



DATE: June 23, 2015

CATEGORY: Consent

DEPT.: Police

TITLE: **Law Enforcement Services
Agreement to Provide Police Services
for Super Bowl 50**

RECOMMENDATION

Authorize the City Manager or his designee to execute a law enforcement services agreement under which Mountain View peace officers could provide supplemental police services for the City of Santa Clara and the Santa Clara Stadium Authority for Super Bowl 50 events at Levi's Stadium and the surrounding area.

BACKGROUND

The City of Santa Clara (Santa Clara) and the Santa Clara Stadium Authority will host the National Football League's 50th annual championship game known as the "Super Bowl" on February 7, 2016. The Super Bowl is believed to be the largest national annual sporting event in the United States. Law enforcement services for the stadium site and surrounding area are being coordinated by Santa Clara's Police Department.

The Santa Clara Police Department has requested support from local, State, and Federal law enforcement agencies, and is working with staff from the City of Mountain View and other Bay Area municipalities to develop a police services staffing plan. Under the proposed agreement, Santa Clara would supplement its police department's staff with experienced peace officers from the region. Regular peace officers and Level 1 reserve officers from the City of Mountain View could be assigned to support law enforcement operations for the Super Bowl and for related events leading up to the game.

In January 2014, the City Council authorized the City Manager to execute an agreement with the City of Santa Clara and the Santa Clara Stadium Authority to allow City of Mountain View regular and reserve peace officers to work as per diem officers for Santa Clara during events at Levi's Stadium. Under this agreement, the officers are actually employed by Santa Clara and wear their uniforms. Santa Clara and the Stadium Authority hold the City harmless and indemnify the City for any losses or damages arising out of civil claims or lawsuits involving an officer while on duty at the stadium.

While this is the preferred approach to allow Mountain View officers to provide law enforcement services for stadium events, the amount of officers needed for the Super Bowl and the extensive process required to hire special event officers prevents Santa Clara from utilizing this approach for the Super Bowl.

ANALYSIS

A Super Bowl poses a unique security challenge for the hosting region. In addition to the championship game in Santa Clara, participating teams will be staying and practicing in other cities in the Bay Area. Special events celebrating the Super Bowl will be hosted for several weeks leading up to the game in venues in the region, including potentially in Mountain View.

Since this is a planned event, a special agreement is necessary for providing adequate police resources to staff the game and related activities. The proposed agreement does not mandate assistance, but at Santa Clara's request, the City agrees to provide available law enforcement services. It is likely Mountain View Police Department (MVPD) personnel would work traffic, perimeter, and off-site security duties. MVPD would always retain sufficient personnel to meet the City's needs. MVPD is already participating in planning meetings at an executive and operational level for the purpose of developing partnerships that will be necessary to provide an effective safety and security plan in Santa Clara and other affected jurisdictions. These efforts include working and advisory committees comprised of chiefs of police, police managers, and staff from local, State, and Federal agencies. Through these partnerships, all participating law enforcement agencies will be working together to ensure that citizens and visitors to Super Bowl activities will enjoy a safe environment and experience while attending related events.

Similar to the City's agreements for participating in various other law enforcement task forces, the agreement provides the officers assigned to a Super Bowl event will remain Mountain View Police personnel. The Santa Clara Stadium Authority agrees to pay the City of Mountain View for its services, the particulars of which are still subject to agreement, but which are intended to include compensation, administration of Workers' Compensation benefits, and the City's overhead attributable to providing the services.

If an incident were to occur while an officer were performing services under this agreement, the City of Mountain View would be responsible for the acts of its officers and incur all liabilities arising out of the service such as actual Workers' Compensation benefits, disability retirement, and any costs related to litigation arising out of the agreement. This is similar to a mutual aid type of situation.

The City of Mountain View makes similar requests from other law enforcement agencies to staff certain concerts at the Shoreline Amphitheatre. On September 14, 2004, the City Council authorized the City Manager to enter into agreements between the City and local allied police agencies for police support during predetermined concerts requiring additional police resources to provide adequate public safety at the Shoreline Amphitheatre. The City could likely find itself in this same situation in the future, and the recommendation for the City to participate in this agreement is in spirit of the regional cooperation received for Amphitheatre events.

In deciding to provide the requested services, the policy issues about Workers' Compensation and civil liability are worthy of consideration. While there is some exposure for providing the requested services, the Super Bowl is a very large and unique event that will impact our community and the other communities surrounding Santa Clara and should be viewed as a regional event. The Santa Clara Police Department does not have the capacity by itself to provide adequate security at Levi's Stadium for the Super Bowl and has asked the assistance of other law enforcement agencies, including the City of Mountain View. All of the cities in the County are working with Santa Clara to coordinate police services for the actual Super Bowl and the events leading up to the Super Bowl. Palo Alto recently approved participation.

The attached agreement explicitly affirms the City's authority and discretion to limit officer participation with Santa Clara to ensure our own City's needs are met. The proposed agreement is intended for planned policing events for the Super Bowl and does not supersede mutual aid agreements for unusual occurrences or other significant incidents that could arise during this time. Participation in regional agreements, such as this one, allows the City to develop goodwill with other agencies and call on other agencies for assistance in the future as needed.

Staff is recommending participation as a cooperative measure to support an allied agency in providing adequate public safety resources for a substantial regional event with national significance.

FISCAL IMPACT

No direct fiscal impact. The City will be reimbursed for the officer's salary and costs associated with administration of Workers' Compensation and administrative overhead costs. There is some exposure to costs if an officer were involved in an incident while participating in this program.

ALTERNATIVES – Direct the City Manager to decline participation.

PUBLIC NOTICING – Agenda posting.

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MB/7/CAM
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Attachment: 1. Santa Clara Stadium Authority, City of Santa Clara Law Enforcement Services Agreement