

PUBLIC SAFETY POLICY COMMITTEE

Thursday, April 7, 2011

10:00 a.m. – 3:00 p.m.

DoubleTree Hotel, 222 N. Vineyard Avenue, Room: Grove
Ontario, CA

Special Order
Joint Policy Committee State Budget and Redevelopment Update
10:00 a.m., Harvest Room, Doubletree Hotel

Note: Individuals who wish to review the full text of bills included in this packet are encouraged to do so by visiting the League's Web site at www.cacities.org/billsearch. Be sure to review the most recent version of the bill.

REVISED AGENDA

- I. Welcome and Introductions**
- II. Committee Leadership and Staffing Update**
- III. Public Comment**
 - Western States Police and Fire Games Announcement
- IV. Automated Speed Enforcement Programs – School Zone Regulations (Handout)**
- Speaker: Tamara Dietrich, Redflex Traffic Systems
- V. Committee Work Program**
 - 2011 Work Program For Approval (*Attachment A*) (Action Item)
- VI. Subcommittee Reports**
 - Emergency Preparedness/Homeland Security: Tony Ferrara, Subcommittee Chair (*Attachment B*)
 - Technology: Greg Park, Subcommittee Chair
 - Wildland-Urban Fire Response: Kurt Henke, Subcommittee Representative
- VII. State Budget Discussion Continued – Public Safety Items (Attachment S-1)**
- VIII. Parole System Under Proposed Statewide Realignment Programs (Attachment S-2)**
- Speaker: Chief Pat Williams, City of Desert Hot Springs Police Department
- IX. State Legislative Update (Attachment S-3)**
 - AB 1087 (Brownley). Cities and counties: Public safety services: contracts (Action Item)
 - AB 1215 (Blumenfield). Vehicles: electronic processing of documents (Action Item)
 - Current Public Safety Legislation with Registered Positions (*Attachment S-4*)
- X. Federal Issues Update (Handout)**
- XI. NLC Public Safety and Crime Prevention Committee Report**
- Speaker: Pete Constant, Committee Member, Council Member, City of San Jose
- XII. Next Meeting: THURSDAY, June 16, 2011, Sacramento Convention Center**

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

NOTE: Policy committee members should be aware that lunch is usually served at these meetings. The state's Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials' statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). The League has been persistent, but unsuccessful, in attempting to change the FPPC's mind about this interpretation. As such, we feel we need to let you know about the issue so you can determine your course of action.

If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you can reimburse the League. The lunches tend to run in the \$30 to \$45 range. To review a copy of the FPPC's most recent letter on this issue, please go to www.cacities.org/FPPCletter on the League's Web site.

**Local Safety and Protection Account Funding for
Citizens Option for Public Safety (COPS) & Booking Fee Subventions
Current Proposals**

Bill (Author)	AB 66 and ABx1 9 (Chesbro)	AB 168 (Gorell)	AB 192 (Logue)	SCA1x 1 (Steinberg) <i>Governor's Budget Proposal</i>
Summary	Maintains the VLF extension established for the original Local Safety and Protection Account for 0.15% indefinitely	Provides a single appropriation of \$506.4 million to the Local Safety and Protection Account for FY 2011-12 from the state general fund	Provides annual state general fund appropriation of \$500 million to the Local Safety and Protection Account from for five years, beginning July 1, 2011	Maintains 0.15 VLF tax extension, along with other taxes, for five years to fund broadly defined public safety services. State matching funds would be provided after five year tax extension sunset. Governor's Budget indicated maintaining funding formula for COPS programs and booking fee subventions from Local Safety and Protection Account.
Two-thirds vote required?	Yes, to send to Governor	Yes, to send to Governor	Yes, to send to Governor	Yes, to place on ballot
Effective date	Upon Governor's signature	July 1, 2011; if signed by Governor	Upon Governor's signature	Day after election if earns majority vote approval
Status (as of March 31)	<ul style="list-style-type: none"> • Referred to Assembly Public Safety and Revenue & Taxation Committees • No hearing date set 	<ul style="list-style-type: none"> • Referred to Assembly Public Safety Committee • No hearing date set 	<ul style="list-style-type: none"> • Referred to Assembly Revenue and Taxation Committee • Hearing date set for May 2 	<ul style="list-style-type: none"> • Governor has stated negotiations with Republican members have ended, delaying the special June election indefinitely
League position	Support	Watch	Watch	Watch

