



# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Discussion Regarding Proposed Court Funding

MEETING DATE: May 5, 1993

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and possible direction.

BACKGROUND: As outlined by San Joaquin County District Attorney John Phillips at the shirtsleeve session of April 27, 1993, plans have been made to close the three branch offices of the District Attorney in Lodi, Tracy and Manteca due to budget cuts. In preparation for those closings, the City has been informed by Mr. Phillips that beginning Monday, May 3, 1993, all prosecutions will be filed in Stockton courts, rather than the Lodi Municipal Courts, and certain misdemeanors will not be prosecuted at all.

This will have an immediate and dramatic impact on us.

First, Lodi Police officers will be required to appear in Stockton for misdemeanors and felony preliminary hearings. Overtime can be expected to increase substantially. The second consideration not previously discussed involves booking fees. San Joaquin County now charges other cities booking fees for all prisoners booked. In the past, we have had an arrangement whereby County prisoners awaiting court proceedings in Lodi Municipal Court were held in the City jail. We did not charge the County for this service, and in turn the County waived booking fees for Lodi's prisoners at the County jail. It appears that will change because if no prosecutions occur here, the County will have no need to house prisoners in the Lodi jail. As soon as currently pending cases are handled (probably in the next two months), we can expect the County to then begin charging booking fees for City prisoners.

As discussed at the shirtsleeve session, options are limited; the City can ask the County Board of Supervisors and State legislators to restore the District Attorney's budget cuts, and this should be considered. However, I feel we should also meet with Mr. Phillips again to explore other possibilities. It may be more practical and provide better coverage County-wide to evaluate each case for prosecution individually rather than decide in advance that only certain types of cases will be prosecuted, and to close all branch offices.

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

Discussion Regarding Proposed Court Funding  
May 5, 1993  
Page Two

Concerns have also been expressed about the budget numbers provided. Initial figures indicated a 22% cut, but the District Attorney's total budget is around \$14 million. Mr. Phillips stated the cuts amount to about \$1.5 million, equating to a 10.7% cut, rather than 22%. This raises the question of whether a total closing of three branch offices is necessary or justified. This may also be a topic of discussion with the Board of Supervisors.

The Council may also wish to discuss Mr. Phillips' offer to keep the Lodi office open if the City can provide funding for operating expenses. That will require further calculations to see if the overtime and booking fees which would be avoided justify such expense.

As to the suggestion that the District Attorney consent to misdemeanor prosecutions by City Attorneys' offices in the County pursuant to Penal Code Section 41803.5, that is still an open question. Clearly, I do not have the time or resources to prosecute all misdemeanors while still covering my present duties. By cutting back on other municipal services, I might be able to prosecute some of the more serious misdemeanors, although that would still require the District Attorney's consent. On that point, I frankly do not understand Mr. Phillips' statement that he had not yet made a decision as to whether to give such consent. If the District Attorney's office can't handle these prosecutions, I see no justification to withhold consent to any other agency expressing a desire to do so.

The Police Department is presently in touch with the Attorney General's office to explore other possibilities and the City Council will be kept advised.

Council discussion and direction is requested.

FUNDING: Unknown at this time.

Respectfully submitted,



Bob McNatt  
City Attorney

BM/vc

13

RESOLUTION NO. 93-60  
.....

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
TO CONTINUE THE CURRENT FUNDING OF LAW AND JUSTICE IN THIS COUNTY  
.....

WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby express its deep concern regarding this matter to the Board of Supervisors of the County of San Joaquin and urges the Board to continue its current funding of law and justice in this County.

Dated: May 5, 1993

=====

I hereby certify that Resolution No. 93-60 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -

Jennifer M. Perrin  
City Clerk

RESOLUTION NO. 93-60

\*\*\*\*\*

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
TO CONTINUE THE CURRENT FUNDING OF LAW AND JUSTICE IN THIS COUNTY

.....  
WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby express its deep concern regarding this matter to the Board of Supervisors of the County of San Joaquin and urges the Board to continue its current funding of law and justice in this County.

Dated: May 5, 1993

=====

I hereby certify that Resolution No. 93-60 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -

Jennifer M. Perrin  
City Clerk

93-60

RES9360/TXTA.01V

RESOLUTION NO. 93-67  
.....

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE STATE SENATE AND THE STATE ASSEMBLY TO SUPPORT THE CITY OF LODI'S  
AND SAN JOAQUIN COUNTY'S EFFORTS TO RETAIN PROPERTY TAX REVENUE, THEREBY  
ENABLING THE CITY AND COUNTY TO MAINTAIN CURRENT LAW AND JUSTICE SERVICES  
.....

WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby request the State to refrain from seizing additional property taxes from San Joaquin County; and

BE IT FURTHER RESOLVED that the repercussions to the City of Lodi, should the State continue to seize additional property taxes from the County, will be a critical reduction in law and justice services to the citizens of Lodi; and

BE IT FURTHER RESOLVED that the City of Lodi joins the San Joaquin County Board of Supervisors in their efforts to retain local property taxes in the County.

Dated: May 5, 1993  
.....

I hereby certify that Resolution No. 93-67 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk

CITY COUNCIL

PHILIP A. PENNING, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JOHN R. (Randy) SNIDER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

May 18, 1993

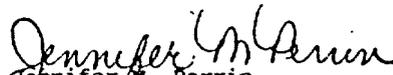
Honorable Patrick Johnston  
Senator, District 5  
31 E. Channel Street, Suite 306  
Stockton, California 95202

Dear Mr. Johnston:

Enclosed please find a certified copy of Resolution No. 93-67 adopted by the City Council of the City of Lodi at its meeting of May 5, 1993, entitled "A Resolution of the Lodi City Council urging the State Senate and the State Assembly to support the City of Lodi's and San Joaquin County's efforts to retain property tax revenue, thereby enabling the City and County to maintain current law and justice services".

Should you have any questions regarding this, please do not hesitate to contact my office.

Very truly yours,

  
Jennifer M. Perrin  
City Clerk

JMP/pn

RESOLUTION NO. 93-67

\*\*\*\*\*

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE STATE SENATE AND THE STATE ASSEMBLY TO SUPPORT THE CITY OF LODI'S  
AND SAN JOAQUIN COUNTY'S EFFORTS TO RETAIN PROPERTY TAX REVENUE, THEREBY  
ENABLING THE CITY AND COUNTY TO MAINTAIN CURRENT LAW AND JUSTICE SERVICES

-----  
WHEREAS, the maintenance of law and order in this community is of  
paramount importance; and

WHEREAS, it is the position of the Lodi City Council that  
enforcement of all laws is not only appropriate, but critical to the  
maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has  
announced that the Lodi office of the District Attorney's staff will be  
closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth  
there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of  
this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of  
Lodi does hereby request the State to refrain from seizing additional  
property taxes from San Joaquin County; and

BE IT FURTHER RESOLVED that the repercussions to the City of Lodi,  
should the State continue to seize additional property taxes from the  
County, will be a critical reduction in law and justice services to the  
citizens of Lodi; and

BE IT FURTHER RESOLVED that the City of Lodi joins the San Joaquin  
County Board of Supervisors in their efforts to retain local property taxes  
in the County.

Dated: May 5, 1993

-----  
I hereby certify that Resolution No. 93-67 was passed and adopted by  
the Lodi City Council in a regular meeting held May 5, 1993 by the  
following vote:

- Ayes: Council Members - Davenport, Mann, Sieglock, Snider and  
Pennino (Mayor)
- Nones: Council Members - None
- Absent: Council Members - None

The Foregoing Document Is Certified  
To Be A Correct Copy Of The Original  
On File In This Office.

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

Peggy Nicolini  
Deputy City Clerk, City Of Lodi

by *Peggy Nicolini*  
Dated: 5-17-93 RES9367/TXTA.02J

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JOHN R. (Randy) SNIDER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 9006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 331-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

May 18, 1993

Honorable Larry Bowler  
Assemblyman, 10th District  
10370 Old Placerville Road, Suite 106  
Sacramento, California 95827

Dear Mr. Bowler:

Enclosed please find a certified copy of Resolution No. 93-67 adopted by the City Council of the City of Lodi at its meeting of May 5, 1993, entitled "A Resolution of the Lodi City Council urging the State Senate and the State Assembly to support the City of Lodi's and San Joaquin County's efforts to retain property tax revenue, thereby enabling the City and County to maintain current law and justice services".

Should you have any questions regarding this, please do not hesitate to contact my office.

Very truly yours,

  
Jennifer M. Perrin  
City Clerk

JMP/pn

RESOLUTION NO. 93-67

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE STATE SENATE AND THE STATE ASSEMBLY TO SUPPORT THE CITY OF LODI'S  
AND SAN JOAQUIN COUNTY'S EFFORTS TO RETAIN PROPERTY TAX REVENUE, THEREBY  
ENABLING THE CITY AND COUNTY TO MAINTAIN CURRENT LAW AND JUSTICE SERVICES

WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby request the State to refrain from seizing additional property taxes from San Joaquin County; and

BE IT FURTHER RESOLVED that the repercussions to the City of Lodi, should the State continue to seize additional property taxes from the County, will be a critical reduction in law and justice services to the citizens of Lodi; and

BE IT FURTHER RESOLVED that the City of Lodi joins the San Joaquin County Board of Supervisors in their efforts to retain local property taxes in the County.

Dated: May 5, 1993

I hereby certify that Resolution No. 93-67 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

- Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None

The Foregoing Document Is Certified  
To Be A Correct Copy Of The Original  
On File In This Office.

Peggy Nicolini  
Deputy City Clerk, City Of Lodi

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

By *Peggy Nicolini*  
Dated: 5/17/93 RES9367/TXTA.02J

93-67

RESOLUTION NO. 93-67

.....

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE STATE SENATE AND THE STATE ASSEMBLY TO SUPPORT THE CITY OF LODI'S  
AND SAN JOAQUIN COUNTY'S EFFORTS TO RETAIN PROPERTY TAX REVENUE, THEREBY  
ENABLING THE CITY AND COUNTY TO MAINTAIN CURRENT LAW AND JUSTICE SERVICES

.....

WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby request the State to refrain from seizing additional property taxes from San Joaquin County; and

BE IT FURTHER RESOLVED that the repercussions to the City of Lodi, should the State continue to seize additional property taxes from the County, will be a critical reduction in law and justice services to the citizens of Lodi; and

BE IT FURTHER RESOLVED that the City of Lodi joins the San Joaquin County Board of Supervisors in their efforts to retain local property taxes in the County.

Dated: May 5, 1993

.....

I hereby certify that Resolution No. 93-67 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

- Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

RESOLUTION NO. 93-60

=====

A RESOLUTION OF THE LODI CITY COUNCIL  
URGING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
TO CONTINUE THE CURRENT FUNDING OF LAW AND JUSTICE IN THIS COUNTY  
AND SUPPORTING THE COUNTY'S EFFORTS TO RETAIN PROPERTY TAX REVENUE

=====

WHEREAS, the maintenance of law and order in this community is of paramount importance; and

WHEREAS, it is the position of the Lodi City Council that enforcement of all laws is not only appropriate, but critical to the maintenance of the quality of life enjoyed by Lodi residents; and

WHEREAS, the District Attorney of the County of San Joaquin has announced that the Lodi office of the District Attorney's staff will be closed in the immediate future; and

WHEREAS, the District Attorney has further announced that henceforth there will be no prosecution of misdemeanor offenses; and

WHEREAS, it is the position of this City Council that the citizens of this City will not tolerate this abandonment of the enforcement of the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby express its deep concern regarding this matter to the Board of Supervisors of the County of San Joaquin and urges the Board to continue its current funding of law and justice in this County; and

BE IT FURTHER RESOLVED that the City Council of the City of Lodi urges the Board of Supervisors to re-order priorities to provide for the continuation of the current funding level for law and justice; and

BE IT FURTHER RESOLVED that the City Council of the City of Lodi hereby expresses its support to the Board of Supervisors in the Board's efforts to retain for distribution in this County, locally generated and collected property tax revenue.

Dated: May 5, 1993

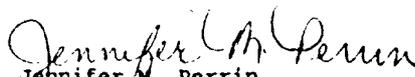
=====

I hereby certify that Resolution No. 93-60 was passed and adopted by the Lodi City Council in a regular meeting held May 5, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk



Harry Thomas

17 N Central Ave.  
Lodi, Ca 95240  
(209) 368-4307



RECEIVED

23 MAY 13 PM 2:34

A CONCERNED CITIZEN

May 10 1993. PERKINS  
CITY CLERK  
CITY OF LODI

To the Editor:

It is beyond my comprehension that any elected official would issue a license to steal to the criminals of this county! Yet, this is exactly what Mr Phillips, has done.

Mr Phillips, by his actions, also is saying to the citizens of this county, you are to protect your own property by whatever means necessary! If this decision stands, this amounts to a breakdown of our judicial system. I would remind our D A that in the last 30 years, crime in this nation has increased by over 650%. The latest policy will only accelerate this trend!

Our justice system is already in favor of the criminal. The crooks have more rights than the victim! Our society is eroding at an alarming rate. This decision will result in increased erosion. This policy must be reversed at all costs!

Harry Thomas  
17 N Central  
Lodi, Ca. 95240

cc  
Stockton Record  
Lodi News Sentenial  
District Attorneys Office  
George Barber  
Lodi city council  
Stockton city council