



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS

File #: 21-081

Board Meeting Date: 1/26/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P Callagy, County Manager

Subject: Intergovernmental Agreement with SFO Airport Commission

RECOMMENDATION:

Adopt a resolution authorizing the President of the Board to execute an Intergovernmental Agreement with the City and County of San Francisco acting through its Airport Commission for 9-1-1 dispatch services related to emergencies at the San Francisco International Airport for the term of November 10, 2020 through November 9, 2026 which term may be extended by the Commission for an additional term of two years.

BACKGROUND:

During the summer of 2015 the County Manager's Office and the San Francisco Airport Commission (the "Commission") entered into discussions regarding a Transient Occupancy Tax (TOT) sharing agreement with respect to the Hyatt hotel that was scheduled for completion in 2019, as well as to identify a way that SFO could reimburse the San Mateo County Emergency Services Council Joint Powers Authority (JPA) for certain emergency services without becoming a member of the JPA. SFO has long held that it can't become a JPA member for two reasons: first, the Federal Aviation Administration (FAA) requires that SFO only reimburse agencies for activities that happen on airport property; and second, SFO cannot enter into a mutual aid agreement, as on-duty emergency personnel and vehicles at SFO are not permitted to leave airport property.

After reviewing several options, the County of San Mateo entered into an intergovernmental agreement with the Commission in April 2016 which addressed not only the TOT sharing issues, but also set forth a process by which SFO could reimburse the JPA for emergency services. With respect to payment for emergency services, the agreed-upon approach was for the County to invoice SFO for SFO's share of the overall 9-1-1 call volume multiplied by Public Safety Dispatch's (PSC) net cost. This approach satisfied FAA requirements as the 9-1-1 call volume represented a real and measurable service and PSC's net cost represents those expenditures not reimbursed by other agencies, including the Sheriff's Office. In May 2017, the parties amended the agreement to revise the formula regarding the Commission's share of the annual cost to operate the County's Public Safety Communications Dispatch Center to more accurately reflect the parties' joint intentions

regarding the Airport's share of services, replaced the definition of "Dispatch Calls" with "CAD Incidents" (CAD - Computer Aided Dispatch), and excluded law enforcement and fire response calls, as well as cancelled calls from the agreement terms. These changes were implemented retroactively back to July 1, 2015.

DISCUSSION:

In June 2020, SFO proposed an alternate approach to the emergency services payment agreement which would simplify the amendment/extension process. According to SFO, because the original agreement included the TOT revenue sharing provisions, It was required by the City's Charter to be approved by the San Francisco Board of Supervisors. By separating the payment for emergency services into a different agreement, such agreement would only require Commission approval. Although the initial development of the stand-alone agreement needed additional lead time to comply with the Commission's contracting requirements, subsequent amendments and extensions would be streamlined and the new agreement would allow payment to the County to be retroactive to July 1, 2020.

On November 10, 2020, the Airport Commission approved the new intergovernmental agreement with the County for 9-1-1 dispatch services for a total not-to-exceed amount of \$2,000,000 and for a term of six (6) years, with the Commission holding an option to extend the agreement for another two years.

County Counsel has reviewed the Resolution and agreement as to form.

FISCAL IMPACT:

The maximum amount the County may receive in reimbursement from the Airport Commission during the Agreement's initial term through November 9, 2026, is \$2 million. There is no net County cost associated with this agreement.