



CITY OF HUNTINGTON BEACH
CITY COUNCIL MEETING – COUNCIL MEMBER ITEMS REPORT

TO: CITY COUNCIL

FROM: TONY STRICKLAND, MAYOR

DATE: DECEMBER 20, 2022

SUBJECT: PROPOSED ORDINANCE TO ESTABLISH A CODE ENFORCEMENT COMPLAINT PROCESS REGARDING ALLEGED BUSINESS VIOLATIONS AND PROHIBITS THE SUBMISSION OF ANONYMOUS COMPLAINTS

In the last year, Huntington Beach businesses have seen increasingly aggressive measures by "anonymous" individuals who have reported complaints to Code Enforcement against businesses. Some of the complaints, after investigation and review, were unfounded. Nevertheless, the business owners were placed under unnecessary stress and pressure to make corrections and/or face fines because of the basis of the anonymous complaints. In addition, recently, small business owners received calls from Code Enforcement regarding potential violations right after hosting political events at their restaurants. This was perceived by the business owners as harassment, a violation of their exercise of free speech, and a punishment for their participation in the political process.

Huntington Beach business owners are our community's treasures. Our business owners represent the best of Huntington Beach - those individuals who have taken their own personal risk to invest in the City, and then who employ members of our Huntington Beach community. Our government should never be perceived as punitive or actively taking steps to frustrate, discourage, or hinder business. Government should get out of the way of business to allow business to flourish, and only when businesses are in actual, substantial violation of law, should the government take corrective steps with the business to rectify the problem.

In the spirit of the 6th Amendment of the U.S. Constitution where individuals have a right to face their accuser, Huntington Beach should have a policy banning anonymous complaints by individuals or businesses to our local government to take action against other businesses. While the 6th Amendment involves individuals in a criminal context, here I am concerned about ensuring that only legitimate concerns involving a business are addressed through a proper process.

To that end, the City should have an ordinance or regulatory scheme that bans anonymous Code Enforcement complaints against businesses and requires that any individual who wishes to file a complaint disclose his/her identity and other identifying information, even if that reporting individual is another City worker. If a Code Enforcement officer comes across a violation on his/her fieldwork, that individual would be the one identifying him/herself in the report. No Code

Enforcement reporting of any complaint could proceed without identifying the original observer or eyewitness of the violation.

RECOMMENDED ACTION

Request the City Attorney to return to City Council with a proposed ordinance that bans anonymous complaints by individuals to Code Enforcement about alleged business violations.

The Ordinance should provide that Code Enforcement is welcome to continue to take in complaints from the public about businesses, but that in order to do so, strict new reporting requirements must be adhered to. Any and all complaints by individuals must occur in person at City Hall, which will include a new and updated intake form to be completed with all identifying information of the complaining party. The intake of the complaint shall include a copy of the individual's driver's license or other form of ID with a full name, address, and photo of the individual. If a City worker, including a member of Code Enforcement is lodging the complaint, then he/she identifies him/herself likewise.

