

CITY OF YUBA CITY  
STAFF REPORT

**Date:** May 17, 2022  
**To:** Honorable Mayor & Members of the City Council  
**From:** Administration Department  
**Presentation By:** Ciara Wakefield, City Clerk Administrator

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**Summary**

**Subject:** General Municipal Election November 8, 2022

**Recommendation:** A. Adopt a Resolution calling and giving notice of the General Municipal Election to be held on Tuesday, November 8, 2022 for the election of three members of the City Council, and authorizing the Mayor to enter into an agreement for election services with Sutter County

B. Adopt Resolution calling a special municipal election for ballot measures changing the offices of City Clerk and City Treasurer to appointed positions at the Statewide General Election to be held on November 8, 2022, and requesting Sutter County consolidate the election with the Statewide General Election

**Fiscal Impact:** The cost for the 2020 election was \$48,052.62. Sutter County is unable to provide a 2022 cost estimate at this time. However, we expect that our election costs will increase significantly in 2022 due to the City's transition to district-based elections and the City Clerk/City Treasurer measures. The anticipated increase has been accounted for in the Proposed FY 2022-2023 Annual Budget (Account 1710-62722 City Clerk Elections)

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**Purpose:**

To provide notice of the General Municipal Election to be held on November 8, 2022.

**Background:**

In accordance with the California Election Code and the City Municipal Code, the City of Yuba City is required to hold an election in conjunction with the Statewide General Election being held on Tuesday, November 8, 2022 for the election of three members of City Council and measures which would transition the City Clerk and City Treasurer to appointed positions.

Traditionally, the City has contracted with Sutter County to provide consolidated election services. An agreement is needed with Sutter County to reimburse for costs associated with the Municipal Election.

Sutter County would charge an estimated additional \$1,000 to the City to handle the filing of nomination papers, candidate statements, etc. It would still be up to the City to ensure that candidate FPPC forms are posted on the City's website and each candidate has turned in the required

documents.

## **Analysis:**

### **Council Elections (District 1, 2, and 3)**

The first day for signing nomination papers for the office of Council member will be Monday, July 18, 2022. The close of the nomination period shall be 5:00 p.m. on Friday, August 12, 2022. Should any incumbent not file nomination papers by the close of the nomination period, the voters of the City will have until 5:00 p.m. on Wednesday, August 17, 2022 to nominate candidates other than the incumbent to that office.

Candidates may file a "Statement of Qualifications" to be included within the sample ballot packet that is mailed to registered voters. All costs of printing and handling of the Statement of Qualifications, except mailing costs, shall be paid by the candidate. A deposit will be required to be made at the time of filing to cover anticipated costs, the amount of deposit will be determined by the Sutter County Elections Office. The Statement of Qualifications is limited to 200 words.

### **City Clerk and City Treasurer Measures**

The California Government Code requires general law cities to have a City Clerk and City Treasurer, who are to be either elected or appointed. Currently, the City Clerk and City Treasurer are elected at large in Yuba City, 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 certification, or training.

As a practical matter, these positions can be largely ceremonial or require City Staff to run for office. For example, virtually all of the work of Clerk's office is performed by City staff (including attendance at all Council meetings), and the City's Finance Director is periodically required to run for the office of City Treasurer just so that he can continue to conduct the City's financial business in that capacity. Among others, this can result in inefficiencies, and can limit the pool of qualified candidates to just those who physically reside within the City.

To address this issue, most cities instead provide for the appointment of these positions by the City Council. 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. Appointment not only allows for the selection of the most qualified person (including someone who may live in the County), but also avoids taxpayer expense to place the items on the budget with each appropriate election cycle, and makes more efficient use of employee time.

To transition from elected to appointed positions for the offices of City Clerk and City Treasurer, a resolution must be submitted to the Sutter County Board of Supervisors and the Sutter County Elections Department to place ballot measures before the voters. If the majority of the votes cast on the propositions regarding the City Clerk and City Treasurer is for converting the positions to appointive positions, the City Council would then appoint such officers upon the expiration of the terms of the current City Clerk and City Treasurer ending in November 2022. If approved, the change would not be effective until the current terms expire.

## **Fiscal Impact:**

The cost for the 2020 election was \$48,052.62. Sutter County is unable to provide a 2022 cost estimate at this time. However, we expect that our election costs will increase significantly in 2022 due

to the City's transition to district-based elections and the City Clerk/City Treasurer measures. The anticipated increase has been accounted for in the Proposed FY 2022-2023 Annual Budget (Account 1710-62722 City Clerk Elections).

**Alternatives:**

The City of Yuba City conducting "Stand Alone" elections is currently not feasible. Sutter County has the special equipment, software, personnel and training required to conduct elections, and provides good service to our voters. However, the Council does have the option of choosing not to go forward with the measures for the City Clerk and City Treasurer.

**Recommendation:**

A. Adopt a Resolution calling and giving notice of the General Municipal Election to be held on Tuesday, November 8, 2022 for the election of three members of City Council and authorizing the Mayor to enter into an agreement for election services with Sutter County.

B. Adopt Resolution calling a special municipal election for ballot measures changing the offices of City Clerk and City Treasurer to appointed positions at the Statewide General Election to be held on November 8, 2022, and requesting Sutter County consolidate the election with the Statewide General Election.

**Attachments:**

1. Resolution - General Municipal Election (November 8, 2022)
2. Resolution re City Clerk and City Treasurer Election

Prepared By:  
Ciara Wakefield  
City Clerk Administrator

Submitted By:  
Diana Langley  
City Manager

# ATTACHMENT 1

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL  
MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2022  
FOR THE ELECTION OF CERTAIN OFFICERS AND AUTHORIZING THE  
CITY TO ENTER INTO AN AGREEMENT FOR ELECTION SERVICES WITH  
SUTTER COUNTY**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 8, 2022; and

**WHEREAS**, it is the desire of the City Council of the City of Yuba City to consolidate the Municipal Election with the Statewide General Election to be held on November 8, 2022 for the purpose of electing three Council members for full terms of four years and transitioning the City Clerk and City Treasurer to appointed positions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Yuba City 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 consolidate the City General Municipal Election with the Statewide General Election being held on Tuesday, November 8, 2022, for the following officers:

<u>Office</u>	<u>Council District</u>	<u>Term</u>
Councilmember	1	4 years (full term)
Councilmember	2	4 years (full term)
Councilmember	3	4 years (full term)

Section 2. That the Sutter County Election Department is authorized to canvass the returns of the General Municipal Election, and that the Consolidated Election shall be held in accordance with Elections Code section 10418. The election shall be held in all respects as if there were only one election, and one form of ballot shall be used.

Section 3. That the Mayor is authorized to enter into an Agreement with Sutter County for the purpose of said election.

Section 4. The City Clerk is directed to forward a certified copy of this Resolution to the Board of Supervisors of Sutter County.

Section 5. The City Clerk is directed to post a Notice of Election not earlier than the 127<sup>th</sup> day (July 4, 2022) nor later than the 113<sup>th</sup> day (July 18, 2022) before any municipal election to fill offices, per Elections Code 12101(a).

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 17<sup>th</sup> day May, 2022.

AYES:

NOES:

ABSENT:

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Dave Shaw, Mayor

ATTEST:

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Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY

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Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP

## ATTACHMENT 2

RESOLUTION NO. \_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
CALLING A SPECIAL MUNICIPAL ELECTION FOR BALLOT  
MEASURES CHANGING THE OFFICES OF CITY CLERK AND CITY  
TREASURER FROM ELECTED POSITIONS TO APPOINTED POSITIONS  
AT THE STATEWIDE GENERAL ELECTION TO BE HELD ON  
NOVEMBER 8, 2022 AND REQUESTING THE COUNTY OF SUTTER  
CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL  
ELECTION**

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

WHEREAS, the City Council of the City ("City Council") desires that the positions of City Clerk and City Treasurer be changed from elected positions to positions appointed by the City Council; and

WHEREAS, pursuant to Government Code Section 36508, the City may submit to the voters the question of whether the position 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 propositions regarding the City Clerk and City Treasurer is for converting the positions to appointive positions, the City Council shall appoint such officers upon the expiration of the terms of the current City Clerk and City Treasurer ending in November 2024; and

WHEREAS, it is the desire of the City Council to call a Special Municipal Election on November 8, 2022 for such purpose, and to consolidate such Special Municipal Election with the Statewide General Election (and General Municipal Election) to be held on November 8, 2022.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Yuba City as follows:

Section 1. That pursuant to the requirements of the laws of the State of California relating to the conduct of elections, there is called and ordered to be held in the City of Yuba City, on Tuesday, November 8, 2022, a Special Municipal Election entitled the Special City Ballot Measures Election for the purpose of proposing ballot measures changing the positions of City Clerk and City Treasurer from elected to appointive positions to the qualified voters of the City. The forms of the measures to appear on the ballot are specified below in Section 2 of this Resolution. The City Manager is hereby authorized and directed to make any changes to the text of the measures or this resolution as required to conform to any requirements of law.

Section 2. 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 Special City Ballot Measures Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of the following ballot questions:



Measure \_\_\_\_

Shall the office of the city treasurer be appointive?	Yes
	No

Measure \_\_\_\_

Shall the office of the city clerk be appointive?	Yes
	No

Section 3. 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 Special City Ballot Measures Election and consolidate it with the Statewide General Election to be held on November 8, 2022 .

Section 4. That the City Clerk is authorized, instructed and directed to procure and furnish to the County, if requested, any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election in accordance with the Elections Code and the laws of the State of California. That the notice of time and place of holding of the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice as required by law.

Section 5. That the Consolidated Election shall be held in accordance with Elections Code section 10418.

Section 6. That the County Election Department is authorized to canvass the returns of the Special City Ballot Measures 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 7. That the electorate vote requirement for the measures to pass is a majority (50%+1) of the votes cast on each measure at the November 8, 2022 consolidated election.

Section 8. 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 9. The City Clerk is hereby directed to forward a certified copy of this resolution to the County Election Department.

The foregoing resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17<sup>th</sup> day of May, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Dave Shaw, Mayor

ATTEST

By: \_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Shannon L. Chaffin, City Attorney  
Aleshire & Wynder, LLP