

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: June 13, 2022**

<b>AGENDA ITEM: Amending the municipal code regarding commissions and adding authority to appoint enforcement officers</b>	
<b>PREPARED BY: Jon Walker</b>	<b>DIRECTOR APPROVAL:</b>
<b>DEPARTMENT: Legal</b>	
<b>ATTACHMENTS:</b>	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

The method set forth in the municipal code for commissioning employees to enforce both criminal and civil laws is antiquated and does not accurately line up with state law. This ordinance would align commissions with state law definitions and limit the chief of police’s authority to commission individuals who are empowered to enforce criminal laws. At the same time it would add a section to chapter 4.02 MMC, civil enforcement procedures, to authorize the chief administrative officer to appoint city employees as “enforcement officers” who would then be able to issue civil infractions and take other action to enforce civil violations.

This would reflect that civil enforcement is a citywide function and not limited to the police department and place the authority for determining which employees should carry out that function in the executive office.

<b>RECOMMENDED ACTION: Staff recommends that Council consider updating the procedures for commissioning officers and appointing employees to issue civil infractions.</b>
<b>RECOMMENDED MOTION: I move to adopt Ordinance No. _____</b>

CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO COMMISSIONS AND CIVIL ENFORCEMENT AND ADDING A NEW SECTION TO CHAPTER 4.02 OF THE MUNICIPAL CODE AND AMENDING SECTION 2.48.040 OF THE MUNICIPAL CODE.**

WHEREAS, chapter 4.02 of the municipal code addresses civil enforcement procedures;  
and

WHEREAS, section 2.48.040 currently invests the chief of police with the authority to issue commissions, including commissions to issue civil infractions; and

WHEREAS, section 2.48.040 does not consistently define the types of commissions consistently with how those commissions are defined in state law and does not reflect the current needs of the city; and

WHEREAS, the city's needs for employees authorized to issue civil infractions for a variety of violations is best determined by the chief administrative officer; and

WHEREAS, RCW 7.80.040 defines "enforcement officer" as a person authorized to enforce the provisions of an ordinance establishing a civil infraction; and

WHEREAS, amending section 2.48.040 to limit the chief of police's authority to issue commissions to officers who have the authority to enforce criminal laws is a proper delegation of authority; and

WHEREAS, authorizing the chief administrative officer to appoint the appropriate city employees as "enforcement officers" to enforce civil infractions better utilizes city resources; and

WHEREAS, amending the municipal code to reflect these changes will proper public safety and welfare.

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

SECTION 1. Section 2.48.040 is amended as set forth in Exhibit A.

SECTION 2. A new section – 4.02.060 – is added to the municipal code as set forth in Exhibit B.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 4. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 5. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF MARYSVILLE

By \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By \_\_\_\_\_  
\_\_\_\_\_, DEPUTY CITY CLERK

Approved as to form:

By \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

Date of publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## EXHIBIT A

### 2.48.040 Commissions.

The police chief is authorized to issue the following commissions of law enforcement authority:

(1) Full commissions shall be issued to all general authority police officers in the police department who are employed on a full-time, fully compensated basis.

(2) ~~Limited-Special~~ commissions may be issued to animal control officers who are employed on a full-time, fully compensated basis. ~~Said-Such special~~ commissions ~~shall authorize such officers will be limited~~ to enforcing ~~ing~~ animal control laws of the city and criminal laws relating to the authority of law enforcement officers (see Chapter [6.15](#) MMC).

(3) ~~Limited-Special~~ commissions may be issued to custody officers authorizing them to enforce all criminal laws relevant to the safe and secure operation of the city jail and the control of prisoners. Said commissions shall be effective only during the hours that a custody officer is on duty for the city.

(4) ~~Limited-Special~~ commissions may be issued by the chief of police to ~~civilian personnel employed by~~ the police department. ~~With authorization from the chief administrative officer, the chief of police may issue a special commission to a city employee not employed by the police department, administrative division manager and intelligence analysts who are employed on a full-time, fully compensated basis. Said commissions shall authorize such persons to assist in the investigation and analysis of crimes pursuant to all laws of the city and criminal laws relating to the authority of law enforcement officers. Said-Such special~~ commissions shall not authorize such persons to carry firearms or to effectuate any arrest ~~for any violation~~. The commission authorized under this section shall not vest any person with any police civil service or police pension rights under federal or Washington State law or under any ordinance or regulation.

(5) ~~Limited-Commission—Code Enforcement Officers. The chief of police may issue limited commissions as a code enforcement officer to a city employee designated by the chief administrative officer as a code enforcement officer. Such limited commission shall authorize such persons to initiate, issue and serve notice of civil infractions for violations of the Marysville Municipal Code and may be limited by the chief of police to specific titles, chapters, or sections of the municipal code. Said commissions shall not authorize such persons to carry firearms or effect any arrest for any violation. Said commission shall not vest any person with any police civil service or police pension rights under federal or Washington State law or under any ordinance or regulation.~~

(6) ~~Reserve-Special~~ commissions may be issued to reserve officers as defined in MMC [2.48.070](#). Said commissions shall be equivalent to full commissions whenever a reserve officer is called into active service. Said commissions shall be effective only during the hours that a reserve officer is on duty for the city.

(7) ~~Special~~ commissions may be issued to law enforcement officers of other jurisdictions pursuant to Chapter [10.93](#) RCW.



# EXHIBIT B

## NEW SECTION

### MMC 4.02.060 Enforcement Officers

The chief administrative officer may appoint enforcement officers empowered to issue civil infractions and to take any other civil enforcement action authorized by the municipal code. The appointment may be limited to certain sections of the municipal code in the discretion of the chief administrative officer.