



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: March 1, 2016
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Lori S. Gentles, Human Resources Director, 568-2800
Contact Info: Joseph Pisano, Employee Relations Manager, 568-2839

SUBJECT: *Appointment to Fill Vacant Position of Elected Auditor-Controller*

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions: That the Board of Supervisors:

- A. Appoint Theodore A. Fallati to the position of Santa Barbara County Auditor-Controller, to hold that office for the entire unexpired term, effective upon the resignation of incumbent Auditor-Controller Robert W. Geis; and
- B. Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) because it consists of organizational or administrative activities of government that will not result in direct or indirect changes in the environment.

Summary Text: The Santa Barbara County Auditor-Controller is chosen by voters in general elections, but the Board of Supervisors has a statutory obligation to fill the position by appointment if it becomes vacant during an incumbent's term in office. California Government Code Section 25304 states that the Board "shall fill by appointment" a vacancy in the office of this elected position for the entire unexpired term. Government Code Section 25304 does not allow a special election to fill the unexpired term.

Current Auditor-Controller Robert W. Geis has submitted a resignation letter (Attachment A) pursuant to Government Code Sections 1770(c)(1) and 1750(d), with an effective date of March 27, 2016, which is prior to the end of his term of office. The recommended action

appoints Theodore A. Fallati to the position of Auditor-Controller, effective on the date of Mr. Geis' resignation and continuing until the beginning of the term of office of the next elected Auditor-Controller on Monday January 7, 2019.

Background:

After nearly 37 years of service to Santa Barbara County, including 25 years as the elected Auditor-Controller, Robert W. Geis announced his intention to retire effective March 27, 2016. In order to ensure a smooth transition and uninterrupted service to County government, special districts, schools, and cities, Mr. Geis has recommended that the Board appoint Assistant Auditor-Controller Theodore A. Fallati to serve out the remainder of his term of office.

Mr. Fallati, who is a Certified Public Accountant, has been Assistant Auditor-Controller for the past 9 years and has worked in various positions in the Auditor-Controller's Office for an additional 15 years. Mr. Fallati has all of the qualifications required per Government Code Section 26945 and County Code Section 2-23 for this appointment. The salary for the Auditor-Controller is governed by Resolution #14-271.

The office of Auditor-Controller will next be on the ballot in June 2018, with the Auditor-Controller who is elected in that election beginning his or her term of office on January 7, 2019.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The position of Auditor-Controller is fully funded in the current Fiscal Year 2015-16 Budget, and it will be budgeted in subsequent fiscal years regardless of who fills the position or whether it is filled by election or appointment; there is no fiscal impact associated with the recommended action.

Attachments:

Attachment A: Resignation letter from Robert W. Geis

Authored by: Joseph Pisano

cc: Mona H. Miyasato, County Executive Officer
Robert W. Geis, Auditor-Controller
Michael C. Ghizzoni, County Counsel