



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-8900

MEMORANDUM

TO: The Governing Board

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

DATE: February 1, 2012

SUBJECT: **Agenda Item VII: Consideration of ordinance regarding park rules and regulations, waiver of second reading, and adoption of "An ordinance of the Mountains Recreation and Conservation Authority establishing park rules and regulations, and prescribing the punishment for violations thereof."**

Staff Recommendation: That the Governing Board discuss, waive the second reading of, and adopt "An ordinance of the Mountains Recreation and Conservation Authority establishing park rules and regulations, and prescribing the punishment for violations thereof" ("Ordinance").

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 5786.17(c) 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...

Government Code Section 25131 provides, in part:

When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

Staff Report Addendum Background:

Subsequent to the introduction and waiver of first reading of the proposed amended Ordinance, staff identified two typographical/clerical errors as follows.

Section 6.1.3: As the result of a clerical error, the time allowed to request an administrative hearing after the mailing of an initial review was incorrectly written as thirty (30) days. This section was intended to codify the agency's parking citation process under the current Ordinance, which, consistent with Vehicle Code Section 40215(b), allows citation recipients twenty one (21) days after the mailing of the initial review to request an administrative hearing. The error has been corrected in order to be consistent with existing procedures.

Section 6.1.8: The inclusion of subsection (b), "Late payment charges," was a clerical error and would lead to conflicting interpretations of the penalty for failure to pay administrative parking citation penalties. Subsection (b) has been struck from the corrected version of the Ordinance and subsection (c) has been renumbered accordingly.

The Board has been presented with corrected copies of the Ordinance which will be posted along with this staff report addendum upon final passage.