



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

# 3

915 I Street, Sacramento, CA 95814-2671

CONSENT

**November 18, 2008**

Honorable Members of the  
Law and Legislation Committee

**Title: Modifying Ordinance Establishing Community Racial Profiling Commission**

**Location/Council District: Citywide**

**Recommendation:** Staff recommends that the Law and Legislation Committee approve and forward to the full City Council the attached modified ordinance changing section 2.110.090 relating to the required frequency of regular meetings of the Community Racial Profiling Commission.

**Contact:** Jim Maccoun, Captain, 808-0417

**Presenters:** Not applicable

**Department:** Police

**Division:** Public Safety Information Technology

**Department No:** 11001381

## **Description/Analysis**

**Issue:** This modification to Ordinance No. 2004-17 would change the minimum frequency of Community Racial Profiling Commission meetings from “not less than once each month” to “not less than once each quarter.”

**Policy Considerations:** Staff recommends the ordinance described above to give Community Racial Profiling Commission members the flexibility to conduct meetings as needed but at least once each quarter.

**Environmental Considerations:** This report concerns administrative issues that will not have any significant effect on the environment, and thus do not constitute a “project” as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines sections 15061(b)(3), 15378(b)(2)].

**Rationale for Recommendation:** The purpose of this modification of Ordinance 2004-017, which established the Community Racial Profiling Commission, is to give Commission members the flexibility to forego a monthly Commission meeting if no agenda items have been scheduled or proposed. Commission meetings would be held "not less than once each quarter" but could potentially be held every month if needed.

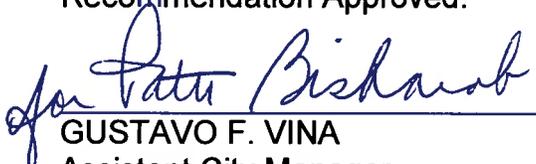
**Financial Considerations:** The proposed revision to Ordinance No. 2004-17 would have negligible fiscal effects. Each Commission member receives a stipend of \$50 for each meeting attended from the Office of the City Manager, and holding fewer meetings would decrease the amount owed to Commission members.

**Emerging Small Business Development (ESBD):** Not applicable.

Respectfully Submitted by:   
James MacCoun, Captain

Approved by:   
Rick Braziel, Chief of Police

Recommendation Approved:

  
GUSTAVO F. VINA  
Assistant City Manager

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**ATTACHMENT 1**

**BACKGROUND INFORMATION**

In July 2000, the Sacramento Police Department undertook a comprehensive study of traffic stops to address perceptions of racial profiling. In March 2004, City Council approved the establishment of a formal advisory commission that would provide the City with a greater opportunity to be inclusive and allow for equitable representation, accountability, and reporting from Sacramento residents in this issue of national importance. In November 2004, City Council confirmed fifteen members of the Community Racial Profiling Commission. The Commission held its first meeting in January 2005.

As established in Section 2.110.090 of Ordinance No. 2004-017 on April 08, 2004, the Commission has been meeting "not less than once each month." At their meeting on May 17, 2007, Commission members discussed requesting that the City Council change Ordinance 2004-17 to require meetings "at least once a quarter" rather than the present "at least once a month." The motion to so request was made, seconded and carried at the Commission meeting on July 19, 2007.

**ATTACHMENT 2**

**ORDINANCE NO. 2004-17**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF April 8, 2004

AN ORDINANCE ADDING CHAPTER 2.110 TO THE  
SACRAMENTO CITY CODE ESTABLISHING THE  
COMMUNITY RACIAL PROFILING COMMISSION

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Chapter 2.110 is added to the Sacramento City Code, to read as follows:

**Chapter 2.110**

**COMMUNITY RACIAL PROFILING COMMISSION**

**2.110.010 Commission established.**

The City of Sacramento Community Racial Profiling Commission is hereby established.

**2.110.020 Definitions.**

As used in this chapter, the following words and phrases shall have the meaning given them in this section, unless the context clearly requires otherwise:

“City” means the City of Sacramento.

“City Council” means the City Council of the City of Sacramento.

“Commission” means the Community Racial Profiling Commission.

“Mayor” means the Mayor of the City of Sacramento.

**2.110.030 Purpose of Commission.**

The Commission is established for the purpose of providing recommendations to the Mayor and City Council concerning racially biased policing.

**2.110.040 Powers and duties of Commission.**

The powers and duties of the Commission shall be as follows:

- A. To serve as an advisory body to the City regarding traffic stop data collection and analysis processes;
- B. To serve as an advisory body to the City regarding traffic stop data collection and analysis interpretation; and,
- C. To provide the Mayor and the City Council with quarterly reports regarding the Sacramento Police Department's traffic stop data collection study on racially biased policing;

**2.110.050 Commission Membership.**

The Commission's membership shall be broadly constituted to reflect the diversity of the residents of the City. The Commission shall be composed of fifteen (15) members appointed by the Mayor with the approval of the City Council, subject to the following requirements:

- A. One member shall be a Deputy Chief of the Sacramento Police Department;
- B. One member shall be a representative of the Office of Police Accountability;
- C. One member shall be a representative of the Sacramento Police Officers' Association;
- D. Four members shall be individuals or representatives of organizations that are qualified by interest or experience to address matters pertaining to racially biased policing.
- E. Eight members shall represent the public at large. The members appointed pursuant to this subsection shall reside in the City of Sacramento, and there shall be one at large member from each of the eight City Council districts.

**2.110.060 Term of Office.**

Members of the Commission shall serve a term of three years. In order to establish staggered terms, the initial appointments of members shall include five members for a one-year term, five members for a two-year term, and five members for a three-year term, as determined by the City Clerk based on the drawing of lots. No member shall serve more than two (2) consecutive terms; provided, however, notwithstanding Section 2.40.120(A), members of the Commission appointed pursuant to Section 2.110.050,

subsections A, B, and C, shall not be subject to a limitation on the number of consecutive terms that may be served. In the event a vacancy occurs during the term of any member, the Mayor shall appoint, with the approval of the City Council, a successor to serve the unexpired term, subject to the requirements set forth in Section 2.110.050. A member shall hold office until his or her successor has been appointed. A successor appointed to complete an unexpired term shall be eligible to serve up to two consecutive terms in addition to the unexpired term.

#### **2.110.070 Conflict of Interest and Financial Disclosure Statements**

The provisions of Article III of Chapter 2.16 of this Code governing conflicts of interest of board and commission members shall apply to members of the Commission. In addition, all appointees to the Commission shall be required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the Commission.

#### **2.110.080 Chairperson and Organization of the Commission**

At its first meeting, and annually thereafter, the Commission shall elect a Commission Chairperson from among the members appointed pursuant to Section 2.110.050, subsections D and E; provided, however, the Chairperson must reside in the City of Sacramento. The Chairperson shall hold office at the pleasure of the Commission. The Vice Chairperson of the Commission shall be the Deputy Chief of the Sacramento Police Department appointed pursuant to Section 2.110.050(A). When there is a vacancy in the office of Chairperson, the Commission shall fill that office from among the members appointed pursuant to Section 2.110.050, subsections D and E. The Commission may adopt rules and procedures for the conduct of its business and may do any other things necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the Commission shall be provided by one or more City employees designated by the Sacramento City Manager.

#### **2.110.090 Commission Meetings**

The Commission shall establish a time and place for regular meetings to be held not less than once each quarter, which shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq). The Commission shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

#### **2.110.100 Quorum; Voting**

The quorum required for the Commission to conduct business shall be eight members. The affirmative vote of a majority of the members present and eligible to vote shall be necessary to approve any item.

#### **2.110.110 Compensation**

Pursuant to City Charter Section 29, the Compensation Commission shall establish the compensation members of the Commission receive for attending Commission meetings.

**2.110.120 General Requirements**

Unless specifically provided otherwise in this chapter, the general requirements set forth in Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits and removal, shall apply to the Commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

DATE PASSED FOR PUBLICATION: March 16, 2004  
DATE ENACTED: April 08, 2004  
DATE EFFECTIVE: May 09, 2004

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MAYOR

ATTEST:

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CITY CLERK

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