



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 6/11/2019

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Sonoma County Sheriff's Office
Staff Name and Phone Number: Wendy Hoffman/565-3917
Vote Requirement: Majority
Supervisorial District(s): Fifth District

Title:

Agreement for Supplemental Law Enforcement Services with Bohemian Grove

Recommended Actions:

Authorize the Sheriff to execute the Amended Supplemental Law Enforcement Services Agreement with Bohemian Grove for its 2019 Encampment event from July 10, 2019 through July 28, 2019 for revenue in the amount of \$151,127 to ensure the safety of Sonoma County citizens and visitors of the Russian River vicinity. (Fifth District)

Executive Summary:

The Sheriff's Office requests that the Board authorize the Sheriff to execute the Amended Supplemental Law Enforcement Services Agreement with Bohemian Grove to provide security services at the Encampment event and receive reimbursement for direct and indirect costs estimated at \$151,127.

Discussion:

Background. The Bohemian Club is a private member-based club located in San Francisco, which, among other events, hosts an annual two-week long summer encampment at its Bohemian Grove location in Sonoma County. Bohemian Grove has requested that the Sonoma County Sheriff's Office provide supplemental law enforcement services for its 2019 encampment, and has agreed to reimburse the County for direct and indirect staff and vehicle costs in an estimated amount of \$151,127.

On June 4, 2019, the agreement for supplemental law enforcement services came before the Board for approval. During public meeting, Board members voiced concerns about the legality of contracting with an entity that excludes women from membership. The Board requested a legal opinion from County Counsel whether the County can legally contract with the Bohemian Club based on gender equality issues given the Club's male-only membership policy. County Counsel's opinion will be provided separately to the Board.

Generally, the County's authority to contract with a private organization to provide supplemental law enforcement services for special events is founded in California Government Code (Gov't Code) § 53069.8. This law allows a County, on behalf of the Sheriff, to enter into agreements with private organizations for supplemental law enforcement services and provides a mechanism for cost recovery. Pursuant to Gov't Code § 53069.8(b), contracts shall provide for full reimbursement of the actual costs of providing those services. In essence, these contracts enable the Sheriff to determine how much of his or her resources may be expended ahead of time without reducing the normal and regular ongoing services. Otherwise, unplanned

contingencies would not allow the Sheriff to allocate his resources in the orderly manner contemplated by the statute.

For many years, the Sheriff's Office has provided supplemental law enforcement services to Bohemian Grove when requested. Services are provided on numerous occasions for various events held at the Bohemian Grove each year. The majority of these events have a total cost of less than \$50,000 requiring only the Sheriff's approval per Resolution 16-0102. The Bohemian Grove's Encampment event, however, is the largest event and has required Board approval for services for the past 14 years.

Bohemian Grove has requested that the Sonoma County Sheriff's Office provide supplemental law enforcement services for the Club's encampment in July 2019. The Club has agreed to reimburse the County for direct staff and vehicle costs in an estimated amount of \$151,127. This would allow for 100% reimbursement of cost for Sheriff Deputies plus a percentage of the overhead based on rates approved by the Board in the annual fee schedule. It would allow the Sheriff to appropriately allocate resources preemptively without the need to deprive law enforcement resources away from neighboring west county communities such as Guerneville, especially during busy summer weekends along the Russian River. The Sheriff is legally required to preserve the peace, respond to, and investigate all calls for service and public offenses on both public and private places within his jurisdiction. Without the agreement, the Sheriff would incur unreimbursed staff and overtime costs for extra Sheriff's Deputies needed to respond to additional calls for service and ensure public safety.

Importantly, the Sheriff's authority to provide supplemental services only relates to law enforcement duties to enforce and investigate public offense. It does not extend to the enforcement of the Club's private rules or policies unrelated to public offenses. Section 8 of the agreement, as it was presented to the Board on June 5, 2019, authorizes the Sheriff's Office to enforce trespass laws under California Penal Code §§ 602 and 602.1, which are public offenses. In this context, Section 8(a) stated that the Sheriff's Office is authorized to act as agents for Bohemian Grove when enforcing their rules and policies, and when enforcing Penal Code § 602. The reference to the Club's rules and policies in this context was strictly meant to relate to trespass rules on the encampment grounds.

In order to clarify the permissible scope of the Sheriff's services, County Counsel and staff are recommending to remove the ambiguous reference in Section 8 to Bohemian Grove's rules and policies in its entirety. That way, it is clear that the Sheriff's Office is only authorized to act as agent for Bohemian Grove to enforce trespass laws, as provided for in Penal Code §602 and 602.1. In addition, the agreement specifically requires compliance with all anti-discrimination laws with respect to hiring and treatment of employees. A revised agreement, without referencing the Grove's rules and policies, is presented to your Board for approval as an option.

The modified agreement, and a red-line version showing the change, are provided as attachments.

Request. The Bohemian Grove has requested that the Sheriff's Office provide supplemental law enforcement services for their Encampment event to be held from July 10, 2019 through July 28, 2019. The cost of these services is estimated at \$151,127. The proposed Agreement provides for direct reimbursement of staff hours dedicated to providing security for the event, as well as vehicle costs (including fuel and mileage). The services

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to be provided will in no way interfere with regular law enforcement services provided by the Sheriff's Office. The costs and corresponding revenue reimbursement are included in the Sheriff's Office FY 19-20 Recommended Budget.

Prior Board Actions:

Board approved annual Sheriff's Office fee ordinance, which sets the fee for security services provided by the Sheriff's Office.

Board has approved annual security Bohemian Grove Encampment Supplemental Law Enforcement Services Agreements since 2004.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses		151,127	
Additional Appropriation Requested			
Total Expenditures		151,127	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		151,127	
Use of Fund Balance			
Contingencies			
Total Sources		151,127	

Narrative Explanation of Fiscal Impacts:

The agreement calls for the reimbursement of both direct and indirect costs associated with providing special security services. The final amount will be determined at the conclusion of the event.

Staffing Impacts:			
Position Title (Payro	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Amended Agreement for Supplemental Law Enforcement Services with Bohemian Grove for the Encampment

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from July 10, 2019 through July 28, 2019 including Exhibit A - 2019 Encampment Cost and Services Estimate.

Related Items “On File” with the Clerk of the Board:

N/A