



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Parks
Department No.: 052
For Agenda Of: June 7, 2011
Placement: Set Hearing
Estimated Tme: 10 minutes on June 21,
2011 on Departmental
Agenda
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Brian Roney, Interim Parks Director (805)568-2461
Director
Contact Info: Nicole Koon, Parks Business Manager (805) 568-2477
SUBJECT: Ordinance Amendments to Allow Enforcement of Chapter 26, Parks and Recreation Rules and Regulation and Chapter 37, Tobacco Control, through the Administrative Fine Process under Chapter 24A – Set Hearing

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

Recommended Actions:

That the Board of Supervisors:

1. Consider the introduction (first reading) of an Ordinance amending Chapter 24A Administrative Fines of the County Code on June 21, 2011, to update the departmental references and appeals procedures;
2. Set a hearing for July 5, 2011 on the Administrative Agenda to consider the adoption (second reading) of and Ordinance amending Chapter 24A, Administrative Fines, of the County Code, to be effective 30 days from the date of adoption; and
3. Find that the proposed action is not a project within the meaning of CEQA, under 14 CCR 15378(b)(4), in that it involves the creation of a government funding mechanism or other fiscal activities which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment.

Summary Text:

Chapter 26 and 37 are the county ordinances that define various rules and regulations in effect at all county parks. If adopted, the proposed changes to Chapter 24A would allow the Parks Department to implement and enforce Chapter 26 and Chapter 37 as an administrative fine, as well as revise the appeals process for disputes arising from its implementation and enforcement.

The Administrative Fine Ordinance provides various County Departments with available tools to enforce certain chapters of the County Code. The Administrative Fine Ordinance currently does not provide for the enforcement of Chapter 26, Parks and Recreation Rules and Regulations and Chapter 37, Tobacco Control.

Staff proposes an amendment to Chapter 24A, Administrative Fines Ordinance to include the ability to enforce Chapter 26 and Chapter 37 of the County Code. If adopted, the Parks Department will be responsible for implementing the procedures of the Administrative Fine Ordinance.

Background:

Chapter 26 and Chapter 37 do not provide for any collection of fines or fess. These are currently paid by the person receiving the citation with the revenue going to the local Superior Court. As the Parks Department has significant costs associated with enforcement actions such as uniforms, vehicle use, training and staff time; the ability to collect these fees through the Administrative Fine Ordinance would greatly offset the costs of enforcement in all County parks.

Chapter 26 and Chapter 37 were omitted from the Administrative Fine Ordinance, and the proposed amendment seeks to enable the Parks Department to administer the enforcement of Chapter 26 and Chapter 37 through the administrative fine process. If adopted, staff will be able to use the Administrative Fine Ordinance to ensure compliance with Chapter 26 and Chapter 37. Any appeals resulting from the administrative fine process will be heard by the Director of Parks or his/her designee. Chapter 26, Parks and Recreation Rules and Regulations, was recently amended by your Board on February 15, 2011. The proposed changes to Chapter 24A would allow for enforcement of Chapter 26 and Chapter 37 through the administrative fines process.

Performance Measure: In order to remain responsive to the needs of park users by achieving a response of "yes" to the following question on 90% of annual customer satisfaction surveys returned: "Did the quality of your experience in the park meet your expectations?" and to further cost recovery for financial stability.

Fiscal and Facilities Impacts:

Budgeted: Yes

Narrative: There are no negative impacts associated with the proposed changes in terms of additional costs to the Department. However, it is possible that the parks would see some increased revenue from these fines being taken into the Department.

Special Instructions:

After the June 7, 2011 Hearing direct the Clerk of the Board to:

1. Publish the attached Notice of Public Hearing pursuant to Section 6066 of the Government Code (publish within 10 days) in the Santa Barbara Daily Sound and the Santa Maria Times; and

2. Send a copy of the minute order and a signed copy of the Notice of Public Hearing to the Parks Department office, attn: Jessica Opland.

After the July 5, 2011 Hearing direct the Clerk of the Board to:

1. Submit a copy of adopted Ordinance to the Parks Department and County Counsel.
2. Send a copy of the minute order of these actions to the Parks Department, Attn: Jessica Opland.
3. Publish a copy of the amended ordinance or summary thereof, with names of the members of the Board of Supervisors voting for or against the amendment in the Santa Barbara Daily Sound within 15 days of adoption of the ordinance.

Authored by:

Brian Roney, Interim Parks Director

cc:

Bob Geis, Director, Auditor Controller

Mike Ledbetter, Deputy County Counsel