



Mark Arapostathis
Mayor

Akilah Weber
Vice Mayor

Kristine Alessio
Councilmember

Bill Baber
Councilmember

Colin Parent
Councilmember

Greg Humora
City Manager

Glenn Sabine
City Attorney

Megan Wiegelman
City Clerk

Eldon Vogt
City Treasurer

City of La Mesa
8130 Allison Avenue
La Mesa, California 91942
Tel: 619.463.6611
Fax: 619.667.1131
www.cityoflamesa.us

LA MESA CITY COUNCIL

AGENDA

**A Special Meeting via
Teleconference**

Thursday, August 13, 2020

6:00 p.m. – 8:00 p.m.

**City Council Chambers
La Mesa City Hall
8130 Allison Avenue
La Mesa, California**

The purpose of a Council meeting is to accomplish the public's business as productively, efficiently and professionally as possible.

La Mesa e-Gov

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Welcome to the La Mesa City Council meeting.

The City of La Mesa is a community working together toward a common goal which includes a safe and healthy environment, state-of-the-art resources and technology, unsurpassed quality of life and an efficient and effectively run government organization.

- ✓ Agenda reports for items on this agenda are available for public review at the City Clerk's Office, 8130 Allison Avenue, and at the La Mesa library reference desk, 8074 Allison Avenue, during normal business hours.
- ✓ Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 8130 Allison Avenue, during normal business hours.
- ✓ As a courtesy to others, **PLEASE TURN OFF, OR PLACE IN SILENT MODE**, all electronic devices while in the Council Chambers.
- ✓ If you wish to speak concerning any item on the agenda, please complete a "Request to Speak" card and submit it to the Council Hostess. When the Mayor calls your name, step to the podium and state your name for the record. In order that all who wish to speak may be heard, it is requested that you limit your presentation to three minutes.
- ✓ Should you wish to speak concerning an item that is not listed on the agenda, you may be heard during that part of the agenda listed as "Public Comments." Please complete a "Request to Speak" card and submit it to the Council Hostess. When the Mayor calls your name, step to the podium and state your name for the record. **NOTE**: If appropriate, the item may be referred to staff or placed on a future agenda.
- ✓ Citizens who wish to make an audio/visual presentation pertaining to an item on the agenda, or during Public Comments, should contact the City Clerk's office at 619.667.1120, no later than 5:00 p.m., the Thursday prior to the meeting day. Advance notification will ensure compatibility with City equipment and allow Council meeting presentations to progress smoothly and in a consistent and equitable manner. **Please note** that all presentations/digital materials are considered part of the maximum time limit provided to speakers.
- ✓ For more specific information about the City Council meetings, please take a *Welcome to Your City of La Mesa City Council Meeting* brochure located at the back of the Council Chambers, or call the City Clerk's office at 619.667.1120.
- ✓ The City of La Mesa encourages the participation of disabled individuals in the services, activities and programs provided by the City. Individuals with disabilities, who require reasonable accommodation in order to participate in the City Council meetings, should contact the City's Americans with Disabilities Act (ADA) Coordinator, Rida Freeman, Director of Administrative Services, 48 hours prior to the meeting at 619.667.1175, fax 619.667.1163, or freeman@cityoflamesa.us.
- ✓ Hearing assisted devices are available for the hearing impaired. A City staff member is available to provide these devices upon entry to City Council meetings, commission meetings or public hearings held in the City Council Chambers. A photo i.d. or signature will be required to secure a device for the meeting.
- ✓ City Council meetings can be viewed live on Cox Cable Channel 24 (within La Mesa City limits) and on AT&T U-Verse Channel 99 (in the San Diego Region). City Council meetings are streamed live on the City's website (www.cityoflamesa.us) and on Facebook Live (www.facebook.com/lamesaca).
- ✓ Information about the services and programs offered by the City of La Mesa can be found on our website at www.cityoflamesa.us.



IMPORTANT NOTICE REGARDING AUGUST 13, 2020 **TOWN HALL MEETING FORMAT IN RESPONSE TO** **COVID-19 PANDEMIC**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The City Council meeting may be viewed live View the meeting on Cox Cable Channel 24 (within La Mesa City limits), AT&T U-Verse Channel 99 (in the San Diego Region), the City's website (www.cityoflamesa.us), Facebook Live (www.facebook.com/lamesaca), or using the following Zoom Webinar options:

The public may view the meeting live using the following remote options:

Teleconference Meeting Webinar

<https://zoom.us/j/99035141890>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 | Webinar ID: 990 3514 1890

Community Members who wish to provide public comment:

1. **EMAIL:** Submit your comment by email to be read aloud at the Town Hall meeting by the City Clerk. Email comments must be submitted to the City Clerk at comments@cityoflamesa.us by 4:00 p.m. the day of the Town Hall meeting and be no more than 300 words. Any language beyond the 300 words shall not be read during the Town Hall meeting. The counting of words, for the purposes of public comment submissions, shall follow the same standards as set forth in Elections Code § 9 (see Attachment A). Please note in your email subject line that this is for "PUBLIC COMMENT". All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Council meeting. Form correspondence of identical content signed by different individuals shall be read aloud only once during the comment period. Immediately prior to the reading of such correspondence, the name of each signatory shall be stated aloud.
2. **ZOOM:** Sign up to speak at https://zoom.us/webinar/register/WN_AlaqNw_RD6nXAKbP0ITzw before or during the meeting. Once you complete and submit the online speaker form, you will receive an email with instructions on how to join the meeting via the Zoom webinar.
3. **IN-PERSON:** At the La Mesa Adult Enrichment Center, 8450 La Mesa Boulevard, La Mesa, California, 91942. Social distancing will be strictly enforced by City personnel at all times. It is strongly encouraged that all attendees wear a facial covering while waiting to speak regarding an agenda item.

State of California**ELECTIONS CODE****Section 9**

9. (a) Counting of words, for purposes of this code, shall be as follows:
- (1) Punctuation is not counted.
 - (2) Each word shall be counted as one word except as specified in this section.
 - (3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
 - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
 - (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (6) Dates shall be counted as one word.
 - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
 - (8) Telephone numbers shall be counted as one word.
 - (9) Internet Web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107.

(Amended by Stats. 2014, Ch. 697, Sec. 3. (SB 1253) Effective January 1, 2015.)

TOWN HALL AGENDA

AUGUST 13, 2020

6:00 – 8:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

TOWN HALL MEETING

A MEETING WITH THE COUNCIL AND THE COMMUNITY TO DISCUSS THE
EVENTS OF MAY 30, 2020

PUBLIC COMMENTS

NOTE: In accordance with state law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take any action on the item at this meeting. If appropriate, the item will be referred to Staff or placed on a future agenda.

ADJOURNMENT

LA MESA

JEWEL OF THE HILLS

A Meeting with the City Council and the Community to
Discuss the Events of May 30, 2020



CITY OF
LA MESA
JEWEL of the HILLS

A Meeting with the City Council and Community to Discuss the Events of May 30, 2020



Agenda

- Message from Mayor and City Council
- Update from Chief Vasquez/City Attorney
- Police Investigations & Disciplinary Process
- After-Action Report/Police Review
- Question and Answer Session



Updates Regarding Leslie Furcron and Amaurie Johnson Police Incidents

Police Investigations & Disciplinary Process



Government Code Section 38630 (a) - *The police department of a city is under the control of the chief of police.*

The City Council has no right, duty, or obligation under California law to direct a police operation such as responding to civil unrest, violence, and property damage related to a protest or assembly.

Police Investigations & Disciplinary Process



- I. **Incident** – An incident occurs involving a La Mesa Police Officer.

- II. **Investigation** - City determines whether to conduct an internal or external administrative investigation.
[Duration: 1 – 2 days]

External Investigation: Typically if incident is controversial, high profile, complex, and to avoid a conflict of interest.

Determination of Internal or External Investigation: City Manager (*La Mesa Municipal Code Section 2.16.120 Investigative Duties – Generally. It shall be the duty of the City Manager, and he shall have the authority, to make investigations into the affairs of the City and any department or division thereof, and any contract or the proper performance of any obligations running to the City.*)

Note: The incident may also be investigated by the District Attorney

Police Investigations & Disciplinary Process



III. Selection of External Investigator [Duration: 3 – 5 days]

Qualifications: Select among qualified pool of investigators

Conflicts: Determine if there are any conflicts with prospective investigator

Prior Work: Determine if investigator had prior contact with City or any of its Departments that could create any bias.

Scope of Work: Define scope of work of investigation

Interview: Conduct interview of investigator

Agreement: Negotiate and execute professional services agreement

Police Investigations & Disciplinary Process



IV. External Investigation [Duration: Generally 3 – 6 months]

The investigator selected, independent of the City will:

- Compile the complete record
- Review records
- Interview relevant witnesses
- Interview actual participants involved in incident, if made available
- Produce written report of findings, determinations, conclusions
- Forward report for legal review
- Finalize report
- Forward Report to Chief of Police for review and potential imposition of discipline

Police Investigations & Disciplinary Process



V. Chief of Police Review of Report and Possible Outcomes [Duration: 3 – 5 days]

No Intent to Discipline: Matter completed

Intent to Discipline: Employee notified by Chief of Police of proposed discipline. Opportunity for employee to request Skelly meeting.

Police Investigations & Disciplinary Process



VI. Pre-Disciplinary Meeting (“Skelly Meeting”) [Duration: Up to 7 days]

California Supreme Court Case: *Skelly v. State Personnel Board (1975)*

Skelly Meeting: Preliminary administrative meeting conducted generally by Department Head. *Skelly* meeting ensures employee receives due process rights – the opportunity to respond -- prior to imposition of any actual disciplinary action.

Notice of Right to Skelly Meeting (contained in *Notice of Intent to Discipline* letter to employee from Department Head): Employee must be notified of right to request Skelly meeting prior to imposition of discipline. Employee has 7 days to request Skelly meeting with Chief of Police (*La Mesa Police Department Rules and Regulations Section 5.0 Disciplinary Policy*).

Scheduling of Skelly Meeting: Once Skelly meeting requested by employee, meeting to be scheduled in a reasonable timeframe by both parties.

VII. Final Notice of Discipline [Duration: Up to 7 days]

Timeframe: Chief of Police has 7 days after Skelly meeting to issue his decision to the employee on the discipline; contained in the *Final Notice of Discipline* letter. Discipline is then implemented.

Police Investigations & Disciplinary Process



VIII. Post-Discipline Appeal: Personnel Appeals Board (PAB)

[Duration: PAB proceedings to hear disciplinary matters may take from 1 – 10 meetings over a period of several months]

- **PAB Definition:** PAB is an evidentiary hearing body that reviews disciplinary appeals, including termination.
- **Composition of PAB:** Appointees by the City Council from a pool of applicants. Five members appointed.
- **Subpoena Powers:** PAB and both parties (City and Appellant) have subpoena powers to call witnesses and produce documents
- **Timeframe to Request PAB Meeting:** Employee has 15 days to request appeal of discipline to City Clerk (*La Mesa Municipal Code Section 3.32.130 Dismissal – Appeal. Any employee so dismissed may, within 15 days of the effective date of action, appeal in writing to the Personnel Appeals Board for a formal review of the facts of the dismissal.*)
- **Scheduling PAB Meetings:** Time consuming due to PAB membership availability.
- **Authority:** The PAB is the final City authority for reviewing disciplinary appeals, which includes power of reinstatement.

Police Investigations & Disciplinary Process



IX. California Superior Court

Appeal of PAB Determination: Within 90-days of PAB's decision, employee may challenge the board's determination in California Superior Court.

- Timeframe of Entire Process (from incident to final determination by PAB): 6 – 12 months

After-Action Report



Independent Review of May 30, 2020

- City Council (Approved Contract August 11, 2020)
- Hillard Heintze
- Four to Six Month Process
- After-Action Report
- Policy Review
- Public Report to City Council

Citizens Public Safety Oversight Task Force



Roles and Responsibilities

1. Research what a Citizen Police Oversight Committee would look like in La Mesa;
 2. What other cities of similar size are doing in regards to citizen police oversight commissions;
 3. The difference between Citizen Police Oversight Commissions in General Law cities and Charter cities;
 4. Solutions that can be achieved under each type of government; and
 5. Draft a policy for City Council consideration.
- Report Due to City Council on September 8, 2020.

Timeline of Events



May 30, 2020: Timeline of Events

<https://www.cityoflamesa.us/Archive.aspx?ADID=9891>

<https://www.cityoflamesa.us/Archive.aspx?ADID=9890>

A Meeting with the City Council and Community to Discuss the Events of May 30, 2020



Moderated Question and Answer Session