

RESOLUTION NUMBER R- 316162
DATE OF FINAL PASSAGE APR 15 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPOINTING BART MIESFELD TO THE
POSITION OF EXECUTIVE DIRECTOR OF THE
COMMISSION ON POLICE PRACTICES ON AN INTERIM
BASIS AND ESTABLISHING HIS COMPENSATION IN THE
POSITION.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. 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City of San Diego (City) voters approved Measure B to establish the Commission on Police Practices (Commission), which superseded the City's Community Review Board on Police Practices. Measure B amended the San Diego City Charter (Charter) to, among other things, add section 41.2. The Charter amendments approved by Measure B took effect on December 18, 2020, when the California Secretary of State chaptered them.
- B. Under Charter section 41.2, the Commission is established as an investigatory body of the City, independent of the Mayor and the Police Department. The Commission has certain mandatory duties and discretionary powers, as described in section 41.2, and the Council may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with the Charter and applicable federal and state laws.
- C. 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. 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.

D. 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. Under Municipal Code section 22.5601, the Commission's Executive Director serves as the administrative director of the department. The Executive Director also serves as the appointing authority for all personnel in the department.

E. 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.

F. By San Diego Resolution R-315326 (Jan. 29, 2024), the Council created and established an Ad Hoc Committee to recruit and provide advisory recommendations to the Council related to the appointment of the Executive Director of the Commission, following the separation from City service of the former Interim Commission Executive Director in November 2023. In this action, the Council also designated 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 to the position of the Commission's Executive Director, who will be an unrepresented City employee, in the City's Unclassified Service.

G. By San Diego Resolution R-315647 (June 25, 2024), the Council appointed Paul Parker to serve as the Commission's Executive Director; he served until his voluntary resignation from the position and the City in December 2024.

H. The vacancy in the Executive Director position has created operational challenges for the work of the Commission, and, upon the recommendation of Council President LaCava, the Council wishes to appoint an existing City employee to the position of Executive Director to perform the duties of the position while the Council conducts a recruitment process for the successor to Mr. Parker.

I. On January 28, 2025, attorney Bart Miesfeld started work as a City employee, assuming the position of General Counsel of the Commission. The Council now wishes to appoint Mr. Miesfeld to the position of Executive Director of the Commission, to serve on an interim basis, starting upon the effective date of this Council action and continuing for the period of time necessary to allow the Council to recruit and appoint a successor to the position. The Council's intent is that Mr. Miesfeld will return to his position of General Counsel of the Commission upon the appointment of the Executive Director after the recruitment process. The Council also wishes to establish Mr. Miesfeld's initial salary in the position of Executive Director, on an interim basis, as \$216,091 annually, which is \$8,311.20, biweekly. For purposes of his benefits, Mr. Miesfeld will be moved from the category of Professional Legal to Managerial C in the Unclassified Service for that period of time he serves as Executive Director, on an interim basis.

J. The Council also wishes to commend Mr. Miesfeld for his exceptional work on behalf of the Commission in the absence of an Executive Director, by awarding him, as part of his appointment to the Executive Director position, 24 hours of discretionary leave to be used within one year of the effective date of this Resolution and an exceptional merit (non-pensionable) cash payment of \$1,000.

K. 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.

L. The Council's appointment of the Commission's Executive Director and the establishment of the initial annual compensation 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).

ACTION ITEMS

BE IT RESOLVED, by the Council of the City of San Diego:


1. In accordance with Charter section 41.2, the Council appoints Bart Miesfeld to serve as Executive Director of the Commission, upon the effective date of this Resolution, for the interim period of time necessary to allow the Council to recruit and appoint a successor to the position. The Council acknowledges that Mr. Miesfeld is presently a City employee in the position of General Counsel to the Commission, and the Council intends Mr. Miesfeld's assignment to the Executive Director position to be temporary, allowing him to return to the General Counsel position upon completion of the Council's recruitment process for the successor Executive Director.

2. In accordance with Charter section 41.2, the Council establishes Mr. Miesfeld's annual salary as Executive Director of the Commission, as \$216,091, which is \$8,311.20, biweekly. His benefits in the position of Executive Director are under the category of Managerial C, in the City's Unclassified Service, as established in the Council's Fiscal Year 2025 Salary Ordinance, at San Diego Ordinance O-21794 (Apr. 22, 2024), and any related Council actions establishing compensation and benefits for unclassified, unrepresented employees in the future. Upon Mr. Miesfeld's return to the position of General Counsel, he will have the salary and benefits consistent with the classification of General Counsel under the category of Professional

Legal, as established in the Council's applicable, adopted Salary Ordinance. Mr. Miesfeld's appointing authority will be the successor to the Executive Director position.

3. The Council also wishes to commend Mr. Miesfeld for his exceptional work on behalf of the Commission in the absence of an Executive Director, by awarding him, as part of his appointment to the Executive Director position, 24 hours of discretionary leave to be used within one year of the effective date of this Resolution and an exceptional merit (non-pensionable) cash payment of \$1,000.

APPROVED: HEATHER FERBERT, City Attorney

By 
Joan F. Dawson
Senior Deputy City Attorney

JFD:cm
February 6, 2025
Or.Dept: Council President
Doc. No. 3951325

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of APR 15 2025.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

APR 15 2025

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"/>
Henry L. Foster III	<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"/>
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"/>

APR 15 2025

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 Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California

316162

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