



Disaster and Fire Safety Commission

ACTION CALENDAR
June 25, 2013

To: Honorable Mayor and Members of the City Council
From: Disaster and Fire Safety Commission
Submitted by: Neil Goldstein, Chairperson, Disaster and Fire Safety Commission
Subject: Referral of Alameda County FRALS Reimbursements to City Auditor

RECOMMENDATION

Refer to the City Auditor reimbursements from Alameda County to the City of Berkeley under the Emergency Medical Services First Responder Advanced Life Support Services Agreement dated February 1, 2012, and prior agreements approved by the City Council on May 31, 2011 (Resolution No. 65,296-NS) and July 19, 2011 (Resolution No. 65,393-N.S.) to confirm that those FRALS reimbursements should be returned to Measure GG funds and not diverted to the General Fund.

FISCAL IMPACTS OF RECOMMENDATION

No overall impact on revenue or expense; the issue is whether Measure GG funds may be diverted to the General Fund by routing funds that reimburse Measure GG expenditures to the General Fund rather than returning them to the Measure GG fund. If FRALS reimbursements are returned to the Measure GG fund, additional expenditures for community disaster preparedness can be budgeted.

CURRENT SITUATION AND ITS EFFECTS

On November 8, 2011, the City Manager submitted, and the Council approved, a contract with the County of Alameda to provide up to \$1,337,590 in payments from the County to the City for providing First Responder Advance Life Support (FRALS) services to 10/31/16. As stated in the City Manager’s recommendation of that contract on November 8, 2011, “Funding for the FRALS program was made possible by the passage of Measure GG...” Two earlier agreements between the City and Alameda County, referenced above, were approved in 2011 and provided for \$559,399 in subsidy for FRALS services. None of that money has been included in the Measure GG fund.

At the March 27, 2013 regular meeting of the Disaster and Fire Safety Commission (DFSC), the commission voted to recommend that the City Council “*refer to the City Auditor reimbursements from Alameda County to the City of Berkeley under the Emergency Medical Services First Responder Life Support Services Agreement dated February 1, 2012, and prior agreements approved by the City Council on May 31, 2011 (Resolution No. 65,296-NS) and July 19, 2011 (Resolution No. 65,393-N.S.) to confirm that those FRALS reimbursements should be returned to Measure GG funds and not*

diverted to the General Fund.” (Ayes: Flasher, Sorgen, Goldstein, Zummo, Mitchell, Gage Noes: none, Absent: Henry, Abstain: none).

BACKGROUND

The Disaster and Fire Safety Commission (D&FSC) is charged with the responsibility for citizen oversight of expenditures of funds collected with the special tax provided for in Measure GG. A subcommittee of the D&FSC has been tasked with detailed examination of the treatment of those funds, both past and prospective. Not long after Measure GG was passed, the D&FSC determined that City staff was not spending, and had no plans to spend, substantial amounts of money collected through the tax provided by Measure GG. The recommendation of the D&FSC was that, after having fully funded all other allowable purposes of Measure GG, the balance should be spent on community disaster preparedness. After further discussion over many months, staff agreed to significant additional expenditures of that type, and the City Council capped reserves for unspecified contingencies at \$300,000, to be accumulated over two years. That would seem to have left plenty of money for community disaster preparedness, but a budget presented to the D&FSC on February 27, 2013 showed that with the proposed community preparedness expenses, Measure GG would be overdrawn by \$527,253 in FY2017. That budget, however, did not take into account any part of the \$1,896,989 in FRALS reimbursements that the City expects to have received from Alameda County by that time. If the FRALS reimbursements were returned to the Measure GG fund, there would be a surplus of more than \$1,360,000 in the FY 2017 budget.

It seems clear that when money to provide FRALS services goes out from Measure GG funds, money that comes back for providing those FRALS services should go back into the Measure GG account. Staff has advised, variously, that that isn't going to happen, that some reimbursements have already gone into the General Fund, and that the matter is the subject of "meet and confer" with the Firefighters' union. The D&FSC does not believe that the City could agree with the union that funds should be illegally diverted from the Measure GG fund to the General Fund, or that such agreement would make the diversion legal.

RATIONALE FOR RECOMMENDATION

Since the D&FSC and City Staff have been unable to reach any understanding on proper treatment of FRALS expenses reimbursed by Alameda County, this disagreement appears eminently appropriate for resolution by the City Auditor.

ALTERNATIVE ACTIONS CONSIDERED

None; alternatives appear to have been exhausted.

CITY MANAGER

See companion report.

CONTACT PERSON

Aaron Lee, Assistant Fire Chief, Berkeley Fire Department, 510-981-5502