

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 1-302, 1-305(d), 7-910(b), 10-704(b), 10-1602(a), 10-1609, AND 11-304(c) OF THE FRESNO MUNICIPAL CODE, RELATING TO CODE ENFORCEMENT.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1-302 of the Fresno Municipal Code, relating to Code Enforcement; Judicial and Administrative Remedies and Procedures, is amended to read:

SECTION 1-302. GENERAL ENFORCEMENT AUTHORITY; ENFORCEMENT OFFICERS.

(a) The City Manager or any of his or her designated enforcing officers as set forth in this Code have the authority and powers necessary to gain compliance with the provisions of the Code and applicable laws. The term "enforcement officers" includes any city employee vested with authority to enforce the Code, which also includes any employee or person under contract with the City Attorney appointed to investigate and/or prosecute violations of this Code. These powers include the power to inspect public and private property and use whatever judicial and administrative remedies are available under the Code or applicable laws.

1 of 7

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

(b) Notwithstanding any Code provision otherwise, and in addition to any authority granted the Director or others, but excluding any authority granted solely to the Police Chief or Police Department, the City Attorney, pursuant to Charter section 803(b), shall have the authority and discretion to investigate and prosecute any violations of this Code by administrative citation, civil action, and/or criminal prosecution.

[(c) Where the Director or City Manager has authority to enforce the code or approve regulations to implement or interpret the code, such authority shall also be granted to the City Attorney.]

SECTION 2. Subsection 1-305(d) of the Fresno Municipal Code, relating to Code Enforcement; Judicial and Administrative Remedies and Procedures, is amended to read:

SECTION 1-305. CRIMINAL CITATIONS.

(d) Criminal Citation Authority. In addition to the Police Chief and peace officers employed by the Police Department, upon completion of the training prescribed by subsection (c), the following officers and employees have the authority to issue criminal citations, both misdemeanor and infractions: City Manager, Director of Administrative Services, Director of Housing and Neighborhood Revitalization, Planning and Development Director, Director of Public Utilities, Public Works Director[, City Attorney,] and Fire Chief. This authority relates only to Fresno Municipal Code criminal citations.

SECTION 3. Subsection 7-910(b) of the Fresno Municipal Code, relating to Fiscal Administration, is amended to read:

SECTION 7-910. PROCEDURE FOR COLLECTION, COMPROMISE AND WRITE-OFF OF CLAIMS OF THE CITY AGAINST OTHERS.

(b) Procedure by City Attorney.

(1) The City Attorney shall pursue collection and may, in furtherance of such collection:

(i) Accept a promissory note to repay the claim over a period of time;

(ii) File an action in the appropriate court to secure a judgment; or

(iii) Assign the claim, promissory note, or judgment to a collection agency.

(2) When the City Attorney determines it is in the best interest of the city to do so, considering the cost of collection and the merits of the claim, he [or she] may:

(i) Authorize the Controller to accept a compromise settlement and write off the balance of the claim as uncollectible, where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000.00);

(ii) Authorize the Controller to file an action in Small Claims Court and write off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000.00); or

(iii) Authorize the Controller to write off the claim in full where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000).

(3) For claims in excess of fifteen thousand dollars (\$15,000), when the City Attorney determines it is in the best interest of the City to accept a compromise settlement of the claim and write off the balance as uncollectible, or to write off the claim in full as uncollectible, he [or she] shall:

(i) Submit the matter to the Chief Administrative Officer for approval where the amount of the write-off is up to fifty thousand dollars (\$50,000);

(ii) In the case of code enforcement fines, penalties, abatement costs, attorney fees, interest, and liens, ~~submit the matter to the Chief Administrative Officer for approval~~ [in exchange for obtaining a compliance agreement, the City Attorney shall have the authority to] ~~where the amount of the write-off is up to one hundred thousand dollars (\$100,000);~~

(iii) In the case of third-party subrogation cases relating to workers' compensation claims and/or property reimbursements, submit the matter to the Chief Administrative Officer for approval where the amount of write-off of workers' compensation costs and property

damage is up to one hundred fifty thousand dollars (\$150,000).

(iv) Submit the matter to the Council for approval where the amount of the write-off, other than as provided in subsections (ii) and (iii) above, exceeds fifty thousand dollars (\$50,000.00).

(4) In any instance in which a write-off is authorized under this Section, the authority shall also include entering into Agreements compromising the claim or obligation on terms that are deemed to be in the best interests of the City.

SECTION 4. Subsection 10-704(b) of the Fresno Municipal Code, relating to the Management of Real Property, is amended to read:

SECTION 10-704. DEFINITIONS.

(b) "Director" shall mean the Police Chief and/or the [City Attorney] ~~Director of the Development and Resource Management Department,~~ and any of their designees.

SECTION 5. Subsection 10-1602(a) of the Fresno Municipal Code, the Rental Housing Improvement Act, is amended to read:

SECTION 10-1602. DEFINITIONS.

(a) "Director" shall mean the [City Attorney] ~~Director of the Development and Resource Management Department,~~ or his or her designee.

SECTION 6. Section 10-1609 of the Fresno Municipal Code, the Rental Housing Improvement Act, is amended to read:

SECTION 10-1609. - RULES AND REGULATIONS. The ~~City Manager,~~
~~with the assistance of the Director,~~ may make rules and regulations enforceable
hereunder, which are not inconsistent with the provisions of this article and which
may be necessary or desirable to aid in the administration or enforcement of the
provisions of this article.

SECTION 7. Subsection 11-304(c) of the Fresno Municipal Code, relating to Housing
Regulations, is amended to read:

SECTION 11-304. DEFINITIONS.

(c) "Building Official" shall include the Building Official or any of
his/her designated enforcement officials or authorized representatives[,
or charter official authorized to enforce violations of this code].

SECTION 8. This ordinance shall become effective and in full force and effect at 12:01
a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr Date
Chief Assistant