

IN THE SUPREME COURT OF FREMONT

In re:

EXECUTIVE ORDER 24

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Case No.

23-__

January 5, 2023

PROPOSED CONSENT DECREE

1. The Parties are the City and County of San Francisco (“San Francisco”) and the Republic of Fremont (“the State”).
2. The Parties share the belief that no statutory or constitutional authority grants the Executive Department an open-ended right to withhold funds lawfully appropriated for the support of municipal operations, and that control of local law enforcement is broadly committed by statute to local leaders.
3. San Francisco agrees to:
 - a. hold the instant action against the State in abeyance while the terms of this Consent Decree are in force; and
 - b. not file any substantially similar legal challenge to Executive Order 24 in a court of the State.
4. The State agrees to:
 - a. permanently suspend the enforcement of Executive Order 24;
 - b. timely disburse all funds allocated by statute or other legislative proceeding to local government units;
 - c. not impede, impound or otherwise retard the disbursement of funds described in subsection b; and

- d. refrain from actions which threaten the statutory autonomy of local government units over the employment of law enforcement officers under their command, or which purport to threaten the termination of the office of any officer of a local government unit without express statutory authority.
5. This Agreement will become effective upon approval and entry as an order of the Court.
6. In the event of ambiguity or inconsistency in any of the terms of this Agreement, it shall be interpreted purposively.
7. This Agreement is enforceable only by the Parties. No third party may purport to enforce any term in this Agreement.
8. Upon the entry of this proposed Consent Decree as an order of the Court, the instant case shall be held in abeyance; provided that the Court will retain its mandate in this case and that either Party may seek remedy in the event of a violation of the terms of this Consent Decree by the other Party.