

CENTRAL MARIN POLICE COUNCIL

HELD AT
CENTRAL MARIN POLICE AUTHORITY BUILDING
250 DOHERTY DRIVE
LARKSPUR, CA 94939
ON
THURSDAY, MAY 4, 2017
AT 6:00 P.M.

REGULAR MEETING MINUTES

ROLL CALL

The Central Marin Police Council Regular Meeting was called to order at 6:02 p.m.

COUNCIL MEMBERS PRESENT:

Ann Morrison, Chair/Council Member, City of Larkspur
John Wright, Co-Chair/Council Member, Town of San Anselmo
Larry Chu, Council Member, City of Larkspur
Diane Furst, Council Member, Town of Corte Madera
Carla Condon, Council Member, Town of Corte Madera

COUNCIL MEMBERS ABSENT:

Tom McInerney, Council Member, Town of San Anselmo

STAFF PRESENT:

Todd Cusimano, Corte Madera Town Manager
Dave Donery, San Anselmo Town Manager
Michael Norton, Chief of Police
Tom Bertrand, CMPA Police Council Attorney
Cathy Orme, Police Council Finance
Zaneta Feleo, Administrative Assistant

STAFF ABSENT:

Dan Schwarz, Larkspur City Manager

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

OPEN TIME FOR PUBLIC EXPRESSION

49 Chair Morrison asked if any members of the public would like to address the Council, and there
50 were no speakers.

51

52 **REPORTS AND COMMENTS**

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54 **A. COUNCIL MEMBERS**

55 There were no Council Member reports or comments.

56

57 **B. MANAGEMENT COMMITTEE**

58 There were no Management Committee reports or comments.

59

60 **C. CHIEF'S COMMENTS**

61 Chief Norton announced that the following items will be considered at the August 3,
62 2017 meeting:

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- 64 • The Chief's annual performance review;
- 65 • Records retention and destruction policy;
- 66 • Presentation of the FY 2015/16 audit
- 67 • Update on police officer recruitments and FTO

68

69 Chief Norton announced that officers recently visited Marin Montessori School and handed out
70 bumper stickers made by kindergarteners.

71

72 **CONSENT CALENDAR**

73
74 Chair Morrison asked if any members of the Council or the public would like to remove items
75 from the Consent Calendar.

76

77 **A. Approval of Minutes: March 27, 2017**

78 **B. Acknowledge Central Marin Police Authority's Warrant List –March 1 to March 31,**
79 **2017**

80 **C. Resolution 2017/08 – Central Marin Police Authority Full-Time Salary Listings**

81

82 ACTION: It was M/S/C (Condon/Chu) to approve Consent Calendar Items A, B and C, which
83 carried by the following vote: 5-0-1 (Ayes: Chu, Condon, Furst, Morrison and Wright; Noes:
84 None; Absent: McInerney).

85

86 **BUSINESS ITEMS**

87
88 **A. Resolution 2017/09 –The Central Marin Police Council of the Central Marin Police**
89 **Authority on temporarily suspending the minimum balances for the CMPA Reserve**
90 **Fund.**

91 *Recommendation: that Council receives presentation on the following report, discuss,*
92 *and pass resolution 2017/09, temporarily suspending minimum balances to reserve*
93 *fund.*

94

95 Town Manager Cusimano stated the Council previously discussed at its previous meeting how
96 to handle fully funding the CMPA Reserve Fund. Last year's resolution was adopted which
97 maintains a 5% reserve as of FY 2015/16 of \$573,000.

98
99 The Management Committee recommends temporarily suspending that minimum balance by
100 resolution for the Reserve Fund and bringing it to zero in order to fully fund the Insurance Fund.
101 Their intent is to build the 5% reserve amount back up over a period of 2 to 3 years. In FY
102 2017/18 each agency will be contributing \$95,000 back to the Reserve Fund and staff is
103 confident the fund can be fully funded within the next 2 to 3 fiscal years.

104
105 Council Member Furst thanked Management Committee and Chief Norton to prepare the
106 resolution.

107
108 Chair Morrison asked for public comment.

109
110 Steve Lamb, San Anselmo, stated he read the minutes from the previous meeting and attended
111 a presentation at the San Anselmo Council meeting. There was discussion regarding the
112 insurance shortfall and an operation shortfall at the end of the year and he asked if these were
113 related in any way.

114
115 Town Manager Cusimano stated a portion of the deficit was caused by the Insurance Fund
116 because in the last fiscal year the Council chose to build a line item for all future charges to the
117 Reserve Fund so deficits would not grow. Analysis has been done and approximately \$300,000
118 was determined as needed to fund the Insurance Fund. They have fully funded the deficit,
119 Operating budget, and no deficits will exist moving forward.

120
121 ACTION: It was M/S/C (Furst/Condon) to adopt Resolution 2017/09 temporarily suspending the
122 minimum balances for the CMPA Reserve Fund, which carried by the following vote: 5-0-1
123 (Ayes: Chu, Condon, Furst, Morrison and Wright; Noes: None; Absent: McInerney).

124
125 **A. Resolution 2017/10 – The Central Marin Police Council of the Central Marin Police**
126 **Authority on adopting the budget for fiscal year 2017/18.**

127 *Recommendation: that Council receives presentation and approves Resolution*
128 *2017/10 adopting the budget for the CMPA for fiscal year 2017/18.*

129
130 Chief Norton gave a PowerPoint presentation and explained that the budget is separated into
131 six categories: Administration, Communications (Dispatch), Investigations, Juvenile/Resource
132 Officers, Field Operations (Patrol) and Traffic. The cost of each is divided into equal shares as
133 well as funding formulas. The funding formula is divided into 55% calls for service, 25% total
134 crimes, 10% total citations, and 10% total accidents.

135
136 Last fiscal year, CMPA's budget was \$11,536,339 and the proposed budget for 2017/18 is
137 \$11,893,069. Shares for each jurisdiction can be found on page 2 showing percentages of
138 change. A large portion of these percentages includes the building back-up reserve funds. In

139 the proposed budget, they are asking each jurisdiction to contribute \$95,000 into that reserve
140 fund to build it back up. Other increases were offset partially by making staffing adjustments.

141
142 He reviewed two MOUs with staff. For sworn members in July 1st, those in the top step are
143 being raised by 3.75% and they are all being asked to contribute an additional 1% towards their
144 employer's costs to CalPERS which will bring them up to 12% which is the current cap. For non-
145 sworn members, they will receive an increase of 2.0% and already are contributing the most
146 towards the employer's costs to CalPERS which is 11.5%. The next is an increase to the
147 insurance or Workers' Compensation Fund which will bring the established \$200,000 up to
148 \$300,000 in order not to run a deficit. They are looking to increase their contract services fund
149 by \$100,000 to offset rising IT costs and equipment issues. They are also asking for a \$90,000
150 increase for vehicle life fund and an increase to the overtime budget of \$55,000. Contracting for
151 dispatching services are billed through Marin County Sheriff has increased by \$35,000, Workers'
152 Compensation and Liability Coverage through Bay Cities increased by \$35,000, and an increase
153 to the uniform account due to outfitting of all new officers by about \$3,500.

154
155 Chief Norton thanked Cathy Orme for her work with the budget, with narratives, and assistance
156 in setting goals and accomplishments, and thanked Zaneta Feleo for putting the budget
157 together, as well as all three Managers with the idea to provide a sustainable budget.

158
159 The following questions and comments were posed regarding the budget discussion:
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- 161 • Council Member Wright referred to page 43 and noted the \$300,000 CalPERS increase
162 almost matches the increase in the Operating Budget. He asked and Director Orme
163 explained how CalPERS breaks up accrued liability, and others relate to combining line
164 items in the budget.
165
- 166 • Town Manager Cusimano described CalPERS amounts in pages 14 and 19 and described
167 true activities for FY 2014/15 and FY 2015/16, explained FY 2016/17 is not yet known,
168 and that the Insurance Fund will hold the attention of the Council over this year in
169 moving forward.
170
- 171 • Council Member Chu stated income has not been realized from FY 2016/17 because this
172 will not show up until October 15th in terms of CalPERS unfunded liabilities. Ms. Orme
173 stated CalPERS was running behind and the increase will not be seen until the next
174 actuarial comes out in October.
175
- 176 • Chief Norton referred to page 4 and pointed out that the budget is not \$12.4 million but
177 \$11.9 million. This was a savings from the dispatch move to the Sheriff's Office. They
178 are proposing 42 sworn officers, 2 reserve officers, 6 part-time cadets and volunteers.
179
- 180 • Chief Norton referred to page 5 and following pages and discussed flow charts,
181 reporting structures of divisions, personnel and shifts. He described contributions,
182 revenue, increase in shares for the three jurisdictions, aggressive applications for grants,
183 asset forfeiture revenue.
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- Council Member Chu questioned the use of grant funds if successful. Chief Norton stated the Authority did not receive \$175,000 which is spread over two fiscal years of a traffic safety grant. They applied for \$250,000 in grants this year which can be used to purchase equipment and pay overtime for enforcement, and he spoke about in-house personnel's ability to write and apply for grants. They also have been getting a \$20,000 ABC grant consistently.
- 186
- Council Member Wright asked about the future marijuana tax after January 1st. Captain Khalili explained that the majority of these funds will go to the CHP.
- 187
- Council member Furst asked for a definition of the asset forfeiture. Chief Norton explained traffic stops and work with the County Task Force which led to major grow operations on multiple properties, seizures of vehicles and cash, transportation of marijuana, and the length of time court cases take.
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200 Chief Norton then referred to revenue and outside agency services and said \$40,000 will be saved by sharing an Evidence Technician next year with Sausalito. He discussed miscellaneous savings and said CMPA is counting on \$25,000 through budgeting overtime more effectively and from certain County reimbursements.

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205 Regarding expenses, Chief Norton pointed to the \$212,000 expense in Administration and said \$100,000 is the increase in the insurance payment and increase to contract services. The \$40,000 expense is the Marin County Sheriff's office billings. He noted Investigations was split among different groups based on the number of personnel working overtime and said the increase in Traffic and the decrease in Field Operations relates to shifting officers in different divisions.

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212 He then pointed to the revenue pie chart, stating the bulk of it is the contribution from the three cities but \$800,000 comes from other agencies and they look to increase this. The funding formula will continue to be evaluated and he described each city's administration, communications and investigations amounts which are evenly split.

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217 Chief Norton then described inclusion of the cost for police services per resident over the last 10 years per jurisdiction and stated that had cities been stand-alone agencies they would not have saved approximately \$1 million over those 10 years. He commented that CMPA is second best in the County in its cost per resident figure. Over a two year period CMPA only increased services by \$9/resident whereas other jurisdictions averaged about \$35 to \$45/resident over the same two year period.

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- Council Member Furst questioned the unincorporated areas being included within costs, noting Mill Valley has many unincorporated areas. Chief Norton responded that this was an approximate figure using the last census data and the County Sheriff polices all unincorporated areas.
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229 • Council Member Condon asked why Corte Madera has the largest cost per resident.
230 Chief Norton and Town Manager Cusimano answered that this formula was based on
231 calls of service plus a third share of the budget. He noted Corte Madera has a large
232 daytime population and more calls for service, as well as the fact it has two malls in the
233 town.

234
235 Council Members thanked Chief Norton and staff for their work on preparing and refining the
236 budget and commented on how easy it was to understand in its revised format.
237

238 Chair Morrison asked if any members of the public would like to address the Council.
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240 Steve Lamb, San Anselmo, referred to page 10 and asked if the Council could add a column
241 showing the total amount of the budget for all cities, similar to page 9. He also commented on
242 the census and population and said he found population by zip code information which is
243 different from census information, and gave Mill Valley as an example.
244

245 Chief Norton confirmed accuracy in their review of population in the three cities.
246

247 ACTION: It was M/S/C (Furst/Wright) to adopt Resolution 2017/10 adopting the Budget for
248 Fiscal Year 2017/18, which carried by the following vote: 5-0-1 (Ayes: Chu, Condon, Furst,
249 Morrison and Wright; Noes: None; Absent: McInerney).
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251 **A. Resolution 2017/11 –Central Marin Police Authority’s Building Operation and**
252 **Maintenance Budget**

253 *Recommendation: that Council receives presentation and approves Resolution*
254 *2017/11 adopting the building budget for the CMPA for fiscal year 2017/18.*

255 **To be voted on by Corte Madera and Larkspur council members ONLY.*
256

257 Captain Khalili said before the Council is Resolution 2017/11 as well as the attached proposed
258 budget regarding maintenance of the facility. The FY 2017/18 budget is \$150,000. The
259 operational maintenance portion of that budget is funded at a rate of \$100,000 and at the
260 Council’s direction, additional revenues of \$50,000 is to be applied to the reserve fund to cover
261 future improvements and replacement projects.
262

263 Staff is requesting an Operations Budget of \$99,229.60 for FY 2017/18 and the breakdown of
264 costs and increases in expenses as follows:
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- 266 • \$3,000 increase in costs for building, IT equipment and infrastructure
- 267 • \$3,000 increase for services provided by the Facilities Services contractor
- 268 • \$1,800 cost to provide pest control for the facility which was never budgeted for and
269 due to eradication of ants and spiders.
- 270 • \$1,067 increase for sewer service not previously budgeted for
- 271 • \$765 increase for landscape maintenance services
- 272 • \$700 increase in generator service fees

- 273 • \$684 increase for a support agreement for their security system which includes access
274 points and surveillance cameras
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276 Cost reductions for this year include:
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- 278 • County of Marin not requiring creek bank restoration, for a savings of \$8,710
279 • \$2,400 reduction for the elimination of facility management software.
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281 As a result of projected operating costs, staff is requesting the following:
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- 283 • \$12,050 for new batteries in the AEDs; these were partially paid for through Measure E
284 funds and need to be replaced and are very expensive. They also must purchase kits for
285 the pads which last two years and the total amount for these is also included.
286 • \$3,800 sound dampening in the holding facility area. When interviewing a suspect it is
287 difficult to hear the recordings in court proceedings and this was requested by the
288 District Attorney.
289 • \$2,500 to replace the damaged ceiling tiles from water leakage in the building.
290 • \$1,000 to resign the unisex restrooms which is a requirement by law.
291 • \$500 to replace broken microwave in the kitchen.
292

293 Captain Khalili concluded, stating remaining funds of \$38,720.40 will be applied to the reserve
294 fund.
295

296 Chair Morrison asked if any members of the public would like to address the Council.
297

298 Steve Lamb, San Anselmo, asked that headings be revised so they appear on every page as
299 column headings.
300

301 ACTION: It was M/S/C (Furst/Condon) to adopt Resolution 2017/10 adopting the Budget for
302 Fiscal Year 2017/18, which carried by the following vote: 4-0-1-1 (Ayes: Chu, Condon, Furst and
303 Morrison; Noes: None; Absent: McInerney; Abstain: Wright).
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305 **ADJOURN TO CLOSED SESSION**
306

307 The Council adjourned to Closed Session at 7:05 p.m. to consider the following matters:
308

309 **Closed Session with Legal Counsel – Existing Litigation (Government Code Section**
310 **94956.9(d)(1))**
311

- 312 1. Voelker v TCPA (Action No. CIV1302678);
313 2. Swift v CMPA (Action No. CV-00866-VC);
314 3. Fragoso v CMPA (Action No. CIV1602833); and
315 4. Cifuentes v CMPA (Action No. 17-CV-00575-JSC)
316

317 **OPEN SESSION**
318

319 Chair Morrison announced there was no reportable action taken in Closed Session. The Council
320 adjourned the regular meeting at 7:29 p.m. to the regular meeting on August 3, 2017.

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Lisa Harper, Minute Taker

325 c/o Central Marin Police Council