



## Agenda Report

20-736

Agenda Date: 9/1/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on Approval of a Letter Agreement Amending 2015 Memorandum of Understanding with the Silicon Valley Regional Interoperability Authority for the Silicon Valley Regional Communications System [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

#### BACKGROUND

In 2010, the Silicon Valley Regional Interoperability Authority (SVRIA) was formed to create an interoperable radio communication system that enables various public safety entities to communicate directly during a critical incident. In February 2010, the Council approved the City of Santa Clara's participation in SVRIA.

A portion of the communications infrastructure was funded through a combination of Bay Area Urban Area Security Initiative (UASI) grant funds provided by the Federal Department of Homeland Security (DHS) and State Homeland Security Grant Program (SHSGP) funds in the combined amount of approximately \$1.8 million.

After completing a Request for Proposal, Motorola Solutions was selected as the vendor to build out a countywide Project 25 (P-25) interoperable digital radio system.

The City completed a study to determine our radio needs (combination of portable radios for police, fire, public works, etc. as well as mobile/vehicle mounted radios). The City of Santa Clara's good faith estimate was 791 radios were needed.

On June 16, 2015, the City Council approved a Memorandum of Understanding (MOU) with SVRIA to ensure adequate operation, support, and financing of the system. Per the MOU, SVRIA will own, maintain, insure, and operate the system in an efficient and economical manner for the benefit of its members. In turn, costs are allocated to each jurisdiction based on the number of radios purchased for use in each jurisdiction. Each jurisdiction is responsible for their proportionate share of the infrastructure costs and ongoing user fees will be charged for each radio used on the system. The MOU expires on December 31, 2029.

In 2016, member agencies entered into the Restatement of the Silicon Valley Regional Interoperability Project Joint Powers Agreement to include the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Santa Clara, San Jose, Saratoga, Sunnyvale, the Town of Los Gatos, County of Santa Clara, Valley Transportation Authority, San Jose State University, Evergreen Valley College, San Jose City College, Foothill College, DeAnza College, West Valley College, Mission College, and South County Fire. This multi-jurisdictional project allowed for lower infrastructure and operational costs for participating agencies.

**DISCUSSION**

In 2015, each of the participating agencies provided SVRIA with an “opt in” radio count. The City of Santa Clara’s was 791.

In April 2020, all participating agencies were sent a letter announcing the first True Up and Radio ID Reconciliation process. The True Up and Radio ID Reconciliation were to become effective July 1, 2020.

The Fiscal Year (FY) 2020/21 budget for SVRIA is \$4,012,305 with a total user count of 11,365 radios. The City of Santa Clara has 8.02% of the share with 911 radios, meaning the FY 2020/21 operations and maintenance costs are estimated at \$321,620. The proposed Letter Agreement accurately reflects the Santa Clara Police Department’s radio usage. The Department does not anticipate that the new administrative or procedural provisions of the Agreement will have any material impact on current operations of the Department.

This adjustment will decrease the Agency Assessment for some Agencies and increase the assessment for others, depending upon the Agency Radio ID count as determined by the Radio ID True Up process and subsequently verified by the individual Agency. These adjustments will have no net financial effect upon SVRIA. The Agency also agrees to waive any potential past adjustments to their Agency Assessments from SVRIA covered by the Silicon Valley Regional Communications System (SVRCS) MOU by entering into the proposed Letter Agreement, which effectively acts as an Amendment to the 2015 MOU.

Since that time, SVRCS met and created the following guidelines for the True Up and Radio ID Reconciliation process to include a Letter Agreement which includes:

1. Base Radio ID count for the SVRCS will not go below the total radio ID count from 2015 which was 10,602.
2. True Up date will be effective July 1, 2020, as the new base for calculating costs.
3. Agencies who wish to change their Radio ID count will need to sign a Letter Agreement by July 1, 2020, to supersede the agreed upon amount during the initial “buy in” (in 2015 SVRCS MOU agreement).
4. New Radio ID counts will be used in the FY 2020/21 annual billing.
5. Existing agencies on the SVRCS will not be required to “buy in” for additional radio ID’s accounted for in the July 2020 Letter Agreement.
6. Existing agencies who wish to reduce their Radio ID count, may do so but will not receive a credit for their initial “buy in.”
7. New agencies seeking to join the SVRCS after July 1, 2020, will be required to submit a request to the JPA. The request will be put through a technical evaluation for system impact and will also be evaluated for the potential costs to be charged to the new Agency.
8. Existing agencies need to reconcile their buy in radio ID count by May 15th to clear up any duplicate ID’s and ensure the counts reconcile. That will be the basis for the Agency count moving forward in the Letter Agreement and for billing purposes.
9. Future requests, after July 1, 2020, by any Agency requesting to add more Radio ID’s on to the system, will need an approval process which will include a system impact assessment. This will assist in determining if additional infrastructure is needed to expand the system in order to accommodate the higher number of Radio ID’s. Should there be a need for technical

enhancement and associated costs, the request will be reviewed by the Working Committee and a funding plan will be developed for the purchase as well as the impact of on-going support.

10. An annual audit will be performed to ensure agencies are maintaining their radio ID counts as agreed upon. The annual audit will occur by March of each year, in concurrence with the adoption of the SVRIA budget. This may result in changes to the annual charge, including an additional infrastructure charge, if radio counts are increased.

New participants joining the SVRCS after July 1, 2020 will be required to submit a request to the JPA. A technical evaluation of the system impact will be evaluated with potential costs to determine the most appropriate next steps.

The proposed Letter Agreement accurately reflects the Santa Clara Police Department's radio usage. The Department does not anticipate that the new administrative or procedural provisions of the Agreement will have any material impact on current operations of the Department.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

### **FISCAL IMPACT**

There is no fiscal impact for this report. The FY 2020/21 Adopted Budget in the Communications Acquisitions Fund is sufficient to cover the estimated operations and maintenance costs identified by the SVRIA.

### **COORDINATION**

This report was coordinated with the Finance Department and City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

Action on Approval of a Letter Agreement Amending the 2015 MOU with the Silicon Valley Regional Interoperability Authority.

Reviewed by: Patrick Nikolai, Chief of Police

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. SVRIA Letter Agreement
2. SVRIA True Up and Radio ID Reconciliation

3. 2015 Memorandum of Understanding