



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 16, 2014

ITEM NUMBER:

SUBJECT: AMENDMENTS TO THE GOVERNANCE DOCUMENT OF THE ILJAOJ JOINT POWERS AUTHORITY

DATE: SEPTEMBER 5, 2014

FROM: POLICE DEPARTMENT, SUPPORT SERVICES DIVISION

PRESENTATION BY: TOM GAZSI, CHIEF OF POLICE

FOR FURTHER INFORMATION CONTACT: MIKE JAMES – 714.754.5617

RECOMMENDATION:

1. Approve the addition of the California State University Fullerton on behalf of their Police Department, as a new Member of the Integrated Law & Justice Agency for Orange County (ILJAOJ).
2. Approve the recommended amendments to the Governance Document of the ILJAOJ Joint Powers Authority.
3. Direct the City Clerk to provide a minute order to the ILJAOJ Recording Secretary (Jennifer Manzella at Jennifer_manzella@ILJAOJ.org), confirming the Council's action.

BACKGROUND:

Since June of 2006, our City (on behalf of the Police Department), has been a Member Agency of the Integrated Law & Justice Agency for Orange County (ILJAOJ), a Joint Powers Authority. The JPA currently has 24 Members, representing each City that has a Municipal Police Department, as well as the County of Orange for their identified Departments. The Member Agencies also include the Superior Court of Orange County and the University of California at Irvine, on behalf of their Police Department. The JPA was formed to allow Criminal Justice Agencies in Orange County to jointly address new technology projects on a regional basis, as well as improved business processes affecting the efficiency of the Criminal Justice System in Orange County. It has the authority to move the represented agencies forward collectively on issues that would be virtually impractical to accomplish on an agency by agency basis.

The work of the Agency is directed by a 16 Member Governing Board comprised of 6 Police Chiefs selected by the Orange County Chiefs and Sheriff's Association (with a 7th serving as an alternate for any of the 6 who are unable to attend a regular meeting); 3 City Managers (one representing the Contract Cities), who are selected by the Orange County City Managers Association; the Presiding Judge and the Chief Executive Officer of the Superior Court; the Sheriff, District Attorney, Chief Probation Officer and the

Public Defender; in addition to a Representative from the County Executive's Office. The only employees of the Agency are a part-time Executive. Director and a part-time Recording Secretary. Since it became operational, some of the accomplishments of the JPA include:

- The establishment of one of the most robust Regional criminal data-sharing systems in the State if not the Country, incorporating data from every municipal and County law enforcement Agencies' and Court system in Orange County, as well as other contributors from the 5 western States.
- A single electronic scheduling platform that serves all municipal and County law enforcement agencies, with an interface to the District Attorney's Office and the Court to perform informed scheduling of Court cases, taking into consideration the availability of Officer/Deputy availability.
- The conversion of DA's Office Subpoenas and Court Notice to Appear to an electronic notification via e-mail sent directly to the law enforcement witnesses and the most recent capability to have those notices posted on the electronic scheduling platform.
- The replacement of the vast majority of paper Probable Cause Declarations required to be completed by arresting officers/deputies for any Felony Arrest and some Misdemeanors, establishing good cause to hold a suspect in custody for further Court proceedings. The process is now an electronic one, which is handled by the on-call Judge as a collateral duty, resulting in the reduction of a number of part-time Judicial Hearing Officers, and the elimination of the physical task of literally walking paper to and from the
- The successful completion of an Electronic Citation Pilot Project with three municipal police departments, allowing their citations to be directly filed into the Court's Production System, without the task of manual data entry.
- Based upon the success of the Pilot, the ILJAOC is currently in the process of "rolling-out" the Electronic Citation Project to fifteen additional agencies in the County (with the potential for several more), based upon the Court's mandate that all agencies must submit citation data electronically as of July 1st. By not doing so, Cities face the potential delay (and loss of fine & forfeiture revenue), of the Court processing the manually submitted citations using existing staff "as time permits", which has been described as possibly taking nine months or more (with a statute that only limits their validity up to one year if not filed). The Court spends \$600,000 to \$700,000 per year on transcription services from an outside contractor and must eliminate much of that cost due to State Budget reductions.

ANALYSIS:

Recently, the ILJAOC was asked by the California State University at Fullerton (CSUF), to consider their request for full Membership in the ILJAOC on behalf of their Police Department. The current JPA governance requires that any addition in membership necessitates the concurrence of all the legislative bodies of the existing 24 Member Agencies. Obviously, it is a formidable task to get the approval process through the necessary steps in a timely manner, which are required by all the Member Agencies. As a result, the CSUF request seemed like an appropriate opportunity to review our JPA

Governance Document and suggest any reasonable modifications that will assist in the overall management of the ILJAOC business process, since the original JPA Agreement was executed in June of 2006, some 8 years ago.

Based upon the unanimous vote of the 16 Member ILJAOC Governing Board, direction was given to bring back a complete review of the JPA language, with appropriate recommendations to improve the language where necessary, which will also improve the Board's ability to govern the Agency's work. The task was completed with the Agency's Legal Counsel and returned to the Board on April 28, 2014. It was unanimously approved, and staff was directed to seek the formal approval from the existing Agencies to include CSUF as a Member Agency, while at the same time approving the amended language in the revised JPA document.

Attached is a "Track Changes" version of the JPA Document, showing those proposed changes recommended by the Governing Board after it underwent a comprehensive review and approval by our Legal Counsel. (An accepted changes version is also included.) In summary, the recommended changes fall into several categories. They are as follows:

- A. In order to streamline the approval process in the future for approving any new agencies, the amended language will allow the Governing Board, on a unanimous approval of all the Member Agencies' Voting Members, to approve the addition of a new Member Agency as long as there are no projected cost increases contemplated by the vote for existing Member Agencies. If so, the action would require legislative approval by the existing Member Agencies, like required by the current process. (See the references in Sections 2:02 f, 3.01 and 6.01.)
- B. Throughout the document, there are various, minor language clean-up recommendations included, to improve the readability of the Document.
- C. A slight adjustment has been made in Member Agency rates (-.25% for UCI and CSUF participation, which are not subject to the normal per capita served population formula applicable to most of the Municipal Police Departments, for obvious reasons). The recommendation is made to more closely align those Agencies with rates paid by other similar sized Departments in Orange County. (See the references in Section 4.06 d & e).
- D. A minor adjustment is included in the Treasurer's reporting requirements on ILJAOC's Budget/Finances from Monthly to Quarterly, to reflect the low month to month financial activity of the Agency. (See the reference in Section 4.09.)
- E. Adjustments were made to Indemnification Language, primarily focused on issues surrounding entering into Intergovernmental Agreements (IGA's) to share criminal information. The changes would give more authority to the Governing Board to enter into Agreements (on a two-thirds affirmative vote of the majority of all Voting Members or their Alternates), with the approval of the Agency's Legal Counsel, and;
 - i. A finding that the risk of entering into such an agreement is outweighed by the benefit to be obtained by doing so, and;

- ii. A determination by the ILJAOC’s Risk Manager that insurance provisions applicable to the agreement are adequate, given the specific risks presented.

(See the references in Section 5.04.)

Over the course of the years the ILJAOC has been building our Information-sharing System, they have been unable to exchange very beneficial information with certain entities that don’t have adequate Governance in place that would allow them to bind their contributors to the terms and conditions outlined in one of the ILJAOC’s standard agreements. In addition, one nearby State has a statute that caps their liability exposure for injuries/damages, something that is unfortunately not the case in California. In spite of the aforementioned limitations, the Governing Board believes that in balance, it may make sense to have the capacity to find a way to move forward on the data exchanges with those select jurisdictions.

- F. Language is included to clarify the qualifications and experience of candidates approved to serve as Risk Manager for the Agency (to include someone who “has comparable experience to serve in that capacity”). See the references in Section 5.06.)

ALTERNATIVES CONSIDERED:

There were no alternatives considered for the recommended action.

FISCAL REVIEW:

There is no fiscal impact with the recommended action.

LEGAL REVIEW:

Legal has reviewed the documents and approved them as to form.

CONCLUSION:

In summary, the action recommended will serve to strengthen the law enforcement community in Orange County by including the California State University, Fullerton Police Department as part of the ILJAOC. The relatively minor amendments recommended in the JPA Agreement, will also improve the Governing Board’s ability to direct the Agency’s work on behalf of all the Member Agencies.

MIKE JAMES
Logistical Support Manager

TOM GAZSI
Chief of Police

TOM DUARTE
City Attorney

- ATTACHMENTS: 1 [Track version Restated and Ammended Joint Powers Agreement](#)
2 [Restated and Ammended Joint Powers Agreement](#)

File Name

Date

Time