

ORDINANCE NUMBER O- 20710 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 01 2016

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, FOR THEIR APPROVAL OR REJECTION AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, ONE MEASURE AMENDING THE CITY CHARTER BY AMENDING ARTICLE V, SECTION 43(d), RELATING TO THE CITIZENS' REVIEW BOARD ON POLICE PRACTICES.

WHEREAS, pursuant to California Constitution, article XI, section 3(b), California Elections Code (Elections Code) section 9255(a)(2), and San Diego City Charter (Charter) section 223, the Council of the City of San Diego (Council) has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by San Diego Ordinance O-20671, introduced and adopted on July 11, 2016, the Council has called a Municipal Special Election to be consolidated with the California State General Election to be held November 8, 2016, for the purpose of submitting to the qualified voters of the City one or more ballot measures; and

WHEREAS, Charter section 43(d) established the Citizens' Review Board on Police Practices and describes that board's powers and authority; and

WHEREAS, the original language of Charter section 43(d) was approved by City voters on November 8, 1988 and has not been amended since that time; and

WHEREAS, the proposed amendments to Charter section 43(d) are intended to further define the role of the board, its relation to the Mayor and City Council, and provide the board with a new name; and

WHEREAS, the Council now desires to submit to the voters at the Municipal Special Election one measure amending the Charter to amend Article V, section 43(d), to (1) rename the

“Citizens’ Review Board on Police Practices” to the “Community Review Board on Police Practices;” (2) replace all references to “City Manager” in the section with “Mayor and City Council;” and (3) require the Community Review Board on Police Practices to review all cases involving in-custody deaths and officer-related shootings; and

WHEREAS, amendments to this Charter provision were proposed by members of the public and City Councilmembers to the Charter Review Committee on April 20, 2016; and

WHEREAS, these proposed Charter amendments were heard and reviewed by the Charter Review Committee and the Public Safety and Livable Neighborhoods Committee, and the Council, through this Ordinance, now seeks to place the proposed amendments on the November 8, 2016 Municipal Special Election ballot; and

WHEREAS, the Council’s proposal, on its own motion, of a Charter amendment is governed by California Constitution, article XI, section 3(b), Elections Code section 9255(a)(2), and California Government Code section 34458, and is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That one measure amending the City Charter by amending Article V, section 43(d), related to the Citizens’ Review Board on Police Practices, is hereby submitted to the qualified voters at the Municipal Special Election to be held on November 8, 2016, and consolidated with the California State General Election to be held on the same date, with the measure to read as follows:

MEASURE

ARTICLE V

EXECUTIVE AND ADMINISTRATIVE SERVICE

SECTION 43: ADVISORY BOARDS AND COMMITTEES

(a) through (c) [No change in text].

(d) ~~Citizens'Community~~ Review Board on Police Practices. Notwithstanding any other provision of this Charter, the ~~City Manager~~Mayor and City Council shall have the exclusive authority to create and establish a ~~citizens'community~~ review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The ~~City Manager~~Mayor and City Council shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall review all deaths occurring while a person is in the custody of the San Diego Police Department and all police officer-related shootings. The board shall submit semiannual reports to the ~~City Manager~~Mayor and City Council concerning its evaluation of the San Diego

Police Department’s investigation of citizens’ complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

END OF MEASURE

Section 2. The measure shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

MEASURE __. CHARTER AMENDMENTS REGARDING THE CITIZENS’ REVIEW BOARD ON POLICE PRACTICES. Shall section 43(d) of the City Charter be amended to rename the Citizens’ Review Board on Police Practices as the Community Review Board on Police Practices, to replace references to “City Manager” with “Mayor and City Council,” and to require the board to review all deaths occurring while someone is in the custody of the San Diego Police Department and all police officer-related shootings?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this measure. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the measure.

Section 5. Passage of this measure requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

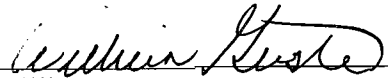
Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance's adoption by the City Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. Pursuant to sections 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance shall take effect on the date of passage by the City Council, which is deemed the date of its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
William Gersten
Deputy City Attorney

NB:SBS:jdf
07/13/16
Or.Dept: Council
Doc. No.: 1320356_5

Passed by the Council of The City of San Diego on AUG 01 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 01 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on AUG 01 2016, said ordinance being of the kind and character authorized for passage on its introduction by Sections 295(b) and 295(d) of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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