

**City of Placerville  
M E M O R A N D U M**

DATE: June 7, 2006

TO: City Council

FROM: Susan Zito, City Clerk/Human Resource Officer

**SUBJECT: COUNCIL CONSIDERATION OF POSSIBLE NOVEMBER BALLOT MEASURE**

---

**Recommendation:**

That the City Council consider a ballot measure for the November 7, 2006 election, to make both the elected City Clerk and elected Treasurer positions appointed positions with required qualifications and job skills, and to direct staff to prepare the necessary documents required by the El Dorado County Elections Department.

**Note:** The positions of elected City Clerk and Treasurer are not scheduled for re-election until November 2008. If this measure were passed by the voters, no change would take place until the incumbents terms of office ended in 2008.

**Background:**

The California Government Code requires each city to have a City Clerk and City Treasurer, who are either elected or appointed. Historically, California cities have moved from elected City Clerks and Treasurers to appointed staff. More than two-thirds of California cities have made this move; Placerville has not. The trend for newly incorporated cities has been to establish these positions as appointed rather than elected, in recognition of the technical training needed to perform these jobs and the need to seek the most qualified applicant.

The offices of the elected City Clerk and elected City Treasurer were established in the early years of our municipal organization. As California cities have grown and government has become more complex, the duties of these positions have increased. The duties of the City Clerk include keeping records of all City Council meetings, ordinances, and resolutions; managing city elections; publishing and updating the City's Municipal Code; serving as Filing Officer and overseeing conflict of interest statements required by state law; managing the records retention program; maintaining custody of and preserving City records to name a few of the day-to-day duties of the position.

The City Treasurer functions are also complex and increasingly technical. Effective financial management now requires professional skills and expertise in areas such as electronic banking, municipal fund accounting, and government reporting requirements, investment regulations and debt management. Today, professional staff, independent audits, and internal accounting controls provide the necessary oversight and controls for the City's finances.

## 11.3

The positions of City Clerk and City Treasurer, that were established in Placerville as elected over 100 years ago, can only be changed to appointed by the vote of the citizens. The only requirements to run for either the elected City Clerk or elected Treasurer are that the candidate be 18 years of age, a registered voter, and a resident within the city limits. There is no guarantee that an elected City Clerk or Treasurer would have the requisite skills to carry out the requirements of their elected positions.

Conversely, an appointed City Clerk and Treasurer would be subject to normal personnel procedures, including a competitive recruitment process, annual performance evaluations and possible termination for unsatisfactory job performance. Appointment of these positions would ensure the citizens of our community that proper consideration is given to qualifications, education, and experience when a candidate is selected to fill these positions, rather than the art of successful campaigning. In the case of the current incumbents, both also hold appointive positions within the city government that required that they competed for their appointed jobs based on education, experience and technical expertise. They receive a salary for their appointed positions as a public employee. The Government Code allows for a stipend to be paid for the elected position and both the City Clerk and City Treasurer are paid \$182 per month to fulfill their elected duties. Neither the City Clerk nor City Treasurer are political positions. They have no policy making responsibility, performing their duties for and with the citizens of our community, while remaining apolitical and neutral. Both the current elected City Clerk and City Treasurer support this proposal.

### **City Clerk**

Of the current 478 incorporated cities and towns in California, 338 cities, (or 71%) have appointed City Clerks. Several additional cities in California will be seeking voter approval this November to make their City Clerks appointed. For those cities that have appointed City Clerks, it is usually a requirement that the individual possess a Certified Municipal Clerk (CMC) designation. The CMC designation is earned after attainment of approximately 300 hours of institute training over a two to three year period of time and granted by the International Institute of Municipal Clerks (IIMC). The IIMC maintains a high level of professional development and ensures that the professional designation is only conferred upon City Clerks who are trained to handle all facets of their municipal duties and have pledged to uphold a Code of Ethics and professional standards. The City could require that an applicant for appointed City Clerk have attained the CMC designation. That requirement cannot be imposed on an elected position. An individual running for an elected office would not be able to attain the CMC designation without many years of training and work experience. That level of commitment would not normally be found for a part-time position that pays a stipend of \$182/month.

The City Clerk performs important technical and administrative duties such as preparing City Council meeting agendas, taking minutes of the meetings, preparing them on a word processor and distributing them, maintaining City ordinances, resolutions and other important documents, publishing legal notices, maintaining the Fair Political Practices Commission's conflict of interest statements for Council and staff, administering the Oath of Office to new hires and elected officials, accepting subpoenas, processing claims against the City, receiving and opening bids, monitoring Federal and State laws, and working with county elections department on consolidated elections. These tasks require professional skills and expertise and are more appropriately a staff position than those of an elected office. There is no guarantee that an elected City Clerk would possess such skills

and expertise. The position should be filled using standard hiring practices by objectively comparing candidates based on qualifications to perform the technical requirements of the job.

### **City Treasurer**

Of the 478 incorporated cities in California, 285 cities (or 60%) have appointed City Treasurers. The City Treasurer is a ministerial office whose duties are regulated by statute, resolution and ordinance. This position is a part-time elected official with most duties performed by full-time city staff members. In recent years, these duties have become more time consuming and difficult as the governmental accounting standards have become more complex and large projects that involve state and local grant monies require specialized record-keeping responsibilities. The position of City Treasurer is not a “political” one and it has no policy making power. Rather it is the responsibility of the City Treasurer, in conjunction with the Director of Finance, to insure that the fiduciary responsibilities of the City are met. The Director of Finance, in conjunction with the City’s professional staff, prepare an annual budget that is reviewed and discussed in public workshops and several Council meetings prior to adoption. Mid-year budget reviews are presented at televised Council meetings in order to inform our citizens of the City’s financial health. Mandated audits are conducted by outside accounting firms specializing in governmental accounting procedures, and the results of those audits are presented at televised Council meetings. The City’s finance staff possesses the necessary financial education and experience to perform the required duties of the Finance Department and initiate and maintain federally legislated governmental accounting standards. Such a balance of expertise and political oversight is not often achieved with solely an elected City Treasurer because there is no guarantee that the candidates for the position possess the necessary qualifications. An appointed City Treasurer, however, would be selected based upon education and investment experience, and would be subject to annual evaluations and possible termination for unsatisfactory job performance.

If the Council directs staff to pursue this measure, the attached Resolution of intention and requesting an election and stating the ballot question would be approved and forwarded immediately to the El Dorado County Elections office. A Ballot Argument in Favor of an Appointed City Clerk and City Treasurer is also attached for City Council consideration and approval. An impartial analysis and arguments in favor of the ballot measure would be prepared for Council consideration later this summer.

### **Fiscal Analysis:**

For many years of the City’s history, the elected City Clerk and City Treasurer have been combined with an appointed position. The current elected City Clerk serves as the appointed Human Resource Officer. The elected City Clerk was combined with the appointed Finance Director from the 1970’s through the early 1990’s. The function of the dual positions is technically challenging requiring knowledge of two different professional fields, but it is doable with the clerical assistance of the existing Administrative staff.

The elected City Treasurer position is currently combined with the position of Accounting Supervisor. The combined elected/appointed positions require two appointed staff members, who are also City residents, run for office every four years. There is no future guarantee that an existing appointed City employee, who is also a City resident, would have the requisite skills or desire to seek the elected position. Both positions are scheduled for re-election in November, 2008. By placing

## 11.3

this issue on the ballot at this time, in an off-year election, staff and Council will have two budget cycles to determine if the positions will remain a combined appointed position, or if the financial health of the City will allow for the splitting of the positions and the recruitment of both a City Clerk and a City Treasurer.

Submitted for Council Consideration

Reviewed for Council Agenda Submission

---

Susan C. Zito, CMC, City Clerk

---

John W. Driscoll, City Manager/Attorney

Attachments:

Resolution Calling an Election on Appointive City Clerk and City Treasurer  
Ballot Argument in Favor of an Appointed City Clerk and City Treasurer

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

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PLACERVILLE  
CALLING ELECTION ON APPOINTIVE  
CITY CLERK AND CITY TREASURER**

**WHEREAS**, the offices of City of Placerville City Clerk and City Treasurer currently are elected positions; and

**WHEREAS**, Government Code § 36508 to 36509 authorize the City Council to submit to the City voters the question of whether the elective offices of City Clerk and City Treasurer should be appointed by the City Council instead of elected by vote of the City electorate; and

**WHEREAS**, the City Council has determined that the elective positions of City Clerk and City Treasurer should be changed to positions appointed by the City Council; and

**WHEREAS**, the City Council therefore desires to submit to the City voters the question of whether the elective offices of City Clerk and City Treasurer should be appointed by the City Council instead of elected by vote of the City electorate and that this question be submitted to the voters at the statewide general election on November 7, 2006.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Placerville as follows:

Section 1. Pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of El Dorado is hereby requested to consent and agree to the submission of any question, proposition, or office to be filled is to be consolidated with the statewide general election on Tuesday, November 7, 2006, for the purpose of submission to the voters of the following ballot measures:

- A. Pursuant to its rights and authority, the City Council orders submitted to the voters at said general municipal election the following question:

<b>CITY OF PLACERVILLE</b> OFFICE OF THE CITY CLERK  Shall the office of City Clerk be appointive?	Yes	
	No	

The first proposed measure submitted to the voters is as follows:

The people of the City of Placerville do ordain as follows:

The City Clerk shall no longer be an elective official of the City of Placerville. From and after November 11, 2008, or upon earlier vacancy in the office of the City Clerk, the City Clerk shall be appointed by the City Council. The City Clerk so appointed shall hold office at the pleasure of the City Council and, notwithstanding California Government Code § 36502 to the contrary, is not required to be a resident or elector in the city.

