

**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION
Joan L. Flynn, City Clerk
Office of the City Clerk**



TO: Honorable Mayor and City Council
FROM: Joan L. Flynn, City Clerk *JLF*
DATE: February 4, 2013
**SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE FEBRUARY 4, 2013
REGULAR CITY COUNCIL/PFA MEETING**

Attached is Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

Notice of Absence

Notice of Absence received from Joan L. Flynn, City Clerk requesting permission to be absent from the City Council meeting pursuant to Resolution No. 2001-54.

Study Session

#1. PowerPoint Communication received from Bob Hall, Assistant City Manager, dated February 4, 2013, entitled *Street Lighting Update*.

#2. PowerPoint Communication received from Jennifer McGrath, City Attorney entitled *Proposed Social Host PowerPoint and Ordinance Revision*.

Consent Calendar

#9. Communication received from Janice M. Bellucci, President of California Reform Sex Offender Laws, dated February 1, 2013 regarding the adoption of Ordinance No. 3969.

Public Hearing

#10. PowerPoint Communication received from Scott Hess, Director of Planning and Building, dated February 4, 2013, entitled *Circulation Element Update*.



City of Huntington Beach

INTER-DEPARTMENT COMMUNICATION

TO: Honorable Mayor and City Councilmembers
Fred Wilson, City Manager
Executive Team

FROM: Joan L. Flynn, City Clerk, CMC, MPA

DATE: February 4, 2013

SUBJECT: ABSENCE AT FEBRUARY 4, 2013 CITY COUNCIL MEETING

I will be unable to attend tonight's City Council meeting due to illness. Assistant City Clerk Robin Estanislau will assume my duties at the meeting.

Pursuant to City Council Resolution Number 2001-54, if there are no objections, the City Council's permission for this absence shall be recorded in the official minutes of this meeting.

c: City Clerk Staff



Street lighting Update

City Council Study Session

February 4th, 2013



Agenda

1. Street lighting overview
2. Rate Case –Settlement Agreement
3. SCE Policy change
4. Prop 39
5. RFQ

State-of-the-art, streamlined, and effective

energy efficiency & sustainability



Street light overview

- Street lighting is the most visible energy service
 - A brand statement for the city
- For example, commercial parking lots
 - 7-11
 - Big box stores
 - Shopping centers

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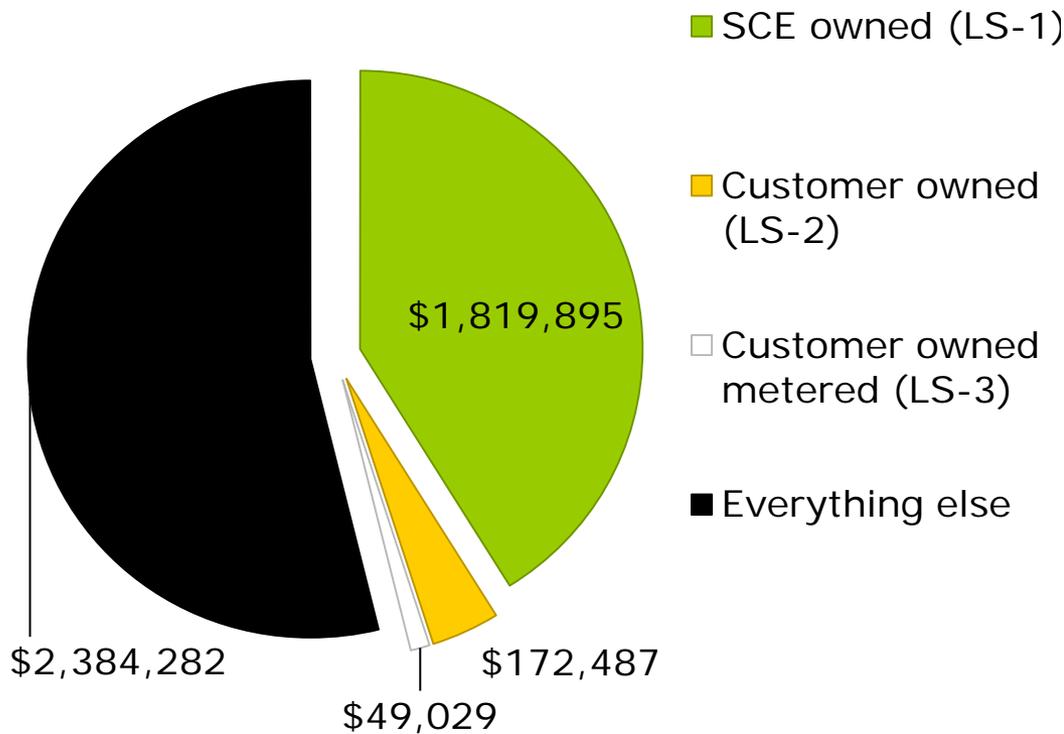




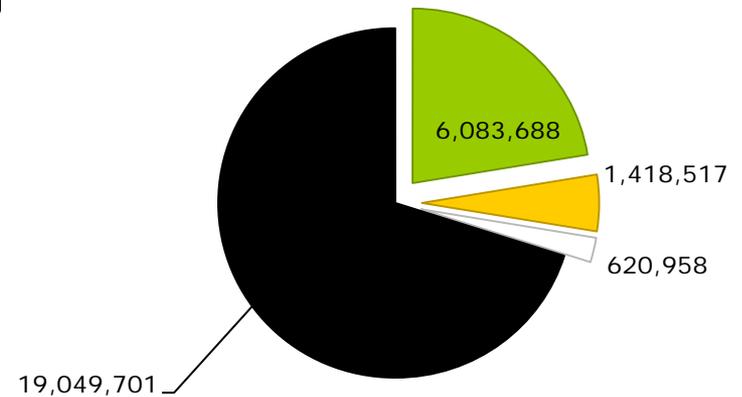


HB FY 10/11 Electric Costs

Electric Cost



KWh



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Street lighting overview

- 1982 Council Resolution #5170 on street light issues
 - Cause rates to reflect actual use
 - Clarify procedures for purchasing street lights
 - Valuation respects source of capital funds
 - Install energy efficient, economical street lighting

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General Rate Case (GRC)

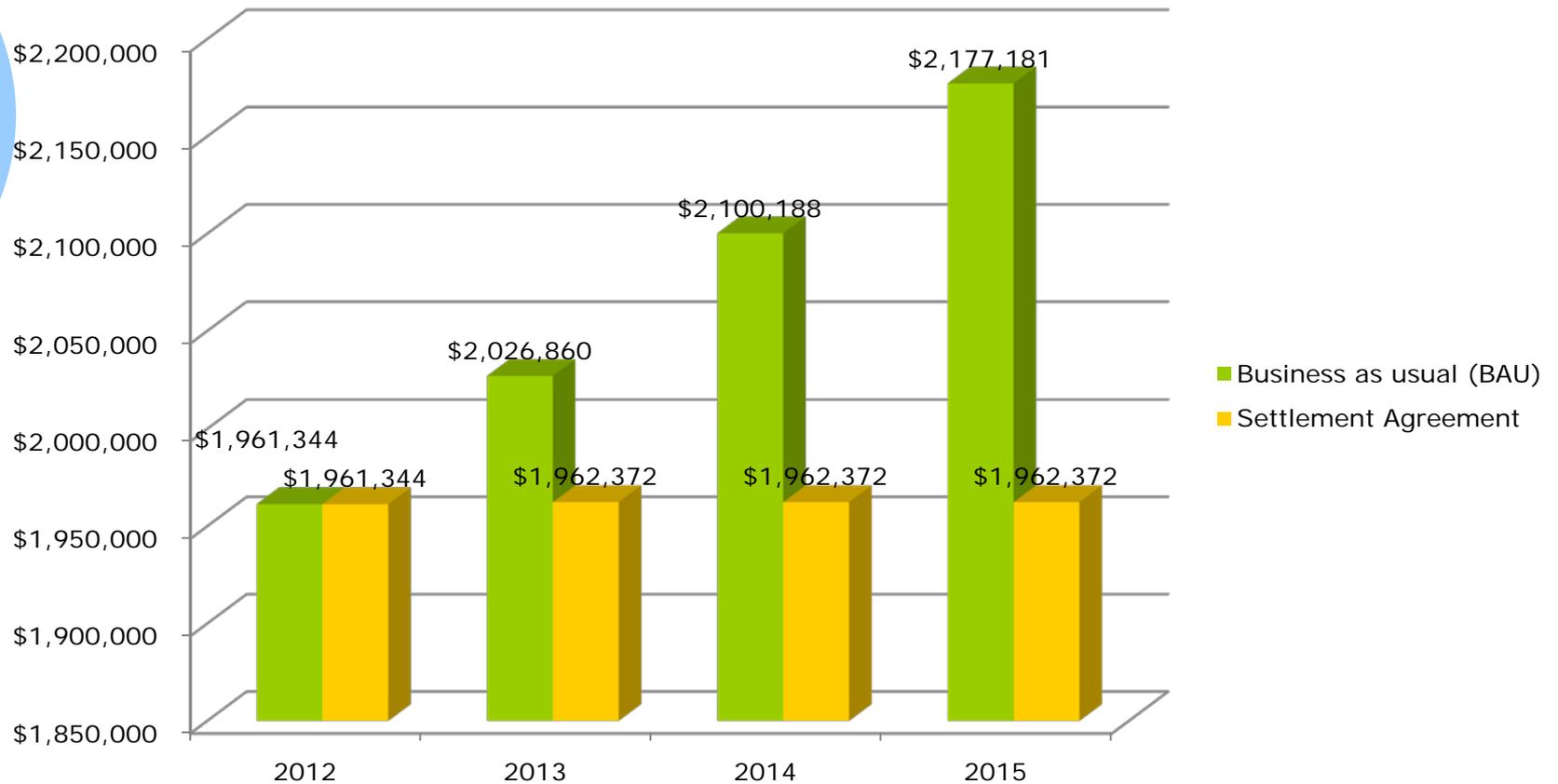
- IRC approved joining the Coalition for Affordable Street lights (CASL)
 - Moreno Valley, Yorba Linda, Torrance, Downey, Murrieta, Rancho Cucamonga and Upland
- Initial testimony and discovery phases
- SCE proposed ~5% annual increases for the next 3 yrs
- Reached a Settlement Agreement

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GRC Settlement Agreement



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SCE policy change

- SCE is willing to amicably sell street lights
 - Replacement costs new less depreciation model
 - SCE's capital investment (2012) \$642 or \$710 per pole
- Over 75% of HB's street lights are beyond one or more of the expected useful lives

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Proposition 39

- Provides \$550M annually for 5 years for clean energy projects in Gov't facilities
- Double the size of recent grants
- Legislation this session
 - SB 39, AB 29 and AB 39
 - Local governments are seeking amendments to remain eligible for funding

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Public-Private Partnership

- HB staff have run an RFQ for a long-term partner that will provide:
 - Guaranteed savings to General Fund
 - At least \$200K of 1st year savings
 - More savings depends on Prop 39 funding
 - Valuation/purchase support
 - Long-life, efficient, white light upgrades
 - Upgrades to dangerous, inefficient and outdated street light infrastructure
 - Long-term operations and maintenance
 - Equipment replacement reserves

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Public-Private Partnership

- Six respondents to the RFQ
 - Submissions and interview process
- Highest ranked proposer was
 - Siemens
- 1st phase of work – purchase activities under letter of intent
- City not liable unless we cancel

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Siemens Qualifications

Founded over 165 years ago, Stable long-term partner

Over \$480 Million in energy service contracts

Have completed over 100,000 street light retrofits

Maintains more the 400,000 street lights nationwide

Can complete project entirely in-house

Authored legislation allowing cities to purchase street lights

Guarantee no change orders on the scope of project



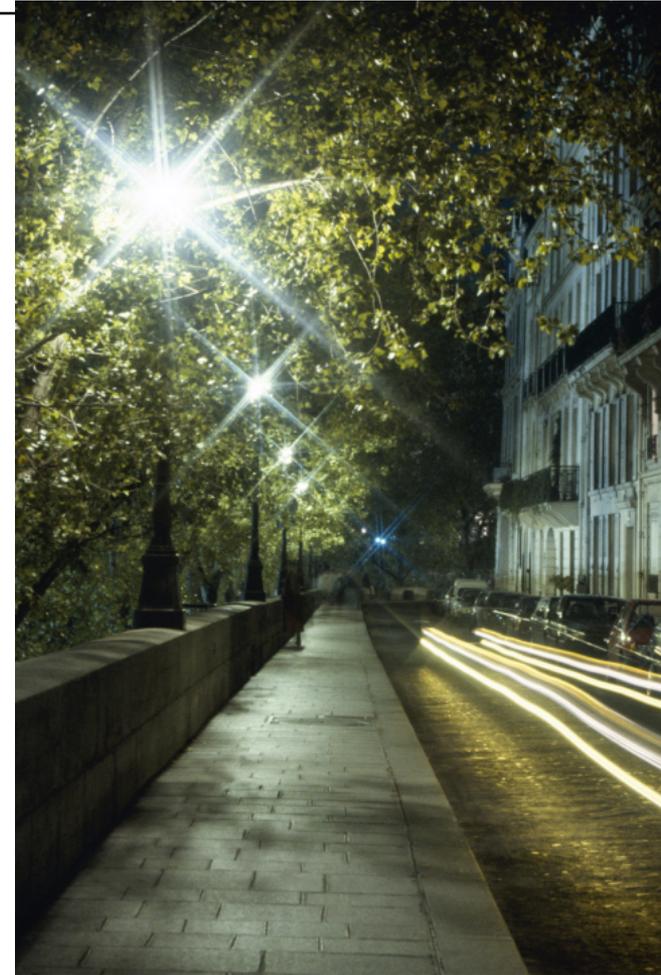
Siemens stands for technological excellence, innovation, quality, and reliability and is the world's largest provider of environmental technologies.



