

DRAFT ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMENDING MUNICIPAL CODE TITLE I, CHAPTER 3 (“PERSONNEL”),
REGARDING COMPLIANCE WITH STATE LAW AND RECRUITMENT AND
TRAINING OF PEACE OFFICERS**

WHEREAS, the Town’s Level 1 Reserve Police Officers are considered “non-designated” and, as a result, they may only carry out peace officer powers during their designated working hours. Unless this Ordinance is enacted, Level 1 “non-designated” Reserve Police Officers will be unable to respond to crimes in progress without incurring personal liability and vicarious liability for the Town;

WHEREAS, by granting the Chief of Police the authority to appoint “designated” Level 1 Reserve Police Officers and effectuate their ability to fully carry out all peace officer powers twenty-four (24) hours a day, the Town Council will thereby increase police presence within the Town at no additional cost to the Town;

WHEREAS, the Town Council held a duly noticed public hearing on September 5, 2018, and has heard and considered all public testimony on the proposed Ordinance;

WHEREAS, the Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed; and

WHEREAS, the Town Council finds that the amendment action made by this Ordinance is necessary for the protection of the public health, safety, and welfare.

NOW, THEREFORE, the Town Council of the Town of Tiburon does hereby ordain as follows:

Section 1. Recitals and Evidence. The above recitations are true and correct. In making the findings, the Town Council relied upon and hereby incorporates by reference all staff reports, presentations, and other documentation presented to the Council in the meeting.

Section 2. Enactment. Title I, Chapter 3, Section 3-6 of the Tiburon Municipal Code is added to read as follows:

3-6 Reserve Police Officer – Designated and Non-Designated.

(a) Subject to the approval of the Town Manager, the Chief of Police has the authority to select and appoint any reserve police officer within the Reserve Police Officer 1 job classification as a “designated” reserve police officer as provided by California Penal Code Section 830.6(a)(2). The authority of the reserve police officer so designated includes the full powers and duties of a police officer as provided by Penal Code Section 830.1.

(b) Any reserve police officer within the Reserve Police Officer 1 job classification not appointed as a “designated” reserve police officer as provided in subsection (a) of this section is a “non-designated” reserve police officer as provided in Penal Code Section 830.6(a)(1). The authority of a non-designated reserve police officer shall extend only for the duration of the reserve officer’s specific assignment.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and before the expiration of fifteen (15) days after passage by the Town Council, a copy of the Ordinance shall be published with the names of the members voting for and against it at least once in a newspaper of general circulation published in the Town of Tiburon.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on _____, 2018, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, 2018, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

JIM FRASER, MAYOR
Town of Tiburon

ATTEST:

LEA STEFANI, TOWN CLERK
Town of Tiburon