



CITY OF

NEWPORT BEACH

City Council Staff Report

September 14, 2021
Agenda Item No. 18

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Joint Agreement for the 800 MHz Countywide Coordinated Communications System

ABSTRACT:

Staff recommends City Council approval of a new Joint Agreement (Agreement) for the operation, maintenance and funding of the countywide 800 MHz radio system. The new Agreement establishes the technical, operational and financial requirements and guidelines for all agencies participating in the system and establishes bylaws for the system Governance Committee. The new Agreement replaces the previous Joint Agreement approved in 2005 and amended in 2015.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve a new Joint Agreement for the Operation, Maintenance and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System (CCCS), and authorize the Mayor and City Clerk to execute the Agreement.

DISCUSSION:

The Countywide Coordinated Communications System (CCCS) Governance Committee drafted a new Agreement and sought input from the City Managers of the partner agencies. The Governance Committee subsequently approved the Agreement on April 28, 2021 and the Sheriff-Coroner then placed the Agreement on the June 22, 2021 Orange County Board of Supervisors agenda, where it was approved. The Agreement (Attachment A) now requires approval of the Newport Beach City Council and the governing authorities of all the partner agencies.

The new Agreement replaces the previous Joint Agreement approved in 2005 and amended in 2015. Changes are listed in the table below, which was included with the Board of Supervisors' Agenda Staff Report (Attachment B):

Comparison List of the Joint Agreement

| Subject/Item | Previous | New | Notes |
|--------------------------------|--|---|---|
| Table of Contents | | | Section structure modified to improve readability |
| Administrator of System | Orange County Sheriff-Coroner Department & County | Lead Agency | Simplify terminology and nomenclature |
| Section 1.2, 14.1 | System Backbone section 14.1 | System Infrastructure | Simplify terminology and nomenclature |
| Section 2.2 | | Addition of two members OCCOPSA & OCPCA member | Previously seven members |
| Section 3.2.2 | | Addition of Sponsored Agency | Allows Partner Agency to sponsor |
| Section 15.2, 5.3.1 | Cost Sharing Section 15.2 | Partner Agency cost allocation based on their radio count | Previously 60/40 percent split of cost allocation between county and Partner Agency |
| Costs | Backbone Costs Section 15.3 | Reserve Fund Section 5.6 | Simplify terminology and nomenclature |
| Budget | Cost Sharing & Future System Enhancements Section 15 | Ten-Year Plan Budgeting Section 5.5 | Forecast budget for capital improvements |
| Payments | Annual Payment Section 15.4 | Partner Agency Financial Obligation Section 5.2 | Simplify terminology and nomenclature |
| Supporting Document | | New Partner Agency Rider document | Previously did not exist |
| Supporting Document | | Bylaws | Previously did not exist |

From Orange County Board of Supervisors Agenda Staff Report, June 22, 2021

The only substantive change is the Cost Sharing Section in Section 5.3.1 of the new Agreement, as compared to Section 15.2 of the previous Agreement. However, preliminary calculations show the City of Newport Beach's (City's) costs will not increase due to the formula change. The old cost-sharing formula divided the total annual costs 40/60, with County of Orange agencies paying 40% of costs and the partner agencies paying the remaining 60%. Each agency's share of the 60% was then based on radio ("subscriber unit") counts.

Old Formula Example: There are 18,953 radios on the system. Partner agencies are responsible for 60% of them, which is 11,372 radios ($0.6 \times 18,953 = 11,371.8$). Newport Beach's radio count is 839, which is 7.38% of the agencies' 60% share ($839 \div 11,372 = 0.0738$). The City's effective proportional share of all annual CCCS costs is then **4.43%** ($0.0738 \times 0.6 = 0.04428$).

The new cost-sharing formula would divide the number of radios each partner agency has on the CCCS by the total number of radios on the system. The resulting percentage would be each agency's proportional share of the annual operating costs of the CCCS and any future system infrastructure upgrades.

New Formula Example: There are 18,953 radios on the system. Newport Beach's radio count is 839. The City's effective proportional share of all annual CCCS costs would now be calculated at **4.43%** ($839 \div 18,953 = 0.044267$).

FISCAL IMPACT:

The adopted budget includes sufficient funding for this Agreement. It will be expensed to the Services – Professional and Technical account in the Police Department and the Other Agency Fees accounts in the Fire and Public Works Departments as described in the table below:

| Department | Account |
|--------------|-----------------|
| Police | 01035352-811008 |
| Fire | 01040401-841060 |
| Public Works | 01080005-841060 |

While preliminary, theoretical calculations show a neutral fiscal impact from the new CCCS cost-sharing formula as discussed above, any cost increases or decreases will be addressed during the annual budget preparation process.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Joint Agreement for Operation, Maintenance and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System
Attachment B – Orange County Board of Supervisors June 22, 2021 Agenda Staff Report