



COUNTY OF SAN MATEO SHERIFF'S OFFICE

Inter-Departmental Correspondence



DATE: January 26, 2006
BOARD MEETING DATE: January 31, 2006
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: 4/5

TO: Honorable Board of Supervisors
FROM: Sheriff Don Horsley *[Signature]*
SUBJECT: Amendment No. 1 to the existing Agreement with samTrans for the provision of transit law enforcement and dispatch services.

RECOMMENDATION

That your Board:

1. Adopt a Resolution authorizing the Sheriff to execute Amendment No. 1 to the existing Agreement with samTrans, adding two Deputy Sheriff for canine explosive ordinance detection (EOD) services, and ratifying the addition of one Transit Police Lieutenant position, as provided for under the existing Agreement (Resolution 067118);
2. Approve a Salary Ordinance amending the Master Salary Ordinance to add the three positions for samTrans services under the Sheriff's Office;
3. Approve an Appropriation Transfer Request funding the pro-rated FY 2005-06 cost of the new positions through contractual reimbursements from samTrans, in the amount of \$350,805.

VISION ALIGNMENT

Commitment: Ensure Basic Health & Safety for All Citizens

Goal 7: Maintain & enhance the public safety for all residents and visitors.

Goal 8: Help vulnerable sectors of our population achieve a better quality of life.

Commitment: Redesign Our Urban Environment to Increase Vitality, Expand Variety, and Reduce Congestion.

Goal 10: Provide public transportation choices that are convenient, affordable, and safe.

This Agreement enhances public safety by providing high quality law enforcement services for samTrans bus and Peninsula Corridor rail passengers and drivers. A large portion of our more vulnerable citizens use public transportation, and it is very important to ensure these citizens and visitors feel safe using County buses and trains.

PERFORMANCE MEASURES

Performance Measures	2004-05 Actual	2005-06 Projected
Number of Arrests	164	150
Number of Crime / Incident Reports submitted	424	500
Number of CAD-documented calls for service	4,310	5,200
Number of citations issued system-wide	5,589	6,500

BACKGROUND

The County has provided law enforcement services and public safety communications to samTrans and the Peninsula Corridor Joint Powers Board, under contract, since 2002. The present Agreement (Resolution 67118) was approved in December 2004 and expires in 2008. The Sheriff's Transit Police Unit currently has nine staff servicing this Agreement: one Sergeant, one Detective, four Deputies, two Train Security Officers; and a Legal Office Specialist. Article J of the existing Agreement also authorized the Sheriff's Office and samTrans management to mutually review and modify the Agreement beginning in July 2005, to add into the Agreement an additional position of Lieutenant for the Unit, and one additional Deputy. With this in mind, the language of the Agreement authorizes the Sheriff (for law enforcement) or Director of EPS (for dispatch services), and the samTrans General Manager, to negotiate and approve changes to the Agreement, provided those changes are fully reimbursable to the County and no General Fund cost is incurred.

In July 2005, the Sheriff's Office and samTrans re-visited the new position options. A key factor was the decision by the Peninsula Corridor Joint Powers Board to add the "Baby Bullet" high-speed train and expand services to a seven-day-a-week basis. It was necessary to shift Transit Police Unit schedules and stagger personnel work weeks, in order to provide seven-day coverage, and the need for adequate seven-day supervision coverage became an issue. Following discussions, samTrans submitted a Side Letter to the Sheriff on 7/8/05, stipulating that they wished to exercise the existing option under Article J, and requesting the Sheriff's Office to provide a Lieutenant position for the Transit Police Unit, to be fully funded under the Agreement. Since that time, an acting Lieutenant was temporarily assigned within the department while recruitment and testing - both for Lieutenant and Sergeant level positions - could take place, for this and other unrelated Sheriff's Office vacancies.

In the intervening time, concern has risen in the federal Department of Homeland Security with regard to urban area passenger rail security in the United States, following incidents in Spain and England in recent years. samTrans was successful in seeking and receiving a federal grant to provide enhanced on-board EOD (explosives & ordinance detection) canine officers for the Peninsula Rail System. The grant provides two years full funding for two Deputy Sheriffs and two EOD canines, with the potential for possible continued grant funding thereafter. samTrans has subsequently requested that the Sheriff's Office provide the two canine Deputies as soon as possible, so that they can be trained and deployed on board Peninsula Rail trains, and to patrol stations.

An Amendment was prepared for addition of the two Deputies, and has been reviewed and will shortly be approved by samTrans officials. samTrans has indicated that the existing Side Letter enacting Article J of the existing Agreement was sufficient authorization for their funding of the Lieutenant position, and for grant documentation purposes desires the Amendment to solely address the two grant-funded Deputy positions.

DISCUSSION

The recommended Amendment No. 1 provides for the addition of two Deputy positions, with EOD canines and funds for training, canine maintenance, and vehicle usage costs. The costs for these services are fully funded for two years under the samTrans Grant. At the end of the two-year period, the options will be to a) continue funding for the positions under a renewed grant program; b) continue funding under the general samTrans security program budget; or c) terminate the Canine EOD Program and eliminate the positions. The latter option is viewed as unlikely, however, if the positions are eventually eliminated from the Agreement and subsequently from the Sheriff's budget, sufficient position vacancies exist at

any given time due to retirements, transfers to other agencies, or resignations that the two employees in question can be moved into other regularly funded Sheriff's Deputy positions, and will not be at risk for layoff.

The existing Side Letter provides for the full 100% funding of a Sheriff's Lieutenant position, including annual salary, benefits, and vehicle-related expenses. Office space, computers, communications, and most other program operating expenses are provided by samTrans, as the Transit Police Unit is headquartered at the samTrans offices in San Carlos.

County Counsel has reviewed and approved the recommended Amendment and Resolution as to legal form.

FISCAL IMPACT

The Amendment for the two canine EOD Deputies provides funding of \$550,000 across the two-year period, which covers the cost for two Deputy positions and two dogs. Vehicle costs are not an allowable expense under the grant itself, but samTrans has agreed to additionally fund County motor vehicle expenses for one canine transit patrol car from their general security budget, which will be shared by the two Deputies across their distinct shifts, for transporting the canines between headquarters & train stations, training, Sheriff's bomb squad facilities, etc. The Side Letter to the original Agreement will fund the annual operating cost for a Sheriff's Lieutenant position, at \$208,473 for the first year, including vehicle and ancillary expenses.

The Appropriation Transfer Request is in the amount of \$350,805, which covers a pro-rated five-month personnel cost for the three positions, plus operating and start-up expenses. The cost is fully offset by contractual reimbursement from samTrans for these approved expenses. There is no net County cost impact from the recommended action in this decision package. The FY 2006-07 and 2007-08 Sheriff's Office budget will include annualized funding for these positions.

cc *Mary Welch, Director of Employee & Public Services*
William Pedrini, samTrans Safety & Security Manager
Gary Lambert, samTrans Deputy Manager