



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: May 12, 2010

SUBJECT: **Agenda Item VII: Consideration of adoption of the MRCA Park Ordinance, amending the MRCA Park Ordinance as adopted on March 3, 2010 regarding park rules and regulations, waive second reading and adopt the MRCA Park Ordinance, "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 second reading, and adopt the MRCA Park Ordinance, "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 the existing ordinance as adopted on March 3, 2010 remains unchanged.

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.

The following addition to the MRCA Park Ordinance is recommended by staff:

Sec. 3.19. Special Provision Applicable to Property of the Authority within the City of Malibu. The Authority finds that special provisions are necessary for property within the City of Malibu in order to reassure the public that nothing in this ordinance is intended, nor shall it be construed to, supersede any provision of any permit or plan adopted by the California Coastal Commission within the jurisdiction of the City of Malibu, including, without limitation, the Malibu Parks Public Access Enhancement Plan-Public Works Plan.