



# County of El Dorado

## Chief Administrative Office

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DATE: September 16, 2011  
TO: Rich Williams, Undersheriff  
FROM: Kim Kerr, Asst. CAO  
SUBJECT: Sheriff's Office Air Squadron Program

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EL DORADO COUNTY  
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Following up on our conversations about the air squadron program, specifically the helicopter, here is what I know and what I need. The Sheriff's Office use of volunteers is commendable for this program with minimal County costs, but there are significant risks associated with the program. Risk Management's role is to ensure that the County is protected which will ensure that Sheriff D'Agostini is protected as well.

From the information I have, the Sheriff's Office has an air squadron that operates fixed wing aircraft and rotor wing as part of the Search and Rescue program and other operations. The aircraft are provided by volunteers and the Sheriff's Office does not own or operate the aircraft with County employees as pilots. Volunteers own and operate the aircraft on behalf of the Sheriff's Office. The volunteers are responsible for the maintenance and ensuring licensed pilots are operating the aircraft.

From the photographs and news reports (Mountain Democrat and KCRA Channel 3), the helicopter has El Dorado County Sheriff's Office decal permanently affixed to the helicopter.

Based on our various telephone conversations, here is the minimum that the County needs to have in place or questions answered before the Sheriff's Office deploys aircraft at its request.

1. Does any aircraft used at the request of the Sheriff's Office have a permanent seal or information identifying the aircraft as El Dorado County Sheriff's Office? Use of aircraft when not deployed by the Sheriff's Office if the aircraft is marked as El Dorado County Sheriff's Office is a significant concern as well as when the aircraft is deployed on official business for the Sheriff's Office. Even the use of aircraft to fly Sheriff's Office staff from one location to another is a concern. For example, if the County leased aircraft from an operator who has the appropriate insurance coverage, training, aircraft maintenance records, and licensed pilots, the County transfers the risk to the aircraft operator by requiring the necessary aircraft liability insurance policy.

2. The aircraft owner must provide an insurance certificate for either fixed wing or rotor wing naming the County as an additional insured with minimum coverage of \$5M. We would prefer \$10M in coverage. This coverage is aircraft liability and airport coverage or equivalent and there should be no limitation for use of the aircraft as a carrier or for the use as defined by the Sheriff's Office. We will need to review the actual insurance policy to make sure it does not have any limitations on coverage. Also, the appropriate language for naming the County as an additional insured is as follows:

“The COUNTY, its officers, officials, employees, and volunteers are to be covered as additional insured on the aircraft liability and/or airport coverage policy with respect to liability arising out of work or operations performed by or on behalf of the Aircraft Operator/Owner including materials, parts or equipment furnished in connection with such work or operations. The coverage can be provided in the form of an endorsement to the Aircraft Liability insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used) or equivalent. “

3. Verification regarding the status of the pilots of the aircraft. Are they sworn deputies or non-sworn volunteers? The issue is coverage under workers' compensation. The County does not cover volunteers, except volunteer deputies, under the County's workers compensation policy, but we provide coverage for accidents only and it is limited. If they are sworn deputies, even volunteers, then they are covered by workers' compensation under California Labor Code. We need to ensure that we report the number of volunteers for our workers' compensation coverage or accident policy to we have the appropriate coverage in place for an accident.
4. Risk Management needs to review the policy and procedure for deployment and use of aircraft by the Sheriff's Office. If there is no policy or procedure, then the Sheriff's Office needs to develop them in coordination with County Counsel and Risk Management. The policy should discuss when the aircraft is deployed, who has authority to deploy the aircraft, and as well as the requirements for the air squadron regarding maintenance, insurance, volunteer status, etc. There may be additional requirements based on information provided and further research conducted by this office or County Counsel.
5. How many aircraft are available for use by the Sheriff's Office? We need this information to determine whether or not we will need to purchase a separate insurance policy or add an endorsement to our current policies to protect the County, whether non-owned aircraft coverage, workers' compensation, etc.
6. Is there an agreement to reimburse the aircraft owner for fuel costs? We need to know what the agreement is between the County, if there is one, to ensure that all the risk issues are addressed as well as County contract language.
7. What is the plan for communication between the aircraft and the Sheriff's Office during operations? We need to ensure that there is a functioning communication system to communicate the aircraft's location and ensure they are able to communicate directly

with other official aircraft at the scene. Specifically, direct communication between the Sheriff's Office (Dispatch) and the aircraft is very important as well as the aircraft's ability to communicate with CHP aircraft, CalFire, or other official aircraft.

Again, thank you for working with Risk Management to ensure we have the appropriate insurance coverage and policies in place for this program. I understand that the Sheriff's Office is not deploying helicopter until we get this information and the appropriate insurance in place.

cc: John D'Agostini, Sheriff  
Terri Daly, CAO  
Lou Green, County Counsel