

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 18, 2007  
**To:** Honorable Mayor & Members of the City Council  
**From:** Administration  
**Presentation By:** Steve Jepsen, City Manager

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**Summary**

**Subject:** Ballot Measure to change the City Clerk and City Treasurer from Elected to Appointed Positions

**Recommendation:** Adopt a Resolution calling for a Ballot Measure changing the offices of City Clerk and City Treasurer from elected positions to appointed positions on the statewide primary election to be held on June 3, 2008 and approve a related supplemental appropriation of \$30,000.

**Fiscal Impact:** Estimate of \$30,000 from Account 1710-62722 City Clerk Elections and savings of \$1,800 per year (without benefits) from 1520 & 1710-61XXX City Clerk and City Treasurer salaries.

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**Background:**

The California Government Code requires general law cities to have a City Clerk and City Treasurer, who are to be either elected or appointed. The City of Yuba City's City Clerk and City Treasurer are elected, and therefore must reside in and be registered voters of the City. Other than these two requirements, the City cannot impose any minimum qualification requirements for the positions such as level of experience, education, professional certifications, or training.

The City of Yuba City has traditionally elected the City Clerk and City Treasurer positions from qualified City staff, who have run unopposed. The Clerk and Treasurer each receive monthly compensation of \$75, without benefits, per Ordinance No. 568.

**Analysis:**

A growing trend in California cities is to have appointed rather than elected city clerks and city treasurers. Out of 478 cities in California, 32% have an elected city clerk, which is down from 35% in 1989. Elected city treasurers went from 42% in 1989 to 36% in 2007. The complex technical issues these positions must deal with and the need to have trained professionals in these jobs is a primary reason for this change. Cities can establish professional standards for appointed positions and hire based on experience and credentials. An appointed city clerk and city treasurer are subject to normal personnel procedures, including annual performance evaluations and possible termination for unsatisfactory performance and are not required to be residents of Yuba City. If appointed, the statutory responsibilities of the City Clerk and City Treasurer would be incorporated into existing staff positions and no new positions would need to be added.

In order to convert the positions of City Clerk and City Treasurer from elected to appointed, a resolution must be submitted to the Sutter County Board of Supervisors and the Sutter County Elections Department to place a ballot measure before the voters.

If Council elects to place this measure on the June 3, 2008 ballot (statewide primary election) and the Yuba City electorate votes to convert the Clerk and Treasurer offices from elected to appointed,

this change would not be effective until November 2008 when the current terms expire. The City Council would then appoint the City Clerk and City Treasurer positions from existing City staff to hold office at the pleasure of the Council. The City Council may by ordinance vest in the City Manager its authority to appoint the Clerk and Treasurer positions.

**Fiscal Impact:**

The Sutter County Elections office estimates the cost of placing the measure on the June 2008 ballot to be \$30,000 based upon previous costs of placing measures on the ballot. Costs could go up or down based on the number of voters registered by the deadline to register to vote and extra printing costs that Sutter County is anticipating to incur. If Council places the ballot measure on the June 3, 2008 ballot, a supplemental appropriation of \$30,000 from unallocated General Funds is needed to account 1710 - 62722. The cost of the election in November 2008 will be reduced if this occurs (i.e., if the ballot measure is approved, than the offices of Clerk and Treasurer will not be included).

Cost savings will also be realized at \$1,800 per year (without benefits) from the City Clerk and City Treasurer salaries accounts, as the duties of the City Clerk and City Treasurer will be incorporated by existing staff.

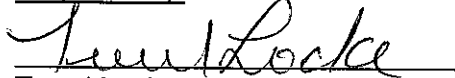
**Alternatives:**

- (a) Do not change. Under this alternative, the City Treasurer and City Clerk positions would continue to be elected. The terms for the current Clerk and Treasurer expire in November 2008.
- (b) Wait to place the ballot measure on the November 2008 Election. If this option is chosen then candidates for the offices of City Clerk and City Treasurer will file to run for election and if the ballot measure passes concurrently, then Council appointment for these positions would occur four years thereafter. The Sutter County Election's office does not have a fixed cost of an election until the ballots are in production. They state that the cost of placing the measure on the ballot will be comparable whether it is held in June or November. Cost savings would be realized by not having an election for City Clerk and City Treasurer in November if voters approve the measure in June.

**Recommendation:**

Adopt a Resolution calling for a Ballot Measure changing the offices of City Clerk and City Treasurer from elected positions to appointed positions on the statewide primary election to be held on June 3, 2008 and approve a related supplemental appropriation of \$30,000.

Prepared By:

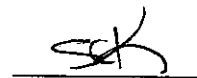


  
Terrel Locke  
Administrative Analyst I/City Clerk

Submitted By:

  
Steven R. Jepsen  
City Manager

Reviewed By:

Assistant City Manager/City Treasurer  
Finance  
City Attorney

**RESOLUTION NO. 07-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
CALLING FOR A BALLOT MEASURE CHANGING THE OFFICES OF  
CITY CLERK AND CITY TREASURER FROM ELECTED POSITIONS  
TO APPOINTED POSITIONS AT THE STATEWIDE PRIMARY  
ELECTION TO BE HELD ON JUNE 3, 2008**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS, the California Government Code requires general law cities such as the City of Yuba City to maintain the positions of City Clerk and City Treasurer; and

WHEREAS, The City Council of the City of Yuba City desires that the positions of City Clerk and City Treasurer be changed from elected positions to appointed positions; and

WHEREAS, pursuant to Government Code Section 36508, the City may submit to the voters the questions of whether the positions of City Clerk and City Treasurer shall be elected or appointed by the City Council; and

WHEREAS, if the majority of the votes cast on the proposition regarding the City Clerk and City Treasurer is for converting the position to appointive positions, the City Council shall appoint such officers upon the expiration of the term of the current City Clerk and City Treasurer in November 2008; and

WHEREAS, it is the desire of the City Council of the City of Yuba City to call a City Ballot Measure Election on June 3, 2008, and consolidate such City Ballot Measure Election with the Statewide Primary Election to be held on June 3, 2008.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City hereby resolves and orders as follows:

Section 1. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County of Sutter to consent and agree to the consolidation of a City Ballot Measure Election with the Statewide Primary Election on Tuesday, June 3, 2008, for the purpose of the ballot question:

Shall the offices of city clerk and city treasurer be appointive?	Yes
	No

Section 2. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County of Sutter to permit the County Election Department to conduct the General Municipal Election.

Section 3. That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and one form of ballot shall be used.

Section 4. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved invoice.

Section 5. That the City Clerk is directed to forward a certified copy of this resolution to the County Election Department.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 18th day of December 2007.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney