Redefining Public Safety

Adopt the Voter’s Ordinance for the Commission on Police Practices

Problem

In accordance with the 2020 Measure B ballot initiative, the Commission on Police Practices (CPP) must be a community-led commission with the authority to provide police oversight in the City of San Diego. Currently, the public does not have direct access to the legal counsel drafting the ordinance. As intended in Measure B, there must be robust community participation in the drafting and implementation of the ordinance.

Recommendation

Adopt the Voter’s Ordinance to establish the Commission on Police Practices. The legal counsel drafting the ordinance should work independently and abstain from collaboration with law enforcement. The City Council must ensure robust community engagement in the process.
The ordinance should:

- Include two youth commissioners (ages 18 - 24)
- Assert the Commission has subpoena power for all investigations; even when a legal proceeding is not yet in motion.
- Grant the CPP access to original source materials during investigations.
- Provide power to the public to nominate Commissioners.
- Ensure the San Diego Police Department and the CPP receive all complaints.
- Maintain that past criminal convictions should NOT be a barrier to serving on the Commission.
The City of San Diego has weaker tenant protections than the state and many other cities in San Diego County. The Tenant Protection Act (TPA), passed into law by Assembly Bill 1482 (AB 1482), enacted a statewide just cause and rent gouging law. The TPA limits rent increases on much of the housing in California to 5% + CPI or 10%, whichever is less. AB 1482 also requires landlords of most housing in California to state one of fifteen reasons for eviction. AB 1482 can be circumvented by some landlords and is not sufficient to protect all tenants. Furthermore, AB 1482 does not apply in cities that passed their own local ordinances before it went into effect on January 1, 2020. Because of this provision, the City of San Diego has weaker protections than the state. The City of San Diego has a “Tenant’s Right To Know” ordinance (TRTK) passed in 2004. The TRTK requires landlords to provide notice of cause of eviction when evicting a tenant who has lived on the premises for at least two years.
The ordinance does not provide for any other specific affirmative defenses to eviction or require a landlord to prove that the reason in their eviction notice is true. The San Diego TRTK ordinance is weaker than statewide tenant protections, and prevents San Diego tenants from accessing the state protections.

**RECOMMENDATION**

Pass a local **tenant protections ordinance** including just cause and anti-harassment provisions to prevent displacement and promote tenant stability.

The just cause provisions prohibit eviction except for certain specified reasons, such as non-payment of rent or breach of the lease. An anti-harassment component can provide further protection by naming specific bad faith conduct by landlord or property managers as unlawful harassment. An anti-harassment ordinance allows tenants to seek court orders to stop the harassment, prescribes penalties against landlords who harass, and awards attorney fees to tenants who prevail in court. Anti-harassment ordinances encourage landlords to provide safe and healthy housing and prevent unsafe situations.
San Diego code enforcement currently follows a reactive model, relying primarily on residents to report possible violations. The reactive model often misses vulnerable renters who may not be knowledgeable about the complaint system, may fear retaliation from their landlords if they complain, and/or who may lack the language skills necessary to navigate a complaint-based system. Many landlords are unaware of their responsibilities to keep the units habitable as well. Undocumented renters may be particularly reluctant to use complaint-based systems because of these barriers. Housing and building code enforcement is imperative to help ensure safety and habitability while preventing adverse health effects from mold, insects, droppings, and other potential risks.
Transition to a proactive code enforcement model with periodic (every 3-4 years) planned habitability checks for every rental home to ensure all San Diegans live in habitable housing.

Provide transparent reporting of enforcement activities in a public rental database that includes rental information such as landlord information, rental unit information, rent price, and code violation history.

Provide education for tenants and landlords regarding what constitutes a code violation, including basic health and safety standards, requirements for fixing issues, and how to report possible violations.

Proactive inspections can lead to earlier identification of code violations and reduce complaints over time. They also help address previously mentioned language, knowledge, and retaliation barriers tenants currently face in the reactive based system. In addition, proactive inspection programs can benefit property owners by helping them become aware of defective conditions before they worsen and by incentivizing preventive maintenance. Similar proactive enforcement models exist in Los Angeles.
The Mission Bay Park Master Plan includes the intent to restore the wetlands. However, after 25 years, wetland restoration is still simply an aspiration. Wetlands are critical to maintaining a balanced, functional, diverse set of habitats and provides the “green infrastructure” necessary to create a climate resilient coast. In addition, the northeast corner of Mission Bay is land that was stolen from Indigenous communities, Kumeyaay (‘Iipay and Tipai), and represents just one example of the unjust and racially-motivated public lands history in San Diego that has displaced indigenous communities and created inequitable access to parks and open space for San Diegans of color.

Support the ReWild Coalition by using the wildest wetland restoration option (one of the options shown to be feasible in the Mission Bay Feasibility Study) as the guide for the ongoing, city-led De Anza Planning Process.
Along with reconnecting the surviving remnant of the bay’s once vast wetlands at Kendall-Frost Marsh Reserve with its fresh water source at Rose Creek, restoration of wetland ecosystems in northeast Mission Bay will also result in:

- Cleaner water in Mission Bay, as wetlands will naturally filter and improve the water quality that enters the bay from Rose Creek and nearby storm drains, resulting in a healthier bay and safer recreation opportunities.
- Increased and equitable public access to recreational amenities at our shared shoreline within Mission Bay Park.
- Greater climate resiliency against rising sea levels.
- A more meaningful and inclusive space for Indigenous Kumeyaay communities to serve as regional stakeholders in land management decisions and reconnect with historic sites along Mission Bay.
- A potential for low-cost and low-impact camping options managed by the city or a contracted vendor.
- Restoration of one of the world’s best mechanisms for sequestering carbon, as salt water marsh wetlands hide carbon even more effectively than old-growth rainforests.
For decades, the San Diego region has failed to prioritize transit. Our public transportation system has a long way to go to be fully accessible and efficient. We need more people on transit to lower our carbon emissions and meet our climate goals. To increase ridership, the transit agencies will need to invest in infrastructure and services. Increasing transit use is key to lowering green-house emissions. The current SANDAG Social Equity Pilot Program provides Youth Opportunity Passes (YOP), no-cost transit for youth ages 18 and under. It is an initiative to promote equal access to opportunity while increasing transit ridership and contributing to lowering GHG emissions. However, SANDAG has only funded the pilot for one year, and the age eligibility leaves out youth 18-24 who need the most financial support, being the age group with the lowest disposable income, but highest propensity to use transit.
The City of San Diego representatives to SANDAG and MTS should vote to secure Youth Opportunity Passes (YOP) as a permanent program and expand the eligible age to 24 and under.

By expanding the program to ages 24 and under, a larger population of young commuters can access the public transit they need to get to school, internships, recreational activities, and other early-career opportunities. YOP is a proven program. Similar programs exist in Alameda County, Los Angeles, Sacramento, San Francisco, and Santa Ana.
Job losses from the COVID-19 pandemic have disproportionately affected low-wage workers, workers with lower levels of education, and workers in communities of color. Given the economic fallout is greater for these individuals, the City should pay greater attention to their economic recovery.

Create a targeted and local hire City jobs program for underemployed populations to provide an alternative pathway to Civil Service careers outside of the City’s traditional path. The program should provide job training and hiring opportunities specifically to individuals in zip codes with higher concentrations of low-income households, currently or formerly homeless individuals, foster & transitional aged youth, formerly incarcerated individuals, and individuals under 60% Area Median Income (AMI). The program will help workers overcome barriers to employment, improve unemployment outcomes, and assist in economic recovery. A similar program exists in Los Angeles.
The City of San Diego Living Wage Ordinance, which applies to city contractors, has now fallen behind and below the state minimum wage. (SD Living Wage rates). Currently, if a City contractor provides health benefits, then the living wage rate is $13.77 per hour. In addition, the policy excludes many contract types (construction, legal, purchase/lease of goods or property, engineering, design, financial, technical, operating, medical, management; banking, and advertising).

Amend the current Living Wage Ordinance to increase wage rates to meet or exceed the Self-Sufficiency Standard while being in compliance with the California minimum wage and update the language and definition of “contract” to include all city contracts (not just service contracts). This policy helps improve wages for workers and prevents the City of San Diego from spending public funds to contract with employers that pay poverty wages and willingly violate labor laws.
Construction permits in San Diego do not require entities to list all contractors and subcontractors working on permitted projects. As such, the City of San Diego does not track which contractors and subcontractors are working in its right-of-way and does not have a reliable incident-accounting system. The construction industry is plagued by multi-layered contracting arrangements. The lead company contracts the work to a firm, that then contracts to a second firm that contracts to yet a third firm. These types of arrangements make it difficult for a city to hold companies accountable and ensure safe conditions for workers and the public. In February 2019, a Verizon subcontractor in San Francisco hit a gas line and caused an explosion. The three-alarm blaze, with over fifty foot flames, burned for hours and caused substantial property damage. Shoddy work performed by contractors and subcontractors can also cause significant strain on city budgets.
Adopt the subcontractor transparency ordinance, which amends the San Diego Municipal Code to ensure that all contractors and subcontractors working in the city are listed on the permits, are properly licensed, professionally certified, and must disclose any state or federal labor violations and penalties paid to a government agency.

For instance, in Sacramento, a city that executed a 5G public-private partnership with Verizon similar to San Diego, in just a seven-month period Verizon contractors caused forty-one utility hits that were reported to the city. An examination of just three incidents showed a combined cost of more than $54,400 relating to water and sewer pipe damage, and required over 208 employee hours.

**RECOMMENDATION**

Adopt the subcontractor transparency ordinance, which amends the San Diego Municipal Code to ensure that all contractors and subcontractors working in the city are listed on the permits, are properly licensed, professionally certified, and must disclose any state or federal labor violations and penalties paid to a government agency.
Traditional budgeting practices do not take enough community voices into account. City budgets are made up of the people’s money, so they should decide how to spend public money.

**RECOMMENDATION**

Develop a Participatory Budgeting pilot program. Participatory Budgeting is a democratic process in which community members decide how to spend part of a public budget. The robust community-centered process uses meetings and online tools for residents to share and discuss ideas for projects. Volunteer “budget delegates” then develop the ideas into feasible proposals and residents vote on the proposals that most serve the community’s needs. Finally, the government or institution funds and implements the winning ideas.
The City budget process lacks robust community engagement and decision-making. There is also a lack of public awareness about the budget process and little public outreach from the City advertising opportunities for San Diego residents to get involved.

Adjust the budget process to educate the public on the budget process, solicit community feedback, and allow for more robust community participation throughout the process.
The process must:

- Release a City-wide survey distributed by each City Council office and advertised in major media outlets to gather budget priorities from community members. A similar survey is distributed in the City of Long Beach.

- Host budget 101 trainings in partnership with Community-based Organizations (CBOs) in each threshold language to educate community members about the budget process and how to participate. Trainings should occur in the Fall before the budget cycle begins to inform the public of the upcoming process. The City should also hold trainings in February ahead of public feedback forums.

- Hold evening public hearings in March, April, and May to allow for increased public participation before the Proposed Budget is released with at least one hearing dedicated to providing feedback to the Mayor directly.

- Ensure materials on the city website are easily accessible and understandable. Produce videos and infographics to aid the public in learning about the City budget process and how to engage (see examples from the City of Long Beach budget site).