



Pauma Valley Community Services District
ORDINANCES

NO. 53

Approval Date: 03/28/2013

Revision Date: 2/25/13

SECURITY PATROL and GATE SERVICES

**AN ORDINANCE OF PAUMA VALLEY COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING THE DISTRICT'S POLICIES, RULES AND
REGULATIONS RELATING TO THE PROVISION OF SECURITY PATROL SERVICES
AND SECURITY GATE SERVICES**

THE BOARD OF DIRECTORS OF THE PAUMA VALLEY COMMUNITY SERVICES
DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Findings. The Board finds as follows:

- A. The Pauma Valley Community Services District ("District") is a public agency organized under the Community Services District Law set forth in Government Code sections 61000 and following.
- B. Under Government Code section 61100 (i) and (j), the District has the authority to equip and maintain Security Services and security gate services to protect lives and property.
- C. The District has previously adopted certain ordinances ("Previous Ordinances") regarding the establishment of policies, regulations, fees and charges for equipping and maintaining security patrol services and security gate services. The Previous Ordinances include, without limitation, the following:
 - Ordinance No. 29, dated November 8, 1977.
 - Ordinance No. 35, dated August 22, 1978.
 - Ordinance No. 36, dated January 23, 1979.
 - Ordinance No. 38, dated January 19, 1982.
 - Ordinance No. 39, dated June 8, 1982.
 - Ordinance No. 40, dated August 14, 1990.
 - Ordinance No. 41, dated October 23, 1990.
 - Ordinance No. 42, dated September 19, 1991.
 - Ordinance No. 43, dated July 21, 1994.
 - Ordinance No. 46, dated November 20, 2003.

- D. The District has recently adopted certain changes to the fees for Security Services pursuant to an election of the voters of the District held on August 23, 2011, and desires to set forth those changes, as well as to make amendments to the policies, rules and regulations for Security Services in this Ordinance. As a result, this Ordinance will include all of the District's policies, rules and regulations pertaining to the equipping and maintaining of security patrol services and security gate services.
- E. This Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly, and the Ordinance is also exempt under Section 15273 of the CEQA Guidelines to the extent it pertains to the establishment and approval of rates and charges.
- F. Upon the effective date of this Ordinance, this Ordinance will supersede and otherwise control over any other terms and conditions for security patrol services and security gate services including, without limitation, the Previous Ordinances.

SECTION 2. Amended and Restated Security Services Code. The District's policies, rules, regulations, fees and charges for security patrol services and security gate services are hereby amended and restated as set forth in the attached Exhibit A.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality will not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board expressly declares that this Ordinance and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4. Publication. The Board Secretary is directed to publish this Ordinance in the manner required by law.

Ordinance No. 29, dated November 8, 1977.

Ordinance No. 35, dated August 22, 1978.

Ordinance No. 36, dated January 23, 1979.

Ordinance No. 38, dated January 19, 1982.

Ordinance No. 39, dated June 8, 1982.

Ordinance No. 40, dated August 14, 1990.

Ordinance No. 41, dated October 23, 1990.

Ordinance No. 42, dated September 19, 1991.

Ordinance No. 43, dated July 21, 1994.

WHEREAS, the District has recently adopted certain changes to the fees and charges for security patrol services and security gate services and desires to set forth said changes, as well as all of the current rules and regulations for security patrol services and security gate services, in this Ordinance No. 46. As a result, this Ordinance No. 46 will include all of the rules and regulations ("Rules and Regulations") pertaining to the equipping and maintaining of security patrol services and security gate services. Therefore, upon the effective date of this Ordinance No. 46, this Ordinance shall supersede and otherwise control over any other terms and conditions for security patrol services and security gate services including, without limitation, the Previous Ordinances. Notwithstanding the foregoing, the rules and regulations and fees and charges adopted pursuant to the Previous Ordinances shall be in effect, and remain in effect, pursuant to the provisions of said Previous Ordinances and nothing in this Ordinance No. 46 shall impact the establishment or effectiveness of said rules, regulations, fees and charges as the same were adopted by way of the Previous Ordinances.

WHEREAS, none of the provisions of the Previous Ordinances which deal with any service other than security patrol services and security gates services shall be impacted and said provisions shall remain in full force and effect. If any fees or charges set forth in the previous Ordinances address any service other than security patrol services or security gates services, but also include a component of costs related to the provision of security patrol services or security gate services, then the charges for security patrol services and security gate services shall be separated out and imposed pursuant to this Ordinance No. 46.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the PAUMA VALLEY COMMUNITY SERVICES DISTRICT as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1. Provisions Not Affected By Headings Article and section headings contained herein

shall not be deemed to govern, limit or modify, or in any manner affect the scope, meaning, or intent of any section hereof.

Section 2. Tenses The present tense includes the past and future tenses; and the future, the present.

Section 3. Masculine Gender The masculine gender includes the feminine and neuter.

Section 4. Number The singular number includes the plural, and the plural includes the singular.

Section 5. "Shall" and "May" "Shall is mandatory, and "May" is permissive.

Section 6. Authority The fees and charges referred to in this Ordinance are adopted pursuant to Sections 61621 and 61622 of the Government Code.

ARTICLE II DEFINITIONS

Whenever in this Ordinance the following terms are used, they shall have the meaning ascribed to them in this Article.

Section 1. "Applicant" shall mean any person, persons or entity who applies for sewer service.

Section 2. "Person" shall mean any person, firm, company, corporation, political subdivision, municipal corporation, district, the State of California, the United States of America, or any department or agency of any thereof.

Section 3. "Customer" shall mean any person, persons or entity receiving security service from the District.

Section 4. "District" shall mean the Pauma Valley Community Services District.

Section 5. "Board" shall mean the Board of Directors of the Pauma Valley Community Services District.

Section 6. "Manager" shall mean the General Manager of the District, or his authorized representative.

Section 7. "Secretary" shall mean the Secretary of the Board.

Section 8. "Premises" shall mean any lot, piece, or parcel of land, building or establishment.

Section 9. "Patrol" used in this Ordinance as a verb shall mean the action of traversing the District for the purpose of observation and maintenance of security, and when used as a noun, shall mean the person or persons performing such actions.

Section 10. "Fiscal Year" shall mean the period from July 1 to the following June 30, both inclusive.

Section 11. "Equivalent Dwelling Unit" ("EDU") shall mean the unit of measure which is based upon the estimated necessity for the protection of the constituents and the EDUs within the District.

ARTICLE III

ESTABLISHMENT OF SECURITY PATROL SERVICES

Section 1. There is hereby established a security force for the safeguard of life and property within the District pursuant to the provisions of Government Code Section 61600, Subdivision (h).

Section 2. The security force established by this Ordinance shall be constituted by sufficient number of security persons as deemed necessary by the General Manager. One such person shall be designated by the General Manager as Security Supervisor and hold the title of "Captain". The remaining numbers of such security force shall be and are hereby designated security officers.

Section 3. The Security Supervisor shall require the faithful performance of all security duties and shall:

(a) Be responsible to the General Manager for the efficient administration of all security officers of the District under his/her control;

(b) Designate himself/herself or another security officer to perform the duties of any security officer under his/her control which are not being performed, or will not be performed, due to the absence or disability of a security officer;

(c) Prepare and present to the General Manager any report as required thereby;

(d) Take his/her orders and instructions from the General Manager;

(e) Perform such other duties and exercise such other powers as may be delegated to him/her from time to time by the General Manager;

(f) Prescribe such rules and regulations as he/she shall deem necessary or expedient for the performance by his/her subordinates of their duties;

(g) Comply with and require compliance by all his/her subordinates of all rules, regulations, ordinances and resolutions adopted by the Board of Directors, as well as compliance with the laws of the State of California and the United States.

Section 4. No security officer shall be designated as a "Peace Officer" or have the powers of such peace officer unless such security officer has:

(a) Obtained from the State of California Commission on Peace Officer Standards and Training, a permit authorizing such person to exercise the powers of a peace officer; and

(b) Such permit is valid at all times during which any such person is designated as a peace officer by the Board of Directors, or such person is purporting to exercise the powers of a peace officer as defined in California Penal Code Section 830 et. seq.

Section 5. No person employed by the District as a security officer shall carry a firearm or any other weapon of any nature during the performance of his or her duties for the District unless:

(a) Such person is a Peace Officer as defined in this Ordinance; or

(b) Such person has a current certificate issued by the Department of Consumer Affairs of the State of California indicating that such person has successfully completed a course in the carrying and use of firearms and a course of training in the exercise of the powers of arrest which meet the standards prescribed by such Department pursuant to Section 7542 and 7583 et seq. of the California Business & Professions Code or any successor statute. No person employed by the District as a security officer shall carry a firearm or any other weapon of any nature during the performance of his/her duties for the District unless such person then has a permit as described in this Ordinance, and the Board of Directors has specifically adopted a resolution authorizing the carrying thereof.

Section 6. The area within the District boundaries shall be patrolled by a security officer or security officers at the times and in the manner as established from time to time by the Board of Directors. The security officers of the District shall strive to avoid interference with the passage of vehicular or pedestrian traffic in and upon any public street within the District. At any time a vehicle, or vehicles, is/are used in the patrol of the area within the District boundaries, such vehicle or vehicles shall have markings on each side thereof which state: "PAUMA VALLEY COMMUNITY SERVICES DISTRICT SECURITY." Any security officer shall immediately report to the appropriate law enforcement agency within the County of San Diego any public offense that such officer observes being committed, or has probable cause to believe has been committed or is about to be committed within the boundaries of the District and which such security officer reasonably believes to constitute a danger to either life or property within the District. In the event any security officer employed by the District is a duly authorized and licensed peace officer, he may *exercise* the powers of such peace officer during the performance of his duties as a security officer for the District, provided such exercise is authorized by the laws of the State of California.

Section 7. Each person performing the duties of a security officer within the District shall at all times thereof be attired in the uniform prescribed from time to time by the Board of Directors or the General Manager.

Section 8. All members of the security force shall be employed by the District through the General Manager and shall be under the supervision of the General Manager. The General Manager shall have the sole power to hire, evaluate, discharge and otherwise supervise all members of the security force.

Section 9. At any time any security officer has cause to contact or communicate with any law enforcement agency in connection with, or arising out of any public offense committed or believe to

have been committed within the District, such security officer shall within 24 hours thereafter make a full written report to the Security Supervisor, which report shall be dated and signed by the person making same. The Security Supervisor shall then deliver said report to the General Manager.

Section 10. The salaries of each member of the security force shall be established from time to time by the Board of Directors in accordance with the budgetary process of the District.

ARTICLE IV

ESTABLISHMENT OF SECURITY PATROL AND SECURITY GATE SERVICE CHARGES

Section 1. Security Patrol Service Charge There is levied and assessed upon each Person owning, letting or occupying a Premises a security patrol service charge, hereinafter referred to as "Security Patrol Service Charge." The Security Patrol Service Charge is hereby established at \$73.00 per month payable monthly in advance for each equivalent dwelling unit. This charge is service-related and shall be imposed as an incident of a request for service and not as an incident of property ownership. The amount of the charge is reasonably related to the cost of the service provided. The current amount of the Security Patrol Service Charge became effective as of August 1, 2003. (Adopted by Minute Order, June 20, 2003).

Section 2. Determination of EDUs The EDUs are determined for various establishments as set forth below. The Manager shall assign EDUs based upon the estimated necessity for the protection of the constituents and the EDUs within the District. Said EDUs are assigned based upon the estimated amount and/or type of service generated by the various establishments as compared to that normally generated by an average single family dwelling unit.

(a) *EDU Table.*

	<u>EQUIVALENT DWELLING UNITS</u>
(a) Single family residence Apartment house and duplex:	1.0
1) A 1 bedroom unit	1.0
2) A 2 bedroom unit	1.0
3) A 3 bedroom unit	1.0
4) Thereafter, each additional bedroom unit shall equal an additional	0.25
(b) Condominiums: Each individual unit	1.0
(c) Hotels, motels, auto courts:	
1) Per living unit without kitchen	0.50
2) Per living unit with kitchen	1.0

(d) Churches, theaters and auditoriums Per each unit of seating capacity (a unit being 150 Persons or any fraction thereof)	1.50
(e) Restaurants 1) No seating 2) Less than 80 seats per each unit of 7 seats or fraction thereof 3) More than 80 seats per each unit of 7 seats or fraction thereof	2.50 1.00 1.00
(f) Automobile service stations 1) Not more than 4 gasoline pumps 2) More than 4 gasoline pumps	2.00 3.00
(g) Self service laundries Per each washer	0.75
(h) Mobile home and trailer parks Per each trailer space: Mobile home Trailer court Recreational vehicle park: Per each space, occupied or not	1.0 0.75 0.75
(i) Vacant lots within subdivision containing a developed system of sewer mains	0.50
(j)* Stores, offices, small industrial and business establishments Not listed above First unit Each additional unit	1.0 0.75
(k)** Schools Elementary schools For each 60 pupils or fraction thereof Junior High schools For each 50 pupils or fraction thereof High schools For each 30 pupils or fraction thereof	1.00 1.00 1.00

* For the purposes of this subsection, a unit shall be described as:

- (1) Any individual office, store or small industrial establishment with private sanitary fixtures and gross floor area not exceeding 1,000 square feet; or
- (2) With 1,000 square feet of gross floor area in buildings with public sanitary fixtures only.

**Note The number of pupils shall be based on the average daily attendance of pupils at the

school during the preceding fiscal year computed in accordance with the Education Code of the State of California; provided, however, where the school has had no attendance during the preceding fiscal year, the Manager shall estimate the average daily attendance for the fiscal year for which the fee is to be paid and compute the fee based on such estimate.

(l) Other:

In the case of commercial, industrial, and other business establishments such as bottling works, supermarkets, convalescent homes, hospitals, fast food restaurants with seating, laundries (other than self-service laundries) and other establishments not included in items (a) through (j) inclusive, the number of EDUs shall be determined in each case by the Manager and shall be based upon the estimated volume and type of wastewater discharged into the Sewer System.

ARTICLE V

ESTABLISHMENT OF SECURITY GATE SERVICES

1. Pursuant to Government Code §61770 et seq. and Ordinance No. 40, a zone within the Pauma Valley Community Services District has been designated as "Pauma Valley Community Services District Zone No. 1" for the purpose of fixing and collecting special assessments and/or rates and charges for the construction or acquisition of improvements and for the furnishing of security services the District is authorized to provide, and applying the receipts from the special rates and charges to the expense of providing the security service where in the judgment of the Board the service is not of District-wide benefit.

2. The territory comprising Pauma Valley Community Services District Zone No. 1 is described as follows:

Pauma Valley Drive (excluding the property lying between Cole Grade Road and the property served by Temet Drive), Wiskon Way, Moyla Drive, Kupa Drive, Atosana Drive, Taupa Way, Ushla Way, Paauwe Drive, Takishla Place, Tukwut Court, Sukat Trail, Sukat Court, Katkat Court, Womsi Road, Womsi Lane, Kica Court, Taspas Court, Cahuka Court, Luiseno Circle, Temet Drive, Indian Bend, Pauma View and Pauma Heights Road (excluding that portion southeast of 32228 Pauma Heights Road).

3. The improvements and services to be provided by the District specially benefitting said zone are the installation of gates at the entrances to Pauma Valley Country Club on Pauma Valley Drive and the provision of security personnel to screen access at those locations.

4. The cost of the improvements and services to be provided herein shall be paid from special assessments and/or rates and/or charges as determined from time to time by the Board of Directors of the District and in compliance with applicable law.

5. Security Gate Charge There is levied and assessed upon each Person owning, letting or occupying an

improved Premises in Pauma Valley Community Services District Zone No. 1, a service charge for augmented security service hereinafter referred to as "Security Gate Charge". The Security Gate Charge is hereby established at \$54 per month, payable monthly in advance for each EDU. This charge is service-related and shall be imposed as an incident of a request for service and not as an incident of property ownership. The amount of the Security Gate Charge is reasonably related to the cost of the service provided and is based on the estimated expenses of the District in installing, maintaining and operating access gates at both ends of Pauma Valley Drive. The current amount of the Service Charge became effective as of August 1, 2003. (Adopted by Minute Order, June 20, 2003) The EDUs shall be determined pursuant to the provisions of Section 2 of Article III.

ARTICLE VI
MISCELLANEOUS PROVISIONS

Section 1. Modification Of Fees And Charges. The fees and charges established by this Ordinance or any Previous Ordinance may be modified or amended by a subsequent ordinance adopted by the Board. New fees and charges may be proposed by the Manager and by the Board.

Section 2. Deposit And Expenditure Of Fees And Charges. All fees and charges collected pursuant to this Ordinance shall be deposited in the revenue fund of the District.

Section 3. Manager To Enforce Ordinance. The Manager is charged with the duty of enforcing the provisions of this Ordinance and the rules and regulations adopted as herein provided.

Section 4. Enforcement Measures In Case Of Delinquency: All service charges shall be delinquent unless paid in full within thirty (30) days following the billing date of such service charges.

(a) Penalties. Any service charge not paid prior to delinquency may be subject to a basic penalty of ten percent (10%) of the delinquent charge and a penalty of one-half of one percent (.5%) per month for nonpayment of the charges and the basic penalty.

(b) Discontinuance of Service. Upon the delinquency of the payment of service charges, the District has the right to discontinue service to such delinquent owner or occupant until all delinquent service charges, plus penalties thereon, have been paid.

(c) Action to Enforce. The District may commence and prosecute an action in any court of competent jurisdiction for the recovery of any service charges that remain delinquent for a period of more than thirty (30) days.

(d) Lien. In case any service charges remain delinquent for a period of more than thirty (30) days, the Manager may, in accordance with California Government Code Section 61621, for the purpose of creating a lien upon real property owned by the persons liable for the service charges, file for record in the Office of the County Recorder of any County, a certificate specifying the amount of such charges and the name and address of the person or persons liable therefore.

Section 5. Appeal Procedure. Any user, permit application, or permit holder affected by any decision, action or determination, including cease and desist orders made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Manager a written request for reconsideration, setting forth in detail the facts supporting the user's request for reconsideration. The Manager shall render a decision on the request for reconsideration within thirty (30) days of receipt of request. If the ruling on the request for reconsideration made by the Manager is unsatisfactory to the person requesting reconsideration, he may, within fifteen (15) days after notification of the Manager's action, file a written appeal with the Secretary of the Board.

A fee of \$100.00 shall accompany any appeal to the Board of Directors of the District for a ruling of the District.

Section 6. Incorporation of Recitals. The Recitals set forth in this Ordinance are incorporated herein and made an operative part of this Ordinance.

ARTICLE VII

SEVERABILITY

Section 1. Severability Of Provisions: If any section, subdivision, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 2. This Ordinance shall take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED THIS 20th day of **November, 2003**. The above Ordinance as adopted by the following vote:

Directors voting aye: **Hamill, LaForce, Lyttle, McClelland, Stewart**

Directors voting no: None

Directors absent: None

PAUMA VALLEY COMMUNITY SERVICES DISTRICT



Ronald Stewart, President of the Board of Directors

By:

STATE OF CALIFORNIA)

) SS.

COUNTY OF SAN DIEGO)

I, Mindy Houser, Secretary of the Board of Directors of the Pauma Valley Community Services District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors of said District at a regular meeting thereof held on the 20th day of **November, 2003**

By: _____

A handwritten signature in cursive script, reading "Mindy Houser", is written over a horizontal line.

Mindy Houser, Secretary of the Board of Directors
Pauma Valley Community Services District