



## City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 2/7/2012

**Report Type:** Consent

**Title:** Citation and Arrest Authority to Certain Community Development Department Employees

**Report ID:** 2011-00998

**Location:** Citywide

**Recommendation:** Pass a Resolution granting citation and arrest authority to the designated staff of the Community Development Department

**Contact:** Tina Lee -Vogt, Program Manager, (916) 808-5114, Community Development Department

**Presenter:** None

**Department:** Community Development Dept / Zoning-21001224 ; Housing & Dangerous Buildings-21001311

**Division:** Neighborhood Code Compliance

**Dept ID:** 21001313

**Attachments:**

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1-Description/Analysis

2-Background

3-Resolution

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**City Attorney Review**

Approved as to Form  
 Gustavo Martinez  
 12/1/2011 10:58:52 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
 Russell Fehr  
 11/22/2011 10:08:38 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 11/28/2011 9:56:32 AM

## Description/Analysis

**Issue:** The attached Resolution provides the names and specific individual in the Community Development Department (CDD) who have received the required training and recommended for Citation and Arrest Authority.

**Policy Considerations:** The staff recommendation is consistent with City Council priorities and policies related to compliance with the City's codes, cost recovery and the City's goals to improve and expand public safety.

**Environmental Considerations:** The accompanying resolution does not constitute a project under CEQA guidelines.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** In accordance with Sacramento City Code, Title 2, Chapter 2.12.030 and California Penal Code Section 836.5, the City Council is required to issue a Resolution assigning specific persons the authority to enforce codes through means of citation and arrest. The Code Enforcement Department regularly updates the list of those individuals who are assigned citation and arrest authority to enable staff to fulfill their enforcement duties and responsibilities.

**Financial Considerations:** The granting of Citation and Arrest Authority has no financial impact.

**Emerging Small Business Development (ESBD):** Not applicable. No goods or services are being purchased.



## **BACKGROUND**

### **Citation and Arrest Authority**

On June 30, 1997, the City Council adopted Resolution 97-285 which granted Citation and Arrest Authority to enforcement staff of the Community Development Department. The purpose of this authority is to allow enforcement of specified titles of the Sacramento City Code, California Vehicle Code, and the California Penal Code. Periodically there are changes in staffing, and it is necessary to update the list of individuals who shall be granted this authority. The individuals who enforce these codes have met additional training requirements with the City of Sacramento Police Department and are qualified to be granted Citation and Arrest Authority.



## RESOLUTION NO.

Adopted by the Sacramento City Council

### GRANTING CITATION AND ARREST AUTHORITY TO CERTAIN EMPLOYEES OF THE CODE ENFORCEMENT DEPARTMENT FOR THE PURPOSE OF ENFORCING CERTAIN PROVISIONS OF THE CITY CODE AND/OR STATE LAW

#### BACKGROUND

- A. On June 3, 1997, the City Council adopted Resolution 97-285 which granted Citation and Arrest Authority to enforcement staff of the Code Enforcement Department. The purpose of this authority is to allow enforcement of specified Titles of the Sacramento City Code, California Vehicle Code, and the California Penal Code. Periodically there are changes in the staffing, and it is necessary to update the list of individuals who shall be granted this authority.

#### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1 In order to enforce certain provisions of the City Code, California Vehicle Code, California Penal Code, and California Labor Code, those persons hereinafter named are hereby granted Citation and Arrest Authority for the purpose of enforcing those particular provisions of the City and State codes hereinafter specified, and for those purposes only.

#### NAMES

Max Fernandez

Ron O'Connor

Dennis Kubo

Robert L. Rose

Joy Patterson

Sandra Yope

Noel Eusebio

Lindley Freeman

Belinda Losoya

Julia Mason

Jean Frederick

Stephen Grove

William Hutcheon

Donna M. Barton

Shawn Bartosh

Janie Campos

Randall Cry

#### JOB CLASSIFICATIONS

Community Development  
Director

Operations Manager

Code Enforcement Manager

Code Enforcement Manager

Principal Planner

Senior Planner

Senior Code Enforcement Officer

Senior Code Enforcement Officer

Senior Code Enforcement Officer

Senior Code Enforcement Officer

Zoning Investigator

Zoning Investigator

Zoning Investigator

Code Enforcement Officer

Code Enforcement Officer

Code Enforcement Officer

Code Enforcement Officer

Larry Eccleston	Code Enforcement Officer
Linda Douglas	Code Enforcement Officer
James Harrison	Code Enforcement Officer
Livio Innocenti	Code Enforcement Officer
Pamela La Rue	Code Enforcement Officer
Bruce Lewis	Code Enforcement Officer
Pamela Maestas	Code Enforcement Officer
Joe Perez	Code Enforcement Officer
Jose Rodriguez	Code Enforcement Officer
Benjamin Rolison	Code Enforcement Officer
Keona Savage	Code Enforcement Officer
Gregory J. Sowards	Code Enforcement Officer
Brian Strong	Code Enforcement Officer
Ricardo Vargas	Code Enforcement Officer
Roger Zuniga	Code Enforcement Officer

## **TO ENFORCE CITY CODES**

Title 5.

### **Permits**

Chapter 5.04 - Adult Related Establishments  
Sections 5.04.020 and 5.04.050 A-C

### **Arcades**

Chapter 5.12 – Amusement

All Sections

Chapter 5.16 – Astrology

All Sections

Chapter 5.20 – Billiard and Pool Parlors

Chapter 5.24 – Bingo

All Sections

### **Food Vending Vehicles**

Chapter 5.68

All Sections

### **Shopping Carts**

Chapter 5.82

### **Auctions and Other Sales**

Chapter 5.88 - Street and Sidewalk Vending

Sections 5.88.010 through 5.88.030

Chapter 5.88 - Old Sacramento Third of July Celebration

Sections 5.88.040 and 5.88.050

Chapter 5.88 - Vendor Permit Requirements

Section 5.88.080

Chapter 5.88 - Outdoor Sales and Display of Merchandise

Sections 5.88.190 through 5.88.210  
Chapter 5.94 – Pedicabs  
All Sections  
Chapter 5.108 - Entertainment Establishments  
Chapter 5.112 - Self-Service Tobacco Merchandising  
Tobacco Retailers  
Chapter 5.124 – Somatic Practitioners  
All Sections  
Chapter 5.136 – Taxicabs  
All Sections  
Chapter 5.138 -Tobacco Retailers  
All Sections  
Chapter 5.140 - Tobacco Vending Machines  
Chapter 5.144 – Tow Vehicles  
All Sections

**Medical Marijuana Dispensaries**

Chapter 5.150 – Medical Marijuana Dispensaries  
All Sections

Title 8.

**Housing Code**

Chapter 8.100

Sections 8.100.550 and 8.100.560 (L) (O) and  
Section 8.100.650

Nuisance Code

Chapters 8.04, 8.16, 8.20, 8.24, 8.28, 8.76, 8.56 - All Sections

**Noise**

Chapter 8.68 - Noise Standards

Sections 8.68.060 through 8.68.110, 8.68.130, 8.68.150 through  
8.68.210

**Smoking Ordinance**

Chapter 8.80

Sections 8.80.020 through 8.80.270 A through F

**Vector**

Chapter 8.96.110 N

Chapter 8.96.120 through 8.96.400

Chapter 8.100.650

Chapter 8.100.700 through 8.100.910

Title 9.

**Public Peace, Morals and Welfare**

Chapter 9.16.090 – Swimming pools – Fence or cover required.

Title 10.

**Motor Vehicles and Traffic**

Chapter 10.36 - Stopping, Standing and Parking on Street  
Section 10.36.080 (A) 1 through 5, (B) & (C) and  
Section 10.36.120 (A)(B)(C)  
Chapter 10.44 - Off Street Parking and Loading Facilities  
Sections 10.44.010 (A)(B)(C) and 10.44.020 (A)(B)(C - 1 through 6)  
(D)(E)  
Chapter 10.52 - Vehicle Repair in Residential Zones  
Sections 10.52.010 through 10.52.050

Title 12. **Streets and Sidewalks**

Chapter 12.08.110 - Use of Streets for Storage of Building Material

Chapter 12.24 - Sidewalk Obstructions; Pedestrian and Vehicle  
Interference

Sections 12.24.020, 12.24.030, 12.24.100

Chapter 12.28 - Obstructions to Visibility at Intersections

Sections 12.28.010, 12.28.020, 12.28.030 and 12.28.040

Chapter 12.76 – Sacramento Boat Harbor

Title 13. **Garbage, Rubbish, Weeds, and Waste Matter**

Chapter 13.10

All Sections

Title 15. **Trailer Camps and Public Camps**

Chapter 15.140 - General

Sections 15.140.010 and 15.140.050

Chapter 15.144 - Trailer and Trailer Camps

Sections 15.144.010 through 15.144.050

Chapter 15.148 - Signs

All Sections

**Building Code**

Chapter 15.64 - Swimming Pools

Section 15.64.070

Title 17. **Comprehensive Zoning Ordinance**

All Chapters

All Sections

**CALIFORNIA LABOR CODE**

Section 6404.5

**CALIFORNIA VEHICLE CODE**

Section 4000 - Registration Required.

Section 5204 - Registration tabs shall indicate year and month of  
expiration.

Section 22500 - Prohibited Stopping, Standing or Parking

- (f) On a sidewalk except electric carts when authorized by local ordinance.

Section 22523 - Abandonment Prohibited

Section 22651 - Circumstances Permitting Removal

- (b) When any vehicle is parked or left standing upon a highway in a position so as to obstruct the normal flow of traffic upon a highway.
- (e) Illegally parked blocking fire hydrant.
- (j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, vehicle may be impounded.
- (k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.
- (l) Parked in highway construction, repair, or cleaning area; when notice of removal posted for 24 hours or more.
- (n) Parked or left standing where parking is prohibited, must be posted.
- (o) When any unoccupied vehicle is found upon a highway, public lands, or off-street parking facility, with a registration expiration in excess of six months before the date it is found on the highway.
- (r) When any vehicle is illegally parked and blocks the movement of a legally parked vehicle.

Section 22669 - Removal of Abandoned Vehicles

- (a) When there are reasonable grounds to believe that a vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.
- (d) Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

**CALIFORNIA PENAL CODE**

Section 166 - Contempt Constituting a Misdemeanor

Section 373(a) - Maintaining or Permitting a Public Nuisance After Abatement Notice.

Section 374.4 - Littering on Public or Private Property.

## **CALIFORNIA STREETS AND HIGHWAYS CODE**

Section 5610 - The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

SECTION 2 In order to enforce certain provisions of the City Code, those persons hereinafter named are hereby granted Citation and Arrest Authority for the purpose of enforcing those particular provisions of the City and State codes hereinafter specified, and for those limited purposes only.

### **NAMES**

Max Fernandez  
Ron O'Connor  
Dennis Kubo  
Bob Rose  
Willie Harris  
John Leno  
Don Verga  
Elia Kentera  
Patrick Melanson  
Don Marcheschi  
Josh Pino  
Thomas Rodger  
Randy Stratton  
John Briel  
David Brock  
Gene Caluya  
Andy Chavez  
Arthur Cosley  
Leonard Duclos  
Chad Garber  
John Vanella  
Gene Caluya  
Kim Hagen

### **JOB CLASSIFICATIONS**

Community Development Director  
Operations Manager  
Code Enforcement Manager  
Code Enforcement Manager  
Senior Supervising Building Inspector  
Senior Supervising Building Inspector  
Senior Supervising Building Inspector  
Building Inspector IV  
Building Inspector III  
Building Inspector III

Richard Leiker	Building Inspector III
David Salinovich	Building Inspector III
Maurice Schranz	Building Inspector III
Charles Sherman	Building Inspector III
Charles Donahue	Building Inspector II
Charles Monsen	Building Inspector II

**TO ENFORCE CITY CODES:**

- Title 5.     **Medical Marijuana Dispensaries**  
Chapter 5.150 – Medical Marijuana Dispensaries  
All Sections
- Title 8.     **Health and Safety**  
All Chapters  
All Sections
- Title 9.     **Public Peace, Morals and Welfare**  
Chapter 9.16.090 - Swimming pools - Fence or cover required.
- Title 12.    **Streets, Sidewalks and Public Places**  
Chapter 12.08.110 - Use of streets for storage of building material  
Chapter 12.24.020 - Signs, posts, structures, etc.
- Title 13.    **Public Services**  
Chapter 13.04.290 – Installation of water meters on water service connections made on or after January 1, 1992.
- Title 15.    **Buildings and Construction**  
All Chapters  
All Sections
- Title 17.    **Zoning**  
All Chapters  
All Sections
- SECTION 3 This resolution is adopted pursuant to Chapter 2.12.030 of Title 2 of the Sacramento City Code and Section 836.5 of the California Penal Code. Nothing herein shall be read to limit the power or authority of any duly appointed law enforcement officer of the City to enforce those chapters of the City Code heretofore set forth.
- SECTION 4 Resolution No. 2008-686 is hereby rescinded.