



## Council Agenda Report

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Item 6e

**Department:** Police  
**Cost Center:** 8001  
**For Agenda of:** 3/21/2023  
**Placement:** Consent  
**Estimated Time:** N/A

**FROM:** Rick Scott, Police Chief  
**Prepared By:** Brian Amoroso, Administrative Captain

**SUBJECT:** 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

### RECOMMENDATION

Adopt Ordinance No. 1724 (2023 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 1 "General Provisions", Chapter 1.16 "Citation Procedure", Section 1.16.060 "Code Enforcement Officer Designation Authority," and Title 10 "Vehicles and Traffic", Chapter 10.08 "Administration", Section 10.08.070 "Enforcement," and Chapter 10.68 "Inoperative Vehicles," Section 10.68.020 "Definitions;" and amending Title 9 "Public Peace, Morals and Welfare" to add Chapter 9.60 "Enforcement" in order to authorize designees of the Police Chief, including Community Service Officers, to issue citations for all Infraction and Misdemeanor Violations of the Municipal Code and making a determination of exemption under the California Environmental Quality Act."

### POLICY CONTEXT

California Penal Code governs the authority related to the enforcement of city Municipal Codes and the authority of City Managers and Police Chiefs to designate civilians as enforcement officers to enforce municipal code violations. The Police Department has recently increased the staffing of Community Service Officers (CSOs) from two to six. These CSOs will be utilized in the downtown core to improve safety and security. CSOs can currently issue citations for parking violations, but to be able to issue citations for **any** violation of the Municipal Code, minor changes need to be made consistent with broad authority provided to Code Enforcement Officers to enforce rules, laws and regulations.

### DISCUSSION

On March 7, 2023, City Council introduced Ordinance No. 1724 (2023 Series) (Attachment A) amending the following 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:

**Amend Section 1.16.060 Code Enforcement Officer Designation Authority to read as follows:**

*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, including but not limited to police community service officers, shall also be employees so authorized.*

**Amend Section 9.60 Enforcement to read as follows:**

*All adopted ordinances under this Chapter, the violation of which are an infraction or a misdemeanor, shall be administered and enforced by the Police Chief 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.*

**Amend Section 10.08.070 Enforcement to read as follows:**

*All adopted state and city parking ordinances shall be administered and enforced by the police chief, the fire chief, and the director of public works department of the city, or such other persons as they shall designate as enforcing officers, including but not limited to police community service officers.*

**Amend Section 10.68.020, subdivision A, to read as follows:**

*A. "Code enforcement officer" means and includes, for the purposes of this chapter only, Community Service Officers as designated by the chief of police, as well as code enforcement officers regularly employed or designated in that capacity by the city.*

**Public Engagement**

The proposed amendment is required to authorize designated civilian employees to issue citations when infractions and misdemeanor violations of the San Luis Obispo Municipal Code are observed; all Police Officers currently issue citations in these cases. This is an administrative item, so no outside public engagement was completed. Public comment can be provided to the City Council through written correspondence prior to the meeting and through public testimony at the meeting.

**CONCURRENCE**

The City Attorney's Office has reviewed this report and authored the draft ordinance.

**ENVIRONMENTAL REVIEW**

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a "Project" under CEQA Guidelines Sec. 15378.

**FISCAL IMPACT**

Budgeted:

Budget Year:

Funding Identified:

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Total Budget Available</b>	<b>Current Funding Request</b>	<b>Remaining Balance</b>	<b>Annual Ongoing Cost</b>
General Fund	\$ N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
<b>Total</b>	<b>\$ N/A</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

**ATTACHMENTS**

A - Ordinance No. 1724 (2023 Series) adopting CSO Citation Authority