



CITY COUNCIL AGENDA ITEM NO. E.11
11/14/2023

SUBJECT: An Ordinance amending provisions of the Brentwood Municipal Code related to administrative citations and appeal procedures

DEPARTMENT: Community Development
City Attorney's Office

STAFF: Alexis Morris, Director of Community Development
Damien Brower, City Attorney

TITLE/RECOMMENDATION

Staff recommends the City Council introduce and waive the first reading of an ordinance amending provisions of the Brentwood Municipal Code to update outdated chapter and section numbering references; revise Section 1.12.010 (Hearing Officer); revise, in its entirety, Chapter 1.24 (Administrative Citations); and make findings that these actions are exempt from the California Environmental Quality Act based on sections 15061 and 15358 of the Act's Guidelines.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of the proposed Municipal Code amendments.

BACKGROUND

It has been a continuing goal of the City Council to keep the Brentwood Municipal Code as up-to-date as possible. Most recently, at its meeting of October 24, 2023, the City Council reaffirmed its commitment to Municipal Code updates. The proposed amendments are a continuation of the Council's goals and focus on the Code's enforcement provisions, and more specifically, those related to administrative citations.

With the City Council's June 13, 2023, approval of a contract for administrative citation and hearing processing services, it becomes necessary to revise sections of the Municipal Code. In addition, the provisions of Chapter 1.24 (Administrative Citations) were last amended in 2016, and it is best practice to review periodically provisions of the Municipal Code to ensure they are current, and to provide City enforcement personnel with the most up-to-date tools with which to do their jobs.



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During the preparation of the attached ordinance, staff became aware of references in the Municipal Code to outdated section and chapter numbers, and decided it would be an appropriate time to update those references- in other words, swapping out one chapter or section number with the updated chapter or section number.

There are no large-scale revisions with this ordinance, and many of its proposed changes are clarifications that memorialize current practices or account for the new third party involvement in the processing of administrative citations and appeal hearings. Along with the above-described numbering corrections, the following summarizes revisions of note. In addition, the attached ordinance is redlined to show specific revisions.

- Section 1.12.010 (Hearing officer)
No longer requires that a person appealing an administrative citation also pay for half of the hearing officer costs. Prior to the recent third party processing/appeal hearing contract approval, this section had not been used since hearing officers were City employees.
- Section 1.24.020 (Administrative citation)
Clarifies notice procedures for mailing certain pre-citation notices, including when providing prior notice is not possible or practicable. Also updates the information contained on an administrative citation, including the ability to reference multiple violations.
- Section 1.24.050 (Hearing request)
Provides for the appeal of one or more violations listed on a single citation and allows for the electronic submittal of such appeals. Also, provides for an appeal hearing form, and clarifies when a citation appeal hearing may be held and when the continuance of such a hearing may be granted.
- Section 1.24.060 (Advance deposit hardship waiver)
Places a time requirement on when an advanced hardship waiver may be requested, and provides for the electronic submittal of such requests.
- 1.24.080 (Hearing procedure)
Expressly states that appeal hearings are an informal process, and describes in more detail what must be demonstrated to prevail.
- 1.24.090 (Hearing officer's decision)
Further details the hearing officer's options when issuing their decisions
- 1.24.110 (Recovery of administrative citation fine(s) and costs)



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Clarifies assessment collections and, when multiple citations are issued for the same violation, now expressly permits the collection of fines from all who have received citations for the same violation.

- 1.24.120 (Notices) Provides additional detail to the notice process and further defines when service of notices occurs.

CITY COUNCIL STRATEGIC INITIATIVE

Not applicable.

PREVIOUS ACTIONS

Previous actions by the City Council is included on Attachment 1.

ATTACHMENT(S)

1. Previous Actions
2. Ordinance