

ORDINANCE NO. 2025-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 2.12.110 OF CHAPTER 2.12 (ADMINISTRATIVE DEPARTMENTS) OF THE NEWPORT BEACH MUNICIPAL CODE TO INCLUDE EDUCATION AND ENFORCEMENT RELATED PROVISIONS AS A FUNCTION OF THE RECREATION AND SENIOR SERVICES DEPARTMENT

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, since 2003, the Recreation and Senior Services Department ("Recreation and Senior Services") has administered the Park Patrol Program to monitor 65 City parks and enforce park rules with Park Patrol Officers ("PPOs");

WHEREAS, PPOs patrol 365 days a year and make over 15,000 public contacts annually which serve to educate the public and gain compliance with park rules and regulations. Additionally, PPOs have the authority to issue administrative citations for Newport Beach Municipal Code ("NBMC") violations in City parks and to assist the Newport Beach Police Department ("NBPD") when called upon;

WHEREAS, NBPD has requested a Management Control Agreement ("MCA") between NBPD and Recreation and Senior Services authorizing PPOs to use California Law Enforcement Telecommunications System ("CLETS") equipment and information;

WHEREAS, CLETS is a communications network maintained by the California Department of Justice ("DOJ") to communicate and obtain information from federal and state databases;

WHEREAS, Section 1.5.1A of the DOJ's CLETS Policies, Practices and Procedures, states that NBPD may enter into a MCA with non-criminal justice designees pursuant to statute, ordinance, regulation or an agreement to authorize access to CLETS information and equipment;

WHEREAS, each of the City's three non-criminal justice designees, the Harbor Department, Community Development Department - Code Enforcement, and Public Works Department, have entered into a CLETS MCA with NBPd, which includes a Release of Information Agreement referencing the enforcement of the NBMC as a department function under Chapter 2.12 (Administrative Departments) of the NBMC;

WHEREAS, the City Council intends to amend the NBMC to reflect the enforcement function of park and park facility provisions of the NBMC by Recreation and Senior Services, which is a requirement to access CLETS; and

WHEREAS, an MCA with Recreation and Senior Services would require each PPO to maintain annual CLETS security training to qualify for access to NBPd's encrypted radio system and the capability to conduct a search of license plate information over the radio.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code is hereby amended to read as follows:

Section 2.12.110 Recreation and Senior Services Department

The Recreation and Senior Services Department shall be under the supervision of the Recreation and Senior Services Director. The functions of the Recreation and Senior Services Department shall include:

- A. Advise and liaison to the Parks, Beaches and Recreation Commission;
- B. Planning coordination and direction of community recreational activities;
- C. Operation and control of all parks, recreation, and senior services facilities over which the City exercises jurisdiction;
- D. Master planning for the acquisition and development of park and recreational facilities;
- E. Education and enforcement of park and park facility related provisions of this Code; and
- F. Such other functions as may be delegated by the City Manager or the City Council.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 23rd day of September, 2025, and adopted on the 14th day of October, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

Joe Stapleton, Mayor

ATTEST:

Molly Perry, Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney