



# City of Santa Clara

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## Agenda Report

19-1255

Agenda Date: 12/10/2019

### REPORT TO COUNCIL

#### SUBJECT

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

#### 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 periodic distributions are not steady from month-to-month; therefore, the total actual amount to be received over the course of the full payment cycle is 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 **
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\*The Projected Allocation column shows the California Department of Finance's initial estimated grant allocation compared with what has been received by the City of Santa Clara over the years.

\*\*In November 2019, the Police Department received \$110,203 in excess of what was allocated. This report requests action on behalf of the Council for the additional funding.

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 (FY) 2019/20 is \$3,390,522. Based on the January 2019 population estimate of 128,717, the City of Santa Clara expects to receive \$195,075 in COPS funding, as presented in Attachment 1.

In addition, in November 2019, the Police Department received funding in excess of its' FY 2018/19 allocation by \$110,203, totaling \$307,179. The anticipated FY 2018/19 allocation and funding plan was approved by City Council on November 13, 2018, 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 2019/20 operating budget.

In accordance with grant requirements, the Assistant Chief of Police hereby requests that the City Council appropriate existing and anticipated grant moneys for FY 2018/19 and FY 2019/20 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	Automatic license plate readers	\$75,000
2	Radar signs and speed enforcement trailers	\$25,000

3	Unmanned Aircraft System technology	\$75,000
4	Crime Analyst software / equipment	\$25,000
5	Equipment to support advances in technology	\$15,000
6	Communication devices	\$10,000
7	Protective equipment	\$15,000
8	Surveillance / recording equipment	\$15,000
9	Duty equipment (e.g. radios, BWC, iPhone, CEW, vehicle, etc.)	\$50,000
10	Crime scene / investigation equipment	\$10,000
	<b>TOTAL</b>	<b>\$315,000</b>

\*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 2019, 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 2019/20 is \$195,075.

In addition, in November 2019, the Police Department received funding in excess of its’ FY 2018/19 allocation by \$110,203, bringing the total FY 2018/19 allocation to \$307,179.

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 2019/20**

Current	Increase/ (Decrease)	Revised
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#### **Fund 177 - Police Operating Grant Trust Fund**

##### Revenue

Grant Funding

\$0

\$305,278

\$305,278

**Expenditures**

Citizen's Option for Public Safety 2018/19	\$195,991	\$110,203	\$306,194
Citizen's Option for Public Safety 2019/20	\$0	\$195,075	\$195,075

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) 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;
2. Approve a budget amendment in the amount of \$195,075 for the anticipated Fiscal Year 2019/20 revenue and expenditure for the COPS program; and,
3. Approve a budget amendment in the amount of \$110,203 for revenue received in excess of the previously approved allocation for the COPS program from Fiscal Year 2018/19.

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

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