

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 02-07-2011		Item Number: <u> C-9 </u>	
AGENDA ITEM: Adoption of a Resolution Approving the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement (Thus Authorizing the City's Membership in the LA Impact Authority)			
Contact Person/Dept.: Don Pedersen, Police Chief		Phone Number: (310) 253-6100	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: Meetings and Agendas – City Council (02/02/11)			
Department Approval: Don Pedersen, Police Chief (01/11/11)		City Attorney Approval: Carol Schwab (by L. Vidra - 01/26/11)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (02/02/11)		City Manager Approval: John M. Nachbar (02/02/11)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution approving the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement (JPA Agreement) (thus authorizing the City's membership in the LA IMPACT Authority. <u>BACKGROUND:</u> Inaugurated on July 1, 1991, the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA IMPACT) is a compilation of numerous Federal, State and local Law Enforcement agencies in Los Angeles County whose primary focus is to investigate major crimes, with an emphasis on dismantling mid to major level drug trafficking organizations. The task force was founded by the Los Angeles County Police Chiefs' Association. The Board of Directors of the Los Angeles County Police Chiefs' Association also acts as the Board of Directors for LA IMPACT. LA IMPACT is considered one of the most prolific, innovative and progressive crime task forces in the country because of its wide range of abilities and expertise. Many of the task force members are seasoned investigators from a myriad of different disciplines who possess expertise outside the realm of narcotic enforcement. This enables LA IMPACT to provide a diverse range of investigative services in the areas of property crimes, financial crimes and crimes against persons, in addition to narcotic enforcement during times of mutual aid by requesting entities.			

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LA IMPACT's primary area of expertise is narcotic enforcement. The task force is known for its surveillance capabilities and possesses the most extensive surveillance resources in California. LA IMPACT has specialized proficiency in the following areas: major drug trafficking organizations, money laundering, clandestine laboratory investigations, transportation and parcel interdiction, and gang enforcement. LA IMPACT is the primary clandestine laboratory response team for Los Angeles County.

Although the mission of LA IMPACT is to address drug trafficking, Los Angeles County is considered by many to be the epicenter of street gang activity and has been plagued by the threat of gang violence and illegal drug activity for many years. As gang memberships have multiplied and crossed jurisdictional lines, rivalries have developed resulting in an escalation of violence. Gangs and drugs are two words that are synonymous. Control of the drug sales in a specific geographic area is very critical to a gang.

Therefore, LA IMPACT has taken an aggressive enforcement approach and investigates gangs as a Criminal Organization by identifying the gang leaders and its hierarchy in an attempt to disrupt and ultimately dismantle the criminal organization.

Decision to Form a Joint Powers Authority

In 2005, the California Court of Appeal issued a decision stating that LA IMPACT, though not intended by member agencies to be a separate public entity, was, in fact, a local public agency whose Board of Directors meetings are subject to the open meeting requirements of the Ralph M. Brown Act.

Additionally, LA IMPACT was sued in two civil lawsuits involving claims by former non-sworn contract employees. While both lawsuits were settled in the summer of 2009, the current MOU does not provide a formal mechanism to address the question of, when litigation is commenced against LA IMPACT, whether LA IMPACT or member agencies are required to fund the defense of the litigation and any settlement or judgment that may result.

In light of the Court of Appeal's 2005 decision and the two lawsuits against the task force, the Board of Directors believes that operating under the informal arrangement of an MOU is no longer prudent, and that it would be in LA IMPACT's and its members' best interests to formally organize itself as a Joint Powers Authority governed by an Agreement that explicitly addresses these and other issues of legal concern.

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DISCUSSION:

For the past two years, a working group of Police Chiefs and City Attorneys have been meeting to review the issues associated with maintaining and operating LA IMPACT. This working group, including Culver City's Police Chief and a representative from the City Attorney's Office, drafted a Joint Powers Agreement (Attachment 1) that, upon adoption by at least 10 member agencies, will create the LA IMPACT Authority (JPA).

The JPA will become effective after not less than ten (10) cities have authorized and executed the Agreement, and forty-five days have elapsed after not less than ten (10) cities have authorized and executed the agreement.

JPA Key Points

Under the JPA Agreement, the JPA will possess the following powers:

- (1) To make and enter into contracts, including but not limited to, agreements for the purpose of purchasing/leasing and or disposing of supplies and equipment;
- (2) To make and enter into contracts with public entities as Associate Members;
- (3) To receive compensation, gifts, contributions and donations of property, funds, services and other forms of financial assistance;
- (4) To acquire, construct, manage, maintain or operate any building, works or improvements;
- (5) To sue and be sued in its own name;
- (6) To apply for, receive and utilize appropriate grants under any Federal, state or local programs for assistance;
- (7) To issue bonds and to otherwise incur debts, liabilities and obligations, provided that no such bond, debt, liability or obligation shall constitute a debt, liability or obligation to the individual respective Members;
- (8) To appoint/hire officers, employees, agents or consultants, and adopt personnel rules and policies governing officers and employees;
- (9) To reimburse Members' overtime expenditures for their personnel

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as set forth by the Executive Director of the Authority;

(10) To distribute proceeds from asset forfeiture seizures to Members and Associate Members as specified by the Agreement in accordance with rules and formula developed by the Board of Directors;

(11) To obtain all types of insurance as may be necessary to cover the liabilities of the Authority or its Members as determined by the Board of Directors; and,

(12) To promulgate, adopt, and enforce any rules and regulations, as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of the Agreement.

Governance

The JPA will be governed by a Board of Directors, which shall be comprised of the President of the Los Angeles County Police Chiefs' Association, the Police Chief of the law enforcement agency of each member City, the Los Angeles County Sheriff or Undersheriff, and a representative of any Federal or State agency which is a Member. The Board of Directors will also establish a thirteen (13) member Executive Committee, which shall include the President of the Los Angeles County Police Chiefs' Association and the Chair of the Authority. An Executive Director will administer the daily business and activities of the Authority, subject to the general supervision and policy direction of the Board of Directors and the Executive Committee. The Executive Director will provide for the appointment of support staff as may be necessary.

Operating Budget

Currently the LA IMPACT budget is approximately \$4.6 million per year with the majority of the funding coming from Federal and State grants, in addition to asset forfeitures. Each agency is currently responsible for the members' personnel's salary and benefit package, and this arrangement will remain in place. LA IMPACT will also continue to reimburse each agency with a certain number of hours per month of overtime.

In order to encourage maximum participation, the JPA is set up so that Members may withdraw without cost or penalty for a period of up to 180 days after Bylaws are adopted by the Board of Directors.

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Conclusion

As mentioned above, Culver City is a current member of LA IMPACT. In light of the benefits and opportunities to help shape the policies of LA IMPACT going forward, coupled with the fact that there is a minimum of a 180 days period after Bylaws are adopted to withdraw from the JPA with no penalty or cost, there is no "down-side" to becoming a Member of the JPA at this time.

Therefore, staff recommends that the City Council adopt the proposed Resolution.

FISCAL ANALYSIS:

There is no fiscal impact associated with the adoption of this resolution. The sharing formula for asset seizure funds currently in place will not change.

ATTACHMENTS:

1. LA Impact Joint Powers Agreement
2. Proposed Resolution

MOTION:

That the City Council:

1. Adopt a Resolution approving the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement; and
2. Authorize the City Attorney to review/prepare the necessary documents; and
3. Authorize the City Manager to execute such documents on behalf of the City.