety

Presented to City Council

Date 8/19/08

Disposition Approval - Pass

2008-199, & 2008-300

adopted

RECOMMENDATIONS

Staff recommends Council approve Amendment No. 3 to Service Agreement for Fire Protection and Emergency Services, and the 4th Amendment to PAR No. 2008-163 for the addition of one senior fire prevention inspector in the North Central Fire Protection District enhancing fire protection in this contract service area. Staff also recommends approval of the 9th Amendment to AAR No. 2008-162 increasing revenues and appropriations in the amount of \$55,100 to the Fire Department for net staffing costs related to the increased service level. The requested contract amendments will be paid for by the North Central Fire Protection District.

EXECUTIVE SUMMARY

In May 2008, the North Central Fire Protection District board of directors approved amending the existing service contract with Fresno Fire by adding one senior fire prevention inspector to its staffing complement and converting an existing fire captain position to firefighter specialist. This service level modification enhances inspection and arson investigation staffing levels and increases the depth of resources for the District and the City. As such, Amendment No. 3 to Service Agreement for Fire Protection and Emergency Services is being presented for Council approval.

KEY OBJECTIVE BALANCE

Customer satisfaction will be enhanced by providing an increased level of service between the district and the City as regionalization of services provides a more effective and timely response to the residents living in these areas. Employee satisfaction will be enhanced by the increase of a consolidated safety response into this area. The benefits from a financial standpoint will be the shared use of public facilities and the coordinated response will result in the most effective use of funding and services for the residents.

REPORT TO CITY COUNCIL

Approve Amendment No. 3 to Service Agreement for Fire Protection and Emergency Services to NCFPD

August 19, 2008

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BACKGROUND

In February 2008, the Fresno Fire Department (FFD) began discussing with the district board of directors the results of an assessment of the District's existing inspection program. FFD found one fire captain was tasked with the fire prevention/inspection program and also arson investigation duties. This staffing limitation contributed to the finding there were hundreds of businesses and multi-family occupancies, which had not been inspected, the approved fee was not always assessed, and there was a lack of consistency in services with no enforcement action in place to require businesses to comply with the Fire Code.

Over the course of the next several months, FFD and the district discussed improvement opportunities to the program, which included conducting inspections in accordance with the Fire Code, implementing a K-3 fire safety education program in all grammar schools in the district, and updating the inspection and fee schedule for the district. To ensure the district was able to maintain the enhanced service level, the board of directors approved hiring a senior fire prevention inspector who would provide dedicated services to the district along with increasing the fire prevention inspection service level of the district's engine companies. The costs associated with adding the additional fire inspector position are \$65,526 and will be paid for by the district through the proposed contract amendment.

In order to address the fire and arson investigation needs of the district, the department recommended reassigning the previous fire captain position from its current fire suppression assignment and returning the focus of the position to fire investigative and enforcement duties. Currently, the FFD Memorandum of Understanding (MOU) limits the rank of members in the Fire Investigation Unit to firefighter specialist. As such, the department would need to convert the current fire captain position to firefighter specialist in order to be able to fill the position in compliance with the current MOU. This would result in a savings of approximately \$10,418 from the conversion to be recognized by the district through the proposed contract amendment.

Amendment No. 3 to Service Agreement for Fire Protection and Emergency Services has been approved as to form by the City Attorney and District Counsel, and is being presented for City Council consideration and approval.

The department is requesting an increase in appropriations for salaries and benefits for the additional inspection position through June 2009. The department is also requesting an equal increase in revenues to reflect full reimbursement by the North Central Fire Protection District. Beginning in FY 2010, full year revenues and expenditures will be included in the annual budget request presented to Council for approval.

FISCAL IMPACT

There is no anticipated impact to the General Fund in FY 2009 as the North Central Fire Protection District will reimburse the Fire Department for salary and benefits costs incurred.

RRB/mc 081208

Attachments

AAR

PAR Amendment

Amendment No. 3 to Service Agreement

AMENDMENT NO. 3 TO SERVICE AGREEMENT FOR FIRE PROTECTION
AND EMERGENCY SERVICES

THIS AMENDMENT NO. 3 is made this 19th day of Aug, 2008, by and between the CITY OF FRESNO, a charter city and municipal corporation hereinafter referred to as "CITY," and the NORTH CENTRAL FIRE PROTECTION DISTRICT, a California fire protection district, organized and operated pursuant to the Fire Protection District Law of 1987, Health and Safety Code, Sections 13800, et seq., hereinafter referred to as "DISTRICT," the promises and agreements of each being in consideration of the promises and agreements of the other.

RECITALS

WHEREAS, CITY and DISTRICT entered into a Services Agreement for Fire Protection and Emergency Services, dated December 20, 2006 as amended December 19, 2007 and June 1, 2008 (collectively referred to as the "Agreement"); and

WHEREAS, CITY and DISTRICT desire to modify the Agreement in certain regards, upon the terms and conditions herein; and

WHEREAS, at the May 28, 2008 meeting of the DISTRICT Board of Directors ("Board"), the Board approved the addition of one senior fire prevention inspector position; and

WHEREAS, the addition of a senior fire prevention inspector position will require the additional hiring of one new senior fire prevention inspector; and

WHEREAS, CITY is willing to hire one senior fire prevention inspector and DISTRICT is willing to reimburse CITY for the cost of the additional senior fire prevention inspector for the DISTRICT; and

WHEREAS, at the May 28, 2008 meeting of the Board, the Board accepted CITY's proposal to convert one CITY fire captain position to a firefighter specialist to perform arson investigation duties for the District; and

WHEREAS, the Agreement provides in Paragraph 3.A. that the base annual fee paid by DISTRICT to CITY may be adjusted by approval of the parties to meet increased service level demands.

NOW THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual promises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree as follows:

1. For the purpose of adding a senior fire prevention inspector position for DISTRICT, CITY shall add a position to the Fresno Fire Department Budget for a senior fire prevention inspector.
2. Appendix 'B' of the Agreement shall be amended to provide for the following footnote to be added to the figure of "\$4,354,825*" in the Agreement:

*** Pursuant to Amendment No. 3 of the Agreement, in addition to this Service Contract Fee, the District shall also pay to the City the following:

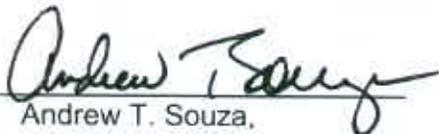
- For one additional senior fire prevention inspector:
\$65,526 for FY 2009 plus any adjustments allowed under Section 3 of the Agreement for FY 2010 and thereafter.
- For the conversion of one fire captain to firefighter specialist, the District annual fee to the City for the costs of the salary and benefits for the converted firefighter specialist position shall be:
\$10,418 reduction for FY 2009 plus any adjustments allowed under Section 3 of the Agreement for FY 2010 and thereafter.

3. All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Agreement.

4. In all other regards, the Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to Agreement at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a municipal corporation

By: 
Andrew T. Souza,
City Manager

ATTEST:
REBECCA E. KLISCH
City Clerk

By:  9/3/08
Deputy

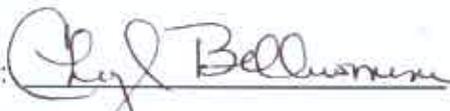
APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

By:  8/19/08
Nancy A. Algier Date
Senior Deputy

NORTH CENTRAL FIRE PROTECTION
DISTRICT, a California fire protection district

By: 
Name: _____

Title: _____

By: 
Name: _____
Title: _____

APPROVED AS TO FORM:
McCormick, Kabot, Jenner & Lew

By: 
Nancy A. Jenner,
Attorney for North Central Fire
Protection District

August 20, 2008

Council Adoption: 8/19/08

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ALAN AUTRY

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

REK

2008 AUG 27 PM 3:19

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 8/19/08, Council took legislative action entitled **Appv amndmnt #3 to service agrmnt w/N. Central Fire Protection District, fire protection/emergency svcs**, Item No. **1N**, by the following vote:

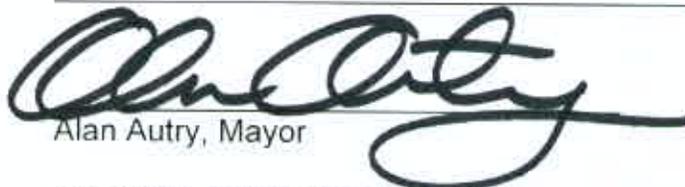
Ayes	:	Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 2, 2008. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)


Alan Autry, Mayor

Date: 8/27/08

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	