



# Memorandum

**TO: Rules Committee****FROM: Councilmember Pierluigi Oliverio****SUBJECT: Police Budget Security****DATE: February 13, 2014**

Approved:

Date:

2-13-14

**RECOMMENDATION:**

Place a charter amendment on the March 4 city council agenda for council consideration. This June 2014 ballot initiative would allocate 40% of the general fund to the police department.

For the purposes described herein, the "police department budget" would encompass all salary compensation, benefit compensation, sick leave, comp time, vacation payouts and workers compensation for sworn and non-sworn employees of the police department. It should also be understood to include all necessary police equipment, new technology (hardware & software), police dispatchers with essential communications equipment, annual utility and maintenance costs of police facilities, and the required personnel from HR, Legal and IT.

**BACKGROUND:**

In light of the Feb 10, 2014 council study session, it is apparent that a majority of the city council wants to move ahead with a tax increase that is not restricted in nature, and could therefore be spent on anything. No wishlist, statement of intent, or ordinance passed by the city council is legally binding in terms of how new tax revenue dollars can be spent. In fact, spending priorities could be changed any given Tuesday by six votes. The only way to lock in future and existing tax revenues for the police department is to allow San Jose voters to put it in the city charter.

I first floated this idea over two years ago; however until recently a ballot measure designed to raise taxes did not seem likely to pass the council. This has changed. If it is the intention of the city council to push a new tax measure on the November ballot, then I feel we should first put this charter amendment on the ballot in June. This sequence would allow voters to rest assured that a portion of new tax revenues will be earmarked and specifically reserved for police expenditures.

By way of background, even the most casual observer would agree that there is an unlimited demand for police services. From stopping the most egregious violent crime to issuing traffic citations, the essential nature of the work of our law enforcement team is beyond debate. If we as citizens properly value the ability to walk down the street knowing that a would-be criminals' fear of police would stop an assault on an innocent person, then we should all agree that the vitally important of our police allows us to prioritize their ongoing fiscal security.

To that end, San Jose should allocate a higher, fixed percentage (40%) of the general fund budget to the police department (presently, it is approximately 30% of the general fund, and in 2012 it was 34.7%). If the budget grows, then more money would automatically flow to the police department. If the budget shrinks, then the department would have to decide how best to live within its means. With each budget increase, opportunities would arise for augmented staffing, increased salaries, and technology purchases that would lead to greater operational efficiency. With a shrinking budget, choices would by nature become narrower, but a charter amendment would be the best way to guarantee that police would always be the top budget priority. A guaranteed budget would provide the police chief with certainty and allow for multi year planning for the police department. This is not the case currently, as every year they must review and potentially cut expenditures.

An increase in police staffing would not only lead to less individual hardship and greater organizational flexibility, but would also reduce the level of stress on the force and the need for costly overtime hours. A larger police force would potentially lead to more flexibility on shift rotations, improve morale, and allow our officers to provide the best coverage possible to all areas of San Jose.

Too often elected officials are asked to choose between one program and another. Rather than eliminating discretionary spending, across the board cuts are often implemented. However, at some point a city's core service, such as law enforcement, suffers. A fixed percentage of the budget would allow for police funding to be secure and not in jeopardy to the whims of elected officials when flash in the pan initiatives come before the council that are purely discretionary in nature.

Some may say, "Why not carve out other city departments at a fixed percentage?" Nonsense. Any intelligent discussion needs to acknowledge the uniquely high value of law enforcement. That value translates directly into greater public safety, and by extension to enhanced opportunities for economic development and growth. In the past, the City of San Jose has allowed residents to vote on very specific issues like libraries, parklands, land use, city procurement processes, annexations, and length of terms for the civil service commission. Similarly, we should give residents a voice on ensuring that law enforcement will be the top priority regardless of the next mayor or city council. Allowing residents to prioritize the city budget for police is not only legally sound and democratic; it is also the morally correct thing to do to secure our city's future.