



## Legislation Text

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**File #:** 2020-0445, **Version:** 1

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**To:** Board of Supervisors of Sonoma County  
**Department or Agency Name(s):** Sheriff's Office  
**Staff Name and Phone Number:** Maureen Nicklas, 565-8831  
**Vote Requirement:** Majority  
**Supervisory District(s):** First and Fourth Districts

**Title:**

Town of Windsor and City of Sonoma Law Enforcement Agreement for Services

**Recommended Action:**

- A) Authorize the Chair to execute an Agreement for Law Enforcement Services between the County of Sonoma and the Town of Windsor for the period of July 1, 2020 through June 30, 2025. The Agreement includes two five-year options to extend the term through June 30, 2035, which will be brought back to the Board for approval prior to term expiration.
- B) Authorize the Chair to execute an Agreement for Law Enforcement Services between the County of Sonoma and the City of Sonoma for the period of July 1, 2020 through June 30, 2025. The Agreement includes options to extend for successive periods not to exceed ten years each, which will be brought back to the Board for approval prior to term expiration.

These agreements benefit the public by providing essential law enforcement services in Windsor and Sonoma. (First and Fourth Districts)

**Executive Summary:**

The Sheriff's Office provides law enforcement services in the Town of Windsor and City of Sonoma under two separate service Agreements. Both Agreements are due to expire June 30, 2020 and both the Town of Windsor and the City of Sonoma intend to enter into new Agreements to continue the services for five years, through June 30, 2025. Both Agreements include options to extend the term of the Agreement through June 30, 2035.

Over the past several months, Sheriff's management staff have been working with both municipalities to enter into new, updated Agreements for law enforcement services. The most significant change in the proposed Agreements is the implementation of the Board's full cost recovery financial policy approved as part of June 2019 budget hearings. The new Agreements are close to being finalized and were on track to be approved by both the Windsor Town Council and Sonoma City Council in the spring of 2020, but COVID-19 response efforts have delayed the process. Therefore, the Sheriff is requesting that the Chair be granted the authority to execute the final Agreements, once approved by the Town of Windsor and City of Sonoma. Any changes to the proposed Agreements will be approved by the Sheriff and County Counsel prior to the Chair executing.

**Discussion:**

A summary of each existing Agreement is as follows:

**Town of Windsor** - The County has been providing contract law enforcement services to the Town of Windsor since April 6, 1993, shortly after the Town's incorporation in 1992. At that time the Board approved a five-year Law Enforcement Services Agreement with the Town. The Board later approved a ten-year Law Enforcement Services Agreement for the term of July 1, 1998 through June 30, 2008. On May 5, 2008, the Board approved a second ten-year Law Enforcement Services Agreement for the term from July 1, 2008 through June 30, 2018. The Board ratified an Amendment on May 22, 2018 to execute a one-year extension to the Agreement for Law Enforcement Services for the term of July 1, 2018 through June 30, 2019. On June 4, 2019, the Board approved a second one-year extension to the Agreement for Law Enforcement Services for the term of July 1, 2019 through June 30, 2020. These extensions were put in place to allow time for a new, multiyear contract to be negotiated.

The Town of Windsor and the Sheriff's Office continue to be satisfied with the collaborative, working relationship under the current Agreement, which expires on June 30, 2020. The new, proposed Agreement is similar to the existing Agreement but has been updated to reflect changes that have occurred since 2008 and to incorporate the County's financial policy of full cost recovery from shared service contracts with other government agency. The most significant impact from this change is related to the Agreement's overhead charges. In June 1995, the Board authorized a 5% reduction to the overhead rate being charged to the Town of Windsor as an incentive for cities to enter into contractual arrangements with the Sheriff's Office. Now, the Board requires full cost recovery on all service contracts, eliminating the 5% discount previously applied to the overhead rate. The contract ensures full cost recovery for all pension costs, including recurring and accelerated contributions towards unfunded liabilities, in accordance with the Board's adopted financial policies.

The proposed Agreement has an initial term of five years (July 1, 2020 through June 30, 2025) and allows for optional contract renewal periods of up to ten years, through June 2035. The Agreement's termination provision has been clarified to facilitate a safe transition that provides continuity of services to the community at the end of the contract's term or in the event either party wishes to terminate the Agreement before the end of the term. Consistent with all past agreements, the proposed Agreement establishes the specific level of services to be provided on an annual basis, through the Agreement's Service Plan (Attachment 1, Exhibit A).

Under the proposed Agreement, the County receives full reimbursement for the direct costs associated with the provision of law enforcement services by the Sheriff's Office to the Town of Windsor. The Agreement provides the Town with 24 Sheriff's Office employees, including 21 sworn personnel and three support staff. The Agreement also provides funding for investigative services. The Town pays the Sheriff's Office for indirect expenses which are captured in an overhead rate determined annually and applied to the actual salary and benefit costs of County personnel assigned to the Windsor Police Department. This rate covers indirect services provided to the Town such as dispatch, records, field training for new officers, and administrative services. The total Windsor Police Department operational budget of \$6,593,478 is included in the Sheriff's Office FY 20-21 Recommended Budget.

