

COUNTY OF SAN MATEO**INTERDEPARTMENTAL CORRESPONDENCE**

To: Honorable Board of Supervisors
From: County Counsel
Subject: Adoption of Ordinance Amending Ordinance Code Language Regarding Controller Qualifications
Date: March 22, 2001

RECOMMENDATION Adopt an Ordinance Amending Ordinance Code Section 2 44.010 of Title 2, Chapter 2 44 of the San Mateo County Ordinance Code Regarding Qualifications for County Controller

BACKGROUND.

Following the 1998 election for County Controller, there was litigation which raised the question as to what were the legally required qualifications for Controller in San Mateo County. The qualifications are contained in §26945 of Article 4 of the Government Code which was enacted in 1957. In 1957, this Board adopted an ordinance making the provisions of Government Code §26945 and §26946 of Article 4 applicable in San Mateo County. Since that date, Government Code §26945 was amended in 1995, 1997, and again in 2000, but there was no further action by the Board of Supervisors. The basis of the litigation was a disagreement as to whether the qualifications contained in the 1957 legislation were in effect or the later enacted amendments to the Government Code. While the litigation settled, it did not resolve the underlying legal issue.

In 1957, Government Code §26945 set forth the qualifications for the office of county auditor (i.e. controller) as being a certified public accountant or having graduated from a school of accountancy or having served as a county auditor for at least 3 years. As of September 30, 2000, Government Code §26945 now provides the qualifications are that the person must meet at least one of the following criteria:

(a) possesses a valid certificate issued by the California Board of Accountancy showing the person to be, and a permit authorizing the person to practice as, a certified public accountant or as a public accountant

(b) possesses a baccalaureate degree from an accredited university, college, or other four-year institution, with a major in accounting or its equivalent, and has served within the last five years in a senior fiscal management position in a county, city, or other public agency, a private firm, or a nonprofit organization, dealing with similar fiscal responsibilities, for a continuous period of not less than three years

(c) possesses a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance

(d) has served as county auditor, chief deputy county auditor, or chief assistant county auditor for a continuous period of not less than three years

In addition to the above listed qualifications, Government Code §26945 1 was added to Article 4 in 1997 and amended in 1998, requiring continuing education for County Controller

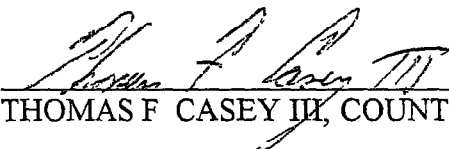
DISCUSSION

In anticipation of the upcoming election for County Controller, I recommend that the Board take further action to establish definitively the qualifications for the office of Controller as set forth in the proposed amendment to the ordinance code

The proposed amendment provides that the Government Code sections contained in Article 4 as of January 1, 2001 would be applicable. This means that the qualifications for Controller and the continuing education requirements would be those as set forth in the Government Code as of January 1, 2001. Consequently, if the Legislature subsequently amended the applicable sections, the amendment would not be in effect in this County unless the Board amended the ordinance. Pursuant to Government Code §26946, in order to adopt this ordinance, there must be a unanimous vote at a regular meeting with all Board members present.

FISCAL IMPACT

None


THOMAS F. CASEY III, COUNTY COUNSEL

cc John L. Maltbie, County Manager
Tom Huening, Controller

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ORDINANCE NO _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING SECTION 2.44.010 OF TITLE 2,
CHAPTER 2.44 OF THE SAN MATEO COUNTY ORDINANCE
CODE REGARDING QUALIFICATIONS FOR COUNTY CONTROLLER**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows

SECTION 1 Section 2 44 010 of Title 2, Chapter 2 44 of the San Mateo County

Ordinance Code is hereby amended to read as follows

Section 2.44.010 Qualifications for County Controller

The qualifications for County Controller shall be those established by Article 4, Part 3, Division 2 of Title 3 as of January 1, 2001, commencing with Section 26945 et seq , of the Government Code

SECTION 2 This ordinance shall be effective thirty (30) days from the date of passage thereof

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