

ORDINANCE NUMBER O- 21318 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 19 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801, AND AMENDING CHAPTER 2, ARTICLE 2 BY ADDING NEW DIVISION 56, SECTION 22.5601, RELATING TO THE CREATION OF A CITY DEPARTMENT CALLED THE OFFICE OF THE COMMISSION ON POLICE PRACTICES.

WHEREAS, at the municipal election held on November 3, 2020, City of San Diego (City) voters approved Measure B to establish the Commission on Police Practices (Commission), which supersedes and replaces the City's Community Review Board on Police Practices; and

WHEREAS, Measure B amended the San Diego Charter (Charter) to, among other things, add section 41.2; and

WHEREAS, the Charter amendments set forth in Measure B took effect on December 18, 2020, when the California Secretary of State chaptered the measure; and

WHEREAS, under Charter section 41.2, the Commission is established as an investigatory body of the City, independent of the Mayor and the Police Department; and

WHEREAS, the Commission has certain mandatory duties and discretionary powers, as described in Charter section 41.2, and the City Council (Council) may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with the Charter and applicable federal and state law; and

WHEREAS, Charter section 26 establishes the process for adoption and modification of the City's Administrative Code, which provides for the detailed powers and duties of the administrative offices and departments of the City government, based upon the provisions of the Charter; and

WHEREAS, Charter section 26 provides that "the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of two-thirds of the members elected to the Council;" and

WHEREAS, the Council wishes to create the Office of the Commission on Police Practices to provide administrative staff and support for the Commission on Police Practices and for purposes of personnel and budget accounting and management; and

WHEREAS, Charter section 41.2 requires the Council to adopt an ordinance that establishes the composition of the Commission and other implementation matters, and the Council will consider that ordinance in a separate, future action; and

WHEREAS, under Charter section 26, a supermajority vote of the Council is required for passage of this Ordinance; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 18 of the San Diego Municipal Code is amended by amending section 22.1801 to read as follows:

§22.1801 City Departments

- (a) [No change in text.]
- (b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of the City:
Chief Financial Officer through Office of Boards and Commissions [No change in text.]
Office of the Commission on Police Practices
Parks and Recreation through Transportation and Storm Water [No change in text.]
- (c) [No change in text.]

Section 2. That Chapter 2, Article 2, of the San Diego Municipal Code is amended by adding new Division 56, section 22.5601, to read as follows:

Article 2: Administrative Code

Division 56: Office of the Commission on Police Practices

§22.5601 Office of the Commission on Police Practices

- (a) The Office of the Commission on Police Practices is a City department that acts independently of the Mayor and the Police Department and provides administrative staff and support to the Commission on Police Practices, which is an investigatory body of the City established by City Charter section 41.2 that has the duties and powers set forth therein and by ordinance of the Council.

- (b) The Executive Director of the Commission on Police Practices serves as the administrative director of the department. The Executive Director is appointed by the Council, which also establishes the initial annual compensation for the Executive Director. Following appointment, the Executive Director serves at the direction and will of the Commission on Police Practices. The Commission on Police Practices must conduct an annual performance review of the Executive Director, and determines any increases or decreases to the Executive Director's annual compensation after it is initially established by the Council. The Executive Director's compensation must be consistent with the compensation schedules established by the Council in adopting the annual salary ordinance.
- (c) The Executive Director serves as the appointing authority for all personnel in the department.
- (d) The Executive Director is authorized to employ experts and consultants to assist with the work of the Commission on Police Practices.
- (e) The Commission on Police Practices must retain its own legal counsel, who is independent of the City Attorney, for legal support and advice in carrying out its duties and actions. The Commission's independent legal counsel is responsible for providing legal services only as to those matters solely within the authority of the Commission, as set forth by the Charter. The City Attorney provides all other legal services involving the City as described under Charter section 40.

- (f) The department's budget is established by the Council, must be reflected in the City's annual budget, and must be authorized by the annual appropriations ordinance.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

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


JFD:myb:cm
March 1, 2021
Or.Dep: Public Safety & Livable Neighborhoods Comm.
Doc. No.: 2622755

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 05/18/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 5/19/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801, AND AMENDING CHAPTER 2, ARTICLE 2 BY ADDING NEW DIVISION 56, SECTION 22.5601, RELATING TO THE CREATION OF A CITY DEPARTMENT CALLED THE OFFICE OF THE COMMISSION ON POLICE PRACTICES.

§22.1801 City Departments

- (a) [No change in text.]
- (b) The following are the departments of ~~said~~the City of San Diego within the meaning of the Charter and ordinances of the City:
 - Chief Financial Officer through Office of Boards and Commissions [No change in text.]
 - Office of the Commission on Police Practices
 - Parks and Recreation through Transportation and Storm Water [No change in text.]
- (c) [No change in text.]

- (d) The Executive Director is authorized to employ experts and consultants to assist with the work of the Commission on Police Practices.
- (e) The Commission on Police Practices must retain its own legal counsel, who is independent of the City Attorney, for legal support and advice in carrying out its duties and actions. The Commission's independent legal counsel is responsible for providing legal services related to those matters solely within the authority of the Commission. The City Attorney provides all other legal services for the City, in accordance with Charter section 40.
- (f) The department's budget is established by the Council, must be reflected in the City's annual budget, and must be authorized by the annual appropriations ordinance.

JFD:myb:cm
March 1, 2021
Or.Dept: Public Safety & Livable Neighborhoods
Doc. No.: 2622757

Passed by the Council of The City of San Diego on MAY 18 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 26 2021

and on MAY 19 2021.

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21318