

#548
7/13/2021

(O-2021-154)

ORDINANCE NUMBER O- 21352 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 27 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO EXEMPTING A GENERAL COUNSEL POSITION, THREE PROGRAM MANAGER POSITIONS, AND A PROGRAM COORDINATOR POSITION IN THE OFFICE OF THE COMMISSION ON POLICE PRACTICES FROM THE CLASSIFIED SERVICE.

WHEREAS, on June 3, 2021, the San Diego Civil Service Commission (Civil Service Commission) reviewed a request from the Office of the Commission on Police Practices (Department) to exempt a General Counsel position, three Program Manager positions, and a Program Coordinator position from the Classified Service; and

WHEREAS, the General Counsel position will be responsible for managing the legal work of the Department and advise the Commission and its staff on all aspects of its duties and actions; providing legal support and advice in carrying out the duties and actions of the Commission and serve as the primary contact with respect to legal matters; serving as the sole legal authority for the Commission and is independent of the City Attorney; representing the Commission in litigation; preparing legal analysis and opinions; overseeing the release of records and reports in response to legal requests; assisting with the development and implementation of operational policies, procedures, and programs; and developing training for the Commission as it relates to legal issues; and

WHEREAS, one Program Manager position will be responsible for managing and overseeing the auditing functions of the Department; conducting quantitative and qualitative analysis of Department performance data in order to determine the San Diego Police Department's compliance with federal, state, and local reporting laws and policies; reviewing and evaluating the internal operations, policies, procedures, practices, and actions of the

San Diego Police Department to identify areas of inefficiencies and ineffectiveness; preparing reports and satisfaction surveys; making recommendations to the Commission, City officials, and decision makers on changes to the San Diego Police Department's organizational policies and practices; and conducting audit planning, research, and evaluations of the San Diego Police Department's programs, procedures, and activities; and

WHEREAS, one Program Manager position will be responsible for providing policy direction and guidance to the Department as it pertains to the San Diego Police Department's programs and policies; researching and comparing the San Diego Police Department's policies and procedures with those of other local, state, and national police departments to make recommendations regarding policies, police practices, and community relations; directing complex policy change based on research, data, and best practices; developing policy recommendations to improve community relations with law enforcement; preparing reports; report trends; and making recommendations to the Commission, City officials, and the public on policy changes to improve community and law enforcement relations in the City; and

WHEREAS, one Program Manager position will be responsible for overseeing investigations conducted by the Department; developing, implementing, and refining investigation policies and procedures and making recommendations for improving investigative processes; identifying and reporting on trends and issues of concern as a result of investigations; reviewing evidence collection and procedures; administering investigative techniques; reviewing investigations for accuracy, thoroughness, and appropriateness of conclusions; making decisions on investigative approach and/or methodology; and overseeing Department investigators; and

WHEREAS, the Program Coordinator position will be responsible for serving as an independent investigator for select officer-involved shooting, in-custody deaths, and other

significant incidents reported to the Department; conducting high profile and sensitive investigations at the Direction of the Commission that may result in intense public response, discipline of personnel, and legal impacts to the City; recommending improvements and/or changes to the San Diego Policies Department's policies, procedures, and programs based on findings of an investigation; and making recommendations on whether allegations and/or incidents of policy violations are sustained, not sustained, exonerated, or unfounded; and

WHEREAS, San Diego Charter (Charter) section 117 states that the Unclassified Service shall include "[m]anagerial employees having significant responsibilities for formulating or administering departmental policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving review and comment of the Civil Service Commission and the approval of the City Council"; and

WHEREAS, upon review of the duties and responsibilities of the General Counsel position, three Program Manager positions, and Program Coordinator position as described by the Department, the Civil Service Commission found they meet the intent of Charter section 117 to exempt the positions from the Classified Service; and

WHEREAS, the finding of the Civil Service Commission is presented to the Council as set forth in the memorandum dated June 4, 2021, to the Honorable Council President and members of the Council, prepared on behalf of the Civil Service Commission by the Personnel Director; NOW, THEREFORE,

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

Section 1. That pursuant to Charter section 117, the Office of the Commission on Police Practices initiated advisory review and comment from the Civil Service Commission related to

the proposed exemption of a General Counsel position, three Program Manager positions, and a Program Coordinator position from the Classified Service. On June 3, 2021, the Civil Service Commission reviewed the proposed exemption and commented favorably as meeting Charter section 117 criteria for placement of the positions in the Unclassified Service. Having considered and reviewed the finding of the Civil Service Commission, as set forth in the memorandum dated June 4, 2021, to the Honorable Council President and members of the Council, prepared on behalf of the Civil Service Commission by the Personnel Director, the Council now exempts from the Classified Service the General Counsel position, three Program Manager positions, and Program Coordinator position identified in the memorandum by the Department, and declares the positions to be in the Unclassified Service.

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 */s/Miguel Merrell*
Miguel Merrell
Deputy City Attorney

MM:jvg
6/10/21
Or.Dept: Department of Finance
Doc. No.: 2686636

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 07/13/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 7/27/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 13 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 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 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 JUL 27 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 *Hayley Brady*, 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

JUN 29 2021, and on JUL 27 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 *Hayley Brady*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21352