

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PASADENA, CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 3, 2020, TO SUBMIT TO THE VOTERS A POLICE OVERSIGHT MEASURE TO AMEND THE PASADENA CITY CHARTER BY CREATING (A) A COMMUNITY POLICE OVERSIGHT COMMISSION; AND (B) THE CITY COUNCIL-APPOINTED POSITION OF INDEPENDENT POLICE AUDITOR

WHEREAS, pursuant to the authority provided by California Constitution, Article XI, Section 3 and Pasadena City Charter Section 1205(A), the City Council of the City of Pasadena desires to submit to the voters the Police Oversight Measure;

WHEREAS, the City Council is authorized to submit the Police Oversight Measure to the voters;

WHEREAS, on October 28, 2019, in relevant part, the City Council adopted Resolution No. 9743, calling a Primary Municipal Election for Tuesday, March 3, 2020 and a General Municipal Election for Tuesday, November 3, 2020, and Resolution No. 9744, requesting that the Board of Supervisors of the County of Los Angeles approve the consolidation of the General Municipal Election with the Statewide General Election, and direct the Los Angeles County Registrar-Recorder/County Clerk to administer said elections on behalf of the City;

WHEREAS, at the March 3, 2020 Primary Municipal Election, no one candidate for the office of Mayor received a majority (50% plus 1) of the total votes cast for that office; and as such, and pursuant to Pasadena City Charter Section 1204, the two persons receiving the highest number of votes cast shall be the candidates for election at the City's General Municipal Election called for November 3, 2020; and

WHEREAS, the City Council wishes to also submit the Police Oversight Measure to the voters at the November 3, 2020 General Municipal Election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, California, as follows:

SECTION 1. Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors is requested to consent and agree to the consolidation of the City's General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2020, in the manner prescribed in California Elections Code Section 10418, for the purpose of electing a Mayor and to submit the Police Oversight Measure to amend the Pasadena City Charter; and to direct the Registrar-Recorder/County Clerk to perform all necessary functions, services, and tasks related to: the complete and successful conduct of said consolidated elections; the provision of all election materials and equipment; the hiring, training and supervision of election workers and other election personnel; the printing and distribution of ballot materials; the translation of ballot materials; the administration of vote by mail processing and signature verification; the collection of submitted ballots; the tallying of votes; and the canvassing and certification of election results.

SECTION 2. The City Council, pursuant to its right and authority, does order submitted to the voters of the City of Pasadena at the General Municipal Election, to be consolidated with the Statewide General Election on November 3, 2020, the following question:

Police Oversight Measure Shall the measure amending the Pasadena City Charter by creating (a) a Community Police Oversight Commission; and (b) the City Council-appointed position of Independent Police Auditor be adopted?	YES	
	NO	

SECTION 3. The text of the Charter amendment to implement the Police Oversight Measure is attached hereto as Exhibit "A", and incorporated herein by this reference.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The Vote Centers for the consolidated elections shall be open as required during the identified voting period, pursuant to Election Code Sections 4007 and 14404.

SECTION 6. The Los Angeles County Registrar-Recorder/County Clerk is authorized to canvass the returns of the General Election, including the Police Oversight Measure, and to certify the same to the City Council of the City of Pasadena at the time and in the manner provided by law. The vote requirement for passage of the Police Oversight Measure shall be a majority of votes cast (50% plus 1). The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 7. The City of Pasadena recognizes that additional costs will be incurred by the County by reason of these consolidated elections and agrees to reimburse the County for the City's share of election related costs resulting from said consolidations. The City Director of Finance is authorized and directed to pay out of the General Fund of the City a sum equal to those costs upon the completion of the services as described above and upon presentation to the City of a bill.

SECTION 8. In all particulars not recited in this resolution, the election hereby called shall be held and conducted as provided by law for holding municipal elections in said City.

SECTION 9. The City Clerk is directed to forward without delay to the Board of Supervisors and to the Registrar-Recorder/County Clerk, each a certified copy of this resolution.

SECTION 10. The Board of Supervisors is requested to issue instructions to the Registrar-Recorder/County Clerk to take any and all steps necessary for the holding of these consolidated elections.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 12. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Adopted at the regular meeting of the City Council on the _____ day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, City Clerk

APPROVED AS TO FORM:

Javan N. Rad
Chief Assistant City Attorney

EXHIBIT A
Text of the Police Oversight Measure

SECTION 1. Article IV, section 409 of the Charter of the City of Pasadena is amended to read:

Section 409. OFFICERS APPOINTED BY CITY COUNCIL.

The City Council shall appoint and may remove the City Manager, City Attorney, City Prosecutor, ~~and City Clerk,~~ and Independent Police Auditor.

The City Prosecutor shall prosecute misdemeanor offenses arising out of violations of the law of the State and ordinances of the City.

SECTION 2. A new Article XVIII of the Charter of the City of Pasadena is added to read:

ARTICLE XVIII COMMUNITY POLICE OVERSIGHT COMMISSION

Section 1801. ESTABLISHMENT.

There is created and established a commission of the city to be known as the "community police oversight commission" and hereinafter called "commission."

Section 1802. MEMBERSHIP – APPOINTMENT AND TERMS.

- A. The commission shall consist of 9 members, who shall be appointed as follows:
 - 1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
 - 2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.
 - 3. All nominations are subject to ratification by the city council.
- B. Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.
- C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.
- D. Any member of the commission may be removed by the city council at its pleasure.

SECTION 1803. ANNUAL REPORT.

The commission, with the assistance of the independent police auditor, shall submit an annual report and workplan to the city council no later than September 1st of each year. Attendance records of members shall be included as part of the annual report.

SECTION 1804. PURPOSE AND FUNCTIONS

- A. The purpose of the commission is to allow for appropriate community involvement in the police department's personnel processes and operations.
- B. The commission's function is to:
 - 1. Review and make recommendations regarding the ongoing operations of the police department to the chief of police, city manager, and city council;
 - 2. Receive community feedback and complaints and refer them for further review and/or referral by the independent police auditor;
 - 3. Monitor and receive reports from the police department on hiring, training, and promotions;
 - 4. Monitor and publish statistics on police uses of force, personnel complaints, and outcomes;
 - 5. Provide input on police department policy recommendations prior to adoption;
 - 6. Receive reports from the independent police auditor regarding critical incidents, police department policies, and other matters;
 - 7. Through the independent police auditor, make recommendations to the chief of police on subject matters that include, but are not limited to, pending and completed personnel investigations;
 - 8. Administer oaths and issue subpoenas to carry out the commission's functions, with each member of the commission having the power to do so, to the extent permitted by law and notwithstanding anything to the contrary in section 504 of this charter, with the city clerk issuing such subpoenas under the seal of the city, and the chief of police causing such subpoenas to be served; and
 - 9. Where it reviews various police records to perform its functions, comply with all applicable laws and preserve the privacy of city employees, the confidentiality of their personnel files, the confidentiality of police department files, and the confidentiality of other confidential information to the maximum extent permitted by law, including, but not limited to the closing of meetings or portions thereof consistent with the applicable provisions of the Brown Act.

SECTION 1805. INDEPENDENT POLICE AUDITOR – CREATED.

There is created a functional unit of city government known as the independent police auditor's department which shall be under the direction and control of the independent

police auditor.

SECTION 1806. INDEPENDENT POLICE AUDITOR – POWERS, DUTIES, AND APPOINTMENTS.

- A. The independent police auditor shall:
1. Serve as a best-practices advisor to the commission;
 2. Have unimpeded access to all police department personnel complaints and investigations thereon, for advisory, auditing, and reporting purposes, and, upon request, be permitted to observe deliberations of police department command staff on personnel matters including, but not limited to, use of force reviews, administrative reviews, and internal affairs reviews;
 3. Review all categorical uses of force by police department personnel to assess whether (1) the use of force should be referred for further investigation and/or (2) the police department's investigation into a use of force was complete, thorough, objective, and fair;
 4. Review investigations of personnel complaints of bias-based policing;
 5. As directed by or in conjunction with the commission, recommend changes and additions to police department policies, procedures, and officer training;
 6. Issue public reports and give public presentations to the commission regarding police department operations, to the extent permissible under applicable law;
 7. Provide recommendations to the chief of police relating to pending and completed personnel investigations, as well as the police department's progress in hiring, training, and promotions
 8. Administer oaths and issue subpoenas to carry out the independent police auditor's duties, to the extent permitted by law, and notwithstanding anything to the contrary in section 504 of this charter. The city clerk shall cause such subpoenas to be issued under the seal of the city and the chief of police shall cause such subpoenas to be served.
 9. Comply with all applicable laws and preserve the privacy of city employees, the confidentiality of their personnel files, the confidentiality of police department files, and the confidentiality of other confidential information to the maximum extent permitted by law; and
 10. Perform related duties.
- B. All staff in the department shall be appointed by and may be removed by the independent police auditor and shall be subject to the direction and control of and perform such duties as shall be assigned to them by the independent police auditor.

SECTION 1807. INDEPENDENT POLICE AUDITOR – BUDGET AND ALLOCATION

- A. Notwithstanding anything otherwise in the charter, the commission and the independent police auditor shall be independent of the city manager.
- B. The independent police auditor is authorized to prepare and submit an annual budget to the city council, through the budget proposal process described in article

IX and section 604(H) of this charter. The city council may allocate a budget as resources allow, sufficient to provide for a process that protects the rights of complainants and individuals investigated, for the commission and the independent police auditor to carry out the responsibilities stated herein, and to ensure the independence of the commission and the independent police auditor.

SECTION 1808. ORDER OF PRECEDENCE.

In the event of a conflict between this article and section 411(B) and/or 604(J) of this charter, the provisions of this article shall control.

SECTION 3. Conforming Amendments to Pasadena Municipal Code.

Upon enactment of this measure, the City Council shall adopt conforming amendments to the Pasadena Municipal Code to implement this measure, including, but not limited to provisions (a) addressing Community Police Oversight Commission qualifications, vacancies, election of officers, meetings/records, rules and regulations, and disclosure requirements, similar to provisions for other city boards and commissions; and (b) transitioning relevant portions of the functions of the City Council Public Safety Committee to the Community Police Oversight Commission, which amendments may be amended by the City Council, from time to time.

SECTION 4. Severability.

If any section or subsection of this measure or any sentence, clause, phrase, or word in this measure is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall remain in effect and shall be enforced. If the application of this measure to any person or group of persons is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall continue to be enforced against all other persons or groups of persons.