

AGENDA DESCRIPTION:

Consideration and possible action regarding placing a ballot measure on the March 3, 2020 election that would, if passed, convert the elected City Treasurer position to an appointed position at such time when the term of the person elected in March 2020 ends in March 2024 or otherwise becomes vacant. (Fiscal impact: \$127,000 *estimated* as identified staff report calling the election 11-05-19)

RECOMMENDED COUNCIL ACTION:

1. Adopt the proposed two resolutions necessary to place the measure on the March 3, 2020 election, including a resolution establishing the requirements for ballot arguments;
2. Adopt the attached, proposed ordinance, which would effectuate the measure if adopted by the voters;
3. Authorize certain Council Members or the City Treasurer to be the authors of a ballot argument in favor of the ballot measure (optional);
4. Adopt a resolution directing the City Attorney to draft an impartial analysis of the measure (optional);
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

- A. Three Proposed Resolutions
- B. Proposed Ordinance

FISCAL IMPACT: If elected position is converted to appointed, ongoing annual savings of \$39,000.

Amount Budgeted: \$206,000
Additional Appropriation: N/A
Account Number(s): 001-400-1302

STRATEGIC PLAN:

Goal: 5 Champion Economic Development & Fiscal Sustainability
Objective: 3 The City will maintain a stable, efficient, and transparent financial environment

ORIGINATED BY: Crista Binder, City Treasurer

REVIEWED BY: Joseph Lillio, Director of Finance

APPROVED BY: Scott Mitnick, City Manager *SM (for SM)*

BACKGROUND AND DISCUSSION:

On November 5, 2019, City Council directed staff to prepare a proposed ballot measure for the March 3, 2020 General Municipal Election to convert the elected office of the City Treasurer to an appointed position.

The position of elected City of El Segundo Treasurer has existed in the City since 1918. State law outlines a specific process to convert the position to an appointed position, which requires a vote of the City of El Segundo voters at the next municipal election (Gov. Code §§ 36508-36510). The opening for the elected City Treasurer and the proposed ballot measure would both be included in the March 3, 2020 election. If the measure passes and someone is elected as City Treasurer, then the incumbent in the position could choose to serve the entire four-year term. Upon conclusion of the term, the position would then convert to appointed. If the position becomes vacant at any point during the 4-year term, the position would then become appointive.

The ballot measure was proposed by the current elected City Treasurer to ensure the position is filled with someone that has required skills and experience in managing public funds for a governmental agency. Currently, the only requirements to be the elected City Treasurer are that you be 18 years of age and a City resident (Gov. Code § 36502). The elected position also does not require any minimum level of education. Improvements to the City's financial transparency and fiscal health would also be achieved by having an appointed treasurer, such as eliminating redundancy between the current Department of Finance and the Office of the City Treasurer; providing full-time department level support to the treasury function; and additional oversight through mandated reporting, internal controls, and compliance with State and local laws governing the investment of public funds.

Authority to Appoint; Proposed Ordinance

If the voters approve of the measure and the term of City Treasurer elected on March 3, 2020 ends or the office becomes vacant (as described above), the City Council may then appoint a person to serve as City Treasurer. State law also allows the City Council to adopt an ordinance authorizing the City Manager to appoint the City Treasurer. (Gov. Code § 36510.)

Staff has prepared an ordinance that would amend the City's Municipal Code to allow the City Manager to appoint the City Treasurer. The ordinance specifies, however, that the City Council retains the right to repeal the ordinance and "take back" its authority to appoint a City Treasurer at any time (see Section 5 of the proposed ordinance). The ordinance also would amend the Code to delete references to the City Treasurer being an elected position.

If the City Council approves of the proposed ordinance, the ordinance will take effect if the measure is approved by a majority of the voters.

RESOLUTION NO. _____

A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED MARCH 3, 2020 ELECTION PURSUANT TO GOVERNMENT CODE §§ 36508-36510

- A. The City Treasurer of the City of El Segundo is currently an elective position that can only be filled by a resident elector of the City, willing to stand for election to the position;
- B. The position is an important function within the City requiring substantial technical expertise and time commitment;
- C. Government Code section 36508 authorizes the City of El Segundo to submit to the electors the question of whether the office of City Treasurer should be made an appointive office;
- D. Government Code section 36510 provides that if a majority of the votes cast on the proposition is for it, either the City Council or the City Manager (if authorized by ordinance) shall appoint such officer at the expiration of the term of the officer then in office; and
- E. The City Council of the City of El Segundo has determined that it is in the best interest of the City and its citizens that its voters be asked to make the position of City Treasurer appointive and if that measure does not pass, to having the voters to elect a City Treasurer in order to ensure that this position is filled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Pursuant to Government Code § 36508, the City Council submits to the electors the following question to be placed before the voters at the March 3, 2020 election:

Shall the office of City Treasurer be appointed, with the first appointment to be made upon the earlier of (i) the expiration of the term of office of the person elected to serve as City Treasurer at the March 3, 2020 General Municipal Election; or (ii) a vacancy in such office?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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SECTION 2: If the measure receives a majority of the votes cast on it at the election, the City Council shall enact the ordinance attached as Exhibit "A," and incorporated by

reference, which is approved by the City Council through adoption of this Resolution. The ordinance is to be printed with the ballot materials.

SECTION 3: The ballot measure will be designated as Measure T on the ballots, unless it must be otherwise designated to accommodate the consolidation of the City's election with other elections.

SECTION 4: Pursuant to Election Code section 10403, the City Council requests the Los Angeles County Board of Supervisors to permit the Registrar-Recorder's office assist in all required election services in the conduct of this election and authorizes the City Manager to enter into an agreement for compensation of those services.

SECTION 5: The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 6: The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 7: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of November, 2019.

Drew Boyles,
Mayor

ATTEST:

Tracy Weaver
City Clerk

APPROVED AS TO FORM:

Mark D. Hensley,
City Attorney

Exhibit A

ORDINANCE NO. xx

PROPOSITION AMENDING TITLE 1 (ADMINISTRATION AND PERSONNEL) OF THE EL SEGUNDO MUNICIPAL CODE TO CONVERT THE ELECTIVE OFFICE OF CITY TREASURER TO AN APPOINTIVE OFFICE.

- A. Pursuant to Government Code Section 36508, at any municipal election, or special election held for that purpose, the City Council may submit to the electors the question whether the elective office of City Treasurer shall be appointed by the City Council;
- B. At its Regular Meeting of November 5, 2019, the City Council of the City of El Segundo approved Resolution No. 5179 which called a General Municipal Election to be held on March 3, 2020 for voters of the City of El Segundo to elect candidates to fill three (3) City Council seats, to fill the elected City Clerk seat, and to fill the elected City Treasurer seat;
- C. On November 19, 2019 the City Council approved Resolution No. _____ which called for the submission of a ballot measure to El Segundo voters to convert the elected office of City Treasurer into an appointed office pursuant to Government Code Sections 36508 through 36510; and
- D. The El Segundo voters at the City's General Municipal Election of March 3, 2020 approved the City ballot measure submitted pursuant to Government Code Sections 36508 through 36510 to convert the elected office of City Treasurer into an appointive office.

NOW, THEREFORE, the people of the city of El Segundo do ordain as follows:

SECTION 1. *Environmental Analysis.* This Proposition is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 2. Title 1, Chapter 5 of the El Segundo Municipal Code is amended to read as follows:

Chapter 5. City Officers and Employees

Exhibit A

Article C. City Treasurer.

Sec. 1-5C-1. Appointment of City Treasurer.

- A. *As authorized under Government Code Section 36510, the power to appoint the City Treasurer shall be vested in the City Manager and such appointee shall serve at the pleasure of the City Manager. The foregoing notwithstanding, the City Council, by subsequent ordinance, reserves the right to vest all authority to appoint the City Treasurer in itself to the fullest extent authorized under Government Code Section 36510.*
- B. *Pursuant to Government Code Sections 36508 through 36510, El Segundo voters at the City of El Segundo General Municipal Election of March 3, 2020 approved a City-initiated ballot measure which converted the elected office of City Treasurer to an appointive office. In so far as the voters of the City of El Segundo also elected a City Treasurer at the City's General Municipal Election of March 3, 2020, the first appointment to the office of City Treasurer as authorized under subsection (A), above, shall be made upon the earlier of the following: (i) upon the expiration of the term of office of the person elected to serve as City Treasurer at the March 3, 2020 General Municipal Election; or (ii) a vacancy of such office.*

Sec. 1-5C-2. Appointee Qualifications.

- A. *Any person appointed to serve in the capacity of City Treasurer must be an employee of the City who meets such professional qualifications as may be established and, from time-to-time, modified by the City Manager acting in consultation with the City Council.*
- B. *As provided under Government Code Section 36510, the person appointed to serve as City Treasurer need not be a resident of the City of El Segundo.*

Section 1-5C-3. Duties of City Treasurer.

- A. *The City Treasurer shall perform all such duties as may be imposed by State law or by this Code.*

Exhibit A

- B. *Pursuant to Government Code Section 36518, the City Treasurer shall execute a bond in an amount to be fixed by resolution of the City Council.*

SECTION 3. El Segundo Municipal Code section 1-4A-1 is amended as follows:

1-4A-1: GENERAL MUNICIPAL ELECTIONS:

Beginning in March 2020, general Municipal elections for the election of Council members, **and** the City Clerk ~~and the City Treasurer~~, and for such purposes as the City Council may prescribe, will be held in the City on the first Tuesday after the first Monday in March in each even-numbered year.

SECTION 4. Subsection (E) of El Segundo Municipal Code section 1-5A-7 is amended as follows:

“E. Appointment And Demotion Duty: It shall be the duty of the City Manager to and he shall appoint, remove, promote and demote any and all officers and employees of the City except the City Clerk, **and the** City Attorney ~~and City Treasurer.~~”

SECTION 5. Pursuant to Government Code Section 36510, the City Council by approval of this Ordinance by both the El Segundo voters and the City Council exercises the City Council’s right to vest authority in the City Manager to appoint the City Treasurer. The foregoing notwithstanding, voters of the City of El Segundo and the City Council approve this ordinance subject to the right of the City Council to later vest the appointment authority back to the City Council by subsequent ordinance of the City Council.

SECTION 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7. The Mayor will sign this Ordinance and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City’s general election on March 3, 2020 approve the proposition asking whether the City Treasurer office shall be made appointed. The City Clerk shall timely cause the same to be published once in the official newspaper.

SECTION 8. This Ordinance shall become effective upon the certification of an affirmative majority vote of the City voters at the March 3, 2020 General Municipal Election.

Exhibit A

PASSED AND ADOPTED this ___ day of _____, 2019.

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

RESOLUTION NO. xx

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR A REGULAR MUNICIPAL ELECTION ON MARCH 3, 2020.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Elections Code § 9281, qualified voters may submit arguments for and against the ballot measure, in addition to rebuttal arguments, for the March 3, 2020, Regular Municipal Election on forms provided by the City Clerk.

SECTION 2. Arguments filed in accordance with this Resolution must comply with the following requirements in accordance with Elections Code §§ 9282, 9283, 9285, and 9286:

- A. Arguments must be in writing and not exceed three hundred (300) words except for rebuttal argument which may not exceed two hundred and fifty (250) words;
- B. Arguments may be submitted by the City Council; any councilmember authorized to submit an argument by the City Council; any individual voter eligible to vote on the measures; any bona fide association of citizens; or any combination of voters and associations;
- C. Arguments must be typewritten in at least a 12 point font;
- D. Arguments may not include underlining, italics, asterisks, or other, similar, type of formatting;
- E. Arguments must be accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.
- F. If more than five (5) signatures accompany an argument, only the first five (5) will be printed.
- G. Arguments for or against the ballot measure must be received in the City Clerk's office not later than Friday, December 6, 2019 [88 days before election]. Rebuttal arguments must be received not later than Monday, December 16, 2019 [10 days after initial arguments].

**City of El Segundo
Resolution No. XX
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SECTION 3. Pursuant to 52 U.S.C.A. § 10503, the City Clerk will:

- A. Translate the ballot arguments into Spanish; and
- B. Make translated copies of ballot arguments publicly available.

SECTION 4. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 5. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2019.

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL SEGUNDO)

I, Tracy Weaver, City Clerk of the City of El Segundo, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. _____ was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the _____ day of _____, 2019, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of _____, 2019.

Tracy Weaver, City Clerk
Of the City of El Segundo,
California
(SEAL)

RESOLUTION NO. xx

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSITION REGARDING CONVERTING THE CITY TREASURER TO AN APPOINTED POSITION.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Elections Code § 9280, the City Clerk is directed to transmit a copy of the ballot measure regarding converting the City Treasurer to an appointed position to the City Attorney for an impartial analysis.

SECTION 2. Upon receiving the ballot measure, the City Attorney is directed to prepare an impartial analysis of the proposed ballot measure showing its effect, if any, on existing law and the operation of the measure. Such analysis must not be more than 500 words.

SECTION 3. The impartial analysis must include a statement indicating whether the proposed measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.

SECTION 4. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there must be printed immediately below the impartial analysis, in not less than 10 point bold type, the City Clerk should have the following language printed: "The above statement is an impartial analysis of the proposed ballot measure (Resolution Nos. xx). If you desire a copy of the legislation affected by this measure, please call the City Clerk's office at (310) xxx, and a copy will be mailed at no cost to you."

SECTION 5. The impartial analysis of the proposed ballot measure must be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 6. Pursuant to 52 U.S.C.A. § 10503, the City Clerk will:

- A. Translate the City Attorney's analysis into Spanish; and
- B. Make copies of the translations of the City Attorney's analysis publicly available.

SECTION 4. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 5. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

CERTIFICATION

**STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) **SS**
CITY OF EL SEGUNDO)**

I, Tracy Weaver, City Clerk of the City of El Segundo, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. _____ was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the _____ day of _____, 2019, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of _____, 2019.

Tracy Weaver, City Clerk
Of the City of El Segundo,
California
(SEAL)