



## *CITY COUNCIL AGENDA REPORT*

MEETING DATE: JULY 1, 2014

ITEM NUMBER:

**SUBJECT:** FIRST READING OF ORDINANCE REPEALING AND REPLACING COSTA MESA MUNICIPAL CODE SECTION 11-15 RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PROPERTY

**DATE:** JUNE 24, 2014

**FROM:** CHIEF EXECUTIVE OFFICE

**PRESENTATION BY:** DANIEL BAKER, MANAGEMENT ANALYST

**FOR FURTHER INFORMATION CONTACT:** DANIEL BAKER (714) 754-5156

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### **RECOMMENDATION:**

Staff recommends that the City Council introduce for first reading, Ordinance 14-\_\_, (Attachment 1) to be read by title only, and waive further reading, regarding rewards for information leading to the apprehension of individuals who vandalize property.

### **BACKGROUND:**

In March 2014, the City Council adopted Ordinance No. 14-02 (Attachment 2), which authorized the City to pay a reward for providing information that leads to the arrest and conviction of individuals who vandalize public property. In adopting this ordinance, the City Council found that vandalism of public property results in thousands of dollars in damage that the City must pay for when the person responsible is not arrested, convicted and ordered to pay restitution to the City. The City Council also found that members of the public are more likely to assist law enforcement apprehend individuals who vandalize public property when they can receive a monetary reward for doing so.

### **ANALYSIS:**

Section 53069.5 of the Government Code authorizes the City to offer a reward for information leading to the apprehension of individuals who willfully damage any property. Therefore, the City is authorized to extend its existing rewards program to include private property. The proposed ordinance provides for a reward program for the apprehension of individuals who vandalize any property within the City.

The City Council finds that apprehending individuals who damage private property is equally important, and therefore the proposed ordinance extends the application of Ordinance No. 14-02 by authorizing rewards to anyone who provides information leading to the arrest of individuals who vandalize any property, whether public or private.

With respect to private personal property, it is recommended to limit the rewards program to vandalism that occurs within the City of Costa Mesa, as the scope of the proposed ordinance would be excessively broad. This limitation is unlikely to be necessary with respect to personal property owned by or under the control of the City because such property, if located outside the City, will be so on official business and the City's interest in protecting the value of its property does not diminish when its property is outside the City limits.

**ALTERNATIVES CONSIDERED:**

The City Council can choose not to adopt the proposed ordinance.

**FISCAL REVIEW:**

Per existing ordinance 14-2 and section 53069.5 of the Government Code, City staff can provide a reward of up to \$2,000 for information leading the apprehension of anyone who willfully damages any property.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and has prepared a draft ordinance repealing and replacing Section 11-15 of the Costa Mesa Municipal Code.

**CONCLUSION:**

Adoption of this ordinance would create an incentive for citizens to assist the City in apprehending individuals who vandalize property, whether public or private, and thus reduce the cost to the City and to property owners to repair the damaged property.

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DANIEL BAKER  
Management Analyst

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THOMAS DUARTE  
City Attorney

- Attachment:
1. [Ordinance 14-](#)
  2. [Ordinance 14-2 \(redline version\)](#)