



Council Agenda Correspondence

DATE: March 21, 2023

TO: Mayor and Council

FROM: J. Christine Dietrick, City Attorney

VIA: Derek Johnson, City Manager

SUBJECT: ITEM 6E - SECOND READING OF ORDINANCE NO. 1724 (2023 SERIES) AMENDING SEVERAL SECTIONS OF THE MUNICIPAL CODE TO AUTHORIZE DESIGNEES OF THE POLICE CHIEF TO ISSUE CITATIONS FOR ALL INFRACTION AND MISDEMEANOR VIOLATIONS OF THE MUNICIPAL CODE

Staff received a question about the applicability of the additional language drafted by Council Members during the first reading of this ordinance on March 7, 2023. At that time, a concern was raised that a phrase as proposed by staff, "...shall designate as enforcing officers, including but not limited to..." was too broad and the Council motion on the item modified the phrase to read, "...shall designate as enforcing officers, meeting the established qualifications for such personnel, including but not limited to..."

When the agenda for March 21, 2023, was published, Item 6e included the modified phrase in only one of the three locations intended (Chapter 9.60). Therefore, Ordinance 1724 will be updated, as shown in the redline below, to correct for this clerical error and apply the modified phrase to sections 1.16.060 and 10.08.070 as well:

SECTION 2. Section 1.16.060 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Section 1.16.060. Code Enforcement Officer Designation Authority.

The city administrative officer is empowered to designate public officers or employees of the city to exercise the powers authorized by Section 836.5(a) of the California Penal Code, including the issuance of citations for violation of the provisions of the municipal code pursuant to Sections 853.5 and 853.6 of the California Penal Code. The zoning enforcement officer and the chief building official shall be two of those employees so authorized. (Prior code § 1255). The police chief and such other persons the police chief shall designate as enforcing officers, meeting the established qualifications for such personnel, including but not limited to Community Service Officers, shall also be employees so authorized.

SECTION 4. Section 10.08.070 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.08.070. Enforcement

All adopted state and city parking ordinances shall be administered and enforced by the police chief, the fire chief, and the director of the public works department of the city, or such other persons as they shall designate as enforcing officers, meeting the established qualifications for such personnel, including but not limited to Community Service Officers.