

#54
02/27/2024

(O-2024-10)

ORDINANCE NUMBER O- 21765 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 27 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO EXEMPTING THE APPOINTMENT PROCESS AND TERM LENGTHS IN SAN DIEGO MUNICIPAL CODE SECTIONS 26.1104 AND 26.1105 TO ALLOW REAPPOINTMENT OF CERTAIN AT LARGE MEMBERS, DISTRICT MEMBERS, AND LOW- AND MODERATE-INCOME MEMBERS TO THE COMMISSION ON POLICE PRACTICES FOR A ONE-YEAR TERM EXPIRING JUNE 30, 2024, AND EXTENSION BY ONE-YEAR THE TERMS OF CERTAIN AT LARGE MEMBERS, DISTRICT MEMBERS, LOW- AND MODERATE-INCOME MEMBERS, AND YOUTH MEMBERS.

WHEREAS, San Diego 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. The Commission is an investigatory body of the City of San Diego (City), independent of the Mayor and the Police Department (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 will consist of 25 members appointed by and confirmed by Council; and

WHEREAS, Council must make appointments in compliance with specific criteria in Chapter 2, Article 6, Division 11 of the Municipal Code and make appointments to specific designated seats as follows: (1) one member for each of the nine Council districts who resides 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, Municipal Code section 26.1104(a) states members shall serve two-year terms, except that initial members shall be appointed in staggered terms so the terms of no more than 13 members shall expire in any year. For the initial appointments, 12 members shall be appointed to an initial term of one year, and 13 members shall be appointed to an initial term of two years; and

WHEREAS, Municipal Code section 26.1104(b) states all members' terms shall expire on June 30 in the year of termination; and

WHEREAS, on May 22, 2023, Council appointed 25 members to the Commission and the City Clerk conducted a random lottery to determine which members would receive the one-year initial term; and

WHEREAS, because of the timing of these appointments in May and the Municipal Code's requirement that all terms expire on June 30, the members selected for a one-year term actually received a term of approximately one month, with their terms expiring on June 30, 2023, instead of one year as intended under Municipal Code section 26.1104. The members selected for a two-year term actually received a term of approximately 13 months, with their terms expiring on June 30, 2024; and

WHEREAS, to implement the intent of the Municipal Code and the Council that the eligible members who received a one-year term actually receive more than a one-month term and are able to perform their duties, Council desires to exempt the appointment process and term length in Municipal Code sections 26.1104 and 26.1105 to allow reappointment for an additional

one-year term of those members who met the member qualifications in Municipal Code section 26.1103 and whose terms expired on June 30, 2023; and

WHEREAS, the members being reappointed for the At Large Category for one-year terms expiring on June 30, 2024, are as follows: Clovis Honoree; Maria Guadalupe Lozano-Diaz; and Yvania Rubio; and

WHEREAS, the members being reappointed for the District Category for one-year terms expiring on June 30, 2024, are as follows: Darlanne Mulmat (District 1); Alec Beyer (District 2); Octavio Aguilar (District 5); Dr. Dennis Brown (District 7); and James Justus (District 8); and

WHEREAS, the members being reappointed for the Low-to-Moderate Income Category for one-year terms expiring on June 30, 2024, are as follows: Douglas Case and Mark Maddox; and

WHEREAS, to further implement the intent of the Municipal Code and the Council that the eligible members who received a two-year term actually receive more than a 13-month term and are able to perform their duties, Council desires to exempt the appointment process and term length in Municipal Code sections 26.1104 and 26.1105 to extend for an additional year the terms of those members who met the member qualifications in Municipal Code section 26.1103 and whose terms expired on June 30, 2024, such that their terms expire on June 30, 2025; and

WHEREAS, the members for the At Large Category whose terms are being extended for one year such that their terms expire on June 30, 2025, are as follows: Cheryl Canson; Christina Griffin-Jones; Gloria Tran; and Laila Aziz; and

WHEREAS, the members for the District Category whose terms are being extended for one year such that their terms expire on June 30, 2025, are as follows: Brandon Hilpert (District 3) and Dwayne Harvey (District 4); and

WHEREAS, the members for the Low-to-Moderate Income Category whose terms are being extended for one year such that their terms expire on June 30, 2025, are as follows:

Bonnie Benitez; Dennis Larkin; and Nicole Murray Ramirez; and

WHEREAS, the members for the Youth Category whose terms are being extended for one year such that their terms expire on June 30, 2025, are as follows: Dalia Sherlyn Villa De La Cruz and Jaylene Vazquez; 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; and

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

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

Section 1. That the Council exempts the appointment process and term length set forth in San Diego Municipal Code sections 26.1104 and 26.1105 to allow reappointment of those members of the Commission on Police Practices who met the member qualifications in Municipal Code section 26.1003 and whose terms expired on June 30, 2023.

Section 2. That the following reappointments, to serve as members of the Commission on Police Practices, for terms expiring as indicated, are made and hereby confirmed:

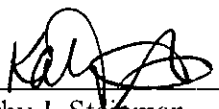
| NAME | CATEGORY | TERM ENDING |
|-----------------------------|--------------------------------|--------------------|
| Clovis Honoree | At Large Member | June 30, 2024 |
| Maria Guadalupe Lozano-Diaz | At Large Member | June 30, 2024 |
| Yvania Rubio | At Large Member | June 30, 2024 |
| Darlanne Mulmat | District 1 Member | June 30, 2024 |
| Alec Beyer | District 2 Member | June 30, 2024 |
| Octavio Aguilar | District 5 Member | June 30, 2024 |
| Dr. Dennis Brown | District 7 Member | June 30, 2024 |
| James Justus | District 8 Member | June 30, 2024 |
| Douglas Case | Low- to Moderate-Income Member | June 30, 2024 |
| Mark Maddox | Low- to Moderate-Income Member | June 30, 2024 |

Section 3. That the Council exempts the appointment process and term length set forth in San Diego Municipal Code sections 26.1104 and 26.1105 to extend by one year the terms of those members of the Commission on Police Practices who met the member qualifications in Municipal Code section 26.1003 and whose terms expired on June 30, 2024, such that their terms now expire on June 30, 2025. The members whose terms now expire on June 30, 2025 are: Cheryl Canson; Christina Griffin-Jones; Gloria Tran; Laila Aziz; Brandon Hilpert; Dwayne Harvey; Bonnie Benitez; Dennis Larkin; Nicole Murray Ramirez; Dalia Sherlyn Villa De La Cruz; and Jaylene Vazquez.

Section 4. 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 5. 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  _____
Kathy J. Stemman
Deputy City Attorney

KJS:jvg
October 17, 2023
Or.Dept: Council President
Doc. No.: 3449538

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Passed by the Council of The City of San Diego on FEB 27 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"/> |
| District 4 - vacant | <input 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 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 FEB 27 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 Connie Patterson, 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

FEB 05 2024, and on FEB 27 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21765