

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 02/23/2009		Item Number: A-2	
AGENDA ITEM: Adoption of a Resolution (1) Approving the Los Angeles Regional Interoperable Communications System Joint Powers Agreement ("LA-RICS JPA"), thus Authorizing the City's Membership in the LA-RICS Authority; and (2) Authorizing the City Manager to Execute the JPA Agreement.			
Contact Person/Dept.: Jeff Eastman, Fire Chief; Don Pedersen, Police Chief		Phone Number: (310) 253-5900 (310) 253-6100	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (02/18/09)			
Department Approval: Jeff Eastman, Fire Chief (2/12/09) Don Pedersen, Police Chief (2/12/09)		City Attorney Approval: Carol A. Schwab (by Lisa Vidra 2/12/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (02/18/09)		City Manager Approval: Jerry B. Fulwood (02/18/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution: (1) approving the Los Angeles Regional Interoperable Communications System Joint Powers Agreement ("LA-RICS JPA"), thus authorizing the City's membership in the LA-RICS Authority; and (2) authorizing the City Manager to execute the Joint Powers Agreement. <u>BACKGROUND:</u> Following the events of September 11, 2001, the National 9-11 Commission, in its report to Congress and the President, identified a very serious weakness in our various metropolitan areas' ability to respond to regional crises and disaster-type events: the lack of interoperable communications. As a result, a steering committee was created to further the creation of a "Los Angeles Regional Interoperable Communications System" ("LA-RICS") for the purpose of developing and implementing a modern, integrated wireless voice and data communications system that will support the communication needs of the more than 34,000 first responders and local mission-critical personnel within the Los Angeles county region. The idea behind the project is to have a county-wide public safety communications system that allows for improved communications among the various public safety agencies that operate in the region. Currently, local and regional police and fire departments do not have inherent capabilities for inter-agency communications. While ad hoc and other significant, locally designed systems (such as the Interagency Communications Interoperability System or "ICIS," of which Culver City			

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is a member) provide interagency communications among certain cities, a true county-wide system does not currently exist. A major concern is that in the event of a significant disaster or calamity, when inter-agency communication is most needed, the current system(s) will not allow for sufficient coordination between the various law enforcement and fire departments that operate in the County.

DISCUSSION:

For the past two and one-half years, the LA-RICS Steering Committee has been meeting to review the technical and governance issues associated with maintaining and operating a regional interagency communications system for the benefit of all communities in Los Angeles County. The Steering Committee is comprised of fire and police representatives from the City of Los Angeles, the County of Los Angeles, ICIS, and various other cities. Culver City Fire Chief Jeff Eastman serves on the Steering Committee. Additionally, the Committee also includes city manager representatives from the California Contract Cities and Independent Cities Associations.

More recently, the LA-RICS Steering Committee drafted and is now recommending a Joint Powers Agreement (JPA) that will form the LA-RICS Authority. A working group of city and county attorneys from throughout Los Angeles County, including a representative from the Culver City City Attorney's office, met almost weekly for a period of six months to refine the terms of the JPA.

On August 19, 2008, the Los Angeles County Board of Supervisors initially approved the JPA. The Los Angeles City Council approved the JPA on December 16, 2008, with 3 minor changes. The Board of Supervisors gave final approval on February 3, 2009. Additionally, both the Los Angeles County Fire Chiefs Association and Los Angeles County Police Chiefs Associations have endorsed the JPA.

The JPA approval process requires that cities wishing to become "Member Cities" of LA-RICS must approve the JPA document within 45 days following both the County's and City of Los Angeles' execution of the JPA. The 45 day period commenced on February 4, 2009. Accordingly, the deadline to approve the JPA and become a Member City without prior approval is March 21, 2009.

JPA Key Points

Under the JPA, the Authority will possess the following powers related to LA-RICS:

- (1) To make and enter into contracts, including but not limited to, agreements for the purpose of acquiring real and/or personal property, equipment, employment contracts and professional services

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agreements;

(2) To make and enter into contracts with subscribing agencies who desire to utilize the System for their primary radio communications or affiliates who desire to utilize the System only for mutual and/or automatic aid;

(3) To acquire, construct, maintain, and operate a telecommunications systems or service and to provide the equipment necessary to deliver public services thereby;

(4) To acquire, construct, manage, maintain or operate any building, works or improvements;

(5) To acquire, hold, lease, or dispose of property;

(6) To sue and be sued in its own name;

(7) To apply for, receive and utilize grants and loans from federal, state or local governments or from any other available source in order to pursue the purposes of the Authority;

(8) To issue bonds and to otherwise incur debts, liabilities and obligations, provided that no such bond, debt, liability or obligation shall constitute a debt, liability or obligation to the individual respective Members;

(9) To invest any money in the treasury, which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code; and

(10) To promulgate, adopt, and enforce any rules and regulations, as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of this Agreement.

Funding Plan

In order to encourage maximum participation by all cities in Los Angeles County, the JPA is set up so that no financial commitments will be required of participating Member Cities until such time that the newly established Board of Directors adopts a funding plan identifying *short* and long term capital, operations and maintenance requirements. It is anticipated that the funding plan will be developed within nine months following the Authority's establishment. All of the Authority's members will

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have the opportunity to participate in the development of the funding plan and to identify and assess members' various abilities to contribute resources, including financial, staffing, equipment, infrastructure or other contributions.

If, at any time prior to the adoption of the funding plan, a Member agency feels that it cannot contribute the identified resources or that it would not be in its best interest to continue participating in the LA-RICS system, that agency may terminate its membership without financial contribution or penalty.

While initial estimates indicate that LA-RICS will cost between \$485 million and \$630 million, the actual cost to implement LA-RICS will not be known until a Request for Proposals (RFP) for the build-out of the system is released and bids are received. To the fullest extent possible, grant funding will be sought to fund this project; in fact, the regional stakeholders have agreed that 60 percent of all Urban Area Security Initiative (UASI) grant funding for the region will be dedicated to LA-RICS. Thus far, the Steering Committee has spent over \$9 million in funds from the City and County of Los Angeles toward the development of the LA-RICS system.

Nonetheless, despite the expected availability of future UASI and other grants, undoubtedly, additional financial resources will be needed to complete funding of LA-RICS. Member agencies will be able to take part in the development of the funding plan, which will give them the opportunity, as stated above, to terminate its membership without financial contribution or penalty if such Member agency feels that it cannot contribute the identified resources.

Staff will report back on the status of the LA-RICS Authority prior to the adoption of the funding plan with a recommendation on whether to continue the City's membership in the JPA at that time.

Governance Structure

As per the JPA, the composition of the Governing Board of Directors, none of whom shall be elected officials (other than the Sheriff), shall be as follows:

1. The City of Los Angeles City Administrative Officer
2. The City of Los Angeles Fire Chief
3. The City of Los Angeles Police Chief
4. The City of Los Angeles Chief Legislative Analyst
5. The County of Los Angeles Chief Executive Officer
6. The County of Los Angeles Fire Chief
7. The Sheriff of Los Angeles County
8. The County of Los Angeles Department of Health Services Director
9. The Los Angeles Unified School District Police Chief
10. City of Long Beach representative

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11. Los Angeles Area Fire Chiefs Association representative
12. Los Angeles County Police Chiefs Association representative
13. California Contract Cities Association representative
14. At-Large Member City representative
15. At-Large Member City representative
16. At-Large Member City representative
17. At-Large Member City representative

Within fifteen days of the effective date of the JPA, At-Large Directors and Alternate Directors shall be selected by a majority vote of the Member Cities (excluding the cities of Los Angeles and Long Beach) at a special "selection meeting" to be convened. The At-Large Directors shall be selected as follows:

- One At-Large Director (and one Alternate Director) must represent a Member City that operates both independent police and fire departments;
- Two At-Large Directors (and two Alternates) must represent Member Cities that operate an independent police department and/or an independent fire department; and
- One At-Large Director (and one Alternate Director) must represent a Member City not otherwise represented on the Board.

Conclusion

Currently, Culver City is a member of ICIS, which provides communications coverage throughout most of the county. Culver City has significant resources in the ICIS system, including equipment and infrastructure. However, the 21 different agencies using the ICIS system represent only a fraction of the public safety agencies in Los Angeles County. CCFD and CCPD support the LA-RICS concept of a county-wide system, as do the other ICIS cities.

In light of the benefits and opportunities to help shape the policies and financial/resources planning of the LA-RICS Authority, coupled with the fact that there is no financial commitment or obligation from the City until such time as a "funding plan" has been adopted by the Authority (thus giving the City ample opportunity to evaluate and assess the Authority's financial structure and the City's potential future resource liability, all-the-while retaining the ability to "opt-out" of the Authority at any time up to the adoption of the funding plan), it would seem that there is no "down-side" to becoming a LA-RICS Member City at this time. In fact, with the upcoming establishment and selection process of the Board

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of Directors, it is important that the City has a voice in determining who will represent the city's interests.

Therefore, staff recommends that the City Council adopt the attached Resolution.

FISCAL ANALYSIS:

Adoption of the resolution would continue the City's participation in the development of a county-wide communications system. This participation would take the form of staff participation in meetings, including the potential election of a Culver City representative to the Board of Directors. Such participation can be achieved with existing staff resources. As mentioned above, the City Council will be presented with the funding plan for the JPA upon its creation by the Board of Directors. At that time, and prior to becoming obligated to participate in the funding plan, the City Council will have an opportunity to withdraw from the JPA.

ATTACHMENTS:

1. LA-RICS Joint Powers Agreement
2. Proposed Resolution 2009-R____

MOTION:

That the City Council:

Adopt a Resolution (1) Approving the Los Angeles Regional Interoperable Communications System Joint Powers Agreement, thus authorizing the City's membership in the LA-RICS Authority; and (2) Authorizing the City Manager to execute the Joint Powers Agreement; and,