



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: June 12, 2009 REPORT NO: 09-095  
ATTENTION: City Council Committee on Budget and Finance  
SUBJECT: Response to request for information on Police Services  
REFERENCE: April 1, 2009 meeting of City Council Committee on Budget and Finance  
May 1, 2009 meeting City Council Committee on Budget and Finance

SUMMARY:

On April 1, 2009, the City Council Committee on Budget and Finance approved the following motion which requested the Police and Fire-Rescue Departments to provide options for "reducing subsidized police services for special events involving the Padres, Chargers and Aztecs sports teams".

*"ACTION: Motion by Councilmember Faulconer, second by Chair Young, to (1) forward the San Diego Police Department and Fire-Rescue Department's proposed special event public safety user fee schedule to Council with the recommendation that the current non-profit special event rate be retained; and (2) that the San Diego Police Department and Fire-Rescue Department return to the Committee within 30 days with a report, to include a City Attorney opinion, as to the options for reducing police and fire-rescue services subsidized by the City for special events involving the Padres, Chargers and Aztec sports teams." (from 4/1/09 Amended Actions, Item 6)*

At the May 1, 2009, Special meeting of the Committee on Budget and Finance the above motion was amended to request a list of services provided to colleges and universities.

*"ACTION: Motion by Council President Pro Tem Faulconer, second by Councilmember Young, to amend the motion made at the April 1, 2009, Budget and Finance Committee meeting related to Item-6 to include that, in addition to the Police and Fire-Rescue Departments returning to the Committee with a breakdown of special event services provided by the City to the Padre, Charger and Aztecs teams, they provide a breakdown of services provided to colleges and universities. (from 5/1/09 Actions, Committee Comment)*

**Padres / Chargers / Aztecs**

The San Diego Fire-Rescue Department currently provides standby inspection and safety services at all Padres, Chargers, and Aztecs sporting events. To date, these services have been provided without recovery of related expenses from the team. These services and the ability to recover costs are authorized by Municipal Code 55.0403 (Standby Fire Department Personnel) and are essential to promote the safety of attendees by ensuring compliance with all applicable safety regulations. Similar services provided to numerous other types of businesses and functions are provided on a cost recovery basis from the responsible organizations. Based on Fiscal Year 2008 activity, if the City were to recover costs for similar experience in Fiscal Year 2010 at the adopted fee levels, the revenue from the teams would be as follows:

Padres – 81 games for estimated revenue of \$222,000

Chargers – 10 games for estimated revenue of \$41,000

Aztecs – 6 games for estimated revenue of \$12,000

Total estimated revenue if the City were to recover costs from all teams would be \$275,000. Emergency medical standby services are already recovered via San Diego Medical Services Enterprise (SDMSE) and billed directly to the customer by Rural Metro.

There are a number of issues relevant to the current practice which merit consideration in determining the best course of action going forward in relation to cost recovery.

- Fire-Rescue inspection/standby services are provided at no expense to the teams
- There is not definitive contractual authority to charge for these events and it is unclear to what degree negotiations with the teams are required to do so
- Cost recovery could be addressed in conjunction with teams during overall contract discussions
- The City Attorney has reported that the City would need to consult with the Padres prior to any attempt to recover costs for services provided at Padre games, and by contract would need to do so prior to the start of the baseball season
- The City Attorney has reported that the City might be able to recover costs from the Chargers for standby services provided if asserted that these services fall under the category of "First-Aide" per the existing contract
- The Aztecs contract is currently being negotiated to include full cost recovery

Some Potential Future Actions that might be contemplated could include:

- Obtain definitive legal opinion regarding contractual authority to recover costs from the Padres and Chargers
- Determine best method and timing to incorporate cost recovery from the Padres and Chargers

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### **Colleges and Universities**

Public colleges and universities are exempt from paying property and other taxes that fund municipal services. As such, consideration of cost recovery is prudent. The City of San Diego currently maintains such an arrangement with the Unified Port District (UPD) recovering costs for both responses and standby services. This agreement is currently being renegotiated and is based on average of prior years' activity and a portion of the cost of fire-rescue resources that stand ready to respond to emergencies. A similar agreement could be pursued with public colleges and universities. Fiscal Year 2008 activity at these facilities is as follows:

University of California, San Diego (UCSD) – \$71,000

San Diego State University (SDSU) – \$3,000

Other Public Colleges – \$1,000

Total estimated revenue if the City were to recover costs from the institutions would be \$75,000. Emergency medical services are already recovered via San Diego Medical Services Enterprise (SDMSE) and billed directly to the customer by Rural Metro. Some of the issues that merit consideration in determining the best course of action going forward in relation to cost recovery are:

- Total recoverable expense is approximately \$75,000
- There is not definitive legal authority to charge for services and it is unclear to what degree negotiations with the educational institutions are required to do so.

Some Potential Future Actions that might be contemplated could include:

- Obtain legal opinion regarding authority to recover costs
- Determine best method and timing to incorporate cost recovery
- Cost recovery could be addressed in a similar manner as the Unified Port District agreement which is based upon average responses and remaining standby hours

If the City decides to pursue recovery of costs from the sports teams and educational institutions additional revenue would be realized totaling approximately \$350,000. The City would need to take into consideration legal, relational, and costing factors to implement a fair and reasonable cost recovery strategy.

Attachment:

City Attorney Report to the Committee on Budget and Finance – May 19, 2009

cc: Honorable Mayor  
Honorable City Council Members  
Honorable City Attorney  
Andrea Tevlin, Independent Budget Analyst  
James Barwick, Real Estate Assets Department Director