

**REPORT TO COUNCIL MAYOR AND COUNCIL****TO HONORABLE MAYOR AND COUNCIL:**

DATE: January 26, 2010

SUBJECT: BALLOT MEASURE FOR CITY TREASURER**Report in Brief**

This item was continued from the meeting of January 12, 2010 at the request of the Council. The City Council is considering whether to ask the voters to decide if the Concord City Treasurer position should change from elected to appointed. At its December 16, 2009 meeting, the City Council directed staff to estimate the costs associated with putting this question on the June 2010, November 2010, and November 2012 ballots, respectively, as well as to ascertain the cost of maintaining an elected Treasurer position. The following briefly summarizes the costs associated with these alternatives:

- **June 2010 Election:** the City would incur roughly \$127,000 in one-time election costs. If the ballot measure passes, these costs would be offset over time by annual and permanent savings of approximately \$23,570 in salary and benefit costs associated with the elected City Treasurer position.
- **November 2010:** there would be minimal additional election costs beyond what already must be paid for the City Council election. If the ballot measure passes, the cost savings from the elimination of the position are delayed until after November 2014, when the City Treasurer's new four-year term of office expires, requiring the City expenditure of approximately \$94,000.
- **November 2012:** again, there would be minimal additional election costs beyond what is already paid for Council seat elections. If the ballot measure passes, the cost savings from the elimination of the position are delayed until after November 2014, when the City Treasurer's new four-year term of office expires, requiring the City expenditure of approximately \$94,000.
- **Status Quo:** the City would continue to incur ongoing costs of approximately \$23,570 per year for salary and benefits paid to the elected City Treasurer.

Background

State law requires that every general law city, such as the City of Concord, include among its officials a City Treasurer. The post may be elected or appointed. Council is now being asked to consider placing a

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question on the June or November 2010 ballot to allow voters to decide whether the City Treasurer's position should change from elected to appointed.

Of the 480 cities in California, only 174 elect their City Treasurers, with the rest appointing that post.¹ The majority have thus enabled their city officials to select the candidate who is best qualified to perform the myriad professional duties associated with the City Treasurer's office. By contrast, general law cities that retain the elected City Treasurer may not impose any further qualifications than are established by state law, which require simply that the office holder be a registered voter over the age of 18 who lives in the city.

The City Treasurer's primary duties are set forth in California Government Code §§ 41001-41005, which require that the Treasurer receive and safely keep all money coming into his hands as Treasurer; comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession; pay out money only on warrants signed by legally designated persons; regularly (at least once each month) submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances, and file a copy of the same with the legislative body; and perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.

The day-to-day duties associated with the office of City Treasurer for the City of Concord are handled by the Treasury Manager, while the elected City Treasurer serves in a largely ceremonial capacity to comply with State law. Moving to an appointive process would allow the City to select the individual of its choosing to fill the post based on an assessment of the person's professional qualifications. In the same vein, an appointed City Treasurer would be directly accountable to the elected City Council, which would allow the Council to immediately address any performance issues that may arise without having to wait for the next election cycle. The City Council may by ordinance delegate appointment authority to the City Manager, in which case the City Treasurer would be selected by and under the supervision of the City Manager.

Discussion

There are two options for the timing of an election in 2010 – June and November. If the measure is placed on the ballot in June, and it passes, then no City Treasurer election would occur in November, when the term of office of the current City Treasurer expires. According to elections officials at Contra Costa County, the estimated cost to Concord of placing this question on the June 2010 ballot is \$2.25 per registered voter residing in the City of Concord. As of December 2009, Concord had 56,464 registered voters, so the total estimated cost is \$127,044.² This one-time cost associated with conducting an election in June 2010 would be offset over time by the long-term cost savings associated with elimination of salary (\$7,200) and benefit (\$16,370) costs for an elected City Treasurer, for a total of \$23,570 annually, as calculated by the Finance Department. If the measure does not pass, then these savings would not be realized.

If a ballot measure is placed on the November 2010 general election ballot, alongside the three Council positions that are up for election this year, then there would *also* be an election for a City Treasurer. The voters would have to consider making the City Treasurer position appointive at the same time they are voting on candidates for this post. Any candidate elected in November would have a four-year term of office

¹ Figures current as of June 2006, the latest date for which a full survey is available through the League of California Cities.

² Because of a number of variables involved in preparing for and conducting an election, it is not possible to predetermine the final actual cost. However, the estimate provided here should represent the top end of the range.

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expiring in November 2014, even if the ballot measure to make the position appointive passes. The cost savings associated with converting the City Treasurer position from elective to appointive would not begin until after 2014.

Because the City will already have three Councilmember seats on the November 2010 general election ballot, adding a further measure on the Treasurer's seat would not cause substantial additional costs for the City. Preliminary estimates for the November 2010 election cost project that the City will pay \$2.00 per registered voter. With 56,464 registered voters living within City limits, this comes to \$112,928. Again, these costs will be incurred even if the City Treasurer measure is not added to the ballot.

Deferring the measure until November 2012, when two Council seats are scheduled for election, would yield a similar fiscal impact. There would be minimal added election costs because it would be concurrent with the election of City Councilmembers, but the cost savings if the measure passes would not commence until after the City Treasurer's term of office expires in November 2014.

Finally, maintaining the status quo, whereby the City voters continue to elect the City Treasurer every four years, would cause the City to continue to incur annual costs of approximately \$23,570 annually for salary and benefits.

Public Contact

Posting of the agenda.

Alternative Courses of Action

1. Adopt Resolution No. 10-4 calling for a measure to be placed on ballot for the June 8, 2010 Special Election asking the voters whether the position of City Treasurer should be changed from an elected position to an appointed position.
2. Adopt Resolution No. 10-5 calling for a measure to be placed on ballot for the November 2, 2010 General Election asking the voters whether the position of City Treasurer should be changed from an elected position to an appointed position.
3. Take no action at this time, other than to direct staff to bring this issue back for Council consideration prior to the November 2012 General Election.
4. Provide other direction to staff as deemed appropriate.

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TREASURER SHOULD BE AN ELECTED OR APPOINTED POSITION**

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Recommendation for Action:

Staff recommends that the City Council adopt Resolution No. 10-4 calling for a measure to be placed on ballot for the June 8, 2010 Special Election asking the voters whether the position of City Treasurer should be changed from an elected position to an appointed position.

Staff is making this recommendation because a June 2010 election allows the City's registered voters to consider the question without the confusion of being asked to select their next elected City Treasurer. Additionally, a successful ballot measure in June 2010 would allow the City to realize annual operating cost savings of approximately \$23,570 four years sooner than if the election were held in November 2010 or 2012.

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Attachment No. 1 – Resolution No. 10-4 calling for a measure to be placed on ballot for the June 8, 2010 Special Election

Attachment No. 2 – Resolution No. 10-5 calling for a measure to be placed on ballot for the November 2, 2010 General Election

1 **BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD**
2 **COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

3 **A Resolution Calling for a Special Measure on the**
4 **June 8, 2010 Special Municipal Election Relating to**
5 **the Elective Nature of the City Treasurer Position**

Resolution No. 10-04

6 **WHEREAS**, the City Council desires to submit to the voters of the City of Concord at the
7 Special Municipal Election called for June 8, 2010, a question relating to the City Treasurer position;
8 and

9 **WHEREAS**, State statute provides that the City Treasurer position shall be elective; and

10 **WHEREAS**, State statute also provides that the City may submit a measure to the voters
11 asking if the City Treasurer position should be appointive.

12 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
13 **RESOLVE AS FOLLOWS:**

14 **Section 1.** The City Council, pursuant to its right and authority, does order submitted to the
15 voters at the Special Municipal Election scheduled for June 8, 2010, the following ballot measure:

Shall the office of City Treasurer be appointive?	Yes
	No

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19 A “yes” vote shall be counted in favor of having the position become appointive. A “no”
20 vote shall be counted against having the position be appointive.

21 **Section 2.** That the proposed measure submitted to the voters shall read:

22 The people of the City of Concord do hereby request:

23 The City Treasurer shall no longer be an elective official of the City of Concord.

24 From and after November 2, 2010, or upon an earlier vacancy of the office of City

25 Treasurer, the City Treasurer shall be appointed by the City Council. The City

26 Treasurer so appointed shall hold office at the pleasure of the City Council and,

27 notwithstanding California Government Code § 36502 to the contrary, is not required

28 to be a resident or elector in the City. The City Council may by ordinance vest in the

1 City Manager its authority to appoint the City Clerk.

2 **Section 3.** Pursuant to Elections Code § 10403, the City Council request the Board of
3 Supervisors of the County of Contra Costa to consolidate this City measure with the Special
4 Municipal Election and Statewide Election to be held June 8, 2010.

5 **Section 4.** The City Council authorizes any and all members of the City Council to file a
6 written argument in favor or against the City measure, accompanied by the printed name(s) and
7 signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of
8 the organization, and the printed name and signature of at least one of its principal officers, in
9 accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and
10 to change the argument until and including the date fixed by the City Clerk after which no arguments
11 for or against the City measure may be submitted to the City Clerk.

12 **Section 5.** Pursuant to Elections Code § 9286, the City Clerk has established 5:00 p.m. on
13 March 15, 2010, as the deadline for the submission of arguments in favor of and arguments against the
14 question. If more than one argument for or more than one argument against the question is submitted,
15 the priorities set forth in Elections Code § 9287 shall control.

16 **Section 6.** Per Elections Code § 9285(b), the City Council hereby adopts the provisions of
17 Elections Code § 9285(a) to allow the filing of rebuttal arguments. The deadline for filing rebuttal
18 arguments shall be 5:00 p.m. on March 25, 2010.

19 **Section 7.** The City Clerk is instructed to transmit the ballot measure to the City Attorney
20 along with a request that an impartial analysis be prepared for the ballot measure.

21 **Section 8.** Pursuant to the requirements of the laws of the State of California relating to
22 general law cities, there is called and ordered to be held in the City of Concord on Tuesday, June 8,
23 2010, a special municipal election for the purpose of placing a measure to the voters of Concord
24 relating to the elective nature of the City Treasurer position.

25 **Section 9.** The City Clerk is authorized, instructed, and directed to work with the County
26 Elections Department as needed in order to properly and lawfully conduct the election. The ballots to
27 be used in the election shall be in form and content as required by law. The County Elections
28 Department is authorized to canvass the returns of the special municipal election.

1 **Section 10.** The Board of Supervisors is requested to instruct the County Elections
2 Department to provide such services as may be necessary for the holding of the consolidated election.
3 The election shall be held in all respects as if there were only one election. The City of Concord
4 recognizes that the County will incur additional costs because of this consolidation and agrees to
5 reimburse the County for those costs.

6 **Section 11.** The polls for the election shall be open at 7:00 a.m. on the day of the election and
7 shall remain open continuously from that time until 8:00 p.m. that same day, when the polls shall be
8 closed, except as provided in Elections Code § 14401. The notice of the time and place of holding the
9 election is hereby given, and the City Clerk is authorized to give further notice of the election, as
10 required by law.

11 **Section 12.** That in all particulars not recited in this Resolution, the election shall be held and
12 conducted as provided by law for holding municipal elections.

13 **Section 13.** The City Clerk is directed to file a certified copy of this Resolution with the
14 Contra Costa County Board of Supervisors and the County Elections Department.

15 **Section 14.** This resolution shall become effective immediately upon its passage and
16 adoption.

17 **PASSED AND ADOPTED** by the City Council of the City of Concord on January 26, 2010,
18 by the following vote:

19 **AYES:** Councilmembers -

20 **NOES:** Councilmembers -

21 **ABSTAIN:** Councilmembers -

22 **ABSENT:** Councilmembers -

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1 **BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD**
2 **COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

3 **A Resolution Calling for a Special Measure on the**
4 **November 2, 2010 General Municipal Election**
5 **Relating to the Elective Nature of the City Treasurer**
6 **Position**

Resolution No. 10-05

7 **WHEREAS**, the City Council desires to submit to the voters of the City of Concord at the
8 General Municipal Election called for November 2, 2010, a question relating to the City Treasurer
9 position; and

10 **WHEREAS**, State statute provides that the City Treasurer position shall be elective; and

11 **WHEREAS**, State statute also provides that the City may submit a measure to the voters
12 asking if the City Treasurer position should be appointive.

13 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
14 **RESOLVE AS FOLLOWS:**

15 **Section 1.** The City Council, pursuant to its right and authority, does order submitted to the
16 voters at the Special Municipal Election scheduled for November 2, 2010, the following ballot
17 measure:

Shall the office of City Treasurer be appointive?	Yes
	No

18 A “yes” vote shall be counted in favor of having the position become appointive. A “no”
19 vote shall be counted against having the position be appointive.

20 **Section 2.** That the proposed measure submitted to the voters shall read:

21 The people of the City of Concord do hereby request:

22 The City Treasurer shall no longer be an elective official of the City of Concord.

23 From and after November 2, 2010, or upon an earlier vacancy of the office of City

24 Treasurer, the City Treasurer shall be appointed by the City Council. The City

25 Treasurer so appointed shall hold office at the pleasure of the City Council and,

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2 City Manager its authority to appoint the City Clerk.

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4 Supervisors of the County of Contra Costa to consolidate this City measure with the General
5 Municipal Election and Statewide Election to be held November 2, 2010.

6 **Section 4.** The City Council authorizes any and all members of the City Council to file a
7 written argument in favor or against the City measure, accompanied by the printed name(s) and
8 signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of
9 the organization, and the printed name and signature of at least one of its principal officers, in
10 accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and
11 to change the argument until and including the date fixed by the City Clerk after which no arguments
12 for or against the City measure may be submitted to the City Clerk.

13 **Section 5.** Pursuant to Elections Code § 9286, the City Clerk has established 5:00 p.m. on
14 August 9, 2010, as the deadline for the submission of arguments in favor of and arguments against the
15 question. If more than one argument for or more than one argument against the question is submitted,
16 the priorities set forth in Elections Code § 9287 shall control.

17 **Section 6.** Per Elections Code § 9285(b), the City Council hereby adopts the provisions of
18 Elections Code § 9285(a) to allow the filing of rebuttal arguments. The deadline for filing rebuttal
19 arguments shall be 5:00 p.m. on August 19, 2010.

20 **Section 7.** The City Clerk is instructed to transmit the ballot measure to the City Attorney
21 along with a request that an impartial analysis be prepared for the ballot measure.

22 **Section 8.** Pursuant to the requirements of the laws of the State of California relating to
23 general law cities, there is called and ordered to be held in the City of Concord on Tuesday, November
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10 **Section 11.** The polls for the election shall be open at 7:00 a.m. on the day of the election and
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14 required by law.

15 **Section 12.** That in all particulars not recited in this Resolution, the election shall be held and
16 conducted as provided by law for holding municipal elections.

17 **Section 13.** The City Clerk is directed to file a certified copy of this Resolution with the
18 Contra Costa County Board of Supervisors and the County Elections Department.

19 **Section 14.** This resolution shall become effective immediately upon its passage and
20 adoption.

21 **PASSED AND ADOPTED** by the City Council of the City of Concord on January 26, 2010,
22 by the following vote:

23 **AYES:** Councilmembers -

24 **NOES:** Councilmembers -

25 **ABSTAIN:** Councilmembers -

26 **ABSENT:** Councilmembers -

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