



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

"SHIRTSLEEVE" SESSION

Date: April 20, 2010

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

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Informal Informational Meeting

A. Roll Call by City Clerk

B. Topic(s)

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

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

C. Comments by Public on Non-Agenda Items

D. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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



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