

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	08/12/13	Open	Action	07/29/13

Subject: Rescinding Resolution 13-06-0071 for Peace Officer Assignment with City of Sacramento; Ratifying the execution of the City of Sacramento Supplemental Agreements 1 and 2; and Approving the Third Amendment to the Peace Officer Agreement

ISSUE

Whether or not to Rescind the First Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment (Resolution No. 13-06-0071); Ratify the Execution of Supplemental Agreements 1 and 2; and Approve the Third Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment.

RECOMMENDED ACTION

- A. Adopt Resolution No. 13-08-_____, Rescinding the First Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment (Resolution No. 13-06-0071); and
- B. Adopt Resolution No. 13-08-_____, Ratifying the execution of Supplemental Agreements 1 and 2 with the City of Sacramento; and
- C. Adopt Resolution No. 13-08-_____, Approving the Third Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	2,519,874
Budget Source:	Operating, Capital	Next FY:	\$	2,449,878
Funding Source:	Federal, State, Local	Annualized:	\$	2,574,628
Cost Cntr/GL Acct(s) or	GL 630045 CC 36	Total Amount:	\$	7,723,885
Capital Project #:	GL 910800 WBS T011.01			
Total Contract:	\$ 21,336,266.00			

DISCUSSION

RT currently contracts with both the City and County of Sacramento for Peace Officer Assignment for enhanced security on buses, trains, and related transit facilities and rights of way. RT's Police Services Department consists of 1 Police Lieutenant, 2 Police Sergeants, 18 Police Officers, 1 Sheriff Sergeant, and 5 Sheriff Deputies.

Approved:

Presented:

General Manager/CEO

Chief Operating Officer

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On June 10, 2013, the Board approved, Resolution No. 13-06-0071, the First Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment in which RT exercised its options to extend the term by two years to June 30, 2016; increased the total consideration by \$7,723,885 from \$13,612,381 to \$21,336,266; increased the number of officers RT may request over the life of the agreement to a maximum of 30 police officers, plus 3 sergeants and 1 lieutenant; modified the scope of work; and modified the Facilities and Equipment provision of the Principal Agreement to permit RT to lease additional vehicles from the City subject to RT's budget and the availability of City vehicles. After further review of the First Amendment by the Sacramento City's Attorney's office, counsel for the City contacted RT and advised RT staff that the First Amendment should be the Third Amendment to the Principal Agreement, because the City Council had already approved two prior amendments to the Principal Agreement. The City produced two supplemental agreements to the Principal Agreement that were approved by the City Council that acted as amendments to the Principal Agreement by adding scope and funding. Although RT staff executed the two supplemental agreements, they were never approved by the RT Board, and therefore, were not in RT's system. After discussing the matter, RT's Legal Department and the Sacramento City Attorney's office determined that the best solution to the problem would be to ask the RT Board to rescind the resolution approving the "First Amendment" and ask the Board to ratify the two supplemental agreements and approve the Third Amendment to the Principal Agreement, thus aligning the amendments adopted by the City Council with those adopted by the RT Board of Directors. The Third Amendment is substantially identical to the First Amendment approved by the Board on June 10, 2013.

City Supplemental Agreement No. 1 authorized additional overtime for Peace Officers to randomly patrol the light rail system to detect, deter and counter any terrorist surveillance or actions. This supplemental agreement increased the principal agreement by \$384,980 from \$13,612,381 to \$13,997,361. This is funded by the Department of Homeland Security through the Transit Security Grant Program awarded to RT in October 2011.

City Supplemental Agreement No. 2 authorized the use of Sacramento Police Department Reserve Officers for additional police services in the amount not-to-exceed \$277,680, increasing the total agreement from \$13,997,361 to \$14,275,041.

Staff hereby recommends that the Board to rescind Resolution No. 13-06-0071 and ratify City Supplemental Agreements 1 and 2. Staff also requests the approval of the Third Amendment to the Agreement with the City of Sacramento for Peace Officer Assignment by which RT exercises its options to extend the term by two years to June 30, 2016; the scope of work is modified, the number of officers RT may request over the life of the agreement is increased to a maximum of 30 police officers, plus 3 sergeants and 1 lieutenant; the total consideration is increased by \$7,061,225 from \$14,275,041 to \$21,336,266; and the Facilities and Equipment provision of the Principal Agreement is modified to permit RT to lease additional vehicles from the City subject to their availability.

RESOLUTION NO. 13-08-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

August 12, 2013

**RESCINDING BOARD RESOLUTION NO. 13-06-0071;
RATIFYING SUPPLEMENTAL AGREEMENTS NO. 1 AND 2; AND
APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH THE CITY OF
SACRAMENTO FOR PEACE OFFICER ASSIGNMENT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Board Resolution No. 13-06-0071 is hereby rescinded; and

THAT, the execution of Supplemental Agreements No. 1 and 2 by the General Manager/CEO or his designee are hereby ratified and the Supplemental Agreements are hereby approved; and

THAT, the Third Amendment to the Agreement for Peace Officer Assignment between the City of Sacramento, therein referred to as "City," and Sacramento Regional Transit District, therein referred to as "RT," whereby the total consideration is increased by \$7,061,225 from \$14,275,041 to \$21,336,266, the term is extended by 2 years, the scope of work and Facilities and Equipment provisions are modified, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to sign said Agreement.

PATRICK HUME, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary