



REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of August 11, 2020

Prepared by:
Emiko Gerber, Human Resources Manager

Approved by:
Todd Bodem, City Administrator

SUBJECT:

Adoption of Cost of Living Adjustment (COLA) for unrepresented City employees.

RECOMMENDATION:

It is recommended City Council adopt attached Resolution No. 2020-72 approving a Cost of Living Adjustment (COLA) commensurate with the SEIU COLA Increase Schedule of 2.25% effective July 1, 2020, for unrepresented City employees.

DISCUSSION:

Three City employees are not represented by any of the three recognized labor associations. These employees are the Public Works Director/City Engineer, the Finance Director, the Public Works Director/City Engineer, and the Human Resources Coordinator (the City Administrator and the Director of Public Safety have employment contracts negotiated and approved by the City Council, and are therefore not part of the unrepresented group). As such, this unrepresented group has no established collective bargaining unit to negotiate a MOU or other regularly negotiated labor contract. The basic terms of employment for unrepresented (and represented) employees are outlined in the City's Personnel Rules. Because of this, the City Council has the authority to determine their salary and change them when desirable or necessary. A list of these employees and the fiscal impact of the COLA is attached hereto as Attachment 1.

The City Council previously granted COLA adjustments to the SEIU group. Under Article 8. WAGES in the 2019-2021 SEIU MOU, it states the following:

1. Effective July 1, 2019, salaries/wages for SEIU positions shall be increased by 2.5% over the pay ranges in effect on June 30, 2019.
2. Effective July 1, 2020, salaries/wages for SEIU positions shall be increased by 2.25% over the pay ranges in effect on June 30, 2020.

It is the City Administrator's recommendation to allow the same COLA salary adjustment at 2.25% for unrepresented employees retroactive to July 1, 2020.

ATTACHMENTS:

1. Unrepresented employees and fiscal impact spreadsheet
2. Resolution No. 2020-72

City of Guadalupe
 Unrepresented Employees Fiscal Impact Spreadsheet
 COLA Adjustment to Budgets

August 11, 2020

ID	Employee	Union	Current Step	Next Increase	Base Hry rate at 7/1	Annual Hours	Regular Cost	OT	Bill#	Def Comp	Total Gross	Employer Payroll Taxes	Employer PERS	Employer Med/Den/Vis Int	Employer Total Benefits	Total Costs	CURRENTLY Budgeted with COLA	Increase in budget Admin Dept
GER01	Emiko Garber	N/A	E	With COLA	36,244	1820	67,062.62				67,062.62	5,092.19	4,694.38	16,991.04	26,777.62	93,840.24	Increase	
ZAR01	Lorena Zarate	N/A	A	11/1/2020	42,016	2080	90,306.39		3,250.00		93,556.39	7,144.51	6,548.95	13,717.75	27,411.20	120,967.59	Increase	
				With COLA	42,961	2080	92,338.28		3,250.00		95,588.28	7,299.95	6,691.18	13,717.75	27,708.88	123,297.16	Increase	
																	Increase in budget Fin Dept	
																	0.469%	
																	Increase	
																	0.103%	
																	Increase in budget Maint Dept	
																	0.095%	
																	Increase in budget Parks Rec Dept	
																	0.098%	
																	Increase in budget Meas A Dept	
																	0.051%	
																	Increase in budget Water Dept	
																	0.080%	
																	Increase in budget Wastewater Dept	
																	Increase	
																	0.103%	
																	Increase in budget Bldg Maint Dept	
																	0.095%	
																	Increase in budget Parks Rec Dept	
																	0.098%	
																	Increase in budget Meas A Dept	
																	0.051%	
																	Increase in budget Water Dept	
																	0.080%	
																	Increase in budget Wastewater Dept	

RESOLUTION NO. 2020-72

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE
ADOPTING A COST OF LIVING ADJUSTMENT FOR UNREPRESENTED CITY EMPLOYEES**

WHEREAS, unrepresented City employees are not recognized by any of the three labor associations; and

WHEREAS, the City of Guadalupe and SEIU were signatories to a 2019-2021 Memorandum of Understanding (MOU); and

WHEREAS, the MOU between the City and SEIU included a cost of living salary adjustments (COLA) increase of 2.25% effective on July 1, 2020; and

WHEREAS, historically, the COLA granted by the City Council to its unrepresented employees have paralleled the wages and benefits negotiated by the City with the SEIU organization; and

WHEREAS, Resolution No. 2013-48 establishes wages and benefits for designated unrepresented employees further stating that in no case may a progression in salary range exceed 5% in 12 calendar months without the express consent of City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:

SECTION 1. The City Council hereby approves the City Administrator's recommendation of COLA increase in conjunction with the SEIU COLA Increase Schedule of 2.25% effective retroactively to July 1, 2020.

SECTION 2. If any provision or any part of a provision of this resolution shall be finally determined to be invalid, illegal, or otherwise unenforceable, such determination shall not impair or otherwise affect the validity, legality or enforceability of the remaining provisions or parts of provisions of this resolution, which shall remain in full force and effect as if the unenforceable provision or part were deleted.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 11th day of August, 2020 by the following vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2020-72**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held August 11, 2020, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of August 11, 2020**

Michael Cash

Prepared by:
Michael Cash, Director of Public Safety


Approved by:
Todd Bodem, City Administrator

SUBJECT: City's response to a Santa Barbara Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County"

RECOMMENDATION:

1. That the City Council review staff's recommendations for the City's response to the Santa Barbara County Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County" and make any changes the Council believes are necessary; and
2. That the City Council adopt Resolution No. 2020-73 approving the attached final response (with any changes made by the Council) to the Santa Barbara County Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County" with the signatures of each member of the City Council to Judge Michael J. Carrozzo and the Santa Barbara Grand Jury.

EXECUTIVE SUMMARY:

The Santa Barbara County Civil Grand Jury issued a report that requires a response from the City of Guadalupe. The report is titled "Juveniles in Gangs in Santa Barbara County," which was issued on June 24, 2020. This report concerns seven (7) law enforcement agencies within Santa Barbara County including the City of Guadalupe.

Staff has prepared draft responses for the City Council's review and consideration. If the Council believes any changes are required to these draft responses, staff will make these corrections pursuant to Council's direction. Thereafter, Council should adopt a resolution to approve the final report.

BACKGROUND:

On June 24, 2020, the City received a report from the Santa Barbara County Grand Jury entitled "Juveniles in Gangs in Santa Barbara County." This Grand Jury report is concerned with seven (7) law enforcement agencies within Santa Barbara County including the City of Guadalupe.

This report ("Juveniles in Gangs in Santa Barbara County") has seven (7) findings and eight (8) recommendations. The City is required to respond to finding 1-6 and recommendations 1, 6a, 6b in this report.

California Penal Code section 933(c) provides that: "[n]o later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body,..." Accordingly, the City has until September 24, 2020, to respond to the report entitled "Juveniles in Gangs in Santa Barbara County."

DISCUSSION:

The 2019-20 Santa Barbara County Grand Jury (Jury) initiated a study of gang incidents and how various agencies are addressing them. The Jury found an evolving response to gangs, and gangs themselves have shifted tactics. The County Probation Department and County and municipal law enforcement agencies have had to adapt to a changing legal landscape that allows more leniency in dealing with crime, and in particular juvenile crime.

The Grand Jury noted that the Probation Department, the Sheriff's Office, and the police departments may sound at odds with each other, but all aim to treat juvenile gang members as individuals influenced by their environment. These agencies need to collaborate now more than before in order to reconcile what is happening in street gangs with changes in the laws. The agencies meet regularly, and the Jury recommends that they continue to meet on an ongoing basis with more resources than those they have currently.

The 2019-20 Santa Barbara County Grand Jury wanted to study the issue of juvenile gangs from multiple perspectives. Jury members interviewed those who worked with at-risk youth and gang members, made site visits and read documents to understand this volatile situation of juveniles caught in gang activities.

In total, the Grand Jury report sets forth seven (7) findings and eight (8) recommendations. The City of Guadalupe is required to respond to Finding Nos. 1, 6 and recommendations 1, 6a and 6b.

The City's response includes agreement with the Grand Jury's findings, and with respect to the recommendations, the City has determined that they will not be implemented.

FISCAL IMPACT:

With the recommendation to implement the recommendations, there is no fiscal impact.

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. 2020-73 (Attachment 3) and after it reviews the draft responses prepared by staff to the Grand Jury report and make any changes it determines to be necessary, if any.

ATTACHMENTS:

1. Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County" dated June 24, 2020, 2020
2. City's draft response to Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County."
3. Resolution No. 2020-73 "A Resolution of the City Council of the City of Guadalupe adopting a response to the Santa Barbara County Grand Jury Report entitled "Juveniles in Gangs in Santa Barbara County."

COUNTY COURTHOUSE
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**GRAND JURY
SANTA BARBARA COUNTY**

June 24, 2020

Mr. Tom Bodem
City Manager
City of Guadalupe
918 Obispo Street
Guadalupe CA 93434

Dear Mr. Bodem,

Please acknowledge receipt of this report being delivered by DocuSign.

DocuSigned by:
Todd Bodem
EF07F3E1AE43472...

On behalf of the Santa Barbara County Grand Jury, the report titled:

JUVENILES IN GANGS IN SANTA BARBARA COUNTY

Is enclosed for the City Council review and response.

The Grand Jury, County Counsel and Presiding Judge have reviewed this report. *California Penal Code 933.05* requires the following:

- ◆ You are receiving this report two working days prior to its release to the public, and you shall not disclose this report prior to its published release.
- ◆ You must respond to each relevant Finding and Recommendation in this report where listed and required.
- ◆ You must submit your response to the Grand Jury and the Presiding Judge.
- ◆ If you are an elected County official or agency head, the response time is no later than 60 days of receipt of this report.
- ◆ If you are the governing body subject to the reviewing authority of the Grand Jury, the response time is no later than 90 days of receipt of this report.

Responses to Findings shall be either:

- ◆ Agree
- ◆ Disagree wholly
- ◆ Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- ◆ Has been implemented, with a brief summary of at the implementation actions taken.
- ◆ Will be implemented, with an implementation schedule.
- ◆ Requires further analysis, with timeframe that shall not exceed six months from the date of publication of the report.
- ◆ Will not be implemented, with an explanation.

Your response will be posted on the Santa Barbara County Grand Jury website at: www.sbcgj.org.

Please provide a digital copy of your response to:
Santa Barbara County Grand Jury
sbcgrandjury@sbcgj.org

A copy of your response must also be sent to:
Judge Michael Carrozzo
110 Anacapa Street
Santa Barbara, CA 93101

This report will be released to the public not less than two working days following the date of delivery. Again, this report is confidential until public release. If you have any questions, please contact me at the address below.

Respectfully yours,



Pamela Olsen
Foreperson
2019-20 Santa Barbara County Grand Jury
Santa Barbara Courthouse
1100 Anacapa Street
Santa Barbara, CA 93101

JUVENILES IN GANGS IN SANTA BARBARA COUNTY Has Accountability Been Forgotten?

SUMMARY

As a result of recent gang-related violence in Santa Barbara County, the 2019-20 Santa Barbara County Grand Jury (Jury) initiated a study of gang incidents and how various agencies are addressing them. The Jury found an evolving response to gangs, and gangs themselves have shifted tactics. The County Probation Department and County and municipal law enforcement agencies have had to adapt to a changing legal landscape that allows more leniency in dealing with crime, and in particular juvenile crime.

The Jury heard from a number of representatives who work with juvenile gang members or non-initiated associates. At times it seemed that there were two camps: one which wanted to rehabilitate the youth and the other which wanted to hold them accountable. The Probation Department, the Sheriff's Office, and the police departments may sound at odds with each other, but all aim to treat juvenile gang members as individuals influenced by their environment. These agencies need to collaborate now more than before in order to reconcile what is happening in street gangs with changes in the laws. The agencies meet regularly, and the Jury recommends that they continue to meet on an ongoing basis with more resources than those they have currently. The Sheriff's Department in particular needs to rejoin the consortium of those working to prevent gang crime.

Methodology

The 2019-20 Santa Barbara County Grand Jury wanted to study the issue of juvenile gangs from multiple perspectives. Jury members interviewed those who worked with at-risk youth and gang members, made site visits and read documents to understand this volatile situation of juveniles caught in gang activities.

The Jury interviewed representatives from law enforcement, Probation, schools and non-profit organizations:

Santa Barbara County Executive Office

Santa Barbara County Sheriff's Department

Santa Maria Police Department

Santa Barbara Police Department

Lompoc Police Department

Guadalupe Police Department

The Santa Barbara County District Attorney's Office in Santa Maria

The Santa Barbara County District Attorney's Office in Santa Barbara

The Santa Barbara County Public Defender's Office in Santa Barbara
Santa Barbara County Probation at Susan J. Gionfriddo Juvenile Justice Center
Santa Barbara County Probation at Los Prietos Boys Camp
Santa Barbara County Probation, Juvenile Division
Santa Barbara County Probation, Administration
Juvenile Justice Delinquency Prevention Commission
School Resource Officers in several cities within the County
Santa Maria Unified School District
Santa Barbara Unified School District
Santa Barbara County Education Office
South Coast Youth Safety Partnership, Community Action Commission
Senior Administrator, Santa Maria
Fighting Back, Santa Maria

Jury members made site visits to both the Susan J. Gionfriddo Juvenile Justice Center and Los Prietos Boys Camp. There, and at Fighting Back, Santa Maria, Jury members were able to speak with gang affiliates and former gang members.

Jury members reviewed news and media articles about recent gang violence. One study by the *San Francisco Chronicle*, "Vanishing Violence," March 21, 2019, was particularly helpful in understanding the complexities of juvenile justice. The Santa Barbara County Probation Office also provided abundant background materials. Other online and document research, including state and national juvenile justice data, was reviewed. The Jury also researched legal matters pertaining to juveniles in detention. Lastly, Jury members did research on State education websites and data sites for children (kidsdata.org, surveymonkey.com, CalSCHLS.org) regarding school climate, health, learning and social patterns.

BACKGROUND

History

Other Santa Barbara County Grand Juries have addressed gang activity in the County in three different reports: Anti-Gang Efforts in the City of Santa Barbara (2007-08), Gang Violence in the Santa Maria Valley (2009-10), and Youth Safety in Santa Maria (2016-17). The reports assessed local responses to alarming gang incidents. The 2007-08 Jury report resulted from two homicides involving juvenile gang members in the city of Santa Barbara; one of the murders occurred on its main street. Two years later, the 2009-10 Grand Jury responded to a Request for Investigation about Santa Maria's gang problem. The gang violence in Santa Maria later escalated to such a point that the entire city mobilized to find ways to intervene, which was the subject of the 2016-17 Grand Jury report. In 2016, the Santa Maria police needed the combined efforts of county, state and Federal agencies to suppress the outside gang MS-13 that had been dominating criminal activity and the local street gangs.

Gang violence can be characterized as cyclical: after a raid when gang leaders are arrested, a quiet period ensues until other gang members fill the void. In Santa Maria this is true, as local gangs have stepped up activity since the 2016 MS-13 sweep. The 2019 trial of one Santa Maria gang member was connected to nine months of gang incidents by a four-man squad reportedly created to revitalize one of the local criminal street gangs.¹ The City of Santa Barbara has had fewer major incidents recently, one gang-related death in June 2019, one murder and one attempted murder in January 2020. Nonetheless, each death brought attention to gang activity in the City. However, in Lompoc, deaths and injuries from shootings have escalated to the point of being almost monthly. Gang affiliation is most often tied to the incidents.

In Santa Barbara County there are numerous street gangs. The Santa Barbara County Sheriff's Department offered a list of 18 total named gangs: two in Santa Barbara, three in Goleta/Isla Vista, three in Lompoc, two that have ties in Lompoc and Santa Maria, and eight in Santa Maria. Some gang members from San Luis Obispo County also reside in Santa Barbara County. Many gangs can have multiple cliques. Also, they are mobile and operate throughout the county. A gang member living in Lompoc may be active in Santa Barbara or vice versa. For example, the Lompoc Police estimated there were approximately 600 gang members or associates in their community and said that many of them have affiliations with gangs in other areas. As a result, in looking at the street gang problem, we must look at the whole county and not any specific area or city.

Juvenile gang membership in Santa Barbara County is hard to calculate. The State of California 2017 Healthy Kids Survey for the schools in the County counted the percentages of students who claimed to be gang members in 7th, 9th, and 11th grade:²

Grade Level	Boys	Girls
7th Grade	4.60%	3.50%
9th Grade	5.20%	2.40%
11th Grade	6.70%	2.50%
	12.90%	2.90%

The survey cautions that it did not identify what constitutes a gang. In any event, these low percentages indicate a small subset of youth in the county.

Changes in Gang Composition

While gangs have existed in Santa Barbara County for decades, their composition and behavior have been developing new trends. The street gangs are primarily Hispanic and can be localized around certain neighborhoods or turf; however, many gangs may no longer claim a certain turf and gang members can live throughout the city or even the County.

Their family situations are often described as strained due to parents having to work multiple jobs to be able to afford the high cost of living here. In these cases, parental supervision is weakened. A Probation Officer estimated that about 50 percent of the parents of gang members or associates feel they have lost control of their kids. Gang association can offer a new family for

¹ Mathew Burciaga, "Santa Maria Man to Face Life in Prison for Attempted Murder." *Santa Maria Times*, Accessed July 10, 2019.

² "Gang Memberships, by Gender and Grade Level," *kidsdata.org*, Accessed April 20, 2020.

kids who often feel out of place or disengaged from society. These days cell phones connect youth, and social media creates an exclusive networking platform. This is also true for inter-gang contacts, which include bragging about their feats, cyber bullying and making threats. The juveniles' use of technology can leave parents even more out of the loop.

Protection, acceptance, peer pressure, recognition and respect are most often cited as reasons for gang affiliations. Money is becoming a bigger motive. Family poverty is often a risk factor for joining a gang. Drugs are not a motive for joining a gang, but they do finance a lifestyle that many envy. Sex trafficking has become more lucrative than drugs. Gangs take advantage of girls under 18, as they are no longer prosecuted for prostitution. Some girls confuse the money they make for the gang with love and respect, not understanding the danger. The promised self-respect that comes with gang affiliation can have its own code of ethics. A high school principal, for example, noted that the neighborhood gang would never tag its own school; those from another gang would do the graffiti. Also, officers at one police department reported to the Jury that they would get calls from a gang after a crime, disavowing a crime that they said they would never do.

Juvenile gang members are usually between the ages of 13-18. The Jury heard that gang membership with youth under 15 is the segment that is growing the most. Elementary and middle schools are recruiting grounds. Some law enforcement officers notice a transition at the age of 19, when the juvenile either exits or gets in deeper. There is no agreement among law enforcement whether gang members age out between the ages of 20 and 30. Some in law enforcement say they can; others say they never do. The process is never easy.

The trend toward recruiting younger members holds true, especially after changes in the laws that do not penalize minors as severely as adults. Gang associates and wannabes³ can be active in middle school and even elementary school. Younger juveniles are often eager and daring. They risk less because those eleven years old and younger are not even prosecuted for crimes. They are instead directed toward Social Services or Behavioral Wellness for rehabilitation.

The 2019-20 Grand Jury chose to focus on juvenile gang activity. Juvenile gang members or affiliates are not always as committed to the lifestyle that gang membership enforces as are older members. Adult gang members who have chosen the criminal life can be considered hard core. Many of the adult gangs in Southern California are directed by the Mexican Mafia from within the prison system. Once inside the Santa Barbara County Main Jail, it is said that the disparate local gangs fall together under the Sureños group, which the Mexican Mafia rules. On the other hand, most juveniles in the juvenile justice system still retain their ties to their community and their local gang. According to Probation, these juveniles may be impetuous, but they also can be rehabilitated.

³ Law enforcement officers in Santa Barbara County spoke of gang members as those who will do the work for the gang and commit the crimes. They dedicate their lives to the gang. The officers spoke of associates as those who are connected with a gang but have not been initiated, which is often a violent rite. Wannabes are those who like the attention of gang members. They usually are younger and they feel important emulating gang attire, signs and language.

Legal background

A major influence on gangs and in particular youths in gangs has been the change in approach by the legal community. At the end of the twentieth century, laws pertaining to juveniles became more punitive toward youth and gang members, trying juveniles as adults and marking their crimes with gang enhancements. Proposition 21, passed in 2000, increased punishment for gang related crimes, eliminated informal probation for felonies committed by juveniles, and required gang registration. Between the years 2003-16, 11,300 youths were tried as adults nationwide.⁴ Those measures, which one local public defender called “draconian,” began to evolve in 2013 with AB260, barring kids from being sent to adult courts, and with SB 1391 in 2018, not allowing youth under 16 in an adult court. A case in 2018 further set the limit for California Division of Juvenile Justice to the ages between 12 and 17. There is no booking for a child 11 years and younger, unless the child has been charged with murder or certain sex crimes.

Since 2010, other changes in the law redefined who went to state prison. In California, where pressure to reduce overcrowding in state prisons was urgent, the legislature passed Assembly Bill 109 (AB 109) in 2011. Over 500 crimes that were considered non-serious, non-violent and non-sex-related were taken off felony lists that led to sentencing to state prisons. Although AB 109 changes did not apply to juveniles, crimes committed as a juvenile still counted as a strike against someone’s record. The responsibility for those who committed the lesser crimes went from the state prisons and state parole officers to county jails and county probation officers.

Further easing sentencing was Proposition 47, passed in 2014, which reduced felony crimes against property and personal drug offenses to misdemeanors. The savings from the added reduction in prison overcrowding funded the Safe Neighborhoods and Schools Fund, as well as victim services and treatment programs. In 2015, the application of Prop 47 was interpreted to also include juveniles. As an example, possession of heroin in amounts for personal use is no longer a felony, and a young person can escape any serious prosecution. Additionally, shoplifting is now a misdemeanor as long as the property stolen amounts to less than \$950. Many, including juveniles, have taken advantage of the higher threshold for prosecution as a felony.

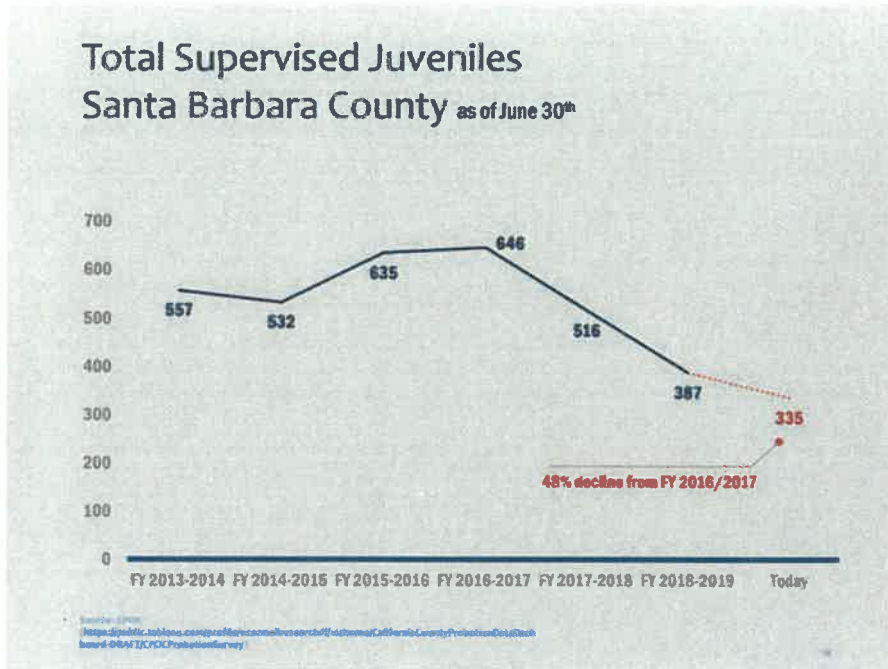
The Jury was told by law enforcement officials that a result of legal reform is not only the numbers of arrests are down, but also the numbers of youth in detention are down. The new laws reflect the theory that incarceration for juveniles is not the answer. Research showed that even one stint in juvenile hall increased the chances of recidivism.⁵ The Chief Probation Officers of California summarize the trend as the number of youth in the juvenile probation system has gone down 42 percent between 2013 and 2018, and the number of bookings has decreased 14 percent statewide between 2015 and 2018. Statewide, the *San Francisco Chronicle* declared, “Between 1980 and 2016, the arrest rate dropped 84 percent for juveniles, though it fell only 9 percent for adults in their 50s, according to a recent Public Policy Institute of California report. For felony crimes, the arrest rate among juveniles fell 86 percent over the same period, while it actually increased for age groups 30 and older.”⁶

⁴ Evan Sernoffsky and Joaquin Palomino. “Vanishing Violence.” *San Francisco Chronicle*. October 3, 2019, <https://projects.sfchronicle.com/2019/vanishing-violence/>

⁵ Evan Sernoffsky and Joaquin Palomino, “Vanishing Violence.” *San Francisco Chronicle*. October 3, 2019, <https://projects.sfchronicle.com/2019/vanishing-violence/>

⁶ Evan Sernoffsky and Joaquin Palomino, op. cit.

The Santa Barbara Probation Department also reports a 48 percent decline in supervised juveniles between 2016 and 2019.⁷ The following graph shows this decline.



While these trends appear positive, the Jury questioned additional realities behind the lower numbers. The Jury heard from a number of frustrated officers in law enforcement that juveniles are no longer taken to detention because the officers knew they will just be released. Officers in the South County are even more reluctant to drive to the Susan J. Gionfriddo Juvenile Justice Center (Hall) in Santa Maria for such an outcome. Juveniles used to be put in detention for two days, the Jury was told; now it is just five-six hours. Records do not show these short stays, giving a “fake rate of recidivism,” according to one police officer who works with juveniles. The Jury has no way to substantiate the number of youth let go as opposed to those taken to the Hall and booked.

Moreover, other numbers are not clear cut in saying gang-related youth crime is down. These days few law enforcement departments have the resources to dedicate to proving the crime was committed for the benefit of a gang. Gang terms⁸ are now legally more difficult to apply to a crime and prove in court. So the report that the number of youth on probation with gang terms

⁷ Holly Benton and Karyn Milligan, “Intervention over Detention: Transforming Juvenile Probation in Santa Barbara County.” *Santa Barbara County Probation Department*. December 2, 2019.

⁸ “Gang terms” as heard by the Jury referred to the prosecution’s intent to introduce gang evidence in court, including motives, intent and identity. California’s Street Terrorism Enforcement and Prevention (STEP) Act was enacted in 1988 and amended in 2000 to substantially increase sanctions for gang crimes. A pattern of criminal activity would be shown for one or more of seven types of offenses: assault with a deadly weapon, robbery, homicide, narcotics trafficking, arson, shooting at an inhabited building or vehicle, or intimidation of victims or witnesses. If prosecutors can show that a crime was committed for the benefit of a street gang or in association with one, there can be a “gang enhancement” during sentencing. There will be additional years added to the sentence for punishment.

has dropped from 245 in 2009 to 68 in 2018 does not tell the whole story.⁹ It must be pointed out that Santa Barbara County Probation itself counts a slight rise recently in the total of youth with gang terms and conditions from 2017 to 2019, a rise in juvenile recidivism, and fewer youth leaving probation between those same years.

CATEGORY	2017	2018	2019
Santa Barbara County Youth with Gang Terms and Conditions	199	208	221
Juvenile Recidivism of Gang Youth While on Probation	0.11	0.12	0.21
Total Identified Gang Youth with a Misdemeanor or Felony Sustained Petition during Probation Supervision	41	39	66
Total Juvenile Exits from Probation	357	320	321

County Probation reported that between 11-13 percent of the youth going to court get informal probation.

Overall, the statistics on juvenile gang crime and detention appear to be reassuring. Much of the data giving this reassurance and guiding the trend away from incarceration and towards rehabilitation comes from juvenile justice records at Federal, state and county levels. Although the period varies by state and county, over roughly the last 10-12 years, supporters of the changes in juvenile correctional systems often claim that they are "evidence-based," and that the records show they have worked well. These claims are well-justified, but those who want greater accountability for juvenile offenders can also find records which support their position.

These records are extremely valuable guides, but they cannot prove beyond a doubt that any program or approach for juvenile crime is best for all times and places. They do appear to show that some of the most confident claims asserting good or bad effects of changes since 2008 in California do not tell the whole story. The last 25 years of local, state and Federal records have shown a widespread and mostly steady decline in arrests. A leading researcher, who generally favors the California reforms, has said that this happened "almost regardless of what local, state or national policies were adopted"; although county officials like to credit local policies for decrease in arrests, "the county next door did the opposite and that worked, too."¹⁰

Accordingly, some of those who work with juveniles hold some skepticism regarding the promises of restorative programs. The modifications of the law have brought about not only a more tolerant but also rehabilitative attitude toward youth committing crimes among some of those working in the field of juvenile justice, and different worries among others.

⁹ Debra Herrick, "Gang Violence Lessens in Santa Barbara County." *Coastal View News*, March 11, 2020, http://www.coastalview.com/news/gang-violence-lessens-in-santa-barbara-county/article_42351848-63e2-11ea-83b5-afa8355a759d.html

¹⁰ Mike Males as quoted in Evan Sernoffsky and Joaquin Palomino, op. cit.

OBSERVATIONS

Are gang members street terrorists or are they youth needing treatment and services? These representations do not signify two different camps in our legal and social systems, but rather two varying degrees of adaptation to recent state laws in both Probation and law enforcement.

Probation

With the new laws on the books, Probation is at the center of formulating a developmental approach for youth crime. In fact, the leadership at Santa Barbara County Probation has declared that they no longer deal with gangs; they instead deal with high risk youth. Young offenders are no longer detained as long or not at all. They are returned to the community for treatment and wraparound services. These community supportive services are needed to address the trauma that these youth face on several fronts: poverty, educational deficits, substance abuse, family neglect, isolation, and mental health problems.

Santa Barbara County has two juvenile detention centers, the Susan J. Gionfriddo Juvenile Justice Center (Hall) and Los Prietos Boys Camp (Camp). Both are run by the Probation Department. The Probation Department has devised a new assessment tool that is used for booking. Gang membership is no longer an item checked in the assessment upon entry. The CalGangs ID System was discontinued as advocacy groups and law enforcement were concerned about wrongly identifying a youth as a gang member, and thus negatively impacting their life and future. When juveniles are brought to the Hall or the Camp, they are instead assessed for a host of social, mental, educational and environmental factors that indicate whether they are at low or high risk of recidivism if returned to their community. Moreover, Santa Barbara County youth are admitted to the Hall only if they are a danger to themselves or to society.

However, to be housed in either facility, the juveniles, or wards of the court, need to be checked for gang affiliation for their own safety, especially for room assignments at the Hall. Staff must now rely on the youths' self-affirmation or on previously known data before placing that young person in detention. Then, the Camp can learn of gang affiliation from the Hall, but they also have to rely on personal familiarity with the local gangs. At the time of the Jury's visit, it was estimated that 33 percent of those in the Hall are active members in a gang and 60-70 percent of the youth in detention have a gang affiliation. At the Camp, officers estimated about 50 percent of the wards are gang members and up to 75 percent have some gang affiliation.

As recently as 2016, many of those in the Hall and the Camp were there for probation violation. Santa Barbara County had the highest rate of these cases in the State, a fact that alerted Probation to the need for change. Minor violations of probation no longer result in arrest or detention, and Probation compliance sweeps, formerly thought effective, are no longer held. For example, socializing with gang members is no longer considered a violation of probation. A Probation Officer told the Jury that they do not want to criminalize a youth for living in a gang neighborhood. While it is true that a gang label can stigmatize a young person, Probation staff need to know any affiliation to keep the youth safe from attacks or bullying at either the Hall or the Camp.

The juvenile detention staff work hard to get gang members from the different gangs to trust each other. The wards will be in the units together, and the Probation Officers will be attentive to any tension or threats between the various gang affiliates or members. At the Camp, where sleeping is in an open dormitory, the gang members are co-mingled in bed assignments.

However, separating gangs in the dormitory can actually be more problematic as they can then form power groups and threaten the other groups.

As staff recognize, the saying is, “Inside, go along to get along.” Yet fights do occur. A Probation Officer at the Camp estimated one or two incidents monthly. Gang members can co-exist at this time, even forming friendships. But when they return to their communities, old identities return and gang rivalries take precedence. The détente provided by the Camp is short-lived. In fact, the week before the Jury’s visit, a youth just released from Los Prietos was killed by gunshot in a gang confrontation in Lompoc and the Jury was told by many of the wards at the Camp that they felt the loss.

The reality of reforms in the laws applying to juveniles is that far fewer are detained. When they are taken to the Hall, if they are taken at all, they are often released to their parents or just let go. The effect is that only the more serious offenders are now in the Hall: 83.3 percent youth detained for a felony versus 15.2 percent for a misdemeanor.¹¹ By contrast, in 2016 the percentages were reversed: 38.4 percent were detained for a felony and 63.0 percent for a misdemeanor. Experience has shown that mixing low-risk and high-risk juveniles can result in deterioration of character in those young people who have not yet turned criminal. Probation Officers told the Jury that the reverse does not happen; the more hardened youth do not rehabilitate because of the presence of milder offenders.

Both the lower numbers of juveniles detained, and the higher concentration of more hardened juveniles have restricted the numbers of those being transferred to the low security Los Prietos Boys Camp. As a result, many boys who would thrive at the Camp are not placed there. At the Camp, the wards learn both vocational and social skills and they recapture educational credits. The one-on-one attention they receive in class encourages learning. The Jury heard from both the staff and the wards themselves how the juveniles begin to change at the Camp. Some even do not want to return home to face the pressures and divisiveness of their community. The Jury has been told several times that the boys will self-sabotage by breaking rules or committing infractions to stay longer. The Jury also learned that the juvenile court judge at times cannot send the juveniles to Camp long enough to fully benefit from the programs that it offers.

The Jury learned that because so few wards are now at the Camp, its closure is being considered. This is an unfortunate unintended consequence of the new laws. Furthermore, closing either the Hall or the Camp would cause some of the wards to be sent out of the County. Being away from their family and community would impair the wraparound rehabilitative services that Probation now states are the foundation of their juvenile programs.

The new cornerstones of juvenile justice and probation are programming and services. Diversion to programs, it is hoped, will keep young offenders in school, in community programs and out of a jail cell. The local Probation Department (Department) has always had contracts with community programs, and now it is building more pathways to treatment, as services are integral to its rehabilitation and intervention mission. The Department has invested in new staff to research and assess “trauma-informed, evidenced-based programs,” from a variety of sources, according to their materials. New staff are performing thorough research to find programs that are cost-effective and result-oriented. California Probation is committed to the diversion and

¹¹ Santa Barbara County Probation Department handout, “Memorandum 2019 Juvenile Detention Profile,” October 14, 2019.

treatment for youth and has proposed the Elevate Justice Act of 2020, which would keep youths 18 and 19 in their system.¹²

In this effort, some long-standing contracts have been retained with the Family Service Agency, the Community Action Commission and the Council on Alcoholism and Drug Abuse. These agencies have participated in Moral Reconciliation Therapy¹³ for substance abuse and El Joven Noble or Los Compadres programs for character development. In the past, these programs have been successful. However, other programs such as Drug Abuse Resistance Education (D.A.R.E.) and Understanding the Juvenile Justice System, which were claimed to be effective in informing wayward youth of the consequences of their actions, have largely been discontinued.¹⁴ Several probation workers and non-profit leaders have told the Jury that there are no known successful programs that work specifically for gang intervention. However, there are two possibilities that are not used in Santa Barbara County: The Gang Resistance Education and Training (G.R.E.A.T.) program is a gang, delinquency and bullying prevention program provided by the Bureau of Alcohol, Tobacco, Firearms and Explosives to middle and elementary school students. The highly successful quasi-military Grizzly Academy in San Luis Obispo also confronts the consequences of gang activity. Such an academy could be instituted at Los Prietos Boys Camp for those who have completed high school.

The new programs focus more on prevention and intervention than suppression. The Jury was told that youth make the decision to get out of a gang or go deeper around the age of 18 or 19, so diversion programs are essential, and these would include skill-building and family therapy. Youth need a wide variety of programs from sports to technology to keep their interest. Many youth advocates told the Jury that job coaching would be especially appropriate for youth in high school. But there is a shortage of job coaches, as well as basic vocational classes in the County schools.

However, new protocols for services were not set for implementation until later in 2020, meaning there have been delays in having programs immediately accessible to the juveniles. According to one Probation Officer, contracts with many service providers are in the making, but the programs themselves are still “just a thought.” Moreover, participation in Probation programs is voluntary in the sense that transportation, family involvement or a financial charge may preclude attendance. These factors will certainly be ironed out as the year progresses.

Juveniles continue to be assigned to Probation. Deputy Probation Officers and Juvenile Institution Officers monitor youth up to the age of 18. In recent years, there has been a steady decline in the number of Probation Officers working with juveniles, and the officers have less interaction with them. High-risk youth will be seen twice a week by Probation Officers with a small caseload; low and medium-risk youth will be part of a larger caseload and seen less often. Probation Officers can go to the homes but in practice do not usually go inside. In some cases, this means the youth will not be supervised as closely. Some law officers state that this allows

¹² “ICYMI: Probation Chiefs Announce New Proposal that Elevates and Evolves Juvenile Justice,” *Chief Probation Officers of California*, Accessed May 20, 2020, <https://www.cpoc.org/post/icymi-probation-chiefs-announce-new-proposal-elevates-and-evolves-juvenile-justice>

¹³ Moral Reconciliation Therapy (MRT) uses moral reasoning to decrease substance abuse and recidivism. It uses a cognitive-behavioral approach to address ego, social, moral and positive behavioral growth. (Santa Barbara County 2019 Comprehensive Multi-agency Juvenile Justice Plan)

¹⁴ The DARE program is still active in Santa Maria.

the youth to misbehave more often. Additionally, there are no daily report centers for juveniles now, as there are for adults on probation. In 2016, the once successful after-school programs at the Alternative Report & Resource Centers were eliminated because of lower numbers of youth and reduced funding.

The Jury was told that when juveniles stay in a gang and move up the ranks, they are assigned the harder tasks, even murders. At age 18 they become the responsibility of adult Probation Officers. Probation for adults focuses more on compliance with the law rather than rehabilitation, but there are many services still available to them.

Because of the reforms in the approach to juvenile crime, some frustrated officers were reported to be leaving the department. Probation has formulated an additional training program for the officers which has 20 hours of sessions on interpersonal relations. Rather than confronting youth about their mistakes, officers learn how to talk to them and gain their trust. One Probation Officer remarked that such a shift in attitude should require at least 60 hours of training, rather than 20 hours. Nonetheless, this shift in approach has taken place.

Law Enforcement

Those in law enforcement are watching the shift in juvenile justice more warily. For police officers and Sheriff's deputies, changes in detention and incarceration have taken away some of their bargaining tools for cooperation with and information from gang members. As a result, they see the communities' safety deteriorating. The Sheriff's Department admitted that there could be under-reporting of crimes.

The Jury learned from law enforcement that arrests are down, but that does not necessarily mean that crime is down: "The kids haven't changed. The laws have." One officer said that Proposition 47 has made things harder for them by reclassifying some felonies as misdemeanors, which may not lead to an arrest. This is especially worrisome for those in law enforcement who work with juveniles because the younger ones are learning that there are few consequences to crime. If juveniles are not held accountable, police officers told the Jury, petty crimes may develop into more serious crimes such as murders and drug or human trafficking. The Jury was told by police officers that older gang members are pushing juveniles to commit crimes knowing that there would be few or no consequences for the juveniles. The current trend in treatment that focuses on rehabilitation, they say, misses the mark without accountability.

The juveniles who might be picked up for a legal offense are returned to their community and family more often than they used to be, when detention had been a favored form of prevention and punishment. Currently, law enforcement officers say these youth are back on the street the same day to potentially commit additional violations. Police officers in one department told of a 12-year old who committed a robbery but was not detained because of his age. Soon after, the released juvenile assaulted someone with a metal pipe.

It is not unusual for some juveniles to gather after school and look for trouble, especially on Fridays. Vandalism, graffiti, and beatings can happen; car thefts and joy rides also occur. When nothing happens after such incidents, either from not enough officers on the streets or from reduced legal consequences, youth learn that they can commit crimes with impunity. The Jury heard that some younger gang members are even creating trouble in ways the elder ones do not approve. If the main gang activity is to make money by selling drugs, guns or sex trafficking, drawing unwanted attention to the gang interferes with those enterprises.

Police gang units are being eliminated. The two police departments that continue to have gang units, Santa Barbara and Santa Maria, are often credited with “keeping a lid on it,” a phrase heard a number of times by the Jury. As one officer said, “You can’t stop gang crime, but you can stay on top of them.” One member of a gang unit told the Jury that local gangs know that the unit now works only four days a week, so they plan incidents during the other three days.

The City of Santa Barbara Police Department has three officers in a gang unit and one sergeant; there used to be eight members. Santa Maria Police Department used to have a unit that focused on gangs; now it is a Special Enforcement Unit that can be called to work on narcotics or any other emergency. Gangs have long been a problem associated with narcotics. Santa Maria used to have five dedicated gang detectives working with five narcotics officers. Now there are only a total of five. Lompoc Police Department used to have four officers in a gang unit and three in a narcotics team. Now they have one officer assigned to gangs, narcotics, and intelligence. All other officers are needed for street patrol.

A gang unit does more than arrest gang members. Their interfacing with gang members on the streets often results in good intelligence. The gang units cultivate informants in the community. That way, police can then be proactive and stop incidents before they happen. To do this, they must be present on the streets and they must gain the trust of some gang members and others in the community so that they can stay informed of potential problems. This information is sent through the police department so that detectives can begin investigations.

A major loss in gang control has been the elimination of a gang unit in the Sheriff’s Department. The unit became a victim of budget cuts beginning in 2008, ending with its elimination in 2017. The Sheriff’s Department does not cover the cities that have their own police departments, but the Sheriff Deputies do patrol all the other regions that interface with those cities. The Sheriff’s greater resources and manpower assist the other police departments as requested. This assistance would be especially helpful for gang activity in Goleta or Carpinteria near Santa Barbara, and in Orcutt near Santa Maria.

Previously, there were more gang sweeps and targeted operations to take out the leadership of certain gangs. The Jury was told by several officers that picking off the leadership of gangs can quell violence for a time. The Sheriff still participates in gang sweeps and other large-scale joint efforts. For example, in January 2020, the Sheriff’s Department was central to a three-county sex trafficking raid, the sixth annual Operation Reclaim and Rebuild enforcement operation.¹⁵ Mostly, local law enforcement feels the absence of central gang intelligence from the Sheriff’s Department.

Prosecutors in the District Attorney’s Office have also noted the loss of participation of the Sheriff’s Department in gang intelligence. In order to secure convictions with gang enhancement, prosecutors depend on lengthy and detailed records. If no department has the workforce dedicated to building gang cases, they cannot go to court with evidence of a gang crime. The person being tried will then stay in the local jail with a shorter sentence at the county’s cost, rather than a longer sentence in a state prison. This might not seem to be an active problem in Santa Barbara County, but when gangsters know there is no gang prosecution, the County can find itself susceptible to true criminal gang activity. This occurred when the MS-13 gang moved

¹⁵ “Detectives Participate in Statewide Human Trafficking Enforcement Operation.” *Edhat*, February 7, 2020, Accessed February 7, 2020.

into Santa Maria and again when gang members from Los Angeles came to Montecito after the 2018 mudslide. If Santa Barbara County appears weak in gang suppression and prosecution, the Jury was told, it is inviting virulent gang activity to come here.

The absence of a gang roster or gang member identification for both juveniles and adults also hampers the information that law enforcement needs. Only the Lompoc Police Department gave the Jury an estimate of 600 gang members and associates in the City; other law enforcement officers said they could not guess current numbers. Even the Sheriff's Department gave an "anecdotal number of thousands" in the County. This impairs the ability to know who is affiliated with a gang, who is hanging out with whom, and who is rising in the ranks of the gang organization.

The State's CalGang System that identified all known gang members on a database has been curtailed. There used to be a regional gang sheet with names, monikers, dates of birth, photos and other information. The Jury heard that law officers will call each other to try to identify new and old players in the field. To stay ahead of gang activity, officers need to have such information readily available. Known gang members are required to register with law enforcement if they have more than a misdemeanor. This does not appear to happen in the County, according to one prosecutor. As gang members have affiliations with other cities in the area, it would be especially helpful to law officers in different parts of the County so that the officers are not operating blindly. When no one is tracking gang crimes or the number of gun seizures, no gang enhancements can be added to court prosecution.

Recently, Lompoc has seen an explosion of gang violence. The lack of a gang unit and the low numbers of police officers have weakened its police force. There are police on the streets, but coverage is restricted. It must be noted that the changes in the laws have also hampered police suppression. The gangs in Lompoc now routinely use guns, but firing a gun at an uninhabited building or empty vehicle is no longer an arrestable felony offense. In March of 2020, a gunshot did no harm, but it did lead to the temporary arrest of eight people, including four 15-year olds. In March 2019, a random gunshot killed a young girl. Gang members in Lompoc know that the police force cannot cover all its streets, and the police force is not as prepared as it could be because of the dissolution of its gang unit. Worse, the Lompoc Police Department's radio system is so out-of-date that gang members can listen in on the calls the police officers make to one another.

Crimes are becoming more serious and more violent. Regular gang violence has also recently increased in Santa Maria, and to a lesser degree in Santa Barbara. There have been more frequent incidents and some arrests. Law enforcement officers have stated that what is notable about the arrests are that they are now finding pounds, not ounces of drugs such as meth, heroin and cocaine. The recent three-county sex-trafficking raid resulted in the arrest of three pimps and 14 solicitors in this area. Sometimes those detained are minors. More and more juveniles are used for the "dirty work" crime activity because they are treated more leniently in the justice system than any older gang member would be.

The Jury was told that a countywide gang task force could enhance control over the ever-changing and developing gang activity. Since gangs don't respect jurisdictions, the task force would be multi-jurisdictional. At this time, police departments, the Sheriff's Department, the District Attorney and Probation meet monthly to share intelligence. Most School Resource Officers (SRO) meet with Probation once a month. These gatherings need more resources, such

as a database and a crime analyst. A regional database could help coordinate the mutual aid that Santa Barbara County agencies need. This could include a mutual communication system that promptly taps into gang information and calls for assistance. Together, the agencies could invest in a crime lab and staff to do the paperwork for tracking gang crime. The additional staff could also apply for more grants. A recent California Violence Reduction, Intervention and Prevention (Cal-VRIP) grant proposal for North County was not approved. This meant the City of Lompoc did not receive the needed \$150,000 for an action plan to reduce gang violence, and the South Coast Youth Task Force did not receive \$283,333 for three years after that to build a countywide youth violence reduction strategy. The Lompoc Police Department's limited resources did not allow them to collaborate in the application for this grant. A regional task force could become a major player in setting up what is needed for other grant applications to the state for gang impacted youth.

The District Attorney's Office covers the entire county and has active gang units. This office may be the appropriate agency to lead a county consortium for sharing gang information.

Community

At-risk youth and juvenile gang members are no different than other young people. They struggle in school and they want to have fun. Most of the students in school blend in together, with little differentiation for gang members. School dress codes may mention gang attire, but in the County there does not seem to be a consistent school policy against it. Being a gang member is not a criterion for expulsion. The California Education Code has changed regulations for suspensions and expulsions to keep students in school. Effective July 1, 2020, California public schools will no longer be able to suspend students in elementary and middle school for disturbing school activities or willfully defying school authority.¹⁶

High schools in the county now have SROs, some paid by the local police departments, some paid by the local school districts. The SROs that the Jury talked to said they treat all kids the same without racial or gang profiling. The SROs help the campuses with any extraordinary incidents, such as assaults, unauthorized people on campus, serious defiance, or vaping and drug citations. In fact, it was pointed out that schools are one place where students will see consequences for their actions: drugs on campus will bring a suspension. Parents also have civil and penal liability for the unlawful actions of their children.¹⁷

Depending on the officer, SROs can also offer a bridge to security. While it is rare that a student would seek out a police officer to tell them something in confidence, the Jury did hear that students often ask for information, especially after trouble in the area. Violence and gang incidents on school campus are rare. Most fights occur after school and on the streets. SROs, with their knowledge of who hangs out with whom, can monitor the areas where fights will

¹⁶ AB 420 amended *California Education Code section 48900(k)* by eliminating the authority to suspend a student out of school or in-school in kindergarten through third grade for "disruption" and "willful defiance." Further, under AB 420 no student in kindergarten through grade 12 can be expelled for "disruption" and "willful defiance." AB 420 came into effect on January 1, 2015. SB 419, which comes into effect July 1, 2020, extends the permanent prohibition of suspension to grades 4 and 5 and temporary prohibition until July 1, 2025 for grades 6 through 8.

¹⁷ California Penal Code Section 272. This section makes it a misdemeanor to act or fail to act in a way that causes a minor (under 18 years of age) to become a juvenile delinquent, a habitual truant, a dependent, or a ward of the juvenile court system.

occur and help to defuse situations. Also, they can provide leads and information to investigators and even parents, which is why some students do not trust them.

Schools no longer have programs that speak to violence or gangs. The Drug Abuse Resistance Education Program (DARE) was eliminated in South County years ago although it is still operating in Santa Maria. Some cities still have the police-sponsored Police Activities League (PAL) programs. Overall, schools now depend on small group therapy and counseling to reach students in trouble, or they make referrals to other community resources. Family Service Agency, Fighting Back, Council on Alcoholism and Drug Abuse (CADA), and more recently AHA!¹⁸ provide programs off campus and sometimes counselors on campus. Some of those community programs charge a fee. Drug and alcohol counseling is provided on most campuses. There is one group, Por Vida, in the Santa Maria Schools that addresses gang violence and cultural matters such as racism and ostracism.

The average percentage of students who feel safe or very safe on campus varies according to region and grade level, as seen in the 2018-2019 California School Climate, Health, and Learning Survey (CalSCHLS).¹⁹

Percentage of Students Who Feel Safe or Very Safe on Campus

	7th grade	9th grade	11th grade	Alternative Schools
Santa Barbara Secondary Schools	72%	59%	62%	66%
Santa Maria Secondary Schools	66%	60%	47%	69%
Lompoc Secondary Schools		53%	43%	66%

However, an official in the Santa Barbara Unified School District recently reported that the threat of violence at school is increasing. Since 2016, there has been a 41 percent rise in weapons-related offenses, a 32 percent rise in bullying and harassment, and more gang-related incidents in the community leading to confrontations at school. This heightened violence at school might be a harbinger of the cycle of gang violence in the community returning. A Santa Barbara school board member stated that “kids aren’t safe and don’t feel safe” and this is “a serious emergency for our district.”²⁰ The board member noted that the numbers of offenses have gone down statewide but they are going up here.

Criminal justice personnel, educators, administrators, non-governmental organizations, youth mentors and former gang members describe lack of school credits, education failure and reading failure as common concerns for at-risk youth in society. Many of the youth at the two juvenile detention centers in the County need to recover school credits either from many absences or from poor performance, often due to poor reading ability. At these centers they receive focused attention on reading skills. The County’s alternative schools offer similar one-on-one teaching as at the detention centers, helping students advance toward graduation. Research reveals reading failure is likely a cause for the frustration which can result in delinquent behavior.²¹ When asked,

¹⁸ AHA! stands for Healthy Attitudes, Emotional Harmony and Lifelong Achievement for Teens, Santa Barbara.

¹⁹ “School Safety, Secondary Students.” *Calschls.org*. Last visited 18 April 2020.

²⁰ Delaney Smith. “S.B. Schools Getting Less Safe?” *Santa Barbara Independent*. March 12, 2020, <https://www.independent.com/2020/03/11/are-santa-barbara-schools-getting-unsafes/>

²¹ Michael S. Brunner, *Retarding America: The Imprisonment of Potential*. Halcyon House, 1993.

those working with juveniles have said that a low IQ is not a factor. But they have slipped through the gaps in educational instruction.

For the students who do not feel connected to school, vocational education is often mentioned as an antidote. The job training at Los Prietos Boys Camp is credited with keeping the wards engaged and giving them more of a sense of self-worth. In general, programs that include job skills or even job internships are said to be what youth most want in their teen years. The leadership in Santa Maria understands this and is preparing to build a technical high school. The community will be asked to develop internships. Schools in Santa Barbara also have technical skills classes as well as technological programs. A shift in education that honors these career paths also honors the students who benefit from them.

The Jury was told that students would like schools to be open longer. Bringing services as well as different classes to schools could help students in many areas. Mental wellness has become a constant concern in public schools nowadays. The off-campus treatment and counseling programs where schools now refer students could send their counselors to campus, making treatment more accessible and rewarding. Group treatment, such as the therapy groups at Los Prietos, could easily be held at school. One principal told the Jury there is less stigma in talking about problems in groups. Program counselors do come to some campuses in South County, and Santa Maria School District has asked Fighting Back to initiate counseling year-round at its schools. Programs do not have to deal only with substance abuse; counselors at Fighting Back said that students have begun looking to them for conflict resolution and other restorative practices. With the practice of treating all kids as important individuals, counselors at schools could do a world of good to gang associates and wannabes who don't feel part of the school community.

Outside schools, non-profit organizations provide programs to nurture young people and promote new interests. Some of these organizations no longer exist. The South Coast Task Force for Youth Safety has been operative since 2009 and has fostered collaboration among civic, education and non-profit agencies to improve communication and coordination with services for at-risk youth. Groups such as Los Compadres and El Joven Noble work with youth violence issues and provide mentors. The need for more mentors is constant, both in North and South County. One innovation at Los Prietos Boys Camp is an effort to train a 16-year old youth to mentor a 14-year old; there has been some promise with this as a way to fill a void.

It was suggested to the Jury that North County is not as developed in coordinated services as South County. The 2017 Mayor's Task Force on Youth Safety in Santa Maria has not gained traction in the parts of the community where it is needed. However, the need for these services in North County is immediate. The Jury heard from a variety of sources that the non-profit community is better suited to lead the work of programming for at-risk and gang-affected youth because civic leaders have too many other responsibilities.

CONCLUSION

When there has been an increase in gang activity in the past, non-profit organizations and task forces have formed to offer needed programs. But now their function may be to support and supplement the transition from suppression to rehabilitation by Santa Barbara County Probation Officers, Sheriff's Deputies and municipal police officers to gangs. Law enforcement officers are

adapting to an uneasy legal framework created in Sacramento. Often, the Jury heard that what sounds good in legislative chambers may not always work well on the streets.

There needs to be a stronger coordination among all police officers and Sheriff's Deputies to share intelligence and information and prevent gang activities in one community from having repercussions in another. Gang units in every jurisdiction could facilitate this coordination. Law enforcement agencies are stretched thin these days. The Probation Department and the District Attorney's Office need to assist them with expertise and strategies. Pooling of these resources would help make anti-gang efforts more effective and long-lasting on the streets. Community organizations must help sustain the efforts of law enforcement. Working together is crucial.

Transformation of juveniles before they become criminal gang members is the ultimate goal, but it just might be the coordinated intelligence and watchfulness of law enforcement that allow the first steps toward that goal.

FINDINGS AND RECOMMENDATIONS

Finding 1

No comprehensive database exists to identify gangs and gang membership.

Recommendation 1

That the Santa Barbara County Sheriff's Department, the Probation Department, the District Attorney and the police departments of Santa Maria, Santa Barbara, Guadalupe and Lompoc pool their resources to establish a comprehensive data base that includes a gang roster across jurisdictions.

Finding 2

The number of programs available to at-risk youth, including those through the Santa Barbara County Probation Department, is declining.

Recommendation 2

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to reestablish youth programs including the after-school programs.

Finding 3

The Santa Barbara County Sheriff's Department disbanded its gang unit in 2017.

Recommendation 3

That the Santa Barbara County Sheriff organize and fund a gang unit within the next budget cycle to address gang activity in Santa Barbara County and its contract cities.

Finding 4

Students in middle schools and elementary schools are increasingly recruited into gangs.

Recommendation 4

That the Santa Barbara County Superintendent of Education assist elementary and middle schools in instituting and renewing programs that dissuade students from gang membership and provide alternatives.

Finding 5

A wide variety of vocational, educational and counseling programs are offered at Los Prietos Boys Camp for at-risk youth.

Recommendation 5

That the Santa Barbara County Board of Supervisors support the Santa Barbara County Probation Department in continuing the programs at Los Prietos Boys Camp and extending them into the community.

Finding 6

Gang activities cross jurisdictional boundaries of local law enforcement agencies.

Recommendation 6a

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe to hire a full-time crime analyst and share data to reduce gang crime.

Recommendation 6b

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe and hire staff that would apply for grants to fund anti-gang programs.

Finding 7

The Lompoc Police Department's radio system is not secure and gang members are able to listen to police communications.

Recommendation 7

That the Lompoc City Council fund a new and secure radio system for the Lompoc Police Department.

REQUESTS FOR RESPONSE

Santa Barbara County Sheriff's Department – 60 days

Findings 1, 3, 6

Recommendations 1, 3, 6a, 6b

Santa Barbara County Board of Supervisors – 90 days

Findings 1, 2, 5, 6,

Recommendations 1, 2, 5, 6a, 6b

Santa Barbara County District Attorney – 60 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Barbara City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Maria City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Lompoc City Council – 90 days

Findings 1, 6, 7

Recommendations 1, 6a, 6b, 7

Guadalupe City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Barbara County Superintendent of Education – 60 days

Findings 4

Recommendations 4



August 11, 2020

The Honorable Judge Michael J. Carrozzo
Presiding Judge, Santa Barbara Superior Court
Santa Barbara County Civil Grand Jury
1100 Anacapa Street
Santa Barbara, CA 93101

Re: Response to Grand Jury Report titled "Juveniles in Gangs in Santa Barbara County"

Dear Judge Carrozzo:

This letter is the response of the Guadalupe City Council and the City's Mayor to the Santa Barbara Grand Jury report titled "Juveniles in Gangs in Santa Barbara County." This response is submitted in compliance with Penal Code Sections 933 and 933.05. A copy of this response is being sent concurrently to the Grand Jury.

The Guadalupe City Council is required to respond to the following:

Finding 1

No comprehensive database exists to identify gangs and gang membership.

Response: Agree

Recommendation 1

That the Santa Barbara County Sheriff's Department, the Probation Department, the District Attorney and the police departments of Santa Maria, Santa Barbara, Guadalupe and Lompoc pool their resources to establish a comprehensive database that includes a gang roster across jurisdictions.

Response: Will not be implemented.

Law enforcement agencies in California, including the Guadalupe Police Department, historically shared gang intelligence using a statewide database. The regulatory requirements of using any such shared gang database have increased over the years, governed in part by the Code of Federal Regulations 28, part 23, and more recently, California Penal Code Section 186.34-35 (January 1, 2017). As a result, the benefits of using the shared gang database became outweighed by the

burdens imposed by the regulations. The Guadalupe Police Department, along with the majority of agencies in California, have since ceased use of any such database.

Shared gang intelligence is currently being accomplished during regularly scheduled meetings or upon request.

Finding 6

Gang activities cross jurisdictional boundaries of local law enforcement agencies.

Response: Agree

Recommendation 6a

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe to hire a full-time crime analyst and share data to reduce gang crime.

Response: Will not be implemented.

Gang activities do occasionally cross jurisdictional boundaries, however the overwhelming majority of gang violence that occurs in the City of Guadalupe is perpetrated by gang members who live in Guadalupe.

The City of Guadalupe is currently projecting only a minimal increase in the overall 2021 budget. Participation in a consortium to hire a crime analyst would presume funding that is not available or would divert funds from supporting existing programs, potentially leading to cancelation of community service projects.

A shared crime analyst dedicated specifically to gang crimes occurring across multiple jurisdictions faces the same regulatory and resource challenges of managing or using a shared gang database as described in the City's response to Recommendation 1.

Recommendation 6b

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe and hire staff that would apply for grants to fund anti-gang programs.

Response: Will not be implemented.

The cost of new staff to serve as grant writers would be the responsibility of the consortium at a time when the City of Guadalupe is currently projecting a minimum budget increase to sustain existing programs. Applications for grants can be completed without hiring additional staff.

Sincerely,

Ariston D. Julian, Mayor

Gina Rubalcaba, Mayor pro tem

Tony Ramirez, Council member

Eugene Costa Jr., Council member

Liliana Cardenas, Council member

RESOLUTION NO. 2020-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE ADOPTING A RESPONSE TO THE SANTA BARBARA COUNTY GRAND JURY REPORT ENTITLED "JUVENILES IN GANGS IN SANTA BARBARA COUNTY"

WHEREAS, the Santa Barbara County Grand Jury released a report on June 24, 2020 titled "Juveniles in Gangs In Santa Barbara County" with seven (7) findings and eight (8) recommendation; and

WHEREAS, the City Council of the City of Guadalupe is required to response to findings (nos. 1 and 6) and recommendations 1, 6a and 6b and

WHEREAS, the City Council has 90 days to respond to this report, each finding, and the recommendations; and

WHEREAS, City staff prepared responses on behalf of the City Council and submitted them to the City Council for adoption at the City Council's meeting on August 11, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Guadalupe as follows:

SECTION 1: Staff's responses are approved and adopted by the City Council as the official response of the City Council to the above-mentioned Santa Barbara Grand Jury.

SECTION 2: The City Council authorizes staff to submit (Exhibit 1) final response with the signatures of each member of the City Council to Judge Michael J. Carrozzo and the Santa Barbara Grand Jury.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Guadalupe on the 11th day of August 2020 by the following vote.

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, **Joice Earleen Raguz**, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2020-73**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held August 11, 2020, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of August 11, 2020**

Mark Green

Prepared by:
Mark Green P.E., Contract Building Official


Approved by:
Todd Bodem, City Administrator

SUBJECT: Ordinance No. 2020-491, repealing Guadalupe Municipal Code Ordinance No. 2016-458, Title 15.04, Adoption of Building Codes; and adopting a new Chapter 4 of Title 15, Adoption of State of California 2019 Building Standards Code.

RECOMMENDATION:

That the City Council introduce Ordinance No. 2020-491, and continue to the meeting of August 25, 2020, for second reading and adoption, to update and amend Title 15, Chapter 4 of the Municipal Code to be consistent with the State of California 2019 Building Standards Code of which became effective January 1, 2020.

DISCUSSION:

Each City in the State of California is required to adopt the current California Building Standards Code and is authorized to do so by reference (Health and Safety Code § 17922 and Government Code § 50022.2). The Municipal Code of the City of Guadalupe Title 15, Chapter 4 has not been comprehensively updated since January 1, 2017 with the adoption of the 2016 California Building Codes of which are no longer in effect. The City of Guadalupe Title 15, Chapter 4 has provided minimum standards to safeguard life or limb, health, property and public welfare by regulating the construction, quality of materials, use, and occupancy, location and maintenance of all buildings and structures within its jurisdiction. The 2019 California Building Standards Code incorporates the latest national standards in the International Building Code, International Residential Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code and other national standards and codes.

There are currently no local amendments to the City of Guadalupe Municipal Code Title 15.04 from previous code adoptions and thus none are carried forward. Any new amendments are considered administrative in nature and therefore would not require justification using local climatic, geological or topographical conditions.

ATTACHMENTS:

1. Ordinance No. 2020-491, entitled "An Ordinance of the City Council of the City of Guadalupe, California, Repealing Ordinance No. 2016-458 and Adopting a New Chapter 4 of Title 15 of the Guadalupe Municipal Code".

ORDINANCE NO. 2020-491
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, REPEALING
ORDINANCE NO. 2016-458 AND ADOPTING A NEW CHAPTER 4 OF TITLE 15 OF THE
GUADALUPE MUNICIPAL CODE

WHEREAS, each city in the State of California is required to adopt the California Building Standards Code and is authorized to do so by reference (Health and Safety Code § 17922 and Government Code § 50022.2); and

WHEREAS, the California Building Standards Commission adopted the 2019 California Building Standards Code, of which became effective January 1, 2020; and

WHEREAS, the Municipal Code of the City of Guadalupe Title 15 - Building and Construction has not been comprehensively updated since January 1, 2017; and

WHEREAS, it is deemed to be in the best interest of the City to update and amend Title 15 of the Municipal Code to be consistent with the State of California Building Standards Code and to account for new building construction standards; and

WHEREAS, Title 15 of the Municipal Code of the City of Guadalupe has provided minimum standards to safeguard life or limb, health, property and public welfare by regulating the construction, quality of materials, use, and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment; and

WHEREAS, the 2019 California Building Standards Code contains eleven subjects that incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California. The California Codes incorporate the latest national standards in the International Building Code, International Residential Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code and other national standards and codes; and

WHEREAS, it is the intent of the City of Guadalupe to ensure enactment of the standards herein, as the State Building Standards Code became effective as of January 1, 2020, to protect the public welfare, health and safety; and

WHEREAS, the adoption and proposed amendments to the California Fire Code have been submitted to the City Council under separate cover and adopted as Ordinance No. 2020-483 as Chapter 8 of Title 15 of the Guadalupe Municipal Code, and therefore not included in this Ordinance.

NOW THEREFORE, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. The existing Ordinance No. 2016-458, Title 15.04 Adoption of Building Codes of the Guadalupe Municipal Code, is hereby repealed and the following codes are hereby adopted as the City of Guadalupe Building Code, Residential Building Code, Administrative Code, Electrical Code, Plumbing Code, Mechanical Code, Energy Code, Green Building Standards Code, Existing Building Code, Historical Building Code and Reference Standards Code, and are incorporated herein as if fully set forth, with such further incorporation and amendment of individual sections and appendices as follow below:

15.04.010 Codes adopted.

- A. 2019 California Building Code, Volumes One and Two.
- B. 2019 California Residential Building Code.
- C. 2019 California Electrical Code.
- D. 2019 California Plumbing Code.
- E. 2019 California Mechanical Code.
- F. 2019 California Administrative Code, including all appendices.
- G. 2019 California Energy Code, including all appendices.
- H. 2019 California Green Building Standards Code, including all appendices.
- I. 2019 California Existing Building Code, including all appendices.
- J. 2019 California Historical Building Code, including all appendices.
- K. 2019 California Referenced Standards Code, including all appendices.

15.04.020 California Building Code adoption.

The provisions of the 2019 Edition of the California Building Code Volumes One and Two, including Appendices; B (Board of Appeals), C (Group U—Agricultural Buildings), F (Rodentproofing), G (Flood-Resistant Construction), H (Signs), I (Patio Covers), J (Grading) and M (Tsunami-Generated Flood Hazard) are adopted in their entirety.

15.04.030 California Residential Building Code adoption.

Adopt the 2019 California Residential Building Code including Appendices H (Patio Covers), J (Existing Building and Structures), K (Sound Transmission), Q (Tiny Houses), S (Strawbale Construction), and V (Swimming Pool Safety Act) in their entirety.

15.04.040 California Electrical Code adoption.

Adopt the 2019 California Electrical Code including all Annexes in their entirety except Annex H.

15.04.050 California Plumbing Code adoption.

Adopt the 2019 California Plumbing Code including all Appendices in their entirety except Appendices C (Alternate Plumbing Systems), F (Firefighter Breathing Air Replenishment Systems) and L (Sustainable Practices).

15.040.060 California Mechanical Code adoption.

Adopt the 2019 California Mechanical Code including all Appendices in their entirety except Appendices A (Residential Plan Examiner Review Form for H.V.A.C. System Design) and E (Sustainable Practices).

SECTION 2. Publication and Effective Date. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City. The ordinance shall go into effect and be in full force at 12:01 a.m. retroactively on January 1, 2020 as required by state law.

SECTION 3. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CWQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 4. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Guadalupe hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.

SECTION 5. Nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in previous Codes; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In

doing so, the City Clerk shall consult the City Administrator and City Attorney concerning any changes deemed necessary.

SECTION 7. The City Clerk of the City of Guadalupe is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by the California Health and Safety Code Section 17958.7

INTRODUCED at a regular meeting of the City Council on the 11th day of August 2020, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of August 11, 2020


Approved by:
Todd Bodem, City Administrator

SUBJECT: Discuss and possible introduction, reading the title of a proposed ordinance adding Chapter 8.80 to the Guadalupe Municipal Code entitled "Vacant Commercial Property Registration and Property Maintenance" relating to the required registration and maintenance of vacant commercial buildings.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff;
- 2) Accept public comment;
- 3) Introduce by title only and waive the first reading of Ordinance No. 2020-492 adding Chapter 8.80 to the Municipal Code; and
- 3) Continue to August 11, 2020 for second reading and adoption; or
- 4) Provide direction to staff to amend proposed Chapter 8.80 and return on a future, designated date; or
- 5) Direct staff to file the report and not return without direction from Council.

BACKGROUND:

In conjunction with the Guadalupe Department of Public Safety, Public Works Department, Planning Director, City Administrator, and City Attorney, staff drafted an ordinance proposing to add Chapter 8.80 to the Municipal Code, requiring the registration and maintenance of all vacant commercial buildings as defined in the Ordinance.

The proposed ordinance follows the recommendation of staff to require enhanced security and property maintenance as well as the registration of all vacant commercial buildings as defined in the ordinance and located in the Commercial Services (C-S), Mixed-Use (MIX), General Commercial (G-C), Neighborhood Commercial (C-N), Industrial-Commercial (M-C), Commercial Services-Specific Plan (C-S-SP), Neighborhood Commercial Specific Plan (C-N-SP), Mixed-Use Specific Plan (MIX-SP), zoned lands within the incorporated area of the City of Guadalupe. The ordinance further requires the payment of a registration fee to help offset the cost of the required annual inspections by the Building Department and the Department of Public Safety, and enforcement of this Chapter. Registration fees would be subject to City Council approval. Staff also recommends that the Council, when establishing registration

fees, consider adopting renewal fees that are higher than the initial registration fee to offset the City's cost in establishing and maintaining the registration program as well as the annual inspections by the Building Official and the Fire Department.

If the Council decides to introduce, and eventually adopt, the proposed ordinance, staff will bring a resolution setting the registration fee for the City Council's consideration and approval at a future meeting.

DISCUSSION:

Vacant commercial buildings can pose a threat to the environmental health, potential community development, fiscal and economic opportunities, and public safety of the City. Declining property values, environmental degradation, and strain on public service departments, such as police and fire, places a burden on the City as a whole making it more difficult to attract private and public reinvestments and making revitalization strategies more difficult to implement.

Further, vacant commercial buildings can be a major cause and source of blight, especially when the building fails to be maintained by the owner. These buildings can be a liability to the neighborhood and may be used by transients, juveniles and drug users when not properly secured. The use of vacant buildings by transients can create a fire hazard if used for primitive cooking or heating methods. These vacant buildings and properties have been used as dumping grounds for junk and debris and are often overgrown with weeds. Vacant commercial buildings, especially those that remain unmaintained, can discourage economic development and affect property values. The people and properties most obviously impacted are the neighboring property and business owners.

While the economy or demand for commercial space in the City account for some of the vacant commercial buildings, rents or sale prices may be too high, making it difficult for local prospective business owners to afford. Besides holding out for that "ideal tenant", City staff is also concerned that landlords may be choosing to leave a building vacant to maintain a tax break rather than using funds or obtaining loans to upgrade the building so as to be suitable for use by a prospective tenant.

This ordinance aims to decrease the number of vacant commercial buildings by maintaining a registration of vacant commercial buildings and their information to share with prospective tenants. The Ordinance also encourages a building owner to activate their building by leasing their space to an entity such as a non-profit, for-profit or artist, while they continue to seek a long term tenant.

Another key provision of the Ordinance is the requirement of landlords to allow for the annual inspection of the vacant commercial building by the Building Official and Director of Public Safety or their designated appointee(s), for the purposes of safeguarding the health, safety and welfare of the general public. For instance, it's important to ensure that the integrity of the building is not failing, the building is properly secured, fire safety devices are working, and whether or not people are living inside the building.

While landlords have the right to lease or sell their building to whomever they choose, these long standing chronic vacancies have a cost to the community, making commercial districts look like they are in decline and negatively affecting area businesses. Staff believes that the proposed ordinance strikes a balance whereby private property rights are respected but also fairly recognizing the

community cost of landlords essentially choosing to leave their properties vacant and in some cases, unmaintained.

An owner will not have to pay the annual renewal fee if their building(s) meet all codes, do not contribute to blight, are ready for occupancy as evidenced by the building actively offered for sale, lease, or rent, and is being maintained as required by the proposed ordinance.

The purpose of this language is to waive the annual registration renewal fee for owners of vacant commercial buildings that have invested money and time to properly upgrade and maintain their buildings in suitable condition for commercial purposes and whom are actively seeking tenants or sale of their property.

Section 8.80.040 has been added to better ensure that subject buildings are included in the City maintained Vacant Commercial Building Registry. Staff notes that failure to provide information as required by the proposed ordinance shall constitute a public nuisance and be subject to the penalties and procedures set forth in Section 8.50 (Property Nuisance).

FISCAL IMPACT:

The financial impact is unclear at this time, but will likely include the costs of the implementation of a registration program, including the development of registration forms and tracking and enforcement procedures, some of which will be offset by the collection of registration fees. The Department of Public Safety is currently working to more formally establish procedures for the Code Compliance program and will most likely be able to utilize that program to address this proposed Ordinance.

Significant staff time would also initially would be required to implement a registration program, including the development of registration forms and tracking and enforcement procedures. Staff time for ongoing enforcement of the ordinance along with completing required annual inspections would vary depending on the number of vacant buildings. These duties would be shared between the Building Department and Department of Public Safety, if established.

ATTACHMENTS:

1. Ordinance 2020-492 entitled "An Ordinance of the City Council of the City of Guadalupe, California, Adding Chapter 8.80 to the City of Guadalupe Municipal Code Concerning Vacant Commercial Property Registration and Property Maintenance."

ORDINANCE NO. 2020-492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, ADDING CHAPTER 8.80 TO THE CITY OF GUADALUPE MUNICIPAL CODE CONCERNING VACANT COMMERCIAL PROPERTY REGISTRATION AND PROPERTY MAINTENANCE

WHEREAS, abandoned and vacant buildings contribute to blight in the city, discourage economic development, diminish appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards; and

WHEREAS, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare; and

WHEREAS, abandoned and vacant buildings result in increased expenditures for police, fire, and code enforcement inspections and calls; and

WHEREAS, in addition to posing a threat to environmental health, abandoned and vacant commercial buildings can thwart potential community development, fiscal, and economic opportunities of the City as a result of a decline in property values and environmental degradation, making it more difficult to attract private and public investments and making revitalization strategies more difficult to implement.

WHEREAS, it is desirable for the maintenance of public health, safety, and welfare and to improve economic development opportunities for the City to maintain an accurate registration of all abandoned and vacant commercial buildings, which will help to decrease the number of vacant commercial buildings by encouraging owner to actively market their properties for sale, lease, or rent.

NOW, THEREFORE, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. Chapter 8.80 of the Guadalupe Municipal Code is hereby added to read as follows:

Chapter 8.80 - VACANT COMMERCIAL PROPERTY REGISTRATION AND PROPERTY MAINTENANCE

8.80.010 Purpose.

Recognizing that abandoned and vacant buildings contribute to blight in the city, discourage economic development, diminish appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The city council finds that

vacant buildings result in increased expenditures for police, fire, and code enforcement inspections and calls. Maintenance of public health, safety, and welfare thus requires the city to maintain an accurate registration of all vacant commercial buildings and to impose each of the requirements, procedures, and penalties set forth herein. The ordinance codified in this chapter shall be known as the "vacant commercial property registration and property maintenance ordinance," and is hereinafter referred to within this chapter 8.80, as "this chapter."

8.80.020 - Definitions.

For the purposes of this chapter, the following terms are defined as set out in this section:

A."Commercial building" means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for commercial purposes and which is located within either the Commercial Services, Mixed-Use, General Commercial, Neighborhood Commercial, Industrial-Commercial zoning designations. A "commercial building" also includes any structure, or any portion of a structure, located within the city and designed or intended for occupancy as a hotel or motel.

B.Commercial unit" means each separate space within a commercial building designed or intended for occupancy.

C."Secured" means treated with such measures as may be directed by the Building Official or his or her designee that assist in rendering the vacant building inaccessible to unauthorized persons, squatters, and trespassers, including, but not limited to, the closure, locking, padlocking, chaining, repair and/or boarding of fence(s), wall(s), gate(s), window(s), door(s), including walk-through, sliding and/or garage doors, and/or other openings of such size that may allow a child access to the interior of the structure/property. In case of broken windows, "secured" includes the re-glazing or boarding of the window. Boarding shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required,and shall additionally require painting the boards with an exterior grade paint that matches the color of the building.

D."Unsecured" means any building that is accessible through a compromised, breached or broken gate, fence, wall, window, door, or similar entry points and/or is unsecured so as to allow access to any interior space by unauthorized persons or trespassers.

E."Vacant commercial building"means acommercial building where greater than fifty percent of the commercial units within the building have been unoccupied for over ninety days. Notwithstanding the foregoing sentence, a commercial building shall not be considered vacant if:

- 1.There is a valid building permit for alterations or rehabilitation, excluding standard maintenance and repairs, of the commercial building and the owner completes the alterations or rehabilitation, within one year from the date the initial permit was issued, unless theDirector of Public Safety, after consultation with the Planning Director and/or Building Official,and with the consent of the City Administrator, determines that good cause exists to extend to the

owner an additional period of time to complete the alterations or rehabilitation of the commercial building; or

2.The owner or leaseholder has filed an application for and is actively seeking to obtain authorization, permits, or a license required by state or local law permitting the lawful use and occupancy of the commercial building; or

3. In the case of a structure or portion of a structure designed or intended as a hotel or motel, the owner or operator is actively engaged in operating such premises as a hotel or motel. At a minimum, active engagement as a hotel or motel requires that the owner or operator participate as a certified registrant of the Transient Occupancy Tax Ordinance of the City of Guadalupe(Chapter 3.20 of the Guadalupe Municipal Code) with respect to such premises.

8.80.030 Property owner's obligation to register a vacant commercial building; registration fee.

A.The owner(s) of a vacant commercial building shall within ninety days after the effective date of this chapter, or after it has become vacant, whichever occurs later, register the commercial building with the Planning and Building department on a form provided by the department.

B. The annual registration fee, based on gross square footage, in an amount established by City Council resolution, shall accompany the registration form. The registration payment deadline will serve as the date for calculating an annual renewal fee which shall be paid every year the commercial building remains vacant. Funds derived from said fee shall be used to offset the city's cost of inspection, administration, and enforcement under this chapter.

1.An owner shall not have to pay the annual renewal fee if their building(s) meet all codes, do not contribute to blight, are ready for occupancy, are being maintained and monitored as required by this chapter and can provide satisfactory evidence that the vacant commercial building is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has an active contract with a real estate agent or other rental agent who advertises and promotes the vacant commercial building for rent, lease or sale, or proof that the vacant commercial building is offered for rent, lease or sale on the Multiple Listing Service or any other comparable real estate listing service.

C.Any subsequent owner or majority owner of a vacant commercial building must register or re-register the building with the city designated officer within thirty days of any transfer of any ownership interest in the building.

D.Commercial buildings and vacant buildings subject to this chapter shall remain under the annual registration, security and maintenance requirements of this chapter as long as the properties remain vacant. However, if the owner rents the commercial building to a tenant who occupies the premises in a manner that complies with this chapter and with all other applicable provisions of state and local law prior to the registration payment deadline, the commercial building shall be removed from the department's registry and the owner need not pay the registration fee.

E.If any owner fails to register a vacant commercial building as required by this chapter, the Planning or Building Department(s) may register the vacant commercial building and impose the annual registration fee on the owner. Notice of such registration by the department (s) shall be made pursuant to Section 8.50.120.A. The notice shall state the amount due for the registration fee and shall constitute enrollment in the city's vacant commercial building registration program. The notice shall further advise that the owner must comply with all requirements of this chapter and submit all of the information required within Section _8.80.040 within ten days following service of such notice. The failure to submit all required information following service of such notice is a violation of this chapter, shall constitute a public nuisance, and shall be subject to the penalties and procedures set forth in Section 8.50 (Property Nuisance) and/or Title 1. The city may collect any unpaid registration fee by use of any method authorized by law.

8.80.040 - Registration requirements.

A.The required registration shall be submitted on the form provided by the city and shall include:

1.The name, current mailing address, phone number and any other contact information of the owner as well as the names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building.

2.If the owner(s) of the vacant building or property resides out of Santa Barbara or San Luis Obispo Counties, for at least six months a year, then they must provide the information for a local property manager with authority to act with respect to the property, including name, current mailing address, phone number and any other contact information of the owner's manager.

3.The situs addresses of the commercial building and the Assessor Parcel Number(s).

4.Square footage and occupancy rating(s) of the commercial building.

5.State the most recent permitted use(s) of the commercial building.

6.The period of time the commercial building is expected to remain vacant, and a plan and timetable for returning the commercial building to appropriate occupancy or use.

7.Statement as to whether there is fire and liability insurance coverage.

8.Methods by which the owner has secured the commercial building against unauthorized entry.

9.Provide such other information as the department(s) may require.

10.Upon registration of a vacant commercial building, the owner shall be required to provide authorization to the City of Guadalupe Police Department to detain or arrest for trespassing pursuant to California Penal Code Section 602, any persons found on the property without the owner's consent or without lawful purpose.

B.Pursuant to the registration requirements of this subsection, for every subsequent year a commercial building remains vacant beyond the initial registration, the owner of the vacant building must:

- 1.Re-register the building and pay appropriate fees, and
- 2.Submit an updated plan for returning the vacant building to appropriate occupancy or use.

8.80.050 Maintenance and security requirements.

The property owner(s) or designated responsible person(s) shall maintain properties subject to registration pursuant to this chapter as required by this chapter and any other applicable provisions of federal, state or local law, and shall take any other action necessary to prevent giving the appearance that the property is unmaintained, including but not limited to, the following:

A.Property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties and/or causes a blight.

B.Property shall be maintained free of any building materials; any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law); discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material.

C.Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

D.Exterior shall be cleared of any advertisements or signage of previous businesses.

E.To the extent permitted by law, any vacant commercial building shall be secured, as defined in this chapter.

8.80.050 Additional authority.

In addition to the enforcement remedies established in this chapter or otherwise by law, the building official or his or her designee shall have the authority to require the beneficiary, trustee, owner, or owner of record of any property subject to this chapter to implement additional maintenance or security measures, including but not limited to securing any and all doors, gates, windows or other openings, installing additional security lighting, increasing onsite inspection frequency, or other measures as may be reasonably required to prevent the decline of the condition or appearance of the property.

8.80.060 Signage requirements.

Any vacant commercial building shall be posted with the name and twenty-four-hour contact phone number of the trustee, beneficiary, owner, realtor or a local property management company that must be retained by an out-of-area beneficiary, trustee or owner. The posting shall be no less than eighteen inches by twenty-four inches and shall be of a font that is legible from a public right of way and shall contain along with the name and twenty-four-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS

OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building or structure facing the street to the front of the property so it is visible from the street; if no such area exists, the posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior postings must be constructed of and printed with weather resistant materials.

8.80.070 Annual inspection requirement.

A city designated officer, including the Director of Public Safety or the building official, or their appointee(s), may inspect or cause to be inspected any premises in the city for the purposes of enforcing and assuring compliance with the provisions of this chapter and safeguarding the health, safety and welfare of the general public. Upon the request of the city designated officer or designated appointee, an owner shall provide access to all interior portions of any vacant commercial building or suspected vacant commercial building in order to permit a complete annual inspection.

The Director of Public Safety or a designated appointee is authorized to enter and inspect, or cause to be inspected, all vacant commercial buildings and premises for the purpose of conducting an annual fire code compliance inspection.

8.80.80 Owner inspection requirements.

The owner(s) or their local property manager shall inspect the vacant commercial building on a monthly basis to determine if the building is in compliance with this chapter or if notification of noncompliance is reported to the owner(s) or their local property manager. The property shall be brought back into compliance with this chapter within five days of it becoming out of compliance herewith.

An out-of-area owner of a vacant commercial building shall retain a local property manager, who shall inspect the building as required by this chapter to determine whether the building is in compliance with the requirements of this chapter. The local property manager shall maintain a current city business license for all periods of time during which the local property manager is in charge of a vacant commercial building located within the city.

8.80.090 Penalties—Procedures.

A. Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution, public nuisance abatement and/or administrative enforcement pursuant to Title 1 and/or Chapter 8.50 of the Guadalupe Municipal Code, and/or any other enforcement and legal remedies available to the city under the law.

B. All administrative or civil penalties assessed shall be payable directly to the city.

C. Any and all administrative or civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the city to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.

D. In addition to all other lawful remedies available to the city to address any violation of this chapter, the Director of Public Safety or his or her designee may issue an administrative citation and fine pursuant to Guadalupe Municipal Code Chapter 1.11 and/or a compliance order with or without administrative penalties pursuant to Guadalupe Municipal Code Chapter 1.10 upon any owner of a registered vacant commercial building that has remained in a continuously vacant condition at the time of the second annual inspection. An additional administrative penalty may be imposed upon an owner if the owner's building remains vacant one hundred eighty days following the first administrative penalty. Additional penalties may be imposed semi-annually as long as the building remains vacant. A second and any subsequent penalty shall be in an amount not to exceed one thousand dollars.

8.80.100 Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, and other provisions of California law, including, but not limited to, California Government Code Section 38771, the city council hereby declares that violation of this chapter, including but not limited to the registration, inspection, maintenance and security requirements of this chapter shall constitute a public nuisance and shall be subject to abatement in accordance with Chapter 8.50 (Property Nuisance).

SECTION 2. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 3. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 4. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained.

In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 11th day of August 2020, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

Phillip F. Sinco, City Attorney

Chapter 8.80 - VACANT COMMERCIAL PROPERTY REGISTRATION AND PROPERTY MAINTENANCE

8.80.010 Purpose.

Recognizing that abandoned and vacant buildings contribute to blight in the city, discourage economic development, diminish appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The city council finds that vacant buildings result in increased expenditures for police, fire, and code enforcement inspections and calls. Maintenance of public health, safety, and welfare thus requires the city to maintain an accurate registration of all vacant commercial buildings and to impose each of the requirements, procedures, and penalties set forth herein. The ordinance codified in this chapter shall be known as the "vacant commercial property registration and property maintenance ordinance," and is hereinafter referred to within this chapter 8.80, as "this chapter."

8.80.020 - Definitions.

For the purposes of this chapter, the following terms are defined as set out in this section:

A. "Commercial building" means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for commercial purposes and which is located within either the Commercial Services, Mixed-Use, General Commercial, Neighborhood Commercial, Industrial-Commercial zoning designations. A "commercial building" also includes any structure, or any portion of a structure, located within the city and designed or intended for occupancy as a hotel or motel.

B. "Commercial unit" means each separate space within a commercial building designed or intended for occupancy.

C. "Secured" means treated with such measures as may be directed by the Building Official or his or her designee that assist in rendering the vacant building inaccessible to unauthorized persons, squatters, and trespassers, including, but not limited to, the closure, locking, padlocking, chaining, repair and/or boarding of fence(s), wall(s), gate(s), window(s), door(s), including walk-through, sliding and/or garage doors, and/or other openings of such size that may allow a child access to the interior of the structure/property. In case of broken windows, "secured" includes the re-glazing or boarding of the window. Boarding shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the building.

D. "Unsecured" means any building that is accessible through a compromised, breached or broken gate, fence, wall, window, door, or similar entry points and/or is unsecured so as to allow access to any interior space by unauthorized persons or trespassers.

E. "Vacant commercial building" means a commercial building where greater than fifty percent of the commercial units within the building have been unoccupied for over ninety days. Notwithstanding the foregoing sentence, a commercial building shall not be considered vacant if:

1. There is a valid building permit for alterations or rehabilitation, excluding standard maintenance and repairs, of the commercial building and the owner completes the alterations or rehabilitation, within one year from the date the initial permit was issued, unless the Director of Public Safety, after consultation with the Planning Director and/or Building Official, and with the consent of the City Administrator, determines that good cause exists to extend to the owner an additional period of time to complete the alterations or rehabilitation of the commercial building; or

2. The owner or leaseholder has filed an application for and is actively seeking to obtain authorization, permits, or a license required by state or local law permitting the lawful use and occupancy of the commercial building; or

3. In the case of a structure or portion of a structure designed or intended as a hotel or motel, the owner or operator is actively engaged in operating such premises as a hotel or motel. At a minimum, active engagement as a hotel or motel requires that the owner or operator participate as a certified registrant of the Transient Occupancy Tax Ordinance of the City of Guadalupe (Chapter 3.20 of the Guadalupe Municipal Code) with respect to such premises.

8.80.030 Property owner's obligation to register a vacant commercial building; registration fee.

A. The owner(s) of a vacant commercial building shall within ninety days after the effective date of this chapter, or after it has become vacant, whichever occurs later, register the commercial building with the Planning and Building department on a form provided by the department.

B. The annual registration fee, based on gross square footage, in an amount established by City Council resolution, shall accompany the registration form. The registration payment deadline will serve as the date for calculating an annual renewal fee which shall be paid every year the commercial building remains vacant. Funds derived from said fee shall be used to offset the city's cost of inspection, administration, and enforcement under this chapter.

1. An owner shall not have to pay the annual renewal fee if their building(s) meet all codes, do not contribute to blight, are ready for occupancy, are being maintained and monitored as required by this chapter and can provide satisfactory evidence that the vacant commercial building is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has an active contract with a real estate agent or other rental agent who advertises and promotes the vacant commercial building for rent, lease or sale, or proof that the vacant commercial building is offered for rent, lease or sale on the Multiple Listing Service or any other comparable real estate listing service.

C. Any subsequent owner or majority owner of a vacant commercial building must register or re-register the building with the city designated officer within thirty days of any transfer of any ownership interest in the building.

D. Commercial buildings and vacant buildings subject to this chapter shall remain under the annual registration, security and maintenance requirements of this chapter as long as the properties remain vacant. However, if the owner rents the commercial building to a tenant who occupies the premises in a manner that complies with this chapter and with all other applicable provisions of state and local law prior to the registration payment deadline, the commercial building shall be removed from the department's registry and the owner need not pay the registration fee.

E. If any owner fails to register a vacant commercial building as required by this chapter, the Planning or Building Department(s) may register the vacant commercial building and impose the annual

registration fee on the owner. Notice of such registration by the department (s) shall be made pursuant to Section 8.50.120.A. The notice shall state the amount due for the registration fee and shall constitute enrollment in the city's vacant commercial building registration program. The notice shall further advise that the owner must comply with all requirements of this chapter and submit all of the information required within Section 8.80.040 within ten days following service of such notice. The failure to submit all required information following service of such notice is a violation of this chapter, shall constitute a public nuisance, and shall be subject to the penalties and procedures set forth in Section 8.50 (Property Nuisance) and/or Title 1. The city may collect any unpaid registration fee by use of any method authorized by law.

8.80.040 - Registration requirements.

A. The required registration shall be submitted on the form provided by the city and shall include:

1. The name, current mailing address, phone number and any other contact information of the owner as well as the names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building.

2. If the owner(s) of the vacant building or property resides out of Santa Barbara or San Luis Obispo Counties, for at least six months a year, then they must provide the information for a local property manager with authority to act with respect to the property, including name, current mailing address, phone number and any other contact information of the owner's manager.

3. The situs addresses of the commercial building and the Assessor Parcel Number(s).

4. Square footage and occupancy rating(s) of the commercial building.

5. State the most recent permitted use(s) of the commercial building.

6. The period of time the commercial building is expected to remain vacant, and a plan and timetable for returning the commercial building to appropriate occupancy or use.

7. Statement as to whether there is fire and liability insurance coverage.

8. Methods by which the owner has secured the commercial building against unauthorized entry.

9. Provide such other information as the department(s) may require.

10. Upon registration of a vacant commercial building, the owner shall be required to provide authorization to the City of Guadalupe Police Department to detain or arrest for trespassing pursuant to California Penal Code Section 602, any persons found on the property without the owner's consent or without lawful purpose.

B. Pursuant to the registration requirements of this subsection, for every subsequent year a commercial building remains vacant beyond the initial registration, the owner of the vacant building must:

1. Re-register the building and pay appropriate fees, and

2. Submit an updated plan for returning the vacant building to appropriate occupancy or use.

8.80.050 Maintenance and security requirements.

The property owner(s) or designated responsible person(s) shall maintain properties subject to registration pursuant to this chapter as required by this chapter and any other applicable provisions of federal, state or local law, and shall take any other action necessary to prevent giving the appearance that the property is unmaintained, including but not limited to, the following:

A. Property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties and/or causes a blight.

B. Property shall be maintained free of any building materials; any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law); discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material.

C. Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

D. Exterior shall be cleared of any advertisements or signage of previous businesses.

E. To the extent permitted by law, any vacant commercial building shall be secured, as defined in this chapter.

8.80.050 Additional authority.

In addition to the enforcement remedies established in this chapter or otherwise by law, the building official or his or her designee shall have the authority to require the beneficiary, trustee, owner, or owner of record of any property subject to this chapter to implement additional maintenance or security measures, including but not limited to securing any and all doors, gates, windows or other openings, installing additional security lighting, increasing onsite inspection frequency, or other measures as may be reasonably required to prevent the decline of the condition or appearance of the property.

8.80.060 Signage requirements.

Any vacant commercial building shall be posted with the name and twenty-four-hour contact phone number of the trustee, beneficiary, owner, realtor or a local property management company that must be retained by an out-of-area beneficiary, trustee or owner. The posting shall be no less than eighteen inches by twenty-four inches and shall be of a font that is legible from a public right of way and shall contain along with the name and twenty-four-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building or structure facing the street to the front of the property so it is visible from the street; if no such area exists, the posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior postings must be constructed of and printed with weather resistant materials.

8.80.070 Annual inspection requirement.

A city designated officer, including the Director of Public Safety or the building official, or their appointee(s), may inspect or cause to be inspected any premises in the city for the purposes of enforcing and assuring compliance with the provisions of this chapter and safeguarding the health, safety and welfare of the general public. Upon the request of the city designated officer or designated appointee, an owner shall provide access to all interior portions of any vacant commercial building or suspected vacant commercial building in order to permit a complete annual inspection.

The Director of Public Safety or a designated appointee is authorized to enter and inspect, or cause to be inspected, all vacant commercial buildings and premises for the purpose of conducting an annual fire code compliance inspection.

8.80.80 Owner inspection requirements.

The owner(s) or their local property manager shall inspect the vacant commercial building on a monthly basis to determine if the building is in compliance with this chapter or if notification of

noncompliance is reported to the owner(s) or their local property manager. The property shall be brought back into compliance with this chapter within five days of it becoming out of compliance herewith.

An out-of-area owner of a vacant commercial building shall retain a local property manager, who shall inspect the building as required by this chapter to determine whether the building is in compliance with the requirements of this chapter. The local property manager shall maintain a current city business license for all periods of time during which the local property manager is in charge of a vacant commercial building located within the city.

8.80.090 Penalties—Procedures.

A. Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution, public nuisance abatement and/or administrative enforcement pursuant to Title 1 and/or Chapter 8.50 of the Guadalupe Municipal Code, and/or any other enforcement and legal remedies available to the city under the law.

B. All administrative or civil penalties assessed shall be payable directly to the city.

C. Any and all administrative or civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the city to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.

D. In addition to all other lawful remedies available to the city to address any violation of this chapter, the Director of Public Safety or his or her designee may issue an administrative citation and fine pursuant to Guadalupe Municipal Code Chapter 1.11 and/or a compliance order with or without administrative penalties pursuant to Guadalupe Municipal Code Chapter 1.10 upon any owner of a registered vacant commercial building that has remained in a continuous vacant condition at the time of the second annual inspection. An additional administrative penalty may be imposed upon an owner if the owner's building remains vacant one hundred eighty days following the first administrative penalty. Additional penalties may be imposed semi-annually as long as the building remains vacant. A second and any subsequent penalty shall be in an amount not to exceed one thousand dollars.

8.80.100 Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, and other provisions of California law, including, but not limited to, California Government Code Section 38771, the city council hereby declares that violation of this chapter, including but not limited to the registration, inspection, maintenance and security requirements of this chapter shall constitute a public nuisance and shall be subject to abatement in accordance with Chapter 8.50 (Property Nuisance).



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of August 11, 2020**

Philip Sinco

Prepared by:
Philip F. Sinco, City Attorney

SUBJECT: Urgency Ordinance to temporary prohibit evictions due to loss of income related to the COVID-19 Coronavirus Pandemic until September 30, 2020.

RECOMMENDATION:

That the City Council adopt Ordinance No. 2020-493 as an urgency ordinance that takes effect immediately upon adoption with a 4/5 vote of the Council that would temporarily prohibit evictions arising from loss of income or substantial medical expenses related to the COVID-19-Coronavirus pandemic, until September 30, 2020, or until the City of Guadalupe local emergency proclamation is terminated, whichever is earlier.

BACKGROUND:

As a result of the various state and local emergency orders related to the novel coronavirus ("COVID-19") pandemic, on April 14, 2020, the City Council adopted an urgency ordinance temporarily prohibiting evictions of residential and commercial tenants as a result of the inability to pay rent arising from loss of income or substantial medical expenses related to the COVID-19-Coronavirus pandemic until June 30, 2020.