Due to the COVID-19 pandemic, Windsor Town Council business has been delayed. However, the Windsor Town Council notified the Sheriff of their intention to take formal action to renew the Agreement for Law Enforcement Services with the County by July 31, 2020. To prevent an unnecessary lapse in services, the Sheriff is requesting the Chair be authorized to sign the proposed Agreement, once approved by the Windsor Town Council. Extensions to the term of the Agreement shall be brought back to the Board for approval.

**City of Sonoma** - The County has been providing law enforcement services to the City of Sonoma since April 21, 2004, when the Board approved a five-year Agreement (July 1, 2004 through June 30, 2009) for Law Enforcement Services with the City. The first five years of the contractual arrangement were successful and beneficial to both parties, leading to the execution of a ten-year Agreement for Law Enforcement Services, for the term of July 1, 2009 through June 30, 2019. On June 4, 2019, the Board approved a one-year extension to the Agreement, through June 30, 2020, to allow time for a new, multiyear contract to be negotiated.

The City of Sonoma and the Sheriff's Office continue to be satisfied with the collaborative working relationship under the current Agreement, which expires on June 30, 2020. The new, proposed Agreement is similar to the existing Agreement but has been updated to reflect changes that have occurred since 2009 to incorporate the County's financial policy of full cost recovery from shared service contracts with other government agencies. The most significant impact to full cost recovery is related to the overhead charges applied to the contract. Under the past Agreement the City of Sonoma was receiving a 5% discount on the Sheriff's overhead rate as an incentive for cities to enter into contractual arrangements with the Sheriff's Office. Consistent with the Board's fiscal policy requiring full cost recovery on all service contracts, the 5% discount previously applied to the overhead rate has been eliminated. The contract ensures full cost recovery for all pension costs, including recurring and accelerated contributions towards unfunded liabilities, in accordance with the Board's adopted financial policies.

The Proposed Agreement has an initial term of five years (July 1, 2020 through June 30, 2025) and allows for two, five-year extension periods through June 2035. The Agreement's termination provision has been updated to help facilitate a safe transition that provides continuity of services to the community at the end of the contract's term or in the event either party wishes to terminate the Agreement prior to the end of the term. Consistent with all past Agreements, the proposed Agreement establishes the specific level of services to be provided on an annual basis through the Agreement's Service Plan (Attachment 2, Exhibit A).

Under the current and all prior Agreements, the County receives full reimbursement for the direct costs associated with the provision of law enforcement services by the Sheriff's Office to the City of Sonoma. The Agreement provides 16 Sheriff's Office employees, including 13 sworn personnel and three support staff, as well as funding for investigative services. The City pays the Sheriff's Office for indirect expenses which are captured in an overhead rate determined annually and applied to the actual salary and benefit costs of County personnel assigned to the Sonoma Police Department. This rate covers indirect services provided to the City such as dispatch, records, field training for new officers, and administrative services. The total Sonoma Police Department operational budget of \$4,151,727 is included in the Sheriff's Office FY 20-21 Recommended Budget.

Due COVID-19 pandemic, Sonoma City Council business has been delayed. However, the Sonoma City Council indicated their intention to take formal action by June 30, 2020 to renew the Agreement for Law Enforcement Services with the County for a term of five years. To prevent an unnecessary lapse in services, the Sheriff is requesting authorization for the Chair to sign the proposed Agreement, once approved by the City Council. Extensions to the term of the Agreement shall be brought back to the Board for approval.

These contracts benefit the community by providing consistent, coordinated, and seamless law enforcement services across the unincorporated County area and the two incorporated areas.

**Prior Board Actions:****Town of Windsor:**

The Board has approved multiple Law Enforcement Services Agreements with the Town of Windsor since June of 1993.

**City of Sonoma:**

The Board has approved multiple Law Enforcement Services Agreements with the City of Sonoma since April of 2004.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	12,220,039	13,381,790	
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>12,220,039</b>	<b>13,381,790</b>	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	12,220,039	13,381,790	
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>12,220,039</b>	<b>13,381,790</b>	

**Narrative Explanation of Fiscal Impacts:**

The Agreements for Law Enforcement Services with contract cities allow for full direct cost reimbursement. Full indirect cost recovery in the form of overhead is applied to all direct salary and benefit costs. The overhead revenue is applied to the Sheriff's Administration section to offset indirect expenses. The contract city operational budgets are zero General Fund net cost budgets. Windsor Police Department operational expenditures totaling \$6,593,478 are included in the Sheriff's Office FY 20-21 Recommended Budget. Estimated overhead to be paid by the Town of Windsor is \$1,614,217, also included in the Sheriff's Office FY 20-21 Recommended Budget. Sonoma Police Department operational expenditures totaling \$4,151,727 are included in the Sheriff's Office FY 20-21 Recommended Budget. Estimated overhead to be paid by the City of Sonoma is \$1,022,368, also included in the Sheriff's Office FY 20-21 Recommended Budget.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

1. Draft Agreement for Law Enforcement Services between the County of Sonoma and the Town of Windsor
2. Draft Agreement for Law Enforcement Services between the County of Sonoma and the City of Sonoma

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