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**STAFF REPORT**

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL  
From the CITY MANAGER

DATE: March 9, 2021  
SUBJECT: Community Police Oversight Board Bylaws  
ISSUING DEPARTMENT: CITY MANAGER'S OFFICE

SUMMARY:

Issue:

Should the City Council adopt Bylaws for the Community Police Oversight Board?

Recommendation:

The City Council should adopt Bylaws for the Community Police Oversight Board.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Strategic Goals:

- Safe Community
- Continue to Improve High Quality Municipal Services

BACKGROUND:

The City Council adopted Ordinance 2020-2881 establishing the Community Police Oversight Board ("CPOB"). At its first meeting, staff worked with the CPOB to complete essential tasks such as providing an overview of the Brown Act and reviewing the draft policies and procedures for accepting and processing complaints from the public. In addition, General Counsel for the CPOB drafted proposed Bylaws that govern its rules, duties, structure, and ability to conduct business under a set of parameters.


DISCUSSION:

The CPOB reviewed the draft Bylaws at its meeting of February 17, 2021. During that meeting, the CPOB offered comments and suggestions. Staff reviewed the proposed amendments in consultation with General Counsel and presented an updated set of Bylaws to the CPOB at its meeting on March 3, 2021. The CPOB approved the updated Bylaws which are being presented to the City Council for consideration and formal adoption

CONCLUSION:

The Bylaws establish a set of agreed-upon rules that facilitate the operation of the CPOB. Staff recommends the City Council adopt the CPOB Bylaws as presented.

Reviewed by:



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Greg Humora  
City Manager

Respectfully submitted by:



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Carlo Tomaino  
Assistant City Manager

Attachment A: Bylaws

**BYLAWS  
of the  
City of La Mesa  
Community Police Oversight Board**

**ARTICLE I - MEETINGS**

Section 1. The Community Police Oversight Board (“CPOB”) is subject to the Ralph M. Brown Act (“Brown Act”).

Section 2. Schedule and Location of Regular Meetings

- (a) During calendar year 2021, the CPOB shall hold regular meetings on the 1st and 3rd Wednesday of each month.
- (b) Starting in January 2022, the CPOB shall hold regular meetings on the 3rd Wednesday of each month.
- (c) Other than as indicated herein, CPOB meetings shall be open to the public, and generally held in a regular, pre-established location, but may be adjourned from time to time to meet elsewhere for specific purposes.

Section 3. Adjourned Meetings

If the business to be considered at a regular meeting cannot be completed, the CPOB may designate a time and date for an adjourned meeting, which may be the next regularly scheduled meeting. The adjournment must be announced to the members of the public who are present at the time of adjournment and recorded in the minutes. A Notice of Adjournment must be posted within 24 hours of the adjournment.

Section 4. Special Meetings

The Chairperson may call special meetings. The Chairperson shall call special meetings at the request of a majority of the voting CPOB members. CPOB special meetings shall comply with all requirements of the Brown Act.

Section 5. Quorum

A quorum consists of a majority of the voting members. A quorum is required to conduct business at any meeting, regardless of the type of meeting. If less than a quorum is in attendance, the only business that can be conducted is to cancel the meeting.

## Section 6. Agendas, Minutes, and Representations by the CPOB

- (a) CPOB action minutes are public records and must be filed with the City Clerk, the City Council, and other interested parties as required. Agendas and notices of adjournment or special meetings must be posted as required by the Brown Act.
- (b) The approved CPOB action minutes are the official channel of communication through which the CPOB as a whole or its individual members express their views. While other avenues exist to communicate interest or opinion, such as oral comments at public meetings, the CPOB's action minutes are the official document of record.

## Section 7. Public Comment

- (a) Unless otherwise stated by the Chairperson, the CPOB shall limit public speakers to three minutes.
- (b) During public comment, the members, led by the Chairperson, shall:
  - 1. Discourage outward signs of agreement or disagreement from the audience, such as applause or statements from the floor, as such signs could intentionally or unintentionally discourage open public discussion of all the issues and points of view.
  - 2. Set meeting rules early and make sure everyone abides by them without exception.
  - 3. Explain carefully the purpose of the agenda items and what action is expected.
  - 4. Encourage all persons speaking to clearly identify themselves.
  - 5. Enable the CPOB to make decisions as promptly as possible after thoughtful consideration of all the information at hand.
  - 6. Not overreact to inflammatory comments.
  - 7. Avoid speaker-to-audience conversation.
  - 8. Listen to audience concerns. Do not engage in side conversations or otherwise be distracted during public testimony.
- (c) Members should not express their views on the proposal until after public comment has ended. Their comments and questions should not suggest a position one-way or the other.
- (d) Once public comment has ended, each member should be invited to discuss individual views on the proposal.

## Section 8. Motions

- (a) When a member wishes to propose an idea for the body to consider, the member must make a motion. This is the only way an idea or proposal from a member may be presented to the body for discussion and possible action.
- (b) The CPOB will utilize Robert's Rules of Order as a guide for making, seconding, discussing, amending, and voting on motions.
- (c) In making a motion, members should try to avoid including more than one proposal in the same motion. If a member would prefer to see proposals divided and voted upon separately, the member should ask the Chairperson to divide the motion. If other members do not object, the Chairperson may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

## **ARTICLE II - OFFICERS**

### Section 1. Selection of CPOB Officers

- (a) The CPOB shall elect from its membership a Chairperson and a Vice Chairperson each calendar year. These officers shall serve a one-year term at the pleasure of the CPOB.
- (b) The CPOB shall elect its officers during the first regular meeting of each calendar year, but upon the initial formation of the CPOB, the election shall take place no later than its second meeting. At that meeting of election, if no candidate for an office receives a majority of the voting members' votes on the first ballot, the candidate(s) with the fewest votes shall be eliminated and another vote taken. This process will continue until a candidate receives the support of a majority of voting members. The results of each round of balloting shall be publicly announced and the vote recorded in the minutes.
- (c) No person shall serve in the same office for more than two consecutive elected terms, or for more than one elected term immediately after assuming (by succession or special election) a predecessor's office as a result of a vacancy in the office.

### Section 2. Duties of CPOB Officers

- (a) It is the Chairperson's duty to preside over meetings and to present such reports as are required or requested by the La Mesa Municipal Code, and to act as the formal CPOB representative in communications with the Chief of Police and City Council. The Vice Chairperson acts in this capacity when the Chairperson is not available.

- (b) Any official representations on behalf of the CPOB, including before the City Council or any public body, shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the CPOB specifically so designated by the CPOB.
- (c) The Chairperson shall:
  - 1. Preserve order and decorum at all meetings of the CPOB, announce CPOB decisions, and decide questions of order.
  - 2. Ensure the effectiveness of the group process.
  - 3. Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).
  - 4. Keep discussion focused on the issue at hand.
  - 5. Solicit opinions from members and discourage overly dominant members from having disproportionate control over the discussion.
  - 6. Protect members, staff, and the public from personal attacks.
  - 7. Provide structure for addressing complicated issues.
  - 8. Attempt to reach decisions expeditiously on action items.

### **ARTICLE III – MEMBERS AND SUBCOMMITTEES**

#### Section 1. Duties of Members. All members shall:

- (a) Always be prepared. Members should thoroughly review the agenda packet, including agenda reports, and any other materials before each meeting. In agreeing to serve on the CPOB, members make a commitment to put in the time required to prepare fully for each meeting.
- (b) Determine if any agenda items present a conflict as defined in the City of La Mesa's Conflict-of-Interest Code. Should a member think an item presents a conflict of interest, the member should follow the procedures in the Conflict-of-Interest Code or speak with the staff liaison.

- (c) Understand what action they are being called upon to take for each particular agenda item.
- (d) Contact the Chairperson or staff liaison before the meeting to clarify any questions about the agenda or agenda report, or to request further information.
- (e) Ask for clarification if they are unsure about something during a meeting.
- (f) Strive to appreciate differences in approach and point of view. Members should also be sure to articulate their own ideas.
- (g) Understand the CPOB's powers and duties.

## Section 2. Absentees

- (a) CPOB members are expected to make every effort to attend all meetings and be present for the entire meeting. Members are allowed to miss no more than 25% of their meetings held in each twelve month period from the anniversary date of their appointment, and three or more consecutive unexcused absences from regular meetings may be grounds for removal.
- (b) The Chairperson shall notify the City Clerk in writing (with a copy to members of the City Council) of any member that is in violation of this policy. The City Clerk will then send a letter to the member indicating his/her non-conformance to this policy stating that if there is an additional absence in that same twelve month period, the member's position on the CPOB will be automatically revoked. The City Clerk shall notify the member, City Council and CPOB of the resulting vacancy.
- (c) A member should notify the Chairperson and staff liaison if the member knows in advance that he or she will be absent.

## Section 3. Subcommittees

- (a) The Chairperson or a majority of voting members may establish standing and special ad hoc subcommittees of less than a quorum of the CPOB who then may meet at their convenience to carry out the purpose of the subcommittee. The creation of any subcommittee does not require preapproval by the City Council.
- (b) The Chairperson shall appoint the members of each subcommittee, and the members of each subcommittee may elect a chairperson.
- (c) The City Council shall receive notice of such subcommittee and all meetings of standing subcommittees must be publicly noted, and in all other respects, must comply with the Brown Act.

Section 4. Vacancies

- (a) Upon receipt of notification of a CPOB member's resignation, or upon a City Council vote of removal, the position shall be considered vacant and eligible for the Mayor, in consultation with one other City Council member, to appoint a replacement followed by confirmation by the City Council for the remainder of the term.

**ARTICLE IV – ADDITIONAL PROVISIONS**

Section 1. Staff Liaison

A staff liaison will be assigned by the City Manager to provide staff assistance.

Section 2. Adopting and Amending the Bylaws

Pursuant to City of La Mesa Municipal Code section 2.30.080, the Bylaws must be approved by the City Council before they are operational. These Bylaws may be amended by a majority of the voting members of the CPOB, but any amendments must be approved by the City Council before they become operational.

Section 3. Other Rules

In addition to these Bylaws, the CPOB may establish other rules for the conduct of its business, as necessary, but any such rules must be approved by the City Council pursuant to City of La Mesa Municipal Code section 2.30.080.

These Bylaws were approved by the La Mesa Community Police Oversight Board on \_\_\_\_\_, 2021. These Bylaws were further approved by the La Mesa City Council on \_\_\_\_\_, 2021.