



CITY OF HIGHLAND

PUBLIC SAFETY SUBCOMMITTEE AGENDA

Special Meeting
April 23, 2025 at 11:00 AM
City Hall Upright Conference Room
27215 Base Line, Highland CA 92346

SUBCOMMITTEE MEMBERS

Penny Lilburn, Member
District 3

Jimmy Saldana, Member
District 4

STAFF

Carlos Zamano, City Manager
Lawrence Mainez, Community Development Director
Leticia Nava-Cruz, Director of Administrative Services/City Treasurer
Lissette Nock, Deputy City Clerk
Michelle Gomez, Assistant Director of Administrative Services
Octavio Duran Jr., Public Works Director/City Engineer

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, prior to the meeting for any requests for reasonable accommodations, including interpreters.

Any disclosable public records related to an open session item provided to the majority of the Subcommittee after posting of this agenda are available for public inspection at Highland City Hall, 27215 Base Line, Highland, during normal business hours and available online at www.cityofhighland.org.

PUBLIC SAFETY SUBCOMMITTEE
April 23, 2025 - 11:00 a.m.

CALL TO ORDER

PUBLIC COMMENT

Submission of Public Comments for ITEMS ON THIS AGENDA ONLY: For those wishing to make public comments by email, please submit your comments by 10:00 a.m. on April 23, 2025, to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the April 23, 2025 agenda, please identify the agenda item number in the subject line. Members of the public will be permitted to make public comments in person.

BUSINESS ITEMS

1. Minutes - December 20, 2022 Meeting
RECOMMENDATION: Approve the Minutes as submitted.
2. Discussion of City of Highland Public Safety and Infrastructure Sales Tax Increase Measure
RECOMMENDATION: That the Subcommittee review and provide direction whether to consider a 1% local transaction and use tax (sales tax).
3. Consideration of Amendments to the Fireworks Ordinance Related to an Increase in Fines and the Enhancement of Enforcement Efforts (HMC Chapter 1.20, Arrest Citation Procedures, Chapter 2.56, Administrative Citation Process, and Chapter 8.58, Fireworks)
RECOMMENDATION: That the Subcommittee review and recommend increasing the administrative fine as allowable under the State Fireworks Law for use of illegal fireworks, provide direction on enhanced code enforcement efforts, and make a recommendation to the City Council as appropriate.
4. Code Enforcement Restructuring to Help Expedite Due Process related to Enforcement Officer Case Load
RECOMMENDATION: That the Subcommittee review and approve its proposed restructuring of the City's Code Enforcement Division and Public Services Division and provide comments as appropriate.

ADJOURN

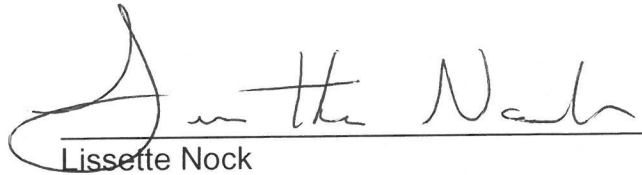
I, Lissette Nock, Deputy City Clerk, of the City of Highland, California, certify that I caused to be posted this Agenda on or before the 21st day of April, 2025, by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: April 21, 2025

A handwritten signature in black ink, appearing to read "Lissette Nock", is written over a horizontal line.

Lissette Nock
Deputy City Clerk



Business Item No.
1

STAFF REPORT

TO THE PUBLIC SAFETY SUBCOMMITTEE

DATE: April 23, 2025

FROM: Lissette Nock, Deputy City Clerk

SUBJECT: Minutes - December 20, 2022

RECOMMENDATION: Approve the minutes as submitted.

**MINUTES
PUBLIC SAFETY SUBCOMMITTEE
DECEMBER 20, 2022**

CALL TO ORDER

The Public Safety Subcommittee meeting was called to order at 10:00 a.m. at the Upright Conference Room, 27215 Base Line, Highland, California.

ROLL CALL

Present: Lilburn, Chavez

PUBLIC COMMENT

No public comment.

BUSINESS ITEMS

1. Review Minutes of December 14, 2021 Meeting
Minutes approved as submitted.

2. Update on San Bernardino County Ambulance Service Agreement
City Manager Hughes gave an update on the current contract status with the County and AMR regarding Ambulance Services. The County is currently contracting with a firm to issue an RFP for Ambulance Services. CONFIRE, who will be submitting an RFP, is requesting the City sign a Declination Letter that confirms the City of Highland does not want to join the CONFIRE JPA. The subcommittee recommends sending CONFIRE a letter stating that the City of Highland will not be signing the Declination Letter and does not want to join the CONFIRE JPA, since CONFIRE has not been awarded the contract. However, since the City Attorney is still reviewing the Declination Letter, the subcommittee recommends that if the City Attorney advises that the City should sign the Declination Letter, this item will be taken to the City Council for approval.

3. General Update on Police and Fire Services
City Manager Hughes gave the subcommittee an update on the contracts for the San Bernardino County Sheriff's Department and Cal Fire. City Manager Hughes went over the staffing levels and costs for both contracts and answered general questions from the subcommittee members. There was no recommendation from the subcommittee. This item was for informational purposes only.

ADJOURN

There being no further business, the meeting was adjourned at 10:38 a.m.

Submitted by:

Approved by:

Alondra Muñoz, Deputy City Clerk

Subcommittee Member



STAFF REPORT

TO THE PUBLIC SAFETY SUBCOMMITTEE

DATE: April 23, 2025

FROM: Carlos Zamano, City Manager *CZ*

PREPARED BY: Leticia Nava-Cruz, Director of Administrative Services/City Treasurer *LNC*

SUBJECT: Discussion of City of Highland Public Safety and Infrastructure Sales Tax Increase Measure

RECOMMENDATION: That the Subcommittee review and provide direction whether to consider a 1% local transactions and use tax (sales tax).

FISCAL IMPACT: To be determined subject to direction of this Subcommittee and City Council to move forward with a ballot measure and approval by Highland voters.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

BACKGROUND: The City of Highland has consistently adopted balanced two-year budgets, thanks to conservative fiscal management by past and current City Councils. The General Fund has remained balanced without implementing layoffs, furloughs, pay cuts, or reductions in service. However, while revenues are anticipated to grow, driven in part by significant commercial development in the Golden Triangle Policy Area, including a new Costco, projected expenditures are expected to outpace revenues annually over the next 10 years and beyond.

Public Safety

The City's public safety expenses continue to rise significantly due to annual increases in service contracts with the San Bernardino County Sheriff's Department and Cal Fire. For law enforcement, the City anticipates an increase of approximately \$723,650 (4.87%) in Fiscal Year 2025/2026 and \$962,155 (4.5%) in Fiscal Year 2026/2027. Additionally, the Sheriff's Department has requested four new Deputy positions, which would cost approximately \$1.2 million annually. However, these positions are not currently included in the upcoming two-year budget due to financial constraints.

On the fire services side, Cal Fire is projecting operating deficits of \$2.3 million in Fiscal Year 2025/2026 and \$2.8 million in Fiscal Year 2026/2027. These shortfalls are currently being covered through transfers from the General Fund—a practice that is not sustainable over the long term. A new five-year contract for fire services will begin in Fiscal Year 2025/2026, introducing significant changes including a reduction in work hours from 72 to 66 hours per week, as negotiated in a recent MOU. The City will also transition from a traditional staffing model to a municipal model, making Highland the last Southern California city to adopt this approach. This staffing enhancement ensures that each shift includes a dedicated Captain, which improves service delivery, reduces liability, and strengthens the City's mutual aid agreements with other agencies.

Infrastructure

Highland is facing major infrastructure challenges that require significant local investment to maintain public safety, support regional mobility, and meet future growth demands. Several high-priority projects - including bridge replacements, freeway interchanges, and a new fire station -

either lack full funding or require substantial local matching funds to leverage state and federal grants. Without a new source of revenue, such as a local sales tax, the City will be unable to meet these infrastructure needs within a reasonable timeframe, delaying critical improvements and putting added pressure on existing facilities.

Key Infrastructure Projects:

- Bridge Replacements:
 - *Base Line Bridge over City Creek* and *Orange Street Bridge over Plunge Creek* are partially funded through federal Highway Bridge Program grants.
 - Total combined cost: approximately \$107 million
 - Local match required: \$15 million, with a current shortfall of \$12.2 million
- Freeway Interchanges:
 - *SR-210/Victoria Avenue Interchange*: Estimated at \$145 million, with no funding secured for engineering, right-of-way, or construction.
 - *SR-210/5th Street Interchange*: Estimated at \$23.4 million, with a funding shortfall of \$9 million
- Fire Station Replacement:
 - Construction of a new facility to replace *Fire Station No. 1*, including a training center, is estimated at \$20 million
 - The City has been placing funds in reserve, but without new revenue, construction is not feasible within the next 20 years

For grant-funded infrastructure projects, the City must front the full cost of work before receiving reimbursement. This requires sufficient cash flow and reserves - another factor making the case for additional revenue.

