

CITY OF ELK GROVE

Incorporated July 1, 2000

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
Wednesday, December 3, 2003
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Mayor Scherman called the special City Council meeting of December 3, 2003 to order at 6:07 p.m.

Present: Mayor Scherman, Mayor Pro Tem Soares, Councilmembers Briggs, Cooper, and Leary

Absent: None

Deputy City Clerk Tina McVay led the Pledge of Allegiance.

SPECIAL MEETING ACTION ITEM

Agenda Item 2.1: *Police Services Contract*

Councilmember Cooper announced that he and Councilmember Leary would recuse themselves from the discussion and deliberation as Councilmembers due to their conflict as employees of the Sacramento County Sheriff.

Assistant City Manager Terry Fitzwater reported that as a result of Council's direction at the November 19 City Council meeting, a city team, comprised of himself, the City Attorney, and the Administrative Services Director, has initiated a contract review to identify opportunities to improve cost efficient operational effectiveness. The team will compile a list enumerating avenues of opportunity to share with Council as directed.

Mr. Fitzwater noted that initial review indicates that the services of two consultants are necessary: 1) one with expertise relative to needs assessment and operational expertise; and 2) one to review the contract's financial aspects.

It is recommended that the city team visit other cities where contracts and partnering are common to assess the merits of those relationships.

Mayor Scherman opened the public comment opportunity.

Marlin Weinberger, Gary Wilbanks, and Steven Fisk deferred their time to **Michael Leary**.

Barbara Smith, Brannon Pelete, and Gordon Knutsen deferred their time to **James Cooper**.

City Attorney Manzanetti noted his advice to the Council that under the Conflict of Interest laws, Councilmembers are conflicted when they are employed by a department in which that they have an economic interest. He noted that the members have absolved that conflict by speaking from the podium. He noted also advising the members that there is a recently enacted guideline that allows conflicted members to speak from the podium as a member of the public. He clarified that he has not provided advice relative to the members' statements.

Mr. Leary stated that he and Councilmember Cooper were elected not only because of their prior service to the community, but also because they are law enforcement officers. Public safety has always been and will remain a priority.

He rhetorically questioned the intent of the City Council in this matter. He questioned whether the attempt is improve service through cost cutting measures, e.g., booking fees, or a prelude to initiating a City law enforcement agency.

Regarding the \$1.8 Million charged to the City of Elk Grove for retirement enhancement and workers compensation and questioned by Mayor Pro Tem Soares, Mr. Leary noted that no additional officers were assigned to the City.

Mr. Leary compared law enforcement costs and services provided through the Sacramento County Sheriff's Office to those of the City of Folsom, noting for like services, the provision of law enforcement services by the Sheriff's Office has saved the City of Elk Grove \$1.75 Million. Mr. Leary noted that the increased costs for workers' compensation are state-wide. Mr. Leary further explained that because of the increased workers' compensation costs, the Elk Grove Unified School District is becoming self-insured.

He noted that there have been numerous opportunities for the Council to iron out any issues or concerns with regard to the contract with the Sheriff's Office. He felt that the Council has the option to re-open contract negotiations at any time.

Mr. Leary noted that the cost of the study is \$180,000, in culmination with staff hours for the next six months, he estimated the ultimate cost to the taxpayers will amount up to \$500,000.

Mr. Leary characterized Council's action as premature, given the opportunity to approach the Sheriff's Department to express concerns. He questioned what the specific issues of concern are, other than booking fees. He commented that the

booking fees charged to Elk Grove are consistent with those charged to the cities of Sacramento, Rancho Cordova, Citrus Heights, and Folsom.

Mr. Cooper asked that the Council consider their action very carefully. He recognized that the City of Elk Grove is well-known as a safe and family-oriented community. He asked that the Council carefully analyze the information.

Mr. Cooper stated that the City has a very good police department with approximately 95 officers with one-quarter of the officers being lateral transfers from other city police departments. He noted that the officers are attracted to and benefit from the flexibility provided by the larger law enforcement agency.

Mayor Scherman closed the public comment opportunity.

Councilmember Briggs voiced his position that the Council should have a comprehensive evaluation of the contractual relationship, its cost, opportunities for improvement and a verification that the City of Elk Grove is receiving the best possible services for the money paid.

Mayor Pro Tem Soares reiterated his support for retaining the Sheriff / City contractual relationship. He restated that his goal is to get the best contract possible for the City. He commented that this is the only contract of which the Council has no controls. He stated his support that the study proceed.

Mayor Scherman echoed her support for the police department, its dedicated police officers and recognized the leadership of Police Chief Ed Flint and Assistant Chief Ed Kelly. She supported retaining consultants to provide an unbiased report on the contract. She emphasized that this action is not the first step in instituting a City police department.

Motion 1: *M/S Soares/Briggs to direct staff to proceed with the procurement of professional services to evaluate the law enforcement contract and to engage the Sheriff's designated representative on a regular basis to resolve cost issues. **The motion was passed by the following vote: Ayes: 3; Noes: 0***

ADJOURNMENT

With no other business for the Council to consider, the meeting was adjourned at 6:36 p.m.

PEGGY E. JACKSON
CITY CLERK

ATTEST:

SOPHIA SCHERMAN, MAYOR
CITY OF ELK GROVE