

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON,
CALIFORNIA, AMENDING CHAPTER 2.36 OF TITLE 2 OF THE FULLERTON
MUNICIPAL CODE, RELATING TO A RESERVE POLICE FORCE

WHEREAS, Chapter 2.36 of the Fullerton Municipal Code relating to a reserve police force was enacted by Ordinance No. 2317 in 1980, with certain sections amended by Ordinance No. 2705 in 1990; and

WHEREAS, in 2007, the City Council adopted Resolution No. 9878 to grant designated Level One Reserve Status to the qualified members of the Fullerton Police Department Reserve Police Officer Unit pursuant to California Penal Code sections 830.6(a)(2), 832.6(a)(1), and 832.6(b); and

WHEREAS, the City Council desires to amend and update Chapter 2.36 of the Fullerton Municipal Code consistent with the provisions of the California Penal Code.

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

SECTION 1. Chapter 2.36 of the Fullerton Municipal Code is hereby deleted in its entirety and replaced by the following:

Chapter 2.36 RESERVE POLICE OFFICER PROGRAM

2.36.010 Created and established.

A Reserve Police Officer Program ("Reserve Program") is created and established. The Reserve Program shall be composed of persons appointed and sworn in as members thereof by the Chief of Police or by an authorized person designated by the Chief of Police for such purpose. Members of the Reserve Program shall serve on a volunteer basis and shall not be deemed to be employees of the City.

2.36.020 Chief of Police Authority.

The Chief of Police, subject to the restrictions and limitations contained in this chapter, shall have complete authority and control over the Reserve Program and may delegate the exercise thereof in whole or in part to any of his subordinates.

2.36.030 Peace Officer Status.

A. The Chief of Police or his authorized designee has the authority to select and appoint any Reserve Program member ("Reserve") as a "designated" Level 1 Reserve pursuant to California Penal Code section 830.6(a)(2) and 832.6. A designated Level 1 Reserve shall have the full powers and duties of a peace officer as provided by Penal Code section 830.1.

B. Any Level 1 Reserve that is not designated pursuant to subsection A is a "non-designated" Reserve pursuant to Penal Code section 830.6(a)(1). The

authority of a non-designated Level 1 Reserve shall extend only for the duration of the Reserve's specific assignment.

2.36.040 Equipment.

Subject to any purchasing rules and procedures established by the City, the Chief of Police is authorized to provide safety equipment to members of the Reserve Program.

2.36.050 Reimbursement of Expenses

The Chief of Police is authorized to reimburse members of the Reserve Program for actual expenses incurred by a member of the Reserve Program in the performance of Reserve duties, subject to any rules and procedures established by the City.

SECTION 2. Any provision of the Fullerton 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 effect the provisions of this Ordinance.

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

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2018.

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk