

POLICE COMMITTEE MINUTES

August 2, 1999

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on August 2, 1999 at 3:16 p.m.

COMMITTEE PRESENT

Pat Pomeroy, Chairman
John Giles
Bill Jaffa

COUNCIL PRESENT

Mayor Wayne Brown
Keno Hawker
Dennis Kavanaugh

STAFF PRESENT

C.K. Luster
Neal Beets
Fred Conway
Linda Crocker
Luigi Digirolamo
Penny Griffin
Mike Hutchinson
Barbara Jones
Richard Kasper

STAFF PRESENT (CONT.)

Ellen Pence
Andy Reinhardt
Jan Strauss
Kim West

OTHERS PRESENT

Barrett Marson
Others

1. Further discussion and consideration concerning motorized skateboard regulations.

Police Chief Jan Strauss referred to a draft ordinance prepared by staff relative to this issue and discussed staff's recommendations, which include restricting owners/operators of motorized skateboards from riding on sidewalks, City-owned areas, posted areas, and private property; requiring that no child under the age of 14 shall operate a motorized skateboard; prohibiting speed limits in excess of the posted speed limits; prohibiting carrying passengers and/or packages and attaching the skateboards to any vehicles; restricting the operation of the skateboards to the owners; and a variety of safety issues such as required gear and hours of operation. Chief Strauss noted that civil rather than criminal penalties would be assessed for violations and the fine amount would be \$300. Chief Strauss related an option suggested by the City Attorney to allow the fine to be assessed to the parents as well as the minor should it be deemed appropriate.

Chairman Pomeroy thanked Chief Strauss for her input.

In response to a question from Committeemember Giles, Police Legal Advisor Rich Kasper stated that the proposed stipulation limiting the operation of motorized skateboards to the owners is a regulation in effect in surrounding communities. Mr. Kasper added that staff additionally recommends that minors carry with them at all times written permission from their parents to operate the motorized vehicles and certifying that the operators have undergone at least basic traffic safety training. Mr. Kasper commented that Council may determine that the option that parents also be held liable for fines is unnecessary and decide to eliminate that portion of the ordinance.

Committeemember Giles expressed concern relating to enforceability and questioned the appropriateness of requiring that minors possess at all times written consent to operate a motorized skateboard.

Committeemember Giles additionally advised that various communities have enacted an age restriction of 13. Committeemember Giles indicated a preference to eliminate the requirement to possess written permission and to adopt an age restriction of 13 but said that he will ultimately support the consensus of Council.

Chairman Pomeroy stated support for a minimum age requirement of 14, expressing a preference for age 16 unless assured that the parent has reviewed traffic regulations with the minor. Chairman Pomeroy spoke in favor of requiring written permission.

Committeemember Jaffa noted the importance of safety and parental responsibility and concurred with the age restriction and requirement for written permission. Committeemember Jaffa advised that various individuals utilize skateboards to travel to/from work and questioned the feasibility of prohibiting operation on roadways having an established speed limit greater than thirty miles per hour.

Chief Strauss outlined the need to limit access in relation to traffic safety and commented that the regulations will be restrictive for the relatively few individuals who may utilize motorized skateboards for travel to/from work. Chief Strauss noted alternate modes of transportation such as bicycles.

In response to a question from Chairman Pomeroy, Chief Strauss indicated that motorized skateboards typically do not have the capacity for speeds in excess of 25 miles per hour.

Chairman Pomeroy spoke in favor of the proposed ordinance as written.

Committeemember Giles stated support for regulation and concurred with a majority of the proposed ordinance but expressed the opinion that the ownership requirement is overly restrictive and the requirement to carry written permission appears unenforceable.

Committeemember Jaffa stated that he is not necessarily opposed to reducing the minimum age to 13 if parents are accountable.

Chief Strauss requested that direction from the Committee include reference to the option imposing responsibility on parents for a fine if not paid by the minor.

It was moved by Committeemember Jaffa, seconded by Chairman Pomeroy, to recommend to Council approval of the ordinance as presented by staff, including the option stipulating that parents are jointly and severally liable with the minor for payment of a fine.

Committeemember Giles reiterated his concerns relating to the proposed ordinance.

Committeemember Giles proposed a substitute motion to adopt staff's recommendation, with the exception of the ownership requirement (Section D7) and the requirement to possess written consent (Section B2); adjustment of the minimum age to 13 (amending Section D1); and including the option for joint and several liability of the parents with the minor.

Chairman Pomeroy declared the motion dead for lack of a second.

Committeemember Jaffa stated that he would be amenable to adjusting the minimum age from 14 to 13.

Chairman Pomeroy indicated support for eliminating the ownership requirement (Section D7) but said that he would not favor adjusting the minimum age to 13.

In response to a question from Committeemember Jaffa, Committeemember Giles related his concern that requiring written consent may be inappropriate and unenforceable.

Committeemember Jaffa noted the importance of parental responsibility and diligence and stated support for the requirement to possess written permission.

Committeemember Giles expressed appreciation for the comments of the Committee. Committeemember Giles said that he will continue to oppose the motion but stated that he anticipates supporting Council's final recommendation.

Chairman Pomeroy requested that the Committee vote on the motion. Committeemember Jaffa stated that he would support eliminating the ownership requirement (Section D7).

It was moved by Committeemember Jaffa, seconded by Chairman Pomeroy, to amend the motion to eliminate Section D7.

Chairman Pomeroy requested that the Committee vote on the amendment.

Carried unanimously.

Chairman Pomeroy requested that the Committee vote on the original motion as amended.

Upon a tabulation of votes, it showed:

AYES - Jaffa-Pomeroy

NAYS - Giles

Chairman Pomeroy declared the motion carried by majority vote.

2. Hear a report concerning the July 4 sobriety checkpoint on North Power Road and consider doing checkpoints for other selected holidays.

Police Chief Jan Strauss referred to a memo which reflects responses from a survey relative to the recent sobriety checkpoint on July 4, 1999. Chief Strauss pointed out that the survey reflects a 93% approval rating by the respondents who were the occupants of the vehicles detained in the checkpoint. Chief Strauss stated that based on the documented public acceptance of the program initiated, the Police Department is requesting that consideration be given to conducting sobriety checkpoints on the three major summer holidays (Memorial Day, July 4th, and Labor Day) and periodically (2-3 days) when the East Valley D.U.I. Task Force is in operation in the City.

Police Lieutenant Luigi Digirolamo clarified that the East Valley Holiday D.U.I. Task Force generally operates from December 11th through December 31st and is additionally in enforcement on Saint Patrick's Day.

It was moved by Committeemember Giles, seconded by Committeemember Pomeroy, to recommend to Council that the Mesa Police Department conduct sobriety checkpoints on Memorial Day, July 4th, and Labor Day and periodically (2-3 days) from December 11th through December 31st.

Councilmember Jaffa stated that although he supports the sobriety checkpoints conducted on the three holidays, he does not support expanding the checkpoints to include undesignated days in December because there has not been an opportunity for public input on the matter.

Chief Strauss advised that the additional days in December have been noted as having a substantial increase in the number of incidences involving D.U.I. cases and that the East Valley D.U.I. Task Force is in operation during this time frame.

In response to a request by Councilmember Jaffa, Lt. Digirolamo clarified that the recommendation by the Police Department includes conducting the sobriety checkpoints in conjunction with the D.U.I. Task Force, which is in operation from December 11th through December 31st.

Chairman Pomeroy requested that the Committee vote on the motion.

Carried unanimously.

City Manager Charles Luster related the difficulty posed in presenting the Committee's recommendation to Council to enable preparation by the Police Department to conduct a checkpoint for Labor Day.

In response to a request from Committeemember Giles for clarification regarding the manner in which to proceed, City Attorney Neal Beets indicated that the Police Department has the authority to conduct law enforcement procedures such as conducting sobriety checkpoints without direction by the City Council. Mr. Beets indicated that this issue is subject to the discretion of the Police Chief.

Councilmember Hawker stated that it was his understanding that subsequent to the July 4th checkpoint, the Police Department's recommendation for continuance of the program would be presented to the City Council and that the Committee does not have the ability to state that support has been acknowledged by the City Council.

Mayor Brown affirmed that initially the issue was to be presented to the Committee for a recommendation to the City Council but suggested adherence to the advice provided by the City Attorney.

Councilmember Hawker reiterated his opinion that this issue should be presented to the City Council and that an emergency clause should not be exercised.

Committeemember Giles emphasized that an ordinance on this issue has not been proposed and that the Police Department can proceed with the recommended sobriety checkpoints based on the opinion of the City Attorney and the support of the Police Committee.

Councilmember Jaffa concurred with Committeemember Giles' comments.

3. Adjournment.

Without objection, the meeting of the Police Committee adjourned at 3:50 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee Meeting of the City of Mesa, Arizona, held on the 2nd day of August, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK