

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 20, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, April 20, 2010, commencing at 7:02 a.m.

Present: Council Member Johnson, Council Member Mounce, and Mayor Katzakian
Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Report on Fire Agency Cost Recovery Programs for Emergency Services within San Joaquin County (FD)

City Manager King provided a brief introduction to the subject matters of fire agency cost recovery programs for emergency services and the use of municipal administrative citations.

Fire Chief Kevin Donnelly provided a PowerPoint presentation regarding the fire agency cost recovery programs for emergency services within San Joaquin County. Specific topics of discussion included 11 county fire agencies surveyed, Cal Fire, applicable laws, jurisdiction, mutual aid, special response, negligence, EMS, USA Rescue, individual agencies, Tracy contract, specialized equipment and training, residential taxes, rising costs, annual recovery, and Lodi Fire services and fee schedule.

In response to Council Member Johnson, Chief Donnelly stated a special call could be a hazmat spill on the freeway once it is determined to be hazmat and fault is assigned for recovery purposes.

In response to Council Member Mounce, Chief Donnelly stated there is a handful of companies that do collections for fire services.

In response to Council Member Johnson, Chief Donnelly stated some agencies are charging for basic life support fees per unit based on a survey of the department and the average cost is \$300 per call. Chief Donnelly stated that fee covers training, equipment, and actual services and Tracy charges additional for ALS calls.

In response to Council Member Johnson, Chief Donnelly reviewed the Tracy fee program and cost recovery program. He stated the Tracy consultant says as much as \$800,000 could be recovered but staff is taking a more conservative approach because the subscription fee program needs to be marketed and promoted.

In response to Mayor Katzakian, Chief Donnelly stated the average subscription fees could range from \$38 to \$50 annually.

In response to Council Member Johnson, Chief Donnelly stated he is not sure if Tracy has a public safety sales tax and will get back to Council regarding the same.

In response to Council Member Johnson, Mr. Schwabauer stated the DUI fees can be assessed against the insurance company and/or the driver.

B-2 Report on the Use of Municipal Administrative Citations to Process Traffic Citations (PD)

Interim Police Chief Gary Benincasa provided a PowerPoint presentation regarding the administrative traffic citations and the Roseville model. Specific topics of discussion included competing traffic citation models, traffic court model, Roseville model, City benefits, driver benefits, disadvantage of the Roseville model, and the recommendation to not pursue a Roseville model at the current time in light of the challenges of the model.

In response to Council Member Johnson, Chief Benincasa stated he is not sure about the specific bail amounts as there are more than 100 separate fees.

In response to Council Member Johnson, Mr. Schwabauer stated the bail amount varies depending upon the violation and could start at \$150 not including court costs. Mr. Schwabauer stated a stop sign violation could cost up to \$220 with the court costs and the City would get anywhere from a quarter to a third of the actual fine amount.

In response to Council Member Mounce, Mr. King stated he is not sure about the time line for SB 949. Mr. Schwabauer stated the legislation appears to apply retroactively if it goes through as is currently written.

In response to Council Member Mounce, Mr. King stated a letter of opposition could be sent to Senator Orpeza, the author of SB 949, if the Council so desired. Mr. King stated the letter could be written in a broader context with a focus on the local government and court relationship. Mr. Schwabauer stated it could be amended and the letter could be sent prior to the hearing on SB 994.

In response to Council Member Johnson, Mr. Schwabauer stated the City would need to hire an administrative hearing officer at a minimum and there is a risk of a due process claim that a City employee may be bias based on the City recovering fines.

In response to Council Member Johnson, Chief Benincasa stated he will forward the specific bail amounts for the Roseville model to the City Council as requested.

In response to Council Member Mounce, Mr. Schwabauer stated the presentation for recreational vehicles is complete, will be presented by Jeannie Biskup, and is scheduled for an upcoming Shirtsleeve Session.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:49 a.m.

ATTEST:

Randi Johl
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Report on Fire Agency Cost Recovery Programs for Emergency Services Within San Joaquin County

MEETING DATE: April 20, 2010

PREPARED BY: Kevin D. Donnelly, Fire Chief

RECOMMENDED ACTION: Information and discussion on fire agency cost recovery programs for emergency services within San Joaquin County.

BACKGROUND INFORMATION: This information is being presented at the request of Council. A survey of fire agencies within San Joaquin County was conducted with additional information provided through the review of the current Lodi codes and information received from Fire Rescue USA.

