



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 19-0371
NOV 07 2019

REPORT RE:

DRAFT ORDINANCE AMENDING CHAPTER 68 OF THE LOS ANGELES ADMINISTRATIVE CODE TO RETITLE AND UPDATE THE SPECIAL TRUST FUND FOR THE CITY'S SIDEWALK AND PARK VENDING PROGRAM AND TO AMEND LOS ANGELES MUNICIPAL CODE SECTION 42.13 TO RETITLE THE CITY'S VENDING PROGRAM AND SPECIFY THE GRADUATED PERMIT FEE AMOUNT

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File Nos. 13-1493, 13-1493-S5, and 19-0600-S155

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Section 42.13 of the Los Angeles Municipal Code to retitle the vending program from "Sidewalk Vending Program" to "Sidewalk and Park Vending Program" and specify a vendor permit fee of \$291 until July 1, 2020, increasing to \$541 on and after July 1, 2020.

The draft ordinance also amends Chapter 68 of the Los Angeles Administrative Code to retitle the trust fund and update the City's administration of the fund to reflect the current requirements of the Sidewalk and Park Vending Program. Revenue from vending permit fees and fines collected from vending violations will be deposited in the Fund. The draft ordinance describes the purposes of the Fund and administrative details.

The draft ordinance also includes an urgency clause in order to provide vendors with operating permits as soon as possible.

Fee Notice Requirement

We note that because this draft ordinance would establish a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that, prior to adoption of a new or increased fee, a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Board of Public Works, Board of Recreation and Parks Commissioners, the Economic and Workforce Development Department, the Chief Legislative Analyst and the Chief Administrative Officer with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Basia Jankowski at (213) 978-8130. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:BJ:ac
Transmittal