

CITY OF FRESNO  
City Clerk's Office (Original)

**COST REIMBURSEMENT AGREEMENT  
BETWEEN CITY OF FRESNO AND NORTH CENTRAL FIRE PROTECTION DISTRICT  
(PUBLIC SAFETY INTEROPERABLE COMMUNICATION GRANT)**

This Agreement ("Agreement") is made and entered into this 16<sup>th</sup> day of September, 2010, by and between the City of Fresno, a California municipal corporation ("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. ("Agency").

RECITALS

A. City received an award of \$5,431,433.30 in grant funds under the federal Homeland Security Public Safety Interoperable Communication Grant Program ("PSIC Program"), administered by the State Office of Homeland Security ("OHS"), pursuant to Grant No. 2007-GS-H7-0008 ("Grant"), incorporated herein by reference.

B. City, through its police department, is responsible for administering the disbursement of Grant funds received pursuant to the Grant for the regional (i.e., seven county region under the Grant) interoperable communication projects.

C. Agency desired to undertake a project for the enhancement of communications capabilities for the west side of Fresno County ("Project"), to be funded in part from the Grant funds up to a total of \$491,503.20 and a matching cash amount of \$115,750.80 by the Agency.

D. The Agency's Board approved and executed an agreement with the City, dated August 3, 2009, for the Project which was signed by the City's Chief of Police and then expired on June 30, 2010 before obtaining authority from the City Council to enter into such agreement (the "Contract").

E. The Agency proceeded with work on the Project, but have not yet invoiced the City or been reimbursed from Grant funds.

F. Provided that the City Council authorizes, ex post facto, the Chief of Police to enter into the Contract, the parties desire to renew the Contract for the sole purpose of completing the Project with the original Grant funds and matching cash amount from the Agency allocated to the Project in conformance with the PSIC Program.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the covenants, conditions, and premises hereinafter contained to be kept and performed by the respective parties, it is mutually agreed as follows:

Section 1. All terms and conditions of the Contract and all referenced exhibits therein are hereby incorporated by reference herein, except for Subsection 3(a) of the Contract, as if fully set forth herein.

Section 2. This Agreement shall be effective from August 3, 2009 and shall continue in full force and effect through June 30, 2011 unless extended by mutual written agreement of the parties or earlier terminated in accordance with this Agreement.

Section 3. This Agreement hereby supersedes the Contract in its entirety.

Section 4. Notwithstanding Section 2 above, the following is a condition precedent to the effectiveness of this Agreement: City Council has authorized, ex post facto, the City's Chief of Police to enter into the Contract. This condition must be satisfied by September 30, 2010 or this Agreement will be void and of no effect.

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IN WITNESS WHEREOF, the parties have executed this Agreement at Fresno, California, the day and year first above written.

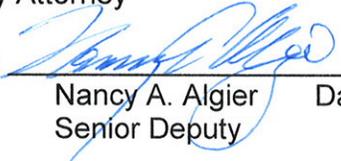
CITY OF FRESNO,  
a California municipal corporation

By:   
Jerry P. Dyer, Chief of Police  
Fresno Police Department

ATTEST:  
REBECCA E. KLISCH  
City Clerk

By:  9/22/10  
Deputy

APPROVED AS TO FORM:  
JAMES C. SANCHEZ  
City Attorney

By:  8/18/10  
Nancy A. Algier      Date  
Senior Deputy

Addresses:

City:  
City of Fresno  
Attention: Courtney Espinoza, M.A.  
2326 Fresno Street  
Fresno, CA 93721  
Phone: (559) 621-2495  
FAX: (559) 457-1541

Attachment:  
Exhibit A – Project Description

North Central Fire Protection District,  
a California fire protection district

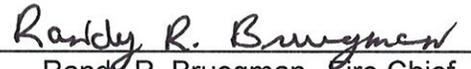
By:   
Dennis Yates, NCFPD Chair Person

By:   
Rusty Norini, Board Secretary

APPROVED AS TO LEGAL FORM:  
McCormick, Kabot, Jenner & Lew  
Agency Legal Counsel

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

REVIEWED & RECOMMENDED FOR  
APPROVAL:

By:   
Randy R. Bruegman      Fire Chief  
North Central Fire Protection District

Agency:  
North Central Fire Protection District  
Attention: Joe Barcelos, M.A.  
15850 W. Kearney Blvd.  
Kerman, CA 93630  
Phone: (559) 621-4180  
FAX: (559) 498-4323

**Exhibit A**  
**Cost Reimbursement Agreement**  
**Between City of Fresno and North Central Fire Protection District**  
**(PSIC Program)**

**Project Description**

This project provides the microwave and two way radio infrastructures to enhance the North Central Fire Protection District two way radio coverage in the Biola, Kerman, and Tranquility areas. Microwave communications infrastructure and radio receivers for a total of seven fire service radio channels serving North Central and allied fire agencies will be installed in Biola, Kerman, and Tranquility. A 150 foot tower and radio transmitter will be installed in Biola. The microwave communications infrastructure is capable of expansion to carry data to the North Central Fire Stations and radio receivers for allied agencies. This project is the first phase of a loop that will extend to southeast Fresno for additional coverage and reliability.



REPORT TO THE CITY COUNCIL

September 16, 2010

FROM: JERRY P. DYER, Chief of Police  
Police Department

BY: SHARON SHAFFER, Deputy Chief  
Support Division Commander

SUBJECT: AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AGREEMENTS AND ANY EXTENSIONS WITH THE COUNTIES OF KERN, TULARE, KINGS, MADERA, MERCED AND MARIPOSA; THE CENTRAL CALIFORNIA EMERGENCY MEDICAL SERVICES (EMS) AGENCY; AND, EX POST FACTO, WITH THE NORTH CENTRAL FIRE PROTECTION DISTRICT, AND TO ACT AS THE FUNDING PASS-THROUGH AGENCY FOR THE FISCAL YEAR 2007 CYCLE PUBLIC SAFETY INTEROPERABLE COMMUNICATION (PSIC) GRANT PROGRAM (\$5.4 MILLION), SUB-GRANTED FROM THE STATE OF CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND ADMINISTERED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY

AGENDA ITEM NO.	1M
COUNCIL MEETING	09/16/10
APPROVED BY	
DEPARTMENT DIRECTOR	
CITY MANAGER	

RECOMMENDATIONS

It is recommended that Council authorize the Chief of Police to enter into agreements and any extensions with the counties of Kern, Tulare, Kings, Madera, Merced and Mariposa; the Central California Emergency Medical Services (EMS) Agency; and, ex post facto, with the North Central Fire Protection District (collectively identified as the California Statewide Interoperability Executive Committee (CalSIEC) Central Planning Area (CPA), subject to approval as to form by the City Attorney's Office. These agreements will allow the Fresno Police Department (Department) to act as the pass-through agency for FY 2007 Public Safety Interoperable Communications (PSIC) grant funding (\$5.4 million federal funding available for this project).

EXECUTIVE SUMMARY

In 2007 Council authorized the Department to apply for funding through the U.S. Department of Commerce and U.S. Department of Homeland Security under the FY 2007 Public Safety Interoperable Communications (PSIC) grant program. The Department was subsequently awarded approximately \$5.4 million in grant funding to support development and/or enhancements to interoperable communications among first responder agencies (Law/Fire/EMS) throughout the seven-county Central Planning Area (CPA). The Department has maintained management and administrative responsibility for this grant, and has worked closely with participating agencies to determine critical needs and an equitable distribution of grant funds. An executive committee representative of all seven counties, the EMS Agency and the North Central Fire Protection District worked for more than a year on this program, and recently voted to distribute funding as follows (rounded to the nearest dollar for purposes of this report):

Kern County - \$335,809; Tulare County - \$913,208; Kings County - \$771,401; Fresno County - \$481,674; Madera County - \$33,834; Merced County - \$254,568; Mariposa County - \$268,072; Central California EMS Agency - \$446,402; North Central Fire Protection District (authorized by committee in 2009) - \$491,503.

Presented to City Council

Date 9/16/10  
Disposition Spec. approval

In addition to the funding amounts noted above, the Fresno Urban Area (defined as the County of Fresno with the City of Fresno as the core metropolitan area) was awarded \$1,833,652 in direct PSIC funding from the California Emergency Management Agency to support and enhance current interoperability systems. From this funding, the City of Fresno received approximately \$884,000 to support or enhance interoperable communications between the Police Department and surrounding agencies within the County. An additional \$107,000 in PSIC funding was recently made available to hire a full time Management Analyst II to manage ongoing grant projects throughout the performance period of this grant, raising the amount of PSIC funding awarded directly to the City to \$991,000.

In order to act as the pass-through agency for this grant funding, the Department must enter into an agreement with each participating county, North Central Fire Protection District and the Central California EMS Agency that specifically identifies the roles and responsibilities of each party. The Police Department, working with the City Attorney's Office, developed a standardized agreement that can be used for each county and the Central California EMS Agency. The language of each agreement will be identical, with the exception of the name of the participating county or agency, specific dollar amount, and particulars of the project(s) being funded within each county or agency. The separate agreement with North Central Fire Protection District (District) is similar, except that the District is also required to provide a matching cash amount of \$115,750.80 and has allocated this amount in their budget.

In order to expedite the procurement, installation and testing of equipment purchased by each participating county, District and agency, and to ensure that the goals and objectives of this grant can be met by the imposed milestone date of January 1, 2011, the Police Department is requesting Council authority to enter into an agreement with each participating county, District and agency, in a form approved by the City Attorney's Office. The District's project necessitated additional time and the Department proceeded to contract with the District on August 3, 2009, and is preparing to renew to extend the time for completion of the District project funded by the Grant. The Department, for this reason, is requesting Council authorize the Chief, ex post facto, to enter into such contract and renew same with an extension of time for completion.

## **BACKGROUND**

In 2004 the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) published their final report, outlining issues that significantly contributed to the Nation's vulnerability. One of the critical issues involved the ability for first responder agencies using disparate radio platforms to communicate with each other (tactical interoperable communications). The Department of Homeland Security has made interoperable communications a priority, focusing a great deal of federal grant funding in this area.

In 2007 the U.S. Department of Commerce funded the Public Safety Interoperable Communications (PSIC) grant, making nearly one billion dollars available to enhance tactical interoperable communications among first responders nationwide. The Department of Homeland Security is the administering agency for this grant funding, and has made the funding available to all states and territories. The funding awarded to California is administered through the California Emergency Management Agency (CalEMA).

Under the Public Safety Interoperable Communications grant program, only California Statewide Interoperable Executive Committee (CalSIEC) Planning Areas were eligible to apply for funding. The CalSIEC Central Planning Area includes Mariposa, Merced, Madera, Fresno, Tulare, Kings and Kern Counties. The City of Fresno (Fresno Police Department) was awarded funding under the FY 2007 PSIC grant, and serves as the management and administrative agency. The Department is part of, and works cooperatively with, the Central Planning Area Executive Committee to make decisions regarding the use of PSIC funds to support interoperable communications efforts throughout our seven-county region. The amount awarded to the Central CalSIEC Planning Area totaled \$5,431,433.30.

PSIC grant funds have been split into two distinct portions. The first portion, \$1,833,652, has been designated for projects within the City and County of Fresno to enhance interoperable communications projects originally funded through the 2004 Urban Areas Security Initiative (UASI) grant. This funding has directly benefited the City through the enhancement of existing interoperability connections with Ethernet connectivity, firewalls and secure routers (approximately \$460,000), additional technology improvements to the existing Mobile Command Center (approximately \$370,000), planning and administrative costs (approximately \$58,000) and training for Police and Information Services Department personnel (approximately \$15,000). Decision-making regarding the funding of projects within the Fresno Urban Area is the function of the Fresno Urban Area Work Group (FUAWG), which is represented by elected members of the first responder disciplines in Fresno County (municipal law enforcement, county law enforcement, municipal fire, county fire, and health/EMS). The FUAWG meets to discuss funding of new and existing projects, and makes recommendations to the designated Points of Contact (POC's) for final spending authority. The UASI POC's are Fresno Police Chief Jerry Dyer and Fresno County Sheriff Margaret Mims.

The second portion, \$3,597,781.30, has been designated for the seven counties (Fresno, Mariposa, Merced, Madera, Kings, Tulare and Kern), the District and the Central California EMS Agency, and will enhance interoperable communications throughout the CalSIEC Central Planning Area. In developing projects for funding, the Central Planning Area must consider the needs of local units of government and their needs for tactical interoperable communications. The Central Planning Area must coordinate within the seven counties to utilize these funds in a manner that will benefit the Planning Area as a whole. An Executive Committee for the Central Planning Area, which is comprised of members from government agencies in all seven counties, the District and the EMS Agency, facilitates the direction for regional interoperability throughout the region. Unlike the Fresno Urban Area Work Group, the Central Planning Area Executive Committee members make their final spending decisions by unanimous vote.

#### **FISCAL IMPACT**

There is no fiscal impact. The position directly involved in this funding pass-through process (one Management Analyst II) is funded from the PSIC grant and does not impact the City or Police Department general funds.

JPD:RWG:CLE:vrg  
09/07/10

Attachment: Agreement - FPD 3.0 Standardized