

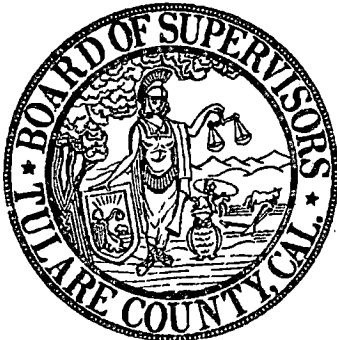
BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF CITY OF VISALIA
TRESSPASS ENFORCEMENT PROGRAM

Resolution No. 2018-0187

UPON MOTION OF SUPERVISOR CROCKER, SECONDED BY SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD MARCH 20, 2018, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, WORTHLEY
AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: *Dilany Ronello*
Deputy Clerk

* * * * *

1. Authorized the County of Tulare General Services Director or their designee to enroll County owned property within the City limits into Visalia's Trespass Enforcement Program.



**GENERAL SERVICES AGENCY
PROPERTY MANAGEMENT
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: March 20, 2018

| | | | | |
|---|-----|-------------------------------------|-----|-------------------------------------|
| Public Hearing Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Scheduled Public Hearing w/Clerk | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Published Notice Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Advertised Published Notice | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Meet & Confer Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Electronic file(s) has been sent | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Budget Transfer (Aud 308) attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Personnel Resolution attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| CONTACT PERSON: Maria Benavides PHONE: (559-624-7223) | | | | |

SUBJECT: City of Visalia Trespass Enforcement Program

REQUEST(S):

That the Board of Supervisors:

1. Authorize the County of Tulare General Services Director or their designee to enroll County owned property within the City limits into Visalia's Trespass Enforcement Program.

SUMMARY:

Some of the County owned properties in the City of Visalia have been experiencing issues as a result of transients congregating, property damage, littering, and the creation of unsafe conditions for themselves and the general public.

The City of Visalia has adopted a Trespass Enforcement Program, (TEP) that allows law enforcement to give warnings and subsequently arrest violators within program guidelines. The TEP is essential to the prevention of property issues. The program requirements include putting up signage provided by the property owner pursuant to TEP placement guidelines, completion of initial enrollment documentation, and monthly renewals. Enrolling eligible properties in this program will give the Visalia Police Department authorization to speak on behalf of the property owner (County) and enforce Trespass Laws, resulting in cleaner and safer property conditions. The District Attorney's Office worked with the Visalia Police Department to establish the program's enforceable guidelines.

Staff is requesting authority for the General Services Agency Director or their designee to enroll County owned properties within the City of Visalia in the TEP program and complete monthly required notices to keep the properties enrolled.

SUBJECT: City of Visalia Trespass Enforcement Program
DATE: March 20, 2018

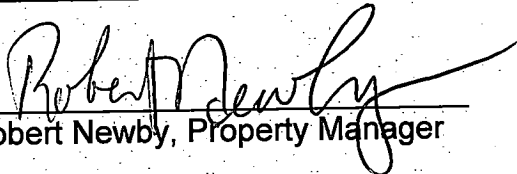
FISCAL IMPACT/FINANCING:

There is no Net County Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes the Safety and Security initiative. Enrolling County property in the City of Visalia's TEP program will help to secure County property and prevent continued property issues.

ADMINISTRATIVE SIGN-OFF:


Robert Newby, Property Manager

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s)
City of Visalia TEP Application



Dear Property Owner or Manager:

At some point in time owners, managers, or individuals of private property experience problems with subjects who trespass on their property. These subjects may be involved in illegal activities including trespassing, gang activity, panhandling, and narcotics-related crimes. Trespass citations have become an important tool for Visalia Police Officers in eliminating such activities. There are several sections of the California Penal Code that specifically address subjects who trespass and/or loiter without lawful business and/or the owner's consent.

Based on the frequency with which Visalia Police Officers are called to enforce trespass laws and violations at your property, we have provided you the opportunity to sign a TRESPASS ENFORCEMENT PROGRAM (TEP) form for the property. This written authorization provides the authority for Visalia Police Officers to act on your behalf when you or someone else entitled to use the property is not present and addresses the issue of consent. By signing this authorization in advance, you enable the Visalia Police Officers to patrol your property and enforce, if necessary, any and all applicable violations which occur.

In most situations, a Visalia Police Officer, acting as your agent for the sole purpose of enforcing California Penal Code Sec. 602, will ask the subject to leave the property. If the subject refuses or fails to leave, they may then be arrested. If they do leave when asked by the Officer, and return at a later date or time, they may be arrested without further warning. If the District Attorney files the case, you, the owner or manager of the property, may be subpoenaed to court. You are treated as the victim in these types of cases.

Once you have signed your written authorization for enforcement, and provide a letter (On your business letterhead) requesting to be placed on the Trespass Enforcement Program, due to transient behavior, loiterers, etc., a TEP number will be assigned to your property; it will remain valid for 30 days. If your property is closed to the public and posted as being closed, your written authorization will remain in effect for up to six (6) months from the date it is signed. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER or MANAGER to renew this authorization every 30 days or 6 months depending on property usage. Please telephone (559) 713-4559 or email vpdtep@visalia.city and request to renew the Trespass Enforcement Program form with the Visalia Police Department. Signage for posting on your property is provided by you and its placement will be verified. Sign requirements are attached with the proper verbiage and dimensions.

With your cooperation, we can work together to reduce or eliminate recurrent trespass problems and associated crimes on your property.

JASON SALAZAR
CHIEF OF POLICE

Visalia Police Department

Case# _____

Visalia Police Department Trespass Enforcement Program

Start Date: _____

End Date: _____

_____, the _____ (owner/agent)
in lawful possession of the property located at _____
(the "Property"), additionally, this location is referred to as _____
(Business Name).

I herein delegate any duly sworn Police Officer of the Visalia Police Department ("VPD") to act as my agent for the sole purpose of enforcing California Penal Code Sec. 602, gives VPD the authority to act pursuant to this request. I specifically designate the officers of VPD as my agent for this sole purpose and grant authority to request persons who are trespassing to leave the above referenced property. I also agree to cooperate fully with any prosecution brought by or on behalf of law enforcement authorities acting at my request and agree to appear and testify in court if called on to do so.

I understand this authorization is for a limited time period, which shall not exceed thirty (30) days when the property is posted and the owner, agent or person in lawful possession is not absent from the property. If the property is closed to the public and posted as being closed, the period of time this authorization is to remain in effect shall not exceed six (6) months, and the property must be fenced or posted with no less than three (3) signs to a mile, along all entries and exterior boundaries.

I shall hold harmless the City of Visalia from any and all damages to property or injuries to persons resulting from or arising out of the acts, errors, or omissions of VPD in its performance of this request.

Case # _____

**Visalia Police Department
Trespass Enforcement Program**

I further understand that it shall be my responsibility to renew this authorization once it has expired. I agree to notify the Visalia Police Department in the event I sell or relinquish ownership, agency, or lawful possession of the Property. This authorization shall remain in full force and effect for the term set forth above, unless otherwise renewed, or until revoked by me in writing.

Business Name: _____ Business Phone: _____

Business Address: _____ City and Zip: _____

Operation Days: _____ Operation Hours: _____

Contact Name: _____ Signature: _____

Contact Phone: _____ CA Driver's License#: _____

Email Address: _____

FOR OFFICE USE ONLY

Witnessed by _____ (May be same as officer taking report)

Date Received by VPD: _____

Renewed by _____ on _____ through _____

Renewed by _____ on _____ through _____

Renewed by _____ on _____ through _____

Renewed by _____ on _____ through _____

Renewed by _____ on _____ through _____

Renewed by _____ on _____ through _____

NO TRESPASSING

THE OWNER OF THIS PROPERTY
HEREBY AUTHORIZES THE
VISALIA POLICE DEPARTMENT
TO PATROL THE PREMISES AND
ARREST PERSONS TRESPASSING
PURSUANT TO CALIFORNIA
PENAL CODE SECTION 602.
TRESPASSERS INCLUDE THOSE
WHO ARE NOT ON THE
PREMISES TO VISIT OR
CONDUCT LAWFUL BUSINESS
WITH THE MANAGEMENT OR
THE TENANT OF THE PREMISES.

VPD TEP # _____

(These are the sign requirements. Not to be put on the sign)

Be posted in a conspicuous place making it easily viewable by persons entering or standing in the commercial parking area. Where necessary to be easily viewable due to the size or configuration of the area, more than one sign shall be posted.

A Signs must have a size of not less than eighteen (18) by twenty-four (24) inches and not exceeding a total area of six (6) square feet.

Contain a notice with lettering not less than one (1) inch in height

NOTICE

You must attach a letter (On your business letterhead) Requesting to participate in the Trespass Enforcement Program (TEP). List the reasons why you are requesting participation e.g..... Transients sleeping, loitering, urinating, drinking, using drugs, etc... on your property.

-Attach this letterhead form with completed application and return/email back to VPD