

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Jennifer Mellon, Administrative Services Manager 

DATE: August 25, 2014 (CC Meeting of 9/17/14)

SUBJECT: Consider Revisions to the Active Adult Center Standards of Conduct Policy and a Moorpark City Library Standards of Conduct Policy

BACKGROUND AND DISCUSSION

On February 4, 2009, City Council approved the Standards of Conduct Policy for the Active Adult Center (currently Policy 6.5). As was the case at the Active Adult Center, throughout the last seven (7) years that the Moorpark City Library has been managed by the City, there have been incidents which have required staff to address inappropriate behavior. Staffs at the Moorpark City Library and Active Adult Center have worked to draft revisions to Policy 6.5 and draft a new policy for the Library (proposed to be Policy 2.23) to incorporate consistent language, where possible, and specific language when necessary to address the differences between the facilities.

Both the revised and the new Standards of Conduct Policies include a paragraph stating that neither the City of Moorpark nor the Library or Active Adult Center is responsible for lost or stolen items. Patrons/participants should keep their belongings with them at all times. Section 1 addresses dangerous, destructive or illegal conduct, including any violation of local, state, or federal law.

The proposed modifications to the Active Adult Center Standards of Conduct Policy 6.5 are provided in legislative format which will be removed prior to being incorporated into the City Council Policies Resolution. Section 2: Expected Behavior includes new language regarding donated items, for example, limits of how many food items can be taken per person per day and that eating, drinking, and chewing gum are to be done in designated areas only.

Section 2 of the Library Policy is the same as Section 3 of the Active Adult Center Policy and discusses additional prohibited activities. These include activities such as being under the influence, smoking, loitering and obstruction, what you can and cannot bring into the locations, animals, computer concerns, and posting or distributing of material.

The Library Standards of Conduct Policy also contains language regarding keeping conversations quiet and setting mobile and electronic devices to silent mode; rules about eating and chewing gum; unruly behavior; use of sports equipment, skateboarding, roller skating or riding a scooter inside the library; and photographing, audio recording, or filming within the library. Section 3 is also included within the Library policy to address children in the library. This section discusses proper supervision of minors and unattended children.

The final section in each policy discusses the Disciplinary Process for failure to comply with the policy. Disciplinary actions may be enforced and escalate directly to permanent suspension and/or any step(s) in between depending on the behavior, misconduct, level of disruption of normal activities, or severity of the offence. The appeal process is also discussed in this section.

FISCAL IMPACT

There is no fiscal impact.

STAFF RECOMMENDATION

Approve revisions to City Council Policy 6.5: Moorpark Active Adult Center Standards of Conduct and approve City Council Policy 2.23: Moorpark City Library Standards of Conduct to be incorporated into the next update of the City Council Policies Resolution.

Attachment 1: Moorpark City Council Policy 6.5: Active Adult Center Standards of Conduct (Revised)

Attachment 2: Moorpark City Council Policy 2.23: Moorpark City Library Standards of Conduct (New)

Policy 6.5: Active Adult Center Standards of Conduct

In order to provide the Moorpark Active Adult Center with an atmosphere of safety, courtesy, integrity and respect; the City of Moorpark has established a "Standards of Conduct Policy." This policy applies to all participants, defined as individuals, contract instructors, facility users, organizations or groups, and volunteers using, gathering and/or participating in activities at or associated with the Moorpark Active Adult Center. Each participant, as described in the prior sentence, is responsible for regulating his or her own conduct in a positive, productive, and mature manner. In matters of general conduct, participants shall be governed by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens.

Neither the City of Moorpark nor the Active Adult Center are responsible for lost or stolen items, although please check with staff if you have lost anything as we do have a 'lost and found'. Participants need to keep their belongings with them at all times as staff cannot be responsible for their safekeeping.

All participants and City staff have the right to be safe, and feel safe while attending a City facility or program. –With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that put at risk the safety of others or oneself. Participants shall comply with all established and adopted rules and procedures governing City buildings.

1. _____

1. Dangerous, destructive or illegal conduct, including any violation of local, state, or federal law but not limited to the following, is strictly prohibited:

A. Engaging in or threatening physical assault or abuse.

B. Displaying a weapon of any type.

C. Threatening or harassing other patrons or staff, including but not limited to battery; verbal threats; stalking or following; offensive staring or touching; unwanted sexual advances, comments, or gestures; or other behavior typically defined as Sexual Harassment.

D. Theft of Active Adult Center and/or personal property.

E. Damaging, defacing, vandalizing, or destroying Active Adult Center property or grounds.

4.2. All participants at the Moorpark Active Adult Center ~~or its programs~~ are expected to:

A. Treat others with respect.

A.B. Use courteous language at all times.

B.C. Be flexible in accepting alternate facility assignments or modification to schedules due to maintenance and scheduling conflicts and/or emergency situations, etc.

G.D. Comply with the decisions of staff and abide by the established grievance procedures when concerns arise.

- ~~D-E.~~ Refrain from being a part of malicious gossip or activities, which would tend to be disruptive.
- ~~E.~~ Refrain from all forms of harassment, including unwelcome verbal, visual, or physical conduct that creates an intimidating, offensive, or hostile environment, including physical or verbal sexual approaches, racial or gender slurs towards staff, volunteers or participants.
- F. Participants and staff have a responsibility to maintain Maintain an environment where conflict and differences can be addressed in a manner characterized by respect and civility.
- ~~G.~~ Abide by posted signage on policies pertaining to donated items; including but not limited to, how many food items can be taken per person per day.
- ~~H.~~ Eat, drink, and chew gum in designated areas only.
- ~~G-I.~~ Show proper care and regard for City property and the property of others; and make a reasonable effort at cleanup, returning facilities to the condition immediately prior to use.
- ~~H.~~ Smoking is not permitted, except in designated areas.

3. Selling Prohibited Activities:

- A. Possession of, being under the influence of, or "soliciting" is not permitted; no one may panhandle using alcohol or solicit spare change controlled substances on Active Adult Center premises.
- ~~I.~~ Defacing of property, such as spitting and littering, is not permitted.
- ~~J.~~ Exhibit appropriate behavior, cleanliness and dress.
- ~~K.~~ Comply with all established and adopted rules and procedures governing City buildings.
- ~~B.~~ Smoking or the use of tobacco, including e-cigarettes, inside or anywhere on the Civic Center premises which includes the Active Adult Center, Library, Community Center, City Hall Buildings, and parking lots.
- ~~C.~~ Using the Active Adult Center without footwear or a shirt.
- ~~D.~~ Using Active Adult Center restrooms for bathing, shaving, or washing hair or clothes.
- ~~E.~~ Using the Active Adult Center if one's bodily hygiene is offensive so as to constitute a nuisance to others.
- ~~F.~~ Dirtying or staining Active Adult Center facilities, material or equipment.
- ~~G.~~ Placing feet on tables, chairs or against walls.
- ~~H.~~ Loitering in the Active Adult Center or on City property. The public must leave the premises at closing time.
- ~~I.~~ Obstructing aisles or access to Active Adult Center facilities, furnishings, equipment or exits with oversized bags or assistive mobility devices.

- J. Posting or distributing of printed material inside the Active Adult Center without receiving approval from authorized Active Adult Center staff. The City Manager shall approve an "Active Adult Center Community Bulletin Board Procedure" for additional rules regarding posting of material.
 - K. Solicitation, selling, panhandling, or any other commercial activities.
 - L. Photographing, audio recording, or filming without permission from City Administration or Active Adult Center staff except at governmental meetings open to the general public.
 - M. Animals are prohibited, except for service animals for the disabled and for scheduled, approved Active Adult Center activities. Service dogs must have an assistance dog identification tag per California Food and Agricultural Code Section 30850.
 - N. Tampering with or destroying of computer equipment or files.
 - O. Removing any hardware component or accessory from Active Adult Center computers.
 - P. Using personal appliances such as tablets, laptops, and calculators with a noise level that interferes with others.
 - Q. Plugging in personal electronic equipment (i.e. cell phones/laptops) so that it creates a tripping hazard or disturbs others.
4. Disciplinary Process for Moorpark Active Adult Center
- A. Failure to comply with these standards of conduct may result in disciplinary actions, up to and including permanent suspension from the Active Adult Center. The severity of the infraction may be cause for immediate suspension without warning. When a serious act of misconduct by a participant occurs, the Active Adult Supervisor shall immediately investigate the allegation. The Supervisor shall make a recommendation to the ~~Parks, Recreation and Community Services Director, City Manager~~ or his ~~designated representative~~ City Manager Designee regarding the final disciplinary action. In the interim, the ~~Supervisor and/or Director~~ may immediately impose reasonable restrictions up to a temporary suspension verbally or in writing until the final action can be determined.
 - B. The disciplinary actions below may be enforced and escalate directly to permanent suspension and/or any step(s) in between depending on the behavior, misconduct, level of disruption of normal activities, or severity of the offense. The Moorpark Police Department will be called for assistance if necessary. If the disruption at the ~~Center~~ is suspected to be related to adult mental health issues, County of Ventura Adult Protective Services will be contacted for an investigation, as required by law. Family members may also be contacted, if known, to help alleviate issues, where appropriate.

1. First Occurrence – Verbal or written warning including a review of the Moorpark Active Adult Center Standards of Conduct– Policy. This staff review will also include also include possible suggestions on ways to avoid a ~~reoccurrence~~recurrence of the incident ~~or~~of behavior. Depending on the nature of and/or severity of the incident, ~~the offense,~~ a first occurrence can lead to permanent suspension.
2. Second Occurrence – A written admonishment to the participant may result in ~~temporary or permanent suspension from~~with a copy to the Center, depending upon City Manager or City Manager Designee shall be completed. Depending on the nature of and/or severity of the infraction~~offense,~~ a second occurrence can lead to permanent suspension.
3. Third Occurrence – May include a temporary or permanent suspension from ~~attendance at the Moorpark Active Adult Center.~~ Two suspensions within a ~~one-year~~twelve (12) month period of time may result in an extended or permanent suspension. A written suspension notice will be ~~delivered~~given to the ~~participant~~offending party with a copy to the City Manager or City Manager Designee.

C. Appeal Process of Aggrieved Party

Request for review and appeal of any of the above steps must be in written form and delivered to the ~~Parks, Recreation and Community Services Director~~City Hall, Attention: City Manager, within ten (10) working days of the warning or suspension. ~~After investigation, and within fifteen (15) working days of the incident, the Parks, Recreation and Community Services Director will~~City Manager or City Manager Designee shall notify the offending party, in writing, of his/her ~~the final~~ decision within fifteen (15) working days.

Policy 2.23: Moorpark City Library Standards of Conduct

Everyone has the right to use Moorpark City Library (“Library”) services and resources provided his or her behavior does not unreasonably interfere with the rights of others to do the same. The users of the Library have the right to expect the facility to be a clean, safe, and accommodating place for reading, writing, doing homework or research, browsing for Library materials; quietly conferring with others, including Library staff; and attending programs and meetings. Patrons are urged to report disruptive behavior so that appropriate steps can be taken.

Neither the City of Moorpark nor the Library are responsible for lost or stolen items, although please check with staff if you have lost anything as we do have a 'lost and found'. Patrons need to keep their belongings with them at all times as staff cannot be responsible for their safekeeping.

This policy is intended to maintain the Library’s peaceful atmosphere, facilitate Library usage, preserve easy access to Library materials, and protect Library property.

Patrons shall be considerate of others by refraining from activities that may disturb others or disrupt Library activities. Keep all conversations quiet and set mobile and electronic devices to silent mode. All patrons and staff have the right to be safe, and feel safe while attending a City facility or program. With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that put at risk the safety of others or oneself. Patrons shall comply with all established and adopted rules and procedures governing City buildings.

1. Dangerous, destructive or illegal conduct, including any violation of local, state, or federal law but not limited to the following, is strictly prohibited:
 - A. Engaging in or threatening physical assault or abuse.
 - B. Displaying a weapon of any type.
 - C. Threatening or harassing other patrons or staff, including but not limited to battery; verbal threats; stalking or following; offensive staring or touching; unwanted sexual advances, comments, or gestures; or other behavior typically defined as Sexual Harassment.
 - D. Theft of Library and/or personal property.
 - E. Damaging, defacing, vandalizing, or destroying Library property or grounds.
2. Prohibited Activities:
 - A. Eating and chewing gum in the Library public areas (conference room excluded) without Library staff approval. Beverages in covered containers are allowed in the Library. Covered containers include bottled drinks with a tight lid, hot drinks in a cup with a tight lid, baby bottles, etc.
 - B. Using the Library without footwear or a shirt.
 - C. Possession of, being under the influence of, or using alcohol or controlled substances on Library premises.

- D. Smoking or the use of tobacco, including e-cigarettes, inside or anywhere on the Civic Center premises which includes the Library, Active Adult Center, Community Center, City Hall Buildings, and parking lots.
- E. Unruly behavior, such as running, jumping, hitting, wrestling, throwing objects, or other aggressive actions or statements will not be tolerated.
- F. Use of sports equipment in the Library.
- G. Skateboarding, roller skating, or riding a scooter in the Library. Skateboards, roller skates, and scooters should be inside a backpack or bag when brought into the building.
- H. Bicycles inside the Library. Bicycles should be locked in the bike rack outside.
- I. Sleeping in the Library or on Library grounds.
- J. Bringing sleeping bags, bedrolls, mats or blankets (except blankets for use by young children), large boxes, shopping carts, and oversized backpacks or duffle bags into the Library.
- K. Using Library restrooms for bathing, shaving, or washing hair or clothes.
- L. Using the Library if one's bodily hygiene is offensive so as to constitute a nuisance to others.
- M. Dirtying or staining Library facilities, material or equipment.
- N. Placing feet on tables, chairs or against walls.
- O. Loitering in the Library or on City property. The public must leave the premises at closing time.
- P. Obstructing aisles or access to Library facilities, furnishings or equipment.
- Q. Posting or distributing of printed material inside the Library without receiving approval from authorized Library staff. The City Manager shall approve a "Library Community Bulletin Board Procedure" for additional rules regarding posting of material.
- R. Solicitation, selling, panhandling, or any other commercial activities.
- S. Photographing, audio recording, or filming without permission from City Administration or Library supervisory staff except at governmental meetings open to the general public.
- T. Animals are prohibited, except for service animals for the disabled and for scheduled, approved Library activities. Service dogs must have an assistance dog identification tag per California Food and Agricultural Code Section 30850.
- U. Tampering with or destroying of computer equipment or files, manipulating or bypassing Library software systems such as those used to regulate computer use. Please refer to the "Moorpark City Library Internet and Computer Use Policy" for further clarification.
- V. Removing any hardware component or accessory from Library computers.

- W. Using any other person's Library card to obtain additional computer time.
- X. Using personal appliances such as tablets, laptops, and calculators with a noise level that interferes with others. Cellular phones must be turned off or switched to a non-audible signal and answered outside the Library.
- Y. Plugging in personal electronic equipment (i.e. cell phones/laptops) so that it creates a tripping hazard or disturbs others.
- Z. Printing and copying for business or commercial use. Library staff shall have the authority to approve large quantity print or copy usage (of over 20 pages) on a case by case basis.

3. Children in the Library

The Library is dedicated to providing free access to information to the entire community in a safe and pleasant Library environment.

Children are welcome in the Library and encouraged to use its resources and services. The Library is not, however, an after-school or day-care facility. The Library cannot assume responsibility for the care and safety of unsupervised children. In the best interests of the children, parents should make regular after-school or day-care arrangements for children who cannot go home after school.

- A. Children under the age of 10 may not use the Library unless supervised by a parent or guardian at all times. Older brothers, sisters, or caretakers under the age of 16 are not considered adequate supervisors. A responsible adult must directly accompany preschool children at all times. If a child under the age of 10 is left at the Library unsupervised, the parent will be warned upon picking up the child, and if the offence happens again, staff reserves the right to contact the Moorpark Police Department.
- B. Children of any age who behave in such a manner as to disrupt the Library environment will be subject to the disciplinary process in Section 4 of this policy. Disruptive behavior includes any situation, which causes the child, other Library patrons, or Library staff distress or concern, whether or not the parent/caregiver is present.
- C. Regardless of the age of the child, parents of a disruptive child will be asked to control the child's behavior or remove the child from the Library immediately if requested by staff.
- D. If a child is left unattended at closing time, staff will make a reasonable effort to locate the parent/guardian. All children, regardless of age, should be able to provide current emergency contact information, including a telephone number. If staff is unable to reach a responsible adult, law enforcement will be contacted to take custody of and ensure the safety and welfare of the child.

4. Disciplinary Process for the Moorpark City Library

- A. Failure to comply with this Moorpark City Library Standards of Conduct Policy may result in disciplinary actions, up to and including permanent suspension from the Library. The severity of the offense may be cause for

immediate suspension without warning. When a serious act of misconduct by a patron occurs, the City Librarian shall immediately investigate the allegation. The City Librarian shall make a recommendation to the City Manager or City Manager Designee regarding the determination of final disciplinary action. In the interim, the City Librarian may immediately impose reasonable restrictions up to a temporary suspension verbally or in writing until the final determination of action is completed.

- B. The disciplinary actions below may be enforced and escalate directly to permanent suspension and/or any step(s) in between depending on the behavior, misconduct, level of disruption of normal activities, or severity of the offense. The Moorpark Police Department will be called for assistance if necessary. If the disruption is suspected to be related to adult mental health issues, County of Ventura Adult Protective Services will be contacted for an investigation as required by law. Family members may also be contacted, if known, to help alleviate issues, where appropriate.

1. First Occurrence – Verbal or written warning including a review of the Moorpark City Library Standards of Conduct Policy. This staff review will also include possible suggestions on ways to avoid a recurrence of the incident of behavior. Depending on the nature of and/or severity of the offense, a first occurrence can lead to permanent suspension.
2. Second Occurrence – A written admonishment to the participant with a copy to the City Manager or City Manager Designee shall be completed. Depending on the nature of and/or severity of the offense, a second occurrence can lead to permanent suspension.
3. Third Occurrence – May include a temporary or permanent suspension from the Moorpark City Library. Two suspensions within a twelve (12) month period may result in an extended or permanent suspension. A written suspension notice will be given to the offending party with a copy to the City Manager or City Manager Designee.

- C. Appeal Process

Request for review and appeal of any of the above steps must be in written form and delivered to City Hall, Attention: City Manager, within ten (10) working days of the warning or suspension. After investigation, and within fifteen (15) working days of the incident, the City Manager or City Manager Designee shall notify the offending party, in writing, of the final decision.