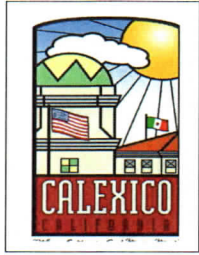


AGENDA  
ITEM

**12**



# AGENDA STAFF REPORT

**DATE:** August 18, 2021

**TO:** Mayor and City Council

**PREPARED BY:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Introduction and First Reading by Title Only of An Ordinance  
Repealing Calexico Municipal Code Chapter 2.56 Community  
Police Advisory Commission

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**Recommendation (by Mayor Moreno):**

It is recommended that the City Council:

Review and conduct first reading by title only of Ordinance No. \_\_\_\_\_  
An Ordinance of the City Council of Calexico Repealing Calexico  
Municipal Code Chapter 2.56 Community Police Advisory Commission

**Discussion:**

The Calexico Community Police Advisory Commission (CPAC) is a five member volunteer commission that was formed in 1984. All CPAC Commissioners are volunteers. There is no City staff person assigned to the CPAC. Mayor Moreno has requested that the CPAC be dissolved because the City does not have a need for and cannot support the traditional purpose of a Police Advisory Commission (PAC).

PACs are usually found in major cities with large police departments, multiple employees, and a substantial budget. A PAC's main role is to professionally investigate complaints against police officers. As such, operating a PAC is very expensive, requiring steep budgets for investigators. PACs often become vulnerable to inadequate funding or staffing, slow-moving investigations, and politics.

Elaborate legal machinery already exists for the channeling of complaints against the police and can work well in lieu of a PAC, especially in small communities. These include the police chief (who has more reason than anyone to ferret out any irregularities in the department), the members of the city council, the mayor, the city attorney, the district attorney, the U.S. Attorney, the FBI, the Federal Grand Jury.

<b>AGENDA ITEM</b>  <span style="font-size: 2em;">12</span>
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**Coordinated With:**

City Attorney's Office.

**Fiscal Impact:**

The City would have reduced administrative and staff costs associated with supporting the CPAC.

**Attachment(s):**

1. Ordinance No. \_\_\_\_\_ - An Ordinance of the City Council of Calexico Repealing Calexico Municipal Code Chapter 2.56 Community Police Advisory Commission.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, REPEALING CALEXICO MUNICIPAL CODE CHAPTER 2.56 COMMUNITY POLICE ADVISORY COMMISSION**

The City Council of the City of Calexico, California, does hereby ordain as follows:

**SECTION 1. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.56 Community Police Advisory Commission is hereby repealed in its entirety.

**SECTION 2. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 4. Certification and Publication.** The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

**SECTION 5. CEQA.** The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

**INTRODUCED** on the 18<sup>th</sup> day of August, 2021, and **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Calexico, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
JAVIER MORENO, MAYOR

**ATTEST:**

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
BEST BEST & KRIEGER, CITY ATTORNEY

State of California )  
County of Imperial ) s.s.  
City of Calexico )

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. \_\_\_\_\_, introduced at a regular meeting held on the 18th day of August 2021, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK