



## Legislation Text

---

**File #:** 2018-0054, **Version:** 1

---

**DATE:** April 10, 2018

**SUBJECT:**

### **RESOLUTION CONFIRMING EXECUTIVE DIRECTOR (PRESIDENT/CEO) APPOINTMENT OF DONNA MORALES AS DISTRICT CLERK**

#### **EXECUTIVE SUMMARY:**

Pursuant to the San Diego Port District Act, the Executive Director (President/CEO) is authorized to appoint a District Clerk. As an Officer of the District, this appointment is subject to confirmation by the Board of Port Commissioners (Board).

#### **RECOMMENDATION:**

Adopt a Resolution confirming the Executive Director (President/CEO) appointment of Donna Morales as District Clerk.

#### **FISCAL IMPACT:**

The salary and benefits for the District Clerk has been budgeted and is included in the 2017/2018 Operating Budget.

#### **COMPASS STRATEGIC GOALS:**

This agenda item is part of the reporting system to promote transparency and open communication with the community and supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.

#### **DISCUSSION:**

Donna Morales was appointed and sworn in to the position of District Clerk on January 2, 2018. At that time, Ms. Morales' appointment as an officer of the District was not confirmed by the Board. To correct this oversight, staff requests the Board to now confirm the appointment of Ms. Morales to District Clerk.

As defined in the San Diego Unified Port District Act (Port Act) Section 72 - District Officers, Board confirmation is required for all District Officers appointed by the Executive Director (President/CEO). Per the Port Act, "the Officers of the District shall be as follows:

- (a) An auditor.
- (b) An executive director.
- (c) An attorney.
- (d) A clerk.
- (e) A treasurer.
- (f) A chief engineer.

Staff requests that the Board confirm the appointment of Donna Morales as District Clerk.

**General Counsel's Comments:**

The Office of the General Counsel has reviewed the issues set forth in this agenda and found no legal concerns as presented.

**Environmental Review:**

The proposed Board action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action complies with Section 30 of the Port Act, which allows for the Board to manage the business of the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

Michelle Corbin  
Director, Human Resources