



Agenda Report

21-37

Agenda Date: 3/9/2021

REPORT TO COUNCIL

SUBJECT

Action on Approval of the Spending Plan for Supplemental Law Enforcement Services Fund and Related Budget Amendment

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

In 1996, Assembly Bill 3229 established the Citizen’s Option for Public Safety (COPS) program’s Supplemental Law Enforcement Services Fund (SLESF). The Legislature determined that there was a compelling need for additional resources at the local level for the purpose of ensuring public safety and established the COPS program to advance community policing in all counties. The COPS program awards non-competitive and non-matching grants to law enforcement agencies to fund frontline municipal police services. The City has used these funds in prior years to purchase officer safety and duty equipment, communications equipment and vehicles, among other things, that are all used directly and solely in the provision of frontline police services to the community.

Per Government Code §§ 30061-30063, cities are allocated a proportionate share of COPS funds by the California Department of Finance, through Santa Clara County. Proportionate shares are based on population estimates determined by the California Department of Finance.

This is not a fixed amount grant. Under the standard grant program allocation, the City of Santa Clara is eligible to receive a minimum of \$100,000 annually. Each fall, Santa Clara County estimates the allocation for each law enforcement agency in the county; the actual amount paid varies from the projection and is unknown until the payment cycle is complete. Monthly distributions are received via wire transfer and the City’s Finance Department deposits these funds into a separate grant account. These distributions are not received in equal installments from month-to-month; therefore, spending over the course of the payment cycle can be unpredictable.

In recent years, the City of Santa Clara has received COPS funding as follows:

Funding Cycle	Minimum Amount to be Allocated	Projected Allocation *	Actual Amount Received **
COP 11 - 12	\$100,000	\$224,246	\$169,674
COP 12 - 13	\$100,000	\$191,055	\$200,160
COP 13 - 14	\$100,000	\$191,913	\$205,650
COP 14 - 15	\$100,000	\$191,446	\$219,432

COP 15 - 16	\$100,000	\$189,093	\$244,542
COP 16 - 17	\$100,000	\$190,585	\$270,027
COP 17 - 18	\$100,000	\$196,976	\$282,165
COP 18 - 19	\$100,000	\$196,976	\$307,179
COP 19 - 20	\$100,000	\$195,075	\$305,734

*The Projected Allocation column shows the California Department of Finance's initial estimated grant allocation

**This column reflects the amount in excess of the estimated grant allocated received by the Police Department, if any. This report requests action on behalf of the Council for the additional funding from FY 2019/20.

The COPS/SLESF grant does not have any application or other requirements; the monies are transferred to local entities through the County by operation of law (Government Code §§30061-30063) and are to be expended in accordance with the requirements of those code sections. The Government Code contains the following requirements for a recipient agency:

- The funds shall be used exclusively for front line law enforcement services
- The funds cannot be used to supplant other existing funding sources for general law enforcement services
- The City Council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the Chief of Police
- Moneys in the fund shall not be transferred to, or intermingled with, the moneys in any other fund in the City treasury, except to the extent necessary to facilitate the appropriation and expenditure of those transferred moneys
- Once the appropriation of the grant funds is made, it cannot be subsequently altered by the City Council
- Administrative overhead costs cannot exceed of 0.5% of the City's allocation
- The funds cannot be used for a capital or construction project that does not directly support front line law enforcement services

DISCUSSION

Santa Clara County's estimated allocation for front-line law enforcement equipment for Fiscal Year 2020/21 is \$3,408,365. Based on the January 2020 population estimate of 129,104, the City of Santa Clara expects to receive \$196,119 in COPS funding, as presented in Attachment 1.

In addition, in FY 2019/20, the Police Department received funding in excess of its' FY allocation by \$110,659, totaling \$305,734. The anticipated FY 2019/20 allocation and funding plan was approved by City Council on December 10, 2019 (RTC 19-1255), with the understanding the Police Department would return to the City Council should additional funds become available. Staff recommends appropriating the additional funds as part of the FY 2020/21 COP grant budget.

In accordance with grant requirements, the Chief of Police hereby requests that the City Council appropriate existing and anticipated grant moneys for FY 2019/20 and FY 2020/21 to fund front line municipal police services, as described below. Given the grant allocation can vary, some, or all, of the items may be purchased. If additional grant funds become available, staff will bring forward a budget adjustment.

Current Priority	Equipment, Program or Service *	Estimated Amount **
1	Protective / safety gear and training equipment	\$40,000
2	Less lethal resources	\$40,000
3	Force option simulator accessories	\$5,000
4	Surveillance / recording equipment and communication devices	\$10,000
5	Forensic investigation equipment / data extraction tool	\$45,000
6	Uniform apparel for new bicycle unit members	\$5,000
7	Personal protective equipment	\$5,000
8	Special Response Team equipment	\$15,000
9	Crisis Negotiation Team tools	\$45,000
10	Equipment to support advances in technology	\$10,000
11	Crime scene / investigation gear	\$5,000
12	Crime analyst equipment / software	\$13,500
	TOTAL	\$238,500

*Priorities may change over the course of the grant cycle and/or alternate funding sources may become available

**Estimates to be fleshed out (e.g. vendor, number of items, promotions, etc.) as funding becomes available over the grant cycle

Staff will continue to evaluate priorities based on needs and the actual funding amount received as not all items may be funded.

ENVIRONMENTAL REVIEW

This action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

In October 2020, the City of Santa Clara received official notice from the California Department of Finance that its expected Citizens’ Option for Public Safety allocation for FY 2020/21 is \$196,119.

In addition, in FY 2019/20, the Police Department received funding in excess of its’ FY allocation by \$110,659, totaling \$305,734.

Revenues and expenditures of the total COPS funding amount are recommended to be appropriated in the City’s Police Operating Grant Trust Fund.

Budget Amendment FY 2020/21

	Current Budget	Increase / (Decrease)	Revised Budget
Police Operating Grant Trust Fund			
<u>Revenue</u>			
Grant Funding - COP20	\$0	\$110,659	\$110,659
Grant Funding - COP21	\$0	\$196,119	\$196,119
<u>Expenditures</u>			
Citizen's Option for Public Safety FY 2019/20	\$0	\$110,659	\$110,659
Citizen's Option for Public Safety FY 2020/21	\$0	\$196,119	\$196,119

Although equipment purchased with the grant funds will not initially create any additional cost for the City, it is possible that future repair or other servicing, or replacement costs, for such equipment would create an expense. The department will absorb such costs within future budget allocations.

COORDINATION

This report has been coordinated with the Finance Department, City Attorney's Office and Police Department.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

1. Approve the spending plan for funds received from the Citizen's Option for Public Safety Programs Supplemental Law Enforcement Services Fund;
2. Approve a FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$196,119 for the anticipated Fiscal Year 2020/21 revenue and establish the Citizen's Option for Public Safety FY 2020/21 appropriation in the amount of \$196,119 (five affirmative Council votes required for revenue actions only); and
3. Approve a FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$110,659 for revenue received in excess of the previously approved allocation for the COPS program from Fiscal Year 2019/20 and establish a Citizen's Option for Public Safety FY 2019/20 appropriation in the amount of \$110,659 (five affirmative Council votes required for revenue actions only).

Reviewed by: Patrick Nikolai, Chief of Police

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Letter from the California Department of Finance with Citizens' Option for Public Safety percentages and allocation