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
the 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

cc: Flood-Newcombe
    Code Enforcement-Rogers
    CAO-Valdez
    File -
    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  AYE  SECOND  MOVE  ABSENT  AYE

LAURA H. WELCH, CLERK OF THE BOARD
BY ____________________________

DATED: December 04, 2012
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 AYE AYE MOVE SECOND AYE
LAURA H. WELCH, CLERK OF THE BOARD
BY
DATED: December 18, 2012
ORDINANCE NO. FCD 12-03

AN 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.

The Board of Supervisors of the San Bernardino County Flood Control District,
County of San Bernardino, State of California, ordains as follows:

The following is added to the uncodified ordinances of the San Bernardino
County Flood Control District:

SECTION 1. Preamble.

The purpose of this ordinance is to protect San Bernardino County Flood Control
District ("District") property, its resources, and its infrastructure by prohibiting the parking
of unauthorized vehicles on District property and authorizing their removal pursuant to
the California Vehicle Code. This ordinance furthers the District's legislated mission to
provide for the control and conservation of flood and storm waters in the District and the
protection of life and property pursuant to the San Bernardino County Flood Control Act
(the "Act") and the California Water Code.

SECTION 2. Definitions.

For the purposes of this ordinance, the term "vehicle" shall mean, without
limitation: any vehicle as defined in Vehicle Code § 670; any motor vehicle as defined in
Vehicle Code § 415; any off-highway vehicle as defined in Vehicle Code § 38006; any
other specific classification of vehicle or motor vehicle as defined in Vehicle Code §§
100-680.
SECTION 3. Applicability.

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

SECTION 4. Posting of Signs.

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

SECTION 5. Parking on Flood Control District Property Prohibited.

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

SECTION 6. Destruction of District Signage.

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


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

SECTION 8. Exemptions.

A. All law enforcement and fire fighting agencies and state and federal
government agencies are exempt from this ordinance.

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

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

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

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

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


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

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

\[Signature\]

JOSIE GONZALES, Chair
Board of Supervisors
San Bernardino County Flood Control District
SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

LAURA H. WELCH, Clerk of the
Board of Supervisors

STATE OF CALIFORNIA )
COUNTY OF SAN BERNARDINO ) ss.

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

Lovingood, Rutherford, Ramos, Ovitt, Gonzales

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

AYES: SUPERVISORS: Lovingood, Rutherford, Ramos, Ovitt, Gonzales
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

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

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

Approved as to Form:
JEAN-RENE BASLE
County Counsel

By: KENNETH C. HARDY
Deputy County Counsel

Date: 10/15/12