

ITEM 10.E.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Ron Nelson, Captain 

DATE: December 20, 2010 (CC Meeting of 1/5/11)

SUBJECT: Consider Annual Review of the Civil Fine Amount Pertaining to the City's Social Host Ordinance, Chapter 9.32 of the Moorpark Municipal Code

DISCUSSION

In February 2008, the Moorpark City Council passed Resolution 2008-2683, establishing the administrative fine amount of \$2,500 for a violation of Chapter 9.32 of the Moorpark Municipal Code, Social Host. This Municipal Code section was enacted to combat the problems associated with underage drinking, and targets those who host social gatherings and allow underage drinking to occur. Resolution 2008-2683 also established that the fine be reviewed annually by the City Manager and the Police Chief to ensure that the fine is current and related to actual cost.

The direct and indirect costs associated with any response to a Social Host violation include staff time related to officers at the scene, the documentation of the offense, the processing of documents, City Finance Department staff time, and any legal fees related to due process hearings.

Since the fine amount was set in February 2008, nine people have been cited for violating the Social Host Ordinance. Two citations were issued during 2008, six citations were issued in 2009 and one citation was issued during 2010. The fine for the 2010 case is still unpaid, and City Finance Department staff is continuing the process to collect the fine. To date, all fines collected by the City of Moorpark for cited violations were sufficient to cover the City's costs and legal fees associated with the administration of the program.

In researching the fines charged by the various cities within Ventura County, as well as the County of Ventura's Social Host fines, it is apparent that the City of Moorpark's fine amount is on the higher end, and consistent with current trends. Fine amounts for offenses around the county currently range from \$500 to \$2,500. Additionally, during a

Ventura Superior Court hearing in 2009 for a Social Host violation in the City of Thousand Oaks, Judge Steven Hintz ruled that the city's fine amount of \$2,500 was not excessive. The fine amount is in accordance with practices in neighboring cities as shown:

- Camarillo \$500 for first offense
 \$1,000 for second offense in 12 months
 \$2,500 for third offense in 12 months

- Simi Valley \$1,000

- Thousand Oaks \$2,500 for first offense
 \$3,500 for second offense in 12 months
 \$5,000 for third offense in 12 months

STAFF RECOMMENDATION

Continue with the fine amount of \$2,500, as established in Resolution Number 2008-2683.