

ORDINANCE NO. 05-120

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT EMPOWERING PEACE OFFICERS OF THE DISTRICT AND CONTRACT SECURITY OFFICERS TO ENFORCE CERTAIN STATUTES OF THE STATE OF CALIFORNIA, MUNICIPAL CODES OF THE CITY OF DANA POINT AND ORDINANCES OF THE CAPISTRANO BAY DISTRICT.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 120 is hereby repealed.

2. STATEMENT OF POLICY AND NECESSITY

A. Section 830.6(a) of the Penal Code states:

"A reserve officer of a community services district which is authorized under subdivision (H) of Section 61600 of the Government Code to maintain a police department or other police protection...the person is a police officer," and

B. The Board of Directors desires to empower the District's Peace Officers and contract Security Officers to enforce certain Statutes of the State of California, Municipal Codes of the City of Dana Point and Ordinances of the Capistrano Bay District.

3. ENFORCEMENT

Peace Officers, District employees empowered as Peace Officers and contract Security Officers are hereby authorized and directed to enforce all applicable Statutes of the State of California, Municipal Codes of the City of Dana Point and Ordinances of the Capistrano Bay District.

4. EFFECTIVE DATE

This ordinance is an urgency ordinance and shall take effect immediately upon its passage. Reasons for the urgency are that the ability of Peace Officers, employees empowered as Peace Officers and contract Security Officers of the Capistrano Bay District to continually enforce certain Statutes of the State of California, Municipal Codes of the City of Dana Point and Ordinances of the Capistrano Bay District is absolutely necessary for the preservation of the public health, safety and welfare; it is moreover, inconvenient and ineffective to cause such enforcement to be made exclusively by Sheriff's Officers of the County of Orange or the City of Dana Point.

5. NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted this 25th day of January, 2005 by the following vote:

AYES: Martinez, Jahnke, Dunn, Brady, Southwick

NOES:

ABSENT:

ABSTAIN:

Alex J. Martinez, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 05-120, adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on January 25, 2005.

Donal S. Russell, Manager
Capistrano Bay Community Services District