
OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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City Council Meeting Date: November 18, 2008

Item Number: 108

Beach Area Neighborhood Prosecution Initiatives Fund

OVERVIEW

On November 18, 2008, the City Council will be asked to authorize the City Attorney to collect an administrative fee from participants of the Beach Area Community Court, to establish a fund for fee collection, and expend funds for eligible operating expenses of the program.

On September 24, 2008, the Public Safety and Neighborhood Services (PS&NS) Committee received a presentation from the Office of the City Attorney on the Beach Area Community Court, and a proposal to establish a cost-recoverable fee. At the meeting, the IBA requested additional information to review the cost of the program and the analysis related to the establishment of the fee. The Committee recommended that the proposal for a program fee be forwarded to the City Council for its consideration.

FISCAL/POLICY DISCUSSION

The City currently operates several community courts: Mid-City, Downtown, and Beach Area. The community courts operate as a partnership between the City Attorney, the Police Department, and community organizations. First-time offenders are permitted to participate in an educational segment (or community impact panel) and perform community service, as an alternative to receiving a citation and paying fines, and avoid a criminal conviction. Community service provides a valuable contribution by improving affected communities.

Beach Area Community Court

In September 2005, the City received a Bureau of Justice grant in the amount of \$200,000 as a community court pilot program to establish the Beach Area Community Court. The two-year grant was extended and officially expires on March 31, 2009 and all grant funds have been fully exhausted.

Discover Pacific Beach

Discover Pacific Beach, the business improvement association, serves as the coordinator of the Beach Area Community Court. The City entered into an agreement with Discover Pacific Beach for the grant term for the provision of services related to the community impact panels and community service operations, including supervision and supplies. The City reimburses Discover Pacific Beach based on actual expenses incurred on a monthly basis. Discover Pacific Beach is an eager supporter of the establishment of a fee, in order to defray costs and to allow this successful program to continue.

Following the expiration of the grant term, an extension to the current agreement will be needed, or alternatively, a Request for Proposal (RFP) process may be necessary to identify the most cost-effective and responsive provider of this service in the future. These issues will be handled administratively by the City Attorney, and will not require additional action by the City Council.

Fee Establishment

California Penal Code authorizes fee collection for diversion programs, in order to recover costs, and cannot exceed \$300. The maximum fine for an infraction is \$250, plus any additional court imposed penalty assessments, which a potential community court participant could anticipate to pay. The administrative fee is intended to be structured to recover as much of the costs as possible to assist with funding the program, but to not be so aggressively priced to discourage program participation.

The City Attorney examined program costs, and reviewed the annualized cost per participant as reported by the City's current community court coordinator, Discover Pacific Beach. Their costs per participant total \$35.77 based on the number of participants in 2007. Costs related to the City Attorney are in addition to these amounts. Total costs for the Beach Area Community Court are estimated at \$150,000 per year.

Based on the City Attorney's analysis, it is planned that the anticipated fee will be in the \$40 - \$50 range for each participant. Based on these figures, it is estimated that approximately \$15,000 per year would be collected and utilized to offset program costs.

The City Attorney intends to discuss the amount of the fee with the Beach Area Community Court Advisory Board, prior to implementation. The fee is to be set by the City Attorney, and can be modified without further Council approval, should program operations or related costs change, or if attendance is negatively impacted.

CONCLUSION

The IBA recommends that the City Council authorize the City Attorney to collect an administrative fee from participants of the Beach Area Community Court, to establish a fund for fee collection, and expend funds for eligible operating expenses of the program.

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