

**RESOLUTION NO. 2021- 34A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DELEGATING ADMINISTRATIVE CITATION ABILITIES TO THE PRIVATE SECURITY COMPANY, ADOPTING AN ILLEGAL FIREWORKS ENFORCEMENT BAIL SCHEDULE, AND FIREWORKS ENFORCEMENT BUDGET**

**WHEREAS**, on July 14, 2020, the Fire Department provided the City Council with a report following the 4<sup>th</sup> of July, and recommended the City increase and improve its policies around illegal fireworks; and

**WHEREAS**, on March 23<sup>rd</sup>, 2021, the City Council adopted Resolution 2021-15, and its Strategic Plan and upholding the “Quality of Life” is the 5<sup>th</sup> Strategy; and

**WHEREAS**, law enforcement is critical for this 5<sup>th</sup> Strategy, the City established a Public Safety Initiative, and funded it with \$100,000 for the new fiscal year beginning July 1, 2021; and

**WHEREAS**; the City’s current law enforcement “public safety team” consists of the Sheriff, private security and support from the Code Enforcement Officer; and

**WHEREAS**, after the County of San Benito adopted an urgency ordinance based on extreme heat, dry weather and high fire danger, they acted to strengthen their policies around fireworks and sent a one-page flyer to all residents announcing the enforcement of these laws will occur; and

**WHEREAS**, the Public Safety Team., after reviewing City laws, has confirmed that all fireworks are illegal in the City of San Juan Bautista, in Article 5, Section 16-section 100 “5.16.100- Fireworks Prohibited;” and

**WHEREAS**, the City passes a resolution each May or June, for one not-for-profit organization to sell “safe and sane” Fireworks in the City, and on June 15, 2021, passed Resolution 2021-25 for this same purpose this year; and

**WHEREAS**, with these two conflicting policies, allowing the sale of fireworks while having a law that prohibits igniting them, the City has work to do to straighten out its fireworks polices; and

**WHEREAS**, this year, the City would like to step up enforcement in light of the high-risk of fire in the City and surrounding areas, and proposes approving the City Manager’s ability to delegate the enforcement of the City’s fireworks laws to private security so they can write administrative citations on the City’s behalf; and

**WHEREAS**, establish a bail schedule for citations written 5-16-100 of \$1,000 for the first offense, \$2,500 for the second offense and \$5,000- for the third and each offense thereafter; and

**WHEREAS**, approve a \$6,000 budget consisting of approximately \$2,500 for additional enforcement hours, a \$700 contingency, and \$2,800 for the deployment of four portable cameras on trailers to film persons violating the law so administrative citations can be written from July 2 to July 5, 2021.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:**

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that the Strategic Plan and the “Quality of Life” in the City will be well supported by increasing its enforcement of Municipal Code 5-16-100 that prohibits the igniting of Fireworks in the City.
3. Approve the delegation to write administrative citations to its private security provider during this time of extreme heat, dry weather and extreme fire danger.
4. Establish a bail schedule for citations pertaining to the enforcement of Municipal Code 5-16-100 as follows:
  - a. 1<sup>st</sup> offense- \$1,000
  - b. 2<sup>nd</sup> offense- \$2,5000
  - c. 3<sup>rd</sup> offense and all offenses thereafter, \$5,000.
5. Authorize the City Manager to budget \$6,000 for the uses described herein, for special enforcement between July 2-July 5, 2021.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 29<sup>th</sup> day of June 2021, by the following vote:

**AYES:** Jordan, Flores, Freels, Freeman

**NOES:** None

**ABSENT:** Edge

**ABSTAIN:** None

**ATTEST:**



Trish Paetz, Deputy City Clerk

  
Leslie Q. Jordan, Mayor