

RESOLUTION NO. 11475 (N.C.S)

A RESOLUTION OF THE CITY COUNCIL
RELATING TO WITHDRAWAL OF CONSENT TO
REMAIN ON FACILITIES OWNED BY THE
CITY OF SALINAS

WHEREAS, the City of Salinas owns facilities which are open to the public; and

WHEREAS, while the vast majority of persons who use the City facilities are law-abiding, use the facilities for the purposes intended and respect the rights of others to use those facilities, there are a small minority of persons who misuse the facilities or who disrespect the rights of others or who are generally disruptive in their use of the facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALINAS that the City Council hereby adopts the following rules relating to the withdrawal of consent to remain on a City facility;

A. The City Manager, or an officer or employee designated by him to maintain order on a facility owned or operated by the City of Salinas, may notify a person that consent to remain on the facility has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such facility.

B. Whenever consent is withdrawn by any authorized officer or employee other than the City Manager, such officer or employee shall, as soon as is reasonably possible, submit a written report to the City Manager. Such report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the City Manager, or, in his absence, a person designated by him for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the City Manager or, in his absence, the person designated by him, does not confirm the action of the officer or employee within forty-eight (48) hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

C. Consent shall be reinstated by the City Manager whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the facility. In no case shall consent be withdrawn for longer than sixty (60) days from the date upon which consent was initially withdrawn for the first offense, 120 days for a second offense within a year and 180 days for a third and subsequent offense within a year. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within two weeks from the time consent was withdrawn. Such written request shall state the address to which notice of hearing is to be sent. The City Manager shall grant such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

D. Any person who has been notified by the City Manager or by an officer or employee designated by the City Manager to maintain order on such facility, that consent to remain on the facility has been withdrawn pursuant to subdivision (A); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such facility during the period for which consent has been withdrawn is guilty of an infraction. This subdivision does not apply to any person who enters or remains on such facility for the sole purpose of applying to the City Manager for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

E. This resolution shall not affect the rights of representatives of employee organizations to enter, or remain upon, such facilities while actually engaged in activities related to representation, as may be permitted by any rule or regulation of the City or as contained in any applicable memorandum of understanding.

PASSED AND ADOPTED this 24th day of May, 1983

by the following vote:

AYES: Councilmen Jim Collins, Paul D. Grennan, Russell Jeffries, Bill O'Brien, Mayor James B. Barnes

NOES: None

ABSENT: None



Mayor

ATTEST:


City Clerk