

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk *MB*

DATE: May 22, 2014 (CC Meeting of 6/4/2014)

SUBJECT: Consider an Ordinance Adding Section 2.04.120, Investigations and Hearings, to Chapter 2.04, City Council, of Title 2 of the Moorpark Municipal Code

BACKGROUND AND DISCUSSION

As recommended by the City Manager and City Attorney, attached is a draft ordinance to add Section 2.04.120, Investigations and Hearings, to Chapter 2.04, City Council, of Title 2 of the Moorpark Municipal Code (MMC).

The reason for adding Section 2.04.120 is to allow the City Council to issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the Council.

FISCAL IMPACT

There is no fiscal impact for adding Section 2.04.120 to the MMC other than the printing costs for updating the code, which are budgeted for in the normal course of business.

STAFF RECOMMENDATION

Introduce Ordinance No. _____ for first reading, waive full reading, and place this ordinance on the agenda for June 18, 2014, for purposes of providing second reading and adoption of the ordinance.

Attachment: Draft Ordinance

ATTACHMENT

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA,
ADDING SECTION 2.04.120, INVESTIGATIONS AND
HEARINGS, TO CHAPTER 2.04, CITY COUNCIL, OF TITLE 2,
ADMINISTRATION AND PERSONNEL, OF THE MOORPARK
MUNICIPAL CODE

WHEREAS, Government Code Section 37104 provides the authority for a legislative body to issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it; and

WHEREAS, the city council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the city, and shall have the power of subpoena as provided in sections 37104 et seq. of the state Government Code; and

WHEREAS, at the regular meeting of June 18, 2014, the City Council determined to add Section 2.04.120 to the Moorpark Municipal Code consistent with state Government Code Section 37104.

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

SECTION 1. That Moorpark Municipal Code Section 2.04.120, Investigations and Hearings, of Chapter 2.04, City Council, is hereby added to read:

“2.04.120 Investigations and hearings.

The city council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the city, and shall have the power of subpoena as provided in sections 37104 et seq. of the state Government Code.”

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this ___th day of June, 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk