

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Barry K. Hogan, Deputy City Manager *BKH*

**DATE:** October 16, 2007 (CC Meeting of 11/7/2007)

**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 a criminal citation 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 criminal citation for Municipal Code violations. Since parking citations are a criminal citation the City must adoption a resolution identifying those job classifications that would be authorized to issue parking 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 criminal 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 1.10.040 Authority to issue criminal citations, authorizes code compliance officers to issue criminal 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 criminal 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, civil engineer, code compliance technician I and II, community development technician, crossing guard supervisor, landscape/parks maintenance superintendent, management analyst, parks and landscape manager, principal planner, public works superintendent, recreation/community services manager, recreation coordinator II, recreation supervisor, 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, parks and landscape manager 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 have suggested additional positions as a back up measure.

**STAFF RECOMMENDATION**

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

**ATTACHMENTS:**

Resolution No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

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 SECTION 836.5 OF THE PENAL CODE AND SUBJECT TO THE PROVISIONS OF SECTION 1.10.040 OF THE MUNICIPAL CODE

WHEREAS, the Moorpark Municipal Code in Title 1, Chapter 1.10, Section 1.10.040 Authority to issue criminal citations, authorizes any code compliance officer to issue a criminal citation; and

WHEREAS, the Moorpark Municipal Code in Title 1, Chapter 1.10, Section 1.10.040 refers to the definition of code compliance officer as defined by Chapter 1.16, Section 1.16.020 Definitions, as 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, civil engineer, code compliance technician I and II, community development technician, crossing guard supervisor, landscape/parks maintenance superintendent, management analyst, parks and landscape manager, principal planner, public works superintendent, recreation/community services manager, recreation coordinator II, recreation supervisor, 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 \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk