



ADMINISTRATIVE PROCEDURE

SUBJECT: GUIDELINES FOR IMPLEMENTATION OF CITATION AUTHORITY (RESOLUTION 98-03 AND ORDINANCE 01-01)	Number <u>XIII-5</u>	<u>Effective Date:</u> Issued: <u>2/10/99</u> Revised: <u>1/31/00</u> Revised: <u>10/11/00</u> Revised: <u>9/5/01</u>	Page 1 of 8
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PURPOSE:

To establish guidelines for implementing Ordinances 98-01 and 99-01, Citation Authority, which provides for the protection of the District’s water supply, lands, and facilities.

POLICY:

Senate Bill 467 amended Section 30546 of the Water Code to allow any regular employee of the District, who is a deputy sheriff or who has successfully completed the peace officer training course described in subdivision (a) of Section 832 of the Penal Code and is designated by appropriate resolution of the Board of Directors, the authority to issue citations in accordance with the provisions of 853.5 of the Penal Code for violation of State laws, City, County, or District Ordinances, respecting trespass upon, damage to, interference with, or contamination of any water, watercourse, land, structure, or facility owned, used or controlled by the District for any purpose.

The Board of Directors adopted Ordinance 98-01 on April 1, 1998 and Ordinance 99-01 on November 17, 1999. Ordinance 01-01, adopted by the Board on September 5, 2001, repealed Ordinance 98-01 and 99-01, establishing rules and regulations related to property owned or controlled by the District. Resolution 98-03 was adopted by the Board on April 1, 1998 authorizing the General Manager to assign certain qualified individuals the authority to issue citations for violations of such laws and ordinances, and to perform all acts necessary to administer the District’s citation program.

PROCEDURE:

1. Patrol of District Land and Facilities

- a) Objective. The objective of routine patrols of District Lands and Facilities is to observe, inspect, identify, and document any violations of Ordinance 01-01 to prevent water pollution or contamination; to protect the health and safety of District customers and the general public; and to protect and maintain the land, including natural and cultural resources, facilities and equipment the District owns and/or operates.

b) Land and Facilities. While patrolling District lands and facilities, District personnel shall pay special attention to the following areas:

- Gates, fences, doors, and locks;
- Signs: if missing or in need of replacement or repair;
- Condition of facility: if in need of repair or maintenance;
- Evidence of trespass or any unauthorized access;
- Safety issues, including fire, security concerns, or lack of adequate protective equipment, waste trash or other materials deposited on District property;
- Property encroachments, especially along the Canal or Los Vaqueros right of way;
- Toxic or harmful materials that threaten water quality or could come into contact with the Canal, reservoir or water being conveyed;
- Requests for public or outside agency assistance;
- Conditions that threaten natural or cultural resources; and
- Unauthorized diversions of water from the Canal.

District personnel shall complete an Incident Report for any of the above-mentioned situations.

c) Operation of Vehicles. District personnel shall operate official vehicles in a careful and prudent manner, and shall obey all traffic laws of the State and all District procedures pertaining to such operation.

- Vehicle Pool: District personnel shall utilize official vehicles while patrolling District property, which shall be identified for recognition by the public and outside agencies.
- Bicycle Patrol: District personnel may utilize bicycles when patrolling along the canal right of way, when appropriate.
- Boat Patrol: District personnel may utilize boats when patrolling District water bodies, when appropriate.

2. Approaching Trespassers and Others Suspected of Violating District Ordinances

- a. Objective. To establish procedures for approaching trespassers and others suspected of violating a District Ordinance and insuring the safety of District personnel and property.
- b. Personal Safety. The District's primary concern is the safety and protection of the public and District personnel. District personnel are to use their best judgment when confronted with a situation that might jeopardize their personal safety, and when possible, shall retreat from any such situation and notify the law enforcement agency having jurisdiction.
- c. Communications. District personnel shall notify Control at the beginning and completion of each shift. Control shall be notified by radio or telephone prior to approaching any individual or individuals who, in the judgment of District personnel, may present a concern. After normal working hours and during the weekend, District personnel shall notify Control by radio or telephone with their location at least once each hour.
- d. Identification Procedures. District personnel shall identify themselves by displaying their official badge, name tag or identification card when approaching trespassers or others suspected of violating a District Ordinance before taking enforcement actions, except where the identification is obvious. District personnel shall furnish their name to any person requesting this information.
- e. Armed Person Procedure. District personnel shall, when confronted by a person with a "weapon" or suspected of possessing a "weapon," take the following precautions:
 - (1) Cautiously move a safe distance away from the person in order to protect self;
 - (2) Notify law enforcement agency having jurisdiction; and
 - (3) Remain a safe distance away and continue to observe the situation to the extent that it does not jeopardize personal safety until the law enforcement agency having jurisdiction is on the scene.
- f. Use of Personal Protection Agents. The District shall issue personal protection agents in the form of CN-Mace or oleoresin capiscum (pepper spray). District personnel shall successfully complete required personal protection agent training prior to being issued any such devices. District personnel shall use personal protection agents only in accordance with the law. District personnel shall not use or handle personal protection agents in a careless or imprudent manner.
- g. Approach Procedure. When District personnel encounter an individual violating a District Ordinance, the following procedures shall be utilized:

- (1) Inform the individual of any violation of the District's Ordinances and reference the appropriate section(s) that apply;
 - (2) Request identification from individual;
 - (3) If identification is not provided, the individual refuses to leave District property, or the individual, if being left unattended, may pose an immediate threat to the individual's health and safety, notify Control and request assistance from the law enforcement agency having jurisdiction; and
 - (4) If identification is provided by the individual, a verbal or written warning may be issued, or a citation if appropriate.
- h. Transporting Non-District Personnel. Transportation of non-District personnel should be avoided. If it is necessary for District personnel to transport any non-District personnel to another location, the following actions will be followed:
- (1) Inform Control of the need to transport non-District personnel to another location;
 - (2) Provide Control with the location non-District personnel is being transported from and to;
 - (3) Notify Control of the starting time for transporting non-District personnel and the vehicle mileage; and
 - (4) Upon arriving at the predetermined destination, provide Control with the time, vehicle mileage, and the location where non-District personnel have been transported. If the situation presents a safety concern for District personnel, notify the law enforcement agency having jurisdiction or Control, and request assistance.

3. Issuing Citations for Violations of Ordinance 01-01

- a. Objective. To establish procedures for issuing citations for violations of District Ordinance 01-01.
- b. Warnings: Verbal and Written. The purpose of issuing a verbal or a written warning is to inform the person that his/her actions are a violation of the District's Ordinance, and to reference the appropriate section(s). Verbal and written warnings shall be provided prior to issuing a written citation, unless the violation is of a serious nature or the violator's actions and attitude clearly indicate that a citation is warranted. All written warnings shall be documented using the District's standard Warning Notice form.

- c. Issuing Citation. Citations will be issued at the discretion of the officer. When issuing a citation, District personnel shall explain the nature of the violation and reference the appropriate section of the District's Ordinance. The individual being cited will be provided with a copy of the citation, a copy will be sent to the municipal court having jurisdiction for processing the citation, and one copy will be retained in the District's files. If the person refuses to sign the citation or files to provide adequate identification, and the violation is of a serious nature, request assistance from the law enforcement agency having jurisdiction. If the violation is not of a serious nature, the violator shall be asked to leave District property and follow up with District's Law Enforcement Contractor. If the situation escalates or presents a safety concern for District personnel or the public, immediately notify the law enforcement agency having jurisdiction. All citations issued by District personnel shall utilize the District's standard Citation-Notice to Appear form.
- d. Vehicle Accident or Incident. When a vehicle accident occurs on District property that may require a police report, contact the law enforcement agency having jurisdiction.
- e. Parking Violation. Vehicles violating the parking regulations of the District's Ordinance will be issued a parking citation. The persons or vehicles being cited will be provided with a copy of the parking citation, a copy will be sent to the municipal court having jurisdiction for processing the citation, and one copy will be retained in the District's files.
- f. Assistance to Outside Agencies. All requests for District assistance by an outside agency will be approved in advance by a supervisor, or if other than normal working hours, shall be approved by Control, except in those emergency situations when any delay may result in an unsafe situation. The appropriate supervisor or Control will be notified as soon as possible thereafter.

4. Handling of Lost and Found Property

- a. Objective. To establish procedures for handling private and/or personal property lost and found on District property.
- b. Lost and Found Property. When District personnel find private or personal property on District property, an Incident Report shall be prepared which identifies the type of property found, the location the property was found, and any other specific information which may aid in identifying the owner of such property. Any property that has been discovered, gathered or received in connection with District responsibilities will be turned over to the Law Enforcement Agency having jurisdiction and processed in accordance with their established procedures. When property is relinquished to the Law

Enforcement Agency having jurisdiction, the following information shall be provided by the District personnel releasing the property:

- Name;
- Name of finder (if different person);
- Exact location where the property was found; and
- District Incident Report number.

District personnel shall obtain from the Law Enforcement Agency receiving such property the following information:

- Name;
- Title;
- Unit to which property was relinquished; and
- Case number, if one has been assigned.

5. Responding to Emergencies

- a. Objective. To establish procedures for use in responding to emergency situations.
- b. Emergency Communications. The District's primary concern is the safety and protection of District personnel and the public. When confronted with an emergency situation requiring outside agency assistance, District personnel shall contact 911, notify the law enforcement agency or other emergency personnel having jurisdiction, and their immediate supervisor as soon as possible. After contacting the law enforcement agency having jurisdiction, District personnel shall notify Control of the situation and the request for outside agency assistance.
- c. Accident or Crime Scene Responsibilities. District personnel are responsible for the following actions:
 - (1) Summoning and/or performing medical, rescue, and/or search assistance;
 - (2) When reasonable and appropriate, administer basic first aid and/or cardiopulmonary resuscitation procedures to prevent further injury or loss of life;
 - (3) Making a thorough and immediate search of the area surrounding the scene for victim(s) and providing for their needs as required;
 - (4) Preserving the security of the scene; and
 - (5) Controlling traffic, and securing an accident or crime scene.

- d. Incident or Crime Scene Command. At the scene of any District accident, crime, or other law enforcement incident, the first District personnel to arrive shall assume command and direction of District personnel to assure the most orderly and efficient response to the incident. The first responding District personnel shall relinquish command of an incident or crime scene to the designated incident commander or, upon request, to the Law Enforcement Agency having jurisdiction.
- e. Search and Rescue Procedure. District personnel should not initiate any search and rescue activity without providing prior notification to Control. District personnel shall make a thorough and immediate search of the immediate area. After a search of the immediate area, if the individual or individuals cannot be located, contact the law enforcement agency having jurisdiction or request assistance from Control.
- f. Hazardous Materials or Safety Hazard. District personnel shall contact the District's Environmental Compliance Officer or District Safety Officer any time they identify a situation involving hazardous or potentially hazardous materials or a situation which presents a significant safety exposure for the District. District personnel shall also notify Control of any such situations and take appropriate measures to minimize unsafe conditions without placing themselves at risk. An Incident Report should be completed for any hazardous materials or safety hazards identified.

6. Preparing Reports

- a. Objective. To provide procedures for various reports and/or forms to be prepared while patrolling District lands and facilities.
- b. Security Trip Sheets. The purpose of the Security Trip Sheet is to document the inspection of District lands and facilities. Security Trip Sheets are maintained in the Real Property Division files. On a daily basis, District personnel shall prepare a Security Trip Sheet documenting the patrol route and facilities inspected.
- c. Incident Reports. The purpose of the Incident Report is to document any structural or nonstructural encroachments, hazardous materials or safety hazards, and any event or situation that may be of significance to the District. District personnel will prepare an Incident Report if and when they encounter any of the above-mentioned situations. Incident Reports are maintained in the Real Property Division files. All Incident Reports shall be identified by an Incident Report number which shall be identified and a site plan prepared showing the location of the surrounding area including District property boundaries and city streets. A photo of the encroachment or situation shall be taken and attached to the Incident Report. On the bottom of the photo, note the location of the repair or encroachment (i.e., upstream, downstream, operation side, non-operation side of the canal, milepost and/or cross streets). Also, circle on the photo the area of concern.

After completing the Incident Report, a copy will be forwarded to Real Property Division for any follow-up actions and processing.

- d. Written Warnings. The purpose of a written warning is to document a violation of a District Ordinance and to inform and educate the individual. Written warnings are maintained by the Real Property Division, entered into a database and summarized in a monthly report. The written warning shall reference the appropriate section(s) of the District's Ordinance.
- e. Work Order Request. The purpose of a work order request is to notify and obtain assistance from other District departments to correct a given situation. Work order requests are noted on the bottom of the Incident Report form. A work order request will be sent to the appropriate District department after an Incident Report has been prepared requesting their assistance. The following steps are to be followed when requesting assistance from other District departments:
 - (1) Prepare an Incident Report, make a copy of the Incident Report, attach any photos or exhibits and forward to the appropriate department. If the request or repair is urgent or involves a safety concern, notify the appropriate supervisor and District Safety Officer as soon as possible and advise them of the situation.
 - (2) Take a photo of the area of concern. On the bottom of the photo, note the location of the repair or safety concern (i.e., upstream, downstream, operation side, non-operation side of canal, milepost, and/or cross streets). Also, circle on the photo the required repair or safety concern.
- f. Temporary Land Use Permits. The purpose of a Temporary Land Use Permit is to allow for short-term, limited access to the Contra Costa Canal, the Los Vaqueros Watershed and the Los Vaqueros Pipeline right of way. District personnel may issue routine Temporary Land Use Permits in the field for the Canal and Los Vaqueros rights of way. However, a Temporary Use Permit for the Los Vaqueros Watershed must be obtained from the Senior Watershed Resources Specialist. If the work is on the trailside (operation side) of the Contra Costa Canal, an additional permit may be required from East Bay Regional Park District or the City of Walnut Creek. These outside agency permits are the property owner(s) or requesting party's responsibility and must be obtained prior to CCWD issuing a Temporary Land Use Permit. District personnel shall send a copy of any temporary Use Permit issued in the field to the Real Property Division for their files

Approved:

Administrative Procedure

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Effective: September 5, 2001

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A handwritten signature in black ink that reads "Walter J. Bishop". The signature is written in a cursive style with a large initial 'W' and 'B'.

Walter J. Bishop
General Manager

Attachments: Exhibit A - Resolution No. 98-03, Exhibit B-Ordinance 01-01