



Agenda Report

October 29, 2018

TO: Honorable Mayor and City Council

FROM: City Attorney/City Prosecutor's Office

SUBJECT: RECOGNIZE REVENUE AND APPROPRIATE EXPENDITURES OF \$108,347 TO THE FISCAL YEAR 2019 OPERATING BUDGET AND INCREASE THE PERSONNEL ALLOCATION BY 1.5 FULL-TIME EQUIVALENTS (FTE) FOR THE PRIVACY AND PIRACY FUND

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378; and, as such, no environmental document pursuant to CEQA is required for the project; and
2. Authorize the City Manager to enter into a Memorandum of Understanding (MOU) with the State of California Department of Justice to accept and administer these grant funds on behalf of the City of Pasadena; and
3. Amend the City Attorney/City Prosecutor's Office's Fiscal Year 2019 operating budget by recognizing and appropriating expenditures of \$108,347 in State of California Department of Justice Privacy and Piracy grant funds and increase the department's personnel allocation by 1.5 FTE limited-term, grant-funded positions.

BACKGROUND:

The City of Pasadena is home to numerous retail and commercial businesses that have total profits exceeding \$1 billion and generate tax revenues to the City totaling more than \$40 million. With these businesses operating within the City, there is associated crime that accompanies these successful businesses. Intellectual Property Theft as

well as Identity Theft are on the rise in Southern California and Pasadena has not been excluded from that rise.

The City Prosecutor's Office currently prosecutes a significant number of these theft related cases and expects more in the future due to the associated increase in the economic outlook for the country, state, county and city. These crimes include violations of Penal Code section 466.9 – Use of a Code Grabbing Device, Penal Code section 487i – Public Housing Fraud, Penal Code section 496(c) – Theft of Title Information, Penal Code section 499c – Trade Secrets Theft, Penal Code section 502 – Unauthorized Access to Computers or Computer Data, Penal Code section 502.6 – Fraudulent Use of Information on Payment Cards, Penal Code sections 529 and 530 – False Impersonation, Penal Code section 530.5 – Identity Theft and Penal Code section 530.6 – Use of Identifying Information.

In September 2018, the Department of Justice awarded the City Attorney/City Prosecutor's Office a total of \$108,347 for one year to hire support staff to help prosecutors with the successful prosecution of these important crimes. If approved by the City Council, these new grant funded positions will enable prosecutors to successfully engage the community in bringing additional attention and reporting of such crimes while aiding in the successful prosecution of offenders.

The grant funding will support a 1.0 FTE Prosecution Assistant with a funding total of \$69,668 and 0.50 FTE Investigator with a funding total of \$38,679. The total cost for these two positions is \$108,347. The City Attorney/City Prosecutor's Office requests these two new positions be added into the Fiscal Year 2019 operating budget.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the City Council's strategic planning goal to ensure public safety by increasing enforcement of federal, state and local privacy, piracy, and theft laws that protect the public from harm.


ENVIRONMENTAL ANALYSIS:

The action herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378. The acceptance and appropriation of grant funding to provide services for protecting the community from crimes against privacy, piracy and theft is a governmental fiscal activity that does not involve a direct or reasonably foreseeable indirect physical change in the environment. Therefore, the proposed action is not a "project" subject to CEQA, as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines. Since this action is not a project subject to CEQA, no environmental document is required.

FISCAL IMPACT:


It is anticipated that the requested grant award of \$108,347 will be received and spent in Fiscal Year 2019. Pending approval by the City Council, the Fiscal Year 2019 operating budget will be increased by \$108,347 for project implementation. There is no net impact to the unappropriated fund balance. Any future funding will be included in the annual budget submission for Fiscal Year 2020.

Respectfully submitted,



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