

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: September 9, 2014

SUBJECT: APPROVAL OF RESOLUTION NO. 14-67 AUTHORIZING AND APPROPRIATING THE ACCEPTANCE OF STATE AB 109 FUNDS IN THE AMOUNT OF \$130,500 TO PARTIALLY OFFSET THE COST OF ONE EXISTING POLICE OFFICER TO PROVIDE COORDINATED SUPPORT OF AB 109 LAW ENFORCEMENT ACTIVITIES

Report in Brief

This report requests Council approval of a contract with Contra Costa County to implement the AB 109 budget proposal submitted by the Contra Costa County Police Chief's Association (CCCPCA) to provide coordinated support of AB 109 related law enforcement activities and requests that Council authorize the City Manager to execute the agreement. The contract will provide \$130,500 in funds to partially offset the costs of one existing full-time police officer to provide support of the AB 109 requirements in the City of Concord. Staff recommends the City Council adopt Resolution No. 14-67 approving the contract.

Background

“Realignment” is a shift of governmental responsibilities from state government to local government and dedicates a share of state revenues to support local efforts. In 2011, the California Legislature passed, and the Governor signed into law, the Public Safety Realignment Act (Assembly Bill 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect on October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody.

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AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing criminal justice realignment. The Board of Supervisors adopted the Contra Costa County Realignment Plan on October 4, 2011, as recommended by the Executive Committee of the CCP. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee (represented by the Court Director of Business Planning, Information and Programs), and County Behavioral Health Director.

For fiscal year 2014-15, the CCP-Executive Committee recommended and the Board of Supervisors' Public Protection Committee approved an expenditure budget of \$22,407,133, which was composed of \$21,307,133 in ongoing and \$1,100,000 in one-time funding for various AB 109 implementation and programming efforts. Ongoing expenditures are primarily made up of salary and benefit costs for permanent employees and service contract expenditures while one-time expenditures include capital acquisition and/or fixed asset costs.

Discussion

For fiscal year 2014-15, Contra Costa County anticipates the receipt of \$21,390,890 from the community corrections allocation of AB 109 Public Safety Realignment revenue—a decrease of \$1,463,492 over the fiscal year (FY) 2013-14 allocation. The CCP-Executive Committee approved the FY 2014-15 AB 109 Public Safety Realignment expenditure budget of \$22,407,133 (representing projected receipts for FY 2014-15 and fund balance from prior year receipts that have not yet been allocated) at the February 14, 2014 regular meeting and submitted to the Public Protection Committee for review and approval. On February 24, 2014 the Public Protection Committee accepted the CCP-Executive Committee's recommendations. County departments integrated the AB 109 budget into budget submissions for FY 2014-15. On May 13, 2014, the Board of Supervisors approved the FY 2014-15 County Recommended Budget, which included appropriations and revenue related to AB 109. This action included the continuance of a \$522,000 allocation to local law enforcement for AB 109 related police services, as submitted by the Contra Costa County Chief's Association.

The Contra Costa County Chief's Association submitted a budget proposal for the addition of 4.0 FTE police officer positions to provide a coordinated support of AB 109 related law enforcement activities. Those four positions will be allocated to the Cities of Richmond, Concord, Pittsburg and Antioch. Concord will not be adding a new position. This will be a reallocation of an existing position. The aggregate amount of the budget submitted by the County Chief's Association is \$522,000. Each of the four cities noted above will receive \$130,500 and will match the County's investment in-kind to ensure that 1.0 FTE is deployed in each city.

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Fiscal Impact

Authorization of the contract with Contra Costa County will represent a savings of \$130,500 to Police Department general fund budget for Fiscal Year 2014-15.

Public Contact

Posting of the Council Agenda

Recommendation for Action

Staff recommends the City Council adopt Resolution No. 14-67 authorizing the execution of a contract between the City of Concord and Contra Costa County to provide coordinated support of AB 109 law enforcement requirements in the amount of \$130,500 and appropriating the funds to be used to offset the cost of one full-time police officer; and authorize the City Manager to execute the agreement.

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**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution to Authorize and Appropriate the
Acceptance of State AB 109 Funds in the Amount of
\$130,500 to Partially Offset the Cost of One Police
Officer to Provide Coordinated Support of AB 109
Law Enforcement Activities**

Resolution No. 14-67

WHEREAS Governor Jerry Brown signed AB 109, which realigns a number of state programs and responsibilities to the local level; and

WHEREAS the Contra Costa County Police Chief's Association submitted a budget proposal to provide coordinated support of AB 109 related law enforcement activities; and

WHEREAS, the Contra Costa County Chief budget proposal is for the addition of 4.0 FTE police officer positions to be allocated to the Cities of Richmond, Concord, Pittsburg and Antioch; and

WHEREAS, authorization of the contract with Contra Costa County will represent a savings of \$130,500 to the Police Department general fund budget for Fiscal Year 2014-15; and

WHEREAS, the City Council has approved the recommendation of the City Manager and City staff with regard to authorizing the execution of a contract between the City of Concord and Contra Costa County to provide coordinated support of AB 109 law enforcement requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. The City Council approves the execution of a contract between the City of Concord and Contra Costa County to provide coordinated support of AB 109 law enforcement requirements and authorizes the City Manager to execute the agreement.

Section 2. The City Council thereby authorizes the acceptance of the \$130,500 related grant funds and appropriation of the funds to offset the cost of one full-time police officer for Fiscal Year 2014-15.

Section 3. This resolution shall become effective immediately upon its passage and adoption.

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