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Title: ***BILL NO. B-44 - (Intro. 8/9/2018) (for adoption) - Amending sections 1-302 and 1-308 of the Fresno Municipal Code, relating to General Enforcement Authority (Subject to Mayor’s veto)

Sponsors: Steve Brandau, Luis Chavez

Indexes:

Code sections:

Attachments: 1. Ord- Amending FMC 1-302 re General Enforcement Authority.pdf

Date	Ver.	Action By	Action	Result
8/16/2018	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

August 16, 2018

FROM: COUNCIL VICE PRESIDENT BRANDAU AND COUNCILMEMBER CHAVEZ
City Council Offices

SUBJECT
*****BILL NO. B-44 - (Intro. 8/9/2018) (for adoption) - Amending sections 1-302 and 1-308 of the Fresno Municipal Code, relating to General Enforcement Authority (Subject to Mayor’s veto)**

RECOMMENDATION

It is recommended the Council adopt the amendments to Sections 1-302 and 1-308 of the Fresno Municipal Code regarding General Enforcement Authority.

EXECUTIVE SUMMARY

Fresno City Charter section 803 states: “The City Attorney shall have power and may be required to... represent and appear for the city in any or all actions or proceedings in which the city is concerned or is a party, *including the prosecution of violations of this Charter and ordinances enacted by the Council...*” While the Charter provides this grant of authority, the Municipal Code does not also specifically mention the City Attorney in the Council delegation of authority (under Charter section 803(g) “the Council shall have control of all legal business and proceedings...”) to inspect, write citations, etc. The proposed amendments will clarify that the City Attorney’s Office has the authority to investigate and prosecute code violations by administrative citation, civil action and/or criminal prosecution, as also provided certain City Staff. This is intended to implement the Charter grant of authority so that all concerned will be provided clarity.

BACKGROUND

The proposed amendment will clarify Charter Section 803 regarding the City Attorney's powers and duties to provide authority for employees and persons under contract with the City Attorney to investigate and prosecute Code violations by administrative citation, civil action and/or criminal prosecution.

The authority granted to the City Attorney will supplement, not supplant, others' authority under the Code to issue administrative citations and does not apply to any authority granted solely to the Police Chief or Police Department.

ENVIRONMENTAL FINDINGS

This is not a project for CEQA purposes.

LOCAL PREFERENCE

Local preference is not applicable because this item does not involve a bid or award of a contract.

FISCAL IMPACT

No fiscal impact for adoption. Implementation of this amendment may result in increased revenues from additional administrative citations.

Attachment: Ordinance