

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

June 14, 2022

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Introduction of Proposed Ordinance Relating to Public Safety, Prohibition of Trespass, and Enforcement

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Consider proposed ordinance relating to public safety, prohibition of trespass, and enforcement.
2. Make alterations, if necessary, to proposed ordinance.
3. Approve introduction of proposed ordinance:
 - An ordinance of the San Bernardino County Flood Control District, San Bernardino County, State of California, to repeal Ordinance No. 12-02 and to add an uncodified ordinance relating to public safety; the protection and preservation of district property, resources, and infrastructure; prohibition of trespass; and enforcement.
4. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, JUNE 28, 2022 on the Consent Calendar.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property taxes, fees, and other local, state, and federal funding. The action to adopt this ordinance has minimal financial impact to the District.

BACKGROUND INFORMATION

On July 24, 2012 (Item No. 67), the Board of Supervisors (Board) adopted Ordinance No. FCD 12-02 to establish that it shall be unlawful to trespass on District property such as flood control channels, levees and basins where access and entry is prohibited, whether or not the person doing so is an equestrian, pedestrian, or operator of a private vehicle. Ordinance No. FCD 12-02 outlined the applicable fines and civil penalties for criminal actions, which included misdemeanor violation citations varying from a base fine of \$500 up to a maximum of \$1,000. Ordinance No. FCD 12-02 also established that as an alternative to the criminal or civil prosecution, all violations of the ordinance may be subject to enforcement through the initiation of an administrative citation action in the same manner as provided by the San Bernardino

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County Code Title I; Government and Administration; Division 1; General Provisions; Chapter 2: Violations and Enforcement; Section 11.0208 Administrative Citation Actions.

The proposed ordinance repeals Ordinance No. FCD 12-02 and provides clarification on the citing, charging, and filing of any criminal violations as either a misdemeanor or an infraction, at the discretion of the citing officer and the prosecuting attorney, based on the facts and circumstance of each case. The misdemeanor violation citation amounts have been increased to a maximum of \$2,000, from the previous \$1,000, and administrative citation amounts have been increased to \$500 for the first violation, to \$1,000 for the second violation within a year of the first violation, and to \$2,000 for the third violation within a year. District signs will be modified as needed to incorporate the new ordinance number.

All District property that is the site of District-operated and maintained facilities, infrastructure or equipment is declared to not constitute a public forum in this ordinance.

Approval of this item aligns with the County and Chief Executive Officer's goals and objectives of improving County government operations and providing for the safety, health and social service needs of County residents by outlining elements pertaining to the enforcement of the proposed ordinance.

If approved, the proposed ordinance shall be scheduled for final adoption at the Board's June 28, 2022 general meeting. The ordinance shall take effect 30 days from the date of adoption.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on May 19, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 7, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on February 11, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

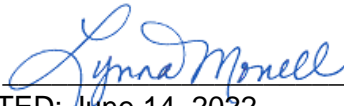
APPROVED (CONSENT CALENDAR)

Moved: Dawn Rowe Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY



DATED: June 14, 2022



cc: File w/ Final BAI

JLL 06/17/2022