



Department: Police
Cost Center: 8002
For Agenda of: 7/11/2023
Placement: Public Hearing
Estimated Time: 30 minutes

FROM: Rick Scott, Police Chief
Prepared By: Melissa Ellsworth, Senior Administrative Analyst

SUBJECT: SUPPLEMENTAL LAW ENFORCEMENT SERVICES CONTRACT

RECOMMENDATION

1. Authorize the Chief of Police and the City Manager to enter into an agreement with private entities, non-profit organizations, and private schools to provide supplemental law enforcement services on an occasional or ongoing basis; and
2. Approve a Draft Resolution titled "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing contracts to provide Supplemental Law Enforcement Services."

POLICY CONTEXT

Per Government Code, 53069.8. (a) The board of supervisors of any county may contract on behalf of the sheriff of that county, and the legislative body of any city may contract on behalf of the chief of police of that city, to provide supplemental law enforcement services to:

- (1) Private individuals or private entities to preserve the peace at special events or occurrences that happen on an occasional basis.
- (2) Private non-profit corporations that are recipients of federal, state, county, or local government low-income housing funds or grants to preserve the peace on an ongoing basis.
- (3) Private entities at critical facilities on an occasional or ongoing basis. A "critical facility" means any building, structure, or complex that in the event of a disaster, whether natural or manmade, poses a threat to public safety, including, but not limited to, airports, oil refineries, and nuclear and conventional fuel powerplants.
- (4) Private schools, private colleges, or private universities on an occasional or ongoing basis.

(b) Contracts entered into pursuant to this section shall provide for full reimbursement to the county or city of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city, as the case may be.

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(c) (1) The services provided pursuant to a contract authorized pursuant to paragraphs (1), (2), and (3) of subdivision (a) shall be rendered by regularly appointed full-time peace officers, as defined in Section 830.1 of the Penal Code. For purposes of a contract authorized pursuant to paragraph (4) of subdivision (a), services may be rendered by any category of peace officer including reserve peace officers, as defined in paragraph (2) of subdivision (a) of Section 830.6 of the Penal Code, who are authorized to exercise the powers of a peace officer, as defined in Section 830.1 of the Penal Code, upon mutual agreement between the provider and the private school, private college, or private university.

(2) Notwithstanding paragraph (1), services provided in connection with special events or occurrences, as specified in paragraph (1) of subdivision (a), may be rendered by Level I reserve peace officers, as defined in paragraph (2) of subdivision (a) of Section 830.6 of the Penal Code, who are authorized to exercise the powers of a peace officer, as defined in Section 830.1 of the Penal Code, if there are no regularly appointed full-time peace officers available to fill the positions as required in the contract.

(d) Peace officer rates of pay shall be governed by a memorandum of understanding.

(e) A contract entered into pursuant to this section shall encompass only law enforcement duties and not services authorized to be provided by a private patrol operator, as defined in Section 7582.1 of the Business and Professions Code.

(f) Contracting for law enforcement services, as authorized by this section, shall not reduce the normal and regular ongoing service that the county, agency of the county, or city otherwise would provide.

(g) Prior to contracting for ongoing services under paragraph (2), (3), or (4) of subdivision (a), the board of supervisors or legislative body, as applicable, shall discuss the contract and the requirements of this section at a duly noticed public hearing.

(h) Nothing in this section shall prevent a police department appointed pursuant to either Section 72330, 89560, or 92600 of the Education Code, and certified by the Commission on Peace Officer Standards and Training pursuant to Section 13551 of the Penal Code, from entering into agreements with private schools, private colleges, or private universities to provide law enforcement services.

DISCUSSION

Background

Recently, the department was contacted about providing law enforcement services at sporting events located on a private school campus. As outlined in the Government Code Section 53069.8, for the department to provide supplemental law enforcement services to private entities, City Council approval is required to authorize the Chief of Police and the City Manager to enter into a contract for said services.

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The role of San Luis Obispo police officers assigned to such events shall be to enforce laws and applicable City ordinances and code provisions and to engage in other law enforcement activities that are within the regular scope and course of an officer's law enforcement duties. Officers will also have opportunities to engage in community policing and foster relationships with various community members, while still providing a law enforcement presence.

Entities described in Government Code Section 53069.8 that enter into a contract with the police department in the form of the Agreement included as Attachment A will provide reimbursement to the City of San Luis Obispo for officers and vehicles assigned to the event, per the rates outlined in the Agreement. The term of the agreement will be for one year from the signing date and can be renewed for subsequent one-year terms upon mutual agreement between both parties.

Police department staff will fill requests to provide supplemental law enforcement services with on-duty officers or fill the request with overtime if needed. Requests for overtime will be filled based on departmental policy.

Public Engagement

This item is on the agenda for the July 11th, 2023, City Council meeting and will follow all required postings and notifications. The public may have an opportunity to comment on this item at or before the meeting.

CONCURRENCE

Finance concurs with staff's request and has advised on use of the labor rates adopted by the City Council on May 16, 2023 to recover City costs for services provided to contracting entities.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report because the action does not constitute a "Project" under CEQA Guidelines Section 15378.

FISCAL IMPACT

Budgeted:
Funding Identified: N/A

Budget Year: 2023-24

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Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$ N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$ N/A	\$	\$	\$

There are no fiscal impacts directly associated with this item. Actual cost recovery through contracts for supplemental law enforcement services will depend upon hours worked and adopted labor rates in any given year.

Per Government Code, 53069.8, entities under contract for service shall provide for full reimbursement to the county or city of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city, as the case may be.

For the City of San Luis Obispo, the City Council adopts Labor Rates based on salary schedules and includes both direct and indirect costs, which results in an Hourly Billing Rate. Council recently adopted the FY 2023-24 Central Services Allocation Plan which includes the Cost of Services Allocation and Labor Rates on [May 16, 2023](#). The City Council adopts labor rates each year and charges in future fiscal years will be based upon adopted labor rates for the applicable year.

The department will use the most current adopted Labor Rates to calculate Police Officer rates for reimbursement purposes. A flat rate for vehicles, which is outlined in the agreement, in the amount of \$25.00 will be used. This is the same vehicle fee charged to public entities (such as Cal Poly).

ALTERNATIVE

Council could decide not to approve the contract. This action is not recommended by staff because private entities interested in entering into a contract for supplemental law enforcement services would reimburse the City for personnel costs assigned to the event.

ATTACHMENTS

A - Agreement for Supplemental Law Enforcement Services

B - Draft Resolution authorizing contracts to provide supplemental law enforcement services.