Transactions and Use Tax (Sales Tax)

In California, the California Department of Tax and Fee Administration (CDTFA) is responsible for collecting both sales and use taxes. These taxes apply to the sale or use of tangible personal property purchased from in-state or out-of-state retailers. Under the Bradley-Burns Uniform Local Sales and Use Tax, cities currently receive 1% of the total sales tax collected within their jurisdiction. This 1% is unrestricted and deposited into the City's General Fund to support essential municipal services.

Highland's total sales tax rate is currently 7.75%, distributed as follows:

- 1% to the City of Highland (Bradley-Burns)
- 6% to the State of California
- 0.75% to San Bernardino County, primarily for transportation improvements under Measure I

California law allows cities and counties to adopt additional local sales taxes—known as transactions and use taxes—on top of the Bradley-Burns tax, up to a combined maximum of 2%. Currently, only 0.5% of that allowable 2% is being utilized in San Bernardino County for Measure I, leaving 1.5% of capacity still available.

If approved by Highland voters, a 1% local sales tax measure would remain well within the legal limit and would be entirely retained by the City. These funds would provide a dedicated revenue stream to address Highland's growing needs in public safety and infrastructure, supporting long-term fiscal sustainability without cuts to essential services.

Comparison of Local Sales Taxes

The proposed 1% local sales tax measure would bring Highland's total sales tax rate to 8.75%, aligning it with many neighboring and comparable cities in the region. Maintaining a competitive tax rate is important for ensuring Highland can invest in community priorities without falling behind other jurisdictions in terms of service levels or infrastructure improvements.

Many surrounding cities have already adopted similar local sales tax measures, generating millions in annual revenue to support public safety, road repairs, and essential city services. These additional revenues have enabled those communities to fund long-term improvements and maintain a higher level of service for their residents.

- In March 2024, voters in the City of Chino approved a 1% sales tax increase - from 7.75% to 8.75% - through their *Public Safety, Road, and Essential Services Measure*. **This is projected to generate approximately \$28 million annually.**
- In November 2024, voters in both the Town of Apple Valley and the City of Fontana approved similar 1% sales tax measures, increasing their rates from 7.75% to 8.75%. **These measures are expected to generate approximately \$9 million and \$46 million annually, respectively.**

These actions reflect a growing regional trend, with cities securing local funding to invest directly in community priorities - something Highland now has the opportunity to do as well.

Current Sales Tax Rates in Neighboring Cities:

City	Rate
Apple Valley	8.75%
Colton	8.75%
Fontana	8.75%
Highland	7.75%
Montclair	9.00%
Redlands	8.75%
San Bernardino	8.75%
Yucaipa	8.75%

Impact and Applicability

If approved by Highland voters, the proposed 1% sales tax measure would provide a new and ongoing source of unrestricted revenue directly to the City's General Fund. These funds would be used to support essential services, including Public Safety and Infrastructure improvements, such as road maintenance, fire services, and law enforcement. The specific revenue amount is expected to be determined through an independent financial analysis by a qualified consultant.

For shoppers, the cost of the proposed tax is modest - just one cent per dollar on taxable purchases, or ten cents for every \$10 spent. The tax would not apply to essential items such as groceries, medical and dental services, rent, real estate transactions, utilities, education, or labor-based personal services.

Most important, as new commercial development continues to expand - particularly in areas like the Golden Triangle Policy Area, Highland is expected to attract more visitors and shoppers from surrounding communities. A portion of sales tax revenue is already generated by non-residents, and that share will only grow as new businesses open. This creates a valuable opportunity for non-Highland residents to contribute to the cost of maintaining Highland's roads, emergency response services, and overall quality of life, all while they enjoy the City's amenities and retail offerings.

By capturing more of this regional spending through a local sales tax, Highland can invest directly in the services and infrastructure that benefit both residents and visitors, ensuring our community stays safe, accessible, and well-maintained as it grows.

Next Steps

The City Council does not have the authority to enact a new tax directly, only the voters can approve a new local tax. Under the California Constitution (Proposition 218) and Revenue and Taxation Code Section 7285.9, the City is authorized to place a general-purpose local sales tax on the ballot, subject to approval by a majority of voters in a municipal election.

To do so, the City Council must first vote to place the measure on the ballot. In accordance with Proposition 62, this action requires a two-thirds vote of the Council, meaning at least four affirmative votes are needed.

Recommendation

City staff respectfully request approval from this Subcommittee to move forward with the analysis and engage a consultant to assess the proposed ballot measure. Additionally, staff seeks authorization to present this agenda item to the City Council for further consideration at an upcoming meeting.



STAFF REPORT

Business Item No.

3

TO THE PUBLIC SAFETY SUBCOMMITTEE

DATE: April 23, 2025

FROM: Carlos Zamano, City Manager *CZ*

PREPARED BY: Lawrence Mainez, Community Development Director *LMainez*

SUBJECT: Consideration of amendments to the Fireworks Ordinance related to an increase in fines and the enhancement of enforcement efforts (HMC Chapter 1.20, Arrest and Citation Procedures, Chapter 2.56, Administrative Citation Process, and Chapter 8.58, Fireworks).

RECOMMENDATION: Staff recommends the Public Safety Subcommittee consider increasing the administrative fine as allowable under the State Fireworks Law for use of illegal fireworks, provide direction on enhanced code enforcement efforts, and make a recommendation to the City Council as appropriate.

FISCAL IMPACT: The fiscal impact associated with the proposed amendments to the Highland Municipal Code related to Fireworks enforcement are negligible, and the related fines collected help to offset the City's enforcement efforts. Staff is recommending the related fine be increased to \$2,000.00 which is the maximum allowable in accordance with State Fireworks Law (Health & Safety Code 12700(a)). Additional details follow below.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

BACKGROUND: This item for consideration is proposed by the City Manager as a follow up to recent meetings with other local jurisdictions involving illegal fireworks enforcement efforts. These amendments are also consistent with the past directive given by the Public Safety Subcommittee to look into increasing the fines for illegal fireworks.

As the Public Safety Subcommittee is aware, in 2013, the City of Highland City Council adopted Ordinance No. 377, prohibiting the possession, sale, storage, manufacturing, and use of fireworks in the City's corporate boundaries. In 2020, the City Council adopted Ordinance No. 444, amending the City's Fireworks Ordinance to eliminate some ambiguities, and stipulating the first administrative citation shall be in the amount of \$1,000.00 (not the \$100.00 as initially required in the Municipal Code), and all subsequent administrative citations shall also be \$1,000.00.

Fireworks Prohibition

The City of Highland Municipal Code, Chapter 8.58, Fireworks, Section 8.58.020 (Prohibition), states “no person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code.”

Public Displays – Permit Required

The Highland Municipal Code Chapter 8.58, Section 8.58.030 (Displays) allows the use of public displays of fireworks with a permit issued by the Fire Chief and Police Captain. In years past, the City has also required a Special Event Permit to be approved by the City Council due to the size of the attendees and impacts to surrounding neighborhoods (i.e., public display held at Immanuel Baptist Church).

Seizures and Disposal

The Highland Municipal Code authorizes the Fire Chief and Police Captain, and their authorized representatives to seize, take, remove, store and dispose of any fireworks, dangerous fireworks and safe and sane fireworks. The City’s representatives may charge any person whose fireworks are seized a reasonable amount sufficient to cover the costs of transporting, storing, handling and disposing of the seized fireworks (HMC Section 8.58.050).

Penalties and Fines

Anyone who violates the provision of the City’s Municipal Code Chapter 8.58, is subject to prosecution as either an infraction or a misdemeanor (HMC Section 8.58.060(A)). A violation of the City’s current Municipal Code Chapter 8.58, is subject to an administrative fine in the amount of \$1,000.00 for each violation (HMC Section 8.58.060 (B)). Staff is recommending the related fine be increased to \$2,000.00 which is the maximum allowable in accordance with State Fireworks Law (Health & Safety Code 12700(a)).

Comparison with other Agencies:

The following is a summary of fines charged by other surrounding agencies. It should be noted staff did not conduct an in-depth analysis of each agency enforcement process comparatively with the City’s Municipal Code, but rather the following information was obtained from the agency’s websites for the Subcommittee’s information.

<u>City:</u>	<u>Fine:</u>
City of Banning	Up to \$1,000. Subsequent fine of \$1,000.
City of Beaumont	\$1,000 for 1 st violation, \$2,500 for 2 nd , \$5,000 for each additional.
City of Calimesa	Up to \$1,000. Subsequent fine of \$1,000.
City of Colton *	\$4,000 for 1 st violation, \$6,650 for 2 nd .
City of Fontana*	\$2,750 for 1 st violation, \$5,500 for 2 nd , \$11,000 for 3 rd .
City of Grand Terrace*	\$2,750 for 1 st violation, \$5,500 for 2 nd , \$11,000 for 3 rd .
City of Highland	\$1,000.00 fine for each violation.
City of Loma Linda	\$100 for 1 st violation.
City of Ranch Cucamonga	\$1,000 for each violation.
City of Redlands	Refers to California Health and Safety Code limits.

City of San Bernardino*	Illegally selling or using “safe and sane” fireworks fined \$1,000 for 1 st , \$2,500 for 2 nd , and \$5,000 for each additional. Illegal selling or using “dangerous” fireworks will be fined \$2,500 for 1 st , \$5,000 for 2 nd , and \$10,000 for each additional. Also, City has a \$250 reward program.
County of San Bernardino*	Fines up to \$1,250.
City of Yucaipa	\$1,000 for each violation.

*Note: * indicates the city permits “safe and sane” fireworks in designated areas.*

Proposed Pilot Program for July 4, 2025

Staff is proposing to initiate a pilot program this year modeled after the City of Bellflower fireworks enforcement effort. In short, this pilot program will involve the City Manager, Executive Staff (Directors), and Code Enforcement Officers driving around the city during the evening of July 4th and documenting by dashcam video and use of written forms to identify illegal firework activities. The following week, staff will use the video and forms to prepare administrative citations. The administrative citation will be mailed directly to the property owner where the illegal firework activity was identified. No contact will be made with violators during the driving enforcement effort due to safety concerns.

Although the City of Bellflower is less than half the size of the City of Highland (6.1 square miles vs 18 square miles), they have more households (23,000 vs 17,000), and 60 percent of their households are rental units compared to Highland’s 35 percent or more. The City of Bellflower staff advised Highland that during the adoption of its Ordinance their Council felt that property owners and owners of rental units should play a critical role in preventing illegal fireworks (therefore they only cite property owners as the party responsible). It is important to note that the City of Bellflower does allow “safe and sane” type fireworks. In terms of the City of Bellflower July 4th enforcement effort, they rent four (4) vehicles (unmarked vehicles) so they do not draw attention during the July 4th enforcement effort, and they attach dashcams to the rearview mirrors to capture illegal fireworks activity. Each vehicle is occupied with at least two people, one to safely drive around the city, and one to ensure the dashcam is functioning and the violation location is correctly documented on the associated forms. The videos and forms are then used to mail out citations within a few days after the 4th of July enforcement effort. The following is some of the enforcement stats the City of Bellflower provided to Highland. They also advised staff that they were able to collect up to 70% of the fines issued after excluding citations where the video and documents were not clear or when appeals were successful.

- On July 4th **2022**: - 108 Administrative Citations issued (fines collected - \$108,000.00).
- On July 4th **2023**: - 128 Administrative Citations issued (fines collected - \$165,000.00).
- On July 4th **2024**: - 131 Administrative Citations issued (fines collected - \$112,000.00).

More details concerning the City of Highland’s proposed pilot program will be provided during the Public Safety Subcommittee meeting.

Analysis: Staff request the Subcommittee provide a recommendation to the City Council concerning the items outlined below related to illegal firework activity and enforcement efforts and provide comments as appropriate.

1. May the City rely on video recordings as evidence to issue a citation for fireworks violations?

In consultation with the City Attorney, it was determined that the use of a dashcam is permissible. Generally, in administrative and civil enforcement proceedings, evidentiary standards are more flexible than in criminal trials. Administrative citations are generally subject to the preponderance of the evidence standard, requiring that the evidence shows it is more likely than not that the claim is true. According to case law a video is the equivalent of a “writing”, provided it is authenticated. A code officer can authenticate a video by their presence on scene while it is recorded. This test (requirement) will be met during the Highland pilot project because a Code Enforcement Officer will be assigned their own dashcam and will take custody as evidence within the code files and used to support the issuance of a citation. Staff recommends the Public Safety Subcommittee provide direction on the use of dashcams as part of its proposed enforcement pilot program.

