

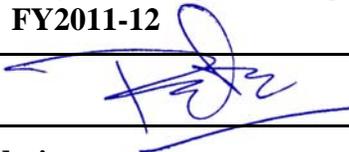


Memorandum

To: Honorable Mayor & City Council **From:** Councilmember Pete Constant

Subject: Mayor's Budget Message
FY2011-12

Date: June 13, 2011

Approved: 

Recommendation

I recommend approval of the Mayor's June Budget Message with the following amendment:

- Restore 25 Police Officer positions utilizing the funding sources outlined below.

Background

The San José Police Department (SJPD) has historically operated with one of the lowest police officer-to-population ratios of any medium to large city in the nation.

Due to concerns over low staffing and realizing a trend of higher crime rates, the police department was directed to complete a five year staffing plan via the Mayor's June Budget Message for FY2006-07. As a result the San José Police Department Five Year Staffing Plan was released on November 17, 2006, and was subsequently approved by the city council.

The staffing plan correctly projected the city's growth to reach a "population approaching one million residents by 2010" (p. 1). The 2010 census results released earlier this year confirmed that the city's population is approximately 950,000. The conclusion of the staffing plan was that the SJPD would require 332 additional officers above the FY2006-07 authorized staffing level of 1353 officers, for a total of 1685 officers, to effectively address the city's growth and adequately provide for the public's safety by FY2011-12.

In the tenth straight year of budget deficits, the City of San José continues to struggle with the impacts of a long-lasting recessionary where the primary method of balancing the budget has been through service reductions and employee position eliminations. There is no doubt that these impacts are increasingly affecting the residents, businesses and taxpayers of San José in many ways. Given the diversity of our population, the breadth of services the city provides and the varying numbers of people relying on each of these services, most service reductions affect a subset of the population. Not so with public safety services, particularly with police services. Reductions in police services equate to slower response times throughout the city, less time for investigations, fewer perpetrators arrested, and rising crime throughout virtually every neighborhood in San José.

As a result of a decade of deficits, police department staffing has fallen to historic lows. If the Mayor's June Budget Message is approved without amendment, police department staffing will fall to 1074 authorized police officer positions – *611 officers below the staffing needs* identified in the approved San José Police Department Five Year Staffing Plan.

This level is unacceptable, but it is particularly disturbing given the increasing crime rates this year, especially violent crime and homicides. As of today, the city has experienced 26 homicides

and is on a course to reach *five times* the number experienced in 2010. We simply cannot allow this to happen.

As part of the FY2011-12 budget cycle I released several Budget Documents (BD's) that would have prevented the elimination of 97 police officer positions in the next fiscal year, avoiding the layoff of 97 current, active police officers. These positions are vitally needed at this time in order to stem an ever rising violent crime rate, while preserving the SJPD's ability to respond to a critical incident or a natural or manmade disaster. It is imperative that the city council and the public understand that we must staff the police department in a way that assures readiness for the unknown critical incident.

The Mayor's June Budget Message preserves funding for a number of city services, *but does not preserve one police officer position!*

Nearly all of the services preserved in the budget message provide service to a constituency group that is a much smaller subset than the entire population of the City of San José. It is my belief that we must balance the needs of these constituency groups with the safety of the entire general public.

Therefore, I recommend that the mayor and city council preserve police officer positions in the SJPD by implementing the following modifications:

1. Office of Equality Assurance Staffing.

The Office of Equality Assurance primarily investigates and audits claims from projects that are funded from special funds. In addition, positions in this office are funded by other means such as the Public Works Program Support Fund, Airport Maintenance and Operations Fund, and Low and Moderate Income Housing Fund.

I recommend that the mayor and council reprioritize the public safety needs of the citizens of San José over the additional regulation and oversight of private employers by allocating \$180,573 of this General Fund support to restore one police officer position. This would leave approximately \$118,511 of General Fund support available for operations in the Office of Equality Assurance.

The city needs to reprioritize and reallocate funding to departments and programs that can ensure the public's safety.

This action will reallocate approximately \$180,573 to fund 1.0 Police Officer on an ongoing basis to provide for essential life and safety issues.

2. Library Branch Service Hours.

The Mayor's June Budget Message allocates funding to restore one full day of library services at all branch libraries. There is no doubt that libraries are a very important service provided to the residents of San José and that we should attempt to fund as many hours as possible at all branch libraries.

Library services and public safety consistently rank at the top of the community's desires, with police services nearly always the Number 1 priority. Given the unprecedented low staffing levels at the SJPD, coupled with the rapidly rising crime rate and the soaring homicide rate, I feel that it is important to try to balance the community priorities.

I recommend that \$2,000,000 of the funding identified in the Mayor's June Budget

Message (p. 6) remain allocated to restoring library service hours and the remainder be allocated to police staffing.

This action will reallocate approximately \$1,634,00 to fund 9.0 Police Officers on an ongoing basis to provide for essential life and safety issues.

3. Reduce the Mayor, Councilmembers', and Council General Budget Allocations by 17.5%.

During this decade-long budget deficit period, the budget allocations to these accounts have not been significantly reduced. This is despite the fact that nearly every other department's budget has taken double digit reductions in the same time period. The mayor and city council has provided direction to the city manager for city departments to take the following budget reductions:

Fiscal Year	Public Safety	Non-Public Safety
2006-2007	5.0%	18.2%
2007-2008	2.0%	15.6%
2008-2009	1.5%	11.0%
2009-2010	1%-5%	17.4%-21.7%.
2010-2011	7.5%	35.3%
2011-2012	10.0%	28.8%

In stark contrast to these reduction targets are the mayor and council budgets that remain at or above FY 2006-07 levels:

Fiscal Year	BASE YEAR 2006-2007	2007-2008	% Change from Base Year	2008-2009	% Change from Base Year	2009-2010	% Change from Base Year	2010-2011	% Change from Base Year	2011-2012	% Change from Base Year
City Council (per Dist)	\$ 242,847	\$ 237,067	(2.4%)	\$ 262,282	8.0%	\$ 250,720	3.2%	\$ 266,485	9.7%	\$ 242,576	(0.1%)
Council General	\$ 3,899,963	\$ 3,910,522	0.3%	\$ 4,316,387	10.7%	\$ 4,306,046	10.4%	\$ 4,786,325	22.7%	\$ 5,059,162	29.7%
Office of the Mayor	\$ 1,404,092	\$ 1,549,735	10.4%	\$ 1,471,114	4.8%	\$ 1,383,591	(1.5%)	\$ 1,463,850	4.3%	\$ 1,327,483	(5.5%)

It is important to note that these figures do not include rollovers of previous year's ending fund balances, \$10,000 per year of allocated Constituent Outreach Funds (not available in FY2006-07), or \$25,000 per year available for distribution to constituent groups via the HP Grant Program.

For FY 2010-11, the average projected expenditures of each of the 10 council offices, according to the City Clerk, is \$209,961. Approving this recommendation of a 17.5% budget reduction would equate to *only* approximately a 5% reduction in actual spending.

This action will reallocate approximately \$1,160,113 to fund 6.5 Police Officers on an ongoing basis to provide for essential life and safety issues.

4. Eliminate the Rollover of Ending Fund Balances in the Mayor, Councilmembers', and Council General Accounts.

The ongoing practice of rolling-over unencumbered ending fund balances in these accounts is clearly in conflict with the city council's Ending Fund Balance Policy that is equitably applied to all departments and funds in the budget, with the exception of the mayor and council related budgets. As detailed in BD#10, these budgets have had an average of over \$2 Million floating as a slush fund for elected officials for the last four years. This number continues to grow even after being capped in previous years.

The Mayor's June Budget Message uses 50% of these funds for other purposes. It appears that the remainder of this money is being saved for a rainy day -- that day is here. Consistently not put to use, these rollovers are pointless.

I have recommended similar budget actions for a number of years with little success. It is encouraging to see that several councilmembers have released memos this year that propose various uses of varying amounts of these excess funds. I'm sure the mayor and city council can agree that the restoration of police officer positions for the benefit of the public's safety is the best use for these dollars.

This action will reallocate approximately \$1,351,057 to fund 7.5 Police Officers on a one-time basis to provide for essential life and safety issues.

5. General Fund Support for Arts & Cultural Development

The city's Office of Economic Development budget projection for Arts and Cultural Development in FY11-12 is \$1,949,605. In BD#13, I identified \$331,000 of this budget funded by the General Fund which is appropriated for Public Art Operating and Maintenance costs, the Arts Commission, web support, and administrative support.

The Mayor's June Budget Message utilizes \$100,000 of this funding as a general cost saving opportunity. I recommend allocating an additional \$180,573 of this budgeted amount to restore one police officer position. This would leave approximately \$50,000 available for operations and maintenance costs.

It is important to note that using the General Fund allocation from Arts and Cultural Development does not eliminate the program, as it is funded primarily by the Transient Occupancy Tax and Capital Funds. These combined proposals represent only a 16.9% decrease the 16.9% of total funding for Arts and Cultural Development.

This action will reallocate approximately \$180,573 to fund 1.0 Police Officer on an ongoing basis to provide for essential life and safety issues.

6. Excess Medical Marijuana Tax Receipts.

The Mayor's June Budget Message directs revenue from anticipated Medical Marijuana Tax receipts to the City Attorney's office. I recommend that any additional receipts above the anticipated levels be allocated for the restoration of police officers as they become available. These restorations should be on an ongoing basis.

This action will allocate additional revenues to fund future restorations of Police Officer positions on an ongoing basis to provide for essential life and safety issues.

Conclusion

The proposed cuts in police officer staffing will have significant impacts throughout the City of San José and the entire region. In addition to compromising our ability to respond to violent crimes and potential unknown critical incidents and disasters, these service cuts will virtually eliminate investigation and follow-up of property crimes.

City Council: 06/14/11
Item: 9.1

I'm sure that the city council as a whole agrees with the general public that public safety *must remain our Number 1 Priority*. The adoption of these recommended modifications of the Mayor's June Budget Message will restore 25 much needed police officer positions in FY 2011-12 that are essential to deal with the rising crime rate and soaring homicide rate, while preventing a significant number of police officer layoffs at a time when we can least afford to do so.