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# CITY OF POMONA COUNCIL REPORT

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August 6, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mike Olivieri, Chief of Police

Subject: **Adoption of a Resolution Approving an Agreement to Provide Police Services for the 2018 Los Angeles County Fair by Setting the Rate of Compensation for Such Police Services and Amending the Police Department's FY 2018-19 Operating Budget by Appropriating an Additional \$31,922**

## OVERVIEW

**Recommendations** - That the City Council adopt resolution (Attachment 1):

- 1) Approving an agreement with the Los Angeles County Fair Association to provide police services during the 2018 Los Angeles County Fair by setting the rate of compensation for such police services;
- 2) Amending the Police Department's FY 2018-19 operating budget by appropriating an additional \$31,922 in expenditures and in revenues; and,
- 3) Authorizing the City Manager, or designee, to execute the Police Services Agreement (Attachment 2) on behalf of the City, subject to review and approval by the City Attorney.

**Fiscal Impact** – The cost of basic police services during the 2018 Los Angeles County Fair is estimated to be \$493,340, plus an Administrative Fee of ten percent (10%) totaling \$49,334, for a base contract total of \$542,674. This amount includes \$85,646 for the Emergency Response Team as part of the base contract. Also, an additional \$39,672, which includes the 10% administrative fee, is being added to the base contract as an average of cost overages billed over the past (3) years. Adopted in the FY 2018-19 budget was a total of \$550,424. As such, an additional appropriation (101-2002-51045-00000) of \$31,992 is needed to cover the total anticipated cost of the 2018 Los Angeles County Fair, which will be offset by additional revenue (101-2002-40177-00000) of \$31,922 for same. At the conclusion of the Fair, the actual costs for services plus the Administrative Fee will be paid to the City.

**Previous Related Action** – The City Council approved a Police Services Agreement with the Los Angeles County Fair Association on August 7, 2017.

## **EXECUTIVE SUMMARY**

Action on this item will approve a Police Services Agreement with the Los Angeles County Fair Association to provide police/law enforcement services during the 2018 Los Angeles County Fair. The 2018 Los Angeles County Fair will run from August 31, 2018 through September 23, 2018.

## **DISCUSSION**

The 2018 Los Angeles County Fair will commence on August 31, 2018 and will conclude on September 23, 2018. Each year, the Fair Association contracts with the City of Pomona Police Department to provide a basic level of police services during the Fair. The cost for police services during this year's Fair is estimated at \$582,346, including the Administrative Fee. The estimated cost for services is based on staffing by police personnel at one and one-half time the current rate, plus Worker's Compensation and Federal Medicare Tax when applicable for each contracted employee, and also factors in additional expenditure overages based on the past (3) year expenditure overage average.

When Pomona Police Officers provide police services for events, Pomona City Code section 46-562(b) requires the amount of compensation per police officer be set by City Council resolution. The attached resolution sets the rate of compensation for police personnel to provide police services during the Fair and an Administrative Fee of ten percent (10%) of the total cost of services.

The Police Department will provide the Los Angeles County Fair Association with a daily accounting of City police services and equipment provided during the Fair. At the end of the Fair, if the service costs exceed the contract estimate, the Fair shall pay the additional amount due. If the costs for City police services and equipment are less than the contract amount, the City shall refund the difference to the Fair.

### **Indemnity Provision**

At the request of the Fair Association, the attached agreement contains a new indemnity provision which has been negotiated with the Fair this year. Indemnity provisions are standard contractual terms used to shift liability to protect a party's interests. As with prior years, the Fair Association is agreeing to indemnify and defend the City for any claims or lawsuits arising from ordinary negligence against the City for incidents related to the services being rendered at the Fair. The new language specifically excludes the Fair Association covering City acts of recklessness or intentional conduct.

Here, the intent is for the City to provide police services being requested while ensuring that the City does not incur additional unknown costs for claims or lawsuits related to events occurring when providing services to the Fair Association. Given that the City does not control events occurring on site (i.e., admission criteria, event scheduling, crowd control, alcohol sales or ticket sales), the City lacks the ability to avoid circumstances that frequently lead to unlawful behavior which require police assistance. The nature of the Fair is also unique due to the large crowds on frequently hot

conditions. This annually results in the Police Department being required to make arrests and deal with a diverse set of circumstances.

Risk Management and the Office of the City Attorney have reviewed the proposed language and conclude that the amended indemnity language does address the issues raised by the Fair Association in the recent negotiations on this issue while still protecting the City for all acts except recklessness and intentional conduct.

Attachment 1: Resolution

Attachment 2: Copy of Police Services Agreement with the LA County Fair Association

Prepared by: Mark Robledo