

## **RESOLUTION NO. 2008-08**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT PROVIDING INDEMNIFICATION FOR DISTRICT PATROL OFFICERS THAT MAKE CITIZEN'S ARRESTS**

**WHEREAS**, Rancho Murieta Community Services District ("RMCS D") places great importance on the safety and security of its residents; and

**WHEREAS**, Patrol Officers employed by the Rancho Murieta Security Department ("District Patrol Officers") have limited authority to make arrests for violations of state and local law in their capacity as District Patrol Officers under current state law; and

**WHEREAS**, District Patrol Officers may make citizen's arrests in their capacity as private citizens pursuant to Penal Code Section 837, which provides that "a private person may arrest another: (1) for a public offense committed or attempted in his presence, (2) when the person arrested has committed a felony, although not in his presence, (3) when a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it;" and

**WHEREAS**, RMCS D wishes to encourage District Patrol Officers to voluntarily make citizen's arrests; and

**WHEREAS**, Government Code Section 995 provides that the RMCS D, as a public entity, must indemnify public employees for civil actions arising on account of an act or omission occurring while the employee is acting within the course and scope of his or her employment; and

**WHEREAS**, RMCS D wishes to provide similar protection to District Patrol Officers that voluntarily make citizen's arrests for violations of state and local law occurring within the boundaries of Rancho Murieta Community Services District; and

**WHEREAS**, the RMCS D commits to providing any District Patrol Officer that voluntarily makes a citizen's arrest pursuant to Penal Code Section 837, indemnification in a civil action, if the District Patrol Officer acted reasonably and pursuant to established District policies and guidelines in making the citizen's arrest as determined by the District Board of Directors.

### **NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE:**

1. Rancho Murieta Community Services District shall indemnify any District Patrol Officer that voluntarily makes a citizen's arrest for violation of state or local law occurring within the boundaries of Rancho Murieta Community Services District pursuant the requirements of Penal Code Section 837, provided such District Patrol Officer acted reasonably and pursuant to established District policies and guidelines in making the arrest as determined by the District Board of Directors.

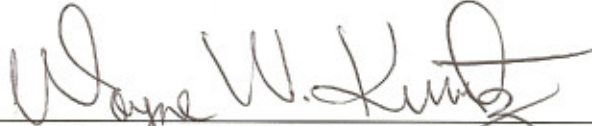
**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at their regular meeting held on this 17<sup>th</sup> day of September 2008 by the following roll call vote:

**Ayes:** Kuntz, Taylor, Belton, Kjome, Pasek

**Noes:** None

**Absent:** None

**Abstain:** None



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Wayne W. Kuntz, President of the Board  
Rancho Murieta Community Services District

ATTEST:



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Suzanne Lindenfeld, District Secretary