




**EAST BAY REGIONAL PARK DISTRICT
BOARD OPERATIONS COMMITTEE
AGENDA STAFF REPORT**

DATE	December 18, 2024
TITLE	Update on Nuisance Abatement Implementation
DIVISION	Operations
FROM	Lisa Goorjian, Assistant General Manager of Operations Roberto Filice, Assistant General Manager of Public Safety and Chief of Police
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

This item is an informational update

BACKGROUND

On September 23, 2021, AB 959 (Mullin) was signed into law adding Public Resources Code Section 5558.5. The law gives the Park District the ability to declare that unauthorized encroachments onto District lands constitute a nuisance. On October 4, 2022, the Board of Directors adopted an ordinance adding Chapter 10 to Ordinance 38, giving Park District staff the ability to identify and abate unauthorized encroachments onto District lands and recover costs incurred, Board Resolution 2022-10-249.

The Board of Directors subsequently authorized the establishment of a fine schedule to establish a fine schedule, and interest rate for unpaid fines, for administrative citations and nuisance abatement citations issued pursuant to Chapter 10 of the East Bay Regional Park District Ordinance 38 on December 19, 2023, Resolution No. 2023-12-263. In January 2024 a Nuisance Abatement Administrative Procedures document was adopted administratively to establish the procedures that address unauthorized encroachments that occur within the Park District, and to recover costs associated with abating those encroachments.

ANALYSIS

In addition to now being able to establish that an encroachment onto district lands constitutes a nuisance, the newly adopted Chapter 10 gave the Park District the ability to enforce Ordinance 38's park use rules by means of administrative citations. Prior to adoption of Chapter 10, Park District police officers could respond to violations of Ordinance 38 rules, such as those applicable to dog walking, bicycles, or campground curfew, by issuing an informal warning or a criminal citation when necessary. Now, the Park District has an additional tool of issuing an administrative citation, akin to a parking ticket, for such violations, instead of a criminal citation.

To date in 2024 the Operations Division initiated using the administration citation procedure to address nuisance encroachments on Park District land three times, two are at Sibley and one at

Pleasanton Ridge. All three are following the procedure. None of these have advanced to the citation stage. Public Safety has utilized this tool and to date have issued 50 administrative citations. See Attachment A for specific citation information. In 2024, Park Operations staff were trained on the procedures by the General Counsel's office and have been received as a useful tool and standard operating procedure for staff as they clearly outline the procedure and process to be utilized across the Park District.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS

Administrative Citations Report