At the last City Council meeting on July 28, 2020, Council member Cardenas requested that staff bring the proposed extension of the urgency ordinance concerning evictions to the City Council for consideration. Staff has complied with this request.

DISCUSSION:

When the City Council adopted the previous urgency ordinance prohibiting evictions on April 14, 2020, Governor Newsom's stay-at-home order and various other state and local public health orders were expected to stay in effect until at least May 4, 2020. As it turned out, many of these restrictions with respect to businesses in Santa Barbara County stayed in place until May 21, 2020, when many businesses that were previously closed, including restaurants (for indoor dining), personal service businesses (e.g., nail and hair salons), and other businesses were allowed to re-open. Soon thereafter, however, COVID-19 cases in Santa Barbara County (as well as throughout the state of California) began to increase. The cases increased to a point that, on July 13, 2020, Governor Newsom ordered the

closure of a number of businesses, including dine-in restaurants (indoor); wineries and tasting rooms (indoor); movie theaters (indoors); family entertainment centers (indoors); zoos and museums (indoors); cardrooms (indoors); and brewpubs, breweries, bars and pubs (indoor and outdoor). In addition, the 30 counties on the COVID-19 monitoring list must were also required to close gyms, churches, offices for non-critical sectors, hair salons, and indoor malls.

Although these recent orders from the Governor are less restrictive that the initial emergency orders in effect at the time the City Council adopted the urgency ordinance on evictions on April 14, 2020, the July 13, 2020 orders are having, and will continue to have, a significant and negative impact on business and personal income of many of the City's local residents. In addition, with the increase in the number of cases, some City residents could incur substantial medical costs in they become infected with the COVID-19 virus. The loss of income and/or increased medical costs would likely result in City residents not having sufficient funds to pay rent for their homes and/or for their business locations in the City.

Accordingly, staff is recommending that the City Council adopt another urgency ordinance that would prohibit evictions due to non-payment of rent as a result of the impacts of the COVID-19 pandemic to September 30, 2020. This is the date that the Governor has authorized for local jurisdictions to enact legislation concerning limitations on evictions. In order for the urgency ordinance to be adopted, a 4/5 vote of the Council will be required.

FISCAL IMPACT:

Adoption of the urgency ordinance will not have an immediate impact the City's general fund; however, it will provide residential and commercial tenants in the City with an ability to defer rental payment if necessary until September 30, 2020 (or earlier if the City's local emergency proclamation is terminated before that date). Preventing evictions may help protect the City's property and sales tax revenues.

ATTACHMENT:

1. Ordinance No. 2020-493 entitled "An Urgency Ordinance of the City Council of the City of Guadalupe, California, to Temporarily Prohibit Evictions Arising from Loss of Income or Substantial Medical Expenses Related to the COVID-19-Coronavirus Pandemic until September 30, 2020, or until the City of Guadalupe's Local Emergency Proclamation is Terminated, Whichever is Earlier."

ORDINANCE NO. 2020-493

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA,
TO TEMPORARILY PROHIBIT EVICTIONS ARISING FROM LOSS OF INCOME OR SUBSTANTIAL
MEDICAL EXPENSES RELATED TO THE COVID-19-CORONAVIRUS PANDEMIC, UNTIL
SEPTEMBER 30, 2021, OR UNTIL THE CITY OF GUADALUPE’S LOCAL EMERGENCY
PROCLAMATION IS TERMINATED, WHICHEVER IS EARLIER**

The City Council of the City of Guadalupe, State of California, does ordain as follows:

SECTION 1. Emergency Findings. The City Council hereby finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following declaration of facts constituting the urgency:

1. Section 8558(c) of the Government Code defines a “Local Emergency” as: “the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat”; and
2. A novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases death. The Centers for Disease Control and Prevention considers the virus to be a very serious public health threat; and
3. On March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID19 a global pandemic; and
4. On March 11, 2020, Governor Newsom and California Public Health state officials recommended that non-essential gatherings should be postponed or cancelled across the state at least until the end of March, in order to implement social distancing guidelines intended to protect all individuals, particularly those who are at higher risk for severe illness for COVID-19; and
5. On March 12, 2020, the County of Santa Barbara Director of Emergency Services proclaimed the existence of a local emergency due to COVID-19. The County Health Officer issued a Health Order to mandate the cancellation or postponement of nonessential gatherings of 250 or more people, and small gatherings shall include six (6) foot distancing between participants, particularly those at high risk for severe illness of COVID-19; and

6. On March 15, 2020, Governor Gavin Newsom issued new restrictions in California, including home isolation for everyone over 65 or those with chronic diseases, prohibiting visitors to nursing homes with the exception of end-of-life circumstances, and the closure of bars, wineries, night clubs and brew pubs. Restaurants were to reduce their occupancy by half to permit social distancing, but only two days later, on March 17, 2020, Governor Newsom directed further that restaurants should immediately transition from on-site dining to delivery and take-out services only.
12. On March 16, 2020, Governor Newsom issued Executive Order N-28-20 stating that local jurisdictions may “determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19”; and
13. Executive Order N-28-20 suspended “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions” subject to certain limitations; and Executive Order N-28-20 authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic; and
14. Executive Order N-28-20 requested that “[f]inancial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.”
16. On March 19, 2020, at 12:00 p.m., the City’s Director of Emergency Services and City Administrator, Todd Bodem, issued a Proclamation Declaring Existence of a Local Emergency in the City of Guadalupe as a result of COVID-19; and
17. On March 19, 2020, Governor Newsom issued a state-wide order to all California residents to stay at home or their place of residence except as needed to maintain continuity of operations of 16 federally identified critical infrastructure sectors. This order permits individuals to go to grocery stores, pharmacies, banks, and other businesses that are “essential” but will require the closure of numerous businesses; and
18. On March 24, 2020, the City Council of the City of Guadalupe adopted Resolution No. 2020-21 ratifying the Proclamation Declaring Existence of a Local Emergency in the City of Guadalupe issued by the City Administrator/Director of Emergency Services on March 19, 2020; and
19. On March 27, 2020, Governor Newsom issued Executive Order N-37-20 expanding on Executive Order N-28-20 (issued on March 16, 2020) which authorized local jurisdictions to impose limits on evictions, by prohibiting enforcement of evictions by law enforcement or courts through May 31, 2020, and requiring tenants to declare in writing, no more than

seven days after the rent comes due, that the tenant cannot pay all or part of their rent due to COVID-19.

20. On April 5, 2020, to provide clarity to select businesses in the County of Santa Barbara regarding Governor Gavin Newsom's March 19, 2020 "stay well at home" executive order, the Santa Barbara County Health Officer issued a Health Officer Order effective April 5, 2020 until May 4, 2020, the following businesses were ordered to close without exception;
 - a. Bars and nightclubs that do not serve food;
 - b. Movie theaters, live performance venues, bowling alleys, and arcades;
 - c. Gyms, and fitness centers, and aquatic centers;
 - d. Wineries, breweries, and tap rooms that provide tastings;
 - e. Trophy shops or trophy businesses;
 - f. Tattoo parlors, tattoo businesses, tattoo artists, and body art facilities;
 - g. Barbers, hair salons, and hairstylists;
 - h. Campgrounds and RV parks, public and private. Only those who certify that the RV is their primary residence may be permitted to stay in the RV park;
 - i. Nail salons, manicurists, and pedicurists to close except for medical necessity e.g. medical treatment for diabetes;
 - j. Day spas and massage parlors, except as required for prescribed medical treatment.
18. On April 5, 2020, the City Council adopted an urgency ordinance to temporarily prohibit evictions and reiterate the Governor's requests to public housing authorities and financial institutions through June 30, 2020, or until the City's local emergency proclamation is terminated, whichever is earlier, for any tenant (residential or commercial) who could demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic. The urgency ordinance did not relieve a tenant's obligation to pay rent or restrict a landlord's ability to recover rent due; and
19. At that time, COVID-19 pandemic and associated public health orders were expected to result in the continued closure of many local businesses until at least May 4, 2020, and result in extreme restrictions on other local businesses, and as it happened, restrictions on most of these businesses were not relaxed in Santa Barbara County until May 21, 2020; and
20. On May 29, 2020, Governor Newsom extended eviction moratorium authority when he issued Executive Order N-66-20 which allowed local governments to extend prohibitions on landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts until July 28, 2020.
21. After many restrictions on businesses were relaxed on May 21, 2020, COVID-19 cases in Santa Barbara (as well as California as a whole) began to increase, and as a result, on July 13, 2020, Governor Newsom ordered the closures of indoor businesses statewide, including:

- Dine-in restaurants (indoor)
- Wineries and tasting rooms (indoor)
- Movie theaters (indoors)
- Family entertainment centers (indoors)
- Zoos and museums (indoors)
- Cardrooms (indoors)
- Brewpubs, breweries, bars and pubs (indoor and outdoor).

In addition, the 30 counties on the COVID-19 monitoring list must were also required to close gyms, churches, offices for non-critical sectors, hair salons, and indoor malls.

22. The Governor’s July 13, 2020 order along with other COVID-19 pandemic and associated public health orders are expected to result in a severe loss of income to a widespread portion of the local population that depend on wages or business income to pay rent and result in substantial medical expenses for certain residents of the City of Guadalupe; and
23. On June 30, 2020, Governor Newsom issued Executive Order N-7-20 extending the authority of local governments to extend prohibitions on landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts until September 30, 2020.
24. The City Council has determined that it is appropriate to again temporarily prohibit evictions and reiterate the Governor’s requests to public housing authorities and financial institutions through September 30, 2020, or until the City’s local emergency proclamation is terminated, whichever is earlier, for any tenant (residential or commercial) who can demonstrate that they are being evicted for the failure to pay rent, and that such failure is a direct impact of the COVID-19 pandemic. This urgency ordinance does not relieve a tenant’s obligation to pay rent or restrict a landlord’s ability to recover rent due; and
25. For the immediate preservation of the public peace, health or safety, these conditions warrant and necessitate that the City adopt this urgency ordinance to protect the health, safety, and welfare of tenants in the City of Guadalupe.

SECTION 2. Urgency Ordinance. By the City Council making the findings of fact set forth above, which constitute an emergency for the immediate preservation of the public health, welfare and safety, the City Council declares that this ordinance is an urgency measure and therefore, this ordinance takes effect immediately upon its adoption upon a 4/5 vote of the City Council pursuant to Government Code Sections 36937(b) and 36934:

I. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

(A) “Commercial real property” means any real property that is used for business or income-producing purposes.

(B) "Owner" means any person, acting as principal or through an agent, providing residential or commercial real property for rent, and includes a predecessor in interest to the owner.

(C) "Residential real property" means any dwelling or unit that is intended or used for human habitation.

(D) "Tenancy" means the lawful occupation of residential or commercial real property and includes a lease or sublease.

(E) "Tenant" means a person or entity lawfully occupying residential or commercial real property and includes a lease or sublease.

II. Prohibition on evictions stemming from coronavirus pandemic losses.

(A) Through September 30, 2020, or until the City of Guadalupe's Declaration of the Existence of a Local Emergency proclamation is terminated, whichever is earlier, the owner of residential or commercial real property shall not terminate a tenancy for failure to pay rent if the tenant demonstrates, as provided in II.(C) below, that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the coronavirus pandemic or any local, state, or federal government response to the pandemic.

(B) Any rent a tenant is unable to pay through September 30, 2020, or until the City of Guadalupe's Declaration of the Existence of a Local Emergency proclamation is terminated, whichever is earlier, shall not be forgiven and the tenant shall remain obligated to pay it; however, the tenant shall have six (6) months after September 30, 2020, or until the City of Guadalupe's Declaration of the Existence of a Local Emergency proclamation is terminated, whichever is earlier, to pay the unpaid rent in full. If tenant has failed to pay any unpaid rent in full by this date and any other rent that may be due, then the landlord may commence eviction procedures if otherwise allowed by applicable laws.

(C) In order for this section to apply, a tenant must provide written notice to the owner within 30 days from the date the rent was due and demonstrate through documentation or other objectively verifiable means:

(1) Substantial loss of income from (a) job loss; (b) layoffs; (c) a reduction in the number of compensable hours of work; (d) a store, restaurant, office, or business closure; (e) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (f) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (g) other similarly-caused loss of income that resulted from the pandemic; or

(2) substantial out-of-pocket medical expenses related to the pandemic.

(D) This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this ordinance shall

render any notice of termination of tenancy void. This section may be asserted as an affirmative defense in an unlawful detainer action. Terminations that are required to comply with an order issued by a government agency or court requiring that the real property be vacated are excepted from this prohibition. An owner's failure to comply with this ordinance does not constitute a criminal offense but will subject an owner to civil fines and penalties as set forth in this Code.

(E) No interest, penalties, or late fees shall be imposed on a tenant for unpaid rent authorized to be deferred pursuant to this ordinance for six (6) months from September 30, 2020, or until the City of Guadalupe's Declaration of the Existence of a Local Emergency proclamation is terminated, whichever is earlier, and a landlord shall not provide a negative reference for a tenant for nonpayment of rent authorized to be deferred pursuant to this ordinance.

(F) Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

(G) This ordinance shall be liberally construed to provide the broadest possible protection for tenants in the City of Guadalupe.

SECTION 3. **California Environmental Quality Act.** This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c) (specific action to mitigate an emergency), Section 15061(b)(3) (no possibility the activity may have a significant effect on the environment), and Section 15378(b)(5) (the administrative activity is not a project because it will not result in any direct or indirect physical changes in the environment.)

SECTION 4. **Severability.** If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

SECTION 5 **Effective Date.** This urgency ordinance shall take effect and be in full force immediately upon adoption by at least a four-fifths vote of the City Council pursuant to Government Code Section 25123 and shall remain in effect and operative until September 30, 2020, or until the City of Guadalupe declaration of the existence of a local emergency proclamation is terminated, whichever is earlier.

SECTION 6. **Publication.** Before the expiration of 15 days after passage of this urgency ordinance, a summary of it shall be posted in three public places in the City of Guadalupe together with the names of the members of the City Council voting for and against the same in compliance with Government Code Section 36933.

PASSED AND ADOPTED at a regular meeting of the City Council held on the 11th day of August 2020, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney