

RESOLUTION NUMBER R- **315292**

DATE OF FINAL PASSAGE **DEC 12 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPOINTING DANELL SCARBOROUGH AS
EXECUTIVE DIRECTOR OF THE COMMISSION ON POLICE
PRACTICES ON AN INTERIM BASIS AND ESTABLISHING
HER 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to establish the Commission on Police Practices (Commission), which superseded the City's
Community Review Board on Police Practices; and

WHEREAS, Measure B amended the San Diego 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, 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, the Executive Director's compensation must be consistent with the compensation schedules established by the Council in adopting the annual Salary Ordinance and other applicable laws; and

WHEREAS, by San Diego Ordinance O-21318 (May 19, 2021), codified at San Diego Municipal Code (Municipal Code) section 22.5601, the Council established the Office of the Commission on Police Practices as a City department; and

WHEREAS, under Municipal Code section 22.5601, the Commission's Executive Director serves as the administrative director of the department; and

WHEREAS, the Executive Director also serves as the appointing authority for all personnel in the department; and

WHEREAS, by San Diego Ordinance O-21557 (Oct. 20, 2022), codified at Municipal Code sections 26.1101 through 26.1115, the Council adopted provisions related to implementation of the Commission; and

WHEREAS, by memorandum dated November 29, 2023, to the Council President, Commission Chair Gloria Tran requested that the Council appoint retired City employee Danell Scarborough, EdD, to the position of interim Commission Executive Director to fill the vacancy left when the former interim Commission Executive Director separated from City service in November 2023; and

WHEREAS, during her career with the City, Dr. Scarborough served as the Executive Director of two Mayor- and Council-appointed commissions dedicated to fostering accountability and inclusion across all communities in San Diego, specifically the Community Review Board on Police Practices and the Human Relations Commission; and

WHEREAS, among other accomplishments, Dr. Scarborough facilitated the City's leadership development program, and served as change management lead for the enterprise-wide Enterprise Resource Planning (ERP) implementation, director of administration for the elected City Attorney, manager of the City's organization development and training unit, and project leader for The Diversity Commitment; and

WHEREAS, Dr. Scarborough was also associate director for The Centre for Organization Effectiveness during its creation and earned her doctorate from the University of San Diego in leadership studies, with her dissertation focused on leadership in local government organizations; and

WHEREAS, the Council finds that Dr. Scarborough has the special skills and knowledge needed to serve in the position of interim Commission Executive Director, while the City conducts a search for a full-time successor to the position; and

WHEREAS, as a retired employee, Dr. Scarborough's appointment is considered provisional under Municipal Code sections 23.0806(b) and 24.1001; and

WHEREAS, Municipal Code section 23.0806(b) provides, in pertinent part: "With the approval of the Personnel Director, . . . any person who has retired from the City service may be appointed provisionally to a position requiring special skills or knowledge, as determined by the Appointing Authority, for a period not to exceed 720 hours in any one fiscal year"; and

WHEREAS, further, under Municipal Code section 24.1001(a), provisional appointees, who are retired and returning to City service, are paid an hourly wage, but continue to receive their retirement benefits and do not receive specified other benefits that other employees receive; and

WHEREAS, provisional employees are also entitled to specified sick leave, in accordance with California law and the Council's adopted Salary Ordinance, and protection under the City's workers' compensation program; and

WHEREAS, the Council President has made a recommendation to the Council of an hourly wage rate, based on the salary that was paid to the former interim Executive Director; and

WHEREAS, the Council now wishes to appoint Dr. Scarborough to the position of interim Executive Director of the Commission, under the rules related to provisional appointments, and to establish her hourly wage rate, and the Council requests the assistance of the Personnel Department in facilitating this provisional appointment; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City Staff, with the understanding that this information is complete, true, and accurate; 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 Dr. Danell Scarborough to serve as the interim Executive Director of the Commission while the City conducts a recruitment to identify a successor to the position.

BE IT FURTHER RESOLVED, that in accordance with Charter section 41.2 and Municipal Code sections 22.5601, 23.0806, and 24.1001(a), the Council establishes Dr. Scarborough's hourly wage rate as \$116.85; her other benefits, as a retired, provisional appointee, will be paid in accordance with state law, Municipal Code provisions, and the Council's adopted Salary Ordinance.

BE IT FURTHER RESOLVED, that the Council requests the assistance of the Personnel Department in facilitating any administrative tasks needed to complete this provisional appointment.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:jdf:cm

12/07/2023

12/12/2023 REV.

Or.Dept: Council President

Doc. No. 3499024_2

Passed by the Council of The City of San Diego on DEC 12 2023, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<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 DEC 12 2023

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Krystell Medina, Deputy

Office of the City Clerk, San Diego, California

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