

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Deputy City Manager *for*
By: Richard A. Diaz, Special Projects Coordinator

DATE: October 5, 2007 (CC Meeting of 10/17/2007)

SUBJECT: Consider a Resolution Rescinding Resolutions Nos. 91-742 and 91-792 and Authorizing the Employees with the Listed Job Classifications to Enforce the Municipal Code

BACKGROUND

At the time Resolutions 91-742 and 91-792 were adopted it was to authorize the issuance of a criminal citation under California Penal Code Section 836.5 (a). These resolutions only allowed the Code Enforcement Officer to issue a criminal citation, however in the time since the adoption of Resolutions Nos. 91-742 and 91-792 the City has not issued a single criminal citation. All citations that have been issued were administrative citations.

DISCUSSION

Since there have been no issuances of criminal citations, there is no need to give positions in the City the authority to issue such citations. All citations that are expected to be written would be of the administrative type authorized under Title 1, Chapter 1.16, Section 1.16.030 General citation authority and applicability of the Moorpark Municipal Code. This section authorizes city code compliance officers to issue administrative citations. In Chapter 1.16, Section 1.16.020 Definitions, the Code Compliance Officer means any officer or employee authorized by the governing body to enforce provisions of the Municipal Code. Due to the small size of City staff there may be times that the primary position that is responsible for the enforcement of the City Code may not be available. Therefore, it is important to broadly identify positions that may substitute for the primary position responsible. The positions, listed in alphabetical order, identified as assistant city engineer, assistant engineer, assistant planner I and II, associate civil engineer, associate planner, city engineer, code compliance technician I and II, community development director, community development technician, crossing guard supervisor/parking enforcement, deputy city manager, landscape/parks maintenance

management analyst, parks and landscape manager, planning director, planning manager, principal planner, public works superintendent, recreation/community services manager, recreation coordinator II, recreation supervisor, senior civil engineer, senior management analyst, senior planner, vector/animal control specialist, and vector/animal control technician need to be authorized to enforce the Moorpark Municipal Code.

For example, if a vendor is found to be operating in a City park the recreation coordinator II, recreation supervisor, or the recreation/community services manager could issue a citation for violation of the municipal code rather than calling for either the code compliance technician or a deputy sheriff to issue such a citation. It is expected that issuance of citations by the various positions identified above would be for violations in their particular area of expertise as it relates to the Municipal Code.

A parking citation is a criminal citation and is authorized under another City Council resolution. The parking citation authority resolution will be reviewed and updated in the near future.

STAFF RECOMMENDATION

Adopt Resolution No. _____ establishing those positions which would have citation authority under the Municipal Code and rescinding Resolutions Nos. 91-742 and 91-792.

ATTACHMENTS:

1. Resolution No. _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTIONS NOS. 91-742 AND 91-792 AND AUTHORIZING THE EMPLOYEES WITH THE LISTED JOB CLASSIFICATIONS TO ENFORCE VIOLATIONS OF THE CITY MUNICIPAL CODE

WHEREAS, the Moorpark Municipal Code in Title 1, Chapter 1.16, Section 1.16.030 General citation authority and applicability, authorizes any code compliance officer to issue an administrative citation; and

WHEREAS, the Moorpark Municipal Code in Title 1, Chapter 1.16, Section 1.16.020 Definitions, 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 an administrative citation above and beyond the code compliance technician.

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

SECTION 1. Resolutions Nos. 91-742 and 91-792 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, assistant planner I and II, associate civil engineer, associate planner, city engineer, code compliance technician I and II, community development director, community development technician, crossing guard supervisor, deputy city manager, landscape/parks maintenance superintendent, management analyst, parks and landscape manager, planning director, planning manager, principal planner, public works superintendent, recreation/community services manager, recreation coordinator II, recreation supervisor, senior civil engineer, senior management analyst, senior planner, vector/animal control specialist, and vector/animal control technician for the City of Moorpark shall be deemed an employee authorized to issue an administrative citation in accordance with Moorpark Municipal Code, Chapter 1.16, Administrative Citations.

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 ____ day of _____, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

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