



COUNCIL AGENDA: 11-27-12
ITEM: 2.25

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 11-14-12

SUBJECT: AUTHORIZATION TO PAY REWARD

RECOMMENDATION

As recommended by the Rules and Open Government Committee on November 14, 2012 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, authorize the City Clerk to expend \$10,000 in payment of a reward for assistance in the arrest and conviction of the perpetrator of a violent crime



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: DENNIS HAWKINS

SUBJECT: AUTHORIZATION TO PAY
REWARD

DATE: November 9, 2012

RECOMMENDATION

Authorize the City Clerk to expend \$10,000 in payment of a reward for assistance in the arrest and conviction of perpetrator of a violent crime.

OUTCOME

Payment of this reward for the assistance in the arrest and conviction of the perpetrator of a violent crime will acknowledge the public benefit provided by the individual(s) and their active involvement in keeping San Jose safe.

BACKGROUND

On October 16, 2007 the City Council adopted the Council Expenditure and Reimbursement Policy, 0-38, which was subsequently amended on June 23, 2009. The Policy sets forth allowable expenditures and procedures for the Mayor and City Council. The City Clerk is designated as the officer responsible to perform administrative services required by the Mayor and City Council.

In determining whether an expenditure is appropriate to be paid from City funds, the policy requires that the activity provide benefit to the City. As an example, expenditures which recognize and promote public service in the community are permitted.

In September 2011, Paul Castillo conducted a series of crimes, including the carjacking, kidnapping, and murder of Cindy Nguyen. In response to the heinous nature of the

November, 2012

Subject: Payment of Reward

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crimes, Mayor Reed offered a \$10,000 reward for information leading to the arrest and conviction of the perpetrator. Subsequently, Mr. Castillo was captured by the San Jose Police Department as a result of leads provided by the public and prosecuted by the Santa Clara County District Attorney. On August 7, 2012 he pled guilty to the first-degree murder of Ms. Nguyen.

ANALYSIS

The Police Department has determined the person(s) who provided the critical information which led to the successful resolution of this case. The Mayor, at the recommendation of Police Chief Chris Moore, would now like to pay this reward to that person(s). However, the reward does not fall within a specific category of allowable expenditures under the Council Policy. The Policy provides that, if the Council authorizes an expenditure of City funds in advance of the payment or reimbursement, such transaction may be approved by the City Clerk. Payment of the reward in this case does serve the public interest: 1.) promoting civic service, 2.) encouraging residents to participate in maintaining a safe community through cooperation with law enforcement to prevent and solve crime, and 3.) looking out for and helping others.

EVALUATION AND FOLLOW-UP

No further action is required.

PUBLIC OUTREACH/INTEREST

This action does not meet the criteria set below; however the Office of the City Clerk will post the item on the City's Website for the November 14, 2012 Rules and Open Government Committee and the November 27, 2012 City Council Agenda.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)

- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)

- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council, or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

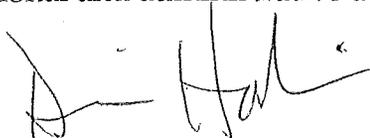
This memorandum has been coordinated with the Office of the City Attorney, Finance Department, and San Jose Police Department.

COST SUMMARY/IMPLICATION

The \$10,000 reward will be paid from the Mayor's budget.

CEQA

Not a project, PP10-069, City organizational and administrative activities.



DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk, at (408) 535-1275.