

200
2/28/21

(R-2022-315)

RESOLUTION NUMBER R- 313925

DATE OF FINAL PASSAGE MAR 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SETTING FORTH THE COUNCIL'S POLICY DIRECTION RELATED TO IMPLEMENTATION OF THE COMMISSION ON POLICE PRACTICES AND DIRECTING THE CITY'S MANAGEMENT TEAM FOR LABOR RELATIONS TO MEET AND CONFER, AS REQUIRED BY THE MEYERS-MILIAS-BROWN ACT.

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 City Charter (Charter) to, among other things, add section 41.2; and

WHEREAS, under Charter section 41.2, the Commission is an investigatory body of the City, independent of the Mayor and the Police Department. The Commission has mandatory duties and discretionary powers, as described in Charter section 41.2. 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 adopt an ordinance to establish Commission composition, the Commission appointment process, and other specified matters (implementation ordinance); and

WHEREAS, the Commission's responsibilities, under the Charter, include making certain findings following investigations and reviewing proposed discipline of the City's police officers. If the Commission makes a finding of misconduct by a police officer, the City must afford the police officer an administrative appeal, in accordance with California law; and

WHEREAS, Measure B also added language to Charter section 115, providing that the City's Civil Service Commission must "conduct and determine appeals of sustained findings of police officer misconduct by the Commission on Police Practices, established by this Charter, as required by California law"; and

WHEREAS, the Council must consider necessary amendments to the City's Civil Service Rules, by ordinance, to implement this administrative appeal process; and

WHEREAS, the City's Civil Service Commission must provide guidance to the Council on the procedural aspects of this appeal, in accordance with Charter sections 115 and 118; and

WHEREAS, on June 24, 2021, and on January 21, 2022, the Council's Public Safety and Livable Neighborhoods Committee (Committee) considered policy issues related to the proposed implementation ordinance, required by Charter section 41.2, and policy issues related to the proposed ordinance amending the Civil Service Rules (Civil Service Rule amendment), required by Charter sections 115 and 118; approved edits to the proposed implementation ordinance; and voted to advance the two proposed ordinances to the Council for further determination of the policy issues; and

WHEREAS, on February 28, 2022, the Council considered the Committee's policy recommendations, and discussed the Council's policy direction related to implementation of the Commission; and

WHEREAS, in accordance with the Meyers-Milias-Brown Act (MMBA), before implementation of the Council's policy determinations that are managerial in nature, as defined by the MMBA, the Council must allow the City's recognized employee organizations to identify the impacts of these policy determinations that trigger bargaining under the MMBA, and complete any required meet and confer process; and

WHEREAS, the City must also complete the meet and confer process on the mandatory subjects of bargaining in the two proposed ordinances, before making a final decision on them; and

WHEREAS, the Council now wishes to direct the City's management team for labor relations to begin the meet and confer process on the mandatory subjects of bargaining related to the two proposed ordinances, described in this resolution; and

WHEREAS, the Council also wishes to obtain advisory recommendations from the Civil Service Commission, in accordance with Charter section 118, on the administrative appeal process following sustained findings of police officer misconduct by the Commission. NOW THEREFORE,

BE IT RESOLVED, that the Council directs the City's management team for labor relations to begin the meet and confer process on the mandatory subjects of bargaining related to the proposed implementation ordinance, drafted in accordance with Charter section 41.2, which is on file in the Office of the City Clerk, as File No. RR- 313925 - 1 ; and the Council further directs the City's management team to return to the Council for a final determination on the proposed implementation ordinance; and

BE IT FURTHER RESOLVED, that the Council requests that the City's Civil Service Commission provide advisory recommendations to the Council, in accordance with Charter sections 115 and 118, on the proposed Civil Service Rule amendment, which is on file in the Office of the City Clerk, as File No. RR- 313925-2 ; and

BE IT FURTHER RESOLVED, that the Council directs the City's management team for labor relations to consult with the City's Civil Service Commission, as legally required under the Charter and the MMBA; to engage in the meet and confer process on the mandatory subjects of

bargaining related to the proposed Civil Service Rule amendment; and to return to the Council for a final determination on the proposed ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

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

JFD:cm
February 15, 2022
Or.Dept: Council District 4
Doc. No. 2894710

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2022.

ELIZABETH S. MALAND
City Clerk

By [Signature] For Connie Patterson
Deputy City Clerk

Approved: 3/7/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 28 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 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 MAR 09 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313925