



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

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

DATE: November 7, 2018

SUBJECT: **Agenda Item VII: Consideration of amendments to 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 introduce, discuss, and 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:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by majority vote, all ordinances shall be read in full either at the time of introduction or passage.

Background: The Ordinance currently in effect on agency-owned and operated parklands has provided ranger and park staff with a valuable tool to provide for enhanced public safety while preserving both open space and recreational values thereupon. Evolution in statutory and case law, however, now requires that the Ordinance be updated accordingly. The most significant differences between the current Ordinance and the proposed Ordinance are summarized below.

An affirmative vote on this agenda item will acknowledge the second reading of the title and introduction of the proposed Ordinance, waive the second reading, hold the public hearing, and adopt the Ordinance by the Board, pursuant to Government Code Section 25120, *et seq.*

The revised Ordinance represents the full and comprehensive Ordinance code for all property and parkland owned, operated, or managed by the Mountains Recreation and Conservation Authority. Adoption of this proposed Ordinance shall serve to amend the existing ordinance as indicated.

This item is the second reading of the proposed Ordinance. If passed, the new provisions of the Ordinance shall go into effect 30 days from the date of final passage.

The revised Ordinance is intended to apply from the effective date forward. The

Ordinance operative prior to the effective date, with all attendant procedures, is intended to remain in effect for and apply to all citations issued for violations which occurred prior to the effective date continuing until such time as each of those procedures and violations have been resolved.

**Summary of relevant changes in proposed Ordinance:**

Section 1.1(g) - Definition of "Executive Officer": This section has been amended in order to clarify that the Executive Officer of the Authority serves in that role *ex officio* by virtue of his position as Executive Director of the Santa Monica Mountains Conservancy.

Section 3.13.3(b): This section has been moved to section 4.2 of the ordinance.

Section 4.2: This section has been added to establish that no person shall stop, park, or operate a commercial tour vehicle on parkland without a permit issued by the Executive Officer or Executive Officer's designee. Commercial tour vehicles include, but are not limited to tour buses, charter buses, commercial shuttle buses, commercial passenger vans, commercial limousines and commercial town cars.

Section 4.3: This section has been added to establish that the Executive Officer, or his designee, may establish "Tow Away Zones" on Agency parkland, informing the public that illegally parked vehicles on agency parkland will be removed. The section includes notice requirements that enforcement officers will follow when removing vehicles from parkland.

Section 4.4: This section has been amended in order to include newly added section 4.2 and 4.3.

Section 5.2: This section has been amended to increase the administrative or civil penalties in Section 5.2 subsection (a) and (b) to not more than seventy three dollars (\$73) and ninety three dollars (\$93), respectively. These increases align with the recent increases instituted in the Los Angeles Municipal Code.

Miscellaneous changes: Various grammatical, spacing, and vocabulary changes have been made throughout the ordinance for consistency purposes.

A full and complete copy of the proposed Ordinance is attached hereto.