



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 2 8 9
JUN 2 5 2014

REPORT RE:

DRAFT ORDINANCE AMENDING SUBSECTIONS (b) AND (f) – (k) OF SECTION 61.07 OF ARTICLE 1 OF CHAPTER VI, AND SECTION 64.70.06 OF ARTICLE 4.4 OF CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE TO RENAME INDUSTRIAL WASTE INSPECTOR JOB CLASSIFICATIONS AS ENVIRONMENTAL COMPLIANCE INVESTIGATORS AND TO SPECIFY THEIR AUTHORITY

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

Council File No. 14-0467

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 Subsections (b) and (f) – (k) of Section 61.07 of Article 1 of Chapter VI, and Section 64.70.06 of Article 4.4 of Chapter VI of the Los Angeles Municipal Code to rename Industrial Waste Inspector job classifications as Environmental Compliance Investigators and to specify their authority as coextensive with Street Services officers.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works, Bureau of Sanitation and the Los Angeles Police Department, asking that they make any comments directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8199. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EMJ:fa
Transmittal

ORDINANCE NO. _____

An ordinance to amend Subsections (b) and (f) – (k) of Section 61.07 of Article 1 of Chapter VI, and Section 64.70.06 of Article 4.4 of Chapter VI of the Los Angeles Municipal Code to rename Industrial Waste Inspector job classifications as Environmental Compliance Investigators and to specify their authority.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (b) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(b) The Director of the Bureau of Sanitation, the Assistant Director of the Bureau of Sanitation, the Division Manager of the Bureau of Sanitation, the Assistant Division Manager of the Bureau of Sanitation, Chief Environmental Compliance Inspectors, Senior Environmental Compliance Inspectors and Environmental Compliance Inspectors of the Watershed Protection Division of the Bureau of Sanitation are duly appointed public officers as defined in California Penal Code Section 836.5 and have the power, authority and immunity of illegal dumping enforcement officers as set forth in California Penal Code Section 830.7(j), to enforce laws related to illegal waste dumping with respect to the environment, storm drain systems and waters of the State, and authorized by a Memorandum of Understanding with the Los Angeles Police Department. This power, authority and immunity only shall be exercised by those designated directors and inspectors referred to in this Section who have successfully completed a course in the exercise of the powers of a peace officer pursuant to California Penal Code Section 832 and who have satisfied the selection standards for peace officers pursuant to the California Government Code Section 1029. All public officers empowered by this Section shall enforce 64.70 of the Municipal Code with respect to public health and safety, environment, storm drain systems and waters of the State of California. These persons shall also have the power to serve warrants as specified in the California Code of Civil Procedures Section 1822.50, *et seq.* All persons referred to in this Section shall be deemed to be acting within the scope of employment with respect to all acts and matters set forth in this Section. In addition, such persons shall have the foregoing power, authority and immunity with respect to a violation of any of the following sections of the Municipal Code:

- | | | |
|-------------|-----------|-----------|
| 62.45 (b) | 62.79 | 62.130 |
| 62.49 (a) | 62.80 | 66.25 |
| 62.51 1.(e) | 62.96 (a) | 67.02 (a) |

or a violation of any law set forth in Subsection (c) of this Section.

Sec. 2. Subsection (f) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(f) No person shall falsely represent or identify himself or herself as another person or as a fictitious person to a public officer designated in Subsections (a) and (b) of this Section upon lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the public officer when (1) the false information is given while the public officer is engaged in the performance of his or her duties as a public officer, and (2) the person providing the false information knows or should have known that the person receiving the information is a public officer.

Sec. 3. Subsection (g) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(g) If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he or she is being arrested by a public officer designated in Subsections (a) and (b) of this Section, it is the duty of the person being arrested to refrain from using force or any weapon to resist such arrest.

Sec. 4. Subsection (h) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(h) No person who has been lawfully arrested by a public officer designated in Subsections (a) and (b) of this Section, and who knows, or by the exercise of reasonable care should have known, that he or she has been so arrested, shall thereafter escape or attempt to escape from the custody of that public officer.

Sec. 5. Subsection (i) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(i) No person shall fail to comply with any valid order pursuant to any provision or requirement of this Code or any other valid order issued by a public officer designated in Subsections (a) and (b) of this Section.

Sec. 6. Subsection (j) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(j) Any public officer designated in Subsections (a) and (b) of this Section shall have the authority to obtain state and local summary criminal history information pursuant to the California Penal Code, Section 11105(b)(11) and Section 13300(b)(11) in fulfilling employment, certification and licensing duties. In addition, public officers designated in Subsections (a) and (b) of this Section who have the power, authority and immunity of illegal dumping

enforcement officers are authorized pursuant to California Penal Code Section 11105(c) to obtain State summary criminal history information for investigative purposes relevant to the public officer's official duties.

Sec. 7. Subsection (k) of Section 61.07 of Article 1 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(k) **Making False Statements to Public Officers.** It shall be unlawful for any person to make a false or misleading statement, or misrepresentation in any writing submitted to a public officer designated in Subsections (a) and (b) of this Section. For purposes of this Section the term "writing" shall include, but is not limited to, forms, applications, approvals, reports or certifications required by the Department of Public Works.

Sec. 8. Section 64.70.06 of Article 4.4 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

In addition to the provisions of Section 61.07(b) of this Code, the Director of the Bureau of Sanitation, the Assistant Director of the Bureau of Sanitation, the Division Manager of the Bureau of Sanitation, the Assistant Division Manager of the Bureau of Sanitation, Chief Environmental Compliance Inspectors, Senior Environmental Compliance Inspectors and Environmental Compliance Inspectors of the Watershed Protection Division of the Bureau of Sanitation, designated to implement and enforce the provisions of this Article, shall have the power, authority, and immunity of a public officer or employee, as set forth in the California Penal Code Section 836.5, to make arrests without a warrant or release on citation whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor or an infraction in his or her presence which is a violation of this Article. Each citation to appear shall state the name and the address of the violator, the provisions of this article violated, and the time and place of appearance before the court. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the City Attorney may request issuance of a warrant for the arrest of the person cited.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk


By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
EDWARD M. JORDAN
Assistant City Attorney

Date 6/24/2014

File No. CF 14-0467