



City of South San Francisco

P.O. Box 711 (City Hall,
400 Grand Avenue)
South San Francisco, CA

City Council

Ordinance: ORD 1630-2022

File Number: 22-117

Enactment Number: ORD 1630-2022

**ORDINANCE ADDING CHAPTER 2.85 TO TITLE 2
OF THE SOUTH SAN FRANCISCO MUNICIPAL
CODE TO CREATE A COMMISSION ON EQUITY
AND PUBLIC SAFETY.**

WHEREAS, the City of South San Francisco is striving to be a more inclusive and equitable city through advancing racial equity and social change; and

WHEREAS, the City of South San Francisco is entrusted and expected to protect the civil and human rights of all individuals; and

WHEREAS, the City of South San Francisco recognizes that establishing organizational accountability and transparency is the highest priority to effectively promote public trust; and

WHEREAS, the City of South San Francisco has focused on cultivating and empowering a Commission on Racial and Social Equity ("Commission"), which concluded a yearlong effort with a Racial Equity Action Plan that recommends a community equity and safety advisory board, to be called the Commission on Equity and Public Safety; and

WHEREAS, consistent with applicable state law governing general law cities, a Commission on Equity and Public Safety would be designed to make recommendations to the City Manager and City Council that relate to some or all City departments to further community equity and safety, bolster community participation and decision making, increase transparency and accountability, and foster trust between the community and City departments; and

WHEREAS, such a Commission may also be designed to have a role in receiving, referring, and at times reviewing complaints about City personnel, providing a safe space for community feedback; and

WHEREAS, a Commission on Equity and Public Safety will focus on a holistic approach to community safety which includes housing, education, social services, policing and other areas; and

WHEREAS, Commission members shall perform their duty in a professional and impartial manner free from bias against public safety officials and City personnel; and

WHEREAS, a Commission on Equity and Public Safety aims to achieve not only transparency and accountability but also increase trust in public safety and law enforcement, while offering enhanced safety nets that support communities previously harmed by isolation and systemic injustice; and

WHEREAS, it is crucial that the assignments of the Commission are centered in achieving racial and social equity for all South San Francisco residents and recognizing that discrimination is deemed unacceptable and not tolerated; and

WHEREAS, the Commission on Equity and Public Safety is not a policy making body and will not participate in City departmental disciplinary actions, legal issues, criminal or internal investigations, or critical incidents, except where it would have the ability to review certain investigations that are disclosable to the public under applicable state law; and

WHEREAS, the City Council hereby declares the following in furtherance of the intent of this ordinance:

The City Council recognizes, values, and will proactively work to promote diversity, equity, inclusion, and a sense of belonging within South San Francisco by establishing a Commission on Equity and Public Safety committed to promoting racial and social equity;

The City Council recognizes the necessity to apply an equity lens to reduce disparities and advance equitable practices, which involves enhancing safety nets that support communities previously harmed by isolation and systemic injustice and investing in areas that promote and create safe, healthy, and thriving communities;

The City Council openly supports and commits to joining endeavors around the State and nationwide to implement and produce greater accountability amongst public safety agencies, including but not limited to law enforcement;

The City Council commits to dismantling systemic and institutional racism and has accepted the Final Report and Racial Equity Action Plan by the South San Francisco Commission on Racial and Social Equity, describing the Commission's effort to examine City's policies and practices with respect to policing, mental health, and other community services to make recommendations to further equity and social justice;

The City Council continues to support the strategic initiatives of Quality of Life and Community Connections, ensuring public safety;

The City Council recognizes the Commission's work to address racial and social inequity within the South San Francisco community, and therefore desires to establish a Commission on Equity and Public Safety to continue the City's racial and social equity work.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH SAN FRANCISCO, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all recitals above are true and correct and are incorporated herein by this reference.

SECTION 2. A new Chapter 2.85 is added to Title 2 of the City of South San Francisco Municipal Code to read as follows:

Chapter 2.85 Commission on Equity and Public Safety

- 2.85.010** Establishment; Composition; Appointment; Qualifications
- 2.85.020** Terms
- 2.85.030** Limitation of Terms; Vacancies
- 2.85.040** Chairperson; Vice chairperson; Secretary
- 2.85.050** Training
- 2.85.060** Meetings
- 2.85.070** Compensation
- 2.85.080** Attendance at meetings
- 2.85.090** Commission roles and responsibilities

2.85.010 Establishment; Composition; Appointment; Qualifications.

(a) A Commission on Equity and Public Safety for the City is hereby established. The Commission shall operate pursuant to the requirements established herein.

(b) The Commission shall consist of a maximum of 7 members, plus one alternate.

(c) The City Council shall appoint the members of the Commission. Each Councilmember shall appoint one member and is not limited to selecting candidates from their District. The remaining two members and one alternate shall be appointed by a majority of the City Council. Members of the Commission appointed by an individual Councilmember may be removed by the Councilmember who appointed them. Members of the Commission appointed by a majority of the City Council may be removed by a majority of the City Council.

(d) Members of the Commission shall be residents of South San Francisco. In making appointments, the City Council shall consider diverse and active community members of integrity and commitment to racial and social equity representing the diversity of South San Francisco;

2.85.020 Terms.

Except as provided in Section 2.85.030 below, the term of each member of the Commission shall be four years and until a successor is appointed and qualified; however, terms shall be staggered and members shall be appointed to either an initial four-year or -two year term to allow for staggered terms. Terms shall expire in even-numbered years. Terms of members of the Commission appointed by an individual Councilmember shall coincide with the term of the Councilmember who appointed them.

2.85.030 Limitation of Terms; Vacancies.

Commission members shall be limited to three consecutive terms. For purposes of calculating consecutive terms, service of at least two years plus one day during a term shall be counted as a complete term; all prior continuous service of existing Commission member shall be counted. Upon serving the maximum number of consecutive terms, a Commission member shall not be eligible for re-appointment to the Commission for a period of two years. If a vacancy occurs on the Commission, the

alternate shall serve the remaining unexpired term of the former incumbent. If an additional vacancy occurs, the City Council shall appoint an individual to serve the remaining unexpired term.

2.85.040 Chairperson; Vice chairperson; Secretary.

(a) At the first meeting of the Commission and the first meeting of each calendar year, the Commission shall elect a Chairperson and a Vice Chairperson. The term of said offices shall be one year. The Vice Chairperson shall serve as chair in the absence of the Chairperson.

(b) The City's Chief Equity and Inclusion Officer or designee shall serve as Commission Secretary.

2.85.050 Training.

(a) Each member of the Commission shall receive training on topics relevant to the Commission's roles and responsibilities as set forth in this chapter, and as may be deemed necessary by the Commission from time to time. The City Manager's Office shall be responsible for arranging training of the Commission.

2.85.060 Meetings.

(a) The Commission shall hold regular meetings on the third Monday of every month. It is expected that each member will contribute and provide meaningful input on the topics on the meeting agenda. The Chairperson will collaborate with the Secretary to establish meeting agendas. Individual Commission members may suggest topics to be placed on a meeting agenda during a public meeting.

(b) The Commission may meet more frequently than prescribed in subsection (a) to address identified issues related to racial or social equity or special circumstances.

(c) The Commission may create committees and/or subcommittees to review data, develop a plan to assess the areas of concern with respect to systemic racism within South San Francisco, and provide input or recommendations to the entire Commission and/or the City Manager and City Council.

(d) A majority of the then-serving members of the Commission shall constitute a quorum.

(e) All meetings of the Commission shall be open to the public and comply with the Ralph M. Brown Act (California Government Code section 54950 *et seq.*).

(f) If the day designated as a regular, adjourned regular, special or study meeting falls upon a legal holiday, the Commission shall meet upon the next succeeding day which is not a holiday unless otherwise ordered by the Commission.

(g) The Commission may create, amend, and repeal its own bylaws or otherwise establish rules of procedure and other rules for the conduct of its business by resolution.

(h) The Secretary of the Commission shall ensure the preparation and maintenance of minutes of the business conducted and actions taken by the Commission.

2.85.070 Compensation.

Members of the Commission shall be eligible for a stipend as provided for in Chapter 2.84.

2.85.080 Attendance at meetings.

Commission members are expected to attend all regular and special Commission meetings. Commission members may be removed by a majority vote of the City Council following three excused or two unexcused absences for such meetings during the course of one fiscal year. An absence is considered excused when a Commission member notifies the Secretary of the intended absence at least twenty-four hours prior to the scheduled meeting time. All other absences are considered unexcused.

2.85.090 Commission roles and responsibilities.

The Commission shall be an advisory body to the City Manager and City Council on matters relating to community equity and safety, applying an equity lens to community issues and fostering a sense of safety. The Commission's role includes, but is not limited to, carrying out and, as applicable, making recommendations to the City Manager with respect to the following tasks:

(a) The Commission will identify areas to improve equity, diversity, inclusion, and belonging in all areas of City processes and public safety and make appropriate recommendations to the City Manager. Any policy or procedure that is not simply administrative and is under City Council's purview will be brought to City Council for discussion and approval.

(b) The Commission will recommend appropriate changes of public safety and equity policies and procedures toward the goals of safeguarding the rights of persons and promoting higher standards of competency, efficiency and justice in the provision of equitable community public safety services.

(c) The Commission may recommend policies and practices and advocate for early intervention strategies that minimize involvement of youth in the criminal justice system.

(d) The Commission will act as a liaison between the community and City staff, offering strategies to develop and implement sound community public safety concepts, increase public awareness, and further efforts of transparency and accountability.

(e) The Commission will utilize community voice not only to address concerns regarding policing but also other equity and public safety arenas that impact quality of life and safeguard against disaster, crime, and other threats or danger to civilian protections.

(f) The Commission will connect with community networks and community-based organizations as necessary in pursuit of its goals.

(g) The Commission will periodically share its efforts externally through updates on the City website and social media, through community meetings or other outreach efforts as necessary, and through an annual written report to the City Manager and City Council concerning its priorities and progress. The report will include an annual work plan with progress on initiatives.

(h) The Commission will promote positive police-community relations in an effort to provide better services and expectations from the community and police.

(i) The Commission will provide an alternative channel for members of the public to file a complaint regarding compliance with City policies and applicable laws by City personnel, as follows:

The Commission will receive complaints regarding South San Francisco personnel alleging failure to comply with City policies and applicable laws. The Commission shall refer such complaints to the City's Human Resources Department.

The Commission will not investigate complaints received. In consultation with the City Attorney's Office, the Human Resources Department will determine the appropriate form of investigation and assign an investigator.

The complaint and investigation process shall be designed to respect the rights of both complainants and the City personnel who is the subject of the complaint, and shall comply with applicable federal and state law, including California laws governing general law cities and Government Code section 3300 et seq., and bargaining agreements. The complaint and investigation process shall also maintain the confidentiality of the complainant to the extent possible.

For complaints made directly to the Commission, the Commission may receive updates only on the assignment of a complaint to an investigator and the identity of the investigator, investigation completion date, whether the complaint was substantiated, and any remedial actions taken. "Remedial actions" do not include discipline or other personnel info, but may include certain remedy to the complainant such as, for example only, whether a citation is dismissed.

The foregoing process shall not alter existing procedures relating to filing complaints with the City. Complaints made by City personnel related to matters within the course of employment shall be made in accordance with the City's existing policies and procedures.

The City Council may adopt additional policies and procedures governing the Commission's receipt, referral, and review of complaints.

(j) In instances where investigatory files and related material are considered public records under California Penal Code sections 832.5 and 832.7, the Commission shall have the ability to review records and files relating to the investigation and the outcome of the investigation when the records, files or outcome are considered public records. Such records and files shall only be provided to the Commission upon conclusion of the investigation or after all administrative and judicial appeals have been exhausted, if required by applicable state law.

The Commission may ask questions and make policy recommendations for future investigations, but in no event shall the Commission make independent decisions, or determine or make recommendations regarding specific disciplinary actions or related outcomes.

(k) The Commission will review data related to equity and public safety.

(l) The Commission will submit a yearly work plan to the City Manager and City Council in order to ensure a manageable scope of work. The Commission will also submit an annual report including the work plan and progress made on initiatives.

SECTION 3. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 4. Publication and Effective Date

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

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Introduced at a regular meeting of the City Council of the City of South San Francisco held the 09th day of February 2022.

At a meeting of the City Council on 2/23/2022, a motion was made by Councilmember Addiego, seconded by Vice Mayor Nicolas, that this Ordinance be adopted. The motion passed.

Yes: 5 Mayor Nagales, Vice Mayor Nicolas, Councilmember Coleman, Councilmember Flores, and Councilmember Addiego

Attest by



Rosa Govea Acosta, City Clerk



Mark Nagales, Mayor