

**City of Culver City, California
Agenda Item Report**

Meeting Date: 09-24-2012		Item Number: <u> C-5 </u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Amendment to the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement.			
Contact Person/Dept.: Don Pedersen, Police Chief Lisa Vidra, Deputy City Attorney		Phone Number: (310) 253-6100 (310) 253-5660	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: Meetings and Agendas – City Council (09/20/12)			
Department Approval: Don Pedersen, Police Chief (09/10/12)		City Attorney Approval: Carol Schwab (by L. Vidra) (09/13/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/19/12)		City Manager Approval: John M. Nachbar (09/19/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution approving an Amendment to the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force ("L.A. IMPACT") Joint Powers Agreement (JPA). <u>BACKGROUND:</u> Inaugurated on July 1, 1991, L.A. 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 originally founded by the Los Angeles County Police Chiefs' Association; a majority of the law enforcement executives from this association have been designated to serve on the current Board of Directors of L.A. IMPACT. L.A. IMPACT's primary area of expertise is narcotic enforcement. The task force is known for its surveillance capabilities and possesses the some of the most extensive surveillance resources in California. L.A. IMPACT has specialized proficiency in the following areas: major drug trafficking organizations, money laundering, clandestine laboratory investigations, transportation and parcel interdiction, and gang enforcement. L.A. IMPACT is the primary clandestine laboratory response team for Los Angeles County. In 2011, L.A. IMPACT was formally organized as a Joint Powers Authority under the California Government Code. On February 8, 2011, the City Council adopted			

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Resolution No. 2011-R006 approving the City's membership in the L.A. IMPACT Joint Powers Authority (Attachment 1). Currently there are 33 member cities, along with the County of Los Angeles and the State of California Bureau of Investigation, which operates out of the Department of Justice. The federal Drug Enforcement Agency (DEA) continues to partner with L.A. IMPACT on major investigations.

DISCUSSION:

During the first year of operating as a Joint Powers Authority, it became apparent that several issues needed clarification or were not addressed in the inaugural JPA as adopted by the Membership. Specifically, two areas were recognized as warranting amendment: Associate member indemnity and state contracting goals for disabled veterans businesses.

Associate Member Indemnity

The JPA, to which all Members are a party by definition, provides that each Member will indemnify L.A. IMPACT as well as other Members for the general liability and worker's compensation liability caused by the Members' contributed personnel who perform law enforcement or support functions. These indemnity provisions are found in Sections 14.03 and 14.04 of the JPA. The JPA also provides in Section 14.06 that L.A. IMPACT will indemnify its Members for the actions of L.A. IMPACT's employees.

The JPA also contemplates that public agencies may join L.A. IMPACT as an Associate Member rather than as a full Member. Article 4 of the JPA addresses Associate Member Agreements.

The JPA does not contain a provision for the Members or for L.A. IMPACT to indemnify Associate Members or provide that Associate Member agreements must contain indemnity provisions to protect the Members. It is contemplated that Associate Members would contribute law enforcement personnel who would work side by side with Members' contributed personnel. This lack of indemnity between Associate Members and the Members would most likely discourage agencies from becoming Associate Members. Additionally, the Members, such as Culver City, may not be shielded from liability when its officers are working side by side with an Associate Member's officers.

In January 2012, the L.A. IMPACT Executive Committee (a 13-member committee of the Board of Directors) voted unanimously to send an Amendment to the Members addressing indemnity as it pertains to Associate Members.

State of California Contracting Participation Goals

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Government Code Section 6522, which is part of the Joint Powers Act governing L.A. IMPACT as a joint powers authority, provides that that the contracting participation goals set out in the California Military and Veterans Code Section 999 *et seq.* are to become part of any joint powers agreement entered into by the State of California. The former Bureau of Narcotics Enforcement, now the Bureau of Investigation ("BI"), participates in L.A. IMPACT and contributes a number of sworn and non-sworn personnel, including at the Executive Director level. The BI wishes to continue its participation in L.A. IMPACT and has signed the JPA, contingent upon the requirements of Government Code Section 6522 being added to the JPA through an amendment.

The contracting participation goals set out in the Military and Veterans Code state that a State agency must strive to meet the goal of awarding 3% of its annual contracting dollars to businesses owned by disabled veterans. While it is mandatory to include the state contracting goals in the JPA, there are no penalties if the goals are not met, and state law specifically provides that a third party cannot take legal action to invalidate contracts of the agency for failure to meet the participation goals.

In June 2012, the Executive Committee voted unanimously to send an Amendment to the Members regarding the contracting goals.

The JPA may be amended by a majority of the Members' governing boards approving the Amendment. Staff recommends that the City Council adopt the attached Resolution approving the Amendment.

FISCAL ANALYSIS:

Adoption of the proposed Resolution is not expected to result in a material fiscal impact to the City.

ATTACHMENTS:

1. Resolution No. 2011-R006
2. Proposed Resolution 2012-R____

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MOTION:

That the City Council:

Adopt a resolution approving an Amendment to the Los Angeles Interagency
Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement.