



Recreation & Parks Commission Agenda

October 10, 2011
7:00 p.m. – Regular Meeting
City Hall

Todd Emrick
Chair

Michael Dougherty
Vice Chair

Linda Bartelt
Commissioner

Mary Granger
Commissioner

Bruce Hunt
Commissioner

Daniel McDermott
Commissioner

Ira Newman
Commissioner

Procedures for Addressing the Recreation & Parks Commission

Any person who wishes to speak regarding an item on the agenda or on a subject within the City's jurisdiction during the "Oral Communications" portion of the agenda should fill out a "Speaker Request Form" and give it to the recording secretary BEFORE that portion of the agenda is called.

The Recreation & Parks Commission encourage free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, Recreation & Parks Commission discourage clapping, booing or shouts of approval or disagreement from the audience.

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE COMMISSION IS IN SESSION.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Services Department at (714) 993-8184. Notification 48 hours prior to the meeting will generally enable City staff to make reasonable arrangements to ensure accessibility.

(28 CFR 35.102.35.104 ADA Title II)

Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the Community Services Department, (714) 993-8184, to make inquiry concerning the nature of the item described on the agenda.

In compliance with Senate Bill 343, any writings or documents provided to a majority of the City Council regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

City of Placentia
401 E Chapman Avenue
City of Placentia, CA 92870

Community Services Department
Phone: (714) 993-8184
Fax: (714) 961-0283
Website: www.placentia.org

Recreation & Parks Commission

October 10, 2011

REGULAR MEETING

7:00 p.m. – Community Meeting Room

MEETING CALLED TO ORDER

ROLL CALL: Chair / Commissioner Emrick
Vice Chair / Commissioner Dougherty
Commissioner Bartelt
Commissioner Granger
Commissioner Hunt
Commissioner McDermott
Commissioner Newman

PLEDGE OF ALLEGIANCE

ORAL COMMUNICATIONS

At this time the public is invited to address the Recreation and Parks Commission concerning any agenda item, which is not a public hearing item or other items under the jurisdiction of the Recreation and Parks Commission.

ELECTION OF OFFICERS

Commission to conduct elections for Chair and Vice Chair positions.

COMMISSIONER COMMENTS AND REPORTS

The purpose of these reports is to provide information on projects and programs that are discussed at sub-committee meetings. No decisions are to be made on these issues. If a Commission member would like formal action on any of the discussed items, it will be placed on a future Council Agenda.

RECREATION AND PARKS AGENDA

1. **Approval of Minutes** – June 13, 2011 & September 12, 2011
2. **Placentia Rotary Club Special Event Request** -
Staff and Recreation and Parks Commission to consider proposed Placentia Rotary Club request to hold a special fundraising event at Kraemer Park in June 2012.
3. **Monthly Report - Community Services Programs and Services** –
Staff to provide updates and overview of summer programs and services offered by the Community Services Department. Item will include presentations by Community Services Coordinators Zambrano and Ortiz and Administrative Assistant Maurer. Additional update on upcoming special events will be provided – Heritage Festival, Veterans Day and Holiday programs.

4. **Parks and Facility Project Updates** –
Staff to provide updates on the Kraemer Park Restroom Renovation, Gomez Community Center, City Hall Renovation and Backs/Kraemer lighting projects.
5. **Goals & Objectives** –
Commission to review Goals & Objectives and make recommendation for balance of fiscal year 2011-12.
6. **Sports Advisory Committee** –
Staff and subcommittee to schedule additional subcommittee meetings to discuss recommendations for updates/changes to field use and allocation policy.
7. **Prohibition of Registered Sex Offenders in County City Parks** –
Staff to review the analysis on prohibiting sex offenders from entering city parks.

Park Inspection Reports - Commission to review inspection reports with staff.

STAFF COMMENTS

Agenda Building and Meeting Schedule – Staff and Commission to review agenda items and schedule upcoming meetings.

ADJOURNMENT

The Recreation and Parks Commission Adjourn to a Regular Meeting on Monday, November 14, 2011 at 7:00 p.m. in the Community Meeting Room at City Hall located at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Maria Elena Maurer, Administrative Assistant for the City of Placentia, hereby certify that the Agenda for the October 10, 2011 meeting of the Recreation and Parks Commission was posted on October 6, 2011.



Maria Elena Maurer
Administrative Assistant

MINUTES
PLACENTIA RECREATION AND
PARKS COMMISSION MEETING
SEPTEMBER 12, 2011

Meeting held at Parque de los Vaqueros and called to order at 6:36 p.m.

ROLL CALL

Present: Bartelt, Dougherty, Granger, Newman
Absent: Emrick, Hunt, McDermott
Staff Present: Steve Pischel, Director of Community Services
Jon Nicks, Deputy Director of Community Services
Maria Elena Maurer, Administrative Assistant, Community Services

PLEDGE OF ALLEGIANCE – Led by Commissioner Dougherty.

ORAL COMMUNICATIONS – Verizon Wireless representative Michelle Felton in attendance.

COMMISSIONER COMMENTS AND REPORTS - None.

1. **APPROVAL OF MINUTES** – June 13, 2011 and July 11, 2011

Due to lack of quorum, the minutes of June 13, 2011 will be postponed to be approved at the next meeting.

Minutes of July 11, 2011 - Commissioners Granger and Bartelt noted that item #8, Heritage Festival Participation, was incorrect; both Commissioners will be helping with traffic control at the end of the parade, but will not be riding in the parade.

MOTION by Commissioner Newman to approve the minutes of July 11, 2011 as corrected; **SECOND** by Commissioner Bartelt and **CARRIED** by a **4-0-3-0 VOICE VOTE** (Emrick, Hunt, McDermott Absent).

2. **MONTHLY REPORTS** – Staff Pischel indicated that Coordinators Veronica Ortiz and Felipe Zambrano will be coming to the October Commission meeting to present an overview of the summer programs. Staff Nicks reported that the P.A.R.K.S. programs are in full operation at the various sites, including the new location for the Cathy Torrez Center operating at the E.T. Powell Building. During the renovation construction at the Gomez Center, recreation staff will be operating mobile programs outdoors. The new Tynes Gym Youth Center is now open at Tynes Gym capturing many of the Jr. High kids that live in the area and has been heavily promoted at the middle schools.

3. **PARKS AND FACILITY PROJECT UPDATES -**

Staff Pischel reported that the Civic Center tile had been completed, but due to unforeseen conditions, the restrooms completion has been delayed about 60 days. Staff Nicks indicated that the Kraemer Park restroom renovation also encountered unforeseen conditions in the park while digging. Staff is working with a good contractor based out of Placentia and the job is still on schedule. The restroom's electricity source has become a major issue with Edison; due to their current guidelines, they only allow two meters per parcel and the park had three meters. The power source for the restroom will have to come from the Backs Building panel. The Gomez Center renovation project was awarded in August and is expected to be completed in January 2012.

Staff Nicks stated that he had met with Architect Richard Fisher to plan the six park lighting projects. The main objective will be to use the same light standard that is being used at Kraemer Park for all the sites which will make it easier to replace when the lights go out.

4. **REVIEW OF PROPOSED CELL TOWER AT KRAEMER MEMORIAL PARK-**

Staff Pischel introduced Verizon Wireless representative Michelle Felton who provided an overview of the proposed cell site (monopine) at Kraemer Park and answered questions. The next step in the process is to go to the Planning Commission for its approval.

MOTION by Commissioner Newman to offer Commission's support for the Kraemer Memorial Park cell site proposed by Verizon; **SECOND** by Commissioner Granger and **CARRIED** by a **4-0-3-0 VOICE VOTE** (Emrick, Hunt, McDermott Absent).

5. **GOALS & OBJECTIVES** - The Goals & Objectives review will be postponed to the next Commission meeting. In the meantime, Commissioners can submit their changes/recommendations to Staff Maurer.

6. **FIELD USE & ALLOCATION POLICY UPDATE** – This item will be brought back to a future Commission meeting for updates.

7. **TRI-CITY PARK – COUNTY OF ORANGE REGIONAL PARK SYSTEM -**

Staff Pischel commented that the Tri-City Park Authority will meet on Tuesday, September 13, 2011 to continue a discussion with the County to consider taking Tri-City Park as part of the County's park system; ultimately, taking over the responsibilities of the park's maintenance, operations and upkeep. All three cities' City Councils would have to agree to the terms and conditions that would be proposed and staff is working with the other two cities to create a list of "deal points." Supervisor Shawn Nelson's goal is to expand the regional parks in the north County. The main advantage would be that the County would be able to implement some variations of the Master Plan and maintain the park to higher standards. Staff will continue to provide updates on this item.

8. **PROHIBITION OF REGISTERED SEX OFFENDERS IN COUNTY CITY PARKS**

In order to provide an update on this item, Staff Pischel stated that staff put together a report on this item that will be sent to all Commissioners via e-mail.

PARK INSPECTION REPORTS –

STAFF COMMENTS – Staff Pischel indicated that staff will reschedule the meeting with the Sports Advisory Subcommittee to continue reviewing the Field Use & Allocation Policy. He also commented on a survey called Strong Cities; this is being done by the League of California Cities and it is being conducted state-wide. This survey asks people what they like about the city they live in, the qualities that a city has to offer, etc. Commissioner Dougherty asked if this could be sent electronically so that Commissioners can respond to the survey quicker.

AGENDA BUILDING AND MEETING SCHEDULE – The following items will be placed on the next agenda: Parks and Facility Project Updates, Goals & Objectives review and Tri-City Park Update.

ADJOURNMENT - There being no further business, **MOTION** by Commissioner Granger to adjourn to a regular meeting at 7:00 p.m. on Monday, October 10, 2011; **SECOND** by Commissioner Newman and **CARRIED** by a **4-0-3-0** (Emrick, Hunt, McDermott Absent). Meeting adjourned on September 12, 2011 at 7:37 p.m.

Maria Elena Maurer, Recording Secretary
Recreation and Parks Commission

MINUTES
PLACENTIA RECREATION AND
PARKS COMMISSION MEETING
JUNE 13, 2011

Meeting called to order at 7:00 p.m.

ROLL CALL

Present: Granger, Hunt, McDermott, Newman
Absent: Bartelt, Dougherty, Emrick
Staff Present: Steve Pischel, Director of Community Services
Jon Nicks, Recreation Services Manager
Maria Elena Maurer, Administrative Assistant, Community Services
Jeannette Ortega, Neighborhood Services Coordinator

PLEDGE OF ALLEGIANCE – Led by Commissioner Newman.

ORAL COMMUNICATIONS – None present.

COMMISSIONER COMMENTS AND REPORTS - Commissioner Hunt commented that since the new AT&T cell site went in at Tuffree Park, there is a lot of interference for Verizon subscribers.

1. **APPROVAL OF MINUTES** – May 9, 2011

Approval of the Minutes of May 9, 2011, will be postponed until the next meeting due to lack of quorum.

2. **MONTHLY REPORTS** – Staff Pischel introduced Jeannette Ortega as the new Neighborhood Services Coordinator. Staff Pischel indicated that the summer programs are getting started; new part time staff has been hired and are being trained and certified. Staff Nicks reported that staff had processed 495 registrations on the first day of summer registration; 363 of those were for swimming lessons.

Staff Pischel mentioned that the County has passed an ordinance prohibiting sex offenders in the parks, and they have asked if such an ordinance would be considered in Placentia. This will be placed on a future agenda for discussion.

3. **PARKS AND FACILITY PROJECT UPDATES** -

Staff Nicks reported that all the work at the Senior Center had been completed. Staff is working with one of the Yorba Linda churches to do a "Serve Day" and paint the fences. Staff is working with the Boys & Girls Club to provide their programs at the Teen Center. The Cathy Torrez Learning Center programs will be moved to the Senior Center after July 4th. Commissioner Granger asked that Staff keep in mind the mobile recreation opportunity as it has the potential to

reach all aspects of the community. Pre-bid meetings were scheduled on June 20 for both the Kraemer Park restroom and the Gomez Community Center renovations. Staff distributed pictures of the pre-fabricated restroom that is being constructed for Kraemer Park. The City Hall Renovation project was awarded and the work will be done on the weekends starting the end of June.

4. **COMMISSION MONTHLY AGENDA ITEMS –**

Commissioners reviewed and updated their monthly agenda items.

5. **FIELD USE & ALLOCATION POLICY UPDATE –**

Staff Pischel distributed the suggested changes to the Field Allocation Policy. A Sports Advisory Subcommittee meeting was scheduled on Thursday, June 30, 2011 at 7:00 a.m. to review these changes.

6. **PROPOSITION 84 STATE PARK GRANT APPLICATION -**

Staff Ortega provided an overview of Proposition 84 State Park Grant. This \$150 million statewide grant is highly competitive. The minimum award amount is \$100,000 and the maximum is \$500 million. This grant can be used for acquisition of a park or to renovate and improve existing facilities such as the Backs Community Building, and community input is essential. The application is due July 1, 2011 and the survey distributed to the Commissioners will be part of the application. Staff Nicks noted that the partnerships with the Boys & Girls Club and joint use, the Downtown Merchants Association, and the Community Network will help the City qualify for this grant. Staff Pischel asked for the Commission's input by returning the survey before July 1, 2011.

Commissioner Newman, on behalf of the Recreation and Parks Commission offered its support for this grant.

7. **TRI-CITY PARK – COUNTY OF ORANGE REGIONAL PARK SYSTEM -**

Staff Pischel reported that the City Managers from Brea, Fullerton and Placentia had a conversation with County Supervisor, Shawn Nelson, to consider the possibility to incorporate Tri-City Park into the Regional Park System. Supervisor Nelson sees a discrepancy in that the North County does not have the same number of parks and most of the money is going to the South County parks and beaches. The Tri-City Park Authority met in May with the Orange County Director of Parks, Mark Denny, to discuss the potential to incorporate Tri-City Park into the County's Regional Park System. Mr. Denny provided an overview of the County's Park System and related that their Board of Supervisors would have to direct their staff to pursue this possibility.

Staff Pischel indicated that Staff made it clear that Placentia has concerns about the loss of control since special events like Concerts in the Park and the Heritage Festival are annual events important to the community. Commissioner Hunt asked staff to bring back any developments on this item as it will also affect the sports groups that park in Tri-City Park on a yearly basis (regional parks charge a parking fee), and this will impact them.

PARK INSPECTION REPORTS – Commissioner Granger was happy to report that an infant swing had been installed at Kraemer Park. She also noticed that graffiti has become more prominent on sidewalks throughout the City.

STAFF COMMENTS – Staff Ortega announced that the City Services Academy will be offered starting on Wednesday, July 27, 2011 from 6:00 – 8:00 p.m. The application is available on line.

AGENDA BUILDING AND MEETING SCHEDULE – The following items will be placed on the next agenda: Sports Advisory and Skate Park Updates, and Parks and Facility Project Updates.

ADJOURNMENT - There being no further business, **MOTION** by Commissioner McDermott to adjourn to a regular meeting at 7:00 p.m. on Monday, July 11, 2011 in the E.T.Powell Building; **SECOND** by Commissioner Hunt, **MOTION CARRIED 4-0-3-0** (Bartelt, Dougherty, Emrick Absent). Meeting adjourned on June 13, 2011 at 8:40 p.m.

Maria Elena Maurer, Recording Secretary
Recreation and Parks Commission

MEMORANDUM

City of Placentia

TO: CITY ADMINISTRATOR
FROM: DIRECTOR OF ADMINISTRATIVE SERVICES AND COMMUNITY SERVICES
DATE: AUGUST 30, 2011
SUBJECT: ANALYSIS ON PROHIBITING SEX OFFENDERS FROM ENTERING CITY AND COMMUNITY PARKS

On April 5, 2011 the Orange County Board of Supervisors adopted an Ordinance prohibiting registered sex offenders (offenders) from entering County parks without written permission from the Orange County Sheriff's Department. Since the adoption of this Ordinance, several Orange County Cities have adopted and/or are considering the adoption of a similar ordinance. For instance, Tustin, Orange, and Westminster have similar ordinances to the County.

Several other cities have adopted ordinances that are slightly different than the County Ordinance but still prohibits sex offenders from entering parks. The City of Fullerton's ordinance allows the fining and jailing of offenders who move within 2,000 feet of a park or school. The City of Irvine adopted an ordinance that prohibits sex offenders *convicted of a crime against a minor* from entering city parks and recreational facilities. Nonetheless, when Rancho Santa Margarita considered such a ban, the District Attorney's Office wrote to the City urging the passing of the ordinance without the *convicted of a crime against a minor* clause due to several limitations. For example, if a mother notices a sex offender videotaping around a park and calls the police department, and the offender is not on probation or parole, and his registration is based on the possession of child pornography, an officer cannot arrest the offender under this ordinance.

On Thursday, August 18, 2011, The Orange County Register printed an article regarding the City of San Juan Capistrano's legal concerns over the City's liability in adopting an Ordinance that would prohibit registered sex offenders from entering a City park. Two Ordinances were presented to Council: Option 1 models the Orange County's Child Safety Zone ordinance to charge registered sex offenders with a misdemeanor if they entered a park without the written permission from the Police Department. Option 2 would allow the Police Department to grant the time and location-specific written permission if the registered sex offender has a reason to be there under specific guidelines such as the offender is a legal parent or guardian, free speech or assembly, lawful employment, voting, or attending a religious service.

The City of San Juan Capistrano also discussed the City of San Diego's recent removal of certain restrictions of an ordinance adopted last year. This action was made after a San Diego Superior Court Judge found the 2,000 feet policy of the statewide Jessica's Law to be unlawful in denying parolees' travel and privacy rights. The City of San Diego settled with the Public Defender's Office.

The City of Elk Grove's sex offender ordinance, similar to statewide Jessica's Law, prohibits registered sex offenders from living within 2,000 of a school or a park. The Elk Grove City Council adopted the sex offender ordinance last September following public outcry over a group home for juvenile sex offenders in a neighborhood. One of the offenders reportedly performed a lewd act in public view inside the house while watching a neighbor and her young daughter.

ORDINANCE NO. 0-2011-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA ADDING CHAPTER 10.70 OF TITLE 10 OF THE PLACENTIA MUNICIPAL CODE PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING CITY AND COMMUNITY PARKS.

City Attorney's Summary

This Ordinance adding Chapter 10.70 of Title 10 of the Placentia Municipal Code, prohibiting registered sex offenders from entering city and community parks without written permission from the Placentia Police Department.

A. Recitals.

(i) Chapter 10.70 of Title 10 of the Placentia Municipal Code is hereby added to the Placentia Municipal Code to read in its entirety as follow:

(ii) The City Council desires to add Chapter 10.70 to include the provisions thereof in prohibiting registered sex offenders from entering city and community parks without written permission from the Placentia Police Department.

(iii) All legal prerequisites have occurred prior to the adoption of this Ordinance.

B. Ordinance.

The City Council of the City of Placentia does ordain as follows:

Section 1. In all respects as set forth in the Recitals, Part A., of this Ordinance.

Section 2. Chapter 10.70 of Title 10 of the Placentia Municipal Code hereby is amended to read, in words and figures, as follows:

introduced at a regular meeting of the City Council held on the ___ day of _____, 2011 and was finally adopted at a regular meeting held on the ___ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PATRICK J. MELIA,
CITY CLERK

APPROVED AS TO FORM:

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

ORDINANCE NO.0-2011-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA ADDING CHAPTER 10.70 OF TITLE 10 OF THE PLACENTIA MUNICIPAL CODE PROHIBITING REGISTERED SEX OFFENDERS FROM ENTERING CITY AND COMMUNITY PARKS.

City Attorney's Summary

This Ordinance adding Chapter 10.70 of Title 10 of the Placentia Municipal Code, prohibiting registered sex offenders from entering city and community parks without written permission from the Placentia Police Department.

A. Recitals.

(i) Chapter 10.70 of Title 10 of the Placentia Municipal Code is hereby added to the Placentia Municipal Code to read in its entirety as follow:

(ii) The City Council desires to add Chapter 10.70 to include the provisions thereof in prohibiting registered sex offenders from entering city and community parks without written permission from the Placentia Police Department.

(iii) All legal prerequisites have occurred prior to the adoption of this Ordinance.

B. Ordinance.

The City Council of the City of Placentia does ordain as follows:

Section 1. In all respects as set forth in the Recitals, Part A., of this Ordinance.

Section 2. Chapter 10.70 of Title 10 of the Placentia Municipal Code hereby is amended to read, in words and figures, as follows:

"Chapter 10.70

any other manner provided by law for the abatement of such nuisances.

Section 5. Severability.

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED and ADOPTED this __ day of _____, 2011.

SCOTT W. NELSON, MAYOR

ATTEST:

PATRICK J. MELIA, CITY CLERK

I, PATRICK J. MELIA, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the __ day of _____, 2011 and was finally adopted at a regular meeting held on the __ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



PROFESSIONAL STANDARDS BUREAU

R.A. HICKS, CHIEF OF POLICE

401 E. CHAPMAN, PLACENTIA, CA 92870

TO: CHIEF OF POLICE

FROM: PROFESSIONAL STANDARDS BUREAU

DATE: AUGUST 11, 2011

SUBJECT: SEX OFFENDER RESTRICTIONS

Background

During the past several years numerous groups across the nation have made concerted efforts to bring forth new and enhanced legislation to initiate a public stronghold against the dangers of convicted sexual offenders. This enhanced legislation has increased incarceration periods and improved formal supervision and monitoring of inmates when ultimately released from a custodial facility. Advances in technology, such as the California Department of Corrections and Rehabilitation (CDCR) global positioning systems (GPS), began a technological revolution with protecting the public against sexual offenders.

In the past few months, local governments throughout Orange County have joined the effort to control sexual offenders by limiting access to select public locations. On April 5, 2011, the Orange County Board of Supervisors unanimously adopted an ordinance that prohibits all convicted sexual offenders from entering Orange County parks and recreational areas where children are known to gather. Orange County Supervisor Shawn Nelson and Orange County District Attorney Tony Rackauckas formulated this ordinance through a collaborative effort. As a result of the County's ordinance, many Orange County cities have formulated their own ordinances that may or may not be as narrowly tailored the County's.

Current legislation affecting sexual offenders:

- Wetterling Act – Federal law mandating states to implement a sex offender and crimes against children registry.
- Megan's Law – Enacted by Congress and encouraged individual states to implement programs to provide information to the public regarding registered sex offenders. California has formulated a web-based system allowing the public to access information 24 hours a day.
- Dru Sjodin – National Sex Offender Public Website administered by the United States Department of Justice and is a national cooperative database to host public sex offender information.
- Jessica's Law – Also known as California Proposition 83 was enacted in 2006. The act requires all high risk registered sex offenders to be monitored by GPS (for life) as well as prohibiting the offenders from residing within 2000 feet of any public or private school or park where children gather. This law also allows local government to adopt ordinances that impose further residency restrictions. As of July 29, 2011 the CDCR reports 7050 offenders are currently monitored via GPS.
- California SB 1128 – Numerous restrictions on registered sex offenders. Jessica's Law enhanced SB 1128.

Chelsea's Law declares that certain registered sex offenders, who are released on parole, shall be subject to a condition that prohibits them from entering any park where children regularly gather except with permission of their parole officer. This restriction is limited to offenders in which one or more of the offender's victim(s) was under the age of fourteen (14). Chelsea's Law does not expressly provide local agencies to adopt more restrictive restrictions as does Jessica's Law.

On May 16, 2011, the California Court of Appeal – Los Angeles issue an opinion regarding the 2000 foot residency restriction regarding Jessica's Law. The Superior Court had initially granted a preliminary injunction prohibiting the enforcement of the distance restriction upon the parolees in Los Angeles County. The Superior Court determined the restriction to be unconstitutional based upon parolee claims that alleged there was virtually no housing in the county where they could lawfully reside, thus they were banned from the county or forced into homelessness. The Court of Appeal disagreed and reversed the Superior Court's erred decision. The Superior Court in San Diego also rendered a decision similar to the Los Angeles Superior Court. That matter is presently awaiting review by the appellate court in San Diego.

Regulating access to parks by convicted sex offenders is not unique to California. Numerous states have passed legislation addressing the control of sex offenders and restricting their access to parks and other forms of recreational areas. Legal challenges embody these restrictions with some successful resolutions in support of the restriction. In 2005, the Six Flags amusement parks (Magic Mountain, etc.) reported they reserved the right to ban convicted sex offenders from their parks. They became the first amusement entity to publically make this assertion.

As a result of the examination of the current statues and a lack of judicial review of restricting access to parks and other recreational venues, nothing appears to impede the city from enacting an ordinance regulating park accessibility by sex offenders, especially with the mindset of protecting children. Key factors to evaluate in any formulation of a proposed ordinance, with forethought of enforceability, should include exceptions to the restriction such as lawful employment, exercise of freedom of expression or assembly, right to vote, and pick up / drop off children (parent / legal guardian). These exceptions may aid in the defense of any proposed legal action brought forth as a result of the restriction.

Strengths

- An ordinance of this nature projects a sincere and directed stance from the city and the police department towards the community members that sex offenders in the city of Placentia will be subject to stringent regulatory control.
- Potential reduction of repeat offenders within the city limits by publication of the sex offender regulation.
- Increased analysis of current sex offenders and their whereabouts in correlation to restricted areas and schools.
- Decrease in sex offender presence in restricted areas due to ordinance thus improving public safety.
- Increase in public relations and positive community response towards city and police department for taking proactive steps to improve public safety and awareness.
- Review and/or establish internal technological infrastructure to better monitor known and frequent offenders within the city.
- Formulates prevention and enforcement strategies.

Weaknesses

- Availability of personnel to provide monitoring of resident sex offenders.
- Funding for initial start up and ongoing maintenance.