

ADJOURNED REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, JUNE 9, 1976
HELD THURSDAY, JUNE 10, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
9:00 A.M.

Present-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro,
and Mayor Wilson.
Absent--Councilman Morrow.
Clerk---Edward Nielsen.

The Adjourned Regular Meeting was called to order by Mayor Wilson at
9:12 a.m.

It was reported that this Meeting had been adjourned from Wednesday,
June 9, 1976, to this time by order of the Council.

The Clerk reported that copies of the Order of Adjournment covering the
adjournment of this Meeting from Wednesday, June 9, 1976, to 9:00 a.m.,
Thursday, June 10, 1976, had been posted as required by law, and the Order of
Adjournment had been mailed as required by law, and that the proper Certificates
of Posting and Mailing are on file.

(Item 206)

A proposed Resolution, continued from the Meeting of June 2, 1976,
authorizing the City Auditor to allocate \$173,554 from the Fiscal Year 1976
100 Fund 05.61 for the operation of the 1976 Recreation Support Program (RSP);
authorizing the City Manager to execute agreements with 35 community agencies
for the purpose of conducting Recreation Support Program activities, was presented.

Councilman Haro presented the Committee on Public Services and Safety report
of May 21, 1976.

RESOLUTION 216169, authorizing the City Auditor to allocate \$173,554 from
the Fiscal Year 1976 100 Fund 05.61 for the operation of the 1976-Recreation
Support Program (RSP); authorizing the City Manager to execute agreements with
35 community agencies for the purpose of conducting Recreation Support Program
activities, was adopted on motion of Councilman Haro.

Councilman Morrow entered the Chambers.

(Item 403 - Supplemental Docket #2)

A proposed Ordinance, continued from the Meeting of June 2, 1976, amending
Ordinance No. 11847 (New Series) relating to the Rules of the Council providing
for the expiration of said Rules on June 30, 1977, was presented.

(Item 403 - Supplemental Docket #2 - Continued)

The Council discussed the matter.

The motion of Councilman Morrow to introduce the proposed Ordinance, received no vote at this time.

The Council discussed the matter.

A proposed Ordinance, amending Ordinance No. 11847 (New Series) relating to the Rules of the Council providing for the expiration of said Rules on June 30, 1977, was defeated by the following vote: Yeas-Councilmen Hubbard, Morrow, Gade, and Ellis. Nays-Councilmen Johnson, O'Connor, Williams, Haro, and Mayor Wilson. Absent-None.

(Item 408 - Supplemental Docket #2)

A discussion of Council Policy 000-13 - Procedure for Mayor and Council Appointments, adopted May 12, 1976 by Resolution 215960, was presented.

Committee Consultant Coleman Conrad presented his report.

The Council discussed the matter regarding Councilman Morrow's proposed amendments to Resolution 215960.

The motion of Councilwoman O'Connor to adopt Item 408, received no vote at this time.

The Council discussed the matter.

Committee Consultant Coleman Conrad spoke to the Council regarding Council Policy 000-13 which was adopted May 12, 1976.

The motion of Councilman Johnson to file the matter, received no vote at this time.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council regarding Councilman Morrow's proposed amendments.

The Council discussed the matter.

Committee Consultant Coleman answered questions directed by the Council regarding the procedure of Council Policy 000-13.

The Council discussed the matter at length.

City Attorney Witt answered questions directed by the Council regarding the validity of the adoption of Resolution 215960 on May 12, 1976.

The Council discussed Councilman Morrow's proposed amendments and Resolution 215960.

Committee Consultant Coleman Conrad answered questions directed by the Council.

The Council discussed the matter.

The motion of Councilman Johnson to file the matter, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Gade, Ellis, and Mayor Wilson. Nays-Councilmen Hubbard, Williams, Morrow, and Haro. Absent-None.

Mayor Wilson recessed the Meeting at 10:01 a.m. to reconvene at 10:15 a.m. Upon reconvening at 10:22 a.m., the Roll Call showed Councilman Williams absent.

Councilman Williams entered the Chambers.

(Item 409 - Supplemental Docket #2)

The following proposed Resolutions, relative to City Council inquiry of the intelligence operations of the Police Department: a - Establishing that the City Council of The City of San Diego proceed with an independent inquiry of the intelligence operations of the Police Department; reaffirming the "Guidelines for Conducting Police Intelligence Inquiry" adopted by the Council on March 24, 1976; designating Mr. Coleman Conrad as a special attorney under provisions of Charter Section 40 for the specific purpose of conducting an independent inquiry of his own of the police intelligence operations and providing Council with legal advice and assistance and recommendations designed to cure any police intelligence practices and policies that might expose the City to civil liability; reaffirming the methodology to be used by the special attorney for gathering necessary background information as recommended by the Rules Committee Consultant in his April 9, 1976 memorandum to Council entitled "Status Report on Inquiry into Police Intelligence Operations"; directing the City Manager and Chief of Police to provide the special attorney with any assistance that the special attorney deems necessary to his conduct of a complete independent inquiry, including assistance in providing complete access to any and all written information contained in the files of the Police Department and any testimonial information that can be gained from interviews of past and present employees of the intelligence operations of the Police Department; that at the conclusion of his independent inquiry, the special attorney shall provide the Council with legal advice and assistance necessary to assist the Council in determining how to proceed with a public Council inquiry into police intelligence operation in a public forum, if the Council concludes at that time that such a public inquiry is necessary and in the best public interest; and b - Requesting the City Attorney to reexamine his legal position in the matter of the police intelligence inquiry in light of the fact of Council's adoption of a new and specific resolution governing the purpose and scope and conduct of this inquiry; directing the City Attorney to provide a written report to Council within one week indicating what the City Attorney's advice to the City Manager and Chief of Police will be concerning that portion of the above-referenced resolution; that if the City Attorney advises the City Manager and Chief of Police that they cannot provide the special attorney with complete access to this information that the City Attorney, as part of his written report to Council within one week, specifically cite all legal authority in support of such advice, were presented.

Committee Consultant Coleman Conrad presented his report of June 8, 1976 and its two amendments and answered questions directed by the Council regarding the investigation and his final report.

City Attorney Witt answered questions directed by the Council.

Committee Consultant Coleman Conrad answered questions directed by the Council regarding limitations by the Law.

City Attorney Witt answered questions directed by the Council regarding "rap sheets".

The motion of Councilman Morrow to adopt the proposed amendments to the proposed Resolution (R-76-2465), carried by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

(Item 409 - Supplemental Docket #2 - Continued)

RESOLUTION 216170, establishing that the City Council of The City of San Diego proceed with an independent inquiry of the intelligence operations of the Police Department; reaffirming the "Guidelines for Conducting Police Intelligence Inquiry" adopted by the Council on March 24, 1976; designating Mr. Coleman Conrad as a special attorney under the provisions of Charter Section 40 for the specific purpose of conducting an independent inquiry of his own of the police intelligence operations and providing Council with legal advice and assistance and recommendations designed to cure any police intelligence practices and policies that might expose the City to civil liability; reaffirming the methodology to be used by the special attorney for gathering necessary background information as recommended by the Rules Committee Consultant in his April 9, 1976 memorandum to Council entitled "Status Report on Inquiry into Police Intelligence Operations"; directing the City Manager and Chief of Police to provide the special attorney with any assistance that the special attorney deems necessary to his conduct of a complete independent inquiry, including assistance in providing complete access to any and all written information contained in the files of the Police Department and any testimonial information that can be gained from interviews of past and present employees of the intelligence operations of the Police Department; that at the conclusion of his independent inquiry, the special attorney shall provide the Council with legal advice and assistance necessary to assist the Council in determining how to proceed with a public Council inquiry into police intelligence operations in a public forum, if the Council concludes at that time that such a public inquiry is necessary and in the best public interest, was adopted on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

RESOLUTION 216171, requesting the City Attorney to reexamine his legal position in the matter of the police intelligence inquiry in light of the fact of Council's adoption of a new and specific resolution governing the purpose and scope and conduct of this inquiry; directing the City Attorney to provide a written report to Council within one week indicating what the City Attorney's advice to the City Manager and Chief of Police will be concerning that portion of the above-referenced resolution; that if the City Attorney advises the City Manager and Chief of Police that they cannot provide access to this information that the City Attorney, as part of his written report to Council within one week, specifically cite all legal authority in support of such advice, was adopted on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

By Unanimous Consent granted to the City Manager, a proposed Resolution (R-76-2557), authorizing a First Amendment to Agreement with James A. Roberts to provide fingerprint examining services for one month not to exceed \$1,000, was presented.

City Manager McKinley presented his report and answered questions directed by the Council.

RESOLUTION 216172, authorizing a First Amendment to Agreement with James A. Roberts to provide fingerprint examining services for one month not to exceed \$1,000, was adopted on motion of Councilman Ellis.

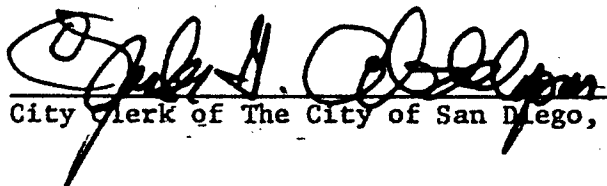
Mayor Wilson recessed the Meeting at 10:42 a.m. Upon reconvening at 11:25 a.m., the Roll Call showed Councilman Morrow absent.

There being no further business to come before the Council at this time, the Adjourned Regular Meeting was adjourned at 11:26 a.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California