



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Robert L. Davis

**SUBJECT:** SEE BELOW

**DATE:** November 6, 2009

Approved

Date

11/18/09

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH PATTON BOGGS LLP TO INCREASE COMPENSATION FOR FY 2009-2010 TO PAY FOR ADDITIONAL FEDERAL LEGISLATIVE REPRESENTATION SERVICES FOR A PUBLIC SAFETY BROADBAND NETWORK**

## RECOMMENDATION

Approve a first amendment to the agreement with Patton Boggs LLP, for legislative services in Washington, D.C. for FY 2009-2010 for an additional \$5,000 to their existing contract, bringing the contract total for FY 2009-2010 to \$143,000; and the total compensation including all option periods not to exceed \$638,000.

## OUTCOME

With Council direction, Patton Boggs will augment their federal legislative representation services to include lobbying on behalf of the City to secure the 700 MHz D-Block for a public safety wireless nationwide wireless broadband network.

## BACKGROUND

Since January of 2003, the firm Patton Boggs, LLP has provided the City of San José with lobbying services and legislative and grant services while also representing the City of San José with

HONORABLE MAYOR AND CITY COUNCIL

November 6, 2009

**Subject:** Amendment to the Agreement with Patton Boggs, LLP

Page 2 of 4

Congressional offices and federal agencies through which the City pursues federal funding and legislative outcomes.

On December 9, 2008 the City Council approved extending Patton Boggs' contract to June 30, 2009 with the options to renew for four successive terms commencing July 1, 2009 through June 30, 2013. The City Manager has executed the first annual renewal on behalf of the City for the FY 2009-2010.

In 2007, the Bay Area embarked on a regional interoperability program known as Bay Area Regional Interoperable Communications System (BayRICS). The program intends to improve interoperable communications, both voice and broadband data capabilities, throughout the 10 counties which comprise the Bay Area Urban Area Security Initiative (UASI). This includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma, as well as the cities, townships, special districts, and incorporated areas within ("Region").

The program lays out a framework to construct a Project 25 Voice (Land Mobile) Radio Network throughout the Region, utilizing 700MHz/800MHz frequencies as well as VHF frequencies for rural operations. The program takes a multi-jurisdiction and multi-disciplinary approach to interoperability, and includes communications capabilities for First Responders and Public Safety professionals, as well as all other government services including public works, transportation agencies, and critical infrastructure organizations.

The Region has invested millions of dollars on site development, microwave backhaul improvements, backbone fiber optics and cable pathways, core networking equipment, and hiring personnel to manage system implementation. It is the intention that the Broadband Network would take advantage and build upon these investments in a *leveraged network model* for construction and deployment.

To provide interoperability, the Region seeks to deploy a system that is compatible and interoperable with the Shared Wireless Broadband Network (SWBN) as proposed by the Federal Communications Commission (FCC).

The Bay Area has applied for a waiver to enable the Region to begin planning and implementation of the Broadband Network and to begin providing service within two years of obtaining the waiver. It is also the intent of the Bay Area to use the Broadband Network not only to meet the ever increasing requirements of public safety first responder data operations, but also to integrate other government service resources as appropriate to provide intra-agency interoperability that is paramount to sustaining public confidence and quick recovery during a time of crisis.

As the Broadband Network is constructed in this phased approach, the infrastructure must remain backwards compatible with the equipment and devices deployed in the earlier phases. It is the Bay Area's vision to have wireless broadband coverage throughout the Region by 2015.

Major Public Safety organizations have come together in an unprecedented effort to forge a consensus on how to make a wireless public safety broadband network a reality. The Major Cities

Chiefs Association (MCC), which is comprised of the Police Chiefs of the sixty-three largest Police Departments in the United States and Canada, has been testifying before the House Committee on Energy and Commerce's Subcommittee on Communications, Technology, and the Internet urging the enactment of legislation to designate a spectrum of broadband specifically to Public Safety.

### **ANALYSIS**

A public safety broadband wireless network is critical and urgent need. If Congress passes legislation designating a spectrum of broadband specifically to Public Safety, it will provide the foundation for a sustainable nationwide Public Safety wireless broadband network. It is the desire of the City to work in coordination with San Francisco, Oakland, and other Public Safety organizations to deploy a nationwide Public Safety Broadband network. This effort would take a multi-jurisdiction and multi-disciplinary approach to interoperability, and includes communications capabilities for First Responders and Public Safety professionals, as well as all other government services including public works, transportation agencies, and critical infrastructure organizations. This would ensure multi-jurisdiction communication that is paramount to sustaining public confidence and quick recovery during a time of crisis.

The first step towards securing interoperable communications nation-wide would be to construct a broadband wireless network built to public safety standards. This would allow public safety agencies to utilize new technologies such as automated license plate readers, biometrics, medical telemetry, automated vehicle location, and streaming video across the shared broadband network. The D Block is critical for the accessibility of information to First Responders across our nation.

The City has proposed as a 2010 Legislative Guiding Principle support of legislation and policies that further the deployment of a nation wide Public Safety Broadband network. By augmenting the City's existing agreement with Patton Boggs for FY 2009-2010 they can assist the City in lobbying Congress to designate broadband for public safety that would allow the City to begin development of the Bay Area Regional Interoperable Communications System. Numerous other municipalities, such as San Francisco and Oakland, have already entered into an agreement with Patton Boggs to secure the 700 MHz D-Block for a public safety wireless nationwide wireless broadband network. Since Patton Boggs will be representing the City on this issue, the Department will be able to reduce their travel budget by \$5,000 for FY 2009-2010.

### **EVALUATION AND FOLLOW-UP**

No additional follow up actions with the Council regarding the contract are expected at this time.

### **PUBLIC OUTREACH**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.

November 6, 2009

**Subject:** Amendment to the Agreement with Patton Boggs, LLP

Page 4 of 4

**(Required: Website Posting)**

- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While this memorandum doesn't meet the \$1 million threshold under Criterion 1, this memorandum will be posted on the City's website for the November 17, 2009 City Council meeting where the Council and the public will have the opportunity to comment.

**COORDINATION**

This memorandum was coordinated with the City Attorney's Office, City Manager's Budget Office, and the Federal lobbyist firm of Patton Boggs, LLP, in Washington, D.C.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
001	0502	Police Non-Personal	\$ 21, 785, 940	\$ 5, 000	VIII- 212	10/20/09 # 28653

**CEQA**

Not a project.

  
ROBERT L. DAVIS  
Chief of Police

For more information, please contact Chris Moore, Bureau of Technical Services, at 277-3881.