



CITY OF

NEWPORT BEACH

City Council Staff Report

September 23, 2025
Agenda Item No. 7

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Sean Levin, Recreation and Senior Services Director - 949-644-3151, slevin@newportbeachca.gov

PREPARED BY: Justin Schmillen, Recreation and Senior Services Deputy Director - 949-644-3160, jschmillen@newportbeachca.gov

TITLE: Ordinance No. 2025-30: 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 & Senior Services Department

ABSTRACT:

For the City Council's consideration is the amendment of Newport Beach Municipal Code (NBMC) Chapter 2.12.110 adding enforcement of park and park facility related provisions of the code as a function of the Recreation & Senior Services (RSS) Department. This inclusion is necessary to apply for and execute a Management Control Agreement (MCA) between the Newport Beach Police Department (NBPD) and RSS Department to authorize Park Patrol Officers (PPOs) use of the California Law Enforcement Telecommunication System (CLETS).

RECOMMENDATIONS:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Waive full reading, direct the City Clerk to read by title only, and introduce 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* and pass to a second reading on October 14, 2025.

DISCUSSION:

On July 22, 2003, City Council approved a Park Patrol Program under the Recreation & Senior Services Department (RSS) to patrol and monitor active parks and recreation facilities and maintain a safe park environment in the City of Newport Beach (City). Since its inception, Park Patrol Officers (PPOs) continue to patrol 365 days a year and maintain a presence in the City's 65 parks, making over 15,000 public contacts annually. Their primary goal is to educate the public to gain compliance with park rules and regulations.

They also have the authority to write administrative citations, if necessary, for Newport Beach Municipal Code (NBMC) violations that occur in City parks. PPOs are equipped with radios and provided access to police communications and may be dispatched, called upon to assist, or coordinate with Newport Beach Police Department (NBPD) in certain situations.

Based on Park Patrol's specified services, NBPD has requested a Management Control Agreement (MCA) between the NBPD and RSS Departments to authorize PPO's use of CLETS equipment and information. The CLETS is a communications network maintained by the California Department of Justice (DOJ) to communicate and obtain information from federal and state databases. The NBPD is a CLETS subscribing agency; according to Section 1.5.1A of the DOJ's CLETS Policies, Practices and Procedures, non-criminal justice agencies "may access CLETS equipment or information from the CLETS on behalf of the CLETS subscribing agency to accomplish specified services (such as dispatching, parking citations or data processing/information technology services), if such delegation is authorized pursuant to statute, ordinance, regulation or an agreement between agencies". A signed MCA must also be received and approved by the DOJ between the CLETS subscribing agency (NBPD) permitting access to the non-criminal justice designee (RSS). An MCA would require each PPO to maintain annual CLETS security training to qualify for access to NBPD's encrypted radio system. It would also give them the new capability to conduct a search of licenses plate information over the radio, if necessary.

Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the NBMC to include the "education and enforcement of park and park facility related provisions of the code" as a department function provides the statute necessary to distinguish the RSS Department as an authorized, non-criminal justice designee to enable the MCA. NBPD currently has three MCAs in place within the City which state an enforcement function under their respective sections of Chapter 2.12 of the NBMC; Harbor Department, Community Development Department- Code Enforcement and Public Works Department- Refuse Division.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Ordinance No. 2025-30:

Attachment B – Department of Justice CLETS Policies, Practices and Procedures