

ORDINANCE NO. 23-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING REGULATIONS REGARDING SECURITY SERVICES, INCLUDING BUT NOT LIMITED TO FIRE ALARM AND BURGLARY SERVICES, AND FINDING OF EXEMPTION FROM CEQA

WHEREAS, California Government Code Section 61100(j) authorizes community services districts to provide for security services, including, but not limited to, burglar and fire alarm services, to protect lives and property within the District’s jurisdiction, and that Ventura County Local Agency Formation Commission (“LAFCo”) granted that same power to the District in 2007; and

WHEREAS, the Board of Directors of the Bell Canyon Community Services District (“District”) desires to enact this ordinance for security services, which Ordinance shall repeal and supersede any and all prior ordinances or resolutions related to this subject matter.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. The following regulations for the provision of security services within the District’s jurisdiction is hereby enacted:

1. Intent and Purpose—Findings.

Pursuant to Section 61100(j) of the Government Code and authorization of the Local Agency Formation Commission, the District provides Security Services necessary to protect lives and property within the boundaries of the District. In situations where prevention of an incident or offense is not possible, the function of Security Patrol Officers is to observe and report the incident to a law enforcement agency, such as the California Highway Patrol or Ventura County Sheriff’s Department, except as otherwise authorized by this ordinance. Security Patrol Officers are not peace officers, and except in limited circumstances as authorized in this Ordinance, are not responsible for any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

2. Definitions.

The following words, phrases and terms shall have the meanings as indicated:

“Board” means the Board of Directors of the Bell Canyon Community Services District.

“Customer” shall mean a District resident or property owner to whom District service is provided.

“District” means the Bell Canyon Community Services District.

“Premises” means a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for security services. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a residential unit.

“Security Patrol Officer/s” means those persons hired by the District to provide patrol services, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the General Manager.

“Security Services” means the security services provided by the District necessary to protect lives and property within the boundaries of the District, including but not limited to fire alarm and burglary services, and does not include any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

3. Scope of Security Services.

- a. The District shall provide Security Services at such level or to such extent as the Board may authorize as part of the annual budget process, or from time to time as the Board deems appropriate. This includes mobile patrol of all areas within the boundaries of the District and the set up of security cameras upon public property for security surveillance.
- b. The District shall operate a community system to maintain contact with local law enforcement, fire, and other emergency services, as well as appropriate entities within the District.

4. Violations and Penalties.

Pursuant to Government Code Section 61064(a), violation of a provision of this ordinance is a misdemeanor, punishable by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both. Alternatively, any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

5. Penalty for Obstructing Security Patrol Officer.

Any person who willfully interferes with a Security Patrol Office in the performance of his/her duties pursuant to this Ordinance may be punished as set forth in Section 4 above.

6. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

SECTION 3. The Board of Directors finds and determines that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the District that will not result in direct or indirect physical changes in the environment, and therefore not a project. Accordingly, no further environmental review is necessary. Furthermore, given that the Ordinance is not related to a specific project, the Ordinance (i) will not impact a sensitive environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on the environment through successive projects of the same type, in the same place, over time; (iii) does not have any unusual circumstances that will have a significant effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance, and the regulations on graffiti abatement is exempt from CEQA pursuant to Public Resources Code Section 21080.17.

SECTION 4. This Ordinance shall repeal and supersede all prior ordinances relating to graffiti abatement.

SECTION 5. This Ordinance shall become effective 30 days following its adoption.

PASSED AND ADOPTED this ___ day of February, 2023.

AYES:
NOES:
ABSENT:

Michael Robkin, President

ATTEST:

Gregor y McHugh, Interim General Manager/Secretary

I, _____, Interim General Manager/Secretary of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.