

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 298**

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**Introduced by Senators Wyland and Walters**  
*(Coauthor: Assembly Member Harkey)*

February 15, 2013

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An act to 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 the Board of Supervisors of the County of Orange or the city council of a city within this 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. It would also require, on or before June 30, 2016, the Department of Justice to prepare and submit a report to the Legislature on certain impacts of this contract, would

require the board of supervisors or city council to reimburse the department for the costs of this report, and would authorize the board of supervisors or city council to seek reimbursement for these costs.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange and a city within ~~this~~ that county.

Vote: majority. Appropriation: no. Fiscal committee: 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 the County of
- 4 Orange or the city council of a city within that county may, as part
- 5 of a pilot project, contract to provide supplemental law enforcement
- 6 services to homeowners’ associations, as defined in Section 4080
- 7 of the Civil Code, on an occasional or ongoing basis to enforce
- 8 the Vehicle Code on a homeowners’ association’s privately owned
- 9 and 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 or city of the actual costs of
- 13 providing those services, as determined by the county auditor or
- 14 auditor-controller or the city auditor.
- 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.

1 (e) A contract entered into pursuant to this section shall  
2 encompass only law enforcement duties and not services authorized  
3 to be provided by a private patrol operator, as defined in Section  
4 7582.1 of the Business and Professions Code.

5 (f) Contracting for law enforcement services, as authorized by  
6 this section, shall not reduce the normal and regular ongoing  
7 service that the county or city or agency of the county or city  
8 otherwise would provide.

9 (g) Prior to contracting for ongoing services under subdivision  
10 (a), the board of supervisors or city council shall discuss the  
11 contract and the requirements of this section at a duly noticed  
12 public hearing.

13 (h) On or before June 30, 2016, if the board of supervisors or  
14 city council enters into the contract authorized pursuant to  
15 subdivision (a), the Department of Justice shall prepare and submit  
16 to the Legislature a report on the impact that a contract entered  
17 into pursuant to this section has on the provision of law  
18 enforcement services to people in communities within the county  
19 that are not served by supplemental police services provided  
20 pursuant to this section. This report shall be submitted in  
21 compliance with Section 9795. If the board of supervisors or city  
22 council enters into the contract, the board of supervisors or city  
23 council, as appropriate, shall reimburse the department for the  
24 costs of preparing and submitting the report and may seek  
25 reimbursement from the ~~homeowner's~~ *homeowners'* association  
26 for these costs.

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

30 SEC. 2. The Legislature finds and declares that a special law  
31 is necessary and that a general law cannot be made applicable  
32 within the meaning of Section 16 of Article IV of the California  
33 Constitution because of the presence within the County of Orange  
34 and a city within that county of a unique ~~homeowner~~ *homeowners'*  
35 association that is comprised of over 15,000 people with extensive  
36 private roads that need law enforcement.

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