

ORDINANCE NO. 928-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADDING A NEW SECTION 2.40.030 (RESERVE POLICE OFFICERS) TO CHAPTER 2.40 (RECRUITMENT AND TRAINING OF LAW ENFORCEMENT OFFICERS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BLYTHE MUNICIPAL CODE AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) (COMMON SENSE EXEMPTION)

The City Council of the City of Blythe hereby finds and declares as follows:

WHEREAS, the Blythe Police Department Reserve Unit was established to supplement and assist sworn police officers in their duties; and

WHEREAS, pursuant to California Penal Code section 830.6(a)(2), whenever a qualified person is deputized or appointed by the proper authority as a reserve police officer, and is so designated by local ordinance, and is assigned to the prevention and detection of crime and the general enforcement of the laws of the State of California by that authority, the person is a peace officer if the person qualifies as set forth in California Penal Code section 832.6(a)(1); and

WHEREAS, a person designated as a peace officer pursuant to California Penal Code section 830.6(a)(2) has the full powers and duties of a peace officer as provided by California Penal Code section 830.1; and

WHEREAS, pursuant to California Penal Code section 830.6(a)(1), the authority of a non-designated reserve police officer extends only for the duration of the person's specific assignment; and

WHEREAS, Blythe's Level I reserve police officers are currently considered "non-designated" and, as a result, they may only carry out peace officer powers during their designated working hours; and

WHEREAS, the City Council desires to grant the Chief of Police the authority to appoint "designated" Level I reserve police officers and effectuate their ability to fully carry out all peace officer powers twenty-four (24) hours per day; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLYTHE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that the recitals set forth above are true and correct.

SECTION 2. Amendment to Chapter 2.40. Chapter 2.40 (Recruitment and Training of Law Enforcement Officers) of Title 2 (Administration and Personnel) of the Blythe Municipal Code is hereby amended to add a new Section 2.40.030 to read as follows:

2.40.030 - Reserve police officers.

- A. Subject to the approval of the city manager, the chief of police has the authority to select and appoint any reserve police officer that has qualified as a Level I reserve police officer pursuant to California Penal Code section 832.6(a)(1) as a “designated” Level I reserve police officer as provided by California Penal Code section 830.6(a)(2).
- B. Pursuant to California Penal Code section 830.6(a)(2), those reserve police officers who have qualified as Level I reserve police officers pursuant to California Penal Code section 832.6(a)(1) who have been appointed as “designated” Level I reserve police officers in writing by the chief of police shall possess the full powers and duties of peace officers set forth in California Penal Code section 830.1.
- C. Any Level I reserve police officer not appointed as a “designated” Level I reserve police officer as provided in this section is a “non-designated” Level I reserve police officer as provided in California Penal Code section 830.6(a)(1). The authority of a non-designated Level I reserve police officer shall extend only for the duration of the reserve police officer’s specific assignment.
- D. The chief of police may revoke the authority of any reserve police officer at any time.

SECTION 3. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

SECTION 4. Inconsistencies. Any provision of the Blythe Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Blythe hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 9th day of January, 2024, by the following vote:

AYES: DeConinck, Rodriguez, Reynolds and Burton

NOES: None

ABSENT: Halby

ABSTAIN: None

Published by: Mallory Crecelius, City Clerk

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