

## RECENT BALLOT MEASURES: IMPARTIAL ANALYSIS AND ARGUMENTS FOR APPOINTED CITY CLERK

(information obtained through Registrar of Voters for respective cities)

### City of Tustin – November 2010

**9,551 (61.8%) Yes**

**5,911 (38.2%) No**

#### **Impartial Analysis:**

*California law requires all cities to have a City Clerk who attends all meetings of the City Council, maintains the Council's ordinances and resolutions, issues licenses and permits, and performs a variety of other duties. Under the existing Tustin City Code, the City Clerk is elected by the voters every four years. If the proposed initiative is approved, the Tustin City Code would be amended to authorize the City Council to appoint and remove the City Clerk.*

#### **Argument in Favor:**

*Eliminating the elected City Clerk will save Tustin taxpayers up to \$29,454.00 annually and reduce bureaucracy at Tustin City Hall. The elected City Clerk position is outdated, expensive, and unnecessary. Each city is required to have either an appointed or elected City Clerk. Among Orange County's 34 cities, Tustin is one of only 7 cities that still has an elected City Clerk, and is one of only two cities that maintain a ceremonial City Clerk who supervises no staff and has no day-to-day responsibilities at City Hall. Among 481 cities statewide, Tustin is one of only approximately 25 cities clinging to this unnecessary expense. The actual work of the City Clerk is performed by full-time, professionally trained city staff. Tustin taxpayers now have the opportunity to modernize their city government and realize significant salary, benefit, and pension savings in the process. A "yes" vote on this measure will align the Clerk's duties with the staff actually performing them and eliminate a needless ceremonial position. Your approval is required to make this necessary and sensible change. Please join us in voting "yes" on this tax-saving measure.*

### City of San Bernardino – November 2010

**11,333 (36.86%) yes**

**19,409 (63.14%) no**

#### **Impartial Analysis:**

*There are 478 incorporated cities in California and each one is governed by either general law or a city charter. General law cities choose to become charter cities by a vote of the people. The charter is not adopted by the city until it is ratified by a majority vote of the city's voters. Charter cities conduct their own business and control their own affairs. There is no requirement under general law for a city to have an attorney. A charter city maximizes local control and can, under their charter, elect a city attorney and others if the voters so choose. San Bernardino is one of 119 charter cities in California and of that 11 cities in California that elect a City Attorney. Other cities where the city attorney is elected include San Francisco, Los Angeles, San Diego and Oakland.*

**2,736 (51.01%) yes**

2,628 (48.99%) no

**Impartial Analysis:**

*The City Council of the City of San Bruno has placed this measure on the ballot to ask the voters of San Bruno if the position of City Clerk should be made appointive rather than elective. Under California law, the City Clerk of any general law city such as San Bruno is an elective position unless it is made appointive by the voters of the City. Currently, the San Bruno City Clerk is elected for a four-year term. State law establishes two qualifications for the position of City Clerk: the individual must be at least eighteen years of age and be a registered voter of the City.*

*Some of the City Clerk's duties include administering state laws that govern open meetings, conflict of interest codes, public records, elections, and campaign disclosure and finance. Other duties include creating minutes for City Council meetings, maintaining official city documents and records, printing and distributing City Council agenda packets, and providing legally required official notices of meetings.*

*If adopted by majority vote of those persons voting, this measure would make the position of City Clerk appointive at the end of the incumbent City Clerk's term which expires on December 3, 2017.*

*A "yes" vote would make the position of City Clerk appointive rather than elective.*

*A "no" vote would keep the position of City Clerk elective"*

**Argument in favor:**

*A "yes" vote on Measure U ensures that the selection of the City Clerk for the City of San Bruno be based on qualifications and experience, not the results of a political campaign. As current City Clerk, I endorse this measure. Elections should be for policy makers. The Clerk position is administrative in nature and mostly directed by statute. The needs of the community have grown and the complexity of the Clerk's position have increased since our first elected City Clerk took office 100 years ago, yet the elected qualifications remain the same - eighteen years of age and registered voter in San Bruno.*

*The person who would fill this role needs to have professional skills and expertise in elections, political practices law, open meeting laws, records retention, conflict-of-interest regulations, and contract practices. They need to be conversant with state and local statutes and ordinances.*

*In the vast majority of California cities, the City Clerk is an appointed position subject to the same evaluation and hiring practices as with any other city employees. A YES vote would bring our City in line with the modern practices of other cities. It would assure that the position of City Clerk is filled by someone with the experience and qualifications necessary for the job. Not having a qualified City Clerk could put the City in legal jeopardy in many areas.*

*As the City Clerk, I am committed to quality local government and ask you to join me and other civic leaders in voting YES on Measure U.*

City of Atascadero – November 2016

**6,597 (50.43%) Yes**

**6,484 (49.57%) No**

**Impartial Analysis:**

*State law requires each California city to have a City Clerk. City Clerks may be either elected or appointed. This measure places before the voters the question whether the City Clerk should be an appointed rather than an elected position.*

*In Atascadero, the City Clerk is currently elected and serves a four-year term. State law also establishes the qualifications for a City Clerk, requiring that the person elected to this position must be a registered voter and resident of the City. There are no requirements that candidates for City Clerk have any specific education, certification, or experience.*

