

ORDINANCE NO. 2014-368

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HURON ADDING SECTION 2.20.020 TO CHAPTER 2.20
OF TITLE 2 OF THE HURON MUNICIPAL CODE**

WHEREAS, the Penal Code of the State of California provides for different levels of reserve officers who are deputized or appointed as reserve or auxiliary officers of a city police department and prescribes the requirements for a level one reserve officer at Section 832.6(a)(1), to include any such reserve or auxiliary city police officer appointed as such but requires that the designation of such appointee be by local ordinance, either individually or by class; and

WHEREAS, only by designation of reserve officers as such by local ordinance adopted pursuant to Penal Code §830.6(a)(1) is the person so designated given the powers and duties authorized by Penal Code §830.1; that is, all of the powers and authorities of a peace officer, and only with respect to such officers who have been appointed and have completed the basic training course for peace officers prescribed by the Commission on Peace Officer Standards and Training; and

WHEREAS, the City Police Department, acting by and through its Chief of Police adheres to a practice of hiring or appointing only those persons who possess the basic training requirement for peace officers prescribed by Peace Officer Standards and Trainings so that all such hires or appointees of the Chief of Police qualify as peace officers pursuant to §832.6 of the Penal Code; and

WHEREAS, the City of Huron currently, and historically, relies heavily on reserve peace officers who are assigned to the prevention and detection of crime and the general enforcement of the laws of this state and who, consequently, in order to perform those functions lawfully, must be designated as Level I reserve officers appointed pursuant to Penal Code §830.6; and

WHEREAS, the designation of reserve officers employed by the Huron Police Department or to be employed by the Huron Police Department, shall have no effect on the prescribed salary and benefits received by such employees or appointees, such matters being left to the agreement between the City and the appointee or employee and unaffected by this designation of all reserve officers employed by the Huron Police Department as Peace Officers pursuant to Penal Code §830.6.

NOW, THEREFORE, the City Council of the City of Huron does hereby ordain as follows:

SECTION 1. Section 2.20.020 is hereby added to Title 2, Chapter 2 of the Huron Municipal Code to read as follows:

2.20.020 Designation of Reserve or Auxiliary Officers as Peace Officers.

No person shall be hired, employed or appointed as a Reserve Officer of the Huron Police Department, unless that person certifies to the satisfaction of the Chief of Police that the person has undergone the basic training requirement for peace officers prescribed by the Commission on Peace Officer Standards and Training. Every person employed, hired or appointed as a Reserve or Auxiliary Police Officer is designated pursuant to Penal Code §830.6(a)(2) as a Peace Officer possessing the full powers and duties of a peace officer as provided for by Penal Code §830.1 and as Level I Reserve Officers pursuant to the provisions of Penal Code §832.6(a)(1).

SECTION 2: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this ordinance is not a project under the California Environmental Quality Act because the ordinance has no potential for resulting in a physical change in the environment. Since the ordinance is not a project, no environmental documentation is required.

SECTION 3: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of final passage. The City Clerk of the City of Huron shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in The Huron Enterprise with the names of those City Council Members voting for or against the Ordinance.

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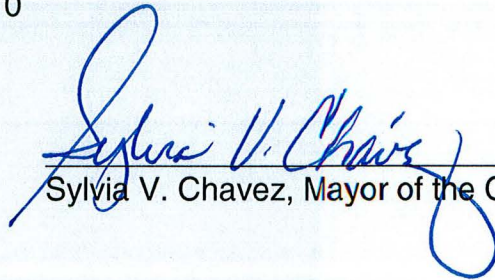
I, Juanita Veliz, Chief Deputy City Clerk of the City of Huron, do hereby certify that the foregoing Ordinance was introduced at the October 1, 2014, regular City Council meeting and passed at a regular meeting of the City Council of the City of Huron on the 5th day of November, 2014, by the following vote, to wit:

AYES: COUNCIL MEMBERS: Rodriguez, Morales, Plasencia, Chavez


NOES: COUNCIL MEMBERS: 0

ABSENT: COUNCIL MEMBERS: Pimentel

ABSTAIN: COUNCIL MEMBERS: 0


Sylvia V. Chavez, Mayor of the City of Huron

ATTEST:


Juanita M. Veliz, City Clerk of the
City of Huron