

## MINUTES

### CITY OF DELANO CITY COUNCIL – SPECIAL MEETING June 4, 2020

#### CALL TO ORDER

Mayor Morris called the meeting to order at 5:33 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### FLAG SALUTE

Chief of Police Nevarez led the flag salute.

#### ROLL CALL

Council members present: Liz Morris, Joe Alindajao (Teleconference), Joe Aguirre, Bryan Osorio (Teleconference), Grace Vallejo  
Council members absent: None

#### OFFICIALS PRESENT

City Manager Reyna, Deputy City Clerk Castellanos, City Attorney Richman (Teleconference), Finance Director Lara Rios, and Human Resources Director Zamudio, Roman Dowling, Police Chief Nevarez, Community Development Director Mynk, Chief of Corrections Marshall, and Senior Planner Card (Teleconference)

#### SPECIAL AGENDA

- 1) Resolution of the Delano City Council to amend the City of Delano's Operating and Capital Improvement Projects Budget for the fiscal year FY 20/21 **(Resolution No. 2020-29)**

City Manager Reyna provided staff report.

Finance Director Rios provided the budget presentation.

Javier Sanchez, Delano Employee Association President, shared his opposition of laying off employees and promoting others. Mr. Sanchez suggested the funds be used to supplement the positions that are being laid off.

City Manager Reyna replied that the City looked at every department and they were very lean on not cutting positions. She noted that they did not want to touch any sworn officers and dispatchers as these positions are difficult to recruit and retain. She noted that typically, the City has had two or three CSO's and currently there are six. The CSO positions are relatively new positions and these employees have been with the City for a short time. She mentioned that other

departments only have one or two employees in their departments. She stated it was a difficult decision to make.

Mr. Sanchez further elaborated of providing two promotions could these funds be used to keep at least one CSO position.

City Manager Reyna stated that the City could not retain the CSO's position because it is a full-time position and has additional costs such as pension and benefits. She noted that the additional cost for the proposed reclassification is a 5% increase, which is an additional cost of around \$5,000 a year.

Council Member Vallejo added that the City Hall position is only a \$221 increase for the year, so the point is to save money.

City Manager Reyna noted that anyone laid off would be placed on a one-year list and if these positions become available, they would be called back.

Mayor Morris asked if this can be revisited in January.

City Manger Reyna responded in the affirmative.

Mr. Sanchez noted that the City invested a lot of money on training the CSO's to place them in the evidence room. He asked how would the CSO's layoffs benefit the City.

Council Member Aguirre asked if the elimination of three CSO's, where who will be doing the duties of these sworn officers if they are laid off. He stated that it is not a cost saving if sworn officers would be doing the CSO duties. He noted that if a cost analysis would be done it would not show a cost savings.

Police Chief Nevarez stated there would be some impact to public service. The CSO's handle low priority calls such as nonlife-threatening emergency calls.

Council Member Aguirre asked if that would that take away from a critical call.

Police Chief Nevarez responded that it would not take away from critical calls because they are prioritized. The low priority calls would still be handled, just not as quickly as before. He noted that sworn officers could do civilian work but CSO's cannot do sworn police officers' duties.

Police Chief Nevarez stated the times we are living in right now are unprecedented. He mentioned that last week he turned down two mutual aid requests, because he did not think there was enough officers here to protect us if things went wrong. Last Sunday, there was a protest but everyone was very cooperative. He does not know what the future holds and he hopes it does not become like other cities because if it did, he would need every sworn officer available.

Council Member Aguirre asked due to the stage of emergency that we are nationally going through should we put these layoffs on hold.

Council Member Vallejo asked to clarify that if a riot occurs, you cannot bring in a CSO in that situation.

Police Chief Nevarez replied that the CSO's would not be used for any state emergencies because it would be unsafe to have a nonsworn unarmed officer in a volatile situation.

City Manager Reyna stated there would still be three CSO's assisting police officers. She noted just in recent budgets they added the additional CSO's positons.

Mr. Sanchez asked the status on the MCCF contract.

City Manager Reyna replied that the current State of California MCCF contract is effective until June 2022.

Council Member Vallejo mentioned that she went to a meeting in February to appeal the closure of the MCCF and met with Assemblyman Salas and Senator Hurtado. She stated that in the meeting it was noted that the governor was proposing the closure of the MCCF.

Council Member Aguirre stated that the City is losing money monthly keeping the MCCF open due to not having enough inmates in the facility.

Mr. Sanchez asked working Monday-Thursday on four ten-hour day schedules would be for all employees.

City Manager Reyna replied that everyone will be on a four ten-hour schedule but not everyone's schedule would be Monday-Thursday. There would be different days for some employees with rotating day schedules.

Mr. Sanchez commented that only three CSOs would not be sufficient as the CSOs sometimes get busy.

City Manager Reyna responded that every department could use more staff. She added that the police department takes up about 67% of the general budget, but she did not want to touch any sworn officers. She added during this unrest and difficult climate we're living in; we need them at our front line for public safety. She further elaborated that every department is taking a hit.

Mayor Pro Tem Alindajao asked the Chief Nevarez what his position was on cutting three CSO's positions and operating with only three CSO's. He also inquired if it would oppose a significant risk to public safety.

Chief of Police Nevarez, replied that losing three CSO's would impact customer service. During this unprecedented time, he is more concerned having sworn armed officers that provide true public safety and handle emergency calls. CSO's do not handle life threatening emergency calls.

Mario Nunez read a letter submitted via email to City Council regarding budget cuts. He noted the City used to have jailer positions that would transport inmates when arrested. The City decided to convert the jailers to CSO's. The police officers would now handle the transportation of inmates. The additional CSO's were needed to assist police officers with non-priority calls while they were out transporting inmates. CSO's are very important to police officers and assist officers with investigations. Without the assistance of the CSO's police officers will have to do more overtime. The City is proposing hiring new police officers during this time and cut CSO's. He asked if the CSO's could continue to work until the new officers are hired.

Mario Nunez asked why the City is not using Measure U funds so we can retain our normal services. He requested this item be pulled until this could be studied. He stated they do not have the budget numbers and have requested them.

City Manager Reyna stated that she is a strong advocate for public safety and thinks very highly of the officers. She noted she sent a response to the DPOA board via email as well to City Council. She stated it is not with pleasure the recommendation of the CSO's reduction. She noted that the City is moving forward with the hiring of two vacant police officers positions and a commander position.

Council Member Vallejo added that the funding of the measures is dependant on the sales tax where a lot of the stores have been closed and are just starting to open.

City Manager Reyna emphasized that one cannot compare the sales of shelf items at Wal-Mart to the public buying 200 vehicles per month at Delano Family motors every month. She stated that no one knows how long this will last and there are projections that this might last 12-18 months, but it takes years to recover.

Mayor Pro Tem Alindajao asked the Chief Nevarez for an affirmative answer if his department could operate with three CSO's.

Chief of Police Nevarez replied CSO's do not handle life threatening emergency calls. He noted that there would be an impact to customer service but not on public safety.

Mayor Pro Tem Alindajao asked what the shortfall was.

City Manager responded shortfall \$2.7 million.

Mario Nunez mentioned that he did some research on Delano store sales. He talked to various managers from Walmart, Smart & Final and Family Motors. He stated that their sales did not go down. He would like to see where are the projection budget numbers coming from before a decision is made.

City Manager Reyna responded that they garner the numbers that are actual and not projection from a customer associate.

Finance Director Rios stated she received the sale tax numbers from the California Franchise Tax Department Association showing a huge sale tax decrease. She noted in the past these reports had been provided to DPOA and she can provide the current numbers to them. These numbers are reviewed on a monthly basis. Sales tax is very different from a regular sale. It depends on how much taxable transactions are being ran through. The disposal income these residents have has just shifting to another location. She noted that the unemployment percent rate is thirty seven percent and people are not purchasing vehicles right now while being unemployed. She mentioned Cal Pers pensions have also been affected and are in deficit.

City Manager Reyna stated that budget numbers are changing every day.

Melissa Smith asked how soon would the MCCF be closed.

City Manager Reyna replied the City has asked the State to close sooner than June 2022 but as of now the City does not been provided a new closing date.

Melissa Smith also asked how many inmates does the City need to house in order not to lose money.

Finance Director Rios replied that currently the MCCF has 485 inmates and the facility can hold up to 578.

City Manager stated the MCCF has created a deficit to the general fund due to improvement projects to the facility. We anticipated getting those funds back but will not be receiving those funds anymore.

Ms. Smith asked Chief Nevarez he won't call on the CSOs as peace officers can he call on Correctional Officers from the MCCF for mutual aid to help on the riots.

Chief Nevarez explained the process of mutual aid.

Mayor Morris closed public comment.

Council Member Osorio thanked staff for the presentation. He wanted to remind everyone that the City is facing a rough estimate of \$1.6 million deficit. He thanked Chief Nevarez for clarifying how the three CSO's layoffs would impact the police department. He mentioned if the layoffs did not occur the alternate route would be to delete or freeze the vacant police officer position. He proposed the consideration of keeping one CSO position and closing one vacant police officer position.

City Manager Reyna asked Chief Nevarez to provide his input on the recommendation proposed.

Chief of Police Nevarez stated that he doesn't know what the future holds and is concerned about the possibility of deploying officers to a riot. He would not feel comfortable making any recommendations on eliminating any sworn officers at this time. He cares for the CSO's and they do a great amount of work in our community, but they do not handle life-threatening calls.

Council Member Aguirre stated he would not move forward on voting on this item until he receives more information or the financials to be reviewed by his financial advisor. He noted that he would never vote on anything that would defund any part of the law enforcement agency. The Delano Police Department is a very vital part of the City and would be irresponsible to leave this City vulnerable with the resources that it needs.

Council Member Vallejo stated none of them are comfortable with makings cuts. She trusts department heads and the city manager to have looked at everything they could possibly looked at to determine where they can make some cuts financially. She agreed with Council Member Aguirre that the DPD is very vital. She trusts the Chief of Police stating that he does not use CSO's to protect the City and would not leave the city vulnerable.

Mayor Pro Tem Alindajao thanked public and DPOA for the comments and questions. It is difficult for everyone to make these cuts. He mentioned that these cuts are temporary and there will be a mid-year review budget. He pointed out that the cuts show that law enforcement is at the top of the priority. He stated he has a lot of confidence on what the Chief Nevarez is saying and he is satisfied that there would not be a significant risk to public safety. He thanked the City Manager and Finance Director for their hard work.

Mayor Morris thanked the public for their comments. She thanked staff because she knows how difficult these decisions are to make. She hopes that we can get back on track soon. She hopes that these positions can be brought back during the mid-year budget review. She agreed with the Chief Nevarez with keeping all sworn police officers. These are unprecedented times and we need to have protection for our City.

**Moved by:** Vallejo

**2<sup>nd</sup> by:** Morris

**Vote:** 4-1

**Ayes:** Morris/Alindajao/Osorio/Vallejo

**Nays:** Aguirre

**Absent:** None

**Abstentions:** None

## **ADJOURNMENT**

Moved by Council Member Vallejo, seconded by Council Member Aguirre, and unanimously carried 5-0 to adjourn the meeting at 7:08 p.m.

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Pattie Castellanos, Deputy City Clerk