REPORT TO THE CVAG PUBLIC SAFETY COMMITTEE

DATE: March 14, 2011

TITLE: Resolution Opposing Governor Brown's Realignment Proposal to Shift Adult Parole Programs, Services and Supervision from the State to Local Governments

RECOMMENDATION

Adopt a Resolution opposing Governor Brown's Realignment Proposal to shift Adult Parole programs, services and supervision from the State to Local Governments

DISCUSSION

The Governor's Proposed FY2011-2012 Budget includes a Realignment Proposal that seeks to shift Public Safety program responsibilities from the State to local jurisdictions:

Elimination of Parole with all responsibilities transferred back to the local level

- Anyone whose parole is revoked will serve time at the local level, and future offenders released on parole will be supervised at the local level. The state envisions the money going to county probation departments who would supervise and treat.
- Parole supervision will be transferred to local government and counties will receive about \$6,100 per parolee per year for supervision as well as services. About 18,500 parolees will be supervised at the local level the first year. All funding will come from the extension of Vehicle License Fee (VLF) and sales tax increases on the ballot. If the tax increases don't pass, cuts will simply be made to parole and prisons and about half of those on parole will simply be released, as will many prisoners.
- The state has no formal plans or formula in place for how local government will actually house, treat or supervise inmates and parolees. The Sheriff Departments are doing a jail capacity study to determine how many empty beds they actually have statewide. The first inmates moved to local jails will be those housed in out of state beds, to maintain California Department of Corrections and Rehabilitation (CDCR) personnel initially, then CDCR staff can be cut through attrition. The Sheriff's have indicated they don't feel they will be ready to accept prison transfers as early as July 1, 2011. Local inmates will likely have to be released to accommodate state prisoners if there is not adequate space.

All "non-serious, non-violent, non-sex" offenders will serve their time at the local level:

- The shift of non-serious, non-violent, non-sexual offenders from state prison to local jails will begin July 1, 2011 and will result in about 9,800 new jail inmates the first year, up to 38,000 in the first four years. This transfer is scheduled regardless of whether the ballot initiative extending taxes passes. Counties will receive about \$21,000 per inmate a year to house them.

Elimination of Department of Juvenile Justice (DJJ) with all juvenile prisoners sent back to the local level

- DJJ will close facilities and transfer all incarcerated youth to county incarceration, supervision and treatment over the next three years.
- The State will provide counties with funding for supervision and treatment.

- The only offenders left under Department of Juvenile Justice are very serious offenders, many of whom have mental health and other issues, many counties do not have facilities to house these offenders or adequately supervise them. Some probation departments do not want to assume this responsibility.

The governor's proposal provides no guidelines, formulas or models for how the realignment will work. A clear implementation plan for realignment is necessary along with adequate funding to support such a drastic transition. The realignment proposal is unworkable, bad public policy and surely will lead to increased crime in communities.

FISCAL IMPACT

Cities' budgets do not include funds for parolee supervision and services. Funds for the realignment proposal are unfunded. The cost to provide parolee supervision and services vary based on the type of service provided. There are two types of services for parolees; residential (housing with social services) and non-residential (social services only). The cost to provide parolee supervision and residential services is \$98 per day per parolee. The cost to provide parolee supervision and non-residential services is \$48 per day per parolee. The Realignment Proposal states local governments will receive \$6,100 per parolee per year for supervision and services. Based on this amount, cities' will receive \$16.71 per day per parolee to off-set costs. The off-set equates to 17% of the costs to provide parolee supervision and residential services or 35% of the costs to provide parolee supervision and non-residential services.

EXHIBIT

Resolution

RESOLUTION NO. 2011- _____

A RESOLUTION OF YOUR CITY HERE IN OPPOSITION TO THE GOVERNOR'S REALIGNMENT PROPOSAL TO SHIFT ADULT PAROLE PROGRAMS, SERVICES AND SUPERVISION FROM THE STATE TO LOCAL GOVERNMENTS

WHEREAS, as part of its 2011-2012 Budget Realignment Proposal, the Governor has proposed to shift Adult Parole programs, services and supervision from the state to local governments by July 1, 2011; and

WHEREAS, approximately 18,500 parolees will be supervised at the local level first year; and

WHEREAS, the State has no formal plans or formula in place for how local government will house, treat or supervise parolees; and

WHEREAS, a clear implementation plan for realignment is necessary, along with adequate funding and staffing to support such a drastic transition; and

WHEREAS, the cost to provide parolee supervision and services varies based on the type of services provided; residential services (housing and social services) or non-residential (social services only); and

WHEREAS, to provide parolee supervision and residential services (housing and social services) is estimated to cost \$98 per day per parolee. Or to provide parolee supervision and non-residential services (social services only) is estimated to cost \$48 per day per parolee; and

WHEREAS, local government may receive \$15.62 per day per parolee (\$5,700 per year per parolee) from the State for supervision and services; and

WHEREAS, the \$5,700 per year per parolee distribution of funds between the counties and local city law enforcements is not solidified; and

WHEREAS, the cost off-set of \$5,700 per parolee per year for supervision and services equates to 16% of the costs to provide parolee supervision and residential services and 33% of the costs to provide parolee supervision and non-residential services; and

WHEREAS, the local government funding proposed in the Budget Realignment Proposal is inadequate to provide supervision and services at the local level; and

WHEREAS, funding for the realignment proposal is not budgeted in the cities' budget; and

WHEREAS, shifting adult parole programs, services and supervision from the state to local governments by July 1, 2011 is unworkable and poor public policy.

THEREFORE, BE IT RESOLVED that the YOUR CITY HERE formally opposes the Governor's Realignment Proposal to shift Adult Parole programs, services and supervision from the state to local governments.

PASSED AND ADOPTED by YOUR CITY HERE at a regular meeting held on the ## day of Month, YEAR by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

APPROVED AS TO FORM:

PUBLIC SAFETY POLICY COMMITTEE
Legislative Agenda
April 2011

Staff: Dorothy Holzem, Assoc. Legislative Representative (916-658-8214)

1. AB 1087 (Brownley). Cities and counties: public safety services: contracts.

Bill Summary (*amendments are pending, please refer to summary below*):

This bill seeks to establish additional requirements for contracts between city and county law enforcement agencies when the city seeks termination of the agreement for services. Those requirements would include:

- Pre-designated mandatory time frame for notifying county of contract termination, unless otherwise provided for in the contract. (Current language offers six month advance notice).
- Feasibility study, at request of county, for an independent analysis of the city's ability to provide its own public safety services, taking into account the following:
 - Projected costs to the city for providing public safety services and facilities over the next 10 years, based on population size, crime rate, and other important factors
 - Revenue of the city during the 10 years prior and the projected revenue over the next 10 years
 - Effects of costs and revenues on the city's ability to fully fund a police department

Future amendments may specify that the independent contractor must be agreed to the county and city, and would be paid for by the county agency requesting the analysis. In addition, the outcome of the feasibility study would not restrict the city's ability to terminate the contract.

Background:

The author states the intent of the bill is to provide a continuum of public safety service in local jurisdictions and improve the process when cities seek to create their own police force. Given the growing budget deficits facing local governments across California and the high costs of maintaining independent police forces, many cities have chosen to disband their police departments and merge services through a contract with the county sheriff's department. In some cases, these city police departments have been re-established, only to be disbanded again a short time later.

The bill's sponsor, the Los Angeles County Sheriff's Department, contends that some of the instances of police departments forming and then disbanding were the result of poor financial planning and fiscal mismanagement. If a feasibility study had been conducted prior to re-establishment of these city police departments, the potential for funding shortfalls could have been identified in advance.

Staff Recommendation:

Staff recommends discussion to determine what position, if any, should be taken on this bill.

Fiscal Impact:

Unknown. Specific potential costs to local agencies could include independent auditor fees, which may be paid for by the county agency calling for the financial audit.

Existing League Policy:

League policy supports maintaining maximum local flexibility in the area of contracts and contract negotiations. The League also maintains that providing for public safety is a core purpose of local government and seeks to protect a city's ability to do so as they best see fit.

Comments:

What's Broken? Current law allows for a contract between a county and a city within that county, in order to provide government services such as public safety. Contracts are approved or rejected by a vote of the local governing agencies at their own discretion. There is nothing currently preventing a county sheriff's department, or any other department, from seeking specific termination language in their contract, except for the wishes of local agencies signing the contract.

Merit of Intent: A neighboring city or a city under contract with the same county could be impacted by another city's decision to sever law enforcement contract services with the county because of a sudden change in the sheriff's department cost-model and budget. The sponsors recognize that it is the prerogative of local jurisdictions to decide how they wish to offer public safety services. However, they state that impacts beyond that of the individual city must be considered to avoid jeopardizing public safety in other jurisdictions.

Regional or Statewide Concern? The sponsors are offering this legislation as a solution to a situation in Los Angeles County but contend that cities in other regions are facing similar situations. How widespread is this problem, and with the changes in local fiscal conditions, is there a need to establish standing League policy addressing public safety department consolidation and contracting issues?

Public Safety Net: The author states that a lack of continuity in public safety services puts the people of California at risk. Are the ramifications for public safety in neighboring cities, or cities that are under contract with the same county, significant enough to warrant greater contract restrictions should a nearby city be unable to support their own police department?

Public Safety is Law Enforcement and Fire Service: While this bill narrowly addresses city and county law enforcement departments, its plausible AB 1087 could be used as precedent to place requirements on other city and county contracts, including fire departments.

Support/Opposition: *(as of April 1, 2011)*

Support: Los Angeles County Sheriff's Department (Sponsor); Los Angeles District Attorney's Office (initial support); City of Lakewood

Oppose: None on file.

Staff: Jennifer Whiting, Legislative Representative, (916) 658-8249

2. AB 1215 (Blumenfield) – Vehicles: electronic processing of documents: titling and registration

Bill Summary:

This bill requires a new motor vehicle dealer to use electronic programs provided by the dealer's first-line service provider to register any vehicle sold or leased and to disclose any document processing charge or electronic registration or transfer charge. The bill also increases the amount of the document processing fee charged by vehicle dealerships from \$55 to \$75, and allows the dealership to pass on the actual cost they are charged by their vendors who provide the secure communication link between the dealership and the Department of Motor Vehicles. These provisions will become effective July 1, 2012.

Background:

Electronic Vehicle Registration (EVR) has been an available program since 2001. This program allows vehicle dealerships to offer consumers the option of having their vehicle registration processed electronically for a \$29 fee (in addition to the regular processing document processing fee of \$55). This significantly speeds up the process of getting license plates on new vehicles. Currently, about half of new car dealerships participate in this program.

While waiting for license plates for a new vehicle, vehicles typically have an advertisement from the dealership in the plate frame and a temporary registration taped to the front windshield of the vehicle. While in process of transferring or registering a vehicle, but still waiting on a component of the registration (usually SMOG certificate), DMV issues temporary stickers. These are large red stickers, about 4" square, that have a large white numeral which depicts the month that the permit will expire and a smaller year tab as well.

Vehicles without license plates are becoming a bigger issue due to several factors. Toll evasion is costing California jurisdictions millions each year. In FY 2009-10, the Bay Area Toll Authority lost about \$19 million due to the inability to collect tolls and violations from vehicle with so-called "dealer plates". When public safety personnel encounter a vehicle without license plates it is nearly impossible to approach the vehicle with any kind of knowledge of who the driver is.

Staff Recommendation:

Staff recommends the committee discuss and recommend a position, and discuss the following amendments (these amendments are discussed further in the comments section):

- Shorten the time period owners have to install license plates
- Increase the penalty for driving without a license plate
- Make identification of expiration of temporary registration easier

Fiscal Impact:

Minimal for cities, unless increased penalties for driving without a license plate result in revenue. Potential for significant increase in toll revenues to transportation agencies.

Existing League Policy:

The League has no standing policy on this issue. The League has supported the use of electronic technology/communication in other legislative areas when appropriate.

Comments:

Why not paper plates? Several other states use a two-stage license plate system whereby the dealership installs a temporary paper-plate at the point of sale, which is replaced later by the

permanent plate. The CA Highway Patrol (CHP) has raised concerns with the possibility of fraud in this kind of system, and would oppose its implementation.

Why not use DMV temporary stickers? DMV currently offers temporary stickers while in the process of car registration. It seems logical to consider using these same stickers for new car registrations. However, there would be increased cost to the state to issue many more stickers, car dealers may not like them because they currently get free advertising on license plates until permanent plates are installed, and it does not actually address the issue of identifying the vehicle and its driver.

Does not guarantee installation of plates. While this program would speed up the process of delivering license plates to a new owner, it gives 90 days for an owner to install those plates (current law is 180 days, which seems a bit long with or without the EVR program). This has led some groups to support several amendments (see below), as originally suggested by the Metropolitan Transportation Commission (MTC).

Possible amendments. The MTC has suggested the following amendments as discussed below and requested the League's support in these amendments.

- *Shorten the Allowable Time Period for Driving without Plates:* Under current law, a new vehicle may be driven for up to 180 days without a license plate. AB 1215 changes this to 90 days. Given how quickly dealerships that are currently participating in the DMV's voluntary Business Partnership Automation Program can process license plates (under 1 week), it seems more than reasonable to reduce the timeframe to 30 days.
- *Stronger Penalties:* Under current law, driving without a license plate is a correctable violation that can cost as little as \$20-\$30. In order to provide a greater inducement for vehicle owners to put on their license plates as soon as they receive them, staff recommends the penalty be raised to a minimum of \$100.
- *Better Identification of Expiration of Temporary Registration:* Under current law, the temporary registration form, containing the vehicle identification number, that is provided to a new vehicle owner is folded up and placed in a plastic sleeve on the corner of the windshield. While a law enforcement officer may examine this document to verify its information, it provides no easy indication from a distance regarding when the temporary registration expires. Staff proposes that we continue to work with the DMV, the dealerships, CHP and others to explore options that would help law enforcement more easily identify when the allowable time period for driving without a license plate has lapsed.

Support-Opposition:

Support: (as of 04/04/2011)

California New Car Dealers Association (sponsor)
Metropolitan Transportation Commission (if amended)

Opposition: (as of 04/04/2011)

None known



2011-12 Public Safety Legislation *(As of April 1, 2011)*

Bill Number (Author)	Subject	Summary	Position
AB 66 (ABx1 9)/ (Chesbro)	Local Public Safety Program Funding	Removes the sunset date on the temporary Vehicle License Fee increase to establish a permanent, ongoing source of funding for COPS programs, booking fee remediation, and various county based law enforcement programs. These funds are currently set to expire on June 30, 2011.	Support
AB 361 (Carter)	Grand theft: Copper metals	Includes copper theft exceeding \$250 in the definition of grand theft.	Pending Support
AB 1008 (Cook)	Red light camera programs	Places a moratorium on new red light camera systems and permits local agencies already operating their systems to continue only if they complete a traffic safety study. If the study does not show safety improvements resulting from the red light camera, the local agency must operations no later than 2015.	Oppose
AB 1371 (Perez)	Fireworks sales	Allows the sale of fireworks, unless banned by local ordinance, for an additional week each year between December 26 and January 1. Also creates a training and education fund for local fire departments through a fee placed on sale permits, administered by the State Fire Marshal.	Pending Opposition
SB 49 (Strickland)	Emergency Response Fees	Prohibits a local public agency from issuing or collecting a fee for emergency response services, including prohibiting fees levied on individuals who live outside the jurisdiction. These fees are often referred to as "crash tax" policies. Currently, cities may levy a fee for a variety of emergency response scenarios, including specifying non-resident status.	Oppose