

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

December 4, 2012

FROM: GERRY NEWCOMBE, Director
Flood Control District

SUBJECT: ORDINANCE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RELATING TO THE PROHIBITION OF PARKING ON ALL DISTRICT PROPERTY; REMOVAL OF VEHICLES PARKED IN VIOLATION OF THE ORDINANCE; ENFORCEMENT

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District (District), read title only of the proposed ordinance relating to the prohibition of parking on all District property; removal of vehicles parked in violation of the ordinance; enforcement; waive reading of the entire text and **CONTINUE TO TUESDAY, DECEMBER 18, 2012 FOR ADOPTION** on the consent calendar.

*Tommy Mushegain, Jr. addresses the Board regarding Item #40

(Presenter: Gerry Newcombe, Director, 387-7906)

BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES

**Improve County Government Operations.
Maintain Public Safety.**

FINANCIAL IMPACT

This item will have minimal financial impact on the District.

BACKGROUND INFORMATION

The purpose of this ordinance, as authorized by California Vehicle Code (§§ 22651 and 22651.05) is to allow the District, as a local authority and in furtherance of its statutory mission, to post "NO PARKING" signs on San Bernardino County Flood Control District property and property subject to the District's easements to establish that it shall be unlawful to park or leave vehicles unattended where "NO PARKING" signs are posted. It also provides for enforcement by allowing the removal of vehicles in violation of this ordinance by sworn peace officers and by those regular employees whose duties include directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency. The District will enter into appropriate enforcement MOUs as needed with applicable municipalities whose territorial jurisdictions include District owned or controlled properties and with appropriate County

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cc: Flood-Newcombe
Code Enforcement-Rogers
CAO-Valdez
File -
jr 12/18/12

ITEM 40

Record of Action of the Board of Supervisors

**CONTINUED TO TUES., DECEMBER 18, 2012, FOR
ORDINANCE ADOPTION
COUNTY OF SAN BERNARDINO
Board of Supervisors**

MOTION	<u>AYE</u>	<u>SECOND</u>	<u>MOVE</u>	<u>ABSENT</u>	<u>AYE</u>
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: December 04, 2012

**ORDINANCE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RELATING TO THE PROHIBITION OF PARKING ON ALL DISTRICT PROPERTY; REMOVAL OF VEHICLES PARKED IN VIOLATION OF THE ORDINANCE; ENFORCEMENT
DECEMBER 4, 2012
PAGE 2 OF 2**

departments (e.g. the San Bernardino County Sheriff's Department; the San Bernardino County Land Use Services Department, Code Enforcement Division; or other County department or division designated by the Chief Executive Officer of San Bernardino County, or his authorized deputies).

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles S. Scolastico, Principal Assistant County Counsel and S. Mark Strain, Deputy County Counsel, 387-5455) on August 23, 2012, Land Use Services Department (Randy Rogers, Code Enforcement Program Manager, 387-4688) on September 9, 2012, and the County Administrative Office (Beatriz Valdez, Public Works Chief Financial Officer, 387-1852) on November 14, 2012.

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

December 18, 2012

**FROM: GERRY NEWCOMBE, Director
Flood Control District**

SUBJECT: ADOPTION - ORDINANCE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RELATING TO THE PROHIBITION OF PARKING ON ALL DISTRICT PROPERTY; REMOVAL OF VEHICLES PARKED IN VIOLATION OF THE ORDINANCE; ENFORCEMENT

RECOMMENDATION(S)

CONTINUED FROM TUESDAY, DECEMBER 4, 2012, ITEM #40 – Adopt **Ordinance No. FCD12-03** relating to the prohibition of parking on all District property; removal of vehicles parked in violation of the ordinance; enforcement.
(Presenter: Gerry Newcombe, Director, 387-7906)

BACKGROUND INFORMATION

The title of the ordinance relating to the prohibition of parking on all District property; removal of vehicles parked in violation of the ordinance; enforcement was read on December 4, 2012. The recommendation before the Board of Supervisors today will adopt the ordinance on the consent calendar.

cc: w/ ordinance
Flood-Newcombe
County Counsel-Messer
File - Flood w/ attach
jr 12/20/12

ITEM 102

Record of Action of the Board of Supervisors

**APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
County Flood Control District**

MOTION	<u>AYE</u>	<u>AYE</u>	<u>MOVE</u>	<u>SECOND</u>	<u>AYE</u>
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: December 18, 2012

1 SECTION 3. Applicability.

2 This ordinance applies to all property owned, operated and/or maintained by the
3 District, including property over which the District holds easement rights.

