

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING  
ARTICLE 3 TO CHAPTER 2 OF TITLE 2 OF THE OAKLEY MUNICIPAL CODE,  
ESTABLISHING A POLICE DEPARTMENT**

The City Council of the City of Oakley does ordain as follows:

Section 1. Article 3 is hereby added to Chapter 2 of Title 2 of the Oakley Municipal Code, to read as follows:

**Article 3. POLICE DEPARTMENT**

**2.2.302. Department created.**

There is hereby created in the government of the City of Oakley a Police Department for the protection of public safety, enforcement of laws and the performance of other duties as specified by the City Council and the City Manager.

**2.2.304. Police Chief.**

The City Manager shall appoint the Police Chief, who shall serve at the pleasure of the City Manager. The Police Chief shall have operational control over the Department, although the City Manager shall be deemed the Hiring Authority for all of the employees of the Department. The Police Chief shall have all of the powers and duties specified in Government Code sections 41601 through 41611, and successor legislation, except that financial accounting of receipts shall be made by the Finance Director. The Police Chief shall also have the authority to promulgate rules, regulations and policies for the operation of the Department.

**2.2.306. Employees.**

The number of sworn and non-sworn members and employees of the Department shall be determined by the City Council in the budget adoption process. Sworn peace officers shall have all the powers that are authorized by state law, including arrest and ability to issue citations, and shall be subject to all requirements imposed upon sworn peace officers established by state law. Sworn officers also have the authority to issue administrative citations for the violation of city ordinances.

Section 2. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

Section 5. Operative.

Although this Ordinance shall become effective as stated above, it shall not become operative until the termination of the police services contract between the City and Contra Costa County, whereupon it shall become operative immediately. Prior to this Ordinance becoming operative, the City Manager shall have the authority, if funds have been appropriated for such purpose by the City Council, to appoint a provisional Police Chief and other members of the Department, who shall have the duty to plan, organize, recruit, and otherwise prepare for the implementation of the City police department and who shall assume the regular duties of their positions once this Ordinance becomes operative.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date