Streetlight Upgrade Benefits

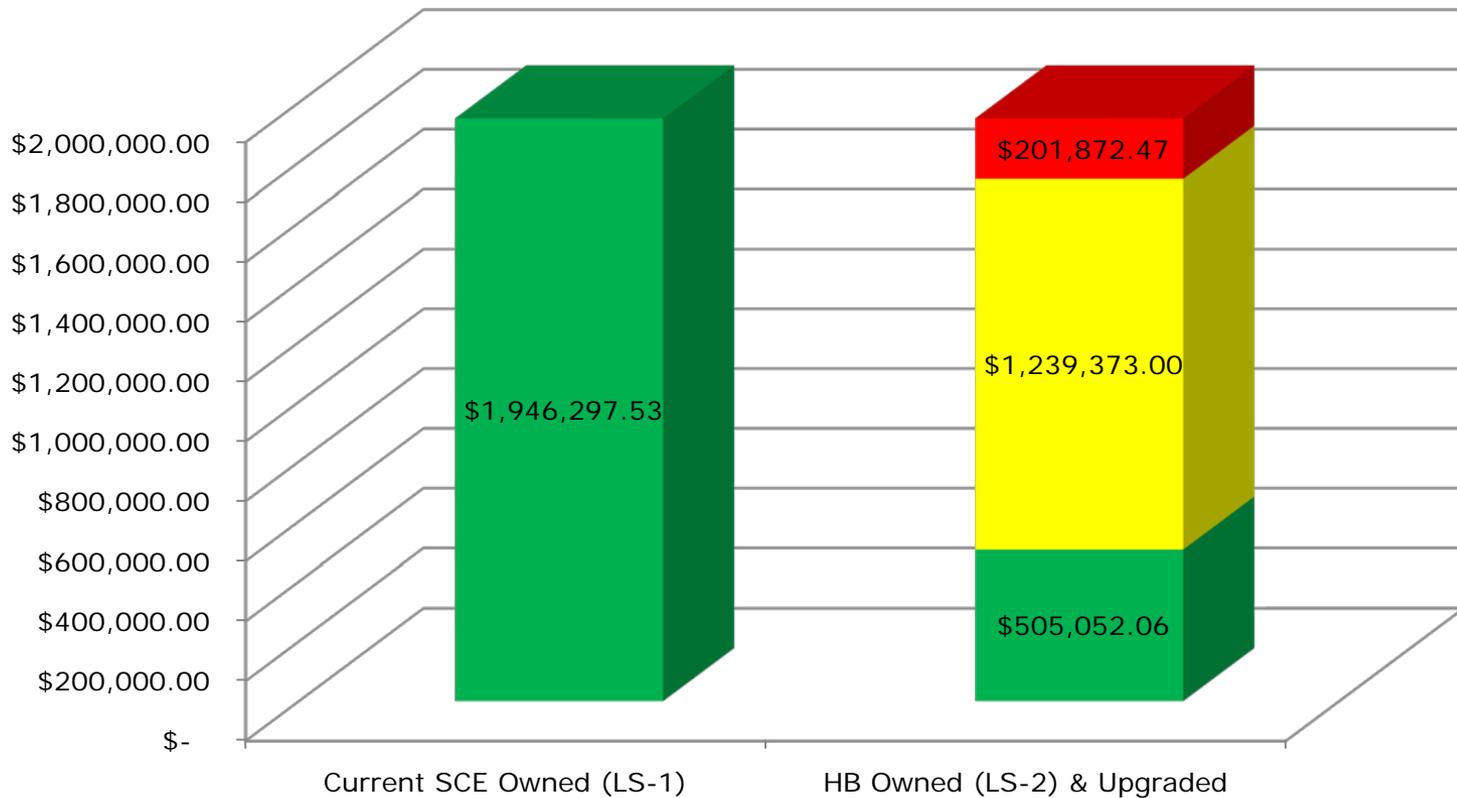
Siemens will:

- Develop a positive cash flow project with no upfront investment
- Provide full scope of energy project services
- Deliver a turnkey project on time and within budget
- Accelerate the timeline and cost savings
- Reallocate risk from city to Siemens
- Provide white light technology, consistent lighting, lower costs and a 10-year maintenance program





Purchase – Pro Forma



■ Annual Utility Budget ■ Purchase/Upgrade Debt Service & Annual Maint. ■ General Fund Savings

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Council approvals

- Phase 1
 - \$10K – SCE
 - Not to exceed \$68K Siemens
- Phase 2 – at a future meeting
 - To be determined – SCE
 - Not to exceed \$166K Siemens
- Final Approval – at a future meeting
 - Final economics and approval

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Street light Update

- Street lights are an essential service that sends a brand message about HB
- Large difficult to scrutinize item
- Never been subject to competition
- Re-structuring this service can:
 - Improve branding & infrastructure
 - Provide near term and long-term cost savings

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Street light Update

○ Questions?

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CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: JENNIFER McGRATH, City Attorney
DATE: Council Meeting – February 4, 2013
SUBJECT: Proposed Social Host Power point and Ordinance Revision

Attached please find a Power point presentation as well as the proposed amendment to Huntington Beach Municipal Code Chapter 8.42 (“Loud Parties”) to add penalties for social hosting where alcohol is served to minors.


JENNIFER McGRATH, City Attorney

Date: 1.31.13

c: Fred Wilson, City Manager
Bob Hall, Assistant City Manager
Ken Small, Police Chief

Social Hosting Ordinance

Based on direction from City Council, the City Attorney prepared a "Social Hosting Ordinance" that prohibits the hosting or allowing of gatherings at which minors are knowingly consuming alcoholic beverages.

- Several California cities have introduced similar ordinances in order to curb gatherings or events where alcoholic beverages are served or consumed by underage persons.
- Part of the public policy rationale for these ordinances are based on information from the Centers for Disease Control that reports consumption of alcohol by underage persons is a major public health problem in the United States.

Existing California Law prohibits contributing to the delinquency of minors (including providing alcoholic beverages to minors).

In addition, there is a California law that imposes civil liability for injuries resulting from a party where minors are consuming alcohol.

Similar to the City of Irvine, this new set of regulations will be combined with the City's existing "loud party" ordinance in Chapter 8.42 and now fine "responsible persons" and "hosts" who provide alcohol beverages to underage persons at gatherings or events.

• QUESTIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE
HUNTINGTON BEACH MUNICIPAL CODE BY AMENDING CHAPTER 8.42
RELATING TO LOUD PARTIES OR OTHER ACTIVITIES

WHEREAS, on February 7, 1994, the City Council adopted Ordinance 3229 to provide greater options for police officers for resolving loud parties and for the recovery of costs incurred for multiple police responses to loud party calls through the issuance of administrative citations as well as Police Service Fees; and

The occurrence of loud or unruly gatherings or events on private property where alcoholic beverages are served to or consumed by underage persons is harmful to the underage persons and a threat to public health, quiet enjoyment of private property and to the general welfare of residents; and

The Centers for Disease Control has determined that the consumption of alcohol by underage persons is a major public health problem and that alcohol use is the most commonly accessed and abused drug among youth in the United States; and

The City of Huntington Beach has a history of promoting and fostering a culture of health and recreation for children and youth; and

The City Council desires to amend the City's existing loud party regulations to hold liable responsible persons and hosts who provide alcohol beverages to underage persons at gatherings or events held on private property.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 8.42.005 of the Huntington Beach Municipal Code is hereby added as follows:

8.42.005 Intent and Purpose. The intent of this chapter is to address inadequate supervision of parties and other types of events or gatherings of people on private property resulting in loud and/or unruly behavior that constitutes a threat to the peace, health, safety, and/or general welfare of the public. This chapter is also intended to address the problem of hosts of such gatherings who fail to ensure that alcoholic beverages are not served to, possessed by, or consumed by underage persons. Hosts of parties, gatherings or events will be more likely to properly supervise or stop the consumption of alcohol by minors if they are held responsible for enabling or tolerating such conduct.

DRAFT

SECTION 2. Section 8.42.010 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.42.010 Definitions. The following words, phrases and terms as used in this chapter shall have the meaning as indicated below:

- (a) Alcohol means ethyl alcohol or hydrated oxide of ethyl from whatever source or by whatever process produced.
- (b) Alcoholic Beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Host is the person who owns the property where the party, gathering or event takes place; the person in charge of the premises and/or the person who organized the event. If the host is a minor, then the parents or guardians of that minor will be jointly and severally liable for the fee incurred for police services.
- (d) Juvenile means any person less than eighteen (18) years of age.
- (e) Large party, gathering or event is a group of persons who have assembled or are assembling for a social occasion or for a social activity.
- (f) Parent or legal guardian means a person who is a natural parent, adoptive parent, foster parent or step-parent of another person, or a person who, under court order, is the guardian of another person, or a public or private agency with which a minor has been placed by the court.
- (g) Party, gathering or event means a group of persons who have assembled or are assembling at a residence or other private property, whether such residence or property is owned, leased, rented or used without compensation.
- (h) Police services fee is the cost to the City of any special security assignment. Such fee may be either a flat fee of \$250.00 or an itemized fee based on, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing City equipment and property, the cost of any medical treatment of injured police officers.
- (i) Responsible person or host means any of the following:
 - 1. Any person or entity that owns, rents, leases, or otherwise has control of a residence or other private property, including without limitation a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
 - 2. Any person or entity present at a party, gathering, or event who provides an alcoholic beverage to anyone under the age of twenty-one (21) years.
 - 3. Any person or entity present at a party, gathering or event where unruly or loud

conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls, or willingly accepts responsibility for such a party, gathering or event.

- (j) Special security assignment is the assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the distribution of a written notice to the host that a fee may be imposed for costs incurred by the City for any subsequent police response.
- (k) Underage person means any person less than twenty-one (21) years of age.
- (l) Unruly or loud conduct includes the obstruction of streets by crowds of vehicles, public drunkenness, public urination, service to, possession of or consumption of alcoholic beverages by an underage person, assaults, batteries or other disturbances of the peace including, but not limited to, vandalism, littering or other conduct that constitutes a threat to public health, safety, or quiet enjoyment of residential property or public property.

SECTION 3. Section 8.42.031 of the Huntington Beach Municipal Code is hereby added to read as follows:

8.42.031 Prohibition on parties, gatherings or events where alcohol is served to, consumed by or in the possession of an underage person.

It is unlawful and a public nuisance for a responsible person or host to cause or allow a party, gathering or event to occur at any residence or other private property at which any underage person is being served, is in possession of, or is consuming an alcoholic beverage, if the responsible person or host knows or reasonably should know that an underage person is being served, is in possession of, or is consuming an alcoholic beverage. A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section. A responsible person or host shall be presumed to have knowledge that an underage person was being served, was in possession of, or was consuming an alcoholic beverage at a party, gathering or event if the responsible or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include without limitation: controlling the access to and serving of alcoholic beverages to underage persons, and monitoring the responsible, safe and lawful conduct of underage persons.

SECTION 4. Section 8.42.032 of the Huntington Beach Municipal Code is hereby added to read as follows:

8.42.032 Exempted activities. This chapter shall not apply to, nor be construed to apply to, any of the following:

- A. A responsible person or host who takes all reasonable steps, including, but not limited to requesting assistance of law enforcement, to exclude all uninvited persons at a gathering who provide, serve or facilitate the possession of consumption of alcohol by an underage person.
- B. Conduct protected under the United States and/or California Constitution, including but

not limited to religious activities protected by Article I, Section 4 of the California Constitution.

- C. Conduct regulated by state and/or federal law or regulation, including but not limited to the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

SECTION 5. Section 8.42.033 of the Huntington Beach Municipal Code is hereby added to read as follows:

8.42.033 Violations.

- A. For any responsible person or host who is a juvenile, each parent and/or legal guardian of the juvenile shall be considered a responsible person(s) liable for any fines, penalties and fees imposed pursuant to this chapter.
- B. Each separate violation of section 8.42.031 shall be subject to the issuance of a Civil Citation to each responsible person and host. Each separate violation shall, in addition to any police services fee that may be assessed pursuant to this chapter, be subject to the following administrative fines:
 - 1. For a first violation, an administrative fine shall not exceed seven hundred fifty dollars (\$750).
 - 2. For a second violation within a 12-month period, an administrative fine shall not exceed one thousand five hundred dollars (\$1,500).
 - 3. For a third violation, or any subsequent violation thereafter, within a 12-month period, an administrative fine shall not exceed three thousand dollars (\$3,000).

SECTION 6. Section 8.42.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.42.040 Cost; Collection. The Chief of Police shall notify the City Treasurer in writing of the performance of a special security assignment and/or administrative fees imposed pursuant to this chapter, of the name and address of the responsible person or persons, the date and time of the incident, the services performed, the costs thereof and such other information as may be required. The City Treasurer shall thereafter cause appropriate billings to be made.

SECTION 7. Section 8.42.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.42.050 Administrative Appeal. An administrative appeal of a police service fee and/or administrative fines imposed pursuant to this Chapter may be made to the Chief of Police or his designee within ten (10) business days from the date of mailing of the billing. The request for a hearing shall be in writing and addressed to the Chief of Police and shall include a copy of the billing and grounds for the appeal.

SECTION 8. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2013.

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Manager

Mayor

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Police Chief

DRAFT

DRAFT

LEGISLATIVE DRAFT

Chapter 8.42

USE OF POLICE SERVICES AT LOUD PARTIES OR OTHER ACTIVITIES

(2956-9/88, 3229-3/94)

Sections:

- 8.42.005 Intent and Purpose
- 8.42.010 Definitions
- 8.42.020 Initial Police Responses to Large Parties, Gatherings or Events
- 8.42.030 Subsequent Police Responses to Large Parties, Gatherings or Events; Liability
- 8.42.031 Prohibition on parties, gatherings or events where alcohol is served to, consumed by or in the possession of an underage person.
- 8.42.032 Exempted activities
- 8.42.040 Cost; Collection

8.42.005 Intent and Purpose. The intent of this chapter is to address inadequate supervision of parties and other types of events or gatherings of people on private property resulting in loud and/or unruly behavior that constitutes a threat to the peace, health, safety, and/or general welfare of the public. This chapter is also intended to address the problem of hosts of such gatherings who fail to ensure that alcoholic beverages are not served to, possessed by, or consumed by underage persons. Hosts of parties, gatherings or events will be more likely to properly supervise or stop the consumption of alcohol by minors if they are held responsible for enabling or tolerating such conduct.

8.42.010 Definitions. The following words, phrases and terms as used in this chapter shall have the meaning as indicated below:

- (a) Alcohol means ethyl alcohol or hydrated oxide of ethyl from whatever source or by whatever process produced.
- (b) Alcoholic Beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (bc) Host is the person who owns the property where the party, gathering or event takes place; the person in charge of the premises and/or the person who organized the event. If the host is a minor, then the parents or guardians of that minor will be jointly and severally liable for the fee incurred for police services. (2956-9/88)
- (d) Juvenile means any person less than eighteen (18) years of age.
- (ae) Large party, gathering or event is a group of persons who have assembled or are assembling for a social occasion or for a social activity. (2956-9/88)
- (f) Parent or legal guardian means a person who is a natural parent, adoptive parent,

foster parent or step-parent of another person, or a person who, under court order, is the guardian of another person, or a public or private agency with which a minor has been placed by the court.

(g) Party, gathering or event means a group of persons who have assembled or are assembling at a residence or other private property, whether such residence or property is owned, leased, rented or used without compensation.

(eh) Police services fee is the cost to the City of any special security assignment. Such fee may be either a flat fee of \$250.00 or an itemized fee based on, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing City equipment and property, the cost of any medical treatment of injured police officers. (2956-9/88, 3229-3/94)

(i) Responsible person or host means any of the following:

1. Any person or entity that owns, rents, leases, or otherwise has control of a residence or other private property, including without limitation a hotel/motel room or rented or leased area, where a party, gathering or event occurs.

2. Any person or entity present at a party, gathering, or event who provides an alcoholic beverage to anyone under the age of twenty-one (21) years.

3. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls, or willingly accepts responsibility for such a party, gathering or event.

(dj) Special security assignment is the assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the distribution of a written notice to the host that a fee may be imposed for costs incurred by the City for any subsequent police response. (2956-9/88)

(k) Underage person means any person less than twenty-one (21) years of age.

(l) Unruly or loud conduct includes the obstruction of streets by crowds of vehicles, public drunkenness, public urination, service to, possession of or consumption of alcoholic beverages by an underage person, assaults, batteries or other disturbances of the peace including, but not limited to, vandalism, littering or other conduct that constitutes a threat to public health, safety, or quiet enjoyment of residential property or public property.

8.42.020 Initial Police Responses to Large Parties, Gatherings or Events.

When any police officer responds to any large party, gathering or event, and that

police officer determines that there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host or hosts that a subsequent response to that same location or address within a thirty (30) day period, such response or responses shall be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event and that the host may be liable for a police services fee as defined in this chapter. (2956-9/88, 3229-3/94)

8.42.030 Subsequent Police Responses to Large Parties, Gatherings or Events; Liability.

If after a written notice is issued pursuant to section 8.42.020, a subsequent police response or responses is necessary to the same location or address within a thirty (30) day period, such response or responses shall be deemed a special security assignment. Persons previously warned shall be jointly and severally liable for a police services fee as defined in this chapter. (2956-9/88, 3229-3/94)

The amount of such fee shall be a debt owed to the City by the person or persons warned, and if he or she is a minor, the debt shall be owed by his or her parents or guardians. In no event shall the fee be more than \$1000.00. (2956-9/88)

The City reserves its rights to seek reimbursement for actual costs exceeding \$1000.00 through other legal remedies or procedures. (2956-9/88)

The subsequent response may also result in the arrest and/or citation of violators of the state penal code or other regulations, ordinances or laws. (2956-9/88)

8.42.031 Prohibition on parties, gatherings or events where alcohol is served to, consumed by or in the possession of an underage person.

It is unlawful and a public nuisance for a responsible person or host to cause or allow a party, gathering or event to occur at any residence or other private property at which any underage person is being served, is in possession of, or is consuming an alcoholic beverage, if the responsible person or host knows or reasonably should know that an underage person is being served, is in possession of, or is consuming an alcoholic beverage. A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section. A responsible person or host shall be presumed to have knowledge that an underage person was being served, was in possession of, or was consuming an alcoholic beverage at a party, gathering or event if the responsible or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include without limitation: controlling the access to and serving of alcoholic beverages to underage persons, and monitoring the responsible, safe and lawful conduct of underage persons.

8.42.032 Exempted activities. This chapter shall not apply to, nor be construed to apply to, any of the following:

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- B. Conduct protected under the United States and/or California Constitution, including but not limited to religious activities protected by Article I, Section 4 of the California Constitution.
- C. Conduct regulated by state and/or federal law or regulation, including but not limited to the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

8.42.033 Violations.

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- B. Each separate violation of section 8.42.031 shall be subject to the issuance of a Civil Citation to each responsible person and host. Each separate violation shall, in addition to any police services fee that may be assessed pursuant to this chapter, be subject to the following administrative fines:

- 1. For a first violation, an administrative fine shall not exceed seven hundred fifty dollars (\$750).
- 2. For a second violation within a 12-month period, an administrative fine shall not exceed one thousand five hundred dollars (\$1,500).
- 3. For a third violation, or any subsequent violation thereafter, within a 12-month period, an administrative fine shall not exceed three thousand dollars (\$3,000).

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8.42.050 Administrative Appeal. An administrative appeal of a police service fee and/or administrative fines imposed pursuant to this Chapter, may be made to the Chief of Police or his designee within ten (10) business days from the date of mailing of the billing. The request for a hearing shall be in writing and addressed to the Chief of Police and shall include a copy of the billing and grounds for the appeal. (3229-3/94)

SUPPLEMENTAL COMMUNICATION

Meeting Date: 2/4/2013

Agenda Item No. 9 CALIFORNIA REFORM SEX OFFENDER LAWS (CA RSOL)
8721 Santa Monica Boulevard, Box 855
Los Angeles, CA 90069
(805) 896-7854

February 1, 2013

Mayor Connie Boardman
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Mayor Boardman and Members of the City Council:

There are two purposes for this letter: (1) to request that the City of Huntington Beach cease any further consideration of Ordinance No. 3969 which would modify Section 9.22.030 of the Huntington Beach Municipal Code and (2) to request that the City of Huntington Beach repeal Chapter 9.22, "Sex Offender Prohibitions" of that Code.

The Council's further consideration of Ordinance No. 3969 would be a meaningless act and would increase the City's legal liability. As the Council should be aware, Orange County has a similar provision in its ordinance which allows for the possibility of obtaining written permission from law enforcement to enter a public park. Orange County has only granted permission to one applicant to enter a public park despite applications from more than a dozen registered sex offenders.

As the Council should also be aware, inclusion of the possibility of a registrant obtaining written permission from the Chief of Police or his/her designee does not undo the harm that has been created through the City's adoption of Chapter 9.22 because that chapter violates both the state and federal constitutions. And it does not eliminate or reduce the City's potential legal liability for that chapter.

Why? Because the Superior Court of Orange County ruled in November 2012 that the Orange County ordinance which prohibits all registrants from entering all public parks and other recreational areas violates the state constitution as it is preempted by state law. Due to this court's decision, the county ordinance cannot be enforced. Although that decision has been appealed, the decision remains in effect until and unless it is overturned.

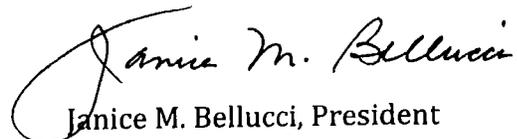
A decision by the City Council of Huntington Beach to follow the example of Orange County is without merit and would continue the city's exposure to significant legal liability. A more sound strategy would be to follow the example set by the City of Lake Forest which repealed its ordinance in December 2012 after determining that its sex offender ordinance was not required because there are adequate protections, including state laws, to ensure

public safety. Your decision to repeal the sex offender ordinance in Huntington Beach would ensure continued public safety as well as eliminate the significant legal liability created by adoption of that ordinance.

In closing, we bring to your attention an excerpt from a report of the California Department of Corrections and Rehabilitation issued in October 2012. According to page 30 of that report, the rate of re-offense for a registrant is only 1.9 percent, that is, less than two percent of registrants commit a second sex-related crime. This fact refutes the finding in Chapter 9.22.010(g) that sex offenders "have high recidivism rates". The complete CDCR report can be found online at www.cdcr.ca.gov.

Thank you for your consideration of this request. The California Reform Sex Offender Laws organization remains available to consult with the City of Huntington Beach on these important matters.

Sincerely,



Janice M. Bellucci, President
Attorney-at-Law



**California Department of Corrections
And Rehabilitation**

2012 Outcome Evaluation Report

**Office of Research
October 2012**

Examination into this finding reveals that across the three years, the greatest increase occurred in the one-year recidivism rates for sex registrants (+4.2 percentage points). As reported previously, this may be an artifact of CDCR policies related to Jessica's Law, passed in November 2006, which led to increased supervision of sex registrants.

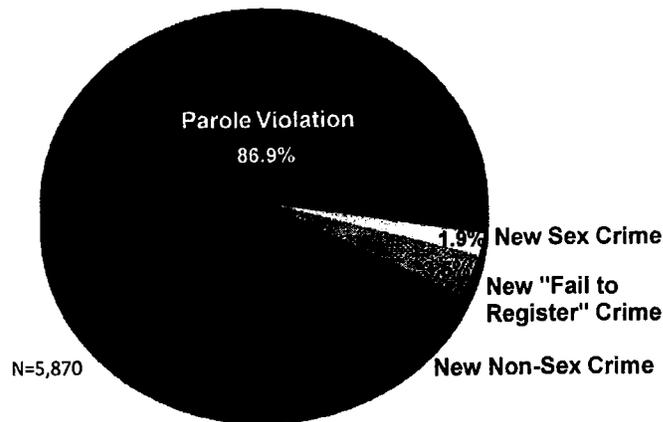
Table 11. Recidivism Rates by Sex Registration Flag

Sex Registration Flag	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Yes	3,859	2,312	59.9%	4,631	3,558	76.8%	8,490	5,870	69.1%
No	63,062	34,603	54.8%	44,469	33,452	75.2%	107,525	68,015	63.3%
Total	66,921	36,875	55.1%	49,084	37,010	75.4%	116,005	73,885	63.7%

4.5.5 Recidivism Offense for Sex Registrants

Figure 11. Sex Registrant Recidivism Offense

Offenders who are required to register as a sex offender are more likely to be recommitted to CDCR for a new nonsex crime than for a new sex crime.



Recidivating sex registrants are more often returned to prison for a new non-sex crime than for a new sex crime. As seen in Figure 11 and Table 12, a larger proportion of sex registrants return to prison for a new non-sex crime offense (7.8 percent). In response to stakeholder input, the "new sex crime" category has been further delineated to separate new crimes that were due to a failure to register as a sex offender. The results show that most of the new crimes are due to those who fail to register as a sex offender (3.5 percent) and about 2.0 percent are due to new sex crimes being committed.

CIRCULATION ELEMENT UPDATE



Feb. 4, 2013

CIRCULATION ELEMENT UPDATE

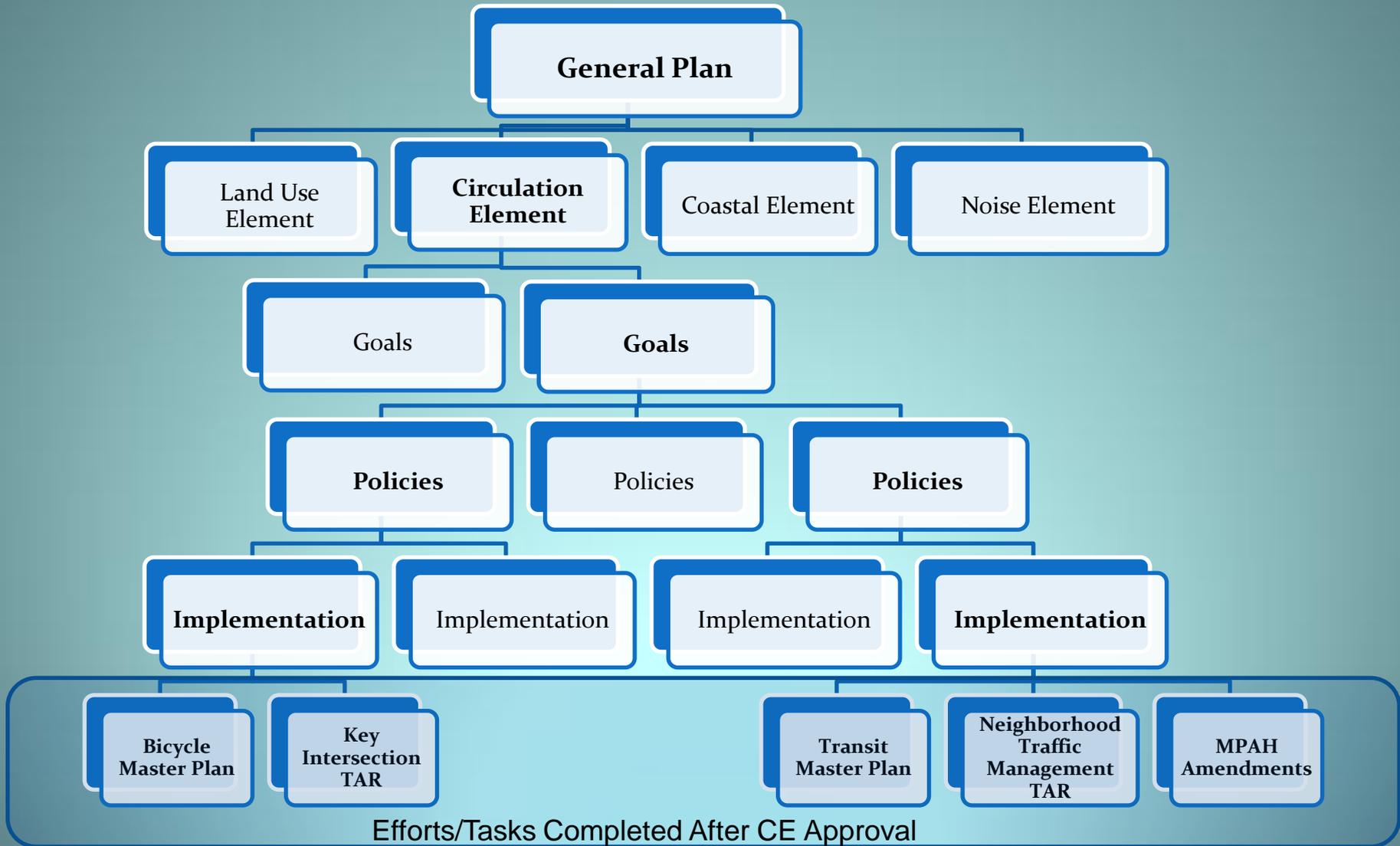
Background:

- Current General Plan adopted in 1996 – Policy framework for all future development.
- Circulation Element is one of required elements.

CIRCULATION ELEMENT UPDATE

- Purpose is to evaluate long-term transportation needs of the city and present guiding policies and goals to meet current and future mobility needs.
- Entire Element is being updated.
- Update was reviewed by Ad Hoc Committee comprised of members from City Council, Planning Commission, and Public Works Commission.

General Plan Hierarchy Example



CIRCULATION ELEMENT UPDATE

Topics addressed include:

- ✓ Regional Mobility
- ✓ Local Road System
- ✓ Neighborhood Traffic Management
- ✓ Public Transportation
- ✓ Transportation Demand Management and Air Quality
- ✓ Parking
- ✓ Pedestrian, Bicycle, and Equestrian Paths, and Waterways
- ✓ Scenic Corridors

CIRCULATION ELEMENT UPDATE

Major Changes:

- ✓ Updated goals, policies, objectives
- ✓ Revised Level of Service Standard
- ✓ 2030 land use projections and updated citywide traffic model
- ✓ Roadway classification recommended changes
- ✓ Master Plan of Arterial Highway (MPAH) recommended changes
- ✓ Use of Technical Administrative Reports
- ✓ Address new legislative requirements

CIRCULATION ELEMENT UPDATE

Level of Service (LOS) Standards

Currently

- ✓ All intersections LOS D
- ✓ All links LOS C

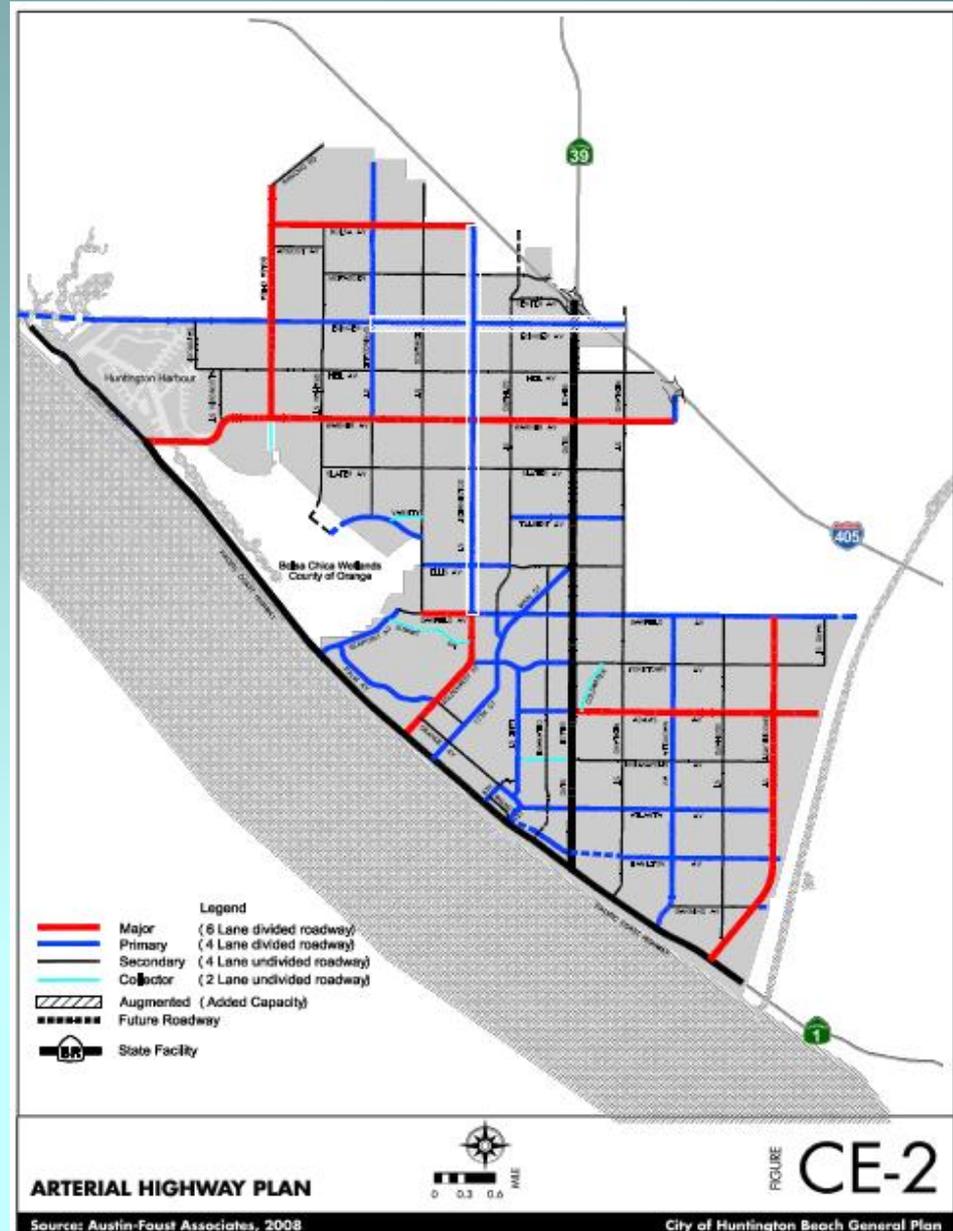
Proposed

- ✓ Critical intersections LOS E
- ✓ Principal intersections LOS D
- ✓ Secondary intersections LOS C

Reflects a better balanced system with flexibility to address unique conditions.

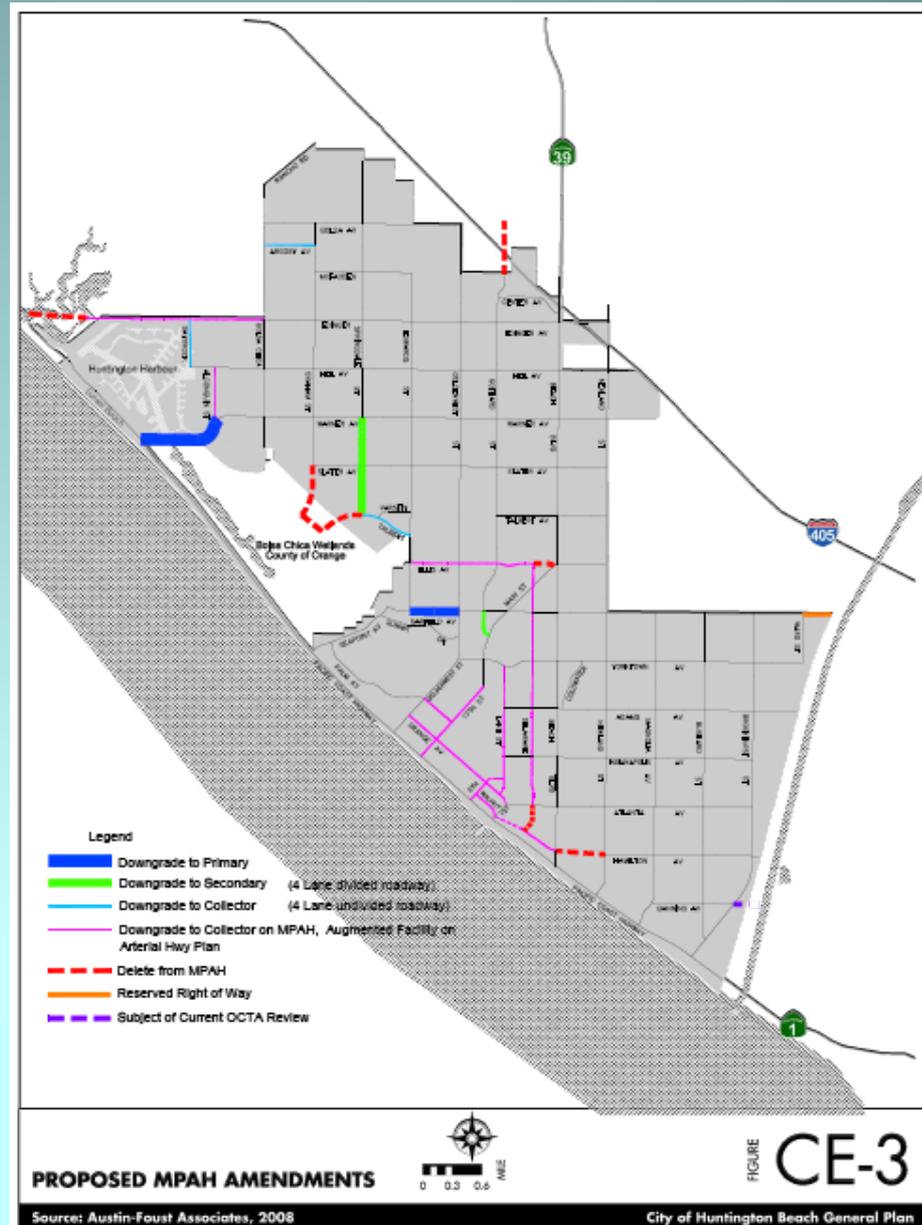
CIRCULATION ELEMENT UPDATE

Initial Arterial Highway Plan Consistent with MPAH, includes Banning Extension



CIRCULATION ELEMENT UPDATE

MPAH
Changes –
includes
Future
Banning
deletion
consistent
with OCTA
action.



CIRCULATION ELEMENT UPDATE

Technical Administrative Reports (TAR)

- Pertains to an individual technical issue.
- Allows ongoing updates to stay current.
- TAR examples:
 - ✓ Principal and Secondary Intersection
 - ✓ Neighborhood Traffic Management
 - ✓ Pedestrian Facilities
 - ✓ Scenic Corridor

BICYCLE MASTER PLAN

- Current and Proposed Circulation Element Recommendation (Implementation)
- Funded preparation in FY 2011/12 Budget (AQMD Funds)
- Specialty consultant retained
- Comprehensive plan
- Administrative Draft currently being reviewed
- Public review of final draft – early Spring 2013
- Final for approval by mid to late Summer 2013

CIRCULATION ELEMENT UPDATE

Public Participation:

- ✓ Three City Council Study Sessions (2008, 2012, 2013)
- ✓ EIR Scoping Meeting (2009)
- ✓ 30-day EIR Notice of Preparation public review period (2009)
- ✓ 45-day Draft EIR and Circulation Element public review period
- ✓ Planning Commission Study Session
- ✓ Planning Commission Public Hearing – EIR Approved, recommended approval to City Council (November 2012)
- ✓ City Council Public Hearing Feb. 4, 2013

RECOMMENDATION

Planning Commission and staff recommend approval because the update:

- Is consistent with the General Plan;
- Allows us to meet future needs;
- Reflects a more accurate circulation system capacity; and
- Allows ongoing updates to stay current.



END