

CITY OF LOS ANGELES

CALIFORNIA



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September 23, 2009

To All Interested Parties:

City Attorney (w/ blue slip)

The City Council adopted the action(s), as attached, under Council file

No. 09-1664, at its meeting held September 22, 2009.

City Clerk
srb

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 TO THE COUNCIL OF THE
 CITY OF LOS ANGELES

Your

PUBLIC WORKS COMMITTEE

reports as follows:

PUBLIC WORKS COMMITTEE REPORT relative to amending Los Angeles Municipal Code (LAMC) Sections 46.00 and 62.162 to add monetary administrative penalties to improve the enforcement of the Ordinances protecting the urban forest.

Recommendation for Council action:

REQUEST the City Attorney to PREPARE and PRESENT an ordinance to amend LAMC Sections 46.00 and 62.162 granting the authority to specified employees of the Bureau of Street Services (BOSS) to issue administrative citations resulting in monetary fines for the violation of ordinances protecting the urban forest as detailed on June 1, 2009 Board of Public Works report and attached to the Council file and * **INSTRUCT the Chief Legislative Analyst and City Administrative Officer to report back to the Budget and Finance Committee on the intent of the fee. (*Parks – Rosendahl)**

Fiscal Impact Statement: The Board of Public Works (Board) reports that it is anticipated that this program will increase revenue to the City and help fund the enforcement elements of this program.

Community Impact Statement: None submitted.

SUMMARY

On September 2, 2009, the Public Works Committee considered a June 1, 2009 Board report relative to amending LAMC Sections 46.00 and 62.162 to add monetary administrative penalties to improve the enforcement of the Ordinances protecting the urban forest. According to the Board, the BOSS is responsible for the management of the public right-of-way and urban forest. Through the BOSS' Urban Forestry and Investigation and Enforcement Divisions, it enforces a variety of ordinances and rules related to the urban forest.

To more effectively protect the urban forest, the BOSS proposes changes in LAMC Sections 46.00 and 62.162 to authorize the issuance of administrative citations for violations related to trees. BOSS - Urban Forestry Division Inspectors are primarily responsible for the inspection of trees to manage the portion of the urban forest that is growing along the City's public right-of-way using established sustainable urban forestry principles. They are highly trained professionals certified by the International Society of Arborists. The classes of employees performing these tasks are not required to meet selection standards for enforcement personnel as established by California Government Code Section 1029 and do not obtain California Commission on Peace Officer Standards and Training (POST) certification as a condition of employment.

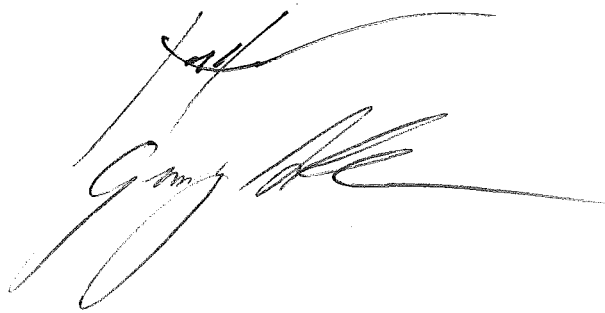
Street Services Investigators primarily conduct investigations and inspections to enforce the laws and regulations pertaining to the use and safe condition of City streets, sidewalks and other public ways. As public officers with peace officer power of arrest, they have the authority to issue administrative notices, parking citations, "personal service" criminal citations (e.g., Notices to Appear in Court), the power to serve warrants, impound and seize vehicles, and when necessary, make arrests for violations of related provisions of the LAMC or applicable State laws. In addition, Street Services Investigators must meet the California Commission on Peace Officer Standards and Training (POST) training (California Penal Code Section 832) and selection standards (California

Government Code Section 1029) mandated by California Penal Code Section 830.7(j) and Section 61.07(a) of the LAMC.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend requesting the City Attorney to prepare and present an ordinance to amend LAMC Sections 46.00 and 62.162 substantially as detailed in the June 1, 2009 Board of Public Works report. This matter is now submitted to Council for its consideration.

Respectfully submitted,

PUBLIC WORKS COMMITTEE



ADOPTED
** AS AMENDED*
SEP 22 2009

LOS ANGELES CITY COUNCIL

<u>MEMBER</u>	<u>VOTE</u>
HUIZAR:	YES
ALARCÓN:	YES
SMITH:	YES

ARL
9/8/09
#091664

- Not Official Until Council Acts -