



## Agenda Submittal

**Agenda #:** 37 **Status:** Regular Calendar  
**Type:** Appointment **Department:** County Counsel  
**File #:** 18-873 **Contact:** Dennis Bunting, 784-6145  
**Agenda date:** 12/11/2018 **Final action:** 12/11/2018  
**Title:** Consider acknowledging the notice to retire from the Office of Solano County Auditor-Controller by Auditor-Controller Simona Padilla-Scholtens, Certified Public Accountant, on December 14, 2018; and Consider appointing Auditor-Controller-elect Phyllis Taynton, Certified Public Accountant, to fill the unexpired term of the Auditor-Controller effective December 15, 2018  
**Governing body:** Board of Supervisors  
**District:** All  
**Attachments:** 1. A - Letter of Retirement, 2. Minute Order

Date	Ver.	Action By	Action	Result
12/11/2018	1	Board of Supervisors	Approved	

Published Notice Required? Yes ☐ No ☒  
Public Hearing Required? Yes ☐ No ☒

### DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board of Supervisors acknowledge the notice to retire from the Office of Solano County Auditor-Controller by Auditor-Controller Simona Padilla-Scholtens, Certified Public Accountant (CPA), on December 14, 2018; and consider appointing Auditor-Controller-elect Phyllis Taynton, CPA, to fill the unexpired term of the Auditor-Controller effective December 15, 2018.

### SUMMARY/DISCUSSION:

On October 17, 2018, the Board received a letter from Auditor-Controller Simona Padilla-Scholtens providing official notice of her retirement from the Office of Solano County Auditor-Controller on December 14, 2018. The current term of the Auditor-Controller continues until January 7, 2019 and the new term begins at 12 o'clock noon on January 7, 2019. (Government Code section 24200.)

On June 5, 2018, Assistant Auditor-Controller Phyllis Taynton was elected to the Office of Solano County Auditor-Controller. Both Auditor-Controller Padilla-Scholtens and Auditor-Controller-elect Taynton request that the Board of Supervisors appoint Ms. Taynton to fill the unexpired term of the Auditor-Controller, effective December 15, 2018.

In filling the vacancy of the Office of Auditor-Controller, the Government Code provides few options for the Board of Supervisors to consider and no provision exists for a special election to fill the vacated position. Specifically, under Government Code section 24105, when the Office of Auditor-Controller is vacant, the duties of Auditor-Controller are "temporarily" discharged by an assistant "until the vacancy in the office is filled in the manner provided by law."

While section 24105 makes an assistant the Auditor-Controller when that office becomes vacant, it merely gives an assistant the authority and duty as an assistant to perform the duties of the Auditor-Controller while the office remains vacant. Thus, an assistant retains his or her position as an assistant while performing the

duties of Auditor-Controller.

Alternatively, under Government Code section 25304, the Board of Supervisors may fill the vacancy by an appointment of a new Auditor-Controller, who will hold the office for the balance of the term.

Accordingly, the Board may choose to take no action and the Assistant Auditor-Controller Taynton retains her position as the assistant while performing the duties of both the Auditor-Controller and the assistant.

Alternatively, the Board could appoint the Auditor-Controller-elect Taynton as the Auditor-Controller.

The County Administrator and our office recommend that the Board honor the requests of Auditor-Controller Padilla-Scholtens and Auditor-Controller-elect Taynton and appoint Phyllis Taynton as the Solano County Auditor-Controller to ensure a seamless transition.

**FINANCIAL IMPACT:**

The FY2018/19 Adopted Budget for the Auditor-Controller's Office includes funding for the positions of Auditor-Controller and Assistant Auditor-Controller; therefore, there is no additional financial impact to the County General Fund. The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2018/19 Adopted Budget.

**OTHER AGENCY INVOLVEMENT:**

This agenda item had been prepared in consultation with the County Administrator and Auditor-Controller Padilla-Scholtens and Auditor-Controller-elect Taynton.

**CAO RECOMMENDATION:**

**APPROVE DEPARTMENTAL RECOMMENDATION**