

NOTICE

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
Tuesday, March 10, 2009
3:00 PM**

HEARING(S)

OPENING

ROLL CALL

APPROVAL OF MINUTES

INTRODUCTION OF SPECIAL GUESTS

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.

REPORTS OF OFFICERS AND COMMISSIONS

COMPTON CAREERLINK

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO REDISTRIBUTE RAPID
RESPONSE PROGRAM FUNDS WITHIN THE WORKFORCE

INVESTMENT ACT (WIA) SERIES 100 AND 200 ACCOUNTS FOR FISCAL YEAR 2008/09.

HUMAN RESOURCES

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING REVISED CLASSIFICATION SPECIFICATIONS FOR ACCOUNTANT I, AND APPROVING SALARY ADJUSTMENTS FOR THE CLASSIFICATIONS OF ACCOUNTANT I AND ACCOUNTANT II

WATER DEPARTMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE EXECUTION OF A STIPULATION AND SUPPORT OF AN AMENDMENT TO THE CENTRAL BASIN GROUNDWATER ADJUDICATION TO PROVIDE FOR STORAGE AND RECOVERY OF GROUNDWATER
4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF WESTERLY METER SERVICE COMPANY FOR THE REPAIR, MAINTENANCE, TESTING AND CALIBRATION OF LARGE WATER METERS AND TRANSFERRING MONIES BETWEEN ACCOUNTS

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

5. CLAIMS AGAINST THE CITY:

Kenneth Rachal v. City of Compton - I-8207
Quantrell Johnson v. City of Compton - I-8209
Yvonne Peele v. City of Compton - I-8210
21st Century (formerly AIG Insurance Company) - 0800205620

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTERS VII AND VIII OF THE COMPTON MUNICIPAL

CODE BY DELETING SECTION 7-20, AND ADDING SECTION 8-11
(WEED ABATEMENT) - **(Second Reading)**

NEW BUSINESS

7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE AND CREATING A COMMUNITY RELATIONS COMMISSION **(First Reading)**

APPROVAL OF WARRANTS

8. **Warrant #172052 - Date - 3/3/09 - Name - Shield Security Inc. - Description - Security services at various locations through the city - Amount - \$56,271.19 - Requested by: City Manager**
Warrant #172121 - Date - 3/4/09 - Name - Pacific Coast Waste and Recycling - Description - Waste management for residential, commercial, and Industrial customers - Amount - \$574,721.54 - Requested by: Water Department

AUDIENCE COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, March 17, 2009 @ 7:00 PM.

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

March 10, 2009

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO REDISTRIBUTE RAPID
RESPONSE PROGRAM FUNDS WITHIN THE WORKFORCE
INVESTMENT ACT (WIA) SERIES 100 AND 200 ACCOUNTS FOR
FISCAL YEAR 2008/09.**

SUMMARY

This resolution authorizes the City Manager to amend the WIA Rapid Response Program budget to redistribute funds based on projected expenditures for fiscal year 2008/09.

BACKGROUND INFORMATION

The Worker Adjustment and Retaining Notification (WARN) Act mandates companies experiencing a layoff of seventy-five (California WARN) or more employees to notify the State and local elected officials. The Los Angeles County Board of Supervisors (BOS) is the local elected official for the County of Los Angeles local Workforce Investment Area. The Board of Supervisors have designated the Department of Community and Senior Services as the repository for the WARN administration entity in Los Angeles County. The Compton CareerLink WorkSource Center acts as a sub recipient of federal funds from Community and Senior Services and thus shall transition into the provision of direct Rapid Response services. This responsibility includes the ability to respond with layoff intervention services within 24 hours throughout the County of Los Angeles and to accommodate all the work hour shifts, including day, evening and night shifts. The intent is to be responsive to the companies' needs.

STATEMENT OF THE ISSUES

The CareerLink staff finds it necessary to reallocate funds within the 100 and 200 line item series to allow for anticipated expenditures to occur. City Council approval is requested to amend the WIA Rapid Response budget to allow for expenditures to be remunerated.

MAYOR AND COUNCIL MEMBERS
March 10, 2009
Page 2

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION:

Staff recommends City Council approval of the attached resolution.

Kimberly McKenzie, Director
Career*Link* WorkSource Center

Charles Evans
City Manager

Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO REDISTRIBUTE RAPID RESPONSE
PROGRAM FUNDS WITHIN THE WORKFORCE INVESTMENT ACT (WIA)
SERIES 100 AND 200 ACCOUNTS FOR FISCAL YEAR 2008/09.

WHEREAS, the CareerLink WorkSource California Center is designated to receive funds from the Community and Senior Services of Los Angeles County to conduct the Rapid Response services in the Los Angeles County areas; and

WHEREAS, this responsibility includes the ability to respond with layoff intervention services to affected dislocated workers within a 24 hour period of notification throughout the County of Los Angeles; and

WHEREAS, the Compton CareerLink WorkSource Center submitted its fiscal year 2008/09 budget based on projected revenues; and

WHEREAS, there is a need to amend the budget to reflect actual expenditures and authorize the City Manager or his designee to approve the transfer of funds within the WIA Rapid Response salary and operational/training accounts for fiscal year 2008-09.

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

Section 1. That the City Manager or his designee is authorized to approve the transfer of funds within the WIA Rapid Response Program salary and operations/training accounts as follows:

FROM	DESCRIPTION	AMOUNT
2762-810-V004123	Salaries-Training	<\$9,000>
Total Revenue		<\$9,000>

TO	DESCRIPTION	AMOUNT
2762-810-V004249	Special Departmental Expense	\$9,000
Total Expenditure		\$9,000

Section 2. That the WIA Rapid Response budget be amended to reflect changes in estimated revenues and actual expenditures.

Section 3. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Clerk, City Controller, City Attorney and CareerLink WorkSource California Center.

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

RESOLUTION NO. _____
Page Two

ADOPTED this _____ day of _____, 2009.

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, Alita Godwin, 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 _____, 2009.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT:

CareerLink

RESOLUTION TITLE:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO REDISTRIBUTE RAPID RESPONSE PROGRAM FUNDS WITHIN THE WORKFORCE INVESTMENT ACT (WIA) SERIES 100 AND 200 ACCOUNTS FOR FISCAL YEAR 2008/09.

Kimberly McKenzie

DEPARTMENT MANAGER’S SIGNATURE

2/25/2009 5:05:48 PM

DATE

REVIEW / APPROVAL

<LegalName>

CITY ATTORNEY

<LegalDate>

DATE

<ControllerName>

CITY CONTROLLER

<ControllerDate>

DATE

<CityManager>

CITY MANAGER

<CityManagerDate>

DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

March 10, 2009

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING REVISED CLASSIFICATION SPECIFICATIONS FOR ACCOUNTANT I, AND APPROVING SALARY ADJUSTMENTS FOR THE CLASSIFICATIONS OF ACCOUNTANT I AND ACCOUNTANT II

BACKGROUND

The City Council will consider a resolution to amend the Position Classification Plan by adopting revised classification specifications for Accountant I and approving salary adjustments for the classifications of Accountant I and Accountant II.

STATEMENT OF PROBLEM

Pursuant to the Compton City Charter, Sections 1010 and 1103, the Personnel Board reviewed and approved the proposed amendment to the Position Classification Plan at a public hearing that was held on December 18, 2008.

The City and Local Union of Municipal Non-Supervisory Employees (LUMNSE), Local 3947 have both agreed that the salary for Accountant I and Accountant II should be amended.

Attached are copies of the proposed classification specifications for this position for your review.

FINANCIAL IMPACT

The adoption of this resolution will not have a financial impact on the City's 2008-2009 fiscal year budget.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution to approve the proposed revised classification specifications for Accountant I and amend the salary ranges for the positions of Accountant I and Accountant II.

KAREEMAH BRADFORD
HUMAN RESOURCES DIRECTOR

CHARLES EVANS
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING REVISED CLASSIFICATION SPECIFICATIONS FOR ACCOUNTANT I AND APPROVING SALARY ADJUSTMENTS FOR THE CLASSIFICATIONS OF ACCOUNTANT AND ACCOUNTANT II

WHEREAS, the City Manager authorized a review of the Position Classification Plan; and

WHEREAS, the Personnel Board of the City of Compton, pursuant to the provisions of Sections 1010 and 1103 of the Compton City Charter did, on December 18, 2008 conduct a public hearing relative to a proposed amendment to the Position Classification Plan, as proposed by the City Manager; and

WHEREAS, following the close of the aforementioned public hearing, the Personnel Board did vote to recommend to the City Council the adoption of the proposed amendment to the Position Classification Plan.

WHEREAS, the City and Local Union of Municipal Non-Supervisory Employees (LUMNSE), Local 3947 have both agreed that the salary for Accountant I and Accountant II should be amended.

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

Section 1. That the proposed revised classification specifications for Accountant I are hereby approved the Position Classification Plan of the City of Compton.

Section 2. That the classification title is amended and changed from Accountant I to Accountant.

Section 3. That effective January 1, 2009, the salaries for Accountant and Accountant II shall be amended as follows:

<u>Classification Title</u>	<u>Salary Range</u>	
	<u>From</u>	<u>To</u>
Accountant	101	127
Accountant II	121	143

Section 2. That a duly certified copy of this Resolution shall be delivered to the offices of the City Manager, City Controller and Human Resources.

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2009.

MAYOR OF THE CITY OF COMPTON

Resolution No. _____
Page Two

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

I, Alita Godwin, 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 _____, 2009.

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



RESOLUTION SIGN-OFF FORM

DEPARTMENT: Human Resources

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING REVISED CLASSIFICATION SPECIFICATIONS FOR ACCOUNTANT I, AND APPROVING SALARY ADJUSTMENTS FOR THE CLASSIFICATIONS OF ACCOUNTANT I AND ACCOUNTANT II

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

2/5/2009 3:29:29 PM
DATE

Willie Norfleet
CITY CONTROLLER

2/9/2009 10:03:07 AM
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

March 10, 2009

TO: MAYOR AND COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE EXECUTION OF A
STIPULATION AND SUPPORT OF AN AMENDMENT TO
THE CENTRAL BASIN GROUNDWATER ADJUDICATION
TO PROVIDE FOR STORAGE AND RECOVERY OF
GROUNDWATER

BACKGROUND

Central Basin has governed the rights of extraction and use of groundwater since 1965. The City of Compton overlies a portion of a groundwater basin known as the “Central Groundwater Basin” a subsurface water basin or reservoir which is where the City of Compton derives a significant portion of its water for delivery to its citizens.

There is a substantial amount of space which has not been optimally utilized for basin management for storage of native and imported waters; and such space can be prudently used for more efficient procurement and management of water imported to replenish supplies.

The California Department of Water Resources encouraged water rights holders, groundwater agencies and other interested parties to develop an agreed framework that, if approved by the court, could provide for better utilization of such storage space for the benefit of the region.

FINANCIAL IMPACT

There is not financial impact on the City.



Resolution Staff Report Supporting An
Amendment to Central Basin
March 10, 2009
Page 2

RECOMMENDATION

It is in the best interest of the City and the citizens to support such efforts and to encourage the Court to so amend the Central Basin Judgment; therefore it is recommended that the attached resolution be approved.

KAMBIZ SHOGHI
GENERAL MANAGER

CHARLES EVANS
CITY MANAGER

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE EXECUTION OF A STIPULATION AND SUPPORT OF
AN AMENDMENT TO THE CENTRAL BASIN GROUNDWATER
ADJUDICATION TO PROVIDE FOR STORAGE AND RECOVERY OF
GROUNDWATER**

WHEREAS, the City of Compton overlies a portion of a groundwater basin commonly known as the “Central Groundwater Basin,” a subsurface water basin or reservoir, from which the City of Compton derives a significant portion of its water for delivery to its citizens; and

WHEREAS, the City of Compton, pursuant to the Charter of the City of Compton, is under the exclusive jurisdiction and control of the Compton City Council and has the full and complete jurisdiction over all water works necessary and incidental to the use, sale and distribution of water owned and controlled by the Compton Municipal Water Department; and

WHEREAS, in view of the current statewide emergency and recent severe restriction of water available for import, it is imperative that the Compton Municipal Water Department take prudent steps to access and make use of imported supplies of water as and when they become available; and

WHEREAS, since 1965, rights to extract and use groundwater within the Central Groundwater Basin have been governed by the terms of the adjudication rendered by the court in the matter of Central and West Basin Water Replenishment District v. Charles E. Adams, et al, LASC Case No. 786,656 (the “Central Basin Judgment”); and

WHEREAS, there exists within the Central Basin a substantial amount of space which has not been optimally utilized for basin management and for storage of native and imported waters; and such space can be prudently used for (i) more efficient procurement and management of water imported to replenish supplies, and for (ii) the reasonable storage and recovery of water for the benefit of individual parties to the Central Basin Judgment, including the City of Compton; and

WHEREAS, through a mediated process sponsored and encouraged by the California Department of Water Resources over a period of several years, a significant number of water rights holders, groundwater agencies and other interested parties have developed an agreed framework that, if approved by the court, could provide for better utilization of such storage space for the benefit of the region, including an orderly process for the management thereof; and

Resolution No. _____
Page 2

WHEREAS, it is in the best interests of the City of Compton and the citizens thereof to support such effort and to encourage the Court to so amend the Central Basin Judgment.

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

SECTION 1. That the Compton City Council supports the efforts of the parties to the Central Basin Judgment to implement the Third Amended Judgment and provide a comprehensive program for meaningful storage and recovery of groundwater.

SECTION 2. That the General Manager of Compton Municipal Water Department is authorized and directed as the Water Department's representative to agree to changes to the documents as the process proceeds and to cooperate in the effort to so amend the Central Basin Judgment and to execute any stipulation necessary to that effect.

SECTION 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____ 2009.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

Resolution No.
Page 3

I, Alita Goodwin, City Clerk of the City of Compton, hereby certify 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 _____, 2009.

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



RESOLUTION SIGN-OFF FORM

DEPARTMENT: Water Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE EXECUTION OF A STIPULATION AND SUPPORT OF AN AMENDMENT TO THE CENTRAL BASIN GROUNDWATER ADJUDICATION TO PROVIDE FOR STORAGE AND RECOVERY OF GROUNDWATER

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

2/24/2009 4:07:29 PM
DATE

Willie Norfleet
CITY CONTROLLER

2/25/2009 10:56:16 AM
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

March 10, 2009

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
ACCEPTING THE BID OF WESTERLY METER SERVICE COMPANY
FOR THE REPAIR, MAINTENANCE, TESTING AND CALIBRATION
OF LARGE WATER METERS AND TRANSFERRING FUNDS
BETWEEN ACCOUNTS.

BACKGROUND

All testing and calibrating of all large water meters must meet American Water Works Association (AWWA) standards. The Water Department advertised and received bids for the repair, maintenance, testing and calibration of large water meters for Fiscal Year 2008-09.

The bids were received as follows:

VENDOR

AMOUNT

Westerly Meter Service Company

\$ 20,100.00

Brandon Supply Company

\$244,395.00

Staff reviewed the bid submitted by Westerly Meter Service Company, and has determined that the bid is acceptable. Westerly Meter Service Company is located at 403 East Carlin Street, Compton, California.

FINANCIAL IMPACT

Funds have been allocated in the Water Department's Fiscal Year 2008-09 Budget in Account Number 5000-880-000-4754.

SUMMARY

A resolution accepting the bid of Westerly Meter Service Company for all testing and calibrating of all large water meters must meet American Water Works Association (AWWA) standards.

RECOMMENDATION

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

KAMBIZ SHOGHI
GENERAL MANAGER

CHARLES EVANS
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF WESTERLY METER SERVICE COMPANY FOR THE REPAIR, MAINTENANCE, TESTING AND CALIBRATION OF LARGE WATER METERS AND TRANSFERRING MONIES BETWEEN ACCOUNTS.

WHEREAS, all testing and calibrating of all large water meters must meet American Water Works Association (AWWA) standards; and

WHEREAS, the Water Department advertised for bids for the repair, maintenance, testing and calibration of large water meters for Fiscal Year 2008-09; and

WHEREAS, sealed bids were received on August 27, 2008 and staff reviewed all bids submitted and the results were as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
Westerly Meter Service Co	\$ 20,100.00
Brandon Supply Co	\$244,395.00

WHEREAS, funds will be transferred as follows in the Water Department’s Fiscal Year 2008-09 as follows:

From:		
	Account	Amount
	5000-880-000-4235	\$15,000.00
To:		
	Account	Amount
	5000-880-00-4754	\$15,000.00

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

SECTION 1. That the bid of Westerly Meter Service Company in the amount of Twenty Thousand, One Hundred Dollars (\$20,100.00), for the repair, maintenance, testing and calibration of large water meters is hereby accepted.

SECTION 2. That funds shall be transferred as follows in the Water Department’s Fiscal Year 2008-09 as follows:

From:		
	Account	Amount
	5000-880-000-4235	\$15,000.00
To:		
	Account	Amount
	5000-880-00-4755	\$15,000.00

SECTION 3. That funds for these services are available in the Water Department’s Fiscal Year 2008-09 Budget in Account Number 5000-880-000-4754.

SECTION 4. That the City Manager is hereby authorized to issue a purchase order to Westerly Meter Service Company in the amount of Twenty Thousand, One Hundred Dollars (\$20,100.00).

RESOLUTION NO. _____
PAGE TWO

SECTION 5. That a certified copy of this resolution shall be filed in the offices of the City Clerk, City Manager, City Controller and Municipal Water Department.

SECTION 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2009.

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, Alita Godwin, 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 on the _____ day of _____, 2009.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Water Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF WESTERLY METER SERVICE COMPANY FOR THE REPAIR, MAINTENANCE, TESTING AND CALIBRATION OF LARGE WATER METERS AND TRANSFERRING MONIES BETWEEN ACCOUNTS

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

March 10, 2009

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8207

SUMMARY

Council will consider the claim of Kenneth Rachal (Claim No. I-8207), presented to the City on January 22, 2009, pursuant to Govt. Code §§ 915, 912.4(a), and 912.6(a).

BACKGROUND

On January 22, 2009, Kenneth Rachal presented the above Claim to the City Controller's Office in the amount of \$220.00, for damage to his vehicle which he allegedly sustained when he ran over a pothole on the freeway off-ramp while exiting the 91 Freeway at Wilmington Avenue.

Cases such as this typically turn on whether the city had notice of the condition of the road prior to the incident. There are no facts to show that the City had the requisite notice.

FINANCIAL IMPACT

Two Hundred Twenty dollars and no cents.

RECOMMENDATION

Staff recommends that this claim be denied.

_____/S/
CRAIG J. CORNWELL
CITY ATTORNEY

March 10, 2009

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. 8209

SUMMARY

Council will consider the claim of Quantrell Johnson (Claim No. I-8209), presented to the City on February 7, 2009, pursuant to Govt. Code §§ 915, 912.4(a), and 912.6(a).

BACKGROUND

On February 7, 2009, Quantrell Johnson presented the above Claim to the City Controller's Office for loss of personal property, wages and for physical and mental stress. Mr. Johnson alleges that, while incarcerated for 49 days, his vehicles (a '79 Chrysler LeBaron and another unspecified vehicle) were taken by the police along with valuable contents left inside the vehicles. He also claims that he experienced physical and mental stress in connection with the incident.

The location of this incident was Carver Park, which is in the unincorporated portion of Los Angeles County. The City has no liability.

FINANCIAL IMPACT

Five Thousand Six Hundred dollars and no cents.

RECOMMENDATION

Staff recommends that this claim be denied.

_____/S/
CRAIG J. CORNWELL
CITY ATTORNEY

March 10, 2009

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8210

SUMMARY

Council will consider the claim of Yvonne Peele (Claim No. I-8210), presented to the City on February 1, 2009, pursuant to Govt. Code §§ 915, 912.4(a), and 912.6(a).

BACKGROUND

On February 1, 2009, Yvonne Peele presented the above Claim to the City Controller's Office in the amount of not less than \$250,000, for injuries which she allegedly sustained when she slipped and fell on loose gravel and asphalt mixed with water on the street at Orchard Avenue and Long Beach Boulevard.

Cases such as this typically turn on whether the City had notice of the condition of the road prior to the incident. There are no facts to show that the City had the requisite notice. Moreover, there is no supporting documentation to show the nature and extent of Claimant's purported injuries.

FINANCIAL IMPACT

Two Hundred Fifty Thousand dollars (estimate).

RECOMMENDATION

Staff recommends that this claim be denied.

_____/S/
CRAIG J. CORNWELL
CITY ATTORNEY

March 10, 2009

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

**SUBJECT: 21st CENTURY (formerly AIG Insurance Company) Claim #
0800205620**

SUMMARY

Council will consider settlement offer of 21st Century Insurance Company, presented to the City by letter dated November 6, 2008, for full and final settlement of all present and future property damage claims in connection with incident.

BACKGROUND

This matter involves an automobile accident which occurred within the City on or about May 20, 2008, wherein a car driven by Francisco Torres and owned by Isabel Sanchez struck a City fire hydrant at the intersection of Rosecrans Avenue and Muriel Street. The damage to the City was in the amount of \$251.00. 21st Century has offered to settle this claim for the full amount stated.

FINANCIAL IMPACT

The City to receive \$251.00 and no cents.

RECOMMENDATION

Staff recommends acceptance of this settlement offer.

_____/S/
CRAIG J. CORNWELL
CITY ATTORNEY

March 10, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTERS VII AND VIII OF THE COMPTON MUNICIPAL CODE BY DELETING SECTION 7-20 AND ADDING SECTION 8-11 (WEED ABATEMENT)

SUMMARY:

The Office of the City Attorney is requesting that the City Council amend Chapter VII (Police Regulations), of the Compton Municipal Code by removing section 7-20, (Weed Abatement) and placing it in Chapter VIII (Public Safety). Further, the weed abatement section will be updated to provide a comprehensive methodology to identify and abate dilapidated properties with rubbish and weeds and to strengthen it as an enforcement mechanism for curtailing blight.

BACKGROUND:

The City of Compton has a history and reputation for well-kept properties. The property values and general welfare of the community are founded, in part, upon the appearance and maintenance of its properties. Numerous locations throughout the City have become sites for the collection of rubbish and excessive weeds. This generates a breeding ground for roaches, rats or other vermin creating an immediate danger to the health, welfare or safety of the community. The increased presence of litter and other forms of waste requires expenditures to protect against hazards and diminution of property values, prevent crime and preserve the public health, safety and welfare.

STATEMENT OF ISSUE:

The current weed abatement ordinance was drafted in 1986 to address the concurrent abatement of large numbers of properties at one specific time during the year. The attached ordinance serves to ensure the City's compliance with current law and to address the abatement of individual properties. In addition, it preserves the option of an annual weed abatement program in accordance with Government Code Section 39500 et seq., enabling the City to abate large numbers of properties at the same time.

Some of the more salient features of the proposed ordinance are as follows:

1. **Duty to Abate; Time Frame** - it imposes a ten (10) day deadline on the owner or occupant to abate the nuisance or appeal the abatement notice (notice which lists the violations and gives the owner an option to appeal). The appeal hearing shall be conducted within thirty (30) days from the date the owner filed the request for the hearing.
2. **Appeal Hearing** - the owner is issued an abatement order in which he is ordered to abate within ten (10) days from the date of the hearing. If there are no delays, the property should be abated within forty five (45) days from the date the initial abatement notice is served.
3. **Abatement by City** - if the owner or occupant should fail to heed the abatement order, the City is authorized to abate after the ten (10) day period has expired.
4. **Abatement Cost Report** - if the City abates the nuisance, costs of abatement shall be assessed against the owner's property for which a hearing (Hearing on Abatement Cost Report and Assessment) is held before the City Council to confirm the costs. The owner has the opportunity to object in writing to any costs at least two (2) business days before the Hearing.
5. **Treble Abatement Costs** - the City may seek to recover treble the costs of abatement from the owner where he has a second or subsequent judgment entered against him within a two (2) year period for having conditions on his property which may be abated.
6. **Abatement Penalties** - in addition to recovering the costs of abatement, an abatement penalty may also be assessed against the owner for creating or maintaining a public nuisance pursuant to the City's Administrative Citation Program. This would be an alternative to criminal prosecution or civil remedies.

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March 10, 2009
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7. **Attorneys Fees** - the prevailing party in any proceeding pertaining to a violation of this ordinance shall be entitled to attorneys' fees.
8. **Annual Weed Abatement Program** – is outlined in accordance with Government Code Section 39500 et seq. It provides for the concurrent abatement of several properties.

FISCAL IMPACT:

The fiscal impact is limited to potential revenue generated from the imposition of penalties on property owners in violation of this Ordinance.

RECOMMENDATION:

It is therefore recommended that the City Council approve the attached ordinance.

CRAIG J. CORNWELL
CITY ATTORNEY

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTERS VII AND VIII OF THE COMPTON MUNICIPAL
CODE BY DELETING SECTION 7-20, AND ADDING SECTION 8-11
(WEED ABATEMENT)**

WHEREAS, the City has a history and reputation for well-kept properties, and that the property values and the general welfare of this community are founded, in part, upon the appearance and maintenance of properties; and

WHEREAS, every person has the duty to maintain real property which is under his or her control, free from weeds, grass, rubbish and other forms of waste; and

WHEREAS, there continues to be a need for further emphasis on the maintenance of public and private property in a clean, waste free condition, because numerous locations throughout the City have become sites for the collection of rubbish and excessive weeds; and

WHEREAS, the accumulation of weeds and rubbish on properties generate a breeding ground for roaches, rats or other vermin which could create an immediate danger to the health, welfare or safety of the community; and

WHEREAS, the existence of such conditions are injurious to the public health, safety and welfare, the increased presence of litter and other forms of waste requires expenditures to protect against hazards and diminution of property values, prevent crime and preserve the public health, safety and welfare; and

WHEREAS, unless corrective measures are taken to alleviate the existing conditions and particularly to avoid future problems in this regard, the public health, safety, general welfare and specifically the property values and social and economic standards of this community will be depreciated; and.

WHEREAS, it is therefore necessary for the City to develop more stringent procedures as authorized in *Government Code Sections 39501 et seq.* to administratively abate public nuisances caused by the accumulation of weeds or waste on real property and adjacent to sidewalks and public rights-of-way throughout the City of Compton; and

WHEREAS, Chapter VIII of the Compton Municipal Code governs public safety, therefore the regulation of weeds and rubbish are more aptly placed in Public Safety Chapter VIII of the Compton Municipal Code.

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

Section 1. That section 7-20 (Weed and Rubbish Abatement) of Chapter VII of the Compton Municipal Code is hereby deleted in its entirety.

Section 2. That Chapter VIII of the Compton Municipal Code is hereby amended to add section 8-11 and entitled Weed and Rubbish Abatement and shall read as follows:

8-11. WEED AND RUBBISH ABATEMENT PROGRAM

8-11.1 Purpose

a. It is the intent of the Council of the City of Compton to provide a comprehensive method for the identification and abatement of property within the City of Compton on which there is an accumulation of grass, weeds and rubbish.

b. Provisions of this section are to be supplementary and complementary to all of the provisions of the Compton Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Compton to abate any and all nuisances.

8-11.2 Application

The provisions of this section shall apply generally to all property throughout the City of Compton, wherein any of the conditions, hereinafter specified, are found to exist.

8-11.3 Definitions

For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

a. "*Grass in excess of six (6) inches*" shall mean any indigenous or ornamental grass including, but not limited to blue grasses, fescues and St. Augustine.

b. "*Hearing Officer*" shall mean the person designated by the City Manager or his/her designee to conduct a public hearing to determine the validity of the charges of the violation in question.

c. "*Lessee*" shall mean any person to whom a lease is made and holds an estate by virtue of the lease.

d. "*Noxious Weeds*" shall mean any species of plant that is, or is liable to be troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture (the study, cultivation, and management of forest trees), or important native species and is difficult to control, or eradicate.

e. "*Occupant*" shall mean any person having possessory rights of the property and has the actual use, possession or control of same.

f. "*Owner*" shall mean any person, partnership, association, corporation, fiduciary or other legal entity having a legal or equitable right to the real property upon which the violation occurred.

g. "*Person*" shall mean any individual, partnership, corporation, company, association, business, firm, governmental entity or other legal entity.

h. "*Parkway*" shall mean the area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and property line adjacent thereto. Parkway also includes any area within the roadway which is not open to vehicular travel.

i. “*Rubbish*” shall mean all trash or garbage found upon the parkways, alleys, sidewalks or private property in the City of Compton, which rubbish creates an immediate danger to the health, welfare, or safety of the community, and shall include the following: accumulations of dirt; accumulations of the combustible trash including garden refuse, cuttings, industrial and commercial refuse and household refuse; accumulations of trash which may be breeding places for rats, roaches or other vermin; accumulations of trash which may be immediate fire hazards; and safety hazards, including broken appliances or abandoned machinery.

j. “*Sidewalk*” shall mean that part of a public right-of-way that is designated and used primarily for pedestrian travel.

k. “*Street*” includes but is not limited to public street, alley, lane, court or other place.

l. “*Weeds in excess of six (6) inches*” shall mean all weeds growing upon private property, parkways, easements alleys, or sidewalks, or any of the following:

1. Weeds which bear or may bear seeds of a downy or wingy nature;
2. Weeds and indigenous grasses which may attain such large growth as to become, when dry; a fire menace to adjacent improved property;
3. Weeds which are otherwise noxious or dangerous; and
4. Poison oak, poison ivy and/or castor beans when the condition or growths are such as to constitute a menace to the public health.

8-11.4 Enforcement Authority

The Municipal Law Enforcement Director, Building Official, Street Superintendent, Fire Chief or their respective designees or any other Director authorized by the City Manager, are authorized to administer and enforce the provisions of this Section.

8-11.5 Enforcement Remedies

a. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand (\$1,000.00) dollars or by imprisonment in the County jail for six (6) months, or by both such fine and imprisonment.

b. In accordance with *California Penal Code Section 373a*, a crime can be charged for each day the violation continues following service of a notice of the violation.

c. In addition to all other remedies and penalties available for any violation of this section, the City Attorney is authorized, to bring a civil action in any court of competent jurisdiction for injunctive relief and to recover any other civil penalties which maybe sought in accordance with the applicable provisions of the Civil and Penal codes of the State of California.

d. As an alternative to a criminal citation, the City may issue an administrative citation pursuant to *Compton Municipal Code Section 1-7*.

8-11.6 Recovery of Attorneys Fees

a. In accordance with *Government Code Section 38773.5(b)*, the prevailing party in any proceeding conducted pursuant to this weed abatement section 8-11 and associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding.

b. The recovery of attorneys' fees by the prevailing party is limited to those individual actions or proceedings in which the City elects, at the initiation of that action or proceeding, to seek recovery of its own attorneys' fees.

c. An award of attorneys' fees to a prevailing party in an action or proceeding shall not exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

8-11.7 Public Nuisance

It is declared unlawful and a public nuisance for any owner of real property in this City to maintain such premises or to permit such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

a. The keeping, storage, depositing, or accumulation on the premises of rubbish which poses a risk of harm to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values.

b. Property on which weeds and grass exist in excess of six inches outside of a managed landscape or garden area where such plants are purposefully cultivated, propagated, and controlled; or where noxious weeds or other vegetation pose a risk of harm to the public, or constitute visual blight, or reduce the aesthetic appearance of the neighborhood, or are offensive to the senses, or are detrimental to the use and enjoyment of nearby properties, or which reduce nearby property values.

8-11.8 Owner to Maintain Property Free of Weeds and Rubbish; Private Property

a. Every owner of real property or person having charge or control of same is required to maintain such property in a manner so as not to violate the provisions of this section. The owner shall maintain the property free of rubbish, weeds or grass in excess of six (6) inches.

b. Every owner of real property or person having charge or control or occupancy of same is presumed to know that the weeds or grass thereon, or on a part thereof exceed six (6) inches in height, if the height of a substantial portion of the weeds or grass remains in excess of six (6) inches in height for one (1) calendar week.

c. Such owner remains liable for violations on his property regardless of any contract or agreement with any third party regarding such property.

d. Every occupant, lessee or holder of any interest in property, other than, as owner, is required to maintain such property in the same manner as is required of the owner. The duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

8-11.9 Owner to Maintain Sidewalk and Parkway Free of Weeds and Rubbish – Public Property

Every owner of real property or person having charge or control of same is required to maintain the property free of rubbish, weeds or grass over six (6) inches from his property extending to the center of the street which includes the parkways, sidewalks, alleys, easements etc.

8-11.10 Abatement Notice – Contents

Upon determining that certain properties located in the City of Compton are in violation of this section, the Municipal Law Enforcement Director or designee, shall issue a notice directed to the record owner and to any occupants, as appropriate, of the property. The notice shall contain:

- a. The street address and such other description as is required to identify the premises.
- b. A statement which specifies the conditions which constitute the nuisance and which also may specify the measures necessary to abate the nuisance.
- c. An order that the nuisance be abated within fifteen (15) days from the date of service of the abatement notice.
- d. A statement that, if the conditions which constitute the nuisance are not abated by the owner within the time specified, the City shall have the right to abate such conditions with the cost thereof to be assessed against the owner of the property.
- e. A statement that the owner and/or any occupant to whom the notice has been directed, has the right to request a hearing before a Hearing Officer, and that such request must be made in writing and must be made within the time period within which the owner has been ordered to abate the nuisance.

8-11.11 Abatement Notice – Service

- a. *Service Fifteen Days Before Abatement Deadline*; the written notice shall be served upon any owner and occupant of the property upon which the nuisance exists, at least *fifteen (15)* calendar days before the *abatement* deadline date specified in said notice.
- b. *Owner*; the written notice shall be served either by personal delivery upon the record owner or by mailing a copy to the record owner by United States Mail, postage prepaid, as certified, first class mail, return receipt requested to the owner's last known address as it appears on the latest equalized assessment roll of Los Angeles County or to the address known by the City Clerk.
- c. *Occupant*; the written notice shall be served on any occupant to whom the notice has been directed by personal delivery to said occupant or by mailing a copy to the occupant by first class mail at the address of the subject property or to another address known to be the occupant's home, business or mailing address.
- d. *Failure to receive notice*; the failure of the owner or occupant to receive such notice shall not affect the power of the City or its officers or employees to proceed as provided in this section.
- e. *Proof of Service*; Proof of Service of the notice shall be certified by written declaration under penalty of perjury executed by the person effecting service. It shall

declare the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgment of receipt by certified mail shall be made part of the department's permanent record.

8-11.12 Abatement Notice – Posting

If the owner's address is unavailable pursuant to subsection 8-11.11.b., (*Abatement Notice – Service; Owner*) such service may be made by posting the notice in a conspicuous place either upon or in front of the property of which the nuisance exists, as follows:

- a. One (1) notice shall be posted on or in front of each separately owned parcel.
- b. Not more than two (2) notices to any such parcel of fifty (50) to one hundred (100) feet frontage are required.
- c. Notices shall be placed at intervals of not more than one hundred (100) feet if the frontage of a parcel is greater than one hundred (100) feet, with one (1) notice for each one hundred (100) feet of frontage.

8-11.13 Duty to Abate - Time Frame

The owner and occupant shall abate the public nuisance within fifteen (15) calendar days from the date of service of the Abatement Notice.

8-11.14 Duty to Abate - Request for Hearing

- a. After the written notice has been served, it shall be the duty of the owner and any occupant to whom the notice has been directed, to abate such nuisance within the time specified by the notice. However, within this time, the owner or occupant may request a hearing before a Hearing Officer.
- b. The request must be made in writing, and must set forth the reasons why the abatement is ***not*** necessary. The request must be made within fifteen (15) calendar days from the date of service of the Abatement Notice. It must be filed by delivering the request to the Municipal Law Enforcement Services Director or his designee.
- c. The Appeal hearing shall be set not less than fifteen (15) calendar days and not more than thirty (30) calendar days from the date the owner or occupant filed a request for a hearing with the Municipal Law Enforcement Services Director or his designee.

8-11.15 Appeal Hearing Notice – Service

- a. Upon receipt of a timely, written request for a hearing, the Municipal Law Services Director or his designee or any other Director authorized by the City Manager shall serve upon the owner or occupant who has appealed a copy of the notice of hearing. The Appeal Hearing notice shall be served at least ten (10) calendar days before the hearing. Service shall be completed in the same manner as set forth in subsection 8-11.11 (*Abatement Notice – Service*).
- b. The failure of any person to receive such notice shall not affect the validity of any proceedings under this section.

8-11.16 Appeal Hearing – Procedure

a. At the time stated in the notice, the Hearing Officer shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed abatement of the premises. The hearing may be continued from time to time without further notice.

b. Upon conclusion of the hearing, the Hearing Officer shall determine whether the premises, or any part thereof, as maintained, constitutes a public nuisance as defined in subsection 8-11.7 (*Public Nuisance*). If the Hearing Officer finds that a public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed ten (10) calendar days, within which abatement shall take place. In the event the owner fails to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated. The cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.

c. A copy of the Hearing Officer's determination, noted as the Abatement Order, shall be served as set forth in subsection 8-11.11 (Abatement Notice – Service), upon the owner of the affected property and any occupant who may have requested a hearing.

d. The decision of the Hearing Officer shall be final.

e. Failure to attend the Appeal Hearing by the person appealing shall constitute a waiver of his or her rights to an appeal hearing and adjudication of the Abatement notice or any portion of the notice.

8-11.17 Abatement Order

Once the Hearing Officer determines that a public nuisance exists he shall issue an abatement order upon those who have submitted written requests for a hearing. The order shall state that unless the nuisance is removed and abated within ten (10) calendar days from the date of mailing, the Street Superintendent or his designee shall abate the nuisance.

8-11.18 Abatement Order – Service

The Abatement Order shall be served in the same manner as set forth in subsection 8-11.11 (Abatement Notice –Service).

8-11.19 Abatement by City

In the event the nuisance is not abated by the time specified in either the Abatement Notice or the Abatement Order, the Street Superintendent or designee may enter onto any private property and abate any nuisance found on or in front of the property.

8-11.20 Establishment of Costs and Fees by Resolution

The City Council may, from time to time, establish a schedule of administrative and abatement costs and fees by resolution.

8-11.21 Recovery of Costs

Any legal owner of real property who causes, maintains or permits a public nuisance to continue on his property after such person is given written notice to abate the nuisance, and such continuation goes beyond the time set for such abatement in the written notice, then such owner shall be liable to the City for attorneys fees as set forth in subsection 8-11.6 (Recovery of Attorneys Fees) and the expenses incurred in detecting, investigating, abating the violation and the costs of monitoring compliance. If the owner fails to reimburse the City within thirty (30) calendar days from the date of billing, the City may recover such costs by either; instituting a civil action, imposing a nuisance abatement lien, a special assessment lien or any combination thereof. The City may also pursue any other remedy available under the law.

8-11.22 Costs of Abatement as *lien* against private property

The Street Superintendent shall, after the removal of weeds and/or rubbish from any lot, compute all expenses, so incurred by the City in connection therewith including the applicable processing fees and all incidental enforcement costs plus any prescribed penalties. All expenses may be charged as a lien against the property on which the nuisance existed.

8-11.23 Abatement Cost Report

The Street Superintendent, upon completion of abatement under the direction of the City, shall prepare an Abatement Cost Report which provides an accounting of the costs, including incidental expenses, incurred as a result of abating the public nuisance. The Abatement Cost Report shall itemize all costs associated with the abatement as well as:

- a. a description of the real property where the abatement activity took place.
- b. the names and addresses of the persons entitled to receive notice.
- c. a description of the work completed.
- d. a determination that the amount of the costs set forth in the Abatement Cost Report are accurate and reasonable.
- e. notice of the opportunity to appeal the amount and the reasonableness of the abatement costs.
- f. notice of the manner in which the City intends to collect the final and approved abatement costs including, but not limited to, by special assessment against the property.

8-11.24 Filing of Abatement Cost Report with City Clerk

On a periodic basis, as determined by the Street Superintendent, the original Abatement Cost Report shall be filed with the City Clerk on those properties for which the owner has not fully reimbursed the City within thirty (30) calendar days from the date of billing.

8-11.25 Posting of Notice of Abatement Cost Report and Assessment List

- a. The City Clerk shall maintain a copy of the Abatement Cost Report, assessment list, notice of the filing of the report and the time and place where said documents will be submitted to the City Council for confirmation and hearing for public inspection.
- b. Said documents shall be posted on the bulletin board adjacent to the entrance to City Hall notifying the public of the time and location of the hearing at which they may be heard.
- c. The posting and first publication of said notice shall be made and completed at least ten (10) calendar days before the time such report shall be submitted to the City Council. Such notice, as so posted and published, shall be substantially in the following form:

NOTICE OF HEARING ON ABATEMENT COST REPORT AND ASSESSMENT FOR WEED OR RUBBISH ABATEMENT

Notice Is Hereby Given that on ____, 20 __, the Street Superintendent of the City of Compton filed with the City Clerk of said City a report and assessment on the abatement of weeds or rubbish within said City, a copy of which is posted on the bulletin board adjacent to the entrance to Compton City Hall.

Notice Is Further Given that on __, 20 __, at the hour of __ p.m. in the Council Chamber of said City Hall, said report and assessment list will be presented to the City Council of said City for consideration and confirmation. Any and all persons interested or having any objections to said report and assessment list, or to any matter or thing contained therein, may appear at said time and place and be heard.

Date Posted ____, 20__

- d. A similar notice shall also be published in a newspaper of general circulation which is published and circulated within the City.

8-11.26 Mailing of Notice of Hearing on Abatement Cost Report and Assessment

- a. The City Clerk shall also mail a notice to each property owner identified in the report. Said notice shall provide a description of the real property at which the work was performed, the nature of the work performed, and the expenses incurred by the City in performing the work and shall notify the owner that said costs shall be assessed against the owner of the property unless objection is made by the owner in writing and submitted to the City Clerk at least two days before the hearing.
- b. The notice shall also specify the time and location where the proposed assessment will be presented to the City Council for hearing and confirmation. The notice shall be mailed at least ten (10) calendar days prior to the date of the hearing.
- c. Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment shall submit written objections to the City Clerk at least two (2) business days before the hearing.

8-11.27 Hearing on Report and Confirming Cost Assessment for Weed Abatement

- a. At the time and place fixed for hearing and confirming the proposed assessments, the City Council shall hear the same. The Street Superintendent shall attend the hearing with a record of all the abatement costs.
- b. At the hearing, the City Council may correct, modify or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by resolution, the Council shall confirm each assessment and the amount, as proposed or as corrected and modified.
- c. The Council may order that the costs of abatement be made a personal obligation of the property owner *and* either a nuisance abatement lien or a special assessment against the property.

8-11.28 Nuisance Abatement Lien

If the Council orders that the abatement costs be deemed a nuisance abatement lien, same may be recorded and enforced against the property pursuant to the provisions of *California Government Code Section 38773.1*. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. As part of the foreclosure action, the City may recover reasonable attorneys' fees and costs including, but not limited to costs incurred for processing and recording the lien and providing notice to the property owner.

8-11.29 Special Assessment

- a. As an alternative to a nuisance abatement lien, in accordance with *California Government Code Section 39577*, the costs of abatement may be made a special assessment against the property. Once the special assessment is recorded in the Office of the County Recorder, it shall constitute a lien on the property for the amount of the special assessment and a lien will attach against the property until the assessment, and all interest and penalties due and payable have been paid.
- b. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

8-11.30 Notice of Special Assessment

Notice shall be given to the property owner at the time of imposing the assessment and shall specify that the property may be sold after three (3) years by the tax collector for unpaid delinquent taxes. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

8-11.31 Collection on Tax Roll

In accordance with *California Government Code Sections 39578, 39579 and 39581*, after confirmation of the report, the City Clerk shall submit a certified copy of the report to the County Auditor Controller. The County Auditor Controller shall enter each assessment on the County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as general municipal taxes. The assessment shall be subject to the same interest and penalties and same procedure and sale in case of delinquency. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to such special assessments.

8-11.32 Abatement Cost Constitutes a Civil Debt

Final abatement costs shall be deemed a civil debt owing to the City and may be deemed a personal obligation of the legal owner by the City Council. An action may be commenced in the name of the City in any court of competent jurisdiction for the collection of the amount of any delinquent or unpaid abatement costs. The remedy prescribed by this section shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by the Municipal Code or by law.

8-11.33 Abatement Penalty

In addition to recovering the costs of abatement, the Municipal Law Enforcement Services Director or his designee may also assess an abatement penalty against the property owner for creating or maintaining a public nuisance in accordance with *California Government Code Sections 53069.4(a) and 36901*. The penalty shall be assessed pursuant to the administrative procedures set forth in *Compton Municipal Code Section 1-7* (Administrative Citation).

8-11.34 Treble Damages for Repeat Violations

In accordance with *California Government Code Section 38773.7*, upon entry of a second or subsequent civil or criminal judgment within a two year period where an owner of property is responsible for a condition that may be abated, except any conditions abated pursuant to *California Health and Safety Code 17980*, the City may seek to recover treble the costs of abatement from the owner.

8-11.35 Emergency Weed Abatement

a. If, in the opinion of the Chief Building Official, Fire Chief, Municipal Law Enforcement Services Director or Los Angeles County Health Department representative, there exists a condition on any property which is of such a nature as to be immediately dangerous to the public health, safety or welfare, which, if not abated, would, during the pendency of the *abatement* procedures set forth in this chapter, subject the public to imminent harm of a serious nature, the same may be abated by the City forthwith without compliance with the provisions of this section.

b. The cost of emergency *abatement* including all administrative costs of any action taken hereunder may be assessed against the subject premises as a lien or made a personal obligation of the owner as provided in this section.

c. The property owner or person with charge or control or occupancy may request a hearing as to the necessity and reasonable cost of the work performed by order of the Building Official within ten (10) days after the abatement has been completed or within ten (10) days after receiving a notice of such work.

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, the remaining provisions, sections, paragraphs, sentences or words of this ordinance hereby adopted shall remain in full force and effect.

Section 4. DISTRIBUTION

That a copy of this ordinance shall be forwarded to the offices of the Building and Safety Department, City Attorney, Public Works, Fire Department, Municipal Law Enforcement Services, City Manager and City Clerk.

Section 5. ATTESTATION

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

Section 6. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

ADOPTED this _____ day of _____, 2009

MAYOR OF THE CITY COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was duly adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2009.

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

March 10, 2009

TO: CITY MANAGER

FOR: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE AND CREATING A COMMUNITY RELATIONS COMMISSION.

SUMMARY

The City Council will consider adopting an ordinance amending Chapter II of the Compton Municipal Code by adding Section 2-16 to create a Community Relations Commission (Commission).

BACKGROUND

The demographic make-up of the City of Compton (City) has changed dramatically over recent years. This has altered its ethnic, racial, social and economic composition. Many cities that have experienced these demographic shifts and changes have also experienced conflicts; causing intolerance, discrimination, unequal opportunities and disrespect for one another's differences. These conflicts, if not addressed, can have negative impacts. The 1992 Los Angeles Riots is evidence of this, which resulted in the establishment of a Human Relations Commission, constituted by the County of Los Angeles. In 1992 and 2001, the City, unsuccessfully attempted to create a Human Relations Commission. The proposals have since been revised to better serve the purpose of the Commission.

STATEMENT OF THE ISSUE

The Commission's function will be to advise and consult with the City Council and Officers of the City on improving community relations, awareness, mutual understanding, tolerance and respect for all citizens of the community. This will be accomplished by drawing from representatives from each major ethnic group to form the membership base of the Commission. The newly formed group will collaborate with neighborhood, business, and social organizations to work towards the Commission's purpose. Specifically, some examples of this effort include recommending educational programs to enhance diversity awareness, conflict resolution, tolerance and respect for cultural differences.



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FISCAL IMPACT

Commission members, of which there are nine (9), are compensated at the rate of \$35.00 per meeting, up to \$70.00 per month.

RECOMMENDATION

Staff recommends that the City Council adopt the attached ordinance.

**CRAIG J. CORNWELL
CITY ATTORNEY**

**CHARLES EVANS
CITY MANAGER**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE AND CREATING A COMMUNITY RELATIONS COMMISSION

WHEREAS, *Compton City Charter, Article X, Section 1000*, authorizes the City Council to create advisory boards and commissions which grant them powers and duties consistent with the provisions of the Charter; and

WHEREAS, the City Council acknowledges the importance of establishing a Community Relations Commission; and

WHEREAS, the demographic make up of the City of Compton (City) has changed dramatically over recent years which has altered its ethnic, racial, social and economic composition; and

WHEREAS, these demographic shifts and changes in the racial and economic fabric of this City has led to conflicts, causing intolerance, discrimination, unequal opportunities and disrespect for one another's differences; and

WHEREAS, these conflicts, if not addressed, can lead to catastrophic results, as evidenced by the 1992 Los Angeles Riots which resulted in the establishment of a Human Relations Commission by the County of Los Angeles; and

WHEREAS, similarly in 1992 and 2001, the City unsuccessfully attempted to create a Human Relations Commission, the proposals of which have been revised to enhance its functionality by adding leadership and accountability measures to its contents; and

WHEREAS, a Community Relations Commission will advise and consult with the City Council and Officers of the City on improving community relations, awareness, mutual understanding, tolerance and respect for all citizens of the community.

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

Section 1. That Chapter 2 of the Compton Municipal Code is hereby amended to add a new Section 2-16 (Community Relations Commission) to read as follows:

2-16 COMMUNITY RELATIONS COMMISSION

2-16.1 Creation; Membership

There is hereby created a Community Relations Commission which shall consist of nine (9) members representing each major ethnic group and socioeconomic level.

2-16.2 Purpose

It is the purpose of the Community Relations Commission to advise and consult with the City Council and Officers of the City on all matters that involve improving community relations, awareness, mutual understanding, tolerance and respect for all residents of the community. The Commission will also advise on matters relating to the promotion of good will among individuals, civic pride, peace and tranquility.

2-16.3 Duties

The duties of the Community Relations Commission shall be to:

- a. Monitor demographic trends of the City in order to ensure that the Commission is representative of the City's population.
- b. Collaborate with neighborhood, community, educational, business and social service groups and organizations to work towards the Commission's purpose.
- c. Recommend city-wide, neighborhood and community events, which would include opportunities for heritage and cultural awareness.
- d. Recommend such educational programs that increase new opportunities, good will awareness, tolerance and respect among members of the community.
- e. Recommend events, of a holistic centered approach, to engage residents, employees and community leaders in dialog, education and training relating to diversity issues, conflict resolution, violence and tension suppression.
- f. Collaborate with local City and County departments to develop a support system for the delivery of programs and services to manage tensions between groups of different cultures, ethnicity, race, sexual orientation, age and religion.
- g. Make recommendations to departments to publish articles in local newspapers, the City's website and Television channels in order to promote desired behavior consistent with the Commission's purpose.
- h. Discourage discriminatory practices against groups and individuals by increasing community awareness and understanding of all racial, religious, ethnic, national origin, age, gender, sexual orientation, physical or mental disability groups within the community.
- i. Promote civic engagement of all residents of the community by promoting attendance in council meetings, programs and events.

2-16.4 Appointment of Members

The members of the Community Relations Commission shall be either residents or licensed business owners of the City. They shall be appointed by the Council as follows:

- a. Four Commission members to represent each of the four City Council Districts.
- b. One Commission member to represent youth (may be a member of the Youth Commission).
- c. One Commission member to represent businesses (may be a member of the Chamber of Commerce).
- d. One Commission member to represent Compton Unified School District.

e. One Commission member to represent the religious organizations (may be a member of the Religious Commission)

f. One Commission member to represent the community organizations or groups concerned with improvement of mutual understanding and respect among all residents.

2-16.5 Election of Officers

At the first meeting of each fiscal year, the Community Relations Commission shall elect a Chair and a Vice-Chair from among the appointed members for a term of one (1) year. The Commission may also create and fill other offices including sub-committees from among its members as they deem necessary.

2-16.6 Staff Liaison

The City Manager shall assign a staff liaison to the Commission to be responsible for staff liaison duties. These duties shall include:

- a. attending all meetings of the Commission.
- b. keeping records of meeting agendas and minutes of meetings.
- c. submitting records, agendas and minutes to the City Clerk.
- d. Participate in discussions and make recommendations with reference to any matter coming before the Commission.

The Staff liaison shall be a non-voting representative of the Commission.

2-16.7 Terms of Office

The first four (4) appointments made by the City Council shall expire June 30, 2011 and the next five (5) appointments shall expire June 30, 2012. Each member appointed/reappointed thereafter will serve a term of four (4) years. The members of the existing Commission shall hold office until their successors have been appointed or until their reappointment.

2-16.8 Vacancies

If a vacancy occurs other than by expiration of term, it shall be filled by appointment for the unexpired portion of the term.

2-16.9 Removal of Members

Any member of the Community Relations Commission may be removed by a majority of the City Council at any time without cause.

2-16.10 Regular Meetings

The Community Relations Commission will schedule at least one (1) regular meeting per month at such time and date designated in the rules and regulations of the Commission. The meetings will be held at such location designated by the City Manager.

a. For the purpose of conducting meetings and making recommendations pertaining to the Commission, any five (5) members of the Community Relations Commission shall constitute a quorum.



b. The Commission shall be an advisory body subject to the provisions of the Brown Act. All meetings of the Commission shall be open and public, and any person shall be permitted to attend any meeting of the Community Relations Commission. Agendas shall be prepared prior to each meeting and posted by the staff liaison designated by the City Manager.

c. The Commission shall keep a record of its proceedings, which shall be a public record.

d. The Commission shall adopt rules and regulations to govern procedures.

2-16.11 Special Meetings

Special Meetings may be called at any time by the Chair or five (5) members of the Community Relations Commission by advance written notice and procedure as provided by law.

2-16.12 Compensation

The members of the Community Relations Commission shall receive compensation at the rate of thirty five dollars (\$35.00) for each meeting, not to exceed a total compensation of seventy dollars (\$70.00) in any one (1) month.

2-16.13 Absence From Meetings

If a member of the Community Relations Commission is absent from three (3) successive regular meetings without being excused by the Commission, or is absent for any reason for more than six (6) regular meetings in any twelve (12) month period, the office of such member shall be vacated and the member removed. The Commission shall immediately notify the City Council, City Manager and Oversight Committee. Upon such notification, a successor for the remainder of the term of such member shall be appointed by the City Council.

2-16.14 Liability of City

The Community Relations Commission shall have no power or authority to bind or obligate the City or any office or department for any money, debt, undertaking or obligation of any kind in excess of the appropriation which the City Council may have made for the purposes of the Commission.

Section 2. Severability

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, the remaining provisions, sections, paragraphs, sentences or words of this ordinance hereby adopted shall remain in full force and effect.

Section 3. That a copy of this ordinance shall be forwarded to the offices of the City Clerk, City Manager, City Attorney, City Controller.

Section 4. 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 _____, 2009

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, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was duly adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2009.

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



RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE AND CREATING A COMMUNITY RELATIONS COMMISSION.

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
172121	3/4/09	Pacific Coast Waste And Recycling	Waste management for residential, commercial, and Industrial customers Requested by Water Department	574,721.54

I hereby certify that the above demand in the amount of \$574,721.54 was approved at a regular meeting of the City Council and reject _____ as of March 10, 2009.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on March 10, 2009 allowed the above demand.

Alita Godwin
City Clerk

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
172052	3/3/09	Shield Security Inc.	Security services @ various Locations through the city	\$56,271.19

Requested by City Manager

I hereby certify that the above demand in the amount of \$56,271.19 was approved at a regular meeting of the City Council and reject _____ as of March 10, 2009.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on March 10, 2009 allowed the above demand.

Alita Godwin
City Clerk