

Members of the public may address the City Council on any item shown on the agenda or matter of the Council's authority after completion of "Request to Address the Council Form" available in the lobby of the Council Chambers or in the City Clerk's office. This form must be completed 15 minutes prior to the scheduled meeting time. Pursuant to Section 54957.5 of the California Government Code, Any writings (Except for those writings which are exempt from disclosure) which are distributed to all or a majority of the members of the City Council are available for public inspection in the lobby of the City Council Chambers and in the office of the City Clerk during regular business hours.

**COMPTON CITY COUNCIL
AGENDA
02/27/2024
5:30 PM**

**CITY COUNCIL CHAMBERS
205 S. WILLOWBROOK AVE
COMPTON, CA 90220**

OPENING

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. PRESENTATION: G. Bernard Brown - Alpha Phi Alpha Fraternity, Inc. (Councilman Spicer)
2. PRESENTATION: Afro Unicorn Foundation , Kenyelle Ash (President) and April Showers (CEO/Founder) - (Councilwoman Lillie Darden)

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

Consent items are routine and expected to be non-controversial. They will be acted upon by the Council at one time without discussion unless a Council Member requests an item be removed or discussed.

CITY MANAGER

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR PAYMENT OF THE CITY'S 2024 ANNUAL MEMBERSHIP DUES TO LEAGUE OF CALIFORNIA CITIES (\$27,145)

REGULAR AGENDA

CITY MANAGER'S REPORT

4. Travel Request to attend the African American Mayors Association in Atlanta, Georgia on April 24, 2024 - April 27, 2024.

UNFINISHED BUSINESS

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-27 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO ESTABLISH THE FORFEITURE OF NUISANCE VEHICLES ENGAGED IN ILLEGAL SPEED CONTESTS, EXHIBITIONS OF SPEED, STREET RACES, STREET TAKEOVERS, SIDESHOWS, MOTORCYCLE STUNTING AND RECKLESS DRIVING EXHIBITIONS (SECOND READING)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: 3/5/2024 5:30 PM

Visit our website at <http://www.comptoncity.org>

February 27, 2024

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR PAYMENT OF THE CITY'S 2024 ANNUAL MEMBERSHIP DUES TO LEAGUE OF CALIFORNIA CITIES (\$27,145)

SUMMARY

Adoption of this resolution will authorize the City Manager to issue a purchase order for the City's 2024 annual membership dues to the League of California Cities in the amount of Twenty-Seven Thousand One-Hundred Forty-Five Dollars (\$27,145)

BACKGROUND

This organization provides educational resources to the City on issues facing local governments and provides networking opportunities with other City officials.

STATEMENT OF THE ISSUE

The City's membership dues must be paid in order for the City to remain in good standing and for City officials to attend conferences, workshops and utilize online resources. A purchase order needs to be issued for the League of California Cities in the amount of Twenty-Seven Thousand One-Hundred Forty-Five Dollars (\$27,145).

FINANCIAL IMPACT

Funds for Memberships and Publications in Account No. 1001-510-000-4219 have been appropriated in the Fiscal Year 2023-2024 Approved Budget, which will cover the 2024 annual membership dues of Twenty-Seven Thousand One-Hundred Forty-Five Dollars (\$27,145).

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution.

**WILLIE A. HOPKINS, JR
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR
PAYMENT OF THE CITY'S 2024 ANNUAL MEMBERSHIP DUES TO
LEAGUE OF CALIFORNIA CITIES (\$27,145)**

WHEREAS, the City of Compton has annually renewed membership dues for the League of California Cities; and

WHEREAS, membership in this organization provides educational resources to the City on issues facing local governments and networking opportunities for City officials; and

WHEREAS, annual membership dues must be paid for the City to remain in good standing and for City officials to attend conferences, workshops and utilize online resources; and

WHEREAS, funds for this expenditure in the amount of Twenty-Seven Thousand One-Hundred Forty-five Dollars (\$27,145) are located in the Fiscal Year 2023-2024 approved budget in Account No. 1001-510-000-4219 for Memberships and Publications; and

WHEREAS, City Council approval is needed in order for the City Manager to issue a purchase order on behalf of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. That the City Manager is hereby authorized to issue a purchase order totaling Twenty-Seven Thousand One-Hundred Forty-Five Dollars (\$27,145) to pay the City's annual membership dues to the League of California Cities.

SECTION 2. That funds for membership dues are available in the Fiscal Year 2023-2024 Budget in Account No. 1001-510-000-4219 in the amount of Twenty-Seven Thousand One-Hundred Forty-Five Dollars (\$27,145).

SECTION 3. That a copy of this Resolution shall be forwarded to the offices of the City Clerk, City Manager, City Attorney and the City Controller.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2024.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Vernell McDaniel, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2024.

That said Resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON



LEAGUE OF
**CALIFORNIA
CITIES**

INVOICE

To: City Manager
Compton
205 S Willowbrook Ave
Compton, CA 90220-3134

Invoice: INV-11837-J6F3Y3

Terms: Feb. 28, 2024

<u>Date</u>	<u>Description</u>	<u>Amount</u>
01/2024	Membership dues for calendar year 2024	\$27,145.00
	Optional litigation surcharge	\$0.00
	<u>Total Amount</u>	\$27,145.00

City of Compton
Official Population: 94,233

2024 Advocacy Priorities

- Safeguard local revenues and bolster local economic development.
- Strengthen climate change resiliency and disaster preparedness.
- Improve public safety in California communities.
- Expand investments to prevent and reduce homelessness and increase the supply of affordable housing.

Our mission is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

Cal Cities Membership - Your Best Investment
www.calcities.org

Please make checks payable to
LEAGUE OF CALIFORNIA CITIES
1400 K Street, Suite 400
Sacramento, California 95814-3916

February 22, 2024

TO: HONORABLE MAYOR AND COUNCIL MEMBER

FROM: CITY MANAGER 

SUBJECT: REQUEST TO AUTHORIZE TRAVEL FOR ELECTED OFFICIALS

Recommendation: Authorize travel to attend the African American Mayors Association

Location: Atlanta, GA

Meeting Date: April 24, 2024 thru April 27, 2024

Approximate Cost: Registration: **\$1,100** (Per attendee)
 Hotel: **\$289.00** per night (plus taxes and fees)
 Transportation: **\$335.97** (flight)
 Per Diem: Receipts required (Not to exceed \$75 per day)

Source of Funds: General Fund

Purpose: The purpose of attending the African American Mayors Association to learn and discuss issues that are impacting our City.

Elected Official	Attending
Mayor Emma Sharif	
Councilmember Deidre M. Duhart	
Councilmember Andre Spicer	
Councilmember Jonathan Bowers	
Councilmember Lillie Darden	

February 20, 2024

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-27 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO ESTABLISH THE FORFEITURE OF NUISANCE VEHICLES ENGAGED IN ILLEGAL SPEED CONTESTS, EXHIBITIONS OF SPEED, STREET RACES, STREET TAKEOVERS, SIDESHOWS, MOTORCYCLE STUNTING AND RECKLESS DRIVING EXHIBITIONS – FIRST READING

SUMMARY

The City Council of the City of Compton will consider adopting an ordinance that would amend Section 7-27 of Chapter VII of the Compton Municipal Code (“Municipal Code”) to establish the forfeiture of nuisance vehicles engaged in illegal speed contests, exhibitions of speed, street races, street takeovers, sideshows, motorcycle stunting and reckless driving exhibitions. Adoption of the attached proposed ordinance will amend Subsections 7-27.2 to 7-27.3 and add Subsections 7-27-6 through 7-27-23 to Chapter VII: Police Regulations of the Municipal Code.

BACKGROUND

The importance of public safety and the need to keep the public roads and rights of way safe for all residents, businesses, and visitors is a top priority for the City of Compton (“City”). Over the past few years, the City has experienced an increased number of illegal street takeovers wherein individuals perform dangerous vehicle maneuvers on public intersections for large crowds.

Illegal street takeovers have detrimental effects on the community such as physical and environmental damages to City streets and private property, posing a greater risk to public safety, and causing a nuisance for City residents. The City aims to protect its residents, businesses, and visitors from the negative impacts of illegal street takeovers by implementing effective measures to prevent and respond to such incidents. The proposed ordinance will allow the City to take a harsher stance on street takeovers in an attempt to deter such acts and ensure that the public is safe when utilizing the City’s roadways.

STATEMENT OF ISSUE

Street takeovers have been an increasing issue within the City. They are planned and coordinated by participants and spectators through the use of social media, cell phones, police scanners, and other electronic devices that allow them to move locations and avoid law enforcement altogether. Both participants and spectators of such events create a

**Staff Report – Ordinance Amending Section 7-27 of Chapter VII
To Establish the Forfeiture of Nuisance Vehicles in Illegal Street
Contests, Street Takeovers and Reckless Driving Exhibitions
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dangerous environment not only when performing the demonstrations but also when fleeing upon the arrival of law enforcement. Spectators exacerbate the occurrence of these illegal vehicle speed contests and exhibitions of speed, creating an environment that place the safety and welfare of the public and themselves at risk. Not only are they a concern for public safety, they cause damage to public property that the City needs to repair with public funds.

The existing provisions in the Municipal Code as it relates to illegal speed contests, exhibitions of speed, street races, street takeovers, sideshows, motorcycle stunting and reckless driving exhibitions, do not include a section regarding the seizure and forfeiture of vehicles engaged in such actions.

Participants and Seizure/Forfeiture of Nuisance Vehicles

Under state law, law enforcement has the authority to investigate, penalize, and arrest individuals who participate in illegal street takeovers. The penalties in this ordinance are not exclusive. They will supplement any other regulatory codes, statutes, and ordinances enacted by the City, the State, or any other legal entity having jurisdiction.

A motor vehicle that is involved in a street takeover is considered a nuisance and will be seized and subject to forfeiture if: (a) it is used in a street takeover which is in violation of California Vehicle Code Section 23109 and; (b) it is driven by the owner, a member of the owner's family, if the owner or a family member is in the passenger seat, if the driver lives in the same address as the owner, or if the driver or passenger has had contact in the vehicle according to law enforcement records. A vehicle may be seized by a law enforcement officer with a court order or without a court order if there is probable cause to believe that the vehicle was used in violation of the proposed ordinance. Upon seizure of the vehicle, the City Manager or their designee must investigate any potential claimants to the vehicle and serve a notice of seizure to the legal owner within ten (10) days that the vehicle is seized. The notice will provide the owner the opportunity to request a hearing with a third-party administrator to determine the validity of the seizure.

The City Manager or his/her designee, may order the forfeiture of vehicles seized if the factual circumstances warrant forfeiture under this ordinance and must serve a notice of intended forfeiture within thirty (30) days of seizure of the vehicle. A person claiming a legal interest in the vehicle must within ten (10) days from the notice date filed with the Superior Court of the relevant county a claim opposing forfeiture. If no claims are filed or served within fifteen (15) days of the notice, the City Attorney may prepare a declaration of forfeiture that will be deemed good and sufficient title to the forfeited vehicle to the City. The City shall then sell the vehicle at a public auction set by the City Manager unless the vehicle is of such low value that it cannot be sold. In that event, the vehicle may be donated or destroyed. If the subject vehicle is stolen, it may be claimed by the registered owner after impoundment or sold if no legal claimant is found.

**Staff Report – Ordinance Amending Section 7-27 of Chapter VII
To Establish the Forfeiture of Nuisance Vehicles in Illegal Street
Contests, Street Takeovers and Reckless Driving Exhibitions
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Although California Vehicle Code Section 23109 makes street takeovers illegal, the proposed ordinance will implement more aggressive prohibitions and penalties to deter both the racing and the attendance of spectators.

FISCAL IMPACT

There is potential revenue for the City to collect from the sale proceeds of forfeited vehicles. Any costs associated may have been incorporated into the operating budget of various departments.

RECOMMENDATION

Staff recommends that the City Council adopt the attached proposed ordinance amending Section 7-27 of Chapter VII of the Compton Municipal Code to amend Subsections 7-27.2 to 7-27.3 and to add Subsections 7-27-6 through 7-27-23.

**ERIC J. PERRODIN
CITY ATTORNEY**

APPROVED FOR FORWARDING:

**WILLIE HOPKINS JR.
CITY MANAGER**

Attachment: Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 7-27 OF CHAPTER VII OF THE COMPTON
MUNICIPAL CODE TO ESTABLISH THE FORFEITURE OF NUISANCE
VEHICLES ENGAGED IN ILLEGAL SPEED CONTESTS, EXHIBITIONS
OF SPEED, STREET RACES, STREET TAKEOVERS, SIDESHOWS,
MOTORCYCLE STUNTING AND RECKLESS DRIVING EXHIBITIONS**

WHEREAS, the City Council of the City of COMPTON finds and declares that pursuant to California Vehicle Code Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal; and

WHEREAS, streets, highways and intersections within the City of Compton have been the site of continuing and escalating illegal street racing and exhibitions of speed over the past several years and are commonly referred to as “street racing/intersection takeovers; and

WHEREAS, such street racing and exhibitions of speed threaten the health and safety of the public, interfere with pedestrian and vehicular traffic and create a public nuisance; and

WHEREAS, these illegal motor vehicle speed contests and exhibitions of speed create an environment where persons engaged in automobile performance demonstrations and other activities that include dangerous driving behavior for the entertainment of participants and spectators as well as reckless driving when fleeing law enforcement; and

WHEREAS, these illegal motor vehicle speed contests and exhibitions of speed attract hundreds of juveniles and adults from all areas of southern California on a regular basis to participate or to be a spectator at these events; and

WHEREAS, vehicles used in violation of California Vehicle Code Sections 23109(a) and (c) are a nuisance and will be forfeited to the City of Compton to prevent the needless loss of life and property damage associated with illegal motor vehicle speed contests and exhibitions of speed; and

WHEREAS, the City Council of the City of Compton finds it is necessary and appropriate to take steps to protect public health and safety of pedestrians and motorists in, about, or upon public streets and highways so as to minimize any dangerous conditions caused by illegal motor vehicle speed contests and exhibitions of speed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. That the City Council of the City of Compton finds and declares the foregoing is true and correct and incorporates said recitals fully into this Ordinance as substantive findings.

SECTION 2. That Subsections 7-27.2 to 7-27.3 of Section 7-27 of Chapter VII of the Compton Municipal Code are hereby amended in their entirety as follows:

§ 7-27.2 Definitions.

The following terms and phrases, as used in this Section, shall be defined as follows:

- a. *CITY* shall mean the City of Compton.
- b. *DAYS* shall mean workdays, not including weekends and holidays.

- c. DRIVER shall mean any person who drives a motor vehicle.
- d. *EVENT* shall mean any speed contest or exhibition of speed referred to in California Vehicle Code Sections: 23109(a) and 23109(c), as may be amended from time to time.
- e. *ILLEGAL MOTOR VEHICLE SPEED CONTEST OR ILLEGAL EXHIBITION OF SPEED* shall mean any speed contest or exhibition of speed referred to in California Vehicle Code §§ 23109(a) and 23109(c), as amended from time to time.
- f. IMMEDIATE FAMILY shall mean father, mother, sister or brother.
- g. LEGAL OWNER shall mean a person holding a security interest in a vehicle referred to in California Vehicle Code Section 370.
- h. *MOTORCYCLE* shall mean a motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground. Additionally, a motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle as referred to in California Vehicle Code Section: 400(a) and 400(b), as may be amended from time to time.
- i. *MOTORCYCLE STUNTING* shall mean any use of a motorcycle for the purpose of acrobatic maneuvering to perform wheelies (the front wheel of the motorcycle comes off the ground), burnouts (keeping the motorcycle stationary and spinning its wheels which results in friction causing the tires to heat up and create smoke), or front wheelies/stoppies (the rear wheel of the motorcycle is lifted by abruptly applying the front brake).
- j. *MOTOR VEHICLE* shall mean a vehicle that is self-propelled as referred to in California Vehicle Code Section: 415(a), as may be amended from time to time. Note: An "All-terrain vehicle" (ATV) is a motor vehicle as referred to in California Vehicle Code Section: 111(a), as may be amended from time to time.
- k. *OFFSTREET PARKING FACILITY* shall mean any public or private parking facility open and accessible to members of the public as referred to in California Vehicle Code Section: 12500(c), as may be amended from time to time.
- l. *PREPARATIONS FOR THE ILLEGAL MOTOR VEHICLE SPEED CONTEST OR ILLEGAL EXHIBITION OF SPEED* shall mean those preparations which include, but are not limited to, situations in which:
 - (1) A group of motor vehicles or motorcycles or individuals has arrived at a location for the purpose of participation in or being spectators at the event;
 - (2) A group of individuals has lined one or both sides of a public street or highway or off street parking facility for the purpose of participating in or being a spectator at the event;
 - (3) A group of individuals has gathered on private property open to the general public without the consent of the owner, operator or agent thereof for the purpose of participating in or being a spectator at the event;
 - (4) One or more individuals has impeded the free public use of a public street or highway or off street parking facility by actions, words, or physical barriers for the purpose of conducting the event;
 - (5) Two (2) or more vehicles have lined up with motor(s) running for an illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting or reckless driving exhibition;

- (6) One (1) or more drivers are revving his/her engine or spinning his/her tires in preparation for the event;
- (7) An individual is stationed at or near one or more motor vehicles serving as a race starter; or
- (8) One (1) or more motor vehicles are driving their vehicle(s) in a circular, semi-circular, straight or figure eight pattern.

m. *RECKLESS DRIVING EXHIBITION* shall mean any exhibition of reckless driving referred to in California Vehicle Code Section: 23101, as may be amended from time to time.

n. *REGISTERED OWNER* shall mean a person registered by the Department of Motor Vehicles as the owner of a vehicle referred to in California Vehicle Code Section 505.

o. *SPECTATOR* shall mean any individual who is within five hundred (500) feet of an illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting and reckless driving exhibition, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arrived by some other means.

p. *STREET RACE* shall mean any motor vehicle speed contest or motor vehicle exhibition of speed referred to in California Vehicle Code Sections: 23109(a) and 23109(c), as may be amended from time to time.

q. *STREET TAKEOVER and SIDESHOW* shall mean an event in which one or more persons block or impede traffic on a street or highway for the purpose of performing motor vehicle stunts, street racing, or reckless driving for spectators referred to in California Vehicle Code Section: 23109(i)(2)(A), as may be amended from time to time.

r. *VEHICLE* shall mean a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks as referred to in California Vehicle Code Section: 670, as may be amended from time to time.

§ 7-27.3 Spectator at Illegal Speed Contest, Exhibition of Speed, Street Race, Street Takeover, Sideshow, Motorcycle Stunting and Reckless Driving Exhibition.

a. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting and reckless driving exhibition is guilty of a misdemeanor subject to a maximum of six (6) months in jail and/or a fine of up to \$1,000.00.

b. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without consent of the owner, operator or agent thereof, where preparations are being made for an illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting and reckless driving exhibition is guilty of a misdemeanor subject to a maximum of six (6) months in jail and/or a fine of up to \$1,000.00.

c. An individual is present at the illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting or reckless driving exhibition if that individual is within five hundred (500) feet of the location of the event, or

within five hundred (500) feet of the location where preparations are being made for the event.

d. Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at an illegal motor vehicle speed contest, exhibition of speed, street race, street takeover, sideshow, motorcycle stunting or reckless driving exhibition in the course of their duties.

SECTION 3. That Subsections 7-27.6 to 7-27.23 of Section 7-27 of Chapter VII of the Compton Municipal Code are hereby added and shall read in its entirety as follows:

§ 7-27.6 Non-exclusive Remedy.

This Chapter is not the exclusive regulation or penalty for participation in a motor vehicle speed contest or exhibitions of speed. It supplements and is in addition to any other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the state or any other legal entity or agency having jurisdiction. Local law enforcement agencies have the authority to cite spectators with an administrative citation. Such administrative citations will result in a fine of Two Thousand Dollars (\$2,000).

§ 7-27.7 Seizure and Forfeiture of Nuisance Vehicles.

A motor vehicle shall be declared a nuisance and shall be seized and subject to forfeiture under this Chapter if:

- a. It is used in violation of California Vehicle Code Sections 23109(a) or (c); and
- b.
 - (1) It is driven by the registered owner of the vehicle at the time of the violation, or the registered owner is a passenger in the vehicle at the time of the violation; or
 - (2) It is driven by a member of the registered owner's immediate family at the time of the violation, or a member of the registered owner's immediate family is a passenger in the vehicle at the time of the violation; or
 - (3) The driver or a passenger lives at the same address as the registered owner at the time of the violation; or
 - (4) The driver or a passenger in the vehicle at the time of the violation has a prior contact in the vehicle, as determined by law enforcement records.

c. Declaration of this nuisance is made in accordance with the authority granted to the City in California Government Code § 38771, and as amended from time to time.

§ 7-27.8 Seizure of Vehicles Subject to Forfeiture.

a. A peace officer may seize a vehicle subject to forfeiture under this Section upon the issuance of an order by a court having jurisdiction of the vehicle. Seizure without court order may be made in any of the following circumstances:

- (1) The seizure is incident to an arrest or search under a search warrant;
- (2) There is probable cause to believe the vehicle was used in violation of Section 7-27.7.

b. A peace officer seizing a vehicle under this Section shall complete a receipt in accordance with Penal Code Section 1412 and deliver it to the person from whose possession the vehicle was seized.

c. An immediate investigation shall be made by the City Manager or its designee making the seizure as to any potential claimant to a vehicle whose right, title, interest, or lien is of record in the Department of Motor Vehicles of this or any other state or appropriate federal agency. If the City Manager or its designee finds that any person, other than the registered owner, is the legal owner, and the ownership did not arise subsequent to the date and time of arrest or seizure of the vehicle or notification of the forfeiture proceedings, the City Manager or its designee shall, within ten (10) days of the vehicle's seizure, send a notice of seizure to the legal owner at his or her address appearing on the records of the Department of Motor Vehicles of this or any other state or any appropriate federal agency.

d. The City Manager or its designee making the seizure of the vehicle shall provide any potential claimants discovered as a result of the investigation set out in subsection (c) above with the opportunity for a post-seizure hearing to determine the validity of the seizure. The post-seizure hearing shall be conducted within ten (10) days of the request. A third-party administrator shall be contracted with the City and shall hold the post-hearing proceedings. Failure of either a registered or legal owner to request a hearing as provided in this Section or to attend a scheduled hearing shall satisfy the post-seizure hearing requirement.

§ 7-27.9 Notice of Seizure.

The notice of seizure shall include the following:

- a. A description of the vehicle.
- b. The date and place of seizure.
- c. The violation of law alleged with respect to forfeiture of the vehicle.
- d. The instructions for filing and serving a claim with the City Clerk pursuant to Section 7-27.11 and time limits for filing a claim.
- e. A vehicle seized pursuant to this Chapter, where appropriate, may be held as evidence in any proceeding brought by the City Manager or its designee, City Attorney or District Attorney.

§ 7-27.10 Forfeiture and Notice of Intended Forfeiture of Vehicle.

a. The City Manager or its designee may, pursuant to this Section, order the forfeiture of vehicles seized under this Chapter.

b. If the City Manager or its designee determines that the factual circumstances warrant forfeiture of the vehicle described in Section 7-27.7, the City Manager or its designee shall serve a notice of intended forfeiture upon any person who has an interest in the seized vehicle. The notice shall be served as soon as practicable, but in any event within thirty (30) days of the seizure of the vehicle subject to forfeiture.

c. The notice of intended forfeiture shall be served as follows:

- (1) The notice of intended forfeiture shall be served by personal delivery or certified mail, return receipt requested, upon any person who has an interest in the seized vehicle as determined pursuant to Section 7-27.8(c).

- (2) In the event that the person entitled to service refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one of the following methods:
 - (a) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left.
 - (b) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the recipient at the address where the copy was left.
- (3) If the person entitled to service lives out of state and will not accept certified return receipt mail, then service may be made by first class mail.
- (4) If the person entitled to notice cannot be located, or service cannot be made as set forth in this subsection, service may be made by publication in a newspaper of general circulation. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

§ 7-27.11 Claims Opposing Forfeiture.

A person claiming an interest in the vehicle seized pursuant to Section 7-27.7, must within ten (10) days from the date of the notice of intended forfeiture or within thirty (30) calendar days from the date of first publication of the notice of intended forfeiture, file with the Superior Court of the county in which the vehicle was seized, a Claim Opposing Forfeiture, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the vehicle. An endorsed copy of the claim shall be served upon the City Attorney within ten (10) days of the filing of the claim.

§ 7-27.12 Administrative Forfeiture.

If no claims are filed and served within 15 days of the mailing of the notice pursuant to Section 7-27.10 or within five (5) days of personal service of the notice, the City Attorney shall prepare a written declaration of forfeiture of the vehicle to the City. A written declaration of forfeiture signed by the City Attorney under this Section shall be deemed to provide good and sufficient title to the forfeited vehicle. A copy of the declaration shall be provided on request to any person informed of the pending forfeiture pursuant to Section 7-27.8. A claim that is filed and later withdrawn by the claimant shall be deemed to not have been filed.

§ 7-27.13 Judicial Forfeiture Proceedings.

a. The filing of a claim within the time limit specified in Section 7-27.11 is considered a jurisdictional prerequisite for initiating a forfeiture proceeding. A proceeding in the civil case is a limited civil case. The burden of proof in the civil case shall be on the City by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action.

b. Upon proof that the vehicle was used for any of the purposes set forth in Section 7-27.7, the court shall declare the vehicle a nuisance and order that the vehicle be forfeited and the proceeds upon sale distributed as set forth in Section 7-27.19. The court may make a different distribution of the proceeds, if the court finds that the claimant

did not know that the vehicle was used for a purpose that constitutes a violation of this Section.

c. A judgment of forfeiture does not require as a condition precedent the conviction of a defendant for the current violation which gave rise to the nuisance and caused these forfeiture proceedings to be initiated.

§ 7-27.14 Community Property Interest Release.

If at the time of the violation there is a community property interest in the vehicle to be forfeited, and at the time of the violation the vehicle is the only vehicle available to the registered owner's immediate family that may be operated with a class C driver's license, the vehicle shall be released to a registered owner or to the community property interest owner upon compliance with all of the following requirements:

a. The registered owner or the community property interest owner requests release of the vehicle and the owner of the community property interest submits proof of that interest; and

b. The registered owner or the community property interest owner submits proof that the vehicle is properly registered pursuant to the California Vehicle Code; and

c. All towing and storage charges and any administrative charges authorized pursuant to California Vehicle Code Section 22850.5 and the Compton Municipal Code are paid; and

d. The registered owner and the community property interest owner sign a stipulated vehicle release agreement, as described in Section 7-27.15, in consideration for the non-forfeiture of the vehicle.

§ 7-27.15 Stipulated Vehicle Release Agreement.

a. A stipulated vehicle release agreement shall provide for the consent of the signers to the automatic future forfeiture and transfer of title to the City of any vehicle registered to that person, if the vehicle is used in violation of California Vehicle Code Sections 23109(a) or (c). The agreement shall be in effect for five (5) years from the date of signing and shall be maintained by the City Manager or its designee.

b. No vehicle shall be released pursuant to Section 7-27.14 if the City Manager or its designee has on file a prior stipulated vehicle release agreement signed by that person within the previous five (5) years.

§ 7-27.16 Vehicle Title Vesting in the City.

All right, title, and interest in the vehicle shall vest in the City upon commission of the act giving rise to the nuisance under this Chapter.

§ 7-27.17 Sale of Forfeited Vehicle After Declaration of Forfeiture.

Any vehicle forfeited pursuant to this Chapter shall be sold once a declaration of forfeiture is issued by the City Attorney or an order of forfeiture is issued by a court, as the case may be, pursuant to Sections 7-27.12 and 7-27.13. The City shall offer the forfeited vehicle for sale at public auction within sixty (60) days of receiving title to the vehicle. Low value vehicles shall be disposed of pursuant to Section 2963.

§ 7-27.18 Disposition of Low-Value Vehicles.

If the City Manager or its designee determines that the vehicle to be forfeited and sold pursuant to this Article is of so little value that it cannot readily be sold to the public generally, the vehicle shall be conveyed to a licensed dismantler or donated to a

charitable organization. License plates shall be removed from any vehicle conveyed to a dismantler pursuant to this Section.

§ 7-27.19 Distribution of Sale Proceeds.

a. The proceeds of a sale of a forfeited vehicle shall be disposed of in the following priority:

- (1) To satisfy the towing, storage and administrative costs following impoundment, the costs of providing notice, the costs of sale, and the unfunded costs of judicial proceedings, if any; then,
- (2) To the City for all legal expenditures, made or incurred by the City Attorney's office in connection with the enforcement of this Chapter, including but not limited to, costs for investigation, litigation, and notices resulting from enforcement of this Article; then,
- (3) To the City for local law enforcement for all expenditures other than personnel costs, made or incurred in connection with enforcement of this Chapter, including but not limited to, costs for equipment, investigation and supplies related to enforcement of this Chapter; then,
- (4) To the City for all expenditures incurred by the Public Works Department for the necessary repairs to any public streets or intersections damaged as a result of the illegal street racing contest(s) or exhibitions of speed; then
- (5) Upon satisfactory proof to the City Manager or its designee, to the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, excluding any accrued interest or finance charges and delinquency charges, providing that the principal indebtedness was incurred prior to the date of impoundment; then,
- (6) To the holder of any subordinate lien or encumbrance on the vehicle, other than a registered or legal owner, to satisfy any indebtedness so secured if written notification of demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested, shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution pursuant to this Section; then,
- (7) To any other person, other than a registered or legal owner, who can reasonably establish an interest in the vehicle, including a community property interest, to the extent of his or her provable interest, if written notification is received before distribution of the proceeds is completed; then,
- (8) Of the remaining proceeds, one hundred percent (100%) shall be transferred to the City via the City Treasurer.

b. A vehicle may be destroyed only if the condition of the vehicle warrants destruction and there are no lien holders or claimants who did not know that the vehicle was used for a purpose that constitutes a violation of this Article.

c. A forfeited vehicle shall not be sold to any person identified under Section 7-27.7 at the time the vehicle was seized.

§ 7-27.20 Accounting of Sale Proceeds.

The person conducting the sale shall disburse the proceeds of the sale as provided in Section 7-27.9 and shall provide a written accounting regarding the disposition to the City Manager or its designee and, on request, to any person entitled to a share of the proceeds to any person validly claiming a share of the proceeds, as determined by the City Manager or its designee, within fifteen (15) days after the sale is conducted.

§ 7-27.21 Stolen Vehicles.

No vehicle shall be sold pursuant to this Chapter if the City Manager or its designee determines the vehicle to have been stolen. In this event, the vehicle may be claimed by the registered owner at any time after impoundment, providing the vehicle registration is current and registered owner has no outstanding traffic violations or parking penalties on his or her driving record or on the registration record of any vehicle registered to the person. If the identity of the legal and registered owners of the vehicle cannot be reasonably ascertained, the vehicle may be sold.

§ 7-27.22 Towing and Storage Fees.

a. The City is responsible for the costs incurred for towing and storage if it is determined that the driver at the time of impoundment did not violate California Vehicle Code Section 23109(a) or (c) and did not give rise to the nuisance.

b. Charges for towing, storage and administrative for any vehicle impounded pursuant to this Chapter shall be set forth by Resolution by the City Council.

§ 7-27.23 Recovery of Monetary Loss.

Nothing in this Chapter shall preclude an owner of a vehicle who suffers a monetary loss from the forfeiture of a vehicle under this section from recovering the amount of the actual monetary loss from the person(s) who committed the act giving rise to forfeiture under this Chapter.

Section 3. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, to be unconstitutional or otherwise invalid, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. DISTRIBUTION

That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services, and the Los Angeles County Sheriff's Department, Compton Station.

Section 5. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its adoption.

Section 6. ATTESTATION

That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2024.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF COMPTON)

I, Vernell McDaniel, City Clerk of the City of Compton, hereby certify that the foregoing Ordinance was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on _____ day of _____, 2024.

That said Ordinance was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –

CITY CLERK OF THE CITY OF COMPTON