

## ORDINANCE NO. 25-2006

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE MAKING THE CITY ELIGIBLE FOR COMMISSION ON POLICE OFFICER STANDARDS AND TRAINING (POST) AID AND AUTHORIZING THE CHIEF OF POLICE TO DEPUTIZE QUALIFIED PERSONS

The City Council of the City of Elk Grove does ordain as follows:

#### **Section 1: Purpose and Authority**

The purpose of the proposed ordinance is to make the City eligible for aid from the Commission on Police Officer Standards and Training and to give the Chief of Police and City Manager authority to appoint reserve officers. The authority for section two of the ordinance is Penal Code sections 13500, et seq., the section related to the Commission on Police Office Standards and Training. The authority for section 3 of the ordinance is Penal Code sections 830 et seq., which section covers many topics, including appointment and powers of reserve city police officers.

#### **Section 2: Participation in POST Programs**

(A) The City Council of the City of Elk Grove hereby declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1, Title 4, Part 4 of the California Penal Code.

(B) The City Council of the City of Elk Grove hereby ordains that while receiving any State aid pursuant to California Penal Code, Title 4, Chapter 1, Commission on Peace Officer Standards and Training, commencing with section 13500, the City of Elk Grove will adhere to the standards for recruitment and training and all Commission Regulations as specified in POST Administrative Manual (Section B) established by the Commission and the California Code of Regulations as they pertain to City of Elk Grove peace officers.

(C) The City Council of the City of Elk Grove hereby further ordains that while receiving any State aid pursuant to California Penal Code, Title 4, Chapter 1, Commission on Peace Officer Standards and Training, commencing with section 13500, the City of Elk Grove will adhere to the standards for recruitment and training and all Commission Regulations as specified in POST Administrative Manual (Section B) established by the Commission and the California Code of Regulations as they pertain to City of Elk Grove local public safety dispatchers.

(D) The City Council of the City of Elk Grove hereby further ordains that the City's police department and its dispatch center shall allow the Commission and its representatives to make inquires and inspect records as may be necessary to verify claims for reimbursement or to confirm whether the department or dispatch center is, in fact, adhering to Commission Regulations.

**Section 3. Authorization to Deputize Qualified Persons as Auxiliary or Reserve Officers**

The Chief of Police of the City of Elk Grove, with the concurrence of the City Manager, is hereby empowered to deputize qualified persons so as to designate persons as auxiliary or reserve city police officers, pursuant to Penal Code section 832.6. Those persons appointed by the Chief, with the concurrence of the City Manager, who are qualified as Level I Reserve Officers, shall have the full powers and duties of a peace officer as provided in Penal Code section 830.1, or limited powers as determined by the Chief of Police.

**Section 4: No Mandatory Duty of Care.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

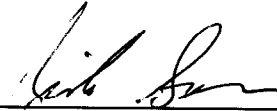
**Section 5: Severability.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**Section 6: Effective Date and Publication**

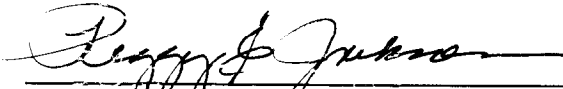
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c) (1).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 28th day of June, 2006.



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RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

EFFECTIVE DATE:            JULY 28, 2006

AYES:	Soares, Scherman, Briggs
NOES:	None
ABSTAIN:	Cooper, Leary
ABSENT:	None