

Item # 205
4/8/24

(R-2024-438)
COR. COPY

RESOLUTION NUMBER R- 315453

DATE OF FINAL PASSAGE APR 08 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CONFIRMING AN APPOINTMENT OF A LOW-
AND MODERATE-INCOME MEMBER TO THE
COMMISSION ON POLICE PRACTICES.

WHEREAS, San Diego City Charter (Charter) section 41.2 and San Diego Municipal Code sections 26.1101 through 26.1115 (Municipal Code) established the Commission on Police Practices (Commission) to supersede the Community Review Board on Police Practices; and

WHEREAS, under Charter section 41.2, the Commission is an investigatory body of the City of San Diego (City), independent of the Mayor and the Police Department (SDPD); and

WHEREAS, the Municipal Code states that the Commission's purpose is: (1) to provide independent community oversight of SDPD, directed at increasing community trust in SDPD and increasing safety for both members of the community and police officers; (2) to perform independent investigations of police officer-involved shootings, in-custody deaths, and other significant incidents involving SDPD, and independent evaluations of complaints against SDPD and its personnel, in a process that is transparent and accountable to the community; and (3) to evaluate and review SDPD policies, practices, training, and protocols, and represent the community in making recommendations for changes; and

WHEREAS, under the Municipal Code, the Commission has investigatory, review, and auditing powers, including the power to make factual determinations about matters that are investigated and to make advisory recommendations regarding the actions of police officers and the procedures, policies, and practices of SDPD; and

WHEREAS, Council Policy 000-13 sets forth the procedure for the appointment and confirmation of members of boards, commissions, committees, and other bodies by the Council of the City of San Diego (Council); and

WHEREAS, the Municipal Code provides that the Commission consist of 25 members appointed by and confirmed by the Council; and

WHEREAS, all members must reside in the City at the time of their appointment or reappointment and throughout their service on the Commission. Council cannot waive this requirement; and

WHEREAS, under the Municipal Code, Council must appoint members to the Commission, without considering citizenship status, who reflect the diversity of the City, by including members who represent the City's diverse geographic areas and socio-economic, cultural, racial, ethnic, gender, gender identity, sexual orientation, and age differences, and who have differing personal backgrounds, education, occupations, and life experiences; and

WHEREAS, in making appointments, Council may consider written nominations from the Commission and nominations made by the public and community-based organizations, as long as nominees accept their nomination in writing before Council consideration; and

WHEREAS, Council must make appointments to specific designated seats as follows: (1) one member for each of the nine Council districts who reside in the Council district for the seat to which they are appointed; (2) two members in the age range of 18 to 24 at the time of appointment, who are appointed to serve in two designated youth seats; (3) five members who reside in and represent those City residents living in low- and moderate-income United States Census tracts; and (4) nine at large members; and

WHEREAS, an applicant or nominee shall be excluded for the following reasons:

(1) they have been convicted of malfeasance in office, and their civil rights have not been restored; (2) they have been convicted of a felony and are on parole, post-release community supervision, felony probation, or mandated supervision for the conviction of a felony; (3) they are required to register as a sex offender pursuant to California Penal Code section 290 based on a felony conviction; (4) they are incarcerated in any prison or jail; (5) they have been found in violation, by a state or local judicial or administrative body, of any of the following: (i) misuse of a public position for personal interests; (ii) misuse of City records; or (iii) violation of federal or state laws relating to confidentiality or City employee privacy; or (6) they have been convicted of a violent crime against a government employee or official, which means a person who is employed by the United States government, the State of California, or any city, county, city and county, special district, or political subdivision of the State of California; and

WHEREAS, Council authorizes a review of the criminal history information of the Council's appointees, consistent with applicable laws; and

WHEREAS, Council requests that the Council President work with the Personnel Department, the Office of the City Attorney, and any other necessary City administrative staff to complete the criminal history background check upon appointment, consistent with the Municipal Code and other applicable laws and determine if the appointees are qualified to serve under the requirements set forth in San Diego Municipal Code sections 26.1103 and 26.1105; and

WHEREAS, all terms shall expire on June 30 in the year of termination; and

WHEREAS, the applicant and nominee for the low- to moderate-income seat is Daniel Mendoza, and no other applications or nominations were received for this vacant seat; and

WHEREAS, under Council Policy 000-13, if the number of nominees equals the number of vacancies, the nominees may be elected by general consent or acclamation to fill the position; and

WHEREAS, the Office of the City Attorney has drafted 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; and

WHEREAS, under Charter section 280(a)(1), the Council appointment of members of the Commission are not subject to veto by the Mayor; NOW, THEREFORE,

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

1. That the following appointment, to serve as a member of the Commission on Police Practices, for a term expiring as indicated, is made and hereby confirmed:

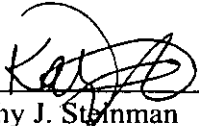
NAME	CATEGORY	TERM ENDING
Daniel Mendoza (filling the vacant seat previously held by Nicole Murray Ramirez)	Low- to Moderate-Income Member	June 30, 2025

2. These appointments are subject to completion of the post-appointment process, including completion of a criminal history background check and the Council President's determination that each appointee is qualified under the requirements in San Diego Municipal Code sections 26.1103 and 26.1105.

3. The Council President shall work with the Personnel Department, the Office of the City Attorney, and any other necessary City administrative staff to complete the criminal history background check, consistent with San Diego Municipal Code sections 26.1103 and 26.1105 and other applicable laws.

4. The Personnel Director is directed to provide the criminal history background check information (Information) to the Council President. The Council President shall review the Information and determine, under the standards set forth in the Municipal Code, if any appointee is not qualified to serve on the Commission. If the Council President determines that an appointee is not qualified to serve on the Commission, then the Council President shall declare that seat vacant. If the Council President determines that an appointee is qualified to serve, then the Council President, or his designee, shall direct the appointee to the City Clerk's office to complete the oath of office and any other necessary administrative tasks.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Kathy J. Steinman
Senior Deputy City Attorney

KJS:jvg
March 21, 2024
April 3, 2024 COR. COPY
Or.Dept: Council President
CC No. N/A
Doc. No. 3595659

Passed by the Council of The City of San Diego on APR 08 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 L. Foster III	<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"/>
Kent Lee	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 08 2024

(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)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315453