

RESOLUTION NUMBER R- 313122

DATE OF FINAL PASSAGE JUN 23 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY, AT THE NEXT MUNICIPAL SPECIAL ELECTION, EXPECTED TO BE HELD ON NOVEMBER 3, 2020, ONE MEASURE TO AMEND THE SAN DIEGO CITY CHARTER TO DISSOLVE THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES AND ESTABLISH A COMMISSION ON POLICE PRACTICES.

WHEREAS, on June 21, 2019, Andrea St. Julian, on behalf of Women Occupy San Diego, filed with the Office of the City Clerk of the City of San Diego (City), a proposed amendment to the San Diego City Charter (Charter) related to the dissolution of the existing Community Review Board on Police Practices and the establishment of a Commission on Police Practices (Proposal or proposed Charter amendment); and

WHEREAS, the Proposal was submitted to the City in accordance with City Council (Council) Policy 000-21 (Oct. 31, 2017), entitled "Submission of Ballot Proposals," for consideration for the November 2020 election; and

WHEREAS, the Proposal involves an amendment to the Charter, by amending Article V, by repealing Section 43(d) ("Community Review Board on Police Practices"), by amending Sections 40 ("City Attorney") and 41 ("Commissions"), and by adding a new Section 41.2 ("Commission on Police Practices"); and by amending Article VIII, by amending Section 115 ("Civil Service Commission"); and

WHEREAS, on July 31, 2019, in accordance with Council Policy 000-21, the Council's Rules Committee considered the Proposal and voted to forward it to the Public Safety and Livable Neighborhoods (PS and LN) Committee for the second committee review and further policy direction; and

WHEREAS, on September 18, 2019, the PS and LN Committee voted to modify some of the language in the Proposal and to forward it to the City Attorney for legal review and analysis and to draft legally appropriate language, and to return the proposal to the PS and LN Committee for further consideration; and

WHEREAS, on October 23, 2019, the PS and LN Committee voted to forward the Proposal to the Council, to determine if the Council wished to authorize meet and confer related to the proposed Charter amendment, so that it could be considered for the November 2020 ballot after the meet and confer process concluded; and

WHEREAS, on November 5, 2019, by San Diego Resolution R-312737, the Council voted to direct the City's Management Team for labor negotiations to provide written notice to the City's recognized employee organizations of the Council's desire to place the Proposal on a future ballot for consideration by City voters; and

WHEREAS, on November 7, 2019, in accordance with the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, the City provided notice of the Proposal to the City's six recognized employee organizations: the Deputy City Attorneys Association (DCAA), IAFF Local 145, Local 127 AFCME, the San Diego Municipal Employees Association (MEA), the San Diego Police Officers Association (POA), and Teamsters Local 911. Only DCAA, MEA, and POA requested to meet; and

WHEREAS, on November 26, 2019, the City met with DCAA, MEA, and POA for discussion of the Proposal. DCAA and MEA identified no impacts related to the proposed Charter amendment that they wished to discuss with the City; and

WHEREAS, the City continued discussions with POA on the substance of the proposed Charter amendment, on February 4, 2020, March 3, 2020, and April 29, 2020; and

WHEREAS, on May 21, 2020, the City and the POA reached agreement, which is being presented to the Council for determination by separate action; and

WHEREAS, by this action, the Council is: (1) declaring its intention to proceed with all actions necessary to place the proposed Charter amendments on the next Municipal Special Election ballot, which is anticipated to be called for November 3, 2020 by a subsequent action of the Council in July 2020, and to be consolidated with the California State General Election, and (2) the Council is directing the Office of the City Attorney to prepare an ordinance that would place the measure on the ballot and to return to the Council with the ordinance after the November 2020 election has been called, as is legally required to ensure its placement on the ballot; and

WHEREAS, the Council's consideration and adoption of such an ordinance will operate to formally place the measure on the ballot and the ordinance will allow City voters to determine the proposed Charter amendment;

WHEREAS, in accordance with Charter section 280(a)(1), this action is not subject to the Mayor's veto; NOW THEREFORE,

BE IT RESOLVED that the Council declares its intention to proceed with all actions necessary to place the Proposal involving a Charter amendment to dissolve the Community Review Board on Police Practices and establish a Commission on Police Practices before the qualified voters of the City, for their determination, on the ballot for the next Municipal Special Election, which is anticipated to be called and consolidated with the California State General Election and to be held on November 3, 2020; and

BE IT FURTHER RESOLVED that the Council directs the Office of the City Attorney to prepare an ordinance that would place the measure on the ballot and to return to the Council with

the ordinance after the November 2020 election has been called, as is legally required to ensure its placement on the ballot, so that voters may consider the proposed Charter amendments.

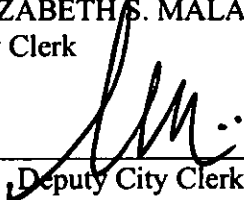
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:jvg
06/15/20
Or.Dept: Council District 9
CC No. N/A
Doc. No.: 2405086_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 23 2020.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Passed by the Council of The City of San Diego on JUN 23 2020, by the following vote:

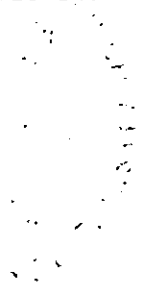
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 23 2020.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

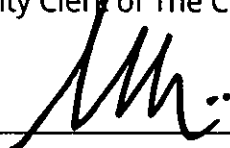
AUTHENTICATED BY:

(Seal)



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

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

By , Deputy

Office of the City Clerk, San Diego, California

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