

53

ORDINANCE NUMBER O- 19896 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 11 2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO EXEMPTING THE POSITION OF PRINCIPAL ACCOUNTANT IN THE OFFICE OF THE COMPTROLLER FROM THE CLASSIFIED SERVICE OF THE CITY OF SAN DIEGO.

WHEREAS, on June 4, 2009, the Civil Service Commission of the City of San Diego reviewed a request from the Office of the Comptroller to exempt a Principal Accountant position from the Classified Service of the City of San Diego; and

WHEREAS, this position will be responsible for managing internal controls; conducting complex accounting and financial audits; developing and implementing departmental policies; supervising professional accounting staff and ensuring the City complies with accounting policies; and

WHEREAS, San Diego Charter section 117 states that the Unclassified Service shall include “[m]anagerial employees having significant responsibilities for formulating or administering departmental policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and the approval of the City Council”; and

WHEREAS, upon review of the duties and responsibilities of the Principal Accountant position, as provided by the Office of the Comptroller, the Civil Service Commission found that the justification for the position to be placed in the Unclassified Service meets the intent of San Diego Charter section 117; and

WHEREAS, the finding of the Civil Service Commission is set forth in a memorandum, dated June 8, 2009, prepared on behalf of the Civil Service Commission by Hadi Dehghani,

Personnel Director, to the Honorable City Council President and City Council; NOW,
THEREFORE,

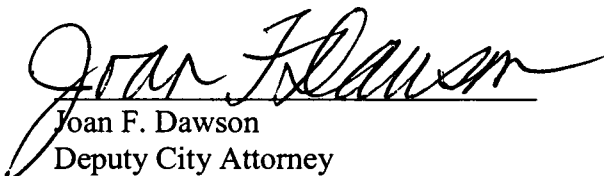
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That pursuant to San Diego Charter section 117(a)(17), after having been reviewed on June 4, 2009 and commented upon favorably by the Civil Service Commission, as meeting the San Diego Charter criteria for exemption from the Classified Service, and after having considered and reviewed the finding of the Civil Service Commission, as set forth in the Memorandum to the Council President and City Council, from Hadi Dehghani, Personnel Director, on behalf of the Civil Service Commission, dated June 8, 2009, attached hereto as Attachment A and fully incorporated herein, the position of Principal Accountant in the Office of the Comptroller shall be and is hereby exempted from the Classified Service and declared to be in the Unclassified Service of the City of San Diego.

Section 2. That a full reading of the ordinance is dispensed with prior to its final passage, since a written or printed copy has been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

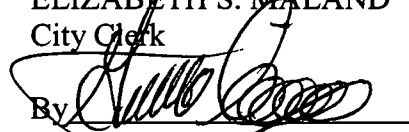
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:cfq
07/14/09
Or.Dept:Comptroller
O-2010-5
MMS#9910

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 01 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-11-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: June 8, 2009

TO: Honorable Council President and City Council

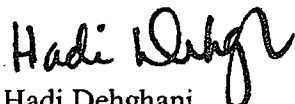
FROM: Hadi Dehghani, Personnel Director

SUBJECT: Exemption of a Principal Accountant position from the Classified Service

On June 4, 2009, the Civil Service Commission reviewed a request from the Office of the Comptroller to exempt a Principal Accountant position from the Classified Service. This position will be responsible for managing internal controls; conducting complex accounting and financial audits; developing and implementing departmental policies; supervising professional accounting staff and ensuring the City complies with accounting policies.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

Upon review of the duties and responsibilities of this position, the Commission finds that it meets the intent of Charter Section 117. If additional information would be of assistance in your consideration of this matter, staff is available to respond with details as necessary.


Hadi Dehghani
Personnel Director

HD:DE:bg
L:\Services\Class\Exempt Principal Accountant Office of the Comptroller to City Council 6-8-09.doc

"ATTACHMENT A"

19896

Passed by the Council of The City of San Diego on SEP 1 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 11 2009

AUTHENTICATED BY: JERRY SANDERS
Mayor of The City of San Diego, California.

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

By *Devenson Cruz*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 28 2009

, and on SEP 11 2009

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

By *Devenson Cruz*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 19896

#52
9/1/09

CERTIFICATE OF PUBLICATION

RECEIVED
CLERK'S OFFICE

09 SEP 21 AM 11:02

SAN DIEGO, CALIF.

Karen Crenshaw
City of San Diego/Clerk's Office
202 C Street, MS 2A
SAN DIEGO CA 92101

IN THE MATTER OF

CASE NO.

Ord. No. O-19895 (New Series)

CITY OF SAN DIEGO
CITY ATTORNEY DIGEST
ORDINANCE NUMBER O-19895(NEW SERIES)

DATE OF FINAL PASSAGE September 11, 2009
AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE TO ADD SECTION 22.0711 ESTABLISHING CRIMINAL PENALTIES FOR THE IMPROPER INFLUENCE OF THE CITY'S OUTSIDE PROFESSIONALS AND FOR OBSTRUCTING THE CITY AUDITOR

This Ordinance amends Chapter 2, Article 2, Division 7 of the San Diego Municipal Code to add criminal penalties for the improper influence of professionals who serve as "gatekeepers" to the public financial reporting process of the City. This ordinance will make it unlawful for any elected official, officer, or employee of the City to improperly influence, coerce, manipulate, or mislead any independent certified public accountant engaged in the performance of an audit of the City's financial statements or any other professional required to review the City's financial information and provide a report of any findings. It will also make it unlawful for any elected official, officer or employee of the City to take any action to coerce, manipulate, mislead or fraudulently influence the City Auditor or any member of his or her staff.

In order to protect employees or representatives of the City, this ordinance will make it unlawful for any elected official, officer or employee of the City to attempt to punish individuals for reporting illegal activities or assisting in the investigation thereof.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Introduced on June 22, 2009

Re-introduced on July 27, 2009.

Passed by the Council of the City of San Diego on September 1, 2009.

Date of Final Passage: September 11, 2009.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

Pub. September 18-00063265

I, Jacqueline R. Burnett, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

Ordinance

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

September 18

I certify under penalty of perjury that the forgoing is true and correct.

Dated at San Diego, California this September 18, 2009


Signature

4 x 3 1/4 x 1 = 38.00