



## City Council Staff Report

**From: City Manager**

**Report Type: CONSENT CALENDAR**

**Lead Department: Police**

**Meeting Date: August 19, 2024**

Report #:2407-3301

### **TITLE**

Approval of a Grant Agreement With the California Highway Patrol for a One-Year Program to Reduce Impaired Driving and Crashes with \$307,000 in State Funds, Requiring \$0 in City Matching Funds; and Approval of a FY 2025 Budget Amendment (Requires 2/3 approval) in the Supplemental Law Enforcement Services Fund; CEQA Status – Not a Project

### **RECOMMENDATION**

Staff recommends that the City Council:

1. Approve and authorize the City Manager, or their designee, to execute a Funding Agreement (Attachment A) with the California Highway Patrol, authorized by the Cannabis Grants Unit, for the development and implementation of the Impaired Driving Prevention, Enforcement, and Education action plan. The Agreement will provide up to \$307,000 in funding over one year, and the City will not be required to provide matching funds; and
2. Amend the Fiscal Year 2025 Budget Appropriation for the Special Law Enforcement Services Fund (requires a 2/3 approval) by:
  - a. Increasing the estimate for Revenue from the California Highway Patrol, Cannabis Grants Unit by \$307,284;
  - b. Increasing Police Department overtime expense appropriation for Salary & Benefits by \$125,009,
  - c. Increasing Police Department capitalized and non-capitalized expense appropriation for Equipment by \$179,349,
  - d. Increasing Police Department expense appropriation for Travel by \$2,926.

### **BACKGROUND**

Driving under the influence and driving under the influence of drugs (DUI/DUID) remain a significant public safety issue in many communities. Despite ongoing efforts to combat this

dangerous behavior, DUI-related incidents continue to result in numerous fatalities, injuries, and property damage annually.

Approval of this grant funding agreement with the State will provide the Police Department with additional resources for up to 12 months to combat impaired driving and crashes. The Department reported 165 arrests for DUI/DUID-related offenses in calendar year 2023.

With the passage of Proposition 64 in 2016, The Control, Regulate, and Tax Adult Use Marijuana Act, California voters mandated the state to set aside funding for the California Highway Patrol to provide grants to local governments for the education, prevention, and enforcement of impaired driving laws pursuant to Section 34019 (f)(3)(B) of the Revenue and Taxation Code (RTC). Despite being sourced from cannabis-related grants, the funding will be dedicated to enhancing the Department's overall DUI/DUID enforcement efforts, aligning with the City's priorities to improve traffic safety. The grant does not provide funding for additional DUI/DUID checkpoints or dictate how the Department tactically deploys the resources funded by the grant.

The funding provided is appropriated by the California State Controller's Office, and all grants are awarded on a competitive basis, unless otherwise specified within the Request for Application. These funds shall be used to supplement and not supplant existing funds for these activities.

Notice of Funding was issued on January 9, 2024, and Staff applied for the grant on February 23, 2024. CHP approved Palo Alto's grant application on June 6, 2024. The grant cycle for this project is July 1, 2024, through June 30, 2025. The grant application is Attachment B.

## **ANALYSIS**

In alignment with the grant application, staff will carry out the "PAPD DUI Training, Check Point Equipment, and Drug Identification Device Project"; an effort that will: 1) support DUI/DUID investigations and train police officers to teach skills related to those efforts and 2) acquire devices that use technology to identify suspected narcotics without having to physically remove the substance and 3) source an equipment trailer to purchase and store DUI checkpoint equipment like signage, cones, barricades, tables, and chairs.

The goal of the project is to educate the public regarding the dangers of impaired driving, enforce impaired driving laws on the roadway, and improve the Department's effectiveness through training and development of new strategies. Additionally, the project will enhance employee and public safety by acquiring devices that could detect and identify dangerous narcotics. Existing law prohibits the possession of cocaine, methamphetamine, heroin, fentanyl, and other commonly abused street drugs. Unknown white powdery substances, particularly fentanyl, pose significant exposure risks to officers. Drug identification devices will enable officers to identify these substances without opening their packaging.

**FISCAL/RESOURCE IMPACT**

The application was prepared using existing City staffing resources. No additional staff or operating budget resources are necessary to accept the grant except for purchasing staff time to make the purchase of equipment.

Staff anticipates a salary cost of \$125,009 with most of the expense allocated to sending officers to DUI instructor level courses and to pay backfill overtime. \$2,926 will be used to pay for travel expenses. Staff anticipates \$179,349 for the purchase of DUI checkpoint equipment and narcotics detection devices. The staff expects minimal maintenance expenses for the towable trailer and narcotics detection devices once the manufacturer's warranty expires. Ongoing maintenance costs will be evaluated during budget process.

The performance period of this grant ends June 30, 2025. Staff has considered if overtime or full-time staffing would be more appropriate. After consideration of the skills necessary for this work, current staffing levels with vacancies, and training period, staff believes that no new positions are necessary currently. However, should staff recommend that this program continue after the grant's performance period funding has expired, staff will bring forward requests for funding as part of the annual budget process if it cannot otherwise be absorbed in the Department's budget.

**STAKEHOLDER ENGAGEMENT**

Staff did not conduct any stakeholder engagement for the acceptance of this grant.

**ENVIRONMENTAL REVIEW**

The California Public Resources Code § 21065 includes a definition of a "project" as subject to the California Environmental Quality Act (CEQA) if it is an activity directly undertaken by a public agency which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This project is exempt from the provisions of the CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

**ATTACHMENTS**

Attachment A: CHP Grant Agreement

Attachment B: CHP Grant Application

**APPROVED BY:**

Andrew Binder, Police Chief