

RESOLUTION NUMBER R- 313500

DATE OF FINAL PASSAGE APR 26 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPOINTING SHARMAINE MOSELEY AS EXECUTIVE DIRECTOR OF THE COMMISSION ON POLICE PRACTICES ON AN INTERIM BASIS AND ESTABLISHING HER INITIAL ANNUAL COMPENSATION IN THE POSITION.

WHEREAS, on November 3, 2020, City of San Diego (City) voters approved Measure B to establish the Commission on Police Practices (Commission), which supersedes the City's Community Review Board on Police Practices (CRB); and

WHEREAS, Measure B amended the City Charter (Charter) to, among other things, add section 41.2; and

WHEREAS, the Charter amendments set forth in Measure B took effect on December 18, 2020, when the California Secretary of State chaptered them; and

WHEREAS, under Charter section 41.2, the Commission is established as an investigatory body of the City, independent of the Mayor and the Police Department; and

WHEREAS, the Commission has certain mandatory duties and discretionary powers, as described in section 41.2, and the City Council (Council) may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with the Charter and applicable federal and state law; and

WHEREAS, the Council must appoint Commission members, after adopting an ordinance that establishes the number, term length, qualifications, and method for appointing members and that defines the circumstances and process under which the Council determines there is cause for removal of a member of the Commission; and

WHEREAS, Charter section 41.2 provides that the Commission will be composed of members of the CRB serving at the time the section takes effect (interim Commission), until the Council has formally appointed members to the Commission, in accordance with the ordinance described in section 41.2; and

WHEREAS, Charter section 41.2 also provides that the Council must appoint and establish the initial annual compensation for the Commission's Executive Director, who serves at the direction and will of the Commission; and

WHEREAS, on February 10, 2021, the Council's Public Safety and Livable Neighborhoods Committee (Committee) initiated policy discussions related to formal implementation of the Commission; and

WHEREAS, these policy discussions include developing a formal recruitment process for the Commission's Executive Director; and

WHEREAS, on March 10, 2021, the Committee received a recommendation from the interim Commission to appoint Sharmaine Moseley, who has served as the Executive Director of the CRB, to serve as the Executive Director of the Commission during this interim period before the Commission is formally constituted; and

WHEREAS, the Committee voted to support the recommendation and forward it to the Council for consideration; and

WHEREAS, the interim Commission recommended that Ms. Moseley continue to receive the compensation, including her biweekly salary of \$4,719.20 and benefits as an employee in the Unclassified Service, Managerial C, which she earned while the Executive Director of CRB, and the Committee approved that recommendation; and

WHEREAS, the appointment of the Executive Director of the Commission is exclusively within the purview of the Council in accordance with Charter section 41.2, and, therefore, this Resolution is not subject to the Mayor's veto authority, as set forth in Charter section 280(a)(1); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council appoints Sharmaine Moseley to serve as the Executive Director of the Commission during the interim period before the Commission is formally constituted and to continue in this position until her successor is appointed or until the Commission takes action on her continued employment in accordance with Charter section 41.2.

BE IT FURTHER RESOLVED that, in accordance with Charter section 41.2, the Council establishes Ms. Moseley's biweekly salary as \$4,719.20 and her benefits as an employee in the Unclassified Service, Managerial C, as set forth in the Fiscal Year 2021 Salary Ordinance and any related Council actions establishing compensation and benefits.

APPROVED: MARA W. ELLIOTT, City Attorney

By Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:myb
March 25, 2021
Or.Dept: Council District 4
Doc. No.: 2619050

Passed by the Council of The City of San Diego on APR 26 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 26 2021.

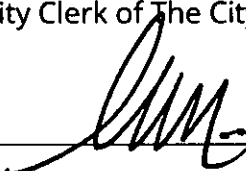
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-_____