

ORDINANCE NO. 1107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LANCASTER ADDING CHAPTER 2.10 TO THE LANCASTER
MUNICIPAL CODE RELATING TO THE CHIEF OF POLICE

WHEREAS, the California Constitution provides that “[i]t shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for [...] the constitution, regulation, and government of the city police force [...]” and grants plenary authority, subject only to the restrictions of Article XI, to provide in a city charter “[...] the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation [...]”; and

WHEREAS, the City’s Charter provides as follows:

The City shall have all powers possible for a City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated .in this Charter. Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights, and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the benefit and welfare of the citizens of the City of Lancaster. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

(City Charter § 100); and

WHEREAS, under the general law, “[t]he city council shall appoint the chief of police [.]” and “[t]he police department of a city is under the control of the chief of police.” (Cal. Gov’t Code §§ 36505, 38630(a)); and

WHEREAS, the City currently contracts with the County of Los Angeles (“County”) for the Los Angeles County Sheriff’s Department (“LASD”) to provide general municipal law enforcement services within the City’s jurisdictional boundaries; and

WHEREAS, pursuant to the City's contract with the County for LASD municipal law enforcement services, during the contract term "[...] the Sheriff or his designee shall serve as the Chief of Police of the City and shall perform the functions of the Chief of Police at the direction of the City"; and

WHEREAS, the City desires to exercise the authority granted by the California Constitution, City's Charter, and general law to establish the City's office of Chief of Police.

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

Section 1. The above recitals are true, correct, and constitute a substantive part of this Ordinance.

Section 2. Chapter 2.10 is hereby added to the Lancaster Municipal Code to read as follows:

Chapter 2.10
CHIEF OF POLICE AND POLICE DEPARTMENT

- 2.10.010 Office of chief of police and police department created.**
- 2.10.020 Police department functions.**
- 2.10.030 Chief of police; powers and duties.**
- 2.10.040 Relationship to contract for municipal law enforcement services.**

2.10.010 Office of chief of police and police department created.

The office of the Chief of Police is created and established. The Chief of Police shall be appointed by the City Manager with the advice and consent of the city council. There is created a functional unit of city government known as the police department, under the general administration of the City Manager, which shall be under the direction and control of the Police Chief.

2.10.020 Police department functions.

The police department shall:

- A. Preserve the peace and security of the city;
- B. Enforce all laws of the United States, State of California, and all ordinances of the city except when the provisions thereof make the enforcement the responsibility of another officer, department or of another state or federal agency or officer;
- C. Perform disaster and mutual aid services in accordance with approved plans and agreements;

- D. Perform such other related duties as shall be required by law, ordinance, or the city manager; and
- E. Adhere to standards for recruitment and training established by the California Commission on Police Officer Standards and Training (POST). The POST Commission and its representatives may make such inquiries as they may deem appropriate from time to time to ascertain whether the POST standards are being adhered to.

2.10.030 Chief of police; powers and duties.

Pursuant to section 41601 of the California Government Code, the chief of police has the powers conferred upon sheriffs by general law and in all respects is entitled to the same protection. The chief of police shall have authority, subject to the city manager's approval, to adopt rules and regulations for the administration and discipline of officers and employees of the police department.

2.10.040 Relationship to contract for municipal law enforcement services.

Nothing in this chapter shall limit or prohibit the city from contracting with the County of Los Angeles for municipal law enforcement services. During the term of any such contract, and to the extent expressly required by such contract, the city may appoint or designate the Los Angeles County Sheriff, or his or her designee, as the city's chief of police. Such appointment or designation shall be in addition to, and not instead of, the provisions of this chapter.

Section 3. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

Section 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 12th day of September, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1107, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