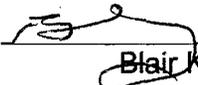
The information received from Fire Rescue USA is used because it is a prominent provider of cost-recovery services within this County. Due to the decline of revenues, fire agencies throughout the State have increasingly turned to cost-recovery methods. The trend has changed from cost-recovery for fire prevention activities to cost-recovery for some emergency services previously provided to the public without charge.

Like the fire prevention activities before, the fire service has begun identifying methods of recovering funds for those services that impact operational budgets. The California Government Code and the California Health and Safety Code both hold provisions for agencies providing emergency services to seek compensation from the individual responsible for creating an emergency through negligent or unlawful actions.

Of the 11 fire service agencies in the County surveyed, nine have adopted some form of cost-recovery program for emergency operations. All of the agencies providing fire services to the County's five other cities have such programs in place or are in the process of implementing them.

The range of types of services charged varies greatly, but there are basic tenets in all of them. All of the programs are premised on the attempt to recover funds and most require at least one of two factors. These two factors are the individual is not a resident within the agency's jurisdiction or it is determined that an unlawful or negligent act was performed by that individual. Tracy is the only exception with the added purpose of recovering cost related to their paramedic program.

This type of program has been used in the County for 20 years and is increasingly popular. Lathrop-Manteca began its cost recovery as early as 1990. Over the next 10 years Linden-Peters, Waterloo-Morada, Mokelumne and Thornton began similar programs all billing the individual responsible. Besides Lodi, there are two other agencies in the area that have not yet entered into this type of program; the fire

APPROVED:  Blair King, City Manager

districts of Woodbridge and Liberty. The remaining agencies and cities surveyed (with the exception of Lathrop) have begun programs in the last year.

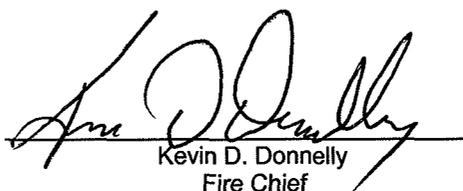
With the exception of a few agencies that have been billing for several years, the majority use a third-party billing service. Of these agencies, all but one uses the company Fire Rescue USA of Roseville, Calif. Instead of billing the individual, this company bills the appropriate insurance provider. Tracy uses a completely different program and third-party billing company.

Tracy has the most encompassing program of all. Along with those types of incidents other agencies are recovering costs for, Tracy has used a model more in line with some Southern California agencies. This includes an annual subscription fee program. The program ensures that the individual will not receive a bill for emergency medical services. The subscription covers all residents and guests at the address of the subscriber and employees of the employer while at work. If the individual chooses not to pay the annual subscription fee, he or she will be billed for services each time the fire department responds to the address.

The City of Lodi has an ordinance that provides for some cost recovery. Currently there are no charges to respond to vehicle accidents or provide medical services.

FISCAL IMPACT: Not applicable at this time.

FUNDING AVAILABLE: Not applicable at this time.


Kevin D. Donnelly
Fire Chief

Fire Cost Recovery

in San Joaquin County



Presented by
Lodi Fire Department

WHO

- Eleven County Fire Agencies Surveyed
 - Two City Departments
 - Three Combined City and Special District
 - Six Special Districts

- Cal Fire



WHAT

- California Code 53150-53159
- Health and Safety Code 13000-13011
- Local Ordinance
- Recover Cost for Specific Services



WHERE

- In Jurisdiction
 - Privately Owned
 - Public Spaces
- Mutual Aid
- Special Response



WHEN

Negligence

- Fire
- DUI
- Investigation
- Haz-Mat
- False Alarms

EMS

- ALS Services
- Out of District
- Vehicle Accidents
- Subscription
 - Annual Fee
 - Advanced Life Support



HOW

- USA Rescue

 - Five Agencies –

 - Stockton, Manteca, Ripon, Mokelumne*, Waterloo*

- Individual Agencies

 - Lathrop-Manteca, Linden-Peters, Thornton

- Tracy – Contract EMS Billing Service



WHY

- ❑ Specialized Equipment & Training
- ❑ Residents taxes fund local agency
- ❑ Costs are rising faster then Revenues



Recovered Annually

- **Stockton** \$0.00
 - **Tracy** \$0.00
 - **Manteca** \$3,000.00
 - **Lathrop/Manteca** \$100,000.00*
 - **Ripon*** \$10,000.00
 - **Woodbridge** NA
 - **Waterloo*** NA
 - **Linden Peters** \$7,000.00
 - **Liberty** NA
 - **Thornton** \$7,000.00
 - **Mokelumne** \$500 - \$4,000.00
-

Lodi Fire

- 2005 Adopted Fee Schedule
 - Prevention Fees
 - Emergency Response Fees
 - False Alarms
 - Emergency Response Haz-Mat
 - Fire Investigations
 - Standard Hourly Rate
 - Lodi Municipal Code
 - 8.20 Haz-Mat Cost Recovery
 - 9.12 Discharge of Fireworks
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**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Report on the Use of Municipal Administrative Citations to Process Traffic Citations
MEETING DATE: April 20, 2010
PREPARED BY: Police Chief

RECOMMENDATION: Receive report on the use of municipal administrative citations to process traffic citations.

BACKGROUND INFORMATION: Traffic violations are normally addressed by officers issuing a State Vehicle Code citation, with the motorist prosecuted in State court. If the driver is found guilty, the violation is reported to the Department of Motor Vehicles and the appropriate points are added to the driver's record. This report will refer to the above as the "Traffic Court Model."

However, California Vehicle Code Section 21100 also grants cities the authority to enact and enforce regulations requiring drivers to obey traffic-control devices. Traffic-control devices are defined in Section 21400 CVC as including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs.

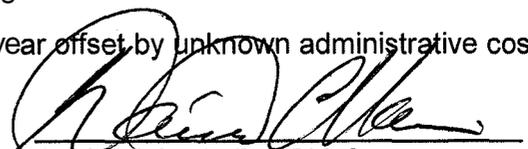
A number of California cities, Roseville among them, are using Vehicle Code Section 21100 to bypass the Traffic Court Model. Instead they issue administrative citations and provide administrative hearings that keep all revenues from the citation process in the City. (This process would mirror Lodi's existing process for managing parking tickets.) The City of Roseville currently has six municipal codes regulating traffic violations. Each municipal code carries an initial fine of \$100. From January 2009 to June 2009, the Roseville Police Department wrote 240 citations using these six municipal codes.

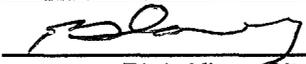
The City could follow the Roseville model using existing Lodi Municipal Code 10.12.020, which requires drivers to obey traffic devices. During a six-month time period, July 2009 through December 2009, the Lodi Police Department issued 58 citations that would fall under the category of "disobedience of traffic control devices" for devices listed in Section 21400 CVC. Assuming 116 violations per year at \$100 per violation, the City could reasonably expect approximately \$11,600 in revenue by following the Roseville model.

Staff does not recommend that Council pursue the Roseville model. First, the revenue projections are not significant. Second, it could ultimately undermine the effectiveness of the DMV point system for targeting and removing dangerous drivers. Third, it could lead to allegations of favoritism with officers having the option of giving motorists a cheap ticket under the Roseville model or an expensive ticket under the Traffic Court Model. Finally, the current authority to pursue the Roseville model is under attack. State Senator Jenny Oropeza has introduced Senate Bill 949 that would mandate that all traffic enforcement follow the Traffic Court. Given the State's hunger for revenue and the larger amounts raised under the Traffic Court Model, it seems virtually assured SB 949 will pass.

FUNDING: Covered in existing traffic unit budget.

FISCAL IMPACT: Potential revenue of \$11,600 per year offset by unknown administrative costs.


David Main, Police Chief

APPROVED: 
Blair King, City Manager

Administrative Traffic Citations

Should Lodi Follow the Roseville Model?



Competing Traffic Citation Models

▶ **Traffic Court Model**

- California Vehicle Code ticket
- Driver proceeds to State court
- If convicted, court collects fine, points added to DMV record

▶ **Roseville Model**

- Officer issues ticket for violation of LMC
- Driver proceeds to City administrative hearing
- If convicted, City collects fine with no DMV reporting

Roseville Model Advantages

▶ **City benefits**

- All revenue from fines flows to City
 - ▶ Expected revenue in excess of \$200,000/year
 - Roughly 2,000 tickets written for speeding in posted areas, 100+ other violations

▶ **Driver benefits**

- Lower fines
- No DMV reporting
 - ▶ Insurance rates not affected

Roseville Model Disadvantages

- ▶ Undermines DMV point system's financial incentives
- ▶ SB 949 would remove authority for Roseville Model (awaiting Senate committee hearing)
- ▶ Favoritism claims
- ▶ Unknown administrative costs

Recommendation

Roseville Model not advised at this time

