

ORDINANCE NUMBER O- 21817 - (NEW SERIES)

DATE OF FINAL PASSAGE JUN 1 1 2024

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6,
DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING DIVISION 8, SECTIONS 26.0801, 26.0802, AND
26.0803, RELATING TO THE CITIZENS ADVISORY BOARD
ON POLICE/COMMUNITY RELATIONS.

WHEREAS, San Diego Charter (Charter) section 43(a) authorizes the Council of the City of San Diego (Council) to create and establish advisory boards by ordinance; and

WHEREAS, in 1990, the Council created and established the Citizens Advisory Board on Police/Community Relations (CAB) by San Diego Ordinance O-17405 (Jan. 8, 1990), to study, consult, and advise City of San Diego (City) officials regarding crime prevention efforts; to recommend and review policies, practices, and programs designed to make law enforcement sensitive, effective, and responsive to the needs of the City; and to actively encourage and foster citizen participation in crime prevention activities; and

WHEREAS, among its duties, CAB is to promote and encourage open communication and cooperation between the Police Department and City residents, and to develop recommendations directed toward informing the community of its rights and responsibilities when coming into contact with police officers; and

WHEREAS, the CAB's duties and composition are codified in San Diego Municipal Code (Municipal Code) sections 26.0801 through 26.0803; and

WHEREAS, on November 3, 2020, City voters approved Measure B to establish the Commission on Police Practices (CPP), which superseded the City's Community Review Board on Police Practices; and

WHEREAS, the California Secretary of State chaptered Charter section 41.2, on December 18, 2020; and

WHEREAS, under Municipal Code section 26.1101, the CPP provides independent community oversight of the Police Department, among other responsibilities; and

WHEREAS, Council approved initial appointments to the CPP in May 2023; and

WHEREAS, CAB's duties and functions overlap with those of the CPP and assembling a quorum of members to hold CAB meetings has been challenging; and

WHEREAS, the CAB Chair and Vice-Chair submitted a letter to the Office of Boards and Commissions requesting dissolution; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

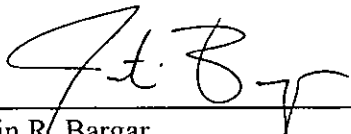
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, Division 8 of the San Diego Municipal Code is amended by repealing Division 8, sections 26.0801, 26.0802, and 26.0803.

Section 2. 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 3. 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 
Justin R. Bargar
Deputy City Attorney

JRB:cw
March 20, 2024
Or.Dept: Mayor
Doc. No. 3599537

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/11/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

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DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING DIVISION 8, SECTIONS 26.0801, 26.0802, AND
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ON POLICE/COMMUNITY RELATIONS.

Article 6: Board and Commissions

~~Division 8: Citizens Advisory Board on Police/Community Relations~~

~~§26.0801 Purpose and Intent~~

- (a) ~~It is the purpose and intent of this ordinance to create a Citizens Advisory Board on Police/Community Relations, which shall study, consult and advise the Mayor, City Council and City Manager on Police/Community Relations crime prevention efforts.~~
- (b) ~~This Board shall function as a method of community participation in recommending and reviewing policies, practices and programs designed to make law enforcement sensitive, effective and responsive to the needs of the City. It shall actively encourage and foster citizen participation in crime prevention activities.~~
- (c) ~~It is further intended that this Board shall promote and encourage open communication and cooperation between the Police Department and residents of the City, recognizing the policing the City of San Diego is a~~

~~shared responsibility. The Board shall also develop and make recommendations directed toward informing the community of its rights and responsibilities when coming into contact with police officers.~~

§26.0802 ~~Citizens Advisory Board on Police/Community Relations Established~~

- (a) ~~There is hereby created a Citizens Advisory Board on Police/Community Relations consisting of fifteen (15) members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve for a two-year term and each member shall serve until his or her successor is duly appointed and qualified. The expiration date of all terms shall be January 1. During January of each year, the Mayor may designate one (1) member as chairperson; however, in the absence of such designation, the Board shall on or after February 15, select a chairperson from among their members. The members shall be appointed in such a manner so that the terms of not more than eight (8) members shall expire in any year. Any member missing three (3) or more consecutive meetings shall forfeit membership on the Board unless good and valid reasons for such absences are presented to and approved by the Council.~~
- (b) ~~All members of the Citizens Advisory Board on Police/Community Relations shall be residents of the City of San Diego unless otherwise waived by the Council pursuant to Council Policy 000-13. The Board shall include one (1) representative from each Council district provided, however, that any Council Policy with respect to appointments to boards~~

~~and commission, notwithstanding, the Mayor shall appoint these members of the Board by obtaining no more than three nominations from each Council district and appointing therefrom; and one (1) member shall be representative from a police employee group; one (1) member shall be a human relations expert; one (1) member shall be an expert on youth; and two (2) members shall be appointed from the fields of social service, corrections, probation, or other related fields. The City Manager or designee, the Chief of Police or designee, and a Police Psychologist may serve as ex-officio, non-voting members of the Board. The City Manager shall provide appropriate staff support. The City Attorney shall provide appropriate legal services.~~

§26.0803 Duties and Functions

~~The Citizens Advisory Board on Police/Community Relations shall:~~

- ~~(a) Adopt by a two-thirds vote of its members, bylaws governing the conduct of its meetings and activities, the establishment of subcommittees, and such other rules as may be necessary for the performance of its functions; provided that such bylaws shall specify that a quorum shall at all times consist of at least eight (8) members and that any amendment to the bylaws shall require an affirmative vote of two-thirds of its members.~~
- ~~(b) Study and review those functions of the law enforcement system consistent with the purpose and intent for which this panel was created; provided, however, that this Board shall not function in any fashion as a police review board, or adjudicate, or make any attempt to adjudicate,~~

~~individual citizen complaints against individual police officers or impose, or attempt to impose, any disciplinary action. The Board may, however, request the Chief of Police or representatives of other agencies comprising the criminal justice system to appear before the Board and submit documents to the Board relating to their operations, in accordance with appropriate provisions of law.~~

- ~~(c) Make specific recommendations to the Mayor, City Council and City Manager on actions that can be taken to improve relations between police and community.~~
- ~~(d) Review Police Academy and in-service training in human relations and make recommendations to the Mayor, City Council and City Manager.~~
- ~~(e) Develop and recommend strategies to the Mayor, City Council and City Manager for improving City-wide crime prevention efforts.~~
- ~~(f) Develop and recommend to the Mayor, City Council and City Manager strategies for increasing citizen participation in crime prevention efforts.~~
- ~~(g) Develop and recommend to the Mayor, City Council and City Manager education programs designed to inform the public of its rights and responsibilities when coming into contact with police officers.~~
- ~~(h) Develop and make recommendations to the Mayor, City Council and City Manager with respect to community-oriented policing.~~

- (i) ~~The specific study and review areas set forth above are to be considered as examples of the areas to be studied and reviewed and are not intended to be limitations.~~

JRB:cw
March 20, 2024
Or. Dept: Mayor
Doc. No. 3599541

Passed by the Council of The City of San Diego on JUN 04 2024, 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"/>
Henry Foster, III	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 1 1 2024

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, 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 MAY 14 2024, and on JUN 1 1 2024.

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) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21817**