



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 1, 2014

ITEM NUMBER: CC-7

SUBJECT: AGREEMENT FOR PROSECUTION SERVICES

DATE: MARCH 25, 2014

FROM: CITY ATTORNEY'S OFFICE

PRESENTATION BY: CITY ATTORNEY'S OFFICE

FOR FURTHER INFORMATION CONTACT: BRENDA GREEN, CITY CLERK, AT (714) 754-5221

RECOMMENDATION:

1. Approve the Agreement between the City of Costa Mesa and the County of Orange for Prosecution Services; and
2. Authorize the Mayor and the City Clerk to execute the Agreement.

BACKGROUND:

The current agreement with the County of Orange for prosecution of City municipal violations vests control for prosecution of municipal code violations with the District Attorney's Office ("District Attorney").

ANALYSIS:

Under the current contract, the District Attorney has the "sole and exclusive authority to determine whether a criminal complaint shall be filed on cases referred to the District Attorney's office by City and the conduct of legal proceedings with respect to any suspected violation of the City ordinances and with respect to any additional prosecutions handled by the District Attorney for City." Thus, once a violation is referred to the District Attorney's, that office determines whether or not to file a complaint and proceed with prosecution. For certain kinds of prosecution, referral to and use of the District Attorney to prosecute these cases is very cost effective. However, certain kinds of cases, such as routine code enforcement cases or violation of other municipal codes, are not well suited to referral to the District Attorney. The Agreement provides the District Attorney flexibility to determine whether the case should be referred to the City Attorney's Office for prosecution if it is of a type better suited for prosecution by that office, but the City retains the discretion to initially refer a case to the City Attorney instead of the District Attorney at the outset.

ALTERNATIVES CONSIDERED:

City Council could choose not to approve the agreement.

FISCAL REVIEW:

The fiscal impact is unknown at this time.

LEGAL REVIEW:

The City Attorney's office has reviewed the revised Agreement for Prosecution Services and approved the document as to form.

CONCLUSION:

The City Attorney recommends that City Council adopt the Agreement.

THOMAS DUARTE
City Attorney

TOM HATCH
Chief Executive Officer

STEPHEN DUNIVENT
Interim Finance Director

TOM GAZSI
Chief of Police

ATTACHMENT: [Agreement](#)
 [Agreement \(redline\)](#)

DISTRIBUTION: Chief Executive Officer
 Chief of Police
 City Clerk