

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Bob Stallings, Recreation Manager

DATE: November 16, 2005 (CC meeting of December 21, 2005)

SUBJECT: Consider Resolution Providing Authority for Staff to Enforce Provisions of the Moorpark Municipal Code and Certain Provisions of State Statutes for the Purpose of Issuing Citations for Vehicle Parking Violations

SUMMARY

If approved, the resolution (Attachment A) would allow staff classified as Recreation Supervisor and Recreation Coordinator I and II to write citations enforcing the vehicle parking provisions of the Moorpark Municipal Code and related state statutes.

DISCUSSION

Authorizing the Recreation Supervisor and Recreation Coordinator to issue parking tickets will allow them to address illegally parked cars at Arroyo Vista Community Park (AVCP) that present potential safety hazards. While the City has taken steps to improve the flow of traffic at AVCP, particularly from the football field east, we continue to experience problems on Saturdays, typically at the start of football and soccer seasons and large weekend tournaments. In an attempt to park as close to activities (particularly youth sports activities) as possible, drivers will park on narrow sections of the access road shoulder that are posted "no stopping", or in such a manner as to encroach into the lane of travel, or park along red curbs. The illegal parking that takes place creates hazardous conditions for other drivers and for park users walking along the access road and through the parking lots. Illegally parked cars also impede the ability of fire and law enforcement vehicles to travel along the access road when responding to an emergency situation.

Because law enforcement personnel are often responding to higher priority calls, they are sometimes not able to respond to illegal

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parking at AVCP in a timely manner. The City staffs Arroyo Vista Recreation Center with a full-time Recreation Coordinator every Saturday from 8 a.m. to 3 p.m. It is proposed that employees within the Recreation Supervisor and Recreation Coordinator I and II job classification be authorized to issue parking citations during times when AVCP is crowded and illegal parking is creating a hazard. This action would be consistent with the authority given to the City's parking enforcement and code enforcement staff. Staff would not be authorized to make custodial arrests. If the resolution is adopted, staff would receive direction from the City Manager to enforce applicable sections of the Municipal Code and state statutes regarding vehicle parking violations. Duly authorized staff would be required to complete a basic training course relative to vehicle parking violations prior to issuing citations.

STAFF RECOMMENDATION

Adopt Resolution No. 2005-____.

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RESOLUTION NO. 2005-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING SPECIFIED STAFF TO ACT AS A PUBLIC OFFICER IN THE DUTY TO ENFORCE VEHICLE PARKING VIOLATIONS OF STATE STATUTE OR CITY ORDINANCE PURSUANT TO SECTION 836.5 OF THE PENAL CODE AND SUBJECT TO THE PROVISIONS OF SECTION 1.12.110 OF THE MUNICIPAL CODE

WHEREAS, Section 1.12.110 of the Municipal Code requires that no officer or employee shall be allowed by his or her superior to exercise the arrest and citation authority conferred in Section 1.12.110 unless such officer or employee is designated by resolution of the City Council to exercise such arrest and citation authority as to specified violations; and

WHEREAS, Section 836.5(d) of the Penal Code allows the City to authorize officers and employees who have the duty to enforce a statute or ordinance to arrest persons for violations and to issue citations; and

WHEREAS, the Recreation Supervisor, Recreation Coordinator I and Recreation Coordinator II are not currently authorized by resolution of the City Council to exercise such arrest and citation authority as to specified violations; and

WHEREAS, it is the discretionary duty of the Recreation Supervisor, Recreation Coordinator I and Recreation Coordinator II to enforce state statutes and City ordinances pertaining to vehicle parking violations, as so directed by the City Manager; and

WHEREAS, when a violation and/or misdemeanor occurs and certain facts involved make it a serious violation, a Recreation Supervisor, Recreation Coordinator I or Recreation Coordinator II must have the capability and authority to issue a citation or the power to arrest without a warrant.

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NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds and declares that any person(s) occupying the position of Recreation Supervisor, Recreation Coordinator I and Recreation Coordinator II for the City of Moorpark shall be deemed to be a Public Officer, as the term is defined by Section 836.5(a) of the Penal Code of the State of California.

SECTION 2. Any person occupying any of these positions shall have the authority to: (a) arrest without warrant; (b) enforce and issue citations for violations of state statutes and City codes pertaining to vehicle parking violations; (c) give notice of violation in accordance with procedures prescribed by the California Penal Code. Notwithstanding the above, such persons shall not have the authority to make custodial arrests.

SECTION 3. Pursuant to Section 853.5 of the Penal Code, the Recreation Supervisor, Recreation Coordinator I and Recreation Coordinator II for the City of Moorpark, is each hereby given the authority to arrest a person without a warrant when there is reasonable cause to believe that the person to be arrested has committed an offense in the Public Officer's presence, which he or she has the discretionary duty to enforce, issue a notice to appear (citation), and to release such person on his or her written promise to appear in court pursuant to Section 853.6 of the Penal Code. Any person who interferes, resists, delays, obstructs, threatens or attempts to intimidate the officer in the discharge of, or attempted discharge of, his or her duty shall be guilty of a misdemeanor. Interference shall include the refusal to sign a citation or written promise to appear.

SECTION 4. There shall be no civil liability on the part of, and no cause of action shall arise against, any Recreation Supervisor, Recreation Coordinator I and Recreation Coordinator II for the City of Moorpark, acting pursuant to the provisions of Section 2 and within the scope of his/her authority for false arrest or false imprisonment arising out of any arrest, which is lawful or which the Public Officer, at the time of the arrest, had reasonable cause to believe was lawful. The Recreation Supervisor, Recreation Coordinator I and Recreation

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Coordinator II for the City of Moorpark, shall not be deemed an aggressor or lose his or her right to prevent escapes, or overcome resistance.

SECTION 5. The City Manager or his or designee shall determine and provide direction to the City staff given authority under this Resolution regarding the enforcement program activities and the specific code and statute sections that staff that may exercise a discretionary duty to enforce.

SECTION 6. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original Resolution

PASSED AND ADOPTED this ___ day of _____, 2005.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

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