6. ADMINISTRATIVE PENALTY PROCEDURES

6.1 This section establishes the administrative procedures for the imposition, enforcement, collection, and review of civil penalties by the District pursuant to Government Code Section 53069.4.

The issuance of a civil or administrative penalty under this section is solely at the District's discretion and is one option the District possesses to address violations of this ordinance. By adopting these provisions, the District does not intend to limit its discretion to utilize any other remedy, civil or criminal, for any violation of the Ordinance.

A Citee may request a preliminary review of a citation within 14 days of the date the citation is issued. The Citee must present a preliminary review request form, a copy of the citation and any additional information demonstrating the reason(s) why there was no violation or why the Citee is not a responsible person for the violation to the District's Park and Recreation Manager. The purpose of the review is to identify any improper citations due to errors that are readily verifiable and not to resolve factual disputes concerning the citation.

The preliminary review shall be conducted by the District's Park and Recreation Manager or designee. The reviewer shall not be the park services officer who issued the citation.

If the determination of the preliminary review is that the citation is improper, the citation shall be dismissed. The Citee shall be notified of the results of the review in writing within 15 working days of receipt of the request.

A request for preliminary review does not extend any time periods for compliance, the penalty due date or the time to request an administrative hearing.

Any Citee may contest a civil penalty citation by filing a signed written request for an administrative hearing stating the grounds for contesting the citation. The request must be received by the District within 35 days of the date the citation was served and be accompanied by a deposit of the full amount of the penalty.

Within ten (10) days following the receipt of a request for an administrative hearing and deposit of the full amount of the fine, the District shall schedule an administrative hearing. The date of the hearing shall be no more than 90 days later than the date the request for the hearing was filed. The District shall notify the Citee of the date of the hearing.

A Hearing Officer will be appointed by the District to conduct, consider and decide administrative hearing. Prior to being appointed, a hearing officer must be first designated by the General Manager as qualified to provide a fair and impartial hearing based on appropriate education, training and experience.

The Hearing Officer may grant a one-time continuance of a hearing for no more than 45 days if a request is made showing good cause by the Citee or the District designated representative. All continuance requests shall be made by a written request received by the District at least 72 hours before the hearing date. If the request for continuance is denied, the hearing shall proceed as noticed. A Citee who requests a continuance waives their opportunity for a hearing within 90 days of the date the citation is issued.

A Hearing Officer shall conduct the hearing on the date set by the District. The Citee shall have the opportunity to appear, testify and to present evidence relevant to the ordinance violation alleged in the citation. The Citee may file a written declaration with the District at least 48 hours prior to the hearing in lieu of personally attending the hearing. The citation shall be accepted by the Hearing Officer as prima facie evidence of the ordinance violation and the facts stated in the citation. Neither the park services officer nor any other District representative shall be compelled to attend the hearing. Any such appearance or submission may be made at the discretion of the park services officer.

The hearing shall be conducted informally and formal rules of evidence need not be utilized. The Hearing Officer does not have the authority to issue a subpoena.

The failure of the Citee to appear at the hearing or to file written testimony prior to the hearing shall constitute an abandonment of the request for an administrative hearing and a failure to exhaust administrative remedies concerning the violation set forth in the citation. Any penalty deposit shall be forfeited to the District.

After considering all evidence and testimony submitted at the administrative hearing, the Hearing Officer shall issue a written decision to uphold or dismiss the citation within 20 working days after conclusion of the hearing. The Hearing Officer has no discretion or authority to reduce or modify the amount of any fine. The decision shall state the reasons and evidence considered for the decision. If the decision is to uphold the citation, the deposited penalty shall be forfeited to the District. If the decision is to dismiss the citation, the District shall refund the penalty deposit within 30 days of the decision. The Hearing Officer's continued employment, performance evaluation, compensation, and benefits shall not directly or indirectly be linked to the number of citations upheld or cancelled by the officer.

Notwithstanding any other provisions of this Ordinance or otherwise, the administrative hearing decision is final and not subject to appeal or further review by the District or any person. The Citee may seek judicial review of the administrative hearing decision by filing an appeal with the Ventura County Superior Court in accordance with the provision of state law.

6.2 Administrative Penalty Citations

Upon determining that a provision of this Ordinance has been violated, a park services officer has the authority to issue a civil penalty citation. A citation may be issued for violation of one or more ordinance sections and for one or more days on which a

violation exists. Each ordinance violation shall constitute a separate violation and be subject to a separate penalty. Civil penalty citations shall contain following information:

1. Name of the Citee;

2. Address or other description of the location where the ordinance violation occurred;

3. Date on which the ordinance violation(s) occurred;

4. Issuing department/division;

5. The ordinance section(s) violated;

6. Brief description of the violation;

7. Amount of the penalty;

8. Procedure to pay the penalty;

9. Description of the procedure for requesting a Preliminary Review, and an Administrative Hearing to contest a citation.

10. Printed name and signature of the issuing Ranger;

11. Date the citation is served;

12. A distinct citation number.

A park services officer may personally deliver the citation to the Citee, or may mail the citation by first class mail to the Citee's last known address.

6.3 Payment of Administrative Penalties

The Board of Directors shall approve by resolution a penalty fee schedule to establish the amount of the civil penalties for violating provisions of District ordinances. Penalties are due on the day the citation is issued.

Penalties shall be paid to the District within 35 days of the due date. Penalties not paid in accordance with the provision of this Ordinance are civil obligations of the responsible party and may be collected by the District through any legal means. Payment of a penalty shall not excuse the Citee from correcting the ordinance violation. The issuance of a citation or payment of a penalty does not bar the District from taking any further enforcement action regarding an ordinance violation that continues to exist or when a person continues to violate an ordinance, including but not limited to issuing additional civil penalty citations or filing a criminal complaint.