4
5 SECTION 4. Posting of Signs.

6 Signs that carry the message of "no stopping" or "no parking," and the additional
7 message of "tow-away zone," or signs carrying substantially similar messages, shall be
8 posted and maintained by the District in a manner and at such places that are
9 reasonably calculated to give notice of the parking restriction and removal provision
10 contained in this ordinance.

11
12 SECTION 5. Parking on Flood Control District Property Prohibited.

13 It shall be unlawful at all times for any person, who is not exempt under Section 8
14 of this ordinance, to stop or park a vehicle, or to leave a vehicle unattended or
15 unoccupied, on any real property owned, operated and/or maintained by the District,
16 including property over which the District holds easement rights.

17
18 SECTION 6. Destruction of District Signage.

19 It shall be a violation of this ordinance for any person to damage, deface, or
20 destroy any District sign under the standards set forth in Penal Code § 594.

21
22 SECTION 7. Removal of Vehicles.

23 Any vehicle that is stopped or parked in violation of Section 5 of this ordinance
24 may be removed pursuant to California Vehicle Code §§ 22651(n) and 22651.05 (a)(4)
25 or any successor provisions thereof.

26
27 SECTION 8. Exemptions.

28 A. All law enforcement and fire fighting agencies and state and federal

1 government agencies are exempt from this ordinance.

2 B. All persons operating private vehicles pursuant to a valid permit issued by
3 the District for conducting activities on District property are exempt from Section 5 of
4 this ordinance, subject to the limitations of the permit issued.

5 C. All persons possessing a valid permit issued by the District allowing
6 access and entry onto District property are exempt from Section 5 of this ordinance,
7 subject to the limitations of the permit issued.

8 D. All fee owners of property who have granted an easement to the District
9 are exempt from Section 5 of this ordinance with respect to the area of that easement.

10 E. All persons to whom the District has granted an easement are exempt
11 from Section 5 of this ordinance with respect to the area of that easement.

12 F. All persons authorized to park pursuant to a written agreement with the
13 District are exempt from Section 5 of this ordinance.

14

15 SECTION 9. Severability.

16 The Board of Supervisors of the San Bernardino County Flood Control District
17 declares that it would have adopted this ordinance and each section, sentence, clause,
18 phrase, or portion of it, irrespective of whether any one or more sections, subsections,
19 clauses, phrases or portions of it is declared invalid or unconstitutional. If for any
20 reason any portion of this ordinance is declared invalid or unconstitutional, then all other
21 provisions of it shall remain valid and enforceable.

22

23 SECTION 10. This ordinance shall take effect thirty (30) days from the date of
24 adoption.

25

26

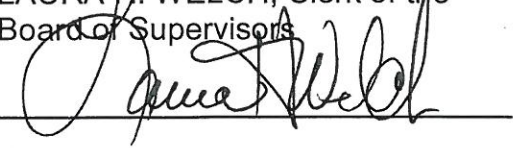
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28


JOSIE GONZALES, Chair
Board of Supervisors
San Bernardino County Flood Control District

1 SIGNED AND CERTIFIED THAT A COPY
2 OF THIS DOCUMENT HAS BEEN DELIVERED
3 TO THE CHAIR OF THE BOARD

4 LAURA H. WELCH, Clerk of the
5 Board of Supervisors

6 

7 STATE OF CALIFORNIA)
8) ss.
9 COUNTY OF SAN BERNARDINO)

10 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the San Bernardino
11 County Flood Control District of San Bernardino County, State of California, hereby
12 certify that at a regular meeting of the Board of Supervisors of said County and State,
13 held on the 18th day of December, 2012, at which meeting were present
14 Supervisors:

15 Lovingood, Rutherford, Ramos, Ovitt, Gonzales

16 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
17 to wit:

18 AYES: SUPERVISORS: **Lovingood, Rutherford, Ramos, Ovitt, Gonzales**
19 NOES: SUPERVISORS: **None**
20 ABSENT: SUPERVISORS: **None**

21 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
22 seal of the Board of Supervisors this 18th day of December, 2012.

23 LAURA H. WELCH, Clerk of the Board
24 of Supervisors of the San Bernardino County
25 Flood Control District of San Bernardino County,
26 State of California

27 
28 Deputy


29 Approved as to Form:

30 JEAN-RENE BASLE
31 County Counsel

32 By: 
33 KENNETH C. HARDY
34 Deputy County Counsel

35 Date: 10/15/12