

ORDINANCE NUMBER O- **21129** (NEW SERIES)

DATE OF FINAL PASSAGE **SEP 12 2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO TO AUTHORIZE THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND UNIFIED SAN DIEGO COUNTY EMERGENCY SERVICES FOR HAZMAT RESPONSE SERVICES.

WHEREAS, since 1986, the San Diego Fire-Rescue Department's Hazardous Incident Response Team (HIRT) has served the Unified Disaster Council (UNIFIED) members as a Joint Powers Agreement (JPA) service provider for hazardous material emergency response throughout the San Diego region; and

WHEREAS, the JPA participating agencies consist of 18 cities, unincorporated county areas, and 3 Indian Reservations; and

WHEREAS, UNIFIED is the governing body of the Unified San Diego County Emergency Services Organization; and

WHEREAS, the Council is comprised of the San Diego County Board of Supervisors, who serves as Chair of the Council, and representatives from the 18 incorporated cities; and

WHEREAS, the County of San Diego Office of Emergency Services (OES) serves as staff to the UDC; and

WHEREAS, HIRT is located in Mission Valley, at Fire Station 45. Personnel are on-duty 24-hours/day, 7 days/week, 365 days/year on standby, to respond as well as provide information/consultation for hazardous materials incidents and other public health emergencies throughout San Diego County; and

WHEREAS, the services provided by HIRT include establishing and working under the Incident Command System and assisting with coordination and notification of local, State, Federal, and mutual and automatic aid agencies; and

WHEREAS, HIRT assists Incident Commanders with HAZMAT incident action planning, mitigation, containment and control; and

WHEREAS, HIRT also conducts public health and safety evaluations, makes recommendations regarding evacuations and performs assessments on environmental impacts during the emergency phase of all chemical, biological, radiological, nuclear and explosive emergencies; and

WHEREAS, the San Diego Fire-Rescue Department (SDFD) HAZMAT personnel have the primary responsibility for mitigation and control efforts and the County of San Diego Department of Environmental Health and Hazardous Materials Division (DEH) HAZMAT personnel have primary responsibility for health and safety efforts; and

WHEREAS, historically, the UNIFIED puts out a Request for Information (RFI) every ten years; and

WHEREAS, the current Statement of Work provided by HIRT is defined in RFI 5820 dated November 7, 2012; and

WHEREAS, upon acceptance of a RFI, a contract between HIRT and the UNIFIED is renewed every two years during the ten-year period; and

WHEREAS, on November 29, 2012, SDFD and the DEH submitted a joint response to RFI 5820 dated November 7, 2012; and

WHEREAS, on July 19, 2013, by way of Resolution No. 308328, the agreement with UNIFIED and the City was authorized through which the SDFD was to provide Hazardous

Materials Incident Response across the County of San Diego, and be reimbursed in the amount of \$933,741 annually for an initial two-year term; and

WHEREAS, Resolution No. 308328 also authorized an option to renew for up to four additional two-year terms upon the adoption of the corresponding fiscal year's appropriation ordinance and upon the Chief Financial Officer's furnishing a certificate certifying that any funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and

WHEREAS, on an annual basis, the necessary operating funds for HIRT are allocated within SDFD budget; and

WHEREAS, pursuant to the City's Agreement with UNIFIED, SDFD shall invoice UNIFIED quarterly in arrears for services performed; and

WHEREAS, after the initial two-year term, UNIFIED exercised its First Option to extend the Agreement an additional two years as follows: \$952,883 for July 1, 2015 through June 30, 2016, and \$952,883 for July 1, 2016 through June 30, 2017; and

WHEREAS, UNIFIED exercised its Second Option to extend the Agreement an additional two years as follows: \$996,724 for July 1, 2017 through June 30, 2018, and \$996,724 for July 1, 2018 through June 30, 2019; and

WHEREAS, the Third Amendment represents the contract increase as approved by UNIFIED and seeks to amend the Agreement for UNIFIED to exercise the Third Option Period and extend the Agreement an additional two years as follows: \$1,082,841 for July 1, 2019 through June 30, 2020, and \$1,176,398 for July 1, 2020 through June 30, 2021; and

WHEREAS, The Fourth Amendment will represent the Fourth Option Period and will extend the Agreement an additional two years from July 1, 2021 through June 20, 2023, and will increase the contract amount as approved by UNIFIED; and

WHEREAS, subject to certain exceptions, San Diego Charter section 99 (Section 99) generally provides that no contract, agreement or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the City Council;

WHEREAS, the Agreement exceeded a period of five years during the Second Option Period requiring ratification of the Second Amendment to the Agreement; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The City Council hereby ratifies the Second Amendment to the Agreement between the City of San Diego and Unified San Diego County Emergency Services Organization to provide Hazardous Materials Incident Response Team services (Agreement), which exercised the Second Option to extend the Agreement an additional two years from July 1, 2017 through June 30, 2019.

Section 2. That the Mayor or his designee is authorized to execute, for and on behalf of the City, the Third Amendment to the Agreement, on file with the Office of the City Clerk Document No. OO - 21129, exercising the Third Option to retroactively extend the Agreement an additional two years from July 1, 2019 through June 30, 2021, contingent upon the adoption of the corresponding fiscal year's appropriation ordinance and upon the Chief Financial Officer's furnishing a certificate certifying that the any funds necessary for expenditure are, or will be, on deposit with the City Treasurer.


Section 3. That the Mayor or his designee is authorized to execute, for and on behalf of the City, the Fourth Amendment to the Agreement exercising the Fourth Option to extend the Agreement an additional two years from July 1, 2021 through June 20, 2023, contingent upon the adoption of the corresponding fiscal year's appropriation ordinance and upon the Chief Financial

Officer's furnishing a certificate certifying that the any funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Laura M. DePoister  
Deputy City Attorney


LD:hm  
July 10, 2019  
Or.Dept:PSE  
Doc. No.: 2049255

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9/12/19  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**SEP 10 2019**

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SEP 12 2019**

Date of final passage \_\_\_\_\_.

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Ginda Aruen, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 06 2019

SEP 12 2019

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Ginda Aruen, Deputy

Office of the City Clerk, San Diego, California

**21129**

Ordinance Number O-\_\_\_\_\_