

ORDINANCE NO. 1009 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADDING CHAPTER 2.58 TO THE MUNICIPAL CODE REGARDING RESERVE POLICE OFFICERS

WHEREAS, Penal Code Section 830.6 provides that a proper authority of a city, such as the chief of police, may deputize or appoint reserve police officers as designated in a city ordinance; and

WHEREAS, Penal Code Section 832.6 outlines the different classes of reserve officers that a chief of police may deputize or appoint, including level I reserve officer, level II reserve officer and level III reserve officer; and

WHEREAS, Penal Code Section 830.6 provides that a level I reserve police officer may be deputized as “designated” with the full powers of a peace officer or as “nondesignated” and only authorized to undertake specific police functions; and

WHEREAS, the City does not currently have an ordinance which grants the City’s Chief of Police the authority to deputize or appoint reserve police officers pursuant to Penal Code Sections 830.6 and 832.6; and

WHEREAS, the City desires to authorize the Chief of Police to deputize or appoint classes of reserve police officers to help maintain the safety of its residents;

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated as though set forth in this section.

SECTION 2. Amendment. Chapter 2.58 of the El Paso de Robles Municipal Code is hereby added to read in full as follows:

CHAPTER 2.58 POLICE RESERVES

Sections:

2.58.010 Authorization to deputize or appoint qualified persons as reserve officers.

A police reserve force is established in the city. The chief of police, or his or her designee, is hereby empowered to deputize or appoint qualified persons as reserve city police officers pursuant to Sections 830.6 and 832.6 of the Penal Code. Qualifying persons may be appointed to the position of reserve police officer in the following categories pursuant to California Penal Code Section 832.6: Level I Reserve Police Officer, Level II Reserve Police Officer or Level III Reserve Police Officer.

Those persons deputized or appointed by the chief of police, or his or her designee, as a “designated” Level I Reserve Police Officer as provided by California Penal Code Section 830.6(a)(2), shall have the full powers and duties of a peace officer as provided in Section 830.1 of the Penal Code. Any reserve police officer within the Level I Reserve Police Officer job classification not appointed as “designated” is a “nondesignated” Level I Reserve Police Officer as provided by California Penal Code Section 830.6(a)(1). The authority of “nondesignated” Level I Reserve Police Officers shall extend only for the duration of assignment to specific police functions, as determined by the chief of police.

SECTION 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days upon its final passage as provided in section 36937 of the Government Code.

SECTION 5. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

SECTION 6. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on October 7, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of October 2014 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk