

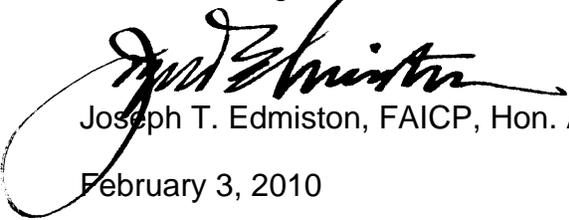


MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944

MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: February 3, 2010

SUBJECT: **Agenda Item X: Consideration of adoption of Ordinance No. 01-2010, amending Ordinance No. 01-2005 (as amended) regarding park rules and regulations, waive first reading and introduce Ordinance No. 01-2010, "An Ordinance of the Mountains Recreation and Conservation Authority amending the Mountains Recreation and Conservation Authority Ordinance establishing park rules and regulations, and prescribing the punishment for violations thereof."**

Staff Recommendation: That the Governing Board waive first reading, and introduce Ordinance No. 01-2010, "An Ordinance of the Mountains Recreation and Conservation Authority establishing park rules and regulations, and prescribing the punishment for violations thereof. All proposed language changes are contained in this staff report. All other language contained in Ordinance No.01-2005 (as amended) is incorporated in Ordinance No. 01-2010.

Legislative Authority: Public Resources Code Section 5782.21 provides, in part, as follows:

Districts may adopt and enforce all rules, regulations, ordinances, and bylaws necessary for the administration of government, and protection of the property, improvements, and facilities under the management or belonging to the district.

Government Code Section 53069.4 provides, in part, as follows:

The legislative body of a local agency, as the term "local agency" is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties.

Public Resources Code Section 5786.17c) provides, in part, as follows:

To protect property and to preserve the peace at recreational facilities and other property owned or managed by the district, the Board of Directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District rules, regulations, or ordinances...

Procedure for Adoption: Pursuant to procedures adopted by the Conejo Recreation and Park District, the MRCA may adopt an ordinance after a first and second public reading, approval by the Governing Board, and the publishing of the adopted ordinance. The MRCA has sought the opinion of outside legal counsel on this matter, and it is their opinion that this procedure complies with all applicable laws.

Proposed changes background information: Ordinance No.01-2010 Administrative penalty change: A study was conducted by MRCA Special Counsel regarding how the existing penalty structure compares to the penalty structure in other jurisdictions. Staff had raised the concern that our existing penalties did not provide sufficient deterrents. The study revealed that similar offences in similar jurisdictions were assigned fines (base and court assessments) in excess of \$200.00. MRCA Special Counsel recommended to staff a fine of \$175.00 in order to deter violations of the MRCA Ordinance. The \$50.00 fine increase would be used to fund increased public safety funding above current baseline levels as established in the 2009/2010 budget.

Ordinance No.01-2010 Service of citations, orders and notices change: The following changes are recommended by MRCA Special Counsel to conform the Ordinance to currently accepted best practices regarding notifications.

Ordinance No.01-2010 Judicial Review section shall be numbered § 6.8

Proposed Ordinance No.01-2010 language changes to Ordinance No.01-2005 (as amended):

§ 6.2. Administrative penalty. The amount of the administrative penalty for each violation of a section of this Ordinance shall be one hundred seventy-five dollars (\$175), except that for violations of §3.18, the administrative penalty may not exceed the adopted Uniform Bail schedule (base fine plus penalty assessment), or one hundred seventy-five dollars (\$175), whichever is less. Each person is guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person and shall be punished accordingly. Failure to pay the assessed administrative penalties specified in the citation may be enforced as a personal obligation of the person responsible for payment.

§ 6.5. Service of citations, orders and notices. All citations, orders and notices required by this Chapter may be served either by personal delivery thereof to the

person to be notified or by deposit in the United States mail, in a sealed envelope, or postal card, postage prepaid, addressed to such person to be notified at his or her last known business or residence address as the same appears in the public records of the Authority or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the postal service. Failure to receive any notice specified herein does not affect the validity of proceedings conducted hereunder.