

RESOLUTION NUMBER R- 314375

DATE OF FINAL PASSAGE OCT 06 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AMENDED INTERIM STANDARD
OPERATING PROCEDURES OF THE COMMISSION ON
POLICE PRACTICES.

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

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

WHEREAS, the Charter amendments approved by City voters took effect December 18, 2020, when the California Secretary of State chaptered them; 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, Charter section 41.2 provides that the Commission will be composed of members of the CRB serving at the time the section takes effect (interim Commission), until the Council has formally appointed members to the Commission; and

WHEREAS, the Commission has certain mandatory duties and discretionary powers, as described in 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 laws; and

WHEREAS, Charter section 41.2 requires the Council to establish, by ordinance, certain matters related to the Commission, including its composition and how the Commission will carry out its Charter-mandated duties, and the Council recognizes that there are several policy determinations that the Council must make to fully implement the Commission; and

WHEREAS, the Council further recognizes that the City must ensure compliance with the Meyers-Milias-Brown Act (MMBA), California's collective bargaining law that applies to local public agencies like this City, before the Council makes final implementation decisions on matters subject to bargaining; and

WHEREAS, by San Diego Resolution R-313501 (May 5, 2021), following a collective bargaining process, the Council approved interim standard operating procedures to be used by the interim Commission until final implementation decisions can be made; and

WHEREAS, the interim Commission is now proposing amendments to the Council-approved interim standard operating procedures, related to the Commission's investigatory duties, to be used until Commission members can be formally appointed and can prepare final standard operating procedures; and

WHEREAS, on April 27, 2022, the Council's Public Safety and Livable Neighborhoods Committee considered the proposed amended interim standard operating procedures and voted to advance the proposed procedures to the Council for consideration; and

WHEREAS, by San Diego Resolution R-314130 (May 31, 2022), the Council directed the City's management team for labor relations to engage in the collective bargaining process required prior to final Council determination of the proposed amended interim standard operating procedures; and

WHEREAS, on June 17, 2022, the City provided notice to its recognized employee organizations (REOs) and opportunity to negotiate the bargainable matters related to the Commission's proposed amended interim standard operating procedures; and

WHEREAS, the City's management team for labor relations has now completed the meet and confer discussions with the City's REOs, with the exception of a request by the POA for advance notice to officers prior to the Commission's release of records under the California Public Records Act (CPRA), which has been deferred to further, future negotiations; and

WHEREAS, in accordance with the MMBA, the Charter, and Council Policy 300-06, the City's Employee Employer Relations Policy (most recently amended by San Diego Resolution R-313698 (September 22, 2021)), the Council makes final determinations on bargainable policies related to the Commission; and

WHEREAS, given that the City has completed all required collective bargaining procedures related to the proposed amended interim standard operating procedures, the City's management team for labor relations recommends that the Council approve the proposed amended interim standard operating procedures; this approval will resolve and conclude the negotiations with all REOs on this matter, with the exception of the POA's request for advance notice before the release of records under the CPRA; discussion of that request has been deferred; and

WHEREAS, the Office of the City Attorney has prepared this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, that, in accordance with the MMBA, the Charter, and Council Policy 300-06, the Council approves the amended interim standard operating procedures of the Commission on Police Practices, which are on file in the Office of the City Clerk, as Document No. RR- 314375.

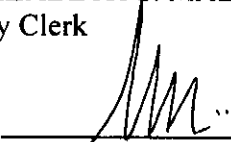
APPROVED: MARA W. ELLIOTT, City Attorney

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

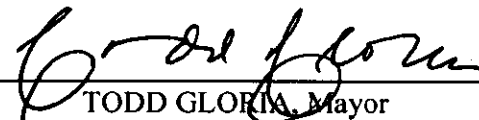
JFD:jdf
09/28/2022
Or.Dept: Human Resources
Doc. No. 3092709

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/5/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 03 2022, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 06 2022.

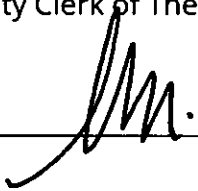
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

Office of the City Clerk, San Diego, California

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