

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT County Fire	(2) MEETING DATE 3/17/2015	(3) CONTACT/PHONE Robert Lewin / 543-4244 Bill Winter / 543-4244	
(4) SUBJECT Submittal of a resolution to adopt the amended and restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt the resolution approving: a) an increase to annual membership fees for participating in the Team, b) amendments to and restatement of the Cooperative Agreement governing the Team, and c) the County's continued participation in the Team; and 2. Direct the Chairperson to sign the amended Cooperative Agreement.			
(6) FUNDING SOURCE(S) General Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$10,000.00	(8) ANNUAL FINANCIAL IMPACT \$10,000.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: County Fire / Robert Lewin / 543-4244  
Bill Winter / 543-4244

DATE: 3/17/2015

SUBJECT: Submittal of a resolution to adopt the amended and restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement. All Districts.

## **RECOMMENDATION**

It is recommended that the Board:

1. Adopt the resolution approving: a) an increase to annual membership fees for participating in the Team, b) amendments to and restatement of the Cooperative Agreement governing the Team, and c) the County's continued participation in the Team; and
2. Direct the Chairperson to sign the amended and restated Cooperative Agreement.

## **DISCUSSION**

### **Executive Summary**

The San Luis Obispo Regional Hazardous Materials Response Team has been in operation for over 20 years. The Team's Board of Directors has identified issues which currently hinder the success of the Team. Primary among these issues are inadequate funding and tight limits on operations and administration. After considering a number of alternatives, the Board of Directors is proposing a new, re-stated Cooperative Agreement and an increase to the annual membership fees for member agencies.

### **Background**

#### **Organization**

The San Luis Obispo Regional Hazardous Materials Response Team (the Team) was established in 1993 through a Cooperative Agreement (the Agreement) signed by the governing bodies of all fire agencies in the county. Agencies participating in the team are referred to as Member Agencies, and employees of those agencies who respond to emergencies with the Team are referred to as Team Members. The Agreement specifies that Member Agencies will provide funding for the Team, and that the Team will be governed by a Board of Directors.

The Board of Directors establishes team policies and agreements in accordance with the purpose of the Agreement, and oversees the Team's finances and the property utilized by the Team. It also oversees the operation of the Team from a strategic level. Actual operation of the Team on incidents is directed by the Team Leader and/or the Incident Commander.

The Team is composed of dedicated Members with a history of success, and receives strong support from Member Agencies. Team Members are employees of those agencies who have volunteered to serve on the Team. The fire service provides the greatest number of Team Members and of administrative support.

<b>Current Member Agencies</b>	<b>Department</b>	<b>No. of Team Members</b>
Avila Beach CSD	Fire Department	Included in County Fire
CA Department of Corrections	CMC Fire Department	None
CA Department of State Hospitals	Atascadero State Hospital Fire Dept	None
CA Military Department	Camp Roberts Fire Department	None
California Polytechnic State University	Campus Police Department	None
Cambria CSD	Fire Department	1 team member
Cayucos Fire Protection District	Fire Department	None
City of Arroyo Grande	Five Cities Fire Authority	2 Five Cities Fire mbrs
City of Atascadero	Fire Department	3 team members
City of Grover Beach	Five Cities Fire Authority	2 Five Cities Fire mbrs
City of Morro Bay	Fire Department	None
City of Paso Robles	Fire Department	4 team members
City of Pismo Beach	Fire Department	3 team members
City of San Luis Obispo	Fire Department	7 team members
County of San Luis Obispo	Environmental Health Department	5 team members
	Fire Department	14 team members
Los Osos CSD	South Bay Fire Department	Included in County Fire
Oceano CSD	Five Cities Fire Authority	2 Five Cities Fire mbrs
San Miguel CSD	Fire Department	None
Santa Margarita CSD	Fire Department	None
Templeton CSD	Fire Department	None

The Team's organizational structure was redefined in 2013 by the Board of Directors. The duties of the previous part-time paid Business Manager were divided between two positions: a Team Leader and a Business Manager. Duties for both positions are defined in formal job descriptions developed and managed by the Board of Directors.

The Team Leader is a full-time fire department member who completes his/her Team Leader roles while on-duty and at no additional cost to his/her fire department or to the Team. The position is intended to be rotated to share this workload burden among Member Agencies. The Team Leader manages operational and training programs, coordinates the efforts of Member Agencies and Team Members, and advises the Board of Directors. The position oversees newly developed committees for Training, Policy, Equipment/IT, and Outreach. These committees develop and maintain Standard Operating Guidelines (SOG's), determine equipment needs, and take on related tasks.

The Business Manager is a part-time, paid employee of the Team. The City of San Luis Obispo handles payroll for the position, and is reimbursed by the Team for these costs. This position provides guidance and administrative support to the Team and to the Board of Directors, administers the budget, and keeps track of all Team Member requirements.

### **Operations**

The Team responds to emergency incidents throughout the County and, depending on the situation, takes action to assess and mitigate hazards. Team responses are in accordance with established protocols, approved by the Board of Directors. Upon notification of an incident involving hazardous materials, three Team Members respond to the incident as an Assessment Team. Based upon their observations, the Assessment Team makes recommendations to the Incident Commander to upgrade or downgrade the incident in terms of additional hazardous materials personnel and resources required for safe incident mitigation.

### **Finances**

The Agreement establishes funding for the Team through an annual assessment of \$1,000 paid by each of the Team's 21 Member Agencies. The total annual budgeted revenue for the Team has remained unchanged since 1993. However, the Team has benefitted from significant grant funding used to provide the training and equipment needed for safe and effective operations.

The cost of operating the Team has increased significantly as a result of:

- Year-to-year inflationary factors;
- Increasingly complex standards for supplies and equipment used by the Team and for training mandated for the Team's emergency responders;

- The increased complexity of hazardous materials operations in the post-9/11 environment; and,
- The increased use and transport of hazardous materials in and through the County.

### **Financial Challenges**

The \$1,000 annual assessment applies to each Member Agency, regardless of department size, participation level, or potential for hazardous materials incidents within the agency's jurisdictional area. This rate was set in 1993 and has never been updated. These assessments are not enough to cover all costs, and are supplemented by many Member Agencies directly funding operations through their own budgets.

In recent years, grant funding has become less available for these types of expenses. The Team continues to pursue grants, but with declining levels of success.

Reimbursement of expenses incurred responding to incidents is a potential revenue source, but only if it is recovered by the jurisdiction where the spill occurred. If the jurisdiction chooses not to pursue reimbursement, if a responsible party cannot be identified, or if the responsible party is unable to provide reimbursement, the Team and/or Member Agencies absorb the expenses from their limited operating funds. The Team cannot rely on this unsustainable method of funding operations.

Solutions to address these challenges, which will adequately and sustainably fund the Team's training, preparation, equipment and labor costs and which will equitably share costs between Member Agencies are the subject of this resolution and are discussed in greater detail below.

### **Organizational Challenges**

The Agreement is essentially a mutual aid agreement, which creates a framework for the Member Agencies to respond together to emergency incidents. Currently, it provides tight limits on operations and administration. These limitations have caused administrative and operational complications not foreseen in 1993, which hinder the efficient operation and administration of the Team. The equipment ownership and financial constraints placed on the Team do not adequately allow for equipment replacement and maintenance.

Solutions to address these challenges and improve the administrative and operational effectiveness of the Team are the subject of this resolution and are discussed in greater detail below.

### **Possible Solutions**

The Board of Directors considered a number of alternatives in order to address the financial and organizational challenges faced by the Team. Details of those alternatives, with an analysis of the selection process, are included as attachment 3.

Alternative 1 was selected by the Board of Directors and is recommended to your Board for consideration. This alternative will increase the current \$1,000 annual assessment per Member Agency to: County - \$10,000, Cities - \$5,000, Districts and other jurisdictions - \$2,000, each with a built in inflator. This will increase the budgeted funding from \$16,000 to \$69,000. Implementation will require a restatement of the Agreement.

### **OTHER AGENCY INVOLVEMENT**

County Counsel has reviewed and approved this Resolution and the Cooperative Agreement as to form and legal effect. The County Environmental Health Department provides Team Members, and is supportive of this Resolution and the Cooperative Agreement. All other Member Agencies, listed above, have or will be requesting approval of this Resolution and the Cooperative Agreement from their governing bodies.

### **FINANCIAL CONSIDERATIONS**

Funding for County Fire's participation on the Team is from the General Fund. The County's annual assessment will increase from \$1,000 to \$10,000, and will change annually based on the Consumer Price Index. However, the new assessment structure will provide adequate funding for the Team to fund most, if not all, of its operating costs. As a result, County Fire will benefit from a reduction in its direct funding of Team operations, which totaled over \$18,000 in FY 2013-14.

## **RESULTS**

Approval of this request will improve the Team's administrative efficiency, and will reduce the Team's dependency on the County Fire Department's covering costs which should be paid for directly by the Team. This is in line with the County's Vision of A Well-Governed Community. Approval will also improve the Teams' operational and organizational efficiency, enhancing its ability to protect lives and property. This is in line with the County's Vision of A Safe Community and its Vision of A Healthy Community.

## **ATTACHMENTS**

1. Resolution Adopting The Amended And Restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement
2. Amended And Restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement
3. San Luis Obispo Regional Hazardous Materials Cooperative Agreement - Alternatives Considered