

REPORT TO CITY COUNCIL

DATE: MAY 12, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

**BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER
MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**

**SUBJECT: RESOLUTION NO 10-1581 OF THE CITY COUNCIL OF THE CITY OF
AGOURA HILLS, AUTHORIZING THE CITY'S CODE COMPLIANCE
OFFICERS TO ISSUE PARKING AND OTHER VEHICLE CODE
CITATIONS**

California Vehicle Code Section 40202(a) identifies that parking citations may be issued by a peace officer or person authorized to enforce parking laws and regulations. Section 3801 of the Agoura Hills' Municipal Code identifies an issuing officer to mean a peace officer as defined in Chapter 4.5 of Title 3 of the California Penal Code, or any other person authorized by the city to issue a parking citation. The City's Code Compliance Officer routinely receives reports of parking violations (i.e., prolonged trailer parking, recreation vehicle parking, etc.) and historically documents the complaint, then follows up with the responsible party via the normal code enforcement process. Additionally, the Code Compliance Officer also registers some recurring violations with the County of Los Angeles Sheriff's Department (Sheriff's Department) to abate the violations. However, there are occasions when the Sheriff's Department is unable to immediately address these complaints and issue a citation as the result of other priority calls it receives.

Providing the City's Code Enforcement Officer the ability to issue citations has been a goal of City staff for some time, as it would provide an additional tool to assist both the departments of Planning and Community Development and Public Works with insuring the public safety, welfare, and quality of life for Agoura Hills' residents. Discussions with the City Prosecutor and City Attorney have indicated that while the Agoura Hills Municipal Code currently authorizes this authority, at their recommendation, a resolution memorializing this ability has been drafted for the City Council's consideration. Additionally, legal counsel also recommends the City's Code Compliance officer obtain specialized training, Penal Code Section 832, which includes procedures to follow when filling out citations. Recently the Code Compliance Officer completed the specialized training, and City staff met with the Sheriff's Department and will receive their assistance and support.

The Director of Planning and Community Development is recommending the issuance of the parking citations by the Code Compliance Officer be on a "complaint basis" as a proactive

program is more resource intensive. Specific attention will be addressed to parking of trailers, parking of recreation vehicles, and vehicles parked in residential driveways, but extended into the pedestrian sidewalk. Traffic and moving violations will not be part of this process, and the Code Enforcement Officer will not replace the Sheriff's Department existing role in the issuance of routine parking citations.

The attached resolution identifies the applicable codes and calls out the City Council's authorization of the Code Compliance Officers to issue parking citations.

With the exception of the training class, there will be no additional expenses incurred by the City to implement this process, as the Code Compliance Officer will utilize the existing ticketing process and the processing system used by the Sheriff's Department. Upon completion of all the required training, including consultations with the Sheriff Department, staff anticipates the Code Compliance Officer will begin this process on or after July 1, 2010. City staff met with the Law Enforcement Committee on this issue and has received their full support.

RECOMMENDATION:

Staff is requesting the City Council approve Resolution No. 10-1581 authorizing the Code Compliance Officer the authority to issue parking and other vehicle code citations.

Attachment: Resolution No. 10-1581

RESOLUTION NO. 10-1581

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE CITY'S CODE ENFORCEMENT OFFICERS TO ISSUE PARKING AND OTHER VEHICLE CODE CITATIONS

WHEREAS, California Vehicle Section 40200, et. seq, establishes a system of administrative adjudication wherein standing or parking vehicle violations that are not misdemeanors are subject to a civil penalty; and

WHEREAS, Section 40202(a) of the California Vehicle Code indicates that parking citations may be issued by the "peace officer or person authorized to enforce parking laws and regulations"; and

WHEREAS, Article III, Section 3801, of the Agoura Hills Municipal Code identifies "issuing officer" as a peace officer as defined in Chapter 4.5 of Title 3 of the California Penal Code, or any other person authorized by the City to issue parking citations; and

WHEREAS, pursuant to Article II, Section 2401 of the Agoura Hills Municipal Code, the Enforcement Officer has the authority and duty to enforce the provisions of the Municipal Code and City ordinances, and to issue citations for infractions and misdemeanors; and

WHEREAS, the position of Enforcement Officer is a critical position in the Planning and Community Development Department, and authorizing the Enforcement Officer to issue parking citations will provide an additional tool for the City to protect the public;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City's Enforcement Officers to issue parking citations;

PASSED, APPROVED, and ADOPTED this 12th day of May, 2010, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Resolution No. 10-1581
Page Two

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk