

(R-2024-333)

RESOLUTION NUMBER R- **315326**
DATE OF FINAL PASSAGE **JAN 29 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CREATING AND ESTABLISHING AN AD HOC COMMITTEE TO RECRUIT AND PROVIDE ADVISORY RECOMMENDATIONS TO THE COUNCIL RELATED TO THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE COMMISSION ON POLICE PRACTICES AND DESIGNATING THE LABOR NEGOTIATORS FOR THE APPOINTMENT.

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City of San Diego (City) voters approved Measure B to establish the Commission on Police Practices (Commission), which superseded the City's Community Review Board on Police Practices; and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 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, 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 San Diego Resolutions R-314912, R-314913, R-314914, and R-314915 (May 22, 2023), the Council appointed the members to the various seats on the Commission; and

WHEREAS, by San Diego Resolution R-315292 (Dec. 12, 2023), the Council appointed retired City employee Danell Scarborough 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, as a retired City employee, Interim Commission Executive Director Scarborough's work with the Commission is temporary and limited in time; and

WHEREAS, the Council wishes to conduct the recruitment and appoint the successor to the position of Commission Executive Director; and

WHEREAS, Charter section 43(b) authorizes the Council to create and establish citizens' committees for the purpose of advising on questions with clearly defined objectives, as long as the committees are temporary in nature and are dissolved upon the completion of the objectives for which they were created; and

WHEREAS, the Council wishes to create and establish an Ad Hoc Committee on the Recruitment of the Executive Director of the Commission on Police Practices (Ad Hoc Committee), with members of the Commission serving on it; and

WHEREAS, the Ad Hoc Committee's purpose is to engage in the recruitment of the Commission's Executive Director and provide advisory recommendations to the Council on candidates for appointment; and

WHEREAS, the duties of the Ad Hoc Committee include obtaining input from community members on the skills and qualities desired in the Commission's Executive Director, preparing recruitment-related documents and distributing them, conducting initial interviews with qualified candidates, making a recommendation regarding the final candidate or candidates who should be considered by the Council for appointment, and making any advisory recommendations on best practices related to the Ad Hoc Committee's work for future needs of the City; and

WHEREAS, the Council determines that the Ad Hoc Committee is temporary in nature and will be dissolved upon the appointment of the Commission's Executive Director; and

WHEREAS, the Council wishes to designate two Councilmembers to serve as representatives of the Council on the Ad Hoc Committee, specifically Councilmembers Marni von Wilpert (Council District 5) and Raul Campillo (Council District 7); and

WHEREAS, the Council also wishes to designate Councilmembers von Wilpert and Campillo to serve as the Council's designated labor negotiators, in accordance with California Government Code section 54957.6, for purposes of receiving Council direction and negotiating compensation and other terms and conditions of employment with the Council's appointee for the position of Commission Executive Director, who will be an unrepresented City employee, in the City's unclassified service; and

WHEREAS, the Council also wishes to appoint the following members of the Commission to serve on the Ad Hoc Committee: Dennis Brown, Darlann Hctor Mulmat, Clovis Honore, and James Justus; these citizen members will serve without compensation, in accordance with Charter section 43(b); and

WHEREAS, the Council requests that the Ad Hoc Committee report back to the Council, as needed, for the Council to make the appointment in accordance with applicable laws, including the Charter, San Diego Municipal Code, City personnel rules and regulations, and the Ralph M. Brown Act; and

WHEREAS, the Council also requests the administrative assistance and support of Interim Executive Director Scarborough and the City's Personnel and Human Resources Departments to ensure that the recruitment and appointment are conducted in accordance with applicable laws and existing City practices and procedures; 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 recruitment and appointment of the Commission's Executive Director are 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, as follows:

1. The Council establishes the Ad Hoc Committee to conduct the recruitment for the Commission's Executive Director and provide advisory recommendations to the Council on a final candidate or candidates to be considered for appointment. The Council determines that the Ad Hoc Committee is temporary in nature and will be dissolved upon the appointment of the Commission's Executive Director.
2. The Council designates Councilmembers von Wilpert and Campillo to serve as representatives of the Council on the Ad Hoc Committee.
3. The Council designates Councilmembers von Wilpert and Campillo to serve as the Council's labor negotiators, in accordance with California Government Code section 54957.6, for purposes of receiving Council direction and negotiating compensation and other terms and conditions of employment with the Council's appointee to the position of Commission Executive Director, who will be an unrepresented City employee, in the City's unclassified service.
4. The Council appoints the following Commission members to serve on the Ad Hoc Committee: Dennis Brown, Darlanne Hctor Mulmat, Clovis Honore, and James Justus.

5. The Council requests that the City's Personnel Department, Human Resources Department, and the Commission's Interim Executive Director Scarborough provide administrative assistance and support for the Ad Hoc Committee.

APPROVED: MARA W. ELLIOTT, City Attorney

By Thomas J. Madry for
Joan F. Dawson
Senior Deputy City Attorney

JFD:cm
Or.Dept: Council President
Doc. No. 3540083

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 29 2024.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

JAN 29 2024

Passed by the Council of The City of San Diego on _____, 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"/>

JAN 29 2024

Date of final passage _____.

(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 Kayshell Medina, Deputy

Office of the City Clerk, San Diego, California

315326

Resolution Number R-_____