

RESOLUTION NUMBER R- 316155

DATE OF FINAL PASSAGE APR 15 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REAPPOINTING STEWART HALPERN AS A PUBLIC MEMBER TO THE AUDIT COMMITTEE IN ACCORDANCE WITH SAN DIEGO CHARTER SECTION 39.1.

RECITALS

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

A. San Diego Charter (Charter) section 39.1 requires the City of San Diego (City) to establish an Audit Committee to oversee the City’s auditing, internal controls, and other financial and business practices. The Audit Committee is responsible for directing and reviewing the work of the City Auditor, and the City Auditor reports directly to the Audit Committee. The Audit Committee also recommends the City Auditor’s annual compensation and the annual budget of the Office of the City Auditor to the Council, and is responsible for the City Auditor’s annual performance review. The Audit Committee further recommends the retention of the City’s outside audit firm and monitors that engagement. The duties, responsibilities, and activities of the Audit Committee are codified in San Diego Municipal Code sections 26.1701 through 26.1711.

B. The Audit Committee is an independent body composed of five members: two are Councilmembers appointed by the Council and three are public members also appointed by the Council. Public members of the Audit Committee serve for terms of four years and until their successors have been appointed and qualified, and are limited to serving two full consecutive terms, with one term intervening before they are eligible to serve again. Public members must possess the independence, experience, and technical expertise necessary to carry out the duties of the Audit Committee, including knowledge of accounting, auditing, and financial reporting. The

minimum professional standards for public members must include at least 10 years of experience as a certified public accountant or as a certified internal auditor, or 10 years of other professional financial or legal experience in audit management.

C. In accordance with Charter section 39.1, public members of the Audit Committee must be appointed by the Council from a pool of at least two candidates for each vacant position, to be recommended by a majority vote of a screening committee composed of the Councilmember who chairs the Audit Committee, the Independent Budget Analyst (IBA), and two outside financial experts confirmed by the Council. The Council may waive this requirement when a sitting incumbent public member of the Audit Committee applies and is eligible for reappointment.

D. Charter section 39.1 further provides that the appointment of public members must be made so that no more than one public member's term of office expires in any one year.

E. In appointing public members to the Audit Committee, the Council wishes to ensure that the interests of City taxpayers and citizens are protected by selecting individuals who will properly manage the City's confidential and proprietary information, including financial and technical information, received as part of the Audit Committee's oversight duties. The Council also wishes to appoint public members who are free of convictions for crimes involving dishonesty or moral turpitude, as defined by California law, include crimes in which dishonesty is an element or which indicate a general readiness to do evil from which dishonesty can be inferred.

F. The Council, therefore, authorizes post-appointment and reappointment reviews of an appointee's criminal history information consistent with applicable laws. The Council requests that the IBA or designee work with the Personnel Department, or any other necessary

administrative City staff, to complete a criminal history background check, upon the appointment or reappointment of a public member to the Audit Committee. If information emerges through that criminal history background process that requires the Council's attention, the Council directs the IBA to return to the Council, via the Office of the Council President, for resolution of the matter.

G. Upon completion of the background process, the appointee is to be directed to the City Clerk for the oath of office and other required administrative actions.

H. On April 10, 2019, Stewart Halpern was determined by the screening committee to be qualified to serve as a public member of the Audit Committee. Mr. Halpern was appointed to an initial four-year term on May 20, 2019, by San Diego Resolution R-312465, to the term ending on January 5, 2023. As permitted by Charter section 39.1, Mr. Halpern has continued to serve, awaiting either reappointment or the appointment of a qualified successor.

I. Mr. Halpern has expressed the desire to be reappointed to a second four-year term as a public member of the Audit Committee. There are currently no known conflicts of interests or other considerations that would prevent Mr. Halpern's reappointment. If reappointed, the Personnel Department, or any other necessary administrative City staff, will complete a criminal history background check of Mr. Halpern.

J. On January 30, 2023, the Council adopted San Diego Resolution R-314590, directing the IBA to bring forward a proposed Council action for Mr. Halpern's reappointment to the Audit Committee without a competitive process.

K. The Office of the City Attorney prepared this Resolution based on information provided by the IBA, with the understanding that this information is complete and accurate.

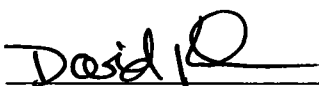
L. Under Charter section 280(a)(1), this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the Council and does not affect the administrative service of the City under the control of the Mayor.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council waives the requirement that public members of the Audit Committee be appointed from a pool of at least two candidates because Mr. Halpern is a sitting incumbent public member, who has applied and is eligible for reappointment to the Audit Committee.
2. The Council reappoints Mr. Halpern as a public member of the Audit Committee to the term ending January 5, 2027, with the reappointment subject to completion of the post-reappointment process including completion of a criminal history background check.
3. The IBA is directed to work with the Personnel Department, or other necessary administrative City staff, to complete a criminal history background check on Mr. Halpern and to return to the Council, via the Office of the Council President, if convictions for crimes involving dishonesty or moral turpitude are discovered.

APPROVED: HEATHER FERBERT, City Attorney

By   
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David J. Karlin  
Senior Deputy City Attorney

DJK:cm  
March 18, 2025  
Or.Dept: IBA  
Doc. No. 4004031

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on  
APR 15 2025

DIANA J.S. FUENTES  
City Clerk

By *Kristell Medina*  
Deputy City Clerk

Passed by the Council of The City of San Diego on APR 15 2025, 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"/>

Date of final passage APR 15 2025.

**(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 *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California  
  
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