

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, December 14, 2010 5:45 PM

HEARING(S)

5:35 P.M. - PUBLIC HEARING - PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY'S HUD MANDATED FISCAL YEAR 2010-2011 ANNUAL ACTION PLAN (Item #6)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

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.

APPROVAL OF MINUTES

1. November 16, 2010

REPORTS OF OFFICERS AND COMMISSIONS

CITY MANAGER

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING A BUDGET AMENDMENT TO THE CITY OF COMPTON 2010-2011 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FROM THE SALE OF THE CITY YARD PROPERTY LOCATED AT 458 SOUTH ALAMEDA STREET, COMPTON CALIFORINA

APPROVAL OF WARRANTS

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON DELETING SECTION 8-10 OF CHAPTER VIII AND AMENDING SECTION 7-9 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO DECLARE A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO ILLEGAL DUMPING(**Second Reading**)
4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-7 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE DECLARING A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO PROSTITUTION(**Second Reading**)

NEW BUSINESS

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON, CALLING FOR THE HOLDING AND GIVING NOTICE OF A PRIMARY NOMINATING ELECTION AND A GENERAL MUNICIPAL ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO THE CITY CHARTER OF THE CITY OF COMPTON TO BE HELD ON TUESDAY, APRIL 19, 2011 AND JUNE 7, 2011, RESPECTIVELY
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING THE PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY OF COMPTON'S HUD MANDATED FISCAL YEAR 2010-2011 ANNUAL ACTION PLAN

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, December 21, 2010 @ 5:45 PM.

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

NOVEMBER 16, 2010

The City Council meeting was called to order at 5:46 p.m. in the Council Chambers of City Hall by Mayor Eric Perrodin.

ROLL CALL

Council Members Present: Calhoun, Dobson, Arceneaux, Jones, Perrodin

Council Members Absent: None

Other Officials Present: C. Cornwell, A. Godwin, W. Norfleet

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Lynn Boone, Compton resident, I had one citizen or a couple of citizens I saw in Food4Less today and they said Ms. Boone I guess the Mayor got his mind back because we saw you guys on TV last week. And I said no, his mind is still gone. I said those were just public hearings. Anyway and moving on to Number 13 last week on the agenda was to reallocate unused CDBG fund money in the amount of \$1,114,592.67. I don't know, but maybe by the time you guys leave here you'll see it on TV that they're showing our Salvation Army in the City of Compton with no food on the shelves. We're getting ready to reallocate this amount of money and we show the Salvation Army with no food on the shelves. And Number Five on the agenda, today is you know again, Councilperson District One's Winter Wonderland Event. I have to be in agreement with Mr. Holifield. All the homeless that are out here and even the lady that works in the library can tell you how many people have been passing away out there during the week, because it's so cold at night and they don't have a place to stay. One particular Friday, I saw a lady come up there with food and she wasn't even from Compton and she was passing out food to these people here. It's just sad that all the funds that we receive in this City. It always looks like we have our hands out asking somebody to help us help ourselves and you as council people continue to vote week after week millions of dollars to set aside for something else. It's just truly sad. Last week I had mentioned that there was a message that was sent by our new City Manager which was really upsetting, because during the time when the Mayor and the City Manager were going around to all the different districts and saying about how this is going to be a new police department and never would I hire my brother to be captain or chief and then it turns out to be one giant lie. In this letter from the City Manager first he says Ms. Porter will be responsible for Channel 36, Community Redevelopment Agency, Informational Technology, Municipal Law Enforcement except for the business license, Parks and Recreation and Special Services, Photography, Planning and Economic Development and Public Works except for the sewer. Sad. No experience at all. Then he ends it by saying Mr. Percy Perrodin, which happens to be the brother of the Mayor, will have a greater role in the development of the Compton Police Department. It is very important that the police department development take place before the end of the fiscal year. Now, we had two council people District One and District Two that stated that everything will be brand new. I haven't seen one thing brand new. I haven't heard anything but different lies. It's truly sad. I was told when I made mention that Councilperson in District One that you were gone that you took that as a threat. It wasn't a threat. I'm not saying that I would be the Councilperson in District One, but it's a promise that you won't be the councilperson in district one. And I do wanna give you props on one thing. Last Saturday, we had a funeral for the Meagans and in that area we have been having problems with the L.A. County Sheriff's. And I want to thank you for myself and for the family for stepping in when the Sheriff's were in the street the day of the funeral. Thank you.

Joyce Kelly, Compton resident, well let me answer Mr. Holifield's question or concern. The situation has gotten worse, yes, and I did see the Salvation Army and it had Compton Branch on Channel 7 eyewitness news. It showed shelves with no food. It showed people saying they won't have any food and to think you don't care. You come on this job, which is part time. Meaning you could have another job. What about the people you're pimping. The people's money you're taking. You don't care. Oh, granted I appreciate the Winter Wonderland, pictures with Santa, Breakfast with Santa. Why can't it come together. You guys say you work together, you get along. Well get along at Christmas time when you're supposed to.

#1.

And then all these half million dollar, million dollar parties, which the average person, the resident pays for and cannot attend because they will be paying for it twice. As far as jobs, other cities make sure that their residents are working on projects but all of sudden, Mr. Mayor you say that it's going against the constitution. I don't know what constitution that is, because I revisit, look after, time and time again the Constitution of the United States of America and of California nowhere in there does it state that. Yes, and you know what you do lie. And another thing about your brother, I guess you're going to give a job, the people's taxpaying money, to every ex-cop who used to be there to come back. You're giving money not only to the ex-cops, but you want us to support your friend girls as well. You know what? Something's got to give. You think you are above the law' you're not because I tell you one thing. I have learned one thing from the Dr. Martin Luther King, Jr. is perseverance is going to see us through. My motto is the residents will win in 2010. So you what, I want to challenge some of you to please check your hearts. You talk about your religion and you know what? I just happened to notice some of the information from some of the elected officials online and I discovered that the men have college degrees, but the women. It says studied, or attended. You remember when the media made fun of Sarah Palin when they said she attended community college. But everybody knows that once you attend and you graduate you are proud that you earned that. So I guess what I'm saying is that you really don't understand and I really should not blame you for not understanding. I'm questioning, but the City Attorney isn't here for me to question him. But I strongly urge you, when you saw that vote last week. You all voted! The Mayor didn't vote. He was here, but remember I told you the 103 meetings that he missed. You guys voted for things that you should not have or there was problems with it, because he wasn't here. He was here. You all voted and he did not vote. He's an attorney. He's a deputy district attorney. You know what and this City Attorney doesn't vote. He has a boss who protects him. You people do not work for his boss. How much protection are you going to get? Think about it, as I would. Because one way or another, you're going to find out maybe the hard way that you are doing his dirty work and he can say he didn't vote for it, but remember he has said all of you are treated as one group.

Benjamin Holifield, Compton resident, suggested that the City consider hosting one or two main events that includes the Latino community. He also asked that the City Council consider meeting with the members of the community to host a town hall meeting that encapsulates the resident's concerns. He mentioned that he has no intentions on running for office and is solely concerned for the betterment of the City.

Jacquelyn Ventures, Compton resident and President of the Compton Campfire organization, thanked the City Council for supporting the programs within her organization.

CONSENT AGENDA

On motion by Dobson, seconded by Jones, the Consent Agenda was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

CITY CLERK

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 19, 2011 AND JUNE 7, 2011, RESPECTIVELY (**Resolution # 23,243**)
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING MARTIN AND CHAPMAN COMPANY TO RENDER SPECIFIED SERVICES AND SUPPLIES FOR THE PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON APRIL 19, 2011 AND JUNE 7, 2011, RESPECTIVELY (**Resolution # 23,244**)

CITY FIRE DEPARTMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING A PURCHASE ORDER WITH L. N. CURTIS & SONS FOR FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT, FIRE HOSE, WATER APPLIANCES AND OTHER MECHANICAL TOOLS. (**Resolution # 23,245**)

APPROVAL OF WARRANTS - There were no warrants to be approved.

ITEMS REMOVED FROM THE CONSENT AGENDA**BUILDING AND SAFETY**

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID FROM MELAD AND ASSOCIATES FOR BUILDING PLAN CHECK SERVICES AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT

Mayor Perrodin voiced a concern for out-sourcing plan check services and questioned if the City has employees who are licensed in the field of plan check services.

Patrick Stewart, Director of the Building and Safety Department, replied affirmatively, however he added that Melad & Associates are a specialty company who specializes in the structural and a combination of mechanical, life safety and fire.

Mayor Perrodin requested the percentage of plan check services handled by Melad & Associates. Mr. Stewart indicated that Melad & Associates handles 90% of the City's commercial and approximately 25% of the residential property.

Mayor Perrodin questioned how much it would cost the City to hire an employee who has all of these certifications. Mr. Stewart indicated that an employee with those types of certifications would average approximately 15% above his salary.

On motion by Dobson, seconded by Arceneaux, **Resolution 23,246** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID FROM MELAD AND ASSOCIATES FOR BUILDING PLAN CHECK SERVICES AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT" was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

RECREATION DEPARTMENT

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO BIETAK PRODUCTIONS FOR THE RENTAL OF A SKATING RINK FOR THE WINTER WONDERLAND COMMUNITY EVENT

Alita Godwin, City Clerk, cited a correction to the staff report under the statement of issue, clarifying that the total should reflect \$35,000 instead of \$32,000 and on the resolution the account number should be 1001-610-E23-4241.

Councilperson Calhoun questioned if there was a problem with the bid.

Mayor Perrodin stated that the total was incorrect and noted the \$6,500.00 contingency rate. The Mayor went on to inquire about the contingency rate of this project cost and the average contingency rate, citing a concern for the contingency rate being closer to 20%.

#1.

Holmer Post, Director of the Parks and Recreation Department, stated that after thorough investigations of the firms bidding for this contract and the history of the previous contractor bidding twice as much as this vendor, he decided that it would be at the best interest of the City to increase the contingency rate, due to this being the first time the City has ever contracted with this company. He mentioned that this company has a history of providing similar services for the City of Los Angeles Recreation and Parks at Persian Square.

Mayor Perrodin requested the City's average contingency rate.

Willie Norfleet, City Manager, stated that the preferred contingency rate is ten percent. Mayor Perrodin questioned if this rate would be an exception to the rule. Mr. Norfleet replied affirmatively.

Councilperson Calhoun questioned if this amount is lower than what the previous bid amount calls for. Mr. Post replied affirmatively.

Mayor Perrodin stated that he would like to have the same vendor implement the skating rink in the Civic Center around the Martin Luther King, Jr. monument during the holidays.

On motion by Jones, seconded by Dobson, **Resolution # 23,247** entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO BIETAK PRODUCTIONS FOR THE RENTAL OF A SKATING RINK FOR THE WINTER WONDERLAND COMMUNITY EVENT**" was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

END OF THE CONSENT AGENDA

REGULAR AGENDA

CITY MANAGER'S REPORT

6. REQUEST TO RESCHEDULE A PUBLIC HEARING OF THE CITY COUNCIL AUTHORIZING A PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY OF COMPTON'S HUD MANDATED FY 2010-11 ANNUAL ACTION PLAN

On motion by Calhoun, seconded by Dobson, the hearing was scheduled for December 14, 2010 at 5:35 p.m., by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

CITY ATTORNEY'S REPORTS

7. **CLAIMS AGAINST THE CITY OF COMPTON (Denied)**

Laura Hill Jones and Vicki Varnado v City of Compton - (I-8374/LI0000029A)

Robert Beltran v City of Compton - (I-8376/LI0000031A)

On motion by Arceneaux, seconded by Dobson, the above claims were denied, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

CLAIM AGAINST THE CITY OF COMPTON (Approved)**BFI Waste Systems of North America, Inc. v City of Compton - (I-8377/LI0000035A)**

On motion by Calhoun, seconded by Arceneaux, the above claim was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

Councilperson Arceneaux requested an explanation, in regards to the claim that was approved.

Craig Cornwell, City Attorney, explained that the City had entered into a lawsuit, in which Hub City sued the City of Compton for 20 million dollars. Subsequently, the City counter-sued Hub City for a 1090 violation. The court found for the City in the amount of twenty three million dollars. At the time the City won the court trial, Hub City did not pay their contract with BFI for transfer waste station services. Consequently, with the expiration of the contract with Hub City the charges were transferred to the City. He stated that this claim addresses the remaining balance of the final interest payment of \$17,000 to BFI.

Mayor Perrodin noted that the court judgment was won against the principal owner of the company, Michael Aloian. The Mayor added that because of the contract with BFI, the City is obligated to pay BFI, because of the services rendered to the citizens of Compton.

UNFINISHED BUSINESS

8. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XIX OF THE COMPTON MUNICIPAL CODE BY DELETING OBSOLETE PROVISIONS REGULATING THE USE OF BILLBOARDS TO RECONCILE WITH CURRENT PROVISIONS OF CHAPTER XXX REGULATING THE USE OF BILLBOARDS **(Second Reading)**

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

On motion by Arceneaux, seconded by Dobson, **Ordinance # 2,215** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XIX OF THE COMPTON MUNICIPAL CODE BY DELETING OBSOLETE PROVISIONS REGULATING THE USE OF BILLBOARDS TO RECONCILE WITH CURRENT PROVISIONS OF CHAPTER XXX REGULATING THE USE OF BILLBOARDS" was adopted, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - None

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Councilperson Dobson announced that the Beautification Commission would be hosting their "Alameda Avenue Railway Clean-Up Event" to be held on Saturday, beginning at 7 a.m. She also made mention of the success of her quarterly community town hall meeting and Victory Outreach's Unity Festival.

#1.

Councilperson Dobson asked that the City Manager brief the community on the revenue projections for the Burlington Coat Factory.

Willie Norfleet, City Manager, indicated that the Burlington Coat Factory has reported that their expected revenue projections were exceeded by four times their original projections for opening day.

Councilperson Calhoun made mention of the well attended Unity Festival, the NAACP elections, a book signing event, the Saint Phillips Lutheran Church 50th Anniversary event and the Compton Fire Department Retirement/Reunion Dinner.

Councilperson Calhoun mentioned her participation in the Sober Living Network Tour, which addressed homelessness and substance abuse. She stated that the Coalitions discussed the need to band together to fill the gap of the reductions in state funding. She mentioned that there is allocated funding available for the Salvation Army from the Federal Grants Advisory Board.

Councilperson Calhoun acknowledged the community's needs during this time of economy crisis, but she stated that events like the Winter Wonderland will help provide toys to the youth.

Councilperson Arceneaux announced that she would be hosting a town hall meeting to address the resident's water bills on Saturday, November 20, 2010 beginning at 10 a.m. Residents are encouraged to bring their water and tax bills. Experts will be available to address the citizen's concerns.

Councilperson Arceneaux also announced that she would be hosting her "Annual Breakfast with Santa & Toy Giveaway" to be held Saturday, December 4, 2010.

Councilperson Arceneaux also asked that the City Manager investigate the proposed ban on grocery bags and its affect on the City of Compton.

Ms. Arceneaux asked that the meeting be adjourned in the memory of Lynesha Harvey.

Councilperson Jones announced that he would be hosting his "Annual Turkey Giveaway" to be held Wednesday, Thursday, November 24, 2010 outside the council chambers beginning at 10 a.m.

Councilperson Jones also asked that the meeting be adjourned in the memory of longtime resident Maggie Sue Lee.

Mayor Perrodin announced that the Dominguez High School and Centennial High School football teams would be competing in the CIF playoffs. The Mayor encouraged the community to support them as they matriculate in the playoffs.

Mayor Perrodin commended Ms. Porter for negotiating the three feet of railroad space from the Union Pacific Railroad Company for the purposes of beautification.

Mayor Perrodin acknowledged the traffic on Willowbrook Avenue. Therefore, he instructed the City Manager to implement one way streets on either side of the Blue Line transportation system.

The Mayor informed the Compton community that the Street Light Conversion will begin in the next month. He also mentioned that the Greenleaf Parkway Right-of-way will be instituted to include safe areas for the residents to exercise similar to the sand dunes in the City of Manhattan Beach.

ADJOURNMENT

On motion by Arceneaux, seconded by Jones, the meeting was adjourned at 6:55 p.m. in the memory of **Lynessa Harvey** and **Maggie Sue Lee**, by the following vote on roll call:

- AYES:** Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin
NOES: Council Members - None
ABSENT:Council Members - None

Clerk of the City Council

Mayor of the City Council

December 14, 2010

TO: MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING A BUDGET AMENDMENT TO THE CITY OF COMPTON
2010-2011 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FROM
THE SALE OF THE CITY YARD PROPERTY LOCATED AT 458 SOUTH
ALAMEDA STREET, COMPTON CALIFORNIA**

SUMMARY

Staff is respectfully requesting the City Council to authorize a Budget Amendment to the City of Compton 2010-2011 Fiscal Year Budget to appropriate funds from the sale of the City Yard property located at 458 South Alameda Street, Compton, California.

BACKGROUND

On November 2, 2010, the City Council of the City of Compton adopted Resolution Number 23,226 authorizing the City Manager to negotiate terms and conditions of the purchase agreement between the Community Redevelopment Agency and the City of Compton for the acquisition of the City Yard property located at 458 S. Alameda Street.

STATEMET OF THE ISSUE

The land sale of the property will allow the disposition development of the property between the City and the proposed developer Prism IQ Partners. The proposed development is a Class "A" Business Park. The future development will consist of an industrial park that will provide additional jobs to the community and increase property taxes revenue to the City.

FISCAL IMPACT

The proceeds from the City Yard property sale shall not exceed \$4,485,000 million dollars, and shall comply with the Community Redevelopment Law, Health and Safety Code Section 33433. Staff is requesting to amend the City of Compton 2010-2011 Fiscal Year Budget as follows:

<u>From Account Number</u>	<u>Description</u>	<u>Amount</u>
3050-800-011-4266	Alameda Industrial Park	\$4,485,000
<u>To Account Number</u>	<u>Description</u>	<u>Amount</u>
1001-610-000-4249	Special Department Expense	\$4,485,000

#2.

RECOMMENDATION

Staff respectfully recommends that the City Council of the City of Compton adopts the attached resolution.

**WILLIE NORFLEET
CITY MANAGER**

WN/pd

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING A BUDGET AMENDMENT TO THE CITY OF COMPTON
2010-2011 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FROM
THE SALE OF THE CITY YARD PROPERTY LOCATED AT 458 SOUTH
ALAMEDA STREET, COMPTON

WHEREAS, on November 2, 2010, the City Council of the City of Compton adopted Resolution Number 23,226 authorizing the City Manager to negotiate terms and conditions of the purchase agreement between the Community Redevelopment Agency and the City of Compton for the acquisition of the City Yard property located at 458 S. Alameda Street; and

WHEREAS, the land sale of the property will allow the disposition development of the property between the City and the proposed developer Prism IQ Partners; and

WHEREAS, the proposed development is a Class “A” Business Park. The future development will consist of an industrial park that will provide additional jobs to the community and increase property taxes revenue to the City; and

WHEREAS, the proceeds from the City Yard property sale shall not exceed \$4,485,000 million dollars, and shall comply with the Community Redevelopment Law, Health and Safety Code Section 33433.

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

Section 1. That the City Council of the City of Compton hereby amends the City of Compton 2010-2011 Fiscal Year Budget allocating proceeds from the sale of the City Yard property located at 458 South Alameda Street for an amount not to exceed \$4,485,000.00.

Section 2. That funds shall be appropriated as follows:

<u>From Account Number</u>	<u>Description</u>	<u>Amount</u>
3050-800-011-4266	Alameda Industrial Park	\$4,485,000
<u>To Account Number</u>	<u>Description</u>	<u>Amount</u>
1001-610-000-4249	Special Department Expense	\$4,485,000

Section 3. That copies of this Resolution shall be filed in the offices of the City Manager, City Controller, City Attorney, and City Clerk.

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

ADOPTED this ____ day of _____ 2010.

MAYOR OF THE CITY OF COMPTON

RESOLUTION NO. _____
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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 forgoing 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 _____, 2010.

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: City Management

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING A BUDGET AMENDMENT TO THE CITY OF COMPTON 2010-2011 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FROM THE SALE OF THE CITY YARD PROPERTY LOCATED AT 458 SOUTH ALAMEDA STREET, COMPTON CALIFORINA

Willie Norfleet
DEPARTMENT MANAGER’S SIGNATURE

12/1/2010 4:56:36 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/9/2010 3:48:46 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/9/2010 4:11:32 PM
DATE

Willie Norfleet
CITY MANAGER

12/7/2010 11:18:01 AM
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.

December 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON DELETING SECTION 8-10 OF CHAPTER VIII AND AMENDING SECTION 7-9 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO DECLARE A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO ILLEGAL DUMPING

SUMMARY

The City Council will consider adopting an Ordinance that will delete Section 8-10 of Chapter VIII and amend Section 7-9 of Chapter VII of the Compton Municipal Code so as to declare a motor vehicle a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

BACKGROUND

The City of Compton has received numerous complaints concerning the nuisance created by motor vehicles being used in the commission of illegal dumping. The use of motor vehicles allow for greater quantities of litter, garbage, or waste matter to be transported and deposited throughout the City. Such criminal conduct poses a safety hazard to the community, promotes blight and causes a reduction in property values when vehicles. Also, overall traffic in the City is increased as vehicles used to illegally dump are often driven around the City as the driver attempts to locate an inconspicuous location to commit the illegal dumping.

Resources are continuously expended by the City to remove the trash, debris and waste matter that have been illegally dumped in vacant lots, public right-of-ways, and city alleys. The persistence of these crimes consumes a substantial amount of time and resources by the City on a daily basis. Collectively, the

#3.

Staff Report Re Ordinance of the City Council Amending
Chapters VII and VIII of the Compton Municipal Code.
December 14, 2010

negative effects from the use of motor vehicles to commit illegal dumping constitute a nuisance for all citizens throughout the City.

On October 11, 2009, the Governor signed Assembly Bill 14 (AB14) authorizing cities, counties, and cities and counties to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

Section 374.3(h) makes it a misdemeanor for any person "who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in commercial quantities", punishable by imprisonment in county jail for not more than six (6) months and by a fine. The fine is mandatory and shall amount to not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) upon a first conviction. *Commercial quantities*, as defined by subsection (2) of Section 374.3(h), means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard.

STATEMENT OF ISSUE

Presently, the City's Municipal Code contains provisions for the forfeiture of vehicles that are used in the commission of illegal dumping. AB14 (now codified at Vehicle Code Section 22659.5) requires, at minimum, any city, county, or city and county that adopts an ordinance declaring a motor vehicle a nuisance when used in the commission of illegal dumping to include requisite provisions regulating the impoundment of said vehicle.

The City's Municipal Code must be amended to comply with state law and include those provisions required by AB14 and repeal existing provisions that are in conflict with state law. Specifically, Section 8-10 must be repealed because it lacks requisite provisions and institutes penalties such as forfeitures of vehicles which are not authorized by Vehicle Code Section 22659.5.

Staff believes that amending Section 7-9 of Chapter VII of the City's Code, which regulates and imposes penalties for littering, to include the requisite provisions mandated by AB14 would best serve the enforcement of these provisions. Because the acts of littering and illegal dumping, as defined by Penal Code Section 374.3(h), are similar in nature, the placement of these policing provisions in the same Chapter would best served law enforcement to enforce these regulations to the fullest extent allowed by law.

The proposed Ordinance will amend Chapters VII and VIII of the Compton Municipal Code by deleting in its entirety Section 8-10 of Chapter VIII and adding new Subsections 7-9.16 through 7-9.24 regulating the impoundment of vehicles used in the commission of illegal dumping as authorized by AB14.

FISCAL IMPACT

Section 22850.5 of the California Vehicle Code authorizes the City to adopt an ordinance or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of fees equal to the City's administrative costs relating to the removal, impound, storage, or release of the vehicles.

Vehicles impounded and/or stored pursuant to Subsection 7-9.17 of the Compton Municipal Code may be subject to proposed increases in the fee schedule relating to the administrative costs incurred by the City. The proposed changes in the fee schedule will be set by resolution or ordinance. Staff will present an additional item to Council to institute the proposed fee increases within the fee schedule via resolution or ordinance at a later date.

