

Provision of Police Services For Private Events

1039.1 PURPOSE AND INTENT

The City of Morgan Hill (hereinafter "City") provides scheduled police services for certain events such as parades and special events (2008 Administrative Policies and Procedures - Law Enforcement Services at Special Events) pursuant to a permit process and recovers the cost of providing police services for said events from the sponsors. The purpose of this policy is to establish a similar procedure for requesting and receiving scheduled police services on a cost recovery basis for school related event or private events occurring on private property or public property within the City that do not fall under the special event permit requirements.

1039.2 DEFINITIONS

- (a) "Private Event" means an event that is hosted by a business on private property in the City.
- (b) "School Related Event" includes but not limited to an athletic event such as a football, basketball, or baseball game and any other social gathering such as a dance, fundraiser, or graduation on school property located in the City.
- (c) "Private Property" means the ownership of property by private parties.
- (d) "Public Property" means the ownership of property by the government or its agency.

1039.3 GUIDELINES FOR PROVISION OF POLICE SERVICES

The provision of the police services pursuant to this policy shall be at the sole discretion of the Police Chief. The safety and well-being of the community are paramount and the availability of adequate resources to respond to the needs of the community take precedence over the provision of police services for events under this policy.

Any individual or entity seeking police services for a private event under this policy must submit a Police Services Application to the Police Chief or their designee. Police Services Applications should be submitted at least 60 days before the date of the event to allow the department sufficient time to review the application and arrange staffing for the event. However, applications submitted less than 60 days before an event will be considered and may be approved if staffing can be arranged. A Police Services Application can be obtained on the City of Morgan Hill website.

Upon receipt of an application for police services, the police department will work with the applicant to determine the appropriate level of service for the event. In reviewing an application for police services, the following factors will be used to determine the appropriate level of service for the event:

- (a) Nature and duration of the event.
- (b) Any known or potential threats, or history of threats, to either the host of the event or the attendees.
- (c) Location of the event venue.

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- (d) History of the event or similar events in Morgan Hill, or at other locations.
- (e) The number of events occurring at the same time in the city.
- (f) The expected number of individuals attending the event.
- (g) Whether ticket sales are occurring at the point of entry of the venue.
- (h) Whether alcohol will be served or sold at the event.
- (i) Whether the applicant has any outstanding invoices or late payments for a prior provision of police services under this policy; and
- (j) Any other public safety considerations.

If the applicant seeks police services on a recurring basis, the Police Chief may require a separate contract between the City of Morgan Hill and the applicant for the provision of reoccurring police services.

1039.4 COST RECOVERY FOR POLICE SERVICES

Requests for police services under this policy will be provided on an overtime basis only. The City will charge the applicant a fee to recover the actual cost of providing the requested services based on the established overtime hourly rate for the assigned police personnel plus an administrative fee. An estimate of the cost for police services will be provided to the applicant within 10 business days after the Police Services Application has been submitted and approved or as soon as possible thereafter.

All applicants must pay a deposit equal to 50% of the estimated cost of the police services at least three (3) weeks before the date of the event or immediately upon approval if the event is scheduled to occur in less than three (3) weeks. Deposits must be paid by check payable to the City of Morgan Hill.

An additional fee may be assessed to the applicant if a Police Services Application is submitted less than 60 days before the event.

1039.5 CANCELLATION/ REFUND

Cancellation by City

As noted above, the safety and well-being of the community take precedence over the provision of police services for a private events under this policy. As such, the City shall have the right to cancel the provision of police services under this policy, up to and including the day of the event, in the event of an emergency, due to lack of staffing, or for any other reason as determined by the Chief of Police or their designee. The applicant will receive a full refund of the deposit paid in the event of a cancellation by the City.

Cancellation by Applicant

If a request for police services is canceled **at least 96 hours** before the event, the applicant will receive a refund of the deposit paid minus any administrative costs incurred by the City for processing the application and arranging for the provision of police services.

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PLEASE NOTE: applicants that cancel a request for police services less than 96 hours before the event may be required to pay two (2) hours of overtime pay for each officer scheduled for the event. This amount will be deducted from any deposit and invoiced if the deposit amount is not sufficient to cover the amount of overtime pay due. Please contact the Morgan Hill Police Department for more information about the two (2) hours required overtime pay.

1039.6 FINAL INVOICE

After the event, the city will provide the applicant with a final itemized invoice showing the total amount owed. The deposit paid will be credited towards the final amount owed.

Final payment must be made by check **within ten (10) business days after the date of the invoice**. Checks shall be payable to the City of Morgan Hill.

If final payment is not made within ten (10) business days after the date of the invoice, the City will take steps available under the law to collect payment, including but not limited to initiating a collection action against the applicant.

If you have questions about this policy or obtaining police services for a school or private event, you may contact the Special Operations Sergeant.