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February 21, 2023

City Council  
1400 Highland Ave.  
Manhattan Beach, CA 90266

2023 FEB 21 AM 11:46

CITY CLERK'S OFFICE  
MANHATTAN BEACH, CA

RE: PUBLIC COMMENT REGARDING LAZ PARKING CALIFORNIA, LLC

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Dear City Council,

State law prohibits general law cities from hiring private contractors allowing their employees to issue citations for vehicle code parking violations. Vehicle Code § 40202 requires a law enforcement officer or a City employee to issue parking citations, and Vehicle Code § 21 preempts the City from circumventing § 40202. Vehicle Code § 31 prohibits giving oral or written information to a peace officer while in the performance of his duties under the provisions of the Vehicle Code when that person knows the information is false. Violation of Vehicle Code § 31 is a misdemeanor pursuant to Vehicle Code § 40000.5.

As the City Attorney informed me at the meeting on February 7, 2023, he was referring to criminal misdemeanor enforcement when he responded to Mayor Montgomery's question about the legality of hiring contractors for parking enforcement, "No. That is not correct. There was a case a few years ago in a related subject that fell to that issue." There is no case law allowing a private contractor to issue citations for Vehicle Code parking violations.

Penal Code enforcement is a ministerial duty, and parking enforcement is a discretionary act. Even if the Penal Code doesn't preempt a general law city from hiring a private contractor to enforce criminal misdemeanors, as Vehicle Code § 21 preempts a city from hiring a private contractor to issue citations for Vehicle Code parking violations, mitigating factors to justify enforcing a ministerial act, do not comport to mitigating factors for enforcing a discretionary act. As such, even if there were case law making exceptions for who is authorized to enforce criminal misdemeanors, those exceptions would not apply to discretionary parking enforcement preempted by the Vehicle Code for which the Legislature never authorized the hiring of a private contractor to enforce.

LAZ Parking California, LLC is in the business of managing parking garages, not enforcing Vehicle Code parking violations. To the extent they seek to expand their business in California to include parking enforcement, they would only be authorized to issue citations for Vehicle Code parking violations in Charter cities whose charter provided for such actions.

Respectfully submitted,

Patrick Sharpless

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

BILL LOCKYER  
Attorney General

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OPINION	:	No. 01-1103
	:	
of	:	April 23, 2002
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
GREGORY L. GONOT	:	
Deputy Attorney General	:	
	:	

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THE HONORABLE LOUIS B. GREEN, COUNTY COUNSEL, COUNTY OF EL DORADO, has requested an opinion on the following question:

May a general law city enter into a contract with a private security company authorizing the company's employees to issue citations for Vehicle Code parking violations?

**CONCLUSION**

A general law city may not enter into a contract with a private security company authorizing the company's employees to issue citations for Vehicle Code parking violations.

## ANALYSIS

A general law city is considering whether to contract with a private security company<sup>1</sup> to have the company's employees patrol the city's parking lots during the summer months. The contract would specify that the company's employees would use the ticket books of the city's police department to issue citations for Vehicle Code parking violations. The city's own employees have previously been issuing the citations, and it is hoped that contracting with the company will be less costly and allow better use of the city's resources. We conclude that the city may not contract with the security company for the performance of these particular services.

Vehicle code section 40202<sup>2</sup> governs the issuance of a citation<sup>3</sup> for a parking violation:

“(a) If a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation, including reference to the section of this code or of the Public Resources Code, the local ordinance, or the federal statute or regulation so violated; the date; the approximate time thereof; the location where the violation occurred; a statement printed on the notice indicating that the date of payment is required to be made not later than 21 calendar days from the date of citation issuance; and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or, pursuant to Section 40215, contest the citation . . . .

“(b) The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.

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<sup>1</sup> The security company is licensed as a private patrol operator by the Department of Consumer Affairs. (Bus. & Prof. Code, §§ 7583-7583.45.)

<sup>2</sup> All references hereafter to the Vehicle Code are by section number only.

<sup>3</sup> For purposes of this opinion, “citation” means a notice of parking violation. (§ 41601.)

“(c) Once the issuing officer has prepared the notice of parking violation and has attached it to the vehicle as provided in subdivisions (a) and (b), the officer shall file the notice with the processing agency. . . .

“.....”

Subdivision (a) of section 40202 indicates that parking citations may be issued by “the peace officer or person authorized to enforce parking laws and regulations,” who is described as the “issuing officer” (§ 40202, subd. (c)). In 63 Ops.Cal.Atty.Gen. 719 (1980), we determined that a city need not use its peace officers but may authorize its other employees to issue citations for parking violations. Our 1980 opinion, however, did not consider whether a city may contract to use a private company’s employees to enforce its parking regulations.

The Legislature has expressly authorized cities to contract with private companies to *process* parking citations. Subdivision (a) of section 40200.5 states in part: “[A]n issuing agency may elect to contract with the county, with a private vendor . . . for the processing of notices of parking violations and notices of delinquent parking violations . . . .” (See *Lockheed Information Management Services Co. v. City of Inglewood* (1998) 17 Cal.4th 170, 173, 185.) Processing, however, takes place after issuance of the citation (*id.* at pp. 193, 197-198), and no specific authority has been given to cities to have the employees of private companies *issue* parking citations. Is express statutory authority required?

General law cities have the authority to contract with private parties as expressly granted by the Constitution or by the Legislature or as necessarily implied from such expressly granted powers. (See *Service Employees Internat. Union v. Board of Trustees* (1996) 47 Cal.App.4th 1661, 1665-1666; *City of Lomita v. Superior Court* (1986) 186 Cal.App.3d 479, 481-482; *City of Lomita v. County of Los Angeles* (1983) 148 Cal.App.3d 671, 673-674; *Carruth v. City of Madera* (1965) 233 Cal.App.2d 688, 695; 68 Ops.Cal.Atty.Gen. 175, 178-179 (1985); 10 McQuillin, *Municipal Corporations* (3d ed. 1990) § 29.05, p. 263.) While no specific authority allows a city to use the employees of a private company to enforce its parking regulations,<sup>4</sup> the Legislature has authorized cities to contract for “special services” under the terms of Government Code section 37103:

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<sup>4</sup> The Legislature has authorized the use of members of a “special enforcement unit” to issue citations primarily for disabled parking violations, but such members are directly employed by the local agency. (§ 22507.9)

“The legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

“It may pay such compensation to these experts as it deems proper.”<sup>5</sup>

Another general grant of authority to cities to contract for “special services” is contained in Government Code section 53060:

“The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

“The authority herein given to contract shall include the right of the legislative body of the corporation or district to contract for the issuance and preparation of payroll checks.

“The legislative body of the corporation or district may pay from any available funds such compensation to such persons as it deems proper for the services rendered.”

We believe issuing parking citations cannot reasonably be considered the furnishing of “special services” for purposes of Government Code sections 37103 or 53060. The test for determining whether services are “special services” depends on “the nature of the services; the necessary qualifications required of a person furnishing the services; and the availability of the service from public sources.” (*California Sch. Employees Assn. v. Sunnyvale Elementary Sch. Dist.* (1973) 36 Cal.App.3d 46, 60; see *Service Employees Internat. Union v. Board of Trustees*, *supra*, 47 Cal.App.4th at p. 1673; *Darley v. Ward* (1982) 136 Cal.App.3d 614, 627; *Jaynes v. Stockton* (1961) 193 Cal.App.2d 47, 51-52.) Services may be special because of the outstanding skill or expertise of the person furnishing them. (*Kennedy v. Ross* (1946) 28 Cal.2d 569, 574.)

We see nothing “special” in issuing parking citations. These services are dissimilar from those judicially recognized as special services, such as hospital management (*Darley v. Ward*, *supra*, 136 Cal.App.3d 614), research and development (*California Sch.*

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<sup>5</sup> Government Code section 31000 grants similar authority to counties.

*Employees Assn. v. Sunnyvale Elementary Sch. Dist.*, *supra*, 36 Cal.App.3d 46), criminal law prosecution (*Montgomery v. Superior Court* (1975) 46 Cal.App.3d 657), and bookstore management (*Service Employees Internat. Union v. Board of Trustees*, *supra*, 47 Cal.App.4th 1661). The employees of the city in question have been issuing parking citations and may continue to do so without “experts” having to undertake these services that are commonly performed as a municipal function.

No other constitutional or statutory provision requires examination to determine whether a city has an express grant of authority to contract with a private company to obtain parking regulation enforcement. Moreover, issuing parking citations cannot reasonably be considered as the type of service that by implication may be contracted out to a private party. Rather, **it is for the Legislature to determine whether a city should be allowed to use private employees to issue parking citations, just as it has considered (and granted) the authority of a city to contract for parking citation processing services.**

We conclude that a general law city may not enter into a contract with a private security company authorizing the company’s employees to issue citations for Vehicle Code parking violations.

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## State of California

### VEHICLE CODE

#### Section 40202

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40202. (a) If a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation, including reference to the section of this code or of the Public Resources Code, the local ordinance, or the federal statute or regulation so violated; the date; the approximate time thereof; the location where the violation occurred; a statement printed on the notice indicating that the date of payment is required to be made not later than 21 calendar days from the date of citation issuance; and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or, pursuant to Section 40215, contest the citation. The notice of parking violation shall also set forth the vehicle license number and registration expiration date if they are visible, the last four digits of the vehicle identification number, if that number is readable through the windshield, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency and shall be prima facie evidence of the facts contained therein.

(b) The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.

(c) Once the issuing officer has prepared the notice of parking violation and has attached it to the vehicle as provided in subdivisions (a) and (b), the officer shall file the notice with the processing agency. Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor.

(d) If, during the issuance of a notice of parking violation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the notice to the vehicle, the issuing officer shall file the notice with the processing agency. The processing agency shall mail, within 15 calendar days of issuance of the notice of parking violation, a copy of the notice of parking violation or transmit an electronic facsimile of the notice to the registered owner.

(e) If, within 21 days after the notice of parking violation is attached to the vehicle, the issuing officer or the issuing agency determines that, in the interest of justice, the notice of parking violation should be canceled, the issuing agency, pursuant to subdivision (a) of Section 40215, shall cancel the notice of parking violation or, if the issuing agency has contracted with a processing agency, shall notify the processing agency to cancel the notice of parking violation pursuant to subdivision (a) of Section 40215. The reason for the cancellation shall be set forth in writing.

If, after a copy of the notice of parking violation is attached to the vehicle, the issuing officer determines that there is incorrect data on the notice, including, but not limited to, the date or time, the issuing officer may indicate in writing, on a form attached to the original notice, the necessary correction to allow for the timely entry of the notice on the processing agency's data system. A copy of the correction shall be mailed to the registered owner of the vehicle.

(f) Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for cancellation.

(Amended by Stats. 1998, Ch. 885, Sec. 3. Effective January 1, 1999.)



TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

GEORGE DEUKMEJIAN  
Attorney General

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OPINION	:	No. 80-413
	:	
of	:	<u>September 9, 1980</u>
	:	
GEORGE DEUKMEJIAN	:	
Attorney General	:	
	:	
Paul H. Dobson	:	
Deputy Attorney General	:	
	:	

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SUBJECT: ISSUING NOTICES OF PARKING VIOLATIONS BY NON PEACE OFFICERS—A city is authorized to employ a person who is not a peace officer to issue notices of parking violations and state law does not provide any training requirements with respect to such a person.

The Honorable Jack R. Fenton, Assemblyman, 59th District, has requested an opinion on a question which we have phrased as follows:

Is a city authorized to employ a person who is not a peace officer to issue notices of parking violations and if so, does state law provide any training requirements for such a person?

CONCLUSION

A city is authorized to employ a person who is not a peace officer to issue notices of parking violations and state law does not provide any training requirements with respect to such a person.

## ANALYSIS

The instant request raises the issue of who may issue what is commonly referred to as a “parking ticket.” A vehicle may be illegally parked in violation of the Vehicle Code or a local ordinance enacted pursuant thereto. (See Veh. Code § 22500 *et seq.*) A parking violation is an infraction. (Veh. Code, § 40000.1.)

Vehicle Code section 41102 sets forth what shall constitute prima facie Evidence that the registered owner of an illegally parked vehicle was the person who parked the vehicle. Vehicle Code section 41103 provides:

“The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

*“(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to said notice.*

“Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

*“(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner or the lessee or renter that unless he appears in the court to be designated in said notice within 10 days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.*

“Such notice shall be given, either by personal delivery thereof to such owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner lessee or renter at his address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration

of 10 days after said deposit of such notice.

“Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.” (Emphases added.)

As may be seen a “parking ticket” is the notice of a parking violation placed upon a vehicle described in subsection (1) of Vehicle Code section 41103. The issuance of a notice of a parking violation involves neither an arrest nor the obtaining of a written promise to appear. (See *People v. Weitzer* (1969) 269 Cal. App. 2d 274, 283, disapproved on other grounds; *People v. Superior Court (Simon)* (1972) 7 Cal. 3d 186, 206, fn. 14.)<sup>1</sup>

Having ascertained exactly what a parking ticket is, we must next consider the authority, if any, of a city to employ persons to issue such a ticket. Vehicle Code section 21 provides:

“Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on matters covered by this code unless expressly authorized herein.”

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<sup>1</sup> The preliminary steps in the prosecution of a parking violation are as follows:

(a) A notice of violation, i.e., a parking ticket is placed on the vehicle pursuant to Vehicle Code section 41102, subsection (1).

(b) A copy of the ticket is filed with the court in lieu of a complaint and shall constitute a complaint to which the defendant may plead guilty or nolo contendere. (Veh. Code, § 40513.)

(c) The vehicle’s registered owner may pay bail in the amount specified on the ticket. (Veh. Code, §§ 40309, 40309.5.)

(d) If bail is not paid and the registered owner does not appear at place and time set forth in the first notice, a second notice to appear is served on the registered owner of the vehicle pursuant to Vehicle Code section 41103, subsection (2).

(e) A warrant of arrest or a citation to appear may issue after a failure by the owner to appear in response to the second notice (Veh. Code, § 41103, subsection (2).)

(f) Owner may be arrested on the warrant (Pen. Code § 816) and may be released on his written promise to appear in court (Veh. Code, § 40500; Pen. Code, § 853.5 *et seq.*)

Accordingly, it has been held that “[t]raffic control on public highways is not a ‘municipal affair’ in the sense of giving the municipality (whether holding a constitutional charter or not) control thereof in derogation to the power of the state.” (*Mervyns v. Acker* (1961) 189 Cal. App. 2d 558, 561–562; *Wilton v. Henkin* (1942) 52 Cal. App. 2d 368, 372; 59 Ops. Cal. Atty. Gen. 329, 333 (1976); 53 Ops. Cal. Atty. Gen. 313 (1970); see also *City of LaFayette v. County of Contra Costa* (1979) 91 Cal. App. 3d 749, 755–756 as modified in Advance Reports, 92 Cal. App. 3d 8690.) The regulation of parking has been recognized judicially as falling within the realm of traffic control. (*Mervyns v. Acker, supra*, at p. 561.)

Where matters are covered by the Vehicle Code, no local regulation is permitted unless expressly authorized by the code. (*City of LaFayette v. County of Contra Costa, supra*, 91 Cal. App. 3d at p. 755.) However, where the Legislature has not covered matters with respect to traffic regulation in the Vehicle Code, the field as to those matters remains subject to municipal regulation. (*Wilton v. Henkin, supra*, 52 Cal. App. 2d at p. 372.)

In the area of parking, chapter 9 of division 11 of the Vehicle Code (§ 22500 *et seq.*) contains various provisions authorizing local regulation ‘of parking by ordinance. Thus, the Legislature has covered the field with respect to the enactment of parking regulations, and it has expressly authorized cities to enact certain types of parking ordinances. However, as to who may issue parking tickets, the Vehicle Code is silent. While Vehicle Code section 41103 provides that anyone over 18 years of age may serve the second notice to the registered owner of the vehicle, the section does not provide for the qualifications of the person who places the parking ticket on the vehicle.

A city council is authorized to hire employee to perform the functions of city government including law enforcement. (Gov. Code, § 36505.) Penal Code section 830.1 recognizes the authority of a city to employ police officers and bestows peace officer status on such officers. Penal Code section 836.5 provides that the governing body of a local agency<sup>2</sup> by ordinance may authorize its *public officers* and *employees*, who have the duty to enforce a statute or ordinance, to arrest persons for misdemeanor violations occurring in their presence. (See also Pen. Code, § 818.) By virtue of Penal Code Section 19d, this authorization would also apply to infractions. While the issuance of a parking ticket does not involve an arrest, Penal Code section 836.5 constitutes legislative recognition that law enforcement personnel of a city need not be peace officers in all cases. Since no provision of the Vehicle Code specifies who is authorized to issue parking tickets, it is our conclusion that a city may employ persons who are not peace officers to issue parking tickets. (*Walton v. Henkin, supra*, 52 Cal. App. 2d at p. 372.)

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<sup>2</sup> The term local agency is not defined for purposes of Penal Code section 836.5, but it is apparent that it includes a city. (Sec Gov. Code, § 50001.)

Our conclusion in this respect is confirmed by reference to chapter 10 of division 11 of the Vehicle Code (§ 22650 *et seq.*) which concerns the removal of parked and abandoned vehicles. While some of the sections of that chapter provide the circumstances under which certain peace officers may remove illegally parked vehicles (see, e.g., §§ 22653–22656), section 22657 sets forth circumstances under which a “regularly employed and salaried employee who is engaged in the direction of traffic or enforcement of parking regulations when designated by the sheriff of any county or the chief of police of any city may remove a vehicle from a highway. Thus, the Legislature has recognized the authority of a city to employ a person who is not a peace officer for enforcement of parking regulations.

We also note that cities have long interpreted state law to authorize employment of nonpeace officer employees to check parking meters and issue parking tickets. This long-standing administrative interpretation is entitled to great weight. Additionally, this office has previously concluded in an unpublished opinion (I.L. 67–63, dated April 26, 1967) that a public employee need not be a peace officer to issue a parking ticket.

The only limitation in state law with respect to persons employed by a city in the enforcement of parking regulations of which we are aware, is that found in Vehicle Code section 22657. It would appear from the wording of that section, that in order to remove a vehicle from a highway in accordance with the provisions of that section, such an employee must be regularly employed and salaried and must be designated by the police chief for that duty. However, we have found no similar requirements with regard to employees who merely issue parking tickets. Accordingly, the employment and training of personnel in this respect is a matter which falls within the power of the city to regulate. (*Wilton Henkin, supra*, 52 Cal. App. 2d at p. 372

It is our conclusion, therefore, that a city is authorized to employ a person who is not a peace officer to issue notices of parking violations and that state law does not provide any training requirements for such person.

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**State of California**

**VEHICLE CODE**

**Section 21**

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21. (a) Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code.

(b) To the extent permitted by current state law, this section does not impair the current lawful authority of the Mountains Recreation and Conservation Authority, a joint powers authority, or any member agency constituted therein as of July 1, 2010, to enforce an ordinance or resolution relating to the management of public lands within its jurisdiction.

(Amended by Stats. 2010, Ch. 616, Sec. 1. (SB 949) Effective January 1, 2011. Operative July 1, 2011, by Sec. 6 of Ch. 616.)



**State of California**

**VEHICLE CODE**

**Section 31**

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31. No person shall give, either orally or in writing, information to a peace officer while in the performance of his duties under the provisions of this code when such person knows that the information is false.

(Added by Stats. 1965, Ch. 1264.)

**State of California**

**VEHICLE CODE**

**Section 40000.5**

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40000.5. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Paragraph (3) of subdivision (a), or subdivision (b), or both, of Section 221, relating to proper evidence of clearance for dismantling.

(Amended by Stats. 1999, Ch. 316, Sec. 3. Effective January 1, 2000.)



## Martha Alvarez, MMC

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**From:** Bruce Greenberg <bruce.h.greenberg@gmail.com>  
**Sent:** Tuesday, February 21, 2023 11:37 AM  
**To:** List - City Council  
**Cc:** Linda M. Robb; Mark Leyman  
**Subject:** [EXTERNAL] Chargers Special Event Application

**EXTERNAL EMAIL:** Do not click links or open attachments unless you trust the sender and know the content is safe.

Hello Mayor Napolitano and Members of City Council:

This evening, you will decide whether to approve the Special Event Permit Application from the San Diego Chargers to conduct a Draft Day event at the foot of the pier.

When this issue came before the Parks & Recreation a few weeks ago, we had a vigorous discussion and then unanimously voted to recommend approval of the application with a set of conditions that we felt would make this “corporate marketing event” into somewhat of a “MB community event.” We recognized the proposed event for what it is: a marketing event for a privately-owned, for-profit professional sports team that has no connection to MB. But we thought it could be a fun community event on a Thursday evening in April with the following conditions (also enumerated in the staff report):

- We advised the representative from the Chargers to figure out what they were prepared to do to “give back” to the Manhattan Beach community. Perhaps a significant donation to the local schools (e.g., MBEF)
- In order to make this a MB community event, half of the (free) tickets for the event would be made available initially, on a pre-sale basis, to members of the MB community.
- We recommended that the Chargers organization invite local youth football programs (e.g., MCHS football and BCS flag football) to participate in some way in the event.

Since the P&R Commission meeting a few weeks ago, I have continued to think about this Special Event Permit Application. One of the things that strikes me is that, if the City allows the Chargers to conduct the event, then we are essentially allowing a private, for-profit, non-MB company to conduct a commercial marketing event **without charging them anything for use of the space**. Sure, we charge a nominal permit application fee to cover staff cost of processing and reviewing the application. The event organizer is also required to cover the City’s event-related costs such as traffic control, security, police, trash, etc. And I believe (not sure) that they may be required to cover the lost parking meter revenue. But they don’t actually pay a fee to rent thousands of square feet of the City’s premier beachfront property in the most iconic location at the foot of the pier. Doesn’t it seem odd that the City charges rental fees for the use of a conference room at the Joslyn Center, or a picnic pad for a birthday party at Polliwog Park, or soccer field...but we don’t charge a rental fee for the amazing venue that the Chargers propose to use?

So...

1. I am NOT suggesting that we introduce a new fee to the Chargers at this stage of the process. However, I do believe that the Chargers should make a very meaningful donation (\$100k perhaps) to a MB community organization (MBEF perhaps) as a thank you to the MB community for allowing the Chargers to conduct this event rent-free.
2. We should have staff conduct an analysis to determine the appropriate market rate for a private, for-profit organization to rent this iconic venue in the future.

Apologies if any of my information is inaccurate. If so, I’m sure Mark and Linda will correct and clarify.

Thank you for your consideration.

Regards,  
Bruce Greenberg  
P&R Commissioner

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Bruce Greenberg  
310.897.4695 M  
=====

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Bruce Greenberg  
310.897.4695 M  
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## Martha Alvarez, MMC

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**From:** Steve Suard <sasuard@yahoo.com>  
**Sent:** Monday, February 20, 2023 11:02 AM  
**To:** Rachel Johnson  
**Cc:** List - City Council  
**Subject:** [EXTERNAL] Upgrading MB policing

**EXTERNAL EMAIL:** Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Chief Johnson,

Thank you so much for your commitment to keeping us safe. Crime has gotten so bad it is now our number one concern.

M.B. is lucky in that it is a smaller city with two sides naturally blocked off (the ocean and refinery) making it somewhat easier to control/monitor ingress/egress.

We are also lucky to be part of a time of great technological advancements. Given M.B.s small size and resulting lack of economies of scale, it behooves us to take advantage of both tech and our neighbors to adequately meet the rapid rise in outside large group organized criminals.

Unfortunately, the addition of a couple foot patrol does little to impact group smash and grabs where any one or two patrol are easily overwhelmed and put in danger.

Cities like Pacific Palisades, Beverly Hills, etc., successfully use cameras, licence plate readers, drones, monitored stations, stings, etc., to monitor access and control crimes with preemptive knowledge and post-crime criminal tracking capabilities.

The booming A.I. sector is creating new tools daily which we should have a way to both keep abreast and provide input. One day there should be a way to disable a dangerously driven stolen car to eliminate the daily news of such events in L.A. causing unnecessary damage and death via high speed chases and radical car road closures.

There are a plethora of private residences and commercial property owners willing to donate time and space to help as needed with convenient locations for cameras, drone pads, etc. The refinery area might be especially advantageous in this regard.

Given our and our neighboring cities' small sizes, we need to combine efforts/resources and knowledge with our neighbors if we hope to keep the growing sophisticated crime sprees at bay and all our residents safe. Of course prosecution and confinement issues need revamping, but these may be outside of your control :(

Thanks for whatever efforts you can put into the new art of preventive/safe policing using technology.

Best,  
Steve Suard

[Sent from Yahoo Mail on Android](#)

## Martha Alvarez, MMC

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**From:** Maureen Denitz <modenitz@yahoo.com>  
**Sent:** Wednesday, February 8, 2023 10:51 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Hiring new police officers

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council.

Thank you so much for approving the hiring of ten more police positions. Our family appreciates it very much. Public Safety is our number one issue. In addition, I was not able to zoom the meeting due to a family health issue but heard about a blue line flag that was discussed that could be displayed at our police dept. I have a decal on the back of my car that I'm proud to display so I think having this symbolism in our town shows how we support everything our police dept does for our community.

Hope you will consider this.

Thanks again for the approval of new officers.

Best

Maureen and David Denitz

Sent from my iPhone