



STAFF REPORT

AGENDA NO: 8d

MEETING DATE: April 1, 2019

To: Honorable Mayor and City Council

Date: April 1, 2019

From: Kathleen Kane – (650) 558-7204

**Subject: Adoption of an Ordinance Amending Municipal Code Section 10.55.030
Regarding Promulgation of Park Rules**

RECOMMENDATION

Staff recommends that the City Council consider adoption of an ordinance amending Section 10.55.030 of the Burlingame Municipal Code to streamline the process for promulgating rules and regulations in City parks. In order to do so, the Council should:

- A. By motion, adopt the proposed ordinance.
- B. Direct the City Clerk to publish a summary of the ordinance within 15 days of adoption.

BACKGROUND

Chapter 10.55 of the Municipal Code governs conduct and rule enforcement in City parks. In particular, Sections 10.55.010-10.55.028 set forth a series of rules regarding appropriate park use. Existing Section 10.55.030 allows the Parks and Recreation Commission to propose rules for Council review. The existing section sets forth a number of types of possible rules, although the section also states that the list is not exclusive. The Council introduced and held a public hearing on the attached proposed ordinance at its regular meeting on March 18, 2019. The ordinance is now before the Council for adoption.

DISCUSSION

The proposed ordinance presented to Council with this report is designed to streamline the rule-making process. The existing procedure involves hearings at the Commission and Council. Scheduling and noticing both meetings can take two or more months, while conditions in City parks can change quickly. For example, if a park area adjacent to the small child play structure is being used increasingly by skateboarders or drone pilots, the process for issuing a new, local rule requiring a setback from the play structure could take a few months to complete. Rules on that scale are not necessarily important for Council to consider, relative to the policy issues on the Council's agenda, though they are important to implement on the ground for the safety and well-being of park users.

The proposed ordinance empowers the Director of Parks and Recreation to propose rules for the Parks and Recreation Commission to review and adopt. Council is given notice of that review in

advance, so that there is time to read the staff report at the Commission level and listen to the item if it would be useful to do so. Council members then have the opportunity to call up any action by the Commission for review. Similarly, the Director has the opportunity to seek Council review if the Commission either refuses to approve a proposed rule or modifies it in such a way that its usefulness has been eroded. The list of rules which may be issued has been deleted from the original ordinance as well. It was intended to be illustrative rather than exclusive. However, in context, it could create some confusion as to the appropriate scope of the rule making process. The proposed ordinance, instead, states that any rule issued under the new provisions must be consistent with existing rules already embodied in Chapter 10.55.

FISCAL IMPACT

There is no impact on the City's General Fund.

Exhibit:

- Proposed Ordinance