



MONROE CITY COUNCIL

Agenda Bill No. 20-090

SUBJECT:	Ordinance No. 007/2020, Establishing new 2.06 MMC - Limited commission officers
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
04/28/2020	Community Development	Ben Swanson	Ben Swanson	New Business #2

Discussion: 10/02/2018; 11/19/2019; 04/28/20
Attachments: 1. Proposed Ordinance No. 007/2020

REQUESTED ACTION: Move to accept first reading of 2.06 MMC - Limited commission officers, Providing for Severability; and Establishing an Effective Date.

POLICY CONSIDERATIONS

The Mayor and City Staff recommended revising the existing code and developing policies and recommendations to create an efficient and effective code enforcement process. This includes working with all departments at the City and seeking guidance from other jurisdictions for code enforcement best practices. During this process, staff has also worked with the State Auditor's office to implement Lean principles for developing an effective code enforcement process.

DESCRIPTION

The purpose of this amendment is to provide code enforcement officers with the lawful authority to enforce municipal code, including citation authority. The proposed amendment is consistent with the goals developed during the code enforcement Lean process in 2018-2019 and subsequent direction by the City Council. Currently, the Monroe Municipal Code is silent on the appointment of limited commission officers, and the existing limited commission appointments were issued at the discretion of the former Chief of Police. Adoption of the propose code would provide clarity and consistency to future appointments.

BACKGROUND

During 2018 and 2019 the City's Code Enforcement Group, consisting of staff from Community Development, Police, Fire and Public Works, developed recommended actions to further the City's code enforcement efforts. Included in these recommendations was the need to update all sections of the Monroe Municipal Code pertaining to code enforcement and provide more tools to the code enforcement officer.

Under existing practices, staff conducting code enforcement are limited to warning letters and notice and order of code violations. In the majority of cases warning letters achieve the desired result through education. When voluntary compliance is not reached, staff is required to send a "notice and order of code violation." While notice and orders are an excellent tool for large complexes code violations, they are excessive for smaller violations as they require substantial staff and attorney time to develop and enforce.

This is one step of several to implement the findings from the Lean process. This year staff will bring forward additional amendment to address other process deficiencies in the Municipal Code. This includes amending nuisance and code enforcement municipal codes that are out dated and inconsistent. As an example, we are currently using the 1997 Uniform Code for the Abatement of Dangerous Buildings which was replaced five code cycles ago, in 2006, with the International

Property Maintenance Code (IPMC). The purpose of the IMPC is to provide the Building Official regulatory authority to, among other things, mitigate nuisance properties.

FISCAL IMPACTS

N/A

TIME CONSTRAINTS

N/A

ALTERNATIVES

1. Modify the proposed amendment
2. Deny the proposed amendment

**CITY OF MONROE
ORDINANCE NO. 007/2020**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, AMENDING TITLE 2 MMC BY THE ADDITION OF A NEW CHAPTER 2.06 LIMITED COMMISSIONS THERETO; AUTHORIZING THE ISSUANCE OF LIMITED COMMISSIONS TO CERTAIN PERSONNEL OUTSIDE THE POLICE DEPARTMENT; DEFINING THE SCOPE OF AUTHORITY, ENFORCEMENT POWERS AND TERMS OF SUCH LIMITED COMMISSIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, enforcement of the City's codified regulations is a top priority of the City Council, and is a fundamental aspect of protecting the public health, safety and welfare of the Monroe community; and

WHEREAS, the City's code enforcement efforts involve both civil and criminal elements, requiring cooperation and coordination between personnel inside and outside of the Monroe Police Department; and

WHEREAS, the City Council desires to authorize the Police Chief, with the approval of the Mayor, to issue limited commissions to certain personnel outside the Police Department; and

WHEREAS, issuance of such limited commissions will strengthen and enhance the City's code enforcement efforts by enabling personnel outside the City's Police Department to perform certain police functions related to code enforcement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals and the content of Agenda Bill No. AB20-XXX are hereby adopted as legislative findings in support of the amendments set forth in this ordinance.

Section 2. Amendment of Title 2 MMC—Adoption of New Chapter 2.06. Title 2 of the Monroe Municipal Code is hereby amended by the addition of a new Chapter 2.06 MMC Limited Commissions to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this

ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2020.

First Reading: June 23, 2020
Adoption:
Published:
Effective:

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Becky Hasart, Acting City Clerk

J. Zachary Lell, City Attorney

Exhibit A

Chapter 2.06 LIMITED COMMISSIONS

Sections:

2.06.010 Purpose.

2.06.020 Limited commissions—Appointment and revocation.

2.06.030 Limited commissions—Enforcement authority, powers and benefits.

2.06.040 Limited commissions—Qualifications.

2.06.010 Purpose.

The purpose of this chapter is to facilitate the effective and efficient enforcement of the city's codified regulations by authorizing the issuance of limited commissions to enable City personnel outside the Monroe police department to perform certain police functions. This chapter shall be reasonably construed in furtherance of such purpose.

2.06.020 Limited commissions—Appointment and revocation.

A. Appointment. Upon prior written approval of the mayor, the police chief is authorized to commission persons outside the police department with limited commissions for specified law enforcement-related purposes, specifically including, but not limited to, code enforcement pursuant to Chapter 1.04 MMC. Such limited commissions shall be issued to: (i) the city's designated code enforcement officer or his/her designee(s); and (ii) any other city employee in the discretion of the mayor and the police chief.

B. Revocation. The police chief may in writing revoke any limited commission at will, which revocation shall be effective immediately upon issuance. Without prejudice to the foregoing, any and all limited commissions issued pursuant to this chapter shall be deemed automatically revoked when the holder of such commission ceases to be employed by the city.

2.06.030 Limited commissions—Enforcement authority, powers and benefits.

A. Unless otherwise expressly provided by the police chief or by law, the scope of a limited commission granted to the code enforcement officer or his/her designee(s) shall encompass all ordinances enforceable pursuant to Chapter 1.04 MMC, and shall be coextensive with the enforcement authority set forth in that chapter. The scope of the limited commission granted to any other city employee shall be as defined by the police chief in the limited commission.

B. Unless otherwise expressly provided by the police chief or by law, all persons receiving a limited commission pursuant to this chapter shall have the following enforcement powers when enforcing the MMC:

1. The power to issue, based upon probable cause, citations for misdemeanors and gross misdemeanors for violations of the Monroe Municipal Code within the scope of the authorized limited commission;

2. The power to prepare affidavits in support of search warrants, and to execute search warrants when accompanied by fully commissioned law enforcement officers to investigate criminal violations of the Monroe Municipal Code within the scope of the applicable limited commission, and to gather evidence of those violations; and

3. The power to testify and/present evidence in any judicial or administrative proceeding in relation to the above-reference activities.

C. The enforcement powers of persons receiving a limited commission pursuant to this chapter shall be in addition to all other powers held by such persons under separate authority.

D. Persons with limited commissions shall comply with the same constitutional and statutory restrictions concerning the execution of police powers as imposed upon fully commissioned law enforcement officers.

E. Persons with limited commissions shall not carry weapons unless expressly authorized in writing by the police chief.

F. Persons with limited commissions shall not, by virtue of such commission, be entitled to any specific relief, pension rights and/or other benefits under any plan administered by the city.

2.06.040 Limited commissions—Qualifications.

A. Oath. Before commencing any duties under the authority of this chapter, persons with limited commissions shall take an oath of office before the judge of the municipal court or other person authorized by law to administer oaths, in substantially the following form:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States of America, and the Constitution and laws of the State of Washington, the ordinances of the city of Monroe and all other local laws, that I will abide by the Monroe police department code of ethics, and that I will faithfully, honestly and impartially perform the duties of a _____ for the city of Monroe, according to the best of my ability.

B. Training. The police chief may establish a training course for persons with limited commissions.

C. Card. The police chief shall issue to all persons with limited commissions a numbered limited commission card, specifying the enforcement and citation authority of the officer.