

AMENDED IN SENATE MAY 7, 2013
AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 298

Introduced by Senators Wyland and Walters

February 15, 2013

An act to ~~amend Section 53069.8~~ *add and repeal Section 53069.81* of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as amended, Wyland. Local government: supplemental law enforcement services.

Existing law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences.

This bill would, *until January 1, 2017*, authorize ~~a the~~ board of supervisors of ~~a county, and a legislative body of a city,~~ *Orange County* to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis to enforce the Vehicle Code on a homeowners' association's privately owned and maintained road, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for Orange County.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 53069.81 is added to the Government*
2 *Code, to read:*

3 53069.81. (a) *The board of supervisors of Orange County*
4 *may, as part of a pilot project, contract on behalf of the sheriff of*
5 *that county to provide supplemental law enforcement services to*
6 *homeowners' associations, as defined in Section 4080 of the Civil*
7 *Code, on an occasional or ongoing basis to enforce the Vehicle*
8 *Code on a homeowners' association's privately owned and*
9 *maintained road, as provided by Section 21107.7 of the Vehicle*
10 *Code.*

11 (b) *Contracts entered into pursuant to this section shall provide*
12 *for full reimbursement to the county of the actual costs of providing*
13 *those services, as determined by the county auditor or*
14 *auditor-controller.*

15 (c) (1) *The services provided pursuant to this section shall be*
16 *rendered by regularly appointed full-time peace officers, as defined*
17 *in Section 830.1 of the Penal Code.*

18 (2) *Notwithstanding paragraph (1), services provided in*
19 *connection with special events or occurrences, as specified in*
20 *paragraph (1) of subdivision (a) of Section 830.6 of the Penal*
21 *Code, may be rendered by Level I reserve peace officers, as defined*
22 *in paragraph (2) of subdivision (a) of Section 830.6 of the Penal*
23 *Code, who are authorized to exercise the powers of a peace officer,*
24 *as defined in Section 830.1 of the Penal Code, if regularly*
25 *appointed full-time peace officers are not available to fill the*
26 *positions as required in the contract.*

27 (d) *Peace officer rates of pay shall be governed by a*
28 *memorandum of understanding.*

29 (e) *A contract entered into pursuant to this section shall*
30 *encompass only law enforcement duties and not services authorized*
31 *to be provided by a private patrol operator, as defined in Section*
32 *7582.1 of the Business and Professions Code.*

33 (f) *Contracting for law enforcement services, as authorized by*
34 *this section, shall not reduce the normal and regular ongoing*
35 *service that the county or agency of the county otherwise would*
36 *provide.*

1 (g) Prior to contracting for ongoing services under subdivision
2 (a), the board of supervisors shall discuss the contract and the
3 requirements of this section at a duly noticed public hearing.

4 (h) On or before June 30, 2016, the Department of Justice shall
5 prepare and submit to the Legislature a report on the impact that
6 a contract entered into pursuant to this section has on the provision
7 of law enforcement services to people in communities within the
8 county that are not served by supplemental police services provided
9 pursuant to this section. This report shall be submitted in
10 compliance with Section 9795.

11 (i) This section shall remain in effect only until January 1, 2017,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2017, deletes or extends that date.

14 SEC. 2. The Legislature finds and declares that a special law
15 is necessary and that a general law cannot be made applicable
16 within the meaning of Section 16 of Article IV of the California
17 Constitution because of the presence within the county of a unique
18 homeowner association that is comprised of over 15,000 people
19 with extensive private roads that need law enforcement.

20 SECTION 1. ~~Section 53069.8 of the Government Code is~~
21 ~~amended to read:~~

22 ~~53069.8. (a) The board of supervisors of a county may contract~~
23 ~~on behalf of the sheriff of that county, and the legislative body of~~
24 ~~a city may contract on behalf of the chief of police of that city, to~~
25 ~~provide supplemental law enforcement services to:~~

26 ~~(1) Private individuals or private entities to preserve the peace~~
27 ~~at special events or occurrences that happen on an occasional basis.~~

28 ~~(2) Private nonprofit corporations that are recipients of federal,~~
29 ~~state, county, or local government low-income housing funds or~~
30 ~~grants to preserve the peace on an ongoing basis.~~

31 ~~(3) Private entities at critical facilities on an occasional or~~
32 ~~ongoing basis. "Critical facility" means a building, structure, or~~
33 ~~complex that in the event of a disaster, whether natural or~~
34 ~~manmade, poses a threat to public safety, including, but not limited~~
35 ~~to, airports, oil refineries, and nuclear and conventional fuel~~
36 ~~powerplants.~~

37 ~~(4) Homeowners' associations on an occasional or ongoing~~
38 ~~basis to enforce the Vehicle Code on a homeowners' association's~~
39 ~~privately owned and maintained road, as provided by Section~~

1 21107.7 of the Vehicle Code. “Association” has the same meaning
2 as defined in subdivision (a) of Section 1351 of the Civil Code.

3 (b) ~~Contracts entered into pursuant to this section shall provide~~
4 ~~for full reimbursement to the county or city of the actual costs of~~
5 ~~providing those services, as determined by the county auditor or~~
6 ~~auditor-controller, or by the city.~~

7 (e) (1) ~~The services provided pursuant to this section shall be~~
8 ~~rendered by regularly appointed full-time peace officers, as defined~~
9 ~~in Section 830.1 of the Penal Code.~~

10 (2) ~~Notwithstanding paragraph (1), services provided in~~
11 ~~connection with special events or occurrences, as specified in~~
12 ~~paragraph (1) of subdivision (a), may be rendered by Level I~~
13 ~~reserve peace officers, as defined in paragraph (2) of subdivision~~
14 ~~(a) of Section 830.6 of the Penal Code, who are authorized to~~
15 ~~exercise the powers of a peace officer, as defined in Section 830.1~~
16 ~~of the Penal Code, if there are no regularly appointed full-time~~
17 ~~peace officers available to fill the positions as required in the~~
18 ~~contract.~~

19 (d) ~~Peace officer rates of pay shall be governed by a~~
20 ~~memorandum of understanding.~~

21 (e) ~~A contract entered into pursuant to this section shall~~
22 ~~encompass only law enforcement duties and not services authorized~~
23 ~~to be provided by a private patrol operator, as defined in Section~~
24 ~~7582.1 of the Business and Professions Code.~~

25 (f) ~~Contracting for law enforcement services, as authorized by~~
26 ~~this section, shall not reduce the normal and regular ongoing~~
27 ~~service that the county, agency of the county, or city otherwise~~
28 ~~would provide.~~

29 (g) ~~Prior to contracting for ongoing services under paragraph~~
30 ~~(2), (3), or (4) of subdivision (a), the board of supervisors or~~
31 ~~legislative body, as applicable, shall discuss the contract and the~~
32 ~~requirements of this section at a duly noticed public hearing.~~

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