2. Can the City mail an administrative citation, or must it be issued in person?

In consultation with the City Attorney, it was determined that the City can mail administrative citations. However, after review of the City’s citation procedures, specifically sections 2.56.040 and 2.25.050, it was determined that there was a slight contradiction on the point related to whether mailing a citation alone was sufficient. That being the case, it is recommended the City amend the municipal code to clarify that procedure required to issue citations. Staff recommends the Public Safety Subcommittee provide direction on the mailing of citations as part of staff’s proposed enforcement pilot program.

3. What is the maximum fine the City can issue for fireworks violations?

In consultation with the City Attorney, it was determined that the state fireworks law under Health and Safety Code Section 12700(a) the maximum fine the City can issue is \$2,000. As noted above, the current fine stipulated in the City’s municipal code Section 8.58.060 is \$1,000, therefore a municipal code amendment is required to increase the fine to \$2,000. Staff recommends the Public Safety Subcommittee provide direction concerning the proposed fine increase.

4. Can the municipal code amendment be approved prior to July 4th?

Adoption of an ordinance must be introduced as a first reading at a City Council hearing, followed by a second reading and adoption at a separate City Council hearing. The ordinance would then take effect 30 days after its adoption. Under this scenario, staff could prepare an ordinance to amend the municipal code and present the first reading at the May 13th City Council hearing date. The second reading would be presented at the June 10th City Council hearing date, and the ordinance would take effect 30 days after or on July 10th. That being said, this normal approach would not work since the ordinance would take effect after the July 4th holiday and jeopardize the proposed enforcement pilot program. The following two (2) options are suggested for the Subcommittee’s consideration.

- Alternative Municipal Code Amendment Process Options:

Option 1. Adopt an “Urgency” ordinance at the June 10th City Council meeting. This urgency ordinance would go into effect immediately. Staff would then be able to take a permanent ordinance for first reading on either May 13th or June 10th. The ordinance would go into effect after July 4th, but the City would be able to enforce the urgency ordinance.

Option 2. Hold a “Special” meeting at least five (5) days before the May 13th City Council meeting (before May 8th) and then conduct a second reading and ordinance adoption on May 13th. The ordinance would then go into effect on June 12th. Staff will attempt to schedule a Special City Council meeting sometime between April 30th and May 7th.

Staff recommends the Public Safety Subcommittee provide direction concerning the preferred alternative municipal code amendment process.



STAFF REPORT

TO THE PUBLIC SAFETY SUBCOMMITTEE

DATE: April 23, 2025

FROM: Carlos Zamano, City Manager *CZ*

PREPARED BY: Lawrence Mainez, Community Development Director *Lawm*

SUBJECT: Code Enforcement restructuring to help expedite due process related to enforcement officer case load.

RECOMMENDATION: Staff recommends the Public Safety Subcommittee consider its proposed restructuring of the City's Code Enforcement Division and Public Service Division and provide comments as appropriate.

FISCAL IMPACT: None.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

BACKGROUND: This item is being considered as a result of an inquiry by the Mayor related to assigning a code enforcement officer to each Council District.

Currently the Code Enforcement Division is part of the Community Development Department and managed by the Community Development Director. The Code Enforcement Division is staffed by three (3) full-time Code Enforcement Officers. One Officer is assigned to an area identified as the Community Development Block Grant area (CDBG)(see Attached Map), and one Officer is assigned to the central and easterly portion of the City and assists in the CDBG area, as well as works on Fridays and Saturdays on a rotating basis. The third officer is the Senior Code Compliance Officer who serves in a supervisory capacity and also serves as the City's Homeless Liaison responsible for quality-of-life initiative objectives, such as homeless encampment mitigation and business outreach efforts related to panhandling and trespassing. The Senior Code Compliance Officer also handles public nuisance code cases and works on Fridays and Saturdays on a rotating basis.

Within the Public Services Department, there is one Code Compliance Officer funded by Burrtec Waste Management Franchise to assist with the homeless, trash complaints, and recycling programs city wide.

Code Enforcement Activity:

The following are Code Enforcement Division complaint stats for the Subcommittee's information.

The number of **public nuisance** code complaints received by calendar year:

<u>Year:</u>	<u>Complaints Received:</u>	<u>Average per month:</u>
2021	993	83 av/mon
2022	1,185	99 av/mon
2023	1,003	84 av/mon
2024	1,104	92 av/mon

The number of estimated **homeless** complaints received by calendar year:

<u>Year:</u>	<u>Complaints Received:</u>	<u>Average per month:</u>
2023	300	25
2024	400	33

Types of Complaints:

There are 64 types of complaint categories the City can receive to process, but in general, most of the complaints fall under one of the following 14 categories. The general location of complaints received in 2024 are illustrated on the attached map (see Attached 2024 Reported Code Enforcement Complaints Map).

- Animal Complaints
- Graffiti
- Homeless loitering and encampment
- Illegal construction
- Illegal dumping (trash and debris)
- Illegal food/street vending
- Illegal home occupation
- Illegal food service from a residential unit
- Loud music/noise
- Yard sales
- Parking violations/parking in the front yard/abandon vehicles
- Property maintenance
- Recreational Vehicle parking
- Unpermitted signs/banners

Code complaints can be submitted to the City in the following manner:

1. Through the "report and issue" portal on the City's website.
2. Emailing the City.
3. Phone call to City Hall.
4. In person at City Hall.
5. Graffiti Hotline

Code Enforcement Due Process:

The following is a brief overview (steps) involved in the City's code enforcement in-take and due process.

Step 1 - The Community Development Director and Community Development Department Administrative Assistant collect the complaint received and open a code enforcement case using the City's webbased code management system (iWorQ), and assign the case to a code officer.

Step 2 - Each Code Officer reviews their iWorQ dashboard everyday and responds accordingly which includes: 1) scheduling an inspection to locate and confirm violation; 2) mail out a courtesy letter to tenant/property owner/business.

Step 3 - Follow-up inspection scheduled, and issue Notice of Violation, or Citation. Appropriate time is given to the property owner to abate violation. Up to three (3) citations may be issued. The property owner has the right to appeal within ten (10) days of the receipt of a citation to the Planning Commission/Appeals Board, and to the City Council thereafter.

Step 4 - Failure by the property owner or business owner to abate the violation may trigger the City Attorney to mail a cease and desist letter.

Step 5 - Should the citation or City Attorney letter fail to facilitate abatement of the violation(s), the code officer will prepare the case to be presented to the Planning Commission/Appeals Board to declare the violation a public nuisance. The declaration of public nuisance includes a deadline for the property owner to abate the violation or legal action will be taken. The public nuisance can be appealed up to the City Council.

Step 6 - In the event the above administrative due process fails, the Code Officer will request the City Attorney prepare the case to file a court ordered injunction to compel the property owner to abate the violation. Some other legal procedures could be involved including: 1) obtaining a court ordered abatement warrant which may involve the city abating the violation and recording a lien on the property to recover costs; or 2) in some cases a City Council closed session may be necessary to obtain direction from the Council on a significant public nuisance case, due to the extensive legal costs associated with the case and potential lawsuit.

Proposed Restructuring of the Code Enforcement Division:

Assigning a Code Officer to a City Council District would result in a disproportional workload among the code officers due to the fact most of the public nuisance complaints and homeless impacts are generated west of the SR-210 Freeway.

As an alternative to a City Council District distribution, staff is recommending the following restructuring of the City's Code Enforcement Division and Public Services Department Code Enforcement.

1. Redirect the Public Service Code Compliance Officer to start coordinating with the Code Enforcement Division Senior Code Compliance Officer on all matters related to homeless complaints and business outreach efforts. This will help the Senior Code Compliance Officer to manage more public nuisance cases in a timely manner and assist other code officers as needed.
2. Distribute more CDBG area code complaints to the other code officer and senior code officer to help improve due processing times on the westerly portion of the City (west of SR-210 Freeway).

3. (optional) Hire a temporary code compliance officer to assist with weekend coverage and focus on intervening with illegal food and street vendors (and assist with other code enforcement cases). This is predicated on funding availability.

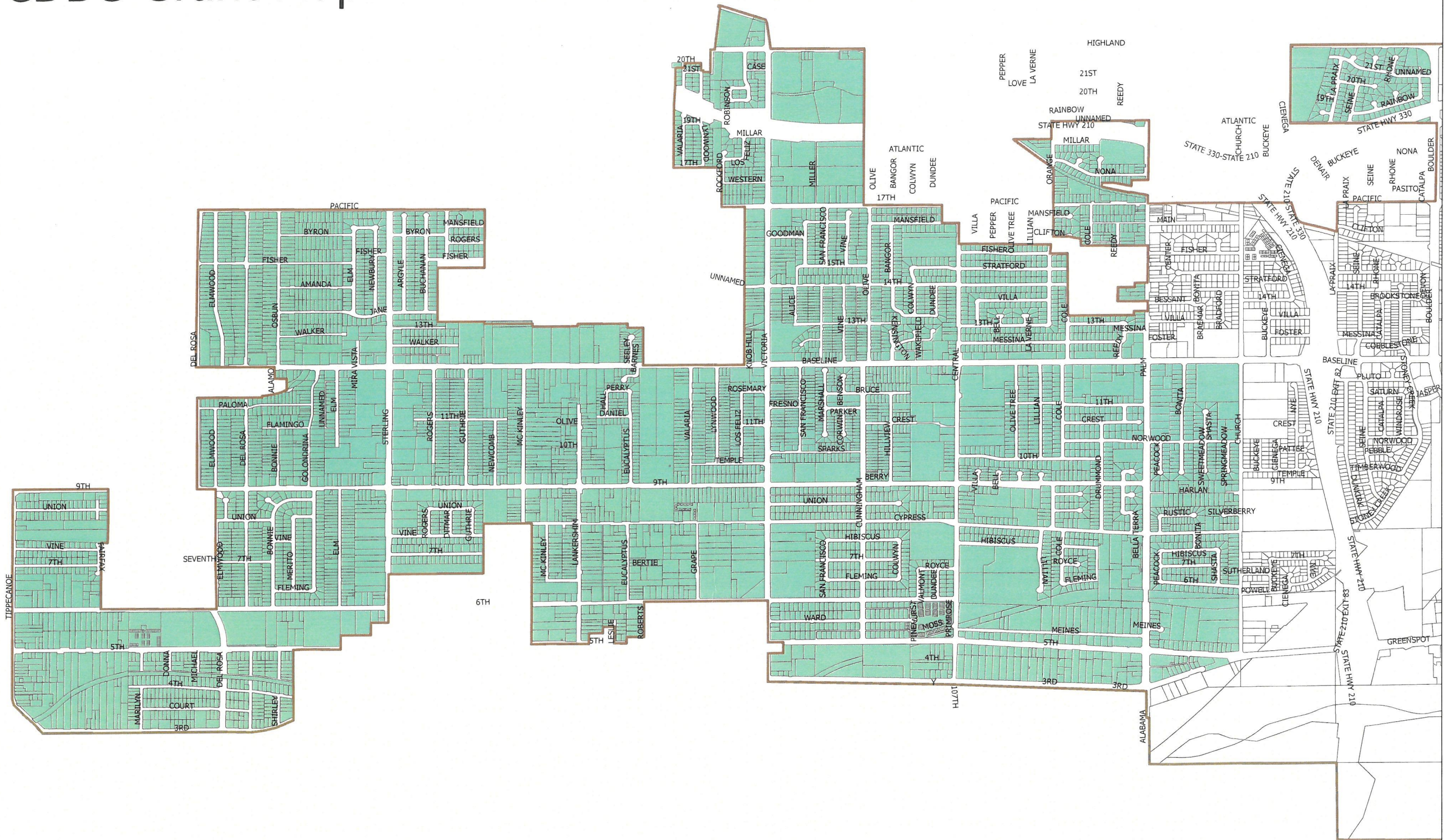
The restructuring outlined above is designed to address the Mayor's concerns related to responsiveness to code complaints. Staff recommends the Public Safety Subcommittee provide comments on staff's suggested changes to the City's Code Enforcement Division structure.

Attachments:

1. CDBG Grant Map
2. 2024 Reported Code Enforcement Complaints Map

ATTACHMENT - 1
CDBG Grant Map

CDBG Grant Map



Legend



Date Saved: 1/28/2025 8:34 AM



ATTACHMENT - 2
2024 Reported Code Enforcement Complaints Map

