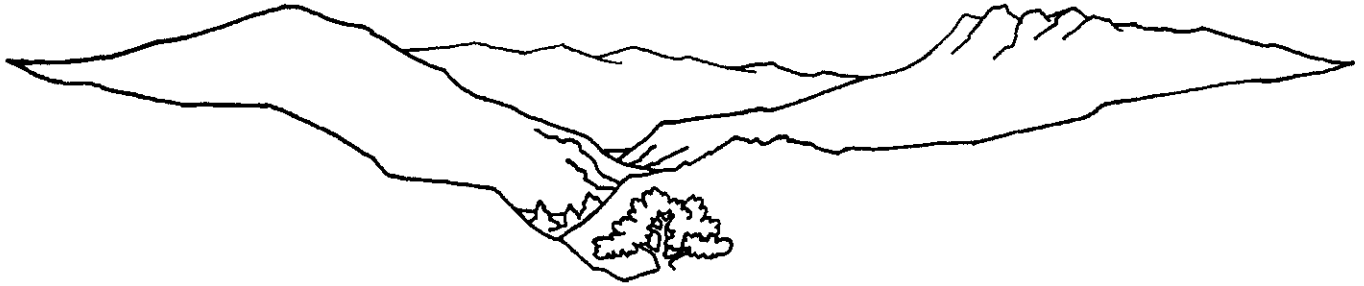


CONEJO OPEN SPACE CONSERVATION AGENCY



TO: Board of Directors
FROM: COSCA Staff
DATE: March 11, 2009
SUBJECT: Initiation of Development of COSCA Ordinances

RECOMMENDATION:

Direct staff to draft COSCA ordinances derived directly from CRPD and City ordinances and schedule a special meeting before the May 13, 2009 Board meeting for introduction of those ordinances.

BACKGROUND:

As the Board may be aware, COSCA does not have ordinances of its own. COSCA staff and Rangers currently cite relevant CRPD and City ordinances as the rules and regulations that apply to COSCA-owned open space. To avoid any potential dispute that those City or CRPD ordinances actually can be enforced on COSCA-owned property, the City Attorney's Office has recently recommended that COSCA adopt its own ordinances, in parallel to those at the City and CRPD.

The City Attorney's recommendation was precipitated by COSCA's plans to begin pursuing the highest-priority cases of encroachment onto COSCA property. In support of these efforts, CRPD recently updated its Ordinance Manual to include a new section prohibiting encroachments on "District property, Wildwood Park, and open spaces." Although the City does not currently have an ordinance specifically prohibiting encroachments, COSCA staff will be drafting such an ordinance for adoption by the City Council in the next two months.

The City Attorney's Office has advised staff that COSCA should adopt its own ordinances prohibiting encroachments on COSCA-owned land before notifying property owners of apparent encroachments onto COSCA open space. With a COSCA-specific encroachment ordinance in place, COSCA will have unambiguous authority and justification to request removal of the encroachments.

While the recommendation that COSCA adopt its own ordinances stems from the need for a COSCA encroachment ordinance, staff recommends the adoption of a full range of COSCA ordinances that parallel all City and CRPD ordinances relevant to the maintenance and management of open space.

Legislative Authority

According to COSCA's Joint Powers Agreement, dated October 18, 1977, COSCA has "any and all powers authorized by law to the parties hereto... relating to the acquisition, **regulation**, management, preservation and disposition of open space real property" [emphasis added]. Both the City and CRPD possess the power to pass ordinances to regulate open space, as described below:

Government Code Section 37100, which relates to City ordinances, provides, in part, that:

The legislative body may pass ordinances not in conflict with the Constitution and laws of the State or the United States.

And Public Resources Code Section 5782.21, which relates to Special District ordinances, provides, in part, that:

Districts may adopt and enforce all rules, regulations, ordinances, and bylaws necessary for the administration of government, and protection of the property, improvements, and facilities under the management or belonging to the district.

Procedure for Adoption

Because COSCA's Joint Powers Agreement designates the City Attorney as COSCA's acting attorney, staff will work with the City Attorney's Office to develop COSCA ordinances and will follow the City's ordinance adoption procedures.

Government Code Section 36934, which governs the adoption of City ordinances, states that ordinances shall not be passed within five days of their introduction and must be passed at a regularly scheduled meeting. In order to avoid significant delays in pursuing COSCA open space encroachment cases, staff recommends that the Board schedule a special Board meeting one or two weeks before the next regularly scheduled Board meeting on May 13, 2009. If the Board so chooses, the new COSCA ordinances can be introduced at this special meeting and adopted at the May 13th Board meeting.

Staff proposes to develop COSCA ordinances by mirroring the text of all ordinances in the Thousand Oaks Municipal Code and the CRPD Ordinance Manual that relate to the regulation of open space. At this time, staff does not propose to draft any ordinances that are not already in existence at the City or CRPD, except for the soon-to-be-

Initiation of Development of COSCA Ordinances

March 11, 2009

Page 3 of 3

proposed City encroachment ordinance, and does not plan to make changes to the language contained in the existing ordinances, beyond any non-substantial changes required to adapt them to COSCA.

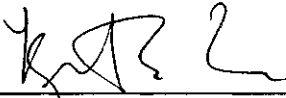
Once the initial COSCA ordinances are adopted, changes or additions to these ordinances could be initiated at a future date, in close coordination with the City and CRPD. To reduce confusion about the rules and regulations that apply to public open space throughout Thousand Oaks, care should be taken to ensure that all open space-related ordinances remain consistent across all three agencies.

CONCLUSION:

The development of COSCA ordinances will serve to clarify the rules and regulations that apply to COSCA property, including open space encroachments.

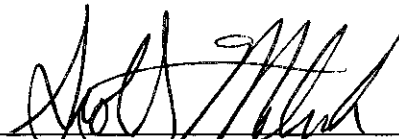
With the Board of Directors' approval, staff will schedule a special Board meeting before the next regularly scheduled Board meeting on May 13th for the introduction of draft COSCA ordinances.

Prepared by:

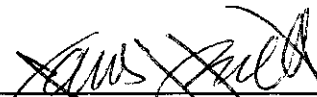


Kristin E. Foord
COSCA Manager

Submitted by:



Scott Mitnick, City Manager
City of Thousand Oaks



Jim Friedl, General Manager
Conejo Recreation & Park District