The City of SAN DIEGO
Commission on Police Practices

COMMISSION ON POLICE PRACTICES
Wednesday, November 18, 2026
4:30pm-6:00pm

EXECUTIVE STANDING COMMITTEE AGENDA
Procopio Tower
525 B St., 17th Floor, Suite 1725
San Diego, CA 92101

The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:
Meeting Link
Meeting ID: 280 704 057 527 332
Passcode: uj93Tj2p
**Downloading the latest version of Microsoft Teams is required.*

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953.8 and following.

The Commission Standing Committee meetings will be in person, and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Teams.

I. CALL TO ORDER/WELCOME (CHAIR BONNIE BENITEZ)

II. ROLL CALL (EXECUTIVE ASSISTANT ALINA CONDE)

III. APPROVAL OF THE MINUTES OF OCTOBER 21, 2026, EXECUTIVE STANDING COMMITTEE MEETING

IV. NON-AGENDA PUBLIC COMMENT

V. NON-AGENDA COMMENTS FROM THE CHAIR BONNIE BENITEZ & EXECUTIVE DIRECTOR ROGER SMITH

VI. ACTION ITEM
- A. Correction of the Minutes of the September 16, 2026, Executive Committee Meeting: to reflect the Committee's vote approving the CPP Workflow Framework
  1. Public Comment

VII. DISCUSSION ITEMS
- A. Commissioner Discussion about National association for Civilian Oversight of Law Enforcement (NACOLE)
  1. Public Comment

B. Commissioner Attendance and Removal
    1. Public Comment

VIII. STANDING COMMITTEE REPORTS
A. Training Committee
B. Policy Committee
C. Community Outreach
D. Rules
E. Recruitment

IX. NON-AGENDA COMMISSIONER COMMENT

X. NEXT MEETING – Wednesday, December 16, 2026

XI. ADJOURNMENT

Materials Provided:

- Minutes of October 21, 2026, Executive Committee meeting
- Minutes of September 16, 2026, Executive Committee meeting
- Commissioner Attendance and Removal: Governing Provisions

In-Person Public Comment on an Agenda Item: If you wish to address the CPP Standing Committee on an item on today's agenda, please complete and submit a speaker slip before the Committee hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the CPP staff at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Committee must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak for up to three (3) minutes, subject to the Committee Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the designated CPP staff. The Committee Chair may also limit organized group presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Standing Committee on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Standing Committee to discuss or take any action on the matter at today's meeting. At its discretion, the Standing Committee may add the item to a future meeting agenda or refer the matter to the CPP. Public comments are limited to three minutes per speaker. At the discretion of the Committee Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Standing Committee has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis. A member of the public may only provide one non-agenda comment per agenda.

We welcome all viewpoints and encourage open participation. However, to ensure everyone has a chance to be heard and that we can complete our work, we ask that speakers respect time limits and refrain from disruptive behavior. Continued disruption after warning may result in removal as permitted under state law.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the item you would like to comment on is introduced (or it is indicated that it is time for Non-Agenda Public Comment), raise your hand by tapping on the "Raise Your Hand" button on your computer or tablet. To raise your hand in a Microsoft Teams meeting on your smartphone (iOS or Android), tap the three-dot menu, then select the "Raise Hand" option. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When it is indicated that it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the webform. If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 400 words. On the webform, members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click here. Video footage of each Commission meeting is posted online here within 72 hours of the conclusion of the meeting.

Comments received no later than 8 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Standing Committee.

If you attach any documents to your comment, they will be distributed to the Standing Committee in accordance with the deadlines described above.

Late-Arriving Materials

This paragraph relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of, or during, the meeting. Pursuant to the Brown Act, (California Government Code Section 54957.5(b)) late-arriving documents, related to the Commission on Police Practices' ("CPP") meeting agenda items, which are distributed to the legislative body prior to and/or during the CPP meeting are available for public review by appointment in the Office of the CPP located at Procopio Towers, 525 B Street, Suite 1725, San Diego, CA 92101. Appointments for public review may be made by calling (619) 533-5304 and coordinating with CPP staff before visiting the office. Late-arriving documents may also be obtained by email request to CPP staff at commissiononpolicepractices@sandiego.gov . Late-

arriving materials received prior to the CPP meeting will also be available for review, at the CPP public meeting, by making a verbal request of CPP staff located in the CPP meeting. Late-arriving materials received during the CPP meeting will be available for reviewing the following workday at the CPP offices noted above or by email request to CPP staff.

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or commissiononpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodation required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

The City of SAN DIEGO

Commission on Police Practices

COMMISSION ON POLICE PRACTICES
EXECUTIVE STANDING COMMITTEE MEETING
MINUTES

Wednesday, October 21, 2026
4:30pm-6:00pm

Procopio Tower
17th Floor, Suite 1725
San Diego, CA 92101

Click https://youtu.be/fEVrbkMc6bw to view this meeting on YouTube.

CPP Committee Members Present:
Chair Bonnie Benitez
Vice Chair of Policy Ada Rodriguez
Vice Chair of External Affairs David Burton
Vice Chair of Strategic Planning Armando Flores
Vice Chair of Commissioner Development Darlanne Mulmat

Excused:
None

Absent:
None

CPP Staff Present:
Roger Smith, Executive Director
Alina Conde, Executive Assistant
Ching-Yun Li, CPP Investigator (Virtual)
Ethan Waterman, CPP Investigator (Virtual)

DRAFT

I. CALL TO ORDER/WELCOME: Chair Bonnie Benitez called the meeting to order at 4:36pm.

II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.

III. APPROVAL OF THE MINUTES OF AUGUST 18, 2026 & SEPTEMBER 16, 2026 EXECUTIVE COMMITTEE MEETINGS

MOTION: Commissioner Darlanne Mulmat moved to accept August 18th, 2026 amended Executive Standing Committee Meeting Minutes. Commissioner Ada Rodriguez seconded the motion. The vote passed 3-0-1.
Yeas: Burton, Mulmat, Rodriguez
Nays: None
Abstention: Flores

MOTION: Commissioner Ada Rodriguez moved to accept September 16th, 2026 amended Executive Standing Committee Meeting Minutes. Commissioner David Burton seconded the motion. The vote passed 3-0-1.
Yeas: Burton, Flores, Rodriguez
Nays: None
Abstention: Mulmat

IV. NON-AGENDA PUBLIC COMMENT

- Tasha Williamson (Virtual) (***Timestamp 17:07***)

V. NON AGENDA COMMENTS FROM CHAIR BONNIE BENITEZ ***(Timestamp 15:04)***

- Emphasized the importance of attaching approved committee meeting minutes to business meeting materials for community transparency, noting there will be a lag due to the approval process.
- Explained that the workflow approved at the last executive committee meeting will go to the full commission at the next meeting, as the October business meeting agenda was too packed.
- Shared news about the city council's committee advancing a proposal to end the city's use of block and cars, mentioning potential savings and expressing hope that funds would be redirected to community trust-building efforts.
- Highlighted the commission's role in public safety and strengthening community engagement, stating these are key reasons for the commission's existence.

NON AGENDA COMMENTS FROM EXECUTIVE DIRECTOR ROGER SMITH ***(Timestamp 18:19)***

- Provided updates on upcoming and recent events, including a Thursday community meeting at Lidwell Center for Q&A and office updates.
- Shared information from the October Privacy Board meeting about surveillance technologies, specifically drones used as first responders and for counter unmanned aerial system protection, highlighting questions about auditing procedures and detailed use information.
- Explained the ongoing meet and confer process between the city and police union, Municipal Employees Association, and Deputy City Attorneys Association, detailing recent meetings, the process for written submissions from the Police Officers Association, and the impact of good faith differences on timelines.
- Noted that the commission will have opportunities to present their positions to the council, emphasizing the importance of clarity and preparedness in those discussions.
- Announced a second meeting with the police department regarding the memorandum of understanding needed to implement operating procedures, with

updates to follow after the meeting.

- Mentioned a memo requested by the full commission about investigative concerns from recent cases, stating final edits are underway and it will be sent soon.
- Scheduled a joint presentation for the December meeting with CPP General Counsel Susan St. John on the interplay between the CPP and Privacy Advisory Board, responding to public and commissioner questions.

VI. ACTION ITEM

A. Commission Committee Status Proposal ***(Timestamp 36:27)***

1. Public Comment
   - ❖ Francine Maxwell (Virtual) (***Timestamp 1:09:03***)
2. Commissioner Comment

MOTION: Commissioner Armando Flores moved for the Executive Committee to direct the Rules Committee to amend the bylaws, making the Training, Recruitment, and Outreach committees ad hoc, and making any necessary changes to the bylaws to support this. The Rules Committee's status is to be discussed further after a meeting with counsel. Commissioner Darlanne Mulmat seconded the motion. The vote passed 4-0-0.
Yeas: Burton, Flores, Mulmat, Rodriguez
Nays: None
Abstention: None

VII. DISCUSSION ITEMS

A. Overview of the CPP and PAB Jurisdictions ***(Timestamp 1:30:06)***

1. Public Comment – None
2. Commissioner Comment - None

VIII. STANDING COMMITTEE REPORTS - Tabled

A. Training Committee

IX. FUTURE EXECUTIVE COMMITTEE AGENDA ITEM REQUESTS – Tabled

- Commissioner David Burton - Maintain a running list of items requested from CPP to SDPD, including updates on the status of each request.

<u>Action Items:</u>

- Rules Committee Meeting – CPP Chair Bonnie Benitez, Executive Director Roger Smith, Commissioner Armando Flores, and General Counsel Susan St. James to schedule and hold a meeting to clarify scope, authority, and function of the Rules Committee before making a decision on its status.
- Rules Committee Work Plan Review – Commissioner Armando Flores to send out a detailed work plan/document for the Rules Committee for review by the executive committee.
- Memo Distribution – Executive Director Roger Smith to send the investigative concerns memo to the full commission by close of business.
- Committee Status Vote - Executive Committee to vote on ad hoc vs. standing status for Training, Outreach, and Recruitment Committees; hold off on Rules Committee status until after the meeting with General Counsel.
- Social Media Recruitment - Recruitment Committee Chair to ensure ongoing passive recruitment is promoted monthly on social media and websites.

X. NEXT MEETING – Wednesday, November 18, 2026

DRAFT

XI. ADJOURNMENT: The meeting adjourned at 6:14pm.

DRAFT

The City of SAN DIEGO

Commission on Police Practices

COMMISSION ON POLICE PRACTICES
EXECUTIVE STANDING COMMITTEE MEETING
MINUTES

Wednesday, September 16, 2026
4:30pm-6:00pm

Procopio Tower
17th Floor, Suite 1725
San Diego, CA 92101

Click https://youtu.be/exvxRVDnk4I to view this meeting on YouTube.

CPP Committee Members Present:
Chair Bonnie Benitez
Vice Chair of Policy Ada Rodriguez
Vice Chair of External Affairs David Burton
Vice Chair of Strategic Planning Armando Flores

Excused:
Vice Chair of Commissioner Development
Darlanne Mulmat

Absent:
None

CPP Staff Present:
Roger Smith, Executive Director
Aaron Burgess, Director of Policy
Jon'Nae McFarland, Administrative Aide
Alina Conde, Executive Assistant (Virtual)
Olga Golub, Chief Investigator
Ching-Yun Li, CPP Investigator (Virtual)
Ethan Waterman, CPP Investigator (Virtual)
Yasmeen Obeid, Director of Community Engagement & Internship Supervisor (Virtual)

I. CALL TO ORDER/WELCOME: Chair Bonnie Benitez called the meeting to order at 4:30pm.

II. ROLL CALL: Administrative Aide Jon'Nae McFarland conducted the roll call for the Commission and established quorum.

III. APPROVAL OF THE MINUTES OF AUGUST 19, 2026 EXECUTIVE COMMITTEE MEETING - No formal acceptance of the meeting minutes occurred; approval was deferred to the next committee meeting.

IV. NON-AGENDA PUBLIC COMMENT
- ❖ Karina Vega (In Person) ***(Timestamp 17:01)***
- ❖ Anthony Ralph (In Person) ***(Timestamp 18:43)***

V. NON AGENDA COMMENTS FROM CHAIR BONNIE BENITEZ
(Timestamp 22:41)

Meeting with Police Chief (Gaslamp District focus)
- Discussed increased officer presence in the Gaslamp on weekends and after midnight to improve response times and prevent incidents from escalating. 22:02
- Emphasis on staffing levels to ensure quicker intervention and reduce need for higher force situations.

Officer Training (DRE program)
- Raised issue of limited number of Drug Recognition Expert (DRE) trained officers (noted as only a small group).
- Discussed lack of incentive structure for officers to pursue additional DRE training and interest in increasing trained personnel

North Park incident update:
- Referenced a serious police incident involving a suspect confrontation, deployment of a canine unit, and injuries including officers and a police dog.
- Noted that details were still developing at the time of the update.

NON AGENDA COMMENTS FROM EXECUTIVE DIRECTOR ROGER SMITH
(Timestamp 25:55)

Meet and confer process delays and rescheduling
- A previously scheduled meeting was canceled and moved to a later date due to availability issues.

Ongoing process continuity
- Emphasis on keeping the meet-and-confer timeline as close as possible to the original schedule despite delays.

Work consolidation approach
- Some meetings may be combined to maintain progress and efficiency in the process.

Policy and information follow-ups with SDPD
- Planned follow-up requests regarding vehicle pursuit recommendations and structured receipt of departmental information.

Memorandum of Understanding (MOU) development
- MOU discussions are being run in parallel with the meet-and-confer process to avoid timeline delays.

VI. ACTION ITEMS

A. CPP Semi-Annual Report ***(Timestamp 44:08)***

1. Public Comment
   - ❖ Anthony Ralph (In Person) ***(Timestamp 33:49)***
   - ❖ Karina Vega (In Person) ***(Timestamp 34:58)***

2. Commissioner Comment ***(Timestamp 35:40)***
   MOTION: Commissioner Armando Flores moved to approve the amended Semi-Annual Report and take it to the full Commission business meeting. Commissioner Ada Rodriguez seconded the motion. The vote passed 3-0-0.
   Yeas: Burton, Flores, Rodriguez
   Nays: None
   Abstention: None

B. Commission Workflow Proposal ***(Timestamp 44:08)***
   1. Public Comment
   2. Commissioner Comment ***(Timestamp 46:28)***
      MOTION: Commissioner Ada Rodriguez moved to accept the Commission Workflow Proposal. Commissioner David Burton seconded the motion. The vote passed 3-0-0.
      Yeas: Burton, Flores, Rodriguez
      Nays: None
      Abstention: None

C. Commission Committee Status Proposal ***(Timestamp 1:15:56)*** - Tabled

VII. DISCUSSION ITEMS

A. The Commission's Approach to SDPD Use of Surveillance Technology
   1. Public Comment
      - ❖ Anthony Ralph (In Person) ***(Timestamp 1:29:08)***
      - ❖ Karina Vega (In Person) ***(Timestamp 1:32:44)***
   1. Commissioner Comment ***(Timestamp 1:22:47)***

VIII. COMMITTEE UPDATES

A. Executive Committee - Tabled
B. Policy Committee – Tabled
C. Community Outreach Committee – Tabled
D. Training Committee – Tabled

IX. FUTURE EXECUTIVE COMMITTEE AGENDA ITEM REQUESTS - None

<u>Action Items:</u>

Minutes & Documentation

- Executive Committee to table approval of prior meeting minutes and include only documents physically presented at that meeting with agreed formatting edits in the next meeting.

Workflow Proposal (Logging & Intake System)

- Staff to implement a structured log for all incoming requests (commission/public/staff) to ensure tracking and triage of work items.
- Executive Committee to refine "decision point" language so that all non-adopted items are recorded with clear rationale and visibility to the committee.
- General Counsel (with Executive support) to prepare a one-page summary of commission responsibilities and related governance structure for presentation at the next meeting.

Surveillance / Privacy Advisory Coordination

- Executive team to create a structured channel for sharing commission positions and feedback with the Privacy Advisory Board on surveillance-related matters.
- Executive Director to develop a framework for auditing departmental compliance with approved surveillance policies and complaint impacts.
- Executive Director to explore feasibility of commissioner observation/briefing access to department technology use practices and systems.

Policy & Compliance Oversight

- Policy Committee to develop and return with a concrete plan for auditing surveillance technology use and compliance reporting, including complaint linkage analysis.

- Staff/Executive team to ensure follow-up tracking of vehicle pursuit recommendation progress and structured reporting back to the commission.

Meetings & Ongoing Coordination

- Executive team to maintain rescheduling and continuity of meet-and-confer and MOU-related discussions while minimizing disruption to timelines.

X. NEXT MEETING – Wednesday, October 21, 2026

XI. ADJOURNMENT: The meeting adjourned at 6:00pm.

Commissioner Attendance and Removal: Governing Provisions

Sources: SDMC §26.1106; CPP Bylaws approved December 3, 2025.

Purpose

This document gathers the provisions that govern commissioner attendance and removal, for Executive Committee discussion. It reproduces the text without recommending any action.

San Diego Municipal Code §26.1106: Removal of Commission Members

Section 26.1106 sets the grounds and procedure for removing a commissioner. Subsection (c)(5) is the attendance provision.

> (a) A member may resign prior to the expiration of their term with written notice to the Council President. Upon this notification, the Council President must consider the position vacant and eligible for the Council to appoint a new member to serve for the remainder of the vacating member's term. If a member resigns from a designated seat, the Council must appoint a new member who meets the qualifications to serve in that designated seat.
>
> (b) A member must immediately notify the Council President and cease any further participation on the Commission, pending a vote by the Council to formally remove and replace the member, if any of the following circumstances occur during the member's term: (1) the member is incarcerated in any jail or prison and unable to serve or (2) the member is convicted during the member's term of (i) malfeasance in office and their civil rights have not been restored; (ii) a felony; (iii) a felony or misdemeanor where they are required to register as a sex offender pursuant to California Penal Code section 290; (iv) criminal violation of state or local conflict of interest laws; or (v) a violent crime against a government employee or official. For purposes of this subsection, government employee or official means a person who is employed by the United States government, the State of California, or any city, county, city and county, special district, or political subdivision of the State of California. The Council's consideration of the removal and replacement of the member must occur within 60 days following the Council President's receipt of notice under this subsection. The member may waive a Council hearing on removal, but the Council must consider replacement of the member within the 60 days following the Council President's notice of the conviction.
>
> ***(c) The Commission, by a two-thirds vote of its members, may recommend to the Council, by written notice to the Council President, that a member be removed for good cause other than a criminal conviction, for the following reasons:***
>
> > (1) misuse of their position for personal interests;
> >
> > (2) misuse of records, including Police Department or Commission records;
> >
> > (3) violation of federal or state laws relating to confidentiality or City employee privacy;
> >
> > (4) conduct that impedes a member's ability to serve impartially and independently;
> >
> > ***(5) unexcused absences from at least three consecutive meetings of the full Commission. Prior notification to the Commission's chairperson of a member's absence from a meeting of the full Commission is considered an excused absence;***
> >
> > (6) failure to complete case review as assigned by the Executive Director;
> >
> > (7) violation of the Code of Ethics of the National Association for Civilian Oversight of Law Enforcement (NACOLE) or the Commission's adopted code of ethics; or
> >
> > ***(8) any other cause that impacts the Commission's effective operations, standing, or independence.***

(d) Upon receipt of a written recommendation by the Commission to remove a member for good cause other than a criminal conviction, as specified in subsection (c) of this section, the Council President must schedule a public hearing of the Council to occur within 60 days following receipt of the recommendation.

(e) If a member voluntarily resigns before a required public hearing of the Council on removal, the member waives their right to the hearing on removal. The Council President may suspend a member's participation on the Commission by written notice to the member, pending a Council hearing on removal.

(f) The Council President may notice a public hearing for Council determination on removal of a member for good cause other than a criminal conviction, as specified in subsection (c) of this section, regardless of whether a recommendation is made by the Commission.

(g) The Council must act, by majority vote, to remove a member if the member does not voluntarily resign.

(Emphasis added)

CPP Bylaws, Article III: Attendance and Removal

Article III sets the in-person attendance requirement, the excused-absence process and the Commission's removal procedure.

Section 2.A. Meeting Attendance

To accomplish the work of the Commission in compliance with all laws, codes and regulations, Commissioners must appear in person at regular and Standing Committee meetings.

Any Commissioner with an unexcused absence from at least three (3) consecutive meetings of the full Commission may be removed from the Commission per Article III, Section 3.B. of these bylaws.

Commissioners may request to be excused from a meeting by contacting the Chair and Executive Director no later than 12 noon on the day of the meeting. An excused absence can be granted by the Chair for the following reasons:

(1.) Illness or incapacity

(2.) Out of Town

(3.) Work/School, but not on a regular basis

(4.) Religious observance

(5.) Extraordinary Circumstances

Section 3. Removal

A. Voluntary Resignation

Any Commissioner may voluntarily resign by submitting their notice of resignation to the Commission Chair and the Executive Director. A Commissioner's written notice of resignation is required by the City Clerk and becomes a matter of public record. Once the notice has been received, the position shall be considered vacant.

B. Removal for Cause

Consistent with Section 26.1106 of the San Diego Municipal Code, a Commissioner may be removed for cause.

The Executive Committee is authorized to investigate allegations against a Commissioner. If the investigation confirms that cause for removal exists, the Commissioner shall be invited to meet with the Executive Committee. The Executive Committee will transmit to the Commissioner a written invitation to meet with the Executive Committee. The written invitation shall include specific notice of the allegations supporting cause for removal and be sent via the City email address of record for the Commissioner with a redundant paper copy sent by the first class mail and provide no less than seven calendar days' notice of the meeting. The Executive Committee shall determine whether to proceed with removal after

1. The meeting is held, or
2. The invitation to the meeting is declined, or
3. No response to the invitation is received.

If the Executive Committee decides to proceed with removal, the matter will be placed on the next Regular Commission Meeting agenda. The Commissioner will be afforded due process. The Commission will then vote on the question of whether the removal proceedings should continue. ***A two-thirds vote is required to cause the Commission to recommend to the City Council that the Commissioner be removed from the Commission.***

Related Bylaw Provisions

These provisions bear on attendance indirectly: quorum, the Executive Committee's role in allegations, and how bylaws are amended.

Article V, Section 5. Voting and Quorum

Only Commissioners can vote on issues before the Commission and must be counted to determine the presence of a quorum.

No formal action can be taken without a quorum. The requirement for a quorum shall be a majority of filled seats on the Commission.

Article VI, Section 2.A. Executive Committee (excerpt)

The Executive Committee has ***continuing jurisdiction over the effective and ethical functioning of the Commission***. [...]

Allegations of impropriety against any Commissioner shall be referred to the Executive Committee. If an allegation involves a member of the Executive Committee, or if a conflict of interest is determined to exist, the Chair (or, if the Chair is implicated, the Commission by majority vote) shall appoint an ad hoc investigative subcommittee. Commissioners not the subject of the allegation. The investigative body (Executive Committee or ad hoc subcommittee) shall make findings and recommendations to the full Commission for final determination.

Article VIII, Section 1. CPP Bylaws (Amendment)

Bylaws describe organizational structure, eligibility requirements of the Commissioners, the terms, responsibilities and powers of the officers, types of meetings, specification of a quorum, identity of standing and ad hoc committees, the duties and responsibilities of each Committee, and identity of a parliamentary authority. Amendment of these Bylaws requires a two-thirds vote of Commissioners at a regularly scheduled Regular Commission meeting. Proposed amendments must be submitted by a Commissioner and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commissioners at least ten days before the meeting where the vote will be taken.

City Code of Conduct for Boards and Commissions (Bylaws Exhibit C), Section C. Attendance

The City's Code of Conduct, attached to the bylaws as Exhibit C, assigns the Executive Director to track CPP absences.

> Members shall attend all open and public meetings of the group unless excused in accordance with applicable bylaws, if any. Except for the Commission on Police Practices and Ethics Commission, members should communicate to the chair or the assigned liaison in advance, if possible, if they will miss a meeting. Meetings that are cancelled at the last minute due to a lack of quorum compromises the credibility of the board or commission and inconveniences members, City staff, and the public. The Executive Director of the Commission on Police Practices will record and track absences of members of the Commission on Police Practices. The Executive Director of the Ethics Commission will record and track absences of members of the Ethics Commission.

Points for Discussion

The Municipal Code and the bylaws define an excused absence differently, and the bylaws make removal discretionary. Points the Executive Committee may wish to consider:

1. **Two standards for an excused absence.** Under SDMC §26.1106(c)(5), any prior notice to the chair makes an absence excused. Under Article III, Section 2.A, the Chair grants excused absences for listed reasons, with notice to the Chair and Executive Director by noon. *For consideration and question for counsel: Must the bylaws be conformed to the Municipal Code or is the additional language in the bylaws sufficient?*
2. **What starts the removal process.** Article III, Section 2.A says a commissioner "may be removed" after three consecutive unexcused absences, but nothing requires the matter to be raised. *For consideration: The Bylaws could be amended such that a third consecutive unexcused absence would be automatically referred to the Executive Committee, with a good-cause exception.*
3. **Which meetings count.** Subsection (c)(5) counts only meetings of the full Commission, while the bylaws also require in-person attendance at Standing Committee meetings. *For consideration: How should committee attendance be addressed in light of (c)(5)?*
4. **The removal vote.** The Municipal Code requires "a two-thirds vote of its members." The bylaws say, "a two-thirds vote." *For consideration: A minor amendment to the bylaws so the bylaws match the Municipal Code wording.*
5. **Attendance reporting.** The Executive Director is responsible for tracking absences. *Discussion: For consideration: should the Executive Committee receive a regular attendance report?*
6. **Patterns that are not consecutive.** Absences that are frequent but not consecutive, or always noticed, fall outside (c)(5). *For consideration: Should the Commission address chronic absence under (c)(8), "any other cause that impacts the Commission's effective operations"?*