

(R-2021-219) #330
11/10

RESOLUTION NUMBER R- 313299

DATE OF FINAL PASSAGE NOV 10 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPOINTING ANDY HANAU AS THE CITY AUDITOR AND DETERMINING HIS INITIAL, ANNUAL COMPENSATION IN THE POSITION, IN ACCORDANCE WITH SAN DIEGO CHARTER SECTIONS 39.1 AND 39.2.

WHEREAS, San Diego Charter (Charter) section 39.2, adopted by City of San Diego (City) voters on June 3, 2008 and amended by City voters on March 3, 2020, provides that the City Auditor is appointed by the City Council (Council), from candidates identified by the City's Audit Committee; and

WHEREAS, the City Auditor must be a certified public accountant or certified internal auditor, and is appointed for a five-year term and may be reappointed by the Council for a second five-year term, upon the City Auditor's application and a favorable recommendation from the Audit Committee; and

WHEREAS, Charter section 39.1, adopted by City voters on June 3, 2008 and amended by City voters on November 6, 2018 and again on March 3, 2020, requires the Audit Committee to evaluate applicants for the position of City Auditor and recommend to the Council no fewer than three qualified candidates for consideration, based on the minimum qualifications set forth in the Charter and other criteria determined by the Audit Committee; and

WHEREAS, Charter section 39.1 also requires the Audit Committee to recommend to the Council the annual compensation of the City Auditor for determination by the Council; annual compensation includes initial, annual compensation; and

WHEREAS, the Charter allows the Audit Committee to use staff from the Office of the Independent Budget Analyst and to employ expert consultants, in accordance with City contracting rules, to assist in the process of evaluating City Auditor applicants; and

WHEREAS, on April 14, 2009, the Council confirmed the appointment of the City's first independent Auditor Eduardo Luna, who resigned as Auditor, effective September 28, 2018, to pursue a new employment opportunity; and

WHEREAS, by San Diego Resolution R-311979 (Sept. 25, 2018), the Council confirmed the appointment of Kyle Elser, as Interim City Auditor, to serve until Mr. Luna's successor is appointed; and

WHEREAS, on June 17, 2020, following City voters' approval of the March 2020 amendments to Charter sections 39.1 and 39.2, the Audit Committee directed the Independent Budget Analyst to work with other, appropriate City departments to begin the City Auditor recruitment process; and

WHEREAS, on September 30, 2020, the Audit Committee recommended three candidates for the position of City Auditor to replace Mr. Luna and Mr. Elser, for consideration by the Council; and

WHEREAS, on September 30, 2020, as required by the Charter, the Audit Committee also recommended a compensation range of \$190,000 to \$239,000, for consideration by the Council in determining the initial, annual compensation for the new City Auditor; and

WHEREAS, on October 20, 2020, in accordance with the Ralph M. Brown Act (Brown Act), and specifically California Government Code section 54957.6, the Council designated Councilmember Scott Sherman, Independent Budget Analyst Andrea Tevlin, and Lisa Byrne, Fiscal and Policy Analyst in the Office of the Independent Budget Analyst, as its negotiation

team to act on behalf of and with instructions from the Council, in any necessary labor negotiations required in the appointment of the City Auditor; and

WHEREAS, on October 26, 2020, in a Special Closed Session Meeting of the Council, in accordance with the Brown Act, and specifically California Government Code sections 54957 and 54957.6(a), the Council interviewed the three candidates and instructed Councilmember Sherman to negotiate the employment and compensation of one candidate, Andy Hanau, for final determination by the Council in an open session meeting; and

WHEREAS, as specified in the Charter and described in this Resolution, the City Auditor is appointed by the Council, which also determines the City Auditor's compensation, including initial, annual compensation; and

WHEREAS, the City Auditor is a City employee in the unclassified service, in accordance with the Charter, including Charter section 117, and is not represented by one of the City's recognized employee organizations; and

WHEREAS, the City Auditor is designated as Executive IV in the Fiscal Year 2021 Salary Ordinance (San Diego Ordinance O-21191), approved by the Council on May 19, 2020, and the City Auditor is entitled to all approved terms and conditions of employment for unclassified employees in the Executive IV group, as set forth in the Fiscal Year 2021 Salary Ordinance and as provided by applicable law; and

WHEREAS, the Council now wishes to appoint the next City Auditor and make its final determination of initial, annual compensation; and

WHEREAS, in accordance with Charter section 280(a)(6), this action of the Council is not subject to the Mayor's veto power, which does not extend to the appointment of the City Auditor.

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council appoints Andy Hanau to serve as the City Auditor for a five-year term, starting upon the day of this appointment, in accordance with Charter sections 39.1 and 39.2, and establishes his initial, compensation in the position as \$215,000, with all other terms and conditions of employment, including retirement benefits, annual and other compensated leaves of absence, flexible benefits, and car allowance, to be consistent with the previously adopted Fiscal Year 2021 Salary Ordinance (San Diego Ordinance O-21191) and other applicable law.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:jvg
10/30/20
Or.Dept: Independent Budget Analyst
CC No. N/A
Doc. No.:2513844

Passed by the Council of The City of San Diego on NOV 10 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 10 2020

(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: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By *Stacy Ready*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313299