City of FRESNO **REPORT TO THE CITY COUNCIL**

AGENDA ITEM NO.	9:45am B
COUNCIL MEETING	07-16-09
APPROVED BY	
DEPARTMENT DIRECTOR	
CITY MANAGER	

July 16, 2009

FROM: Ken Hamm, Director of Transportation

SUBJECT: APPROVE THE FORMATION OF A TRANSIT SECURITY ADVISORY COMMITTEE
1. RESOLUTION - ESTABLISHING THE TRANSIT SECURITY ADVISORY COMMITTEE
2. APPROVE APPOINTMENT OF MITCH COLLINS, ENRIQUE READE, RICK STETIZ, KEN HAMM, AND GREG BARFIELD TO THE TRANSIT SECURITY ADVISORY COMMITTEE

RECOMMENDATION

It is recommended that the Council approve the formation of a Transit Security Advisory Committee (1) Resolution establishing the Transit Security Advisory Committee; (2) Approve the appointment of Mitch Collins, Enrique Reade, Rick Steitz, Ken Hamm, and Greg Barfield to the Transit Security Advisory Committee.

EXECUTIVE SUMMARY

On September 23, 2008, the City Council adopted Resolution No. 2008-246 supporting Senate Bill 1561 and encouraging the California State Legislature to pass it. The bill became law effective January 1, 2009, and gives the Sacramento Regional Transit District (SRTD) and the Fresno Area Express (FAX) specified powers relative to the operation of transit services in their respective service areas. As the legislative body for Fresno Area Express, the City Council is authorized to formally establish the program and create the administrative committee to oversee the program. Additionally, the City staff and the Amalgamated Transit Union (ATU) have worked in cooperation with the Sacramento Regional Transit District to establish consistency in their respective programs and compliance with the letter of the law.

After determining that SB 1561 provides that the members of the advisory committee shall be appointed by Council, as the legislative body, this Report to the City Council replaces one dated March 9, 2009, that speaks of the Ride Privilege Program.

BACKGROUND

Transit systems across America have seen a rise in unruly behavior, including violent acts toward customers and assaults on bus operators. FAX operators experienced 15 assaults this past year, some of them causing significant physical harm. While there are state and local laws that cite fines for various violations, because of the increase in violent crime, additional legal help was sought to help curtail these behaviors. SRTD initiated the effort to pass a new law. Much credit goes to the Amalgamated Transit Union (ATU) for working hard to support it, in particular, our Local # 1027. Exclusion, coupled with fines, should have a bigger impact on curtailing these acts.

This law gives authority to both transit systems to issue a prohibition order to any person cited for committing one or more of certain prohibited acts and under various other circumstances. The prohibition order would prohibit the person subject to the order from entering the property, facilities, or vehicles of the transit district for specified periods up to one year. The general consensus is that riding the bus is a privilege that comes with some responsibilities for the riding public. If a person commits acts that violate the law, under certain circumstances their privilege to ride could be revoked for periods of 30 days up to a year and could be accompanied by a fine or incarceration.

Bill No. SB 1561 has a number of requirements for both transit systems. Legislators did not want to see the districts abuse this new power. So, the law has a potential sunset on January 1, 2012. Both systems will be required to report annually to the State Legislature and the City Council on the performance of the program. The program will be continued if it has been effective and appropriately administered.

The establishment of an advisory committee, composed of at least five members, is a requirement. The legislative body shall appoint the members and the committee is to oversee the program. The Transit Security Advisory Committee's responsibilities would include reporting to the Legislature, ensuring that appropriate training occurs for personnel charged with enforcement, and noticing transit riders. Consistent with law, the committee must include an individual who is a youth advocate, and one who has experience working with the mentally ill. Staff recommends that a five-member committee be formed with the remaining three members consisting of an individual who has experience working with the homeless, the president of the local ATU, and the CEO/Director of Fresno Area Express (FAX).

The following recommended committee members have been researched by the Transportation Department, with assistance from the Amalgamated Transit Union and the City Attorney's Office:

1. One member with experience working with individuals with psychiatric, developmental, or other disabilities, as required by SB1561, Mitch Collins, Case Manager, Kings View Behavioral Health Services.

2. One member who is a youth advocate as required in SB1561, Enrique Reade, Scared Stiff Program.

3. One member from the Amalgamated Transit Union, Rick Steitz, President.

4. One member who is the Director of Transportation, or his or her designee, Ken Hamm, Director.

5. One member with experience working with persons who are homeless, Greg Barfield, City of Fresno.

There are many pages of specific language that spell out the changes to the Public Utilities Code, Sections 99171 and 99172. The advisory committee and support staff will be charged with translating this language into basic language the riding public can understand. The program will be coordinated with the team at SRTD. The language does get very specific about cause and result behaviors. When both systems have deciphered the language into teachable pieces for the public and staff, the advisory committee will present it to the Mayor, City Council, and City Manager. It will then be presented to the public.

FAX staff currently holds twice per month strategic meetings with ATU Local 1027. Both parties have been engaged in developing this program, as has the City Attorney's office. All parties will remain partnered in the implementation and ongoing application of this law, as well as support to the Advisory Committee.

FISCAL IMPACT

The cost of the program is estimated to be under $20,000 annually, potentially offset by savings from incident reductions. This would include printed materials explaining the program to the public, training materials, and reports to the State Legislature.

PROPOSED SCHEDULE

Council Approval of Program/Committee	06-25-09
Seat Advisory Committee	06-25-09
Begin Committee Meetings	07-10-09
Complete Program Articles	07-31-09
Distribute Program Brochure	08-15-09
Complete Staff Training	08-31-09
Unveil Media Campaign	09-17-09
Implement Full Program	10-01-09
First Month Report to Council	11-09-09
Year-End Report to Legislature	07-14-10

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Attachment: Resolution

8147 N. Cedar Ave #107, Fresno Ca, 93720
Work: (559) 459-0334 Cell: (559) 930-2773

Mitchell Collins

Objective Actively pursue an ongoing career in the mental health field.

Experience

Kings View Housing & Recovery Network — Fresno, CA — 2008-Present

Case Manager

- Serve the Homeless Mentally Ill Population
- Provide Placement Services
- Link to Community Resources
- Provide Rehabilitation Services

Turning Point of Central California — Fresno, CA — 2005-2008

Personal Service Coordinator

- Serve the Homeless Mentally Ill Population
- Provide Placement Services
- Link to Community Resources
- Provide Rehabilitation Services

Education

California State University Fresno — Fresno, CA

B.A. Psychology

References

References are available on request.

Henry E. Reade

751 East Vassar Street
Fresno, CA 93704
559 221-5060 Home
559 9402159 Mobile

Objective:

To find employment so I can give the balance of my life in service to the less fortunate that are in our immediate surroundings.

Education:

Washington High School	Los Angeles, CA	1968
East Los Angeles Junior College	Monterey Park, CA	1975

Experience:

Reade & Sons Funeral Home ***May, 2009—Current***

- *Marketing and Business Development*
- *Direct small and large scale Funerals*
- *Family Consultation*
- *Featurist*

Yost & Webb Funeral Home ***Featurist*** ***April, 1992—September, 2008***

- *Reconstructed Featurest*
- *Directed Small & Large Scale Funerals*
- *Interacted & Consulted with Families*
- *Oversaw all Funeral Logistics*

Fresno Community Food Resources, Inc Director ***December, 2001—August, 2006***

- *Directed all logistics of receipt and distribution of food*
- *Oversaw rural community food distributions*
- *Cooridinated farmworker food distribution program*
- *Recruited and directed all volunteer programs*

Bajues Brothers Funeral Home (Los Angeles,CA) Featurist **January,1989—March, 1992**

- *Reconstructed featurest*
- *Directed small & large scale funerals*
- *Interacted & consulted with families*
- *Oversaw all funeral logistics*

Boards/Commissions:

- *Fresno Police Chief's Advisory Board*
- *Valley Center for the Blind Board of Directors*
- *Masten Towers/Delno Terrace/Glenn Agnes Board of Directors*
- *Downtown/Chinatown Kiwanis International, President*
- *Superior Court DUI Prevention Class, Founder & Teacher (12 years to present)*
- *Mothers Against Drunk Drivers, Member*
- *Chicano Youth Center, Board of Directors*
- *Human Relations Commission, City of Fresno (Former Chair)*
- *Catholic Charities, Advisory Committee*

Volunteer Associations:

- *Catholic Charities*
- *American Red Cross*
- *Hurricane Katrina, Supervisor in Feeding Department New Orleans*
- *United Farm Workers*
- *Reade Family Food Pantry*

References:

Available upon request

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL ESTABLISHING
THE TRANSIT SECURITY ADVISORY COMMITTEE

WHEREAS, on September 23, 2008, the City Council adopted Resolution No. 2008-246 supporting the passage of Senate Bill (SB) 1561 to provide additional security measures relating to passenger misconduct and nuisance behavior; and

WHEREAS, SB 1561 went into effect on January 1, 2009; and

WHEREAS, SB 1561 is a three year pilot program that allows the Sacramento Regional Transit District (RT) and Fresno Area Express (FAX) to issue prohibition orders banning persons from entering its property, facilities, or vehicles for determined periods of time for specified offenses; and

WHEREAS, SB 1561 requires that an advisory committee be established to ensure that personnel charged with issuance and enforcement of prohibition orders receive training, provide reasonable notice to the passengers, and prepare an annual report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Transit Security Advisory Committee ("Committee") is hereby established.

2. The purpose of the Committee is to do all of the following:

   a. Evaluate the procedures for issuing the prohibition orders, recommend a course of training for personnel charged with the issuance and enforcement of prohibition orders, and ensure that such personnel receive the recommended training.

   b. Provide reasonable notification to riders that persons engaged in disorderly conduct may be subject to a prohibition order.

   c. Provide recommendations, in consultation with the County Mental Health Director regarding the type and extent of the training, with a particular emphasis for identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

   d. Identify services or programs to which those who are homeless or have psychiatric, developmental, or other disabilities may be referred by personnel prior to or in conjunction with issuance of a prohibition order.

e. Monitor the issuance of prohibition orders to ensure compliance with Section 51 of the Civil Code.

f. Provide the City Council and the California State Legislature with an annual report summarizing the number of prohibition orders issued during the proceeding year, the types and numbers of citations by category, the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to such orders

g. Recommend to the City Council for adoption, ordinances prohibiting or regulating conducts as permitted in SB 1561.

h. Carry out any and all other duties as authorized in SB 1561, and its amendments.

3. The Committee shall continue to exist until January 1, 2012 when SB 1561 is repealed by operation of law, unless a later enacted statute deletes or extends that date.

4. Membership on the Committee shall consist of:

a. Five (5) members who are appointed by the City Council.

b. The members shall have the following qualifications:

1) One member with experience working with individuals with psychiatric, developmental, or other disabilities, as required in SB 1561.

2) One member who is a youth advocate as required in SB 1561.

3) One member from the Amalgamated Transit Union.

4) One member who is the Director of Transportation, or his or her designee.

5) One member with experience working with persons who are homeless.

5. The members shall serve at the pleasure of the City Council, and shall be subject to removal by a majority vote of the Council.

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6. The Committee shall comply with the open meeting laws under the Ralph M. Brown Act, the conflict of interest provisions of the Political Reform Act, and any other applicable laws.

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CLERK'S CERTIFICATION
STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____,2009.

AYES :
NOES :
ABSENT :
ABSTAIN :

REBECCA E. KLISCH
City Clerk

BY:_____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Tei Yukimoto 6/18/09
Tei Yukimoto, Sr. Deputy

Rev. 6/17/09