

PUBLIC SAFETY POLICY COMMITTEE

HIGHLIGHTS

Friday, January 20, 2012

Sacramento Convention Center

ATTENDANCE

Members: Arbuckle, Jan (Chair); Wapner, Alan (V.Chair); Allen, III, Walter; Baker, Jason; Bixby, Scott; Boswell, Barbara; Coe, Frank; Comelo, Anil; Cooke, Keith; Davis, Jim; de Werk, Art; Dorst-Porada, Debra; Dupper, Phillip; Enea, Richard; Ferrara, Tony; Flores, Jose; Frerichs, Lucas; Garbarino, Richard; Gingles, Jack; Goeken, Charles; Grimes, Ed; Harden, Michael; Henke, Kurt; Hill, Glenda; Hofbauer, Steven; King, Tom; Layba, Mina; Lima, Nanci; Lotter, Scott; Marble, Bill; Morris, Paul; Mullany, Patrick; Nagel, Steve; Norman, David; Palla, Joe; Park, Greg; Plass, Gary; Rad, Javan; Santoro, Joe; Sessions, Kelly; Terrell, Al; Tracy, Mike; Trisler, Jay; Wilson, Kurt; Woiwode, Michael

Staff: Dorothy Holzem

I. Special Order of Business: Joint Legislative and State Budget Briefing

Prior to each committee meeting, city officials were provided a joint briefing on a variety of issues of statewide importance. League Executive Director Chris McKenzie and California Redevelopment Association Interim Director Jim Kennedy provided background and outlined next steps related to the looming redevelopment dissolution deadline and SB 659 (Padilla), which seeks to postpone the redevelopment dissolution deadline until April 15. City officials were also encouraged to join the Coalition for Jobs and Neighborhood Renewal (http://www.cacities.org/resource_files/30419.SB659CoalitionList.pdf). McKenzie also updated committee members on the status the League's lawsuit regarding the sweep of \$130 million dollars in constitutionally protected vehicle license fees through SB 89.

League Fiscal Policy Advisor Michael Coleman provided a summary of the Gov. Jerry Brown's proposed FY 2012-13 Budget (<http://www.californiacityfinance.com/PolicyComm120118p.pdf>), while League Legislative Representative Jennifer Whiting gave an overview of federal issues (http://www.cacities.org/resource_files/30433.FederalUpdate1-19-12.pdf) including FY 2013 appropriations, the eighth reauthorization of SAFETEA-LU, and efforts to limit local taxation authority over mobile phones.

Following the general briefing each committee met to discuss items on their respective agendas.

II. Welcome and Introductions

Following the joint legislative and budget briefing, Chair Jan Arbuckle called the meeting to order and requested the committee proceed with self-introductions.

III. Public Comment

Alan Wapner, City of Ontario Council Member, urged committee members to learn about the conflict between Los Angeles and Ontario regarding the Ontario Airport, and support Ontario's efforts to keep the airport open. More information is available online www.setOntariofree.com

IV. Overview of Parliamentary Procedure

The Chair shared that the committee would be following those guidelines and to refer to the handout provided for more details. Committee members should contact staff with any questions.

V. Committee Orientation

The Chair referred the committee to Attachment A in their packets for a summary of committee guidelines for conducting business. To be recognized for a comment or question, the Chair requests members stand their name tent on end. In the event there are multiple members wishing to speak, everyone will have an opportunity to ask their question or comment at least once before the chair recognizes someone for a second time.

Staff clarified that this committee serves as an advisory body to the League's Board. Should the Board take a different position than the committee, staff will report back on that action and reason why. If there are issues

the committee would like to see on the agenda, members are asked to please contact staff in advance, especially if the member is seeking action on that item. Staff explained that the different color name tents indicate voting status and thanked the associations and League partner representative for their participation.

VI. Strategic Goals for 2012

Staff referred the members to the 2012 goals and the process that the Board, along with the League subunit leadership, undertakes each year. If there are questions about the strategic goals, the committee should feel free to contact any member of the League staff.

VII. League Partner Webinar Opportunities on Emergency Preparedness and Disaster Recovery

Speaker Steve Gedestad, League Partners President; Executive Vice President, Keenan & Associates, shared that the League Partners want to support the membership and one idea that they developed was to create a webinar series on emergency preparedness and disaster recovery. The Partners are seeking input on what information the membership would like covered to make it as beneficial as possible.

In response to the question if this would be developed in conjunction with the League, Mr. Gedestad stated that there are resources from companies that are League partners and they would like to bring those significant resources to League members.

Members offered the idea to promote land line usage to avoid overwhelming cell phone systems, as well as radio communications. In addition, personnel training prior to a disaster should be explored. Other response issues, such as debris removal, should be contracted for prior to disaster striking. Finally, understanding what can and can't be reimbursable expenses was offered as a discussion point.

Several members volunteered to help develop the webinar series. Any additional individuals should contact Dorothy Holzem. Those names will be forwarded to Mr. Gedestad and the other League Partners developing the webinars.

VIII. CalEMA Emergency Assistance for Disaster Recovery

Speaker Mike Dayton, Acting Secretary, California Emergency Management Agency presented to the committee on current California Emergency Management Agency (CalEMA) priorities and proposals in the Governor's January 2012 budget related to reorganizing the agency.

Right now, CalEMA is focusing on catastrophic plans for southern California and other areas still without one. Most of these plans are focused on earthquakes, but Mr. Dayton noted there are many different types of disasters – the recent windstorm as an example – in California. They are also going to be working with volunteers that can help with disaster management like CERT and California Volunteers.

The proposed FY 2012-13 state budget for CalEMA includes relocating the California Specialized Training Institute (CSTI) from San Luis Obispo to two regional headquarters. This is not an elimination proposal but a relocation plan, and the League is invited to be part of that conversation. Part of the relocation will involve CalEMA entering into JPA's with local agencies for training. Much of the savings from no longer paying rent at the CSTI facilities will be passed on for local training purposes. In addition, CalEMA will move to be directly under the Governor's office, and will be known as the Office of Emergency Management. Mr. Dayton stated this is a positive change that will give more weight and credence when contacting non-California based agencies, including FEMA.

Members reacted both positively and negatively to the CSTI relocation proposal. Some members agreed that the location of CSTI made it difficult to travel to, especially with restricted budgets. A regional training system would make training more accessible and make the most of existing local facilities and resources. In addition, it would allow for interaction with other regional staff from the same area.

Other members were concerned that this would lead to a hodgepodge approach for standardized training needs. In addition, there was concern for those employees, and the surrounding community, and the impact that relocation would have on those individuals.

Also, members asked for greater clarification on the debris coming to California from Japan following the tsunami and near-nuclear meltdown. Mr. Dayton said he himself is waiting for more clarity from the federal government and will follow up with our members once they are clear on the answer. He recommends, for the time being, that people do not remove debris or collect items that may be washing up on the beaches and could be from Japan.

IX. Wireless Alerts & Warnings: PLAN (Personalized Localized Alerting Network)/CMAS (Commercial Mobile Alert System)

Speaker Peter White, Executive Director, Global Public Policy, AT&T, shared information about the development and accessibility of CMAS (Commercial Mobile Alert System), now known by the new acronym PLAN (Personalized Localized Alerting Network). (See full presentation at: www.cacities.org/publicsafetycommittee)

In the wake of September 11, the federal government came to wireless industry to create a tool to reach out to citizens by geographic area via their cell phones. The vendors came back and said that doing it through existing texting technology won't work. Rather, the vendors needed something new that will be effective without overloading the network. The result was CMAS, which allows local, state, federal, and presidential alerts to target cell towers by region.

To get CMAS fully up and running, first there needs to be infrastructure in place, FEMA needs to have protocols in place, and finally the end users need to have the technology in their smart phones so they may receive the information.

There are three types of alerts for CMAS enabled handsets: Presidential alert, imminent threat to property and life; and Amber Alerts. People will be able to turn off the second two types of alerts but they cannot turn off the Presidential alerts. This alert service also cannot be used for non-emergency notifications, such as garbage pick-up schedule on holidays, or delayed transit announcements. This is for incoming tsunami, fire, flood, and other threats to property and life. Otherwise, people will turn it off and ignore the messages.

California is going to be one of the leading states in the nation for CMAS. Prelaunch for CMAS was in New York City and Washington DC, but the local government in the District of Columbia told that they didn't want to be an alert initiator.

The vendors need to raise awareness and let the local governments know the tool exists and how to be an alert initiator. There is some cost associated with training for local governments and the cost is not recovered by the carriers.

The committee asked if all the other carriers were involved. At the national level, all of the major carriers let the federal government know that they were going to be participating in part, but actual coverage depends on region. If an individual has a CMAS enabled handset with a billing address in Atlanta and he is roaming in California, that end user will receive the right message for a California-based disaster in the region.

The committee also asked if all handset manufacturers were on board, and if it will only be available on the high-end handsets. Mr. White explained that there are limited CMAS enabled handsets right now. The first refinement is to make wherever possible software upgrades. For all the new devices, across the spectrum, CMAS will be in there already. They anticipate that 2014 will be the year that most people will have CMAS enabled phones.

X. Approval of Summary of Existing Policy & Guiding Principles

Referring to Attachment C in the agenda packet, staff reviewed that every two years the Summary of Existing Policy & Guiding Principles is updated to reflect actions and policy positions set by the Board and Annual Conference Resolutions. Many of the changes for public safety policy are clarifying or are updates reflecting specific legislation. However, one major new area is on the topic of marijuana regulation. The League has never had formal policy before, and the four recommendations were developed as a result of the Marijuana Regulation Working Group and action on prior ballot measures.

Having this language in place is important for this year because of the numerous bills and ballot measures preparing for the November election.

The committee asked why there were conditions put on the opposition to the legalization of marijuana. Staff explained that the Revenue and Taxation committee also reviewed Proposition 19, and gave the additional factors of conflict with federal law and confusion over medical marijuana regulations as reason to oppose.

The committee made a **MOTION TO APPROVE** the guidelines but only if staff removes the portion of the sentence “medical marijuana regulations are improved and conflicts between state and federal law are resolved.” The motion was seconded and **CARRIED** with a **UNANIMOUS** voice vote.

A committee member also commented that they disagreed about the statement of “the medical benefits of marijuana are not certain,” offering this as a reason why the federal government has not legalized medical use. No further motions were taken.

XI. Committee Work Program

Staff reviewed the 2011 Work Program update with the committee, stating this was an opportunity for new committee members to learn about what happened in the previous year, and also for this document to be used as a tool to develop the 2012 Work Program.

Staff captured the recommendations of the committee to address public safety technology and interoperability, driver safety related to DUI checkpoints and unlicensed drivers, emergency response and changes to CalEMA’s organization of training facilities, acts of civil disobedience, and corrections realignment and reform. (Please refer to the document titled “2012 Work Program Final” at the end of these highlights.)

XII. Establishing Subcommittees or Working Groups

The committee proposed to establish three subcommittees to accomplish the items set forth by the work program. Those committees are: Technology, Realignment, and Emergency Response/Disaster Preparedness. In addition to these subcommittees, the committee has liaisons to other state boards and associations in lieu of having a duplicated subcommittee. These are the California Sex Offender Management Board and the Tribal-City Governance Collaborative.

A number of committee members expressed an interest to join a subcommittee at the meeting. Any committee member wishing to join one of the subcommittees should contact Dorothy Holzem at dholzem@cacities.org or (916) 659-8214.

XIII. Legislative Update

1. FEMA Public Assistance Threshold Formula Exemption

Staff reviewed the proposal to change FEMA calculation for determining the minimum damage required before California would be eligible to receive federal disaster assistance. Currently, the threshold is based on total statewide population. The proposal would have the threshold formulated using county-wide population.

The committee expressed approval of the idea but agreed there should still be a minimum amount of damage required or else requests for smaller disasters would inundate the system. Pre-set levels of \$250,000 or \$500,000 were offered, as well as setting the minimum for a California county to be on par with the lowest populated states.

The committee also said it is important to note that from a budget standpoint, FEMA only has so much money every year and some years it is not enough. For example, in the late 1980’s a number of hurricanes and earthquakes happened close together and the amount that FEMA could contribute to these federally declared disasters became less and less. Calculating a threshold based on county-population in California, when some come in as low as \$37,000, is concerning. If we dip straws into FEMA’s pot for small events there may not be money left over for the bigger, more devastating recovery needs.

2. Community Corrections Facility Peace Officer Status

Staff reviewed the proposal to continue the rights of Community Corrections Facility custody staff, who previously contracted with the state Department of Corrections and Rehabilitation, to the new contracts between the facilities and counties. The seven cities operating the facilities support the proposal, and the League is seeking a preliminary position because this urgency legislation could move quickly.

The committee had a number of questions and concerns regarding the peace officer status that would be carried forward for the custody staff in city facilities. Additional details were needed to ensure these custody staff would not be required to undergo POST training, or be potential drains on city benefit and retirement budgets. In addition, there may be a different code section already in statute authorizing local agencies to grant peace officer status, or an existing code section may be more appropriate to ensure the correct custody staff classification is given.

A MOTION TO TAKE NO POSITION until questions about peace officer status could be answered was made. The committee also asked that the proposal be brought back to them in March and have a representative from one of the cities with a CCF be present to answer questions. The motion was seconded and **CARRIED** with a **UNANIMOUS** voice vote.

XIV. Constitutional Protections for Public Safety Realignment

Staff announced that a great deal had changed since the agenda packet summary comparing the California State Association of Counties (CSAC) and the Governor's ballot measures to provide constitutional protections for the 2011 Public Safety Realignment.

When CSAC first gave their support for the realignment proposal it was conditional, on the point that funding for the programs would be given constitutional protection. This was not included in the final budget, and with not current protections in place from funds being reduced or diverted, CSAC introduced their own measure.

The League did reach out to CSAC to see what, if any, revenue could be allotted to frontline law enforcement and to mitigate the impacts on cities. While CSAC took a number of League requested amendments to strengthen their measure, including COPS protections, ultimately they were not able to support including a tax extension with revenues allocated to cities. While the Governor's ballot measure does seek a tax extension, none of the new revenue would be provided for the 2011 Public Safety Realignment.

Since the summary was sent to the committee, CSAC has suspended their measure. They have not yet taken a position on the Governor's measure, but are convening their board in late February to vote on that item. League staff will continue to update the committee on this very important ballot measure at future meetings.

XV. ADJOURNMENT

With no additional business to address, Chair Arbuckle thanked the committee members and adjourned the meeting. The next meeting will be held on March 30 in Ontario.



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COMMITTEE ON PUBLIC SAFETY

2012 Work Program

LEAGUE 2012 STRATEGIC GOALS

The committee will focus on supporting the 2012 goals adopted by the League Board of Directors. The 2012 strategic goals are:

- 1. Support Sustainable and Secure Public Employee Pensions and Benefits.** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.
- 2. Promote Local Control for Strong Cities.** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.
- 3. Build Strong Partnerships for a Stronger Golden State.** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity and responsiveness of our state government and intergovernmental system.

In addition, the committee will also focus on the following issues:

TECHNOLOGY AND INTEROPERABILITY

- Opportunities to automate and streamline Department of Motor Vehicle forms that local law enforcement must complete for greater efficiency.
- Increasing and enhancing public safety interoperability systems, including data sharing and the ability for multiple jurisdictions to communicate amongst each other.
- Role of personal technology in disaster alert systems and ensuring that expanded or improved systems do not reduce local control of equipment/tower citing in local jurisdictions. *(SG #2: Promote Local Control for Strong Cities)*
- Improve communication exchanges between local and state information systems, including services provided by the California 2-1-1 telephone system.
- Monitor reorganization proposals affecting the California Technology Agency and the duties they are assigned, especially those with local government interface. *(SG #3: Build Strong Partnerships for a Stronger Golden State).*

CHANGES TO ROAD SAFETY

- Implementation of DUI checkpoints following enactment of Assembly Bill 353 (Cedillo; 2011) and impacts to effectiveness of checkpoints as a public safety tool. (*SG #2: Promote Local Control for Strong Cities*)
- Effect of unlicensed drivers on local fire service and the emergency medical services system, in addition to law enforcement services.

OCCUPY WALL STREET MOVEMENT

- Best practices for crowd control, including managing acts of civil disobedience and avoiding conflicts with constitutional rights of freedom of speech and right to assemble.

EMERGENCY/DISASTER PREPAREDNESS & RECOVERY

- Work collaboratively with League Partners program to develop Webinar series that will educate city staff and elected officials on preparedness and response best practices.
- Study, and as appropriate, make recommendations regarding the reorganization of the California Specialized Training Institute (CSTI) programs to ensure ongoing training opportunities for emergency personnel serving cities.

CORRECTIONS REFORM

- Improving data collection and dissemination for local police departments, through CLETS or other law enforcement systems to provide “real time” data and increase accessibility.
- Improving information sharing between the state, counties, and cities the needs of mental health inmates in the post-release community supervision population as well as parolees prior to their release.
- Study, and make recommendations as appropriate, reform or realignment proposals for the California state prison and/or county jail systems. This includes probation and parole, as well as system-wide changes impacting local public safety and quality of life in cities. (*SG #3: Build Strong Partnerships for a Stronger Golden State*).