

ORDINANCE NO. 1724 (2023 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING TITLE 1 “GENERAL PROVISIONS”, CHAPTER 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, AND CHAPTER 10.68 “INOPERATIVE VEHICLES”, SECTION 10.68.020, 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

WHEREAS, the Police Department of the City of San Luis Obispo (“the Department”) employs Police Field Service Technicians (“PFSTs”), soon to be renamed as Community Service Officers (“CSOs”), who are non-sworn members of the Department that work under the general supervision of a Police Lieutenant within a framework of standard policies and procedures; and

WHEREAS, CSOs perform paraprofessional police related duties, which include handling of non-emergency calls for service, property and evidence control and processing, and a variety of assigned administrative tasks; and

WHEREAS, CSOs further perform a variety of field duties, including but not limited to, providing traffic control at the scene of accidents, large gatherings, and other non-hazardous incidents; providing security and other assistance at crime scenes; and posting and storage of abandoned vehicles; issuing citations for abandoned vehicles, taking necessary follow-up action to arrange for removal of the vehicles and determining legal owners for billing of tow services, if required; and issuing non-moving traffic citations for equipment violations and parking violations; and

WHEREAS, sworn members of the Department currently issue citations for violations of the San Luis Obispo Municipal Code that constitute infractions and misdemeanors; and

WHEREAS, Section 836.5 of the California Penal Code provides that a public officer or employee with a duty to enforce a statute or ordinance, when authorized by ordinance, may arrest a person without a warrant or, if the person arrested does not demand to be taken before a magistrate, may “prepare a written notice to appear and release the person on his or her promise to appear”; and

WHEREAS, Section 853.5 of the California Penal Code authorizes citation of a person “arrested for an offense declared to be an infraction” and Section 853.6 authorizes citation of a person “arrested for an offense declared to be a misdemeanor” with exceptions for certain violent offenses; and

WHEREAS, under the existing San Luis Obispo Municipal Code Section 10.68, PFSTs are authorized to enforce the City Ordinance related to inoperative vehicles including service of a notice of vehicle abatement; and

WHEREAS, under San Luis Obispo City Municipal Code Section 10.08.070, “the police chief” and “such other persons as they shall designate as enforcing officers” are charged with enforcing the City’s parking ordinances, and CSOs, if designated as a “enforcing officials”, could issue citations for violations of the City’s parking ordinances; and

WHEREAS, other provisions of the San Luis Obispo Municipal Code do not specifically provide that designated enforcing officers, such as CSOs, have the authority to enforce the Municipal Code; and

WHEREAS, Section 1.16.060 of the San Luis Obispo City Municipal Code authorizes the city administrative officer 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”; and

WHEREAS, in addition to being designated under Section 1.16.060, a CSO must also have the authority to enforce the San Luis Obispo Municipal Code in order to issue citations for all infraction and misdemeanor violations of the San Luis Obispo Municipal Code; and

WHEREAS, certain conforming amendments to San Luis Obispo Municipal Code Section 10.68.020. A are required to consistently use the term “Community Service Officers” throughout the Municipal Code; and

WHEREAS, the City Council of the City of San Luis Obispo finds that it is beneficial to charge CSOs and other civilian designees of the Police Chief with the authority to enforce the San Luis Obispo Municipal Code and designate such persons under Section 1.16.60 to issue citations to help alleviate staffing shortages and increase Department responsiveness to low level calls for service and illegal activity that can be handled by designated civilian employees, freeing up sworn Police Officers to handle more serious and dangerous calls for service; and make certain conforming amendments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Council hereby finds and declares the following:

1. The above recitals are true and correct and are incorporated herein by reference.
2. CSOs should be given citation authority to enforce municipal code violations in order to enhance Department responsiveness, alleviate Police Officer staffing shortages, and improve the safety and security of the city.
3. Certain conforming edits should be made to consistently use the term “Community Service Officers” throughout the Municipal Code.
4. Pursuant to California Environmental Quality Act (CEQA), it can be seen with certainty that there is no possibility that the proposed Municipal Code Amendment regarding authorization to issue citations for municipal code violations will have any effect on the environment (General Rule Exemption CEQA Guidelines Section 15061(b)(3)) and that the proposed Municipal Code Amendment is not a “project” (CEQA Guidelines Section 15378(b)) because the amendment in authority to issue citations is an organizational or administrative activity of the City that will not result in a direct or indirect physical changes in the environment.

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 3. Chapter 9.60 of the San Luis Obispo Municipal Code is hereby added and adopted into Title 9 of the Municipal Code related to Public Peace, Morals, and Welfare to read as follows:

9.60. Enforcement

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.

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.

SECTION 5. Section 10.68.020, subdivision A, of the San Luis Obispo Municipal Code is hereby amended to read as follows and the remainder of Section 10.68.020 to remain unchanged:

Section 10.68.020, subdivision A

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.

SECTION 6. Sections 1.16.060 and 10.08.070, and subsection 10.68.020.A. of the Municipal Code are hereby amended and superseded to the extent inconsistent herewith.

SECTION 7. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 7th day of March 2023, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the _____ day of _____, 2023, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk