

RESOLUTION NUMBER R- 313993

DATE OF FINAL PASSAGE APR 04 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPOINTING CHARLES MODICA TO SERVE
AS THE INDEPENDENT BUDGET ANALYST AND SETTING
INITIAL ANNUAL SALARY IN THE POSITION.

WHEREAS, San Diego Charter (Charter) section 39.3 provides that the San Diego City Council (Council) shall appoint the Independent Budget Analyst (IBA) of the City of San Diego (City); and

WHEREAS, the Council conducted a nationwide recruitment to fill the currently vacant IBA position; and

WHEREAS, the qualifications and responsibilities of the IBA are described in Charter section 39.3, San Diego Municipal Code (Municipal Code) section 22.2303, and City Attorney Miscellaneous Memorandum 2020-27 dated December 10, 2021, as well as in ballot materials creating this function; and

WHEREAS, the Council accepted input from City constituents at open public meetings concerning their suggestions for an IBA; and

WHEREAS, the Council has publicly expressed its desire to employ an apolitical IBA who builds relationships and trust with San Diego communities, increases transparency and access to government, and amplifies the voices of the Council on legislative and budgetary matters within their purview; and

WHEREAS, the Council also expressed a strong interest in retaining an IBA who will provide unbiased and data-driven information that will assist in making equitable decisions that elevate all San Diego communities; and

WHEREAS, the Council seeks to build upon the success of its former IBA by reaffirming its interest in growing the office of the IBA, so that it may be better resourced to issue spot, hire outside consultants with specific expertise as appropriate, and support the Council in achieving its policy priorities and serving constituents; and

WHEREAS, on March 7, 2022, the Council met in a closed session meeting to evaluate and consider the appointment of a candidate for the IBA position, as permitted by California Government Code section 54957(b)(1); and

WHEREAS, on March 8, 2022, the Council designated Julie Rasco, the Director of the Human Resources Department, as the Council's representative for purposes of any labor negotiations required in the appointment of the IBA, as permitted by California Government Code section 54957.6(a); and

WHEREAS, the Council President recommends that the Council appoint Charles Modica as the IBA; and

WHEREAS, within six months from adoption of this resolution, the Council will meet in a closed session meeting to evaluate the performance of the IBA, as permitted by California Government Code section 54957(b)(1); and

WHEREAS, in five years from adoption of this resolution, the Council will meet in a closed session meeting to consider the continued appointment of this IBA, as permitted by California Government Code section 54957(b)(1); and

WHEREAS, nothing contained in this resolution limits the Council's authority to evaluate the performance or continued appointment of the IBA at any time; and

WHEREAS, the Council may remove the IBA from office by a majority vote of the Council at any time, with or without cause, as permitted by Charter section 39.3 and Municipal Code section 22.2302; and

WHEREAS, 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 not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council appoints Charles Modica to serve as the IBA, sets initial annual salary in the IBA position at \$220,000, and authorizes all benefits afforded to the IBA position as set forth in the Fiscal Year 2022 Salary Ordinance, with the appointment to take effect upon adoption of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Miguel Merrell
Miguel Merrell
Deputy City Attorney

MM:jvg
3/17/22
3/29/22 COR. COPY
Or.Dept: District 9
CC No. N/A
Doc. No.: 2920024_2

Passed by the Council of The City of San Diego on APR 04 2022, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<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 04 2022.

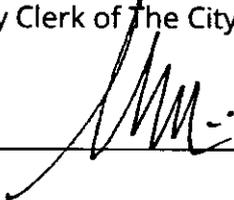
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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