

201
10/23/06

RESOLUTION NUMBER 302117
DATE OF FINAL PASSAGE DEC 01 2006

WHEREAS, the City of San Diego Police Department utilizes Penal Code Section 647(j), illegal lodging, as an enforcement tool; and

WHEREAS, the City Attorney has issued a report dated October 11, 2006, on the effect of *Jones v. City of Los Angeles*, 444 F. 3d. 1118 (9th Circuit 2006), on the City's use of Penal Code section 647(j); and

WHEREAS, the City is being sued by homeless individuals on grounds similar to the Jones case in *Spencer et al v. City of San Diego* 04cv-2314 BEN; NOW THEREFORE,

BE IT RESOLVED that the City Council accepts the City Attorney's Report;

BE IT FURTHER RESOLVED that City staff including the Mayor's Office, Police Department, and City Attorney, in conjunction with City Council, work on a way to resolve the *Spencer* case and comply with the constitutional requirements of *Jones*.

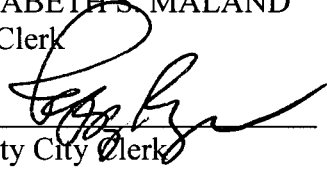
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Mary T. Nuesa
Mary T. Nuesa
Deputy City Attorney

MTN:aml
10/25/06
Or. Dept.: City Attorney
R-2006-465

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 23 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-1-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OCT 23 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEC 01 2006

Date of final passage _____

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

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