



The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

**MINUTES
CITY COUNCIL**

**8/22/2023
SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member Reuben Gonzales
Mayor Alberto Sanchez

COUNCIL MEMBERS ABSENT: Council Member Rick Minjares
Mayor Pro Tem Colleen Wallace

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Adam Rush, Community Development Director
Curtis Wright, Silver & Wright Law (City Counsel)

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 4:01 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri	X	
Gonzales, Reuben	X	
Minjares, Rick		X
Sanchez, Alberto	X	
Wallace, Colleen		X

2. PUBLIC COMMENT – Agenda Items

None

3. WORKSHOP


3.1. Code Enforcement Processes

Adam Rush, Community Development Director, began the presentation. He then introduced Curtis Wright of Silver & Wright Law, City Counsel on Code Enforcement matters.

4. ADJOURNMENT

The Special City Council meeting adjourned at 5:01 p.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<http://banning.ca.us/Archive.aspx?ADID=2880>

ATTACHMENTS:

Exhibit A – Agenda Item 3.1: Staff Presentation

EXHIBIT A



CITY COUNCIL SPECIAL MEETING CODE ENFORCEMENT WORKSHOP AUGUST 22, 2023

The Code Enforcement division responds to citizen complaints and proactively identifies code violations on public and private property, protecting the health and safety of the community. This division also ensures voluntary resolution of issues City-wide by enforcing the City's municipal codes.



Empowering Legislation

- Article XI, Section 7, of the California Constitution
- A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
(Sec. 7 added June 2, 1970, by Prop. 2. Res.Ch. 331, 1969.)
- Penal Code: Chapter 4.2 - Code Enforcement Officers [829.5 - 829.7]
 - ✓ *Each local jurisdiction that employs code enforcement officers shall develop code enforcement officer safety standards appropriate for the code enforcement officers employed in their jurisdiction.*

(Added by Stats. 2021, Ch. 637, Sec. 2. (SB 296) Effective January 1, 2022.)



Code Enforcement Definition

CODE ENFORCEMENT DEFINITION:

"Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs."



What is a Code Officer?



What is a Code Officer? (cont'd)



Code Enforcement Definition (Expanded)

"Code enforcement is a function, local governments perform, that citizens consider important for accomplishing community goals, such as protecting property values and the environment. Code Enforcement is a process whereby local governments use various techniques to gain compliance with duly-adopted regulations such as land use and zoning ordinances, health and housing codes, sign standards, and uniform building and fire codes.

In recent years, federal and state regulations governing air and water quality and the transport and storage of hazardous wastes, and requirements for implementing the Americans with Disabilities Act have come into play. Local governments are now obliged to include enforcement of these rules and regulations in the array of responsibilities they assume for protecting the public health and welfare.

Code Enforcement Definition (cont'd):

- Local enforcement officials ensure compliance with policies, codes, rules, regulations and permits in a proper, timely fashion within the limits of the law.
- Officials must be fully acquainted with the adoption process and the thinking behind the regulations they enforce as well as the legal limits placed on them.
- Conversely, those who write the laws must understand the problems particular to enforcement and administration as the codes and regulations are implemented.
- The Code Enforcement Official is a unique public servant whose responsibility lies squarely between policy making and the realms of law enforcement and litigation.
- Enforcement applies laws to specific properties, either by using warnings and notices to persuade voluntary compliance or by filing court actions.
- Elected and Enforcement Officials are obligated to understand the management of the code enforcement function and the entire complex process.



Code Enforcement Process



A complaint is received, and a case is opened. It's referred and closed if it pertains to another department.

An investigation is launched. This may include research, interviews, sending correspondence, inspecting and making determinations.

This step may include written warnings, orders to correct, citations and fees, vacating order, and/or enforcement of permits.

Can appeal to a hearing officer. Process includes scheduling and holding a hearing and issuing final notices. A decision is made.

Final processing occurs when the complaint is referred, unfounded, or abated. A case can be closed at any point in the process.



Thank you!

Questions & Comments?

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