



**Lou Ann Teixeira**  
*Executive Officer*

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*County Member*

August 10, 2011 (Agenda)

Contra Costa Local Agency Formation Commission (LAFCO)  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

August 10, 2011  
 Agenda Item 7

**Law Enforcement Municipal Services Review**

Dear Members of the Commission:

**BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that not less than every five years, LAFCO prepare municipal service reviews (MSRs) prior to or in conjunction with sphere of influence (SOI) updates.

MSRs provide an assessment of the range and adequacy of municipal services provided in the County, and serve as an important tool for LAFCO in fulfilling its legislative mandate to coordinate the efficient and logical development of local government agencies and services. The MSR serves as a basis for the SOI updates and future boundary changes.

In 2006, the Commission approved an MSR/SOI work plan that provides for completing inaugural MSR/SOI updates for the 19 cities and numerous special districts using consultants and LAFCO staff. The work plan involves a combination of service-specific (countywide), sub-regional, and agency-specific reviews. To date, LAFCO has completed inaugural countywide reviews covering healthcare, water/wastewater, fire/emergency, reclamation services, cemetery, parks & recreation, resource conservation and mosquito & vector control services. Also, LAFCO has completed sub-regional MSRs covering all cities, as well as several agency-specific MSRs.

**SUMMARY**

In August 2010, LAFCO initiated a countywide MSR covering law enforcement services. The MSR focuses on services provided by all 19 cities; Contra Costa County Office of the Sheriff; County Service Areas (CSAs) M-29, M-30, P-2, P-5 and P-6; and Diablo Community Service District (CSD) and Kensington Police Protection & CSD. In addition, information regarding federal, State, regional, educational, and private agencies is included in order to provide a comprehensive overview of law enforcement services in Contra Costa County.

Baracco and Associates and Policy Consulting Associates were hired to prepare the MSR report; technical assistance was provided by Roger Neuman. The MSR process entailed distribution of an initial Request for Information (RFI) in September 2010, followed by a presentation to the Contra Costa County Police Chiefs' Association to explain the MRS purpose and process. In early 2011, a

second RFI was distributed and one-on-one interviews were conducted with each agency. From April through July 2011, local agencies were provided a draft copy of their individual agency profiles for review and comment. In April 2011, LAFCO conducted a workshop, at which time MSR consultant presented an overview of the MSR report and received comments from the Commission.

On July 18, the Public Review Draft MSR report was released. The report was posted on the LAFCO website ([www.contracostalafco.org](http://www.contracostalafco.org)), and agencies and interested parties were made aware of the report and comment period, which ends on August 5. The project team is currently compiling a comment log and responses, which will be presented to the Commission prior to the August 10<sup>th</sup> LAFCO meeting.

On August 10, the MSR consulting team will provide an overview of the MSR report and recommendations, at which time the Commission will be asked to provide comments, conduct a public hearing, accept the MSR report, adopt determinations (attached), and update agency SOIs as presented in a separate agenda item.

## **DISCUSSION**

The *Law Enforcement Services* MSR provides a comprehensive review of services provided by local agencies under LAFCO's purview, including cities and special districts. The MSR report focuses primarily on public agencies and their ability to provide a range of municipal services. In addition, the report includes information regarding federal, State, regional, educational, and private agencies in order to provide a comprehensive overview of services.

The MSR report provides information relating to law enforcement services including staffing, funding, service demand, service adequacy, facilities and equipment. The report identifies critical issues and agency challenges, and showcases best practices.

In accordance with the MSR, LAFCO must prepare written determinations relating to various factors including the following:

- Growth and population projections
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies
- Financial ability of agencies to provide services
- Status of and opportunities for shared facilities
- Accountability for community service needs, including governmental structure and operational efficiencies

The determinations are presented in the attached resolution. In addition, the MSR report provides governance and boundary options. The MSR consultants will provide an overview of these options, most of which are discussed in agenda item #9.

## **ENVIRONMENTAL ANALYSIS**

The MSR is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County. The service review and determinations are a study and are Categorical Exempt under §15306, Class 6 of the California Environmental Quality Act (CEQA) Guidelines.

**RECOMMENDATIONS**

1. Determine that the MSR project is Categorical Exempt pursuant to §15306, Class 6 of the CEQA Guidelines,
2. Consider comments presented prior to and during the public hearing and any revisions to the *Law Enforcement Services MSR*,
3. Accept the report with any desired changes,
4. Adopt the MSR determinations by resolution attached hereto, and
5. Direct staff to prepare the Final MSR report and make it available to all affected agencies and interested parties.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Distribution

Attachment - Draft Resolution with MSR Determinations

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**ADOPTING DETERMINATIONS FOR THE**  
**2011 LAW ENFORCEMENT SERVICES MUNICIPAL SERVICES REVIEW**

**WHEREAS**, Government Code §56430 requires the Commission to conduct municipal service reviews (MSRs) in order to prepare and update spheres of influence (SOIs) pursuant to Government Code §56425; and

**WHEREAS**, the Commission previously authorized the *Law Enforcement Services MSR* to be prepared; and

**WHEREAS**, the *Law Enforcement Services MSR* covers services provided by all 19 cities in Contra Costa County, Contra Costa County Office of the Sheriff; County Service Areas (CSAs) M-29, M-30, P-2, P-5 and P-6; and Diablo Community Service District (CSD) and Kensington Police Protection & CSD; and

**WHEREAS**, on April 13, 2011, the Commission held a workshop to receive a preliminary overview of the *Law Enforcement Services MSR*, received and provided comments, and directed staff to circulate the draft MSR for public review; and

**WHEREAS**, the Public Review Draft MSR was circulated for a 21-day public comment period; and

**WHEREAS**, on August 10, 2011, the Commission conducted a public hearing to receive the MSR report; and

**WHEREAS**, the Commission considered all comments, written and oral, received prior to and during the hearing on August 10, 2011; and

**WHEREAS**, the MSR report and determinations are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to §15306 Class 6 of the CEQA Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Contra Costa Local Agency Formation Commission does hereby resolve, determine and order as follows:

*The Law Enforcement Services MSR Municipal Services Review determinations attached hereto as Exhibit A and incorporated herein by reference are hereby adopted.*

\* \* \* \* \*

PASSED AND ADOPTED THIS 10<sup>th</sup> day of August 2011, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
MICHAEL R. MCGILL, CHAIR, CONTRA COSTA LAFCO

*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above*

Dated: August 10, 2011

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Lou Ann Texeira, Executive Officer

## **EXHIBIT A**

### **LAW ENFORCEMENT SERVICES MUNICIPAL SERVICE REVIEW DETERMINATIONS**

#### **GROWTH AND POPULATION PROJECTIONS**

##### General

- Population growth within Contra County, although slowed by the recession and lack of housing starts, is still expected to be one of the highest in the Bay Area counties. ABAG projections show an increase of 87,000 people in the next ten years.

##### Agency Specific

- Given the current land available for development, along with recent growth patterns, those law enforcement agencies that serve growth areas will need to increase staffing levels or reduce the level of service. These include Brentwood, San Ramon, Oakley, Richmond, Hercules, and Discovery Bay (unincorporated).
- The unincorporated communities of El Sobrante, Tara Hills, San Miguel, Saranap, Vine Hill, and Pacheco will require additional law enforcement resources if they grow beyond their current population.
- Those communities that are growing can expect to have higher crime rates than those communities that are built-out or not growing. The City of Richmond is both growing and has a high crime rate. The city is aggressively addressing these issues through a five-year strategic plan.
- Over the ten year period from 2000 to 2010, the following cities have lost population: Lafayette (-0.06%), Martinez (-0.1%), Moraga (-2.0%), Pinole (-3.0%), San Pablo (-4.0%), and Walnut Creek (-0.2%).

#### **PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES**

##### General

- With the announced opening of the new police facility in San Ramon, all of the cities have adequate facilities to provide police services in their communities. There are small remodels and security fencing projects that are still necessary.
- The closure of police substations (especially in Concord and Bay Point) has reduced the effectiveness of police protection in those communities.
- A P-25-compliant communications system providing fully interoperable communications to all public agencies in Alameda and Contra Costa counties is scheduled to become operational in 2013. Equipment funding and operational costs are issues for local law enforcement agencies.

- With the advent of the two-county interoperable radio communication system, along with the transfer of 911 cell phone calls to the Sheriff's dispatch center, a coordinated effort among all law enforcement, fire and emergency medical dispatch operations will be necessary. This is a task that the PSAP Manager's Group may wish to undertake, in conjunction with the SO.

#### Agency Specific

- Police stations serving the cities of El Cerrito, Lafayette, Pleasant Hill and San Pablo are at or near maximum capacity.
- The Office of the Sheriff (SO) has significant facilities needs that are not yet funded. The most critical appears to be the need for a new detention facility to relieve overcrowding at the Martinez Detention Facility.

### **ADEQUACY OF PUBLIC SERVICES**

#### General

- The outlook for the immediate future (beginning with FY 2011-12) is for increasing cuts in personnel, and efforts by local law enforcement agencies to keep patrol officers on the beat.

#### Agency Specific

- Except for SO, law enforcement agencies in the County have been able to maintain their historic levels of service, albeit with less flexibility than in previous years. The SO has had significant reductions in patrol deputies, while city police departments (PDs) have laid off specialty personnel such as K-9 units, traffic enforcement units, school resource officers, community service officers, and detectives.

### **INFRASTRUCTURE NEEDS OR DEFICIENCIES**

#### General

- With fewer grant funding opportunities, law enforcement agencies are purchasing less equipment, including personal equipment for officers.
- PDs and the SO are attempting to 'stretch out' the serviceable life of patrol vehicles, and are purchasing fewer new patrol vehicles.

### **FINANCIAL ABILITY OF AGENCY TO PROVIDE SERVICES**

#### General

- Because most law enforcement providers are funded by General Fund monies, fewer financial resources will be available until recovery from the recession begins. For the FY 2011-12, there was a \$700 million decrease in the local tax base resulting in a loss of 0.49% in assessed value countywide. Property tax revenue (the main General Fund revenue source for cities and the County) will continue to stagnate.
- Sales tax revenues have also declined from their historic highs, down as much as 3 to 4% per year. This is another major source of local government funding.

- A number of PDs charge for services including: bicycle license fees, security alarm use permits, false alarm response fees, fingerprint fees, crime report fees, massage permit fees, cost of photocopies, and processing or service fees. However, unlike Planning and Public Works departments, PDs do not readily publish a fee schedule, nor do they update their fees regularly. Cost recovery is more important in this era of limited budgets, so charging fees for services is an appropriate PD activity.
- Use of volunteers to assist in the provision of municipal services represents a potentially large source of free or low cost help for local governments searching for ways to deliver more services for less money.
- Some agencies are looking at other ways to curtail operating costs including strict monitoring of overtime, longer work shifts, reductions in sworn-staff, offset by the use of non-sworn staff for administrative and other functions, increased reliance on volunteers and community service officers, and contracting for dispatching services.

#### Agency Specific

- The City of San Pablo relies heavily on the business license fees paid by the Lytton San Pablo Casino, which are around \$1.1 million per month. Any loss of these funds will have a catastrophic effect on the city and on the PD.
- The City of Hercules is suffering from extensive costs associated with bonded indebtedness, which may affect daily city functions including the PD.

### **STATUS OF AND OPPORTUNITIES FOR SHARED FACILITIES**

#### General

- For the most part, PDs are stand-alone operations due to their need for secure facilities and confidentiality. There is some limited facilities sharing such as the SO Delta Substation utilizing space at the Oakley PD office; and Kensington PPCSD leases space in the Fire District building.

### **ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS**

#### General

- Every law enforcement agency in Contra Costa County is striving to meet the needs of its respective community. This MSR details how local accountability can be measured by looking at each agency's decision making process, visibility and accessibility, community outreach and education, and customer service. Refer to each chapter in the MSR for details.

#### Agency Specific

- Of the 28 law enforcement-related agencies covered in this MSR, 13 have established citizen advisory committees to advise the PDs and the decision-making bodies regarding law enforcement and community issues. These include: Antioch PD, CSA P-2/Zones A and B, CSA P-5, CSA P-6 (Discovery Bay only), Diablo CSD, El Cerrito PD, Hercules PD, Kensington PP&CSD, Lafayette PD, Orinda PD, Richmond PD, and San Pablo PD.

Advisory Committees can assist in gauging community preferences and priorities, and in increasing transparency for public agencies.

- Of the 28 law enforcement agencies covered in this MSR, five publish an Annual Report or PD summary of the previous year's activities, staffing, statistics, mission statement, goals, accomplishments, and community outreach efforts. These include: Antioch, Danville, Orinda, Pinole, and Richmond. Annual Reports can be utilized to promote the PD and keep the citizenry informed of the Department's ongoing efforts to protect the community. Staff time to prepare and publication costs are issues in the current budget climate; however, most of the PDs already generate the basic information contained in an Annual Report, and can publish economically by electronic means and/or post to the PD website.

## **GOVERNMENT STRUCTURE AND OPERATIONAL EFFICIENCIES**

### General

- Law enforcement agencies by their nature are highly structured and operate in an efficient manner. These characteristics are detailed in this MSR for each law enforcement service provider. Refer to each chapter for details.
- Law enforcement agencies in the west, east and south central areas of the County could benefit from a sub-regional detention facility that would allow 'decentralized booking.' However, in the present budget climate, such an approach is not financially feasible. As an alternative, a regional or sub-regional 'van pool' system could be implemented, with costs allocated on a per capita-per trip basis.
- As law enforcement budgets shrink and costs for specialized services increase, law enforcement agencies are challenged to come up with more creative ways to keep pace. One avenue that is available is the use of Joint Powers Agencies (JPAs), and Memorandums of Understanding (MOUs). These types of collaborative agreements are not subject to LAFCO review, and can be tailored to meet the agencies' needs.
- The MSR report identifies a number of functions that could potentially benefit from regional and/or sub-regional collaboration, including dispatch, animal control, specialized services, and records management. Local agencies are encouraged to explore regional efforts and efficiencies.
- The MSR report identifies a number of governance and service options including consolidation of East County law enforcement services, and contracting for service. Local agencies are encouraged to explore governance and service options and efficiencies.

### Agency Specific

- The MSR report showcases a number of best practices that promote operational efficiencies, including, but not limited to, City of Brentwood's annual benchmarking, unique community and neighborhood policing programs (Martinez, Pinole), and enhanced technology (Antioch, Pittsburg, Richmond).