- B. Pursuant to its rights and authority, the City Council orders submitted to the voters at said general municipal election the following question:

<b>CITY OF PLACERVILLE</b> OFFICE OF THE CITY TREASURER  Shall the office of City Treasurer be appointive?	Yes	
	No	

The second proposed measure submitted to the voters is as follows:

The people of the City of Placerville do ordain as follows:

The City Treasurer shall no longer be an elective official of the City of Placerville. From and after November 11, 2008, or upon earlier vacancy in the office of the City Treasurer, the City Treasurer shall be appointed by the City Council. The City Treasurer so appointed

shall hold office at the pleasure of the City Council and, notwithstanding California Government Code § 36502 to the contrary, is not required to be a resident or elector in the city.

Section 2. Pursuant to Elections Code § 10002 and 10403 and other applicable authority, the City Council hereby request the El Dorado County Board of Supervisors and the El Dorado County Elections Department to: (a) consolidate the election on this City proposition with, and place it upon the same ballot as that provided for, the regular statewide election scheduled for Tuesday, November 7, 2006; and (b) perform election services relating to the vote on the City proposition in accordance with the City of Placerville Resolution requesting election services on behalf of the City for the November 7, 2006 election.

Section 3. The City Clerk is hereby authorized and directed forthwith to file certified copies of this Resolution with the El Dorado County Board of Supervisors and the El Dorado Elections Department.

Section 4. The City Manager, City Clerk and their designees are hereby authorized and directed to take all other actions that are necessary or appropriate to have the City's proposition properly submitted to the City voters at the November 7, 2006 election.

PASSED AND ADOPTED by the City Council of the City of Placerville on the 27<sup>th</sup> day of June, 2006, by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Mayor Pierre Rivas

ATTEST:

\_\_\_\_\_  
 Susan C. Zito, CMC, City Clerk

*Arguments in support or opposition of the proposed laws are the opinions of the authors*

**BALLOT ARGUMENT IN FAVOR OF AN APPOINTED CITY CLERK AND CITY TREASURER IN THE CITY OF PLACERVILLE**

Historically, California cities have moved from elected City Clerks and Treasurers to appointed staff. More than 60% of California cities have an appointed City Treasurer and more than 70% of California cities have an appointed City Clerk. Clearly the majority of California cities have made this move toward appointed positions; Placerville has not.

Over the years, municipal government and regulations have become more complex and the responsibilities of the City Clerk and Treasurer have changed with increasing levels of training and experience necessary. Today, City Clerk responsibilities require professional skills and expertise in Election and Fair Political Practices Law, Records Management, and contract practices. Specialized skills and knowledge are necessary for a City Clerk to be successful. Most members of the public do not possess the education or experience necessary to accomplish the full range of duties required of this position. An appointed City Clerk, however, would be selected based on education, experience, and professional licenses. An appointed City Clerk would be subject to normal personnel procedures, including a competitive recruitment process, annual performance evaluations and disciplinary action.

The City Treasurer functions are also complex and increasingly technical. Effective financial management now requires professional skills and expertise in areas such as electronic banking, municipal fund accounting, and government reporting requirements, investment regulations and debt management. Today, professional staff, independent audits, and internal accounting controls provide the necessary oversight and controls for the City’s finances. The Treasurer supplements these financial efforts.

The public expects and deserves that the duties of the City Clerk and City Treasurer will be performed with professionalism and efficiency. This can best be accomplished by selecting individuals to serve based on technical skills, education and relevant experience. Let there be no doubt that Placerville has been served well by residents in these part-time elected positions. Our two incumbents – City Treasurer Kathleen Trumbly and City Clerk Susan Zito endorse this change.

The City of Placerville City Council unanimously joins other municipal governments and professional organizations committed to quality local government in encouraging you to support this logical and necessary change.

Pierre Rivas, Mayor \_\_\_\_\_

Mark Acuna, Vice-Mayor \_\_\_\_\_

Carl Hagen, Councilmember \_\_\_\_\_

Roberta Colvin, Councilmember \_\_\_\_\_

Marian Washburn, Councilmember \_\_\_\_\_