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*(Amendment voted 03-03-2020; effective 05-24-2020)*

[Prior Language](#)

### **Section 39.2: Office of City Auditor**

The City Auditor must be appointed by the City Council, from those candidates identified by the Audit Committee, in accordance with the process set forth in section 39.1 of this Charter. The City Auditor must be a certified public accountant or certified internal auditor. The City Auditor is appointed for a term of five years. The City Council may reappoint the City Auditor to a second five-year term without considering other candidates, upon the City Auditor's application and a favorable recommendation from the Audit Committee. The City Auditor is limited to serving two full five-year terms or ten years in total. The City Auditor reports to and is accountable to the Audit Committee. Upon the recommendation of the Audit Committee, the City Auditor may be removed for cause by a vote of two-thirds of the members of the City Council. If the City Auditor vacates the office for any reason before the end of the City Auditor's term, then the principal assistant to the City Auditor will serve as interim City Auditor, if the principal assistant to the City Auditor is eligible to serve and is confirmed by the City Council. If the principal assistant is not eligible to serve or is not confirmed by the City Council, then the City Council may adopt procedures to fill the vacancy on an interim basis. An interim City Auditor may serve for that period of time necessary to complete a formal recruitment and appoint a successor City Auditor. An interim City Auditor may apply to serve as the City Auditor and, if appointed, may serve a full five-year term, with the opportunity to serve a second full five-year term, in accordance with this section. The City Auditor serves as the appointing authority of all City personnel authorized in the department through the normal annual budget and appropriation process of the City, and subject to the Civil Service provisions of this Charter.

The City Auditor must prepare annually an Audit Plan and conduct audits in accordance therewith and perform such other duties as may be required by ordinance or as provided by the Constitution and general laws of the State. The City Auditor must follow Government Auditing Standards. The City Auditor must have access to, and authority to examine any and all records, documents, systems and files of the City and other property of any City department, office, or agency, whether created by the Charter or otherwise. It is the duty of any officer, employee, or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the City Auditor or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with the City Auditor, and to make full disclosure of all pertinent information. The City Auditor may investigate any material claim of financial fraud, waste, or impropriety within any City department and for that purpose may summon any officer, agent, or employee of the City, any claimant or other person, and examine him or her upon oath or affirmation relative thereto. All City contracts with consultants, vendors

or agencies will be prepared with an adequate audit clause to allow the City Auditor access to the entity's records needed to verify compliance with the terms specified in the contract. Results of all audits and reports must be made available to the public in accordance with the requirements of the California Public Records Act.

*(Addition voted 06-03-2008; effective 07-08-2008.)*

*(Amendment voted 03-03-2020; effective 05-20-2020)*

[Prior Language](#)

### **Section 39.3: Independent Budget Analyst.**

Notwithstanding any other provision of this Charter, the City Council shall have the right to establish by ordinance an Office of Independent Budget Analyst to be managed and controlled by the Independent Budget Analyst. The Office of the Independent Budget Analyst shall provide budgetary and policy analysis for the City Council. The Council shall appoint the Independent Budget Analyst, who shall serve at the pleasure of the Council and may be removed from office by the Council at any time. Any person serving as the Independent Budget Analyst shall have the professional qualifications of a college degree in finance, economics, business, or other relevant field of study or relevant professional certification. In addition, such appointee shall have experience in the area of municipal finance or substantially similar equivalent experience. The Independent Budget Analyst shall be the appointing authority of all City personnel authorized in the department through the normal annual budget and appropriation process of the City, and subject to the Civil Service provisions of this Charter.

*(Addition voted 06-03-2008; effective 07-08-2008.)*

### **Section 40: City Attorney**

A City Attorney shall be elected for a term of four years in the manner prescribed by Section 10 of this Charter. The City Attorney shall hold office for the term prescribed from and after 10 a.m. on the tenth day of December next succeeding the election and until a successor is elected and qualified. If the tenth day of December falls on a weekend or holiday, the term shall begin at 10 a.m. on the next calendar day that is not a weekend or a holiday.

No person shall serve more than two consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two years, that partial term shall be considered a full term for purposes of this term limit provision.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties, except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney. The attorney and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during