

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Tom Kruse, Parks and Recreation Director 

DATE: December 28, 2009 (CC Meeting of 1/20/2010)

SUBJECT: Consider a Resolution Rescinding Resolutions Nos. 2003-2075 and 2005-2431 and Authorizing the Employees with the Listed Job Classifications to Enforce the Municipal Code

BACKGROUND

Resolutions 2003-2075 and 2005-2431 were adopted to authorize the issuance of citations under California Penal Code Section 836.5 (a) relative to parking citations and animal control, mosquito abatement, and vector control. These resolutions allowed only the Recreation Supervisor, Recreation Coordinator I and II to issue parking citations and the Animal/Vector Control Specialist, Animal/Vector Control Technician, Code Enforcement Officer I and II, Crossing Guard Supervisor, and Community Services Senior Management Analyst to issue a civil citation for Municipal Code violations. Since parking citations are a civil citation, the City must adopt a resolution identifying those job classifications that would be authorized to issue parking citations. The proposed action updates the titles of certain affected positions and adds a few positions for the authority to issue citations. All other citations for violations of the Municipal Code would be issued as administrative citations as authorized by previous Council action at the October 17, 2007, City Council meeting.

DISCUSSION

Most of the citations that the City expects to issue for Municipal Code violations would be through the administrative citation process. However, parking citations are a civil citation under Chapter 1.10 of the Municipal Code. In order to issue a parking citation, the Council must authorize certain job classifications by resolution. Chapter 1.10, Section 1.10.090, Administrative Citations, authorizes code compliance officers to issue civil citations. Section 1.16.020 defines a code compliance officer as "any officer or

employee authorized by the governing body to enforce provisions of the Municipal Code.”

Since the Council has already authorized certain job classifications to issue administrative citations, the main purpose of authorizing civil citations for certain job classifications will be for the issuance of parking citations. The positions, listed in alphabetical order, identified as Assistant City Engineer, Assistant Engineer, Associate Civil Engineer, Code Compliance Technician I and II, Community Development Technician, Crossing Guard Supervisor, Landscape/Parks Maintenance Superintendent, Maintenance Worker II and III, Management Analyst, Parks and Landscape Manager, Principal Planner, Public Works Superintendent/Inspector, Recreation/Community Services Manager, Recreation Coordinator II and III, Recreation Supervisor, Senior Civil Engineer, Senior Maintenance Worker, and Senior Management Analyst need to be authorized to issue parking citations.

The Crossing Guard Supervisor is the primary job classification that would issue parking citations. Other positions that are likely to also issue parking citations would be Landscape/Parks Maintenance Superintendent, Senior Management Analyst, and the Code Compliance Technician I and II. In the event that the people in those positions are not available to issue a parking citation, we suggest additional positions as a back up measure. The recreation related positions typically would only issue parking citations within the parks.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Adopt Resolution No. 2010-_____ establishing those positions which would have civil citation authority under the Municipal Code and rescinding Resolutions Nos. 2003-2075 and 2005-2431.

Attachment:

Resolution No. 2010-_____.

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTIONS NOS. 2003-2075 AND 2005-2431 AND AUTHORIZING THE EMPLOYEES WITH THE LISTED JOB CLASSIFICATIONS TO ACT AS A PUBLIC OFFICER TO ENFORCE VEHICLE PARKING VIOLATIONS OF STATE STATUTE OR CITY ORDINANCE PURSUANT TO SECITON 836.5 OF THE PENAL CODE AND SUBJECT TO THE PROVISIONS OF SECTION 1.10.090 OF THE MUNICIPAL CODE.

WHEREAS, the Municipal Code in Title 1, Chapter 1.10, Section 1.10.090, Administrative Citations, authorizes any code compliance officer to issue a civil citation; and

WHEREAS, the Moorpark Municipal Code in Title 1, Chapter 1.16, Section 1.16.020 defines a code compliance officer to be any officer or employee authorized by the governing body to enforce certain provisions of the Moorpark Municipal Code; and

WHEREAS, when a violation occurs within the City, employees with various City classification titles must be identified as employees authorized to issue a parking citation above and beyond the code compliance officer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Resolutions Nos. 2003-2075 and 2005-2431 are hereby rescinded.

SECTION 2. The Council finds and declares that the employees with the job classifications listed in alphabetical order of Assistant City Engineer, Assistant Engineer, Associate Civil Engineer, Code Compliance Technician I and II, Community Development Technician, Crossing Guard Supervisor, Landscape/Parks Maintenance Superintendent, Maintenance Worker II and III, Management Analyst, Parks and Landscape Manager, Principal Planner, Public Works Superintendent/Inspector, Recreation/Community Services Manager, Recreation Coordinator II and III, Recreation Supervisor, Senior Civil Engineer, Senior Maintenance Worker, and Senior Management Analyst for the City of Moorpark shall be deemed an employee authorized to issue a parking citation in accordance with Moorpark Municipal Code, Chapter 1.10, Code Violations, Penalties, and Enforcement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 20th day of January, 2010.

Janice Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk