



Agenda Report

23-1418

Agenda Date: 2/7/2023

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
COP 20 - 21	\$100,000	\$196,119	\$327,071
COP 21 - 22	\$100,000	\$200,298	\$331,034

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

**This column reflects the total amount received by the City; this report requests action on behalf of the Council for the additional funding received from FY 2021/22.

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 frontline 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 frontline law enforcement services

DISCUSSION

Santa Clara County's estimated allocation for frontline law enforcement equipment for Fiscal Year 2022/23 is \$3,339,482. Based on the January 2022 population estimate of 130,127, the City of Santa Clara expects to receive \$200,980 in COPS funding, as presented in Attachment 1. Staff recommends appropriating these funds as part of this report.

On October 17, 2022, the Police Department received an additional allocation in the amount of \$130,737 for the FY 2021/22 COPS grant, increasing the total amount received from \$200,298 to \$331,035. Staff recommends appropriating the additional funding of \$130,737 as part of this report.

In accordance with grant requirements, staff is also presenting a spending plan to account for the FY 2022/23 grant and adjustments to the FY 2021/22 grant. The last spending plan was approved on January 25, 2022 (RTC #22-1559, Attachment 2) totaled \$288,869 in purchases with the understanding the Police Department would return to City Council should additional funds become available. The last approved spending plan accounted for the anticipated FY 2021/22 grant as well as

additional funding for the FY 2020/21 grant.

In this memorandum, the Chief of Police requests that the City Council approve a spending plan totaling \$331,717 to account for the FY 2022/23 grant (\$200,980) plus the increase in the FY 2021/22 grant (\$130,737). These grant funds will be used to support front line municipal police services, as described below.

Current Priority	Equipment, Program or Service *	Not to Exceed Estimated Amount **
1	Fund an extension to the Psychiatric Emergency Response Team (PERT) program with the County of Santa Clara	\$70,000
2	Training in the Communications Center related to new Public Safety Dispatchers and calls for service	\$30,000
3	Batteries for P-25 radios	\$60,000
4	Canine equipment / training	\$15,000
5	Training of personnel to conduct "train the trainer" courses internally to our organization on front line law enforcement services/equipment	\$26,717
6	Evidence collection equipment	\$60,000
7	Pilot program with Axon mobile Automated License Plate Readers, expand the number of fixed Automated License Plate Readers through FLOCK and/or extend existing software service agreement	\$40,000
8	Axon Air software subscription and accessories to support the Directed Aerial Response Team	\$20,000
9	Firearms, ammunition and associated equipment	\$10,000
	TOTAL	\$331,717

*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.

If additional FY 2022/23 grant funds become available, staff will bring forward a budget adjustment.

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 2022, 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 2022/23 is \$200,980.

Also, in October 2022, the Police Department received additional funding of \$130,737 for the COP 2021/22 allocation, bringing the total COP 2021/22 award to \$331,035.

Budget actions are recommended to recognize the COPS grant revenue and appropriate the funding in the City's Police Operating Grant Trust Fund, as detailed in the table below.

**Budget Amendment
FY 2022/23**

	Current Budget	Increase / (Decrease)	Revised Budget
Police Operating Grant Trust Fund			
<u>Revenue</u>			
Grant Funding - COP22	\$10,760	\$130,737	\$141,497
Grant Funding - COP23	\$0	\$200,980	\$200,980
<u>Expenditures</u>			
Citizen's Option for Public Safety FY 2021/22	\$146,062	\$130,737	\$276,799
Citizen's Option for Public Safety FY 2022/23	\$0	\$200,980	\$200,980

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 and City Attorney's Office.

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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve the spending plan for funds received from the Citizen's Option for Public Safety Programs Supplemental Law Enforcement Services Fund; and
2. Approve a FY 2022/23 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$130,737 for the COPS 22 grant and \$200,980 for the COPS 23 grant, increase the Citizen's Option for Public Safety FY 2021/22

appropriation in the amount of \$130,737, and establish the Citizen's Option for Public Safety FY 2022/23 appropriation in the amount of \$200,980 **(five affirmative Council votes required to appropriate additional revenue)**.

Reviewed by: Pat Nikolai, Chief of Police

Approved by: City Manager's Office

ATTACHMENTS

1. Letter from the California Department of Finance with Citizens' Option for Public Safety percentages and allocation
2. Report to Council #22-1559 from the January 25, 2022 City Council meeting