*City Clerks perform limited duties as specified by state law, but are often called on to perform numerous related administrative duties. Some, but not all, of the City Clerk's duties include preparing, indexing, and maintaining accurate minutes of City Council meetings and all City documents and records; printing, assembling, and distributing Council agenda materials; administering municipal elections; receiving and maintaining candidate campaign forms and City officials' statements of economic interest; revising the City's conflict of interest code; preparing, mailing, and publishing all official City notices in a timely manner; and maintaining the Municipal Code.*

*State law authorizes the City Council to place on the ballot the question whether the City Clerk should be made appointive. If a majority of the voters approve making the position of City Clerk appointive, the City Council will have the authority to appoint a person to be City Clerk upon the expiration of the current term of office, or earlier if there is a vacancy. The City Council could establish qualifications such as education, certification and experience, and could appoint the person determined to be best qualified, regardless of that person's place of voter registration or residence. This measure would not change the duties of the City Clerk as established pursuant to state law.*

*A simple majority of YES votes would approve the measure, making the City Clerk an appointive office.*

*A majority of NO votes would reject the measure, in which case the City Clerk will continue to be an elective office.*

**Argument in favor:**

*The only qualification to serve as elected City Clerk is to be a registered City voter. The selection of the Atascadero City Clerk should be based on qualifications and experience, not on the results of a political campaign. There is no guarantee that an elected City Clerk will possess*

*the necessary skills and expertise. Your “YES” vote on Measure F-16 will convert the Atascadero City Clerk position from elected to appointed (hired) and is placed before the voters to ensure the City’s operations continue into the future to be run efficiently by qualified individuals.*

*Historically, cities elected the city clerk to perform narrow statutory duties. However, as cities have grown and become more complex, the duties of the city clerk have significantly expanded and become more technical. City clerks now require a high level of expertise and training with knowledge of local and state laws relating to the Public Records Act, Brown Act, Political Reform Act, Municipal Elections, and the Municipal Code. As a result, 73% of cities in California now appoint their city clerks.*

*The San Luis Obispo County Grand Jury released a report in 2010 addressing the question if City Clerks and Treasurers should be elected or appointed. Their report stated that “Health benefits alone may be sufficient to attract unqualified persons to run for city clerk, leaving the work to city staff and costing the cities health benefits for persons performing no useful function.”*

*The public deserves the duties of the City Clerk to be performed professionally and efficiently.*

*The Atascadero City Clerk and City Treasurer urge you to vote “YES” on Measure F-16.*

City of Pittsburg – November 2016

7,064 (36.63%) Yes

**12,223 (63.37%) No**

**Impartial Analysis:**

*California law requires all general law cities to have the position of city clerk. City clerks have many important administrative responsibilities, such as keeping records of all city council meetings, including ordinances and resolutions; overseeing city elections; administering retention of city records; and performing other significant duties imposed by state and local law. The position of city clerk may be either an elected position or an appointed position. Elected city clerks must reside and be registered to vote in the city where they hold office. No other requirements or minimum experience qualifications apply to elected city clerks. Appointed city clerks serve at the pleasure of the city council, and are not required to be residents or voters in the city in which they serve. A city council may establish minimum qualification requirements for appointed city clerks.*

*The office of City Clerk for the City of Pittsburg is currently an elected office. California Elections Code section 36508 authorizes a city council to submit to the voters the question of whether an elected office, other than that of a city council member, shall be made an appointed office. The Pittsburg City Council adopted Resolution 16-13225 directing that a question be submitted to the voters of the City of Pittsburg concerning whether the City Clerk of the City of Pittsburg shall be made an appointed position.*

*A “yes” vote on Measure H is a vote in favor of making the City Clerk of the City of Pittsburg an appointed position. A “no” vote on Measure H is a vote against making the City Clerk of the City of Pittsburg an appointed position. If a majority of the voters voting on Measure H vote “yes”, then the City Clerk of the City of Pittsburg will become an appointed position, and the city council will appoint a City Clerk at the expiration of the term of the City Clerk now in office, or upon a vacancy in the office of City Clerk.”*

**Argument in favor:**

*The selection of the City Clerk for Pittsburg should be based on qualifications and experience, not the results of a political campaign.*

*Duties of the City Clerk have evolved considerably over the past few decades. A city can no longer afford for this position to be strictly ceremonial in nature. The complexities of the position have increased and technical skills and knowledge required are significant. The Clerk’s responsibilities include: city records and agenda management, elections oversight, administration of the City’s legislative process, and compliance with conflict of interest regulations and other federal/state laws. New laws are enacted each year that require administration by City Clerks.*

*Logic demands that the City Clerk be selected following a screening designed to recruit and hire the person with the strongest technical and professional skills. Once hired, an appointed Clerk can be held accountable to perform to the same standards established for other executive staff.*

*By State law, the only qualifications to serve as an elected City Clerk are:*

- Must be at least 18 years of age, and*
- Must be a registered voter within the City*

*The trend statewide has moved towards appointed rather than elected City Clerks. 80% of California cities appoint their City Clerks; only 4 of 19 cities in Contra Costa County have elected City Clerks. The Pittsburg City Council unanimously joins many groups and individuals committed to quality local government in encouraging you to support this commonsense and necessary change.*

*The public expects that the duties of the City Clerk will be performed efficiently and professionally. This can best be accomplished by selecting a person to serve based on technical skill, education and relevant experience. The City of Pittsburg deserves a full-time, qualified City Clerk.*

*Your YES vote ensures the duties of the City Clerk are performed by a professional selected based on their knowledge, education, training and qualifications.*