RECOMMENDATION

It is the recommendation of this office that the City Council adopt the attached proposed Ordinance.

CRAIG J. CORNWELL
CITY ATTORNEY

Attachment: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON DELETING SECTION 8-10 OF CHAPTER VIII AND AMENDING SECTION 7-9 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO DECLARE A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO ILLEGAL DUMPING

WHEREAS, on October 11, 2009, the Governor signed Assembly Bill 14 (codified at Vehicle Code Section 22659.5) authorizing cities, counties, and cities and counties to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years; and

WHEREAS, the City of Compton desires to declare as a public nuisance any motor vehicle that is used in the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code; and

WHEREAS, persons who use motor vehicles to commit acts of illegal dumping contribute to blight, increased crime rates and the general decay of neighborhoods within the City; and

WHEREAS, persons whose vehicles are seized and subject to an impoundment period of up to thirty (30) days as a result of their use in the act of illegal dumping will be further deterred from using vehicles to facilitate their crimes.

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

Section 1. That Section 8-10 (SEIZURE AND FORFEITURE OF NUISANCE VEHICLES) of Chapter VIII of the Compton Municipal Code is hereby deleted in its entirety.

Section 2. That the Title of Section 7-9 (LITTER) of Chapter VII of the Compton Municipal Code is hereby amended and subsections 7-9.16 to 7-9.24 are added in their entirety and shall read as follows:

7-9 LITTER AND ILLEGAL DUMPING.

7-9.16 DECLARATION OF PUBLIC NUISANCE OF VEHICLES USED IN COMMISSION OF ILLEGAL DUMPING.

A vehicle used in the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code is declared to be a public nuisance and shall be subject to seizure and impoundment for a period of up to thirty (30) days if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

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7-9.17 SEIZURE AND IMPOUNDMENT OF VEHICLE

a. A vehicle shall be seized and impounded pursuant to this Section upon the occurrence of both of the following:

1. A valid arrest of the driver of a vehicle for the commission or attempted commission of an act that violates Section 374.3(h) of the California Penal Code; and

2. At the time of the arrest, the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

b. Impoundment shall be for a period of up to thirty (30) days. Any period during which a vehicle is subjected to storage pursuant to this subsection shall be included as part of the period of impoundment.

7-9.18 NOTICE TO OWNER; POST-STORAGE HEARING

a. Within two (2) working days after impoundment, the City shall send by certified mail, return receipt requested, a notice to the legal and registered owner(s) of the vehicle at the address obtained from the Department of Motor Vehicles that the vehicle has been impounded. The notice shall also inform the owner of an opportunity for a post-storage hearing to determine the validity of the storage or to determine mitigating circumstances establishing that the vehicle should be released.

b. The notice shall include all of the following information:

1. The name, address, and telephone number of the agency providing the notice;

2. The location of the place of storage and description of the vehicle that shall include, if available, the model or make, the manufacturer, the license plate number, and the mileage;

3. The authority and purpose for the removal of the vehicle; and

4. A statement that, in order to receive a post-storage hearing, the owner(s), or their agent(s), shall request the hearing in person, writing or by telephone within ten (10) days of the date appearing on the notice.

c. The City shall be prohibited from charging for more than five (5) days of storage if it fails to notify the legal owner within two (2) working days after the impoundment when the legal owner redeems the impounded vehicle.

d. The post-storage hearing shall be conducted within forty-eight (48) hours of the request for hearing, excluding weekends and holidays. Failure of the legal and registered owners, or their respective agents, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.

ORDINANCE NO. _____**Page 3**

e. The City may designate one of its own officers or employees to conduct the hearing if that hearing officer is not the same person who directed the seizure of the vehicle.

f. The hearing officer shall establish whether there are reasonable grounds for the storage of the vehicle and mitigating circumstances establishing that the vehicle should be released. If it is determined at the post-storage hearing that there are no reasonable grounds for the storage of the vehicle, the City shall be responsible for the costs incurred for towing and storage.

g. The City shall maintain a published telephone number that provides information twenty-four (24) hours a day regarding the impoundment of vehicles and the rights of legal and registered owners to request a hearing.

**7-9.19 RELEASE TO REGISTERED OWNER PRIOR TO END OF
IMPOUNDMENT PERIOD**

a. A vehicle impounded pursuant to Subsection 7-9.17 shall be released to the registered owner, or the registered owner's agent, prior to the end of the impoundment period under any of the following circumstances:

1. The driver of the impounded vehicle was arrested without probable cause;

2. The vehicle is a stolen vehicle;

3. The vehicle is subject to bailment and was driven by an unlicensed employee of a business establishment including a parking service or repair garage;

4. The driver of the vehicle is not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period;

5. The registered owner of the vehicle was neither the driver nor passenger of the vehicle at the time of the alleged violation, or was unaware that the driver was using the vehicle to engage in activities subject to Section 374.3(h) of the California Penal Code.

6. A spouse, registered domestic partner, or other affected third party objects to the impoundment of the vehicle on the grounds that it would create a hardship if the subject vehicle is the sole vehicle in a household, and that hardship outweighs the seriousness and severity of the act in which the vehicle was used.

b. Notwithstanding any other provision of law, if a motor vehicle is released prior to the end of the impoundment period because the driver was arrested without probable cause, neither the arrested person nor the registered owner of the motor vehicle shall be responsible for the towing and storage charges.

c. Except as provided herein in Subsection 7-9.19(b), the registered owner or his or her agent shall be responsible for all towing and storage charges related to the impoundment of the vehicle.

7-9.20 RELEASE TO LEGAL OWNER PRIOR TO END OF IMPOUNDMENT PERIOD

a. A vehicle impounded pursuant to Subsection 7-9.17 shall be released to the legal owner, or the legal owner’s agent, prior to the end of the impoundment period if both of the following conditions are met:

- 1. The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in California, or is another person who is not the registered owner and holds a security interest in the vehicle; and
- 2. The legal owner, or the legal owner’s agent, pays all of the towing and storage fees related to the seizure and impoundment of the vehicle.

b. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the fifteenth (15th) day of the impoundment period. Neither the City, the impounding agency, nor any person having possession of the vehicle shall collect from the legal owner as described in subsection 7-9.20(a)(1) of this Section, or the legal owner's agent, any administrative charges imposed pursuant to Section 22850.5 of the California Vehicle Code, unless the legal owner voluntarily requested a post-storage hearing.

c. The legal owner, or the legal owner’s agent, shall present the following documentation to the City, its law enforcement agency, impounding agency, person in possession of the vehicle, or any person acting on behalf of those agencies:

- 1. A copy of the assignment as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code;
- 2. A release of liability from the City of Compton (if required by the City);
- 3. A government-issued photographic identification card; and
- 4. Any one of the following as determined by the legal owner or the legal owner’s agent:
 - i. A certificate of repossession for the vehicle;
 - ii. A security agreement for the vehicle; or
 - iii. Title (whether or not paperless or electronic) showing proof of legal ownership for the vehicle.

d. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The City, its law enforcement agency, impounding agency, or any person acting on behalf of those agencies shall not require any documents to be notarized.

ORDINANCE NO. _____
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e. *Agent of Legal Owner.* The City, its law enforcement agency (including Code Enforcement), or any person acting on behalf of these agencies may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the City, its law enforcement agency (including Code Enforcement), or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

f. A city, county, city and county, or state agency shall not require a legal owner or a legal owner's agent to request a post-storage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent.

g. The City, its law enforcement agency, the impounding agency, another governmental agency, or any person acting on behalf of these agencies shall not require any documents other than those specified in subsection 7-9.20(c) for the release of the vehicle. The legal owner or the legal owner's agent shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold log book.

h. The City, its law enforcement agency, the impounding agency, or any person acting on behalf of these agencies, or any person in possession of the vehicle may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.

i. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release including the reasonable costs associated with defending any such claims.

j. The legal owner, who meets the requirements for release of a vehicle pursuant to subsection 7-9.20(a), or the legal owner's agent, shall not release the vehicle to the registered owner of the vehicle, or the registered owner's agent (unless the registered owner is a rental car agency) until after the termination of the impoundment period.

k. Prior to relinquishing the vehicle to the registered owner, the legal owner may require the registered owner to pay all towing and storage charges related to the seizure and impoundment of the vehicle.

7-9.21 RELEASE TO RENTAL CAR AGENCY PRIOR TO END OF IMPOUNDMENT PERIOD

a. A vehicle seized and impounded pursuant to Subsection 7-9.17 shall be released to a rental car agency prior to the end of the impoundment period if:

1. The agency is either the legal owner or registered owner of the vehicle; and
2. The agency pays all towing and storage fees related to the seizure and impoundment of the vehicle.

- b. The rental car agency may continue to rent the vehicle upon recovery of the vehicle. The rental car agency, however, shall not rent another vehicle to the driver of the vehicle that was seized until the impoundment period has expired.
- c. The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the seizure and impoundment of the vehicle.

7-9.22 OPERATORS OF STORAGE FACILITIES

- a. A person operating or in charge of a storage facility where vehicles are stored pursuant to Subsection 7-9.17 shall accept a valid bank credit card or cash for payment of towing, storage and related fees by a legal or registered owner, or the owner's agent, claiming the vehicle. A credit or debit card shall be in the name of the person presenting the card. For purposes of this subsection, "credit card" is defined as in subsection (a) of Section 1747.02 of the Civil Code and does not include a credit card issued by a retail seller.
- b. A person operating or in charge of a storage facility, as described in subsection 7-9.22(a), who violates subsection 7-9.22(a) shall be civilly liable to the owner of the vehicle or the person who tendered the fees for four times (4x) the amount of the towing, storage and related fees.
- c. A person operating or in charge of a storage facility, as described in subsection 7-9.22(a), shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change for, a reasonable monetary transaction.
- d. Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.
- e. A failure by a storage facility to comply with any applicable conditions of this subsection shall not affect the right of the legal owner, or the legal owner's agent, to retrieve the vehicle if all conditions required of the legal owner, or the legal owner's agent, for the release of the vehicle are satisfied.

7-9.23 COSTS AND FEES.

Costs and fees incurred by the City, or at the discretion of the City, pursuant to this Section shall be set by resolution or ordinance as authorized by Section 22850.5 of the California Vehicle Code.

7-9.24 NON-EXCLUSIVE REMEDY.

This Section is not the exclusive regulation or penalty for illegal dumping or any related thereto. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, State or any other legal entity or agency having jurisdiction.

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 _____, 2010.

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 adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on _____ day of _____, 2010.

#3.

ORDINANCE NO. _____
Page 8

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 DELETING SECTION 8-10 OF CHAPTER VIII AND AMENDING SECTION 7-9 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE TO DECLARE A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO ILLEGAL DUMPING

<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.

December 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-7 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE DECLARING A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO PROSTITUTION

SUMMARY

The City Council will consider adopting an Ordinance that will amend Section 7-7 of Chapter VII of the Compton Municipal Code so as to declare a motor vehicle a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Sections 266h, 266i or 647(b) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

BACKGROUND

The City of Compton has received numerous complaints concerning the nuisance created by motor vehicles being used in the solicitation and commission of prostitution. The increased traffic through residential and commercial areas as a result of such criminal conduct poses a safety hazard to the community, promotes blight and causes a reduction in property values. Consequently, these safety hazards and increased blight constitute a nuisance for all citizens throughout the community.

On October 11, 2009, the Governor signed Assembly Bill 14 (AB14) repealing provisions of existing law that authorized a city, county, or city and county to establish a five (5) year pilot program that implemented a procedure to declare a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution. AB 14 (now codified at Vehicle Code Section 22659.5) authorizes cities, counties, and cities and counties to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Sections 266h, 266i or 647(b) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

#4.

Staff Report Re Ordinance of the City Council Amending
Section 7-7 of Chapter VII of the Compton Municipal Code.
December 14, 2010

STATEMENT OF ISSUE

Presently, the City's Municipal Code contains provisions for the forfeiture of vehicles that are used in the commission of prostitution that were previously authorized under the repealed law. AB14 requires, at minimum, any city, county, or city and county that adopts an ordinance declaring a motor vehicle a nuisance when used in the commission of prostitution to include certain provisions that are contained in Vehicle Code Section 22659.5.

The City's Municipal Code must be amended to comply with state law and include provisions that are required by AB14 and repeal provisions that are in conflict with state law. Consequently, Section 7-7 must be amended to omit penalties such as forfeiture of vehicle which are not authorized by Vehicle Code Section 22659.5.

The proposed Ordinance will amend Section 7-7 of Chapter VII of the Compton Municipal Code by deleting Sections 7-7.10 through 7-7.22 in their entirety and adding new Sections 7-7.10 through 7-7.18 to contain the requisite provisions required by AB14.

FISCAL IMPACT

Section 22850.5 of the California Vehicle Code authorizes the City to adopt an ordinance or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of fees equal to the City's administrative costs relating to the removal, impound, storage, or release of the vehicles.

Vehicles impounded and/or stored pursuant to Subsection 7-7.11 of the Compton Municipal Code may be subject to proposed increases in the fee schedule relating to the administrative costs incurred by the City. The proposed changes in the fee schedule will be set by resolution or ordinance. Staff will present an additional item to Council to institute the proposed fee increases within the fee schedule via resolution or ordinance at a later date.

RECOMMENDATION

It is the recommendation of this office that the City Council adopt the attached proposed Ordinance.

CRAIG J. CORNWELL
CITY ATTORNEY

Attachment: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-7 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE DECLARING A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO PROSTITUTION

WHEREAS, on October 11, 2009, the Governor signed Assembly Bill 14 (codified at Vehicle Code Section 22659.5) repealing provisions of existing law that authorized a city, county, or city and county to establish a five (5) year pilot program that implemented a procedure to declare a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution; and

WHEREAS, Assembly Bill 14 (AB14) now authorizes cities, counties, and cities and counties to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to an impoundment period of up to thirty (30) days when the motor vehicle is used in the commission or attempted commission of an act that violates Sections 266h, 226i, or 647(b) of the California Penal Code, and the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years; and

WHEREAS, the City of Compton desires to declare as a public nuisance any motor vehicle that is used in the commission or attempted commission of an act that violates Sections 266h, 266i, or 647(b) of the California Penal Code; and

WHEREAS, persons who use motor vehicles to solicit and commit acts of prostitution contribute to blight, increased crime rates and the general decay of neighborhoods within the City; and

WHEREAS, persons whose vehicles are seized and subject to an impoundment period of up to thirty (30) days as a result of their use in the commission of prostitution will be further deterred from using vehicles to facilitate their crimes.

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

Section 1. That subsections 7-7.10 to 7-7.22 of Section 7-7 of Chapter VII of the Compton Municipal Code are hereby deleted in their entirety.

Section 2. That new subsections 7-7.10 to 7-7.18 of Section 7-7 of Chapter VII of the Compton Municipal Code are hereby added and shall read in its entirety as follows:

7-7.10 DECLARATION OF PUBLIC NUISANCE OF VEHICLES USED IN COMMISSION OF PROSTITUTION.

A vehicle used in the commission or attempted commission of an act that violates Sections 266h, 266i, or 647(b) of the California Penal Code, is declared to be a public nuisance and shall be subject to seizure and impoundment for a period of up to thirty (30) days if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

7-7.11 SEIZURE AND IMPOUNDMENT OF VEHICLE.

a. A vehicle shall be seized and impounded pursuant to this subsection upon the occurrence of both of the following:

1. A valid arrest of the driver of a vehicle for the commission or attempted commission of an act that violates Sections 266h, 266i, or 647(b) of the California Penal Code; and

2. At the time of the arrest, the owner or operator of the vehicle has had a prior conviction for the same offense within the past three (3) years.

b. Impoundment shall be for a period of up to thirty (30) days. Any period during which a vehicle is subjected to storage pursuant to this subsection shall be included as part of the period of impoundment.

7-7.12 NOTICE TO OWNER; POST-STORAGE HEARING.

a. Within two (2) working days after impoundment, the City shall send by certified mail, return receipt requested, a notice to the legal and registered owner(s) of the vehicle at the address obtained from the Department of Motor Vehicles that the vehicle has been impounded. The notice shall also inform the owner of an opportunity for a post-storage hearing to determine the validity of the storage or to determine mitigating circumstances establishing that the vehicle should be released.

b. The notice shall include all of the following information:

1. The name, address, and telephone number of the agency providing the notice;

2. The location of the place of storage and description of the vehicle that shall include, if available, the model or make, the manufacturer, the license plate number, and the mileage;

3. The authority and purpose for the removal of the vehicle; and

4. A statement that, in order to receive a post-storage hearing, the owner(s), or their agent(s), shall request the hearing in person, writing or by telephone within ten (10) days of the date appearing on the notice.

c. The City shall be prohibited from charging for more than five (5) days of storage if it fails to notify the legal owner within two (2) working days after the impoundment when the legal owner redeems the impounded vehicle.

d. The post-storage hearing shall be conducted within forty-eight (48) hours of the request for hearing, excluding weekends and holidays. Failure of the legal and registered owners, or their respective agents, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.

e. The City may designate one of its own officers or employees to conduct the hearing if that hearing officer is not the same person who directed the seizure of the vehicle.

ORDINANCE NO. _____

Page 3

f. The hearing officer shall establish whether there are reasonable grounds for the storage of the vehicle and mitigating circumstances establishing that the vehicle should be released. If it is determined at the post-storage hearing that there are no reasonable grounds for the storage of the vehicle, the City shall be responsible for the costs incurred for towing and storage.

g. The City shall maintain a published telephone number that provides information twenty-four (24) hours a day regarding the impoundment of vehicles and the rights of legal and registered owners to request a hearing.

7-7.13 RELEASE TO REGISTERED OWNER PRIOR TO END OF IMPOUNDMENT PERIOD.

a. A vehicle impounded pursuant to Subsection 7-7.11 shall be released to the registered owner, or the registered owner's agent, prior to the end of the impoundment period under any of the following circumstances:

1. The driver of the impounded vehicle was arrested without probable cause;
2. The vehicle is a stolen vehicle;
3. The vehicle is subject to bailment and was driven by an unlicensed employee of a business establishment including a parking service or repair garage;
4. The driver of the vehicle is not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period;
5. The registered owner of the vehicle was neither the driver nor passenger of the vehicle at the time of the alleged violation, or was unaware that the driver was using the vehicle to engage in activities subject to Sections 266h, 266i, or 647(b) of the California Penal Code; or
6. A spouse, registered domestic partner, or other affected third party objects to the impoundment of the vehicle on the grounds that it would create a hardship if the subject vehicle is the sole vehicle in a household, and that hardship outweighs the seriousness and severity of the act in which the vehicle was used.

b. Notwithstanding any other provision of law, if a motor vehicle is released prior to the end of the impoundment period because the driver was arrested without probable cause, neither the arrested person nor the registered owner of the motor vehicle shall be responsible for the towing and storage charges.

c. Except as provided herein in Subsection 7-7.13(b), the registered owner or his or her agent shall be responsible for all towing and storage charges related to the impoundment of the vehicle.

7-7.14 RELEASE TO LEGAL OWNER PRIOR TO END OF IMPOUNDMENT PERIOD.

a. A vehicle impounded pursuant to Subsection 7-7.11 shall be released to the legal owner, or the legal owner's agent, prior to the end of the impoundment period if both of the following conditions are met:

1. The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in California, or is another person who is not the registered owner and holds a security interest in the vehicle; and

2. The legal owner, or the legal owner’s agent, pays all of the towing and storage fees related to the seizure and impoundment of the vehicle.

b. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the fifteenth (15th) day of the impoundment period. Neither the City, the impounding agency, nor any person having possession of the vehicle shall collect from the legal owner as described in subsection 7-7.14(a)(1) of this Section, or the legal owner's agent, any administrative charges imposed pursuant to Section 22850.5 of the California Vehicle Code, unless the legal owner voluntarily requested a post-storage hearing.

c. The legal owner, or the legal owner’s agent, shall present the following documentation to the City, its law enforcement agency, impounding agency, person in possession of the vehicle, or any person acting on behalf of those agencies:

1. A copy of the assignment as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code;

2. A release of liability from the City of Compton (if required by the City);

3. A government-issued photographic identification card; and

4. Any one of the following as determined by the legal owner or the legal owner’s agent:

i. A certificate of repossession for the vehicle;

ii. A security agreement for the vehicle; or

iii. Title (whether or not paperless or electronic) showing proof of legal ownership for the vehicle.

d. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The City, its law enforcement agency, impounding agency, or any person acting on behalf of those agencies shall not require any documents to be notarized.

e. *Agent of Legal Owner.* The City, its law enforcement agency (including Code Enforcement), or any person acting on behalf of these agencies may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the City, its law enforcement agency (including Code Enforcement), or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

f. A city, county, city and county, or state agency shall not require a legal owner or a legal owner's agent to request a post-storage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent.

ORDINANCE NO. _____**Page 5**

g. The City, its law enforcement agency, the impounding agency, another governmental agency, or any person acting on behalf of these agencies shall not require any documents other than those specified in subsection 7-7.14(c) for the release of the vehicle. The legal owner or the legal owner's agent shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold log book.

h. The City, its law enforcement agency, the impounding agency, or any person acting on behalf of these agencies, or any person in possession of the vehicle may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.

i. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release including the reasonable costs associated with defending any such claims.

j. The legal owner, who meets the requirements for release of a vehicle pursuant to subsection 7-7.14(a), or the legal owner's agent, shall not release the vehicle to the registered owner of the vehicle, or the registered owner's agent (unless the registered owner is a rental car agency) until after the termination of the impoundment period.

k. Prior to relinquishing the vehicle to the registered owner, the legal owner may require the registered owner to pay all towing and storage charges related to the seizure and impoundment of the vehicle.

7-7.15 RELEASE TO RENTAL CAR AGENCY PRIOR TO END OF IMPOUNDMENT PERIOD.

a. A vehicle seized and impounded pursuant to Section 7-7.11 shall be released to a rental car agency prior to the end of the impoundment period if:

1. The agency is either the legal owner or registered owner of the vehicle; and

2. The agency pays all towing and storage fees related to the seizure and impoundment of the vehicle.

b. The rental car agency may continue to rent the vehicle upon recovery of the vehicle. The rental car agency, however, shall not rent another vehicle to the driver of the vehicle that was seized until the impoundment period has expired.

c. The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the seizure and impoundment of the vehicle.

7-7.16 OPERATORS OF STORAGE FACILITIES.

a. A person operating or in charge of a storage facility where vehicles are stored pursuant to Section 7-7.11 shall accept a valid bank credit card or cash for payment of towing, storage and related fees by a legal or registered owner, or the owner's agent, claiming the vehicle. A credit or debit card shall be in the name of the person presenting the card. For purposes of this subsection, "credit card" is defined as in subsection (a) of Section 1747.02 of the Civil Code and does not include a credit card issued by a retail seller.

b. A person operating or in charge of a storage facility, as described in subsection 7-7.16(a), who violates subsection 7-7.16(a) shall be civilly liable to the owner of the vehicle or the person who tendered the fees for four times (4x) the amount of the towing, storage and related fees.

c. A person operating or in charge of a storage facility, as described in subsection 7-7.16(a), shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change for, a reasonable monetary transaction.

d. Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.

e. A failure by a storage facility to comply with any applicable conditions of this subsection shall not affect the right of the legal owner, or the legal owner’s agent, to retrieve the vehicle if all conditions required of the legal owner, or the legal owner’s agent, for the release of the vehicle are satisfied.

7-7.17 COSTS AND FEES.

Costs and fees incurred by the City, or at the discretion of the City, pursuant to this Section shall be set by resolution or ordinance as authorized by Section 22850.5 of the California Vehicle Code.

7-7.18 NON-EXCLUSIVE REMEDY.

This Section is not the exclusive regulation or penalty for prostitution. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, State or any other legal entity or agency having jurisdiction.

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.

ORDINANCE NO. _____
Page 7

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 _____, 2010.

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 adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on _____ day of _____, 2010.

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 SECTION 7-7 OF CHAPTER VII OF THE COMPTON MUNICIPAL CODE DECLARING A MOTOR VEHICLE A NUISANCE SUBJECT TO SEIZURE AND IMPOUNDMENT WHEN THE VEHICLE IS INVOLVED IN THE COMMISSION OF ONE OR MORE CRIMES RELATED TO PROSTITUTION

<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.

December 14, 2010

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY CLERK

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON CALLING FOR THE HOLDING AND GIVING NOTICE OF A PRIMARY NOMINATING ELECTION AND A GENERAL MUNICIPAL ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO THE CITY CHARTER OF THE CITY OF COMPTON TO BE HELD ON TUESDAY, APRIL 19, 2011 AND JUNE 7, 2011 RESPECTIVELY.

The Primary Nominating Election and General Municipal Election for the City of Compton will be held on Tuesday, April 19, 2011 and June 7, 2011 respectively.

It is requested that the City Council adopt the attached ordinance calling for and giving notice of a Primary Nominating and General Municipal Election for the purpose of nominating and/or electing municipal officers.

**ALITA L. GODWIN, CMC
CITY CLERK
CITY OF COMPTON**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON, CALLING FOR THE HOLDING AND GIVING NOTICE OF A PRIMARY NOMINATING ELECTION AND A GENERAL MUNICIPAL ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO THE CITY CHARTER OF THE CITY OF COMPTON TO BE HELD ON TUESDAY, APRIL 19, 2011 AND JUNE 7, 2011, RESPECTIVELY.

WHEREAS, under the provisions of the Charter, a Primary Nominating Election shall be held on April 19, 2011, and General Municipal Election shall be held on June 7, 2011, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON, CALIFORNIA DOES ORDAIN, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Compton, California, on Tuesday, April 19, 2011, a Primary Nominating Election for the purpose of electing a City Councilmember for District 1 and also a City Councilmember for District 4 for the term(s) of office of four (4) years;

The City Council hereby orders that said Primary Municipal Election shall be held on April 19, 2011 and said General Municipal Election shall be held on June 7, 2011.

SECTION 2. That the City Council of the City of Compton does hereby find, determine and declare as follows:

- (a) That pursuant to the provisions of applicable law, a Primary Nominating Municipal Election will be held in this City on Tuesday, the 19th day of April, 2011, for the purpose of nominating and/or electing certain Municipal officers; and
- (b) That the officers to be nominated and/or elected at said election are as follows:
 - (1) Member of the City Council for District Number 1 of said City, for a full term of four (4) years;
 - (2) Member of the City Council for District Number 4 of said City, for a full term of four (4) years;
- (c) That said election shall be held and conducted in accordance with the provisions of this Ordinance, and all laws applicable thereto.

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That notice is hereby given that on the 19th day of April, 2011, a Primary Nominating Election will be held and conducted in the City of Compton, County of Los Angeles, State of California, for the purpose of nominating and/or electing qualified persons to the following municipal offices:

For a member of the City Council for District Number 1 of said City, for a full term of four (4) years;

For a member of the City Council for District Number 4 of said City, for a full term of four (4) years;

SECTION 6. That pursuant to Elections Code 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$80 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member to attend a training class and the sum of \$50 to be given to each inspector to pick up and return the precinct supplies. The rental for each polling place, where a charge is made, shall be the sum of \$25. When required, the compensation of the Custodian of a building shall be \$25 for the election.

SECTION 7. That for the purpose of said election, above described, twenty-nine (29) precincts shall be established.

SECTION 8. That on April 19, 2011, the polling places utilized for the purpose of said election, above described, shall be open at 7:00 a.m. of the day and shall remain open continuously from that time until 8:00 p.m. of the same day, pursuant to Election Code Section 10242.

SECTION 9. That this Ordinance shall take effect immediately upon adoption.

SECTION 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 11. That the Mayor shall sign and the City Clerk shall certify to the adoption of this Ordinance and shall cause same to be published according to law.

ADOPTED this _____ day of _____, 2010.

MAYOR OF THE CITY OF COMPTON

ORDINANCE NO. _____
Page 3

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON ss

I, Alita L. 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 _____, 2010.

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

AYES: **Council Members—**
NOES: **Council Members—**
ABSENT: **Council Members—**

CITY CLERK OF THE CITY OF COMPTON

ORDINANCE NO. _____

EXHIBIT “A”
TOTAL NUMBER OF PRECINCTS: 29

Voting Precinct 1, comprising regular election precinct Number 1. The polling place is the **Compton Neighborhood Center 600 N. Alameda**. The election officers are:

Inspector:
Clerks:

Voting Precinct 3, comprising regular election precinct Number 3. The polling place at the **YWCA** located at **1600 E. Compton Blvd**. The election officers are:

Inspector:
Clerks:

Voting Precinct 6, comprising regular election precinct Numbers 6 and 7. The polling place is **Christ First Missionary Baptist Church** located at **701 N. Long Beach Blvd**. The election officers are:

Inspector:
Clerks:

Voting Precinct 8, comprising regular election precinct Numbers 8 and 305. The polling place is **First Charity Missionary Baptist Church** located at **925 E. Rosecrans Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 10, comprising regular election precinct Numbers 10 and 45. The polling place is **Enterprise Jr. High School, 2600 W. Compton Blvd**. The election officers are:

Inspector:
Clerks:

Voting Precinct 18, comprising regular election precinct Numbers 18 and 142. The polling place is **First United Methodist Church** located at **1025 S. Long Beach Blvd**. The election officers are:

Inspector:
Clerks:

Voting Precinct 20, comprising regular election precinct Numbers 20 and 43. The polling place is **The Salvation Army** located at **736 E. Compton Blvd**. The election officers are:

Inspector:
Clerks:

ORDINANCE NO. _____

Voting Precinct 22, comprising regular election precinct Numbers 22 and 144. The polling place is **Emerson Elementary School, 1011 E. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 24, comprising regular election precinct Numbers 24, 147 and 148. The polling place is **Centennial High School, 2606 N. Central Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 27, comprising regular election precinct Number 27. The polling place is **McNair Elementary, 1450 W. El Segundo**. The election officers are:

Inspector:
Clerks:

Voting Precinct 28, comprising regular election precinct Number 28. The polling place is **Willowbrook Jr. High School, 2601 N. Wilmington Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 30, comprising regular election precinct Number 30. The polling place is **Washington Elementary School, 1421 N. Wilmington Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 33, comprising regular election precinct Number 33. The polling place is **Dollarhide Center, 1108 N. Oleander**. The election officers are:

Inspector:
Clerks:

Voting Precinct 34, comprising regular election precinct Numbers 34 and 118. The polling place is **Tibby Elementary School, 1400 W. Poplar**. The election officers are:

Inspector:
Clerks:

Voting Precinct 36, comprising regular election precinct Numbers 36 and 40. The polling place is **Davis Jr. High School, 621 W. Poplar**. The election officers are:

Inspector:
Clerks:

ORDINANCE NO. _____

Voting Precinct 42, comprising regular election precinct Number 42. The polling place is **Jericho Baptist Church, 205 N. Culver.** The election officers are:

Inspector:
Clerks:

Voting Precinct 52, comprising regular election precinct Numbers 52, 53 and 154. The polling place is **Compton Airport, 901 W. Alondra Blvd.** The election officers are:

Inspector:
Clerks:

Voting Precinct 62, comprising regular election precinct Number 62. The polling place is **Compton High School, 601 S. Acacia.** The election officers are:

Inspector:
Clerks:

Voting Precinct 91, comprising regular election precinct Number 91. The polling place is **Bursch Elementary School, 2505 W. 156th Street.** The election officers are:

Inspector:
Clerks:

Voting Precinct 113, comprising regular election precinct Numbers 113 and 167. The polling place is **Tucker Park, 650 W. Laurel St.** The election officers are:

Inspector:
Clerks:

Voting Precinct 132, comprising regular election precinct Numbers 132 and 133. The polling place is a **residence** located at **225 E. Bennett Street.** The election officers are:

Inspector:
Clerks:

Voting Precinct 136, comprising regular election precinct Numbers 136 and 164. The polling place is **Heavenly Rest Baptist Church** located at **1715 N. Bullis Road.** The election officers are:

Inspector:
Clerks:

ORDINANCE NO. _____

Voting Precinct 137, comprising regular election precinct Numbers 137, and 149. The polling place is **Roosevelt Elementary School, 700 N. Bradfield**. The election officers are:

Inspector:
Clerks:

Voting Precinct 140, comprising regular election precinct Numbers 140 and 141. The polling place is **Kelly Park, 2317 E. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 152, comprising regular election precinct Numbers 152 and 160. The polling place is **Caldwell Elementary School, 2300 W. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 153, comprising regular election precinct Numbers 153 and 163. The polling place is **Kennedy Elementary School, 1305 S. Oleander**. The election officers are:

Inspector:
Clerks:

Voting Precinct 155, comprising regular election precinct Numbers 155. The polling place is **Walton Jr. High School, 800 W. Greenleaf**. The election officers are:

Inspector:
Clerks:

Voting Precinct 157, comprising regular election precinct Number 157. The polling place is **Longfellow Elementary School, 1101 S. Dwight**. The election officers are:

Inspector:
Clerks:

Voting Precinct 300, comprising regular election precinct Number 300. The polling place is the **Willard Elementary School, 310 E. El Segundo Blvd**. The election officers are:

Inspector:
Clerks:

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Clerk

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON, CALLING FOR THE HOLDING AND GIVING NOTICE OF A PRIMARY NOMINATING ELECTION AND A GENERAL MUNICIPAL ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO THE CITY CHARTER OF THE CITY OF COMPTON TO BE HELD ON TUESDAY, APRIL 19, 2011 AND JUNE 7, 2011, RESPECTIVELY

Alita Godwin
DEPARTMENT MANAGER’S SIGNATURE

12/1/2010 12:14:01 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/2/2010 3:09:36 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/2/2010 3:34:10 PM
DATE

Willie Norfleet
CITY MANAGER

12/2/2010 2:43:35 PM
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.

December 14, 2010

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING THE PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY OF COMPTON'S HUD MANDATED FY 2010-2011 ANNUAL ACTION PLAN

SUMMARY

The purpose of the proposed substantial amendment to the HUD-Mandated FY 2010-2011 Annual Action Plan is to amend the budget for the Community Redevelopment Agency's Deferred Equity Loan Program (D.E.L.) and Fix-It Grant program to include unallocated program income funds from FY 2009-10.

In compliance with the City's approved Citizen Participation Plan and the Consolidated Plan implementing regulation 24 CFR 91.105, and the amended review period as per the HOME Investment Partnership (HOME) regulations, a public hearing is necessary to solicit comment from the public on the manner in which the City proposes to utilize the HOME funds.

A thirty (30) day public review and comment period has been initiated and staff has properly noticed the public hearing for the proposed substantial amendment of the FY 2010-2011 Annual Action Plan in a local paper of circulation (Compton Bulletin) on November 24, 2010 and December 1, 2010. All comments received during the public hearing and comment period will be incorporated into the substantial amendment prior to final submission to HUD.

BACKGROUND

On May 18, 2010, the City Council adopted resolution no. 23,111 approving the use of HOME funding for FY 2010-11 per the City of Compton's HUD mandated Annual Action Plan. The City of Compton's HOME allocation is \$868,951.00.

Presently, the City's HOME funds are designated to implement activities as follows:

- Administration 10% - in the amount of \$86,895
- CHDO 15% - in the amount of \$130,343
- First Time Homebuyers Program – in the amount of \$400,000.00
- Deferred Equity Loan – in the amount of \$200,000.00
- Fix-It Grant Program- \$51,713.00

During FY 2009-10, the City received **\$93,926** of HOME program income, which was generated from loan payoffs.

#6.

STATEMENT OF THE ISSUE

The FY 2010-2011 Annual Action Plan outlines the City of Compton's planned uses of HOME Investment Partnership (HOME) funded programs, which are administered by the Community Redevelopment Agency (Agency).

The proposed substantial amendment will allocate funds within the HOME program as follows:

<u>Program</u>	<u>Funding Allocations</u>	
	<i>Current</i>	<i>Revised</i>
Administration 10%	\$86,895	No Change
CHDO 15%	\$130,343	No Change
First Time Homebuyers Program	\$400,000	No Change
Deferred Equity Loan	\$200,000	\$250,000
Fix-It Grant Program	\$51,713	\$95,639

RECOMMENDATION

Staff respectfully requests that the City Council conduct the public hearing and approve the substantial amendment of the HUD-Mandated FY 2010-2011 Annual Action Plan to amend the budget of the Deferred Equity Loan and Fix-It Grant Programs to include an additional allocation of \$93,926 of program income funds received in FY 2009-10.

MICHAEL ANTWINE
INTERIM DIRECTOR OF REDEVELOPMENT

WILLIE NORFLEET
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING THE PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY OF COMPTON’S HUD MANDATED FISCAL YEAR 2010-2011 ANNUAL ACTION PLAN

WHEREAS, the Community Redevelopment Agency of the City of Compton is proposing a substantial amendment to the HUD-Mandated FY 2010-2011 Annual Action Plan to amend the budget for the Deferred Equity Loan Program (D.E.L.) and Fix-It Grant program to include an additional allocation of \$93,926 HOME program income funds received in FY 2009-10; and

WHEREAS, in compliance with the City’s approved Citizen Participation Plan and the Consolidated Plan implementing regulation 24 CFR 91.105, and the amended review period as per the HOME Investment Partnership (HOME) regulations, a public hearing is necessary to solicit comment from the public on the manner in which the City proposes to utilize the HOME funds; and

WHEREAS, a thirty (30) day public review and comment period has been initiated and staff has properly noticed the public hearing for the proposed substantial amendment of the FY 2010-2011 Annual Action Plan in a local paper of circulation (Compton Bulletin) on November 24, 2010 and December 1, 2010. All comments received during the public hearing and comment period will be incorporated into the substantial amendment prior to final submission to HUD; and

WHEREAS, on May 18, 2010, the City Council adopted resolution 23,111 approving the use of HOME funding and the City of Compton’s HOME allocation was \$868,951.00; and

WHEREAS, the FY 2010-2011 Annual Action Plan outlines the City of Compton’s planned uses of HOME Investment Partnership (HOME) funded programs, which are administered by the Community Redevelopment Agency (Agency); and

WHEREAS, the proposed substantial amendment will allocate funds within the HOME program as follows:

<u>Program</u>	<u>Funding Allocations</u>	
	<i>Current</i>	<i>Revised</i>
Administration 10%	\$86,895	No Change
CHDO 15%	\$130,342	No Change
First Time Homebuyers Program	\$400,000	No Change
Deferred Equity Loan	\$200,000	\$250,000
Fix-It Grant Program	\$51,713	\$95,639

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

Section 1. That the City Council approves the proposed substantial amendment to the HUD-Mandated FY 2010-2011 Annual Action Plan by adopting the attached Resolution.

Section 2. That the substantial amendment will allocate funds within the HOME program as follows:

<u>Program</u>	<u>Funding Allocations</u>	
	<i>Current</i>	<i>Revised</i>
Administration 10%	\$86,895	No Change
CHDO 15%	\$130,342	No Change
First Time Homebuyers Program	\$400,000	No Change
Deferred Equity Loan	\$200,000	\$250,000
Fix-It Grant Program	\$51,713	\$95,639

Section 3. That a certified copy of this resolution be filed in the offices of the City Manager, City Attorney, City Controller, Community Redevelopment Agency, and City Clerk.

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

ADOPTED this _____ day of _____, 2010.

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, 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 the regular meeting thereof held on the _____ day of _____, 2010.

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

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

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Community Redevelopment

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING THE PROPOSED SUBSTANTIAL AMENDMENT TO THE CITY OF COMPTON’S HUD MANDATED FISCAL YEAR 2010-2011 ANNUAL ACTION PLAN

Michael Antwine
DEPARTMENT MANAGER’S SIGNATURE

12/2/2010 11:23:16 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/2/2010 3:08:43 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/2/2010 3:29:16 PM
DATE

Willie Norfleet
CITY MANAGER

12/2/2010 2:36:00 PM
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.

