

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
May 27, 2014
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

I. CALL TO ORDER (7:00 PM):

II. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

III. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

1. Openings on Boards and Commissions:

**Arts and Culture Commission
1 unexpired term
1 full term
Open until filled**

Historic Preservation Review Commission
1 unexpired term
Open until filled

Economic Development Board
1 unexpired term
Open until filled

B. PRESENTATIONS.

1. BENICIA MAKERSPACE PRESENTATION HIGHLIGHTING THE GROUP'S MISSION AND ACTIVITIES

IV. ADOPTION OF AGENDA:

V. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VI. BUSINESS ITEMS (7:15 PM):

A. FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER. (City Attorney)

Due to the recent passing of City Treasurer H.R. Autz, the City Council must decide how to fill the vacancy in the office of City Treasurer. The Government Code provides that the City Council may fill the vacancy in the office of City Treasurer by either appointing someone to the office or calling a special election to fill the office.

Recommendation: Either approve, by resolution, an appointment process or call, by resolution, an election to fill the vacancy in the office of City Treasurer. Consider also a ballot measure to make the position an appointed position rather than an elected position.

VII. ADJOURNMENT (8:00 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 27, 2014
BUSINESS ITEMS

DATE : May 19, 2014
TO : City Council
FROM : City Attorney
SUBJECT : **FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER**

RECOMMENDATION:

Either approve, by resolution, an appointment process or call, by resolution, an election to fill the vacancy in the office of City Treasurer. Consider also a ballot measure to make the position an appointed position rather than an elected position.

EXECUTIVE SUMMARY:

Due to the recent passing of City Treasurer HR Autz, the City Council must decide how to fill the vacancy in the office of City Treasurer. The Government Code provides that the City Council may fill the vacancy in the office of City Treasurer by either appointing someone to the office or calling a special election to fill the office.

BUDGET INFORMATION:

The office of City Treasurer receives \$200 per month as a stipend and retirement benefits. The position does not receive other benefits. There are also the minimal costs of business cards, new letterhead, etc. If an election is required to fill the vacancy, the cost is estimated to be an additional 30 cents per registered voter, as it would be added to the November 4, 2014 regularly scheduled election ballot. It would be the same to add a ballot measure. The current budget does not include these costs.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

Unfortunately, City Treasurer HR Autz passed away on May 16, 2014. He was appointed in October 2012 to the position to fill the vacancy created by the death of City Treasurer Robert Langston. Because Treasurer Autz passed while

holding the office, there is yet again a vacancy in the office of City Treasurer.

The City Treasurer has very limited duties. In accordance with Benicia Municipal Code Section 2.48.010, the only duties of the City Treasurer are to countersign warrants and attend Finance Committee meetings. Until the vacancy is filled, warrants will be countersigned by the Mayor and authorized staff members.

The process for filling the vacancy remains the same as 2012 and 2010 when City Treasurers Robert Langston and Teddie Bidou passed. Government Code Section 36512 provides for the filling vacancies in elected offices such as the City Treasurer. This section requires action by the City Council within 60 days from the date of the vacancy. Thus, July 15, 2014 is the last day for action by the Council.

Government Code Section 36512 requires the City Council to fill the vacancy either by appointing someone to the office or by calling a special election to fill the vacancy. The appointment to fill the vacancy must be made within 60 days from the date of the vacancy. If the Council chooses to call for an election instead of an appointment, the election must be called within 60 days of the vacancy. The special election must be held on the next regularly established election date not less than 114 days from the call of the election. There are three regular election dates for each year per Elections Code Section 1000. The November 4, 2014 election date would be the time for the election.

Whether the vacancy is filled by appointment or election, the City Treasurer must be an elector of the City at the time of appointment and must maintain residency during the term of office. See Government Code Section 36502. The term of office whether appointed or elected will be the remainder of City Treasurer Autz' term. He was appointed to fill out the rest of Treasurer Langston's term who also died in office. Treasurer Langston's term was until December of 2015. Subsequently, the Council extended the terms of elected officials by one year to consolidate the elections. Thus, the person filling out the remainder of Treasurer Autz' term will serve until December of 2016.

Appointment Process:

The City has in recent history used the appointment process to fill the vacancies in the City Treasurer office. The appointment process was used in both the fall of 2010 and in 2012.

First, in the fall of 2010, the City Council considered whether to appoint or call for an election for the City Treasurer position after Treasurer Teddie Bidou died. At the special City Council meeting on September 28, 2010, the City Council opted for an appointment process to fill out the remainder of Treasurer Bidou's term. Approximately a week was allowed for application submittals with applications due on October 5 at 5 p.m. The City Council interviewed and made the final

council decision on the appointment at a special meeting of the Council on October 12. The City Council decided to appoint Teri Davena as Treasurer until the end of City Treasurer Bidou's term. (In 2010, the process required a couple of special meetings because state law at the time required quicker action on the appointment or election.)

Second, in the fall of 2012 after the passing of City Treasurer Robert Langston, the City Council considered whether to appoint or call for an election for the vacant City Treasurer position. The City Council opted for an appointment process to fill out the remainder of City Treasurer Langston's term. Because the Council had more time to make a decision, the interviews and final action happened October 16. October 2 was selected as the date for the application deadline. This allowed enough time to meet the agenda deadlines.

This time, if the Council would like to make an appointment, either for the remainder of the term or temporarily until the election, it is suggested that applications be due on June 10th by the close of business and the interviews happen at the June 24th City Council meeting.

A copy of the application form used previously is attached. The same application could be used this time. Although the salary and benefits have already been reduced there is some budget impact as noted in the budget section of this report.

The interviews of the applicants were conducted in public. Each applicant was allowed a one-minute opening statement. Then, the City Council asked each of the three applicants four questions:

1. Why do you want to be City Treasurer?
2. Describe the background and experiences that make you a desirable candidate.
3. What is your understanding of the City's Investment Policy as approved by the City Council?
4. Are you willing to serve the full unexpired term until the end of the term?

There were no time limits on the response time for the applicants and none of the candidates talked excessively. The Council decided that follow up questions could be asked, but wanted to keep the questions the same for each applicant. No follow up questions were actually asked of the applicants.

Each applicant was asked, and agreed, to wait outside the Council Chamber until it was time for the applicant's interview. Order of the interviews was determined by a coin toss or a drawing of cards.

Public comment was allowed after all the applicants spoke. The City Council

then deliberated and made their appointment. As noted above, there are minimum qualifications for the City Treasurer position. The City Council may appoint anyone, including a City employee, who is an elector of the City.

Election:

If the City Council would like to submit the matter to the voters to choose the City Treasurer, the Council must adopt a resolution calling for an election. The next available election date is November 2014. The cost to add a candidate race for treasurer or to add a ballot measure is estimated to be an additional thirty cents per registered voter.

Draft resolutions are attached for your consideration to call the election and receive County services.

Ballot Measure to Consider Elected vs. Appointed City Clerk and City Treasurer:

In 2010, the City Council decided not to pursue a ballot measure to make the City Treasurer position or City Clerk position appointed. You may recall that in 1998 the question of whether the City Clerk and City Treasurer positions was put to a vote of the people. Although the measures failed at that time, it may be appropriate to reconsider the issues. A copy of former Finance Director Rob Sousa's comments about the evolution of the treasurer position is attached as well as the information on the previous ballot measure. Action to place a ballot measure on the November ballot could be agendaized if desired.

Attachments:

- Benicia Municipal Code Chapter 2.48
- Government Code Section 36512
- Government Code Section 36502
- Resolution Requesting Applications
- Application
- Resolutions Calling a Special Election and Requesting County Services
- Finance Director Rob Sousa's Comments
- Previous City Clerk/City Treasurer Ballot Measure Information
 - 1998 Ballot Information

Chapter 2.48 CITY TREASURER

Sections:

- 2.48.010 Powers and duties.
- 2.48.020 Compensation and benefits.
- 2.48.030 Qualifications.

2.48.010 Powers and duties.

All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the finance director which are now performed by the city treasurer are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to those duties required by law.

The city treasurer shall countersign warrants and serve on the finance committee. (Ord. 11-09 § 1).

2.48.020 Compensation and benefits.

The city treasurer shall receive a \$200.00 per month stipend and related retirement benefit but no other benefits. (Ord. 11-09 § 1).

2.48.030 Qualifications.

The city treasurer is an elected position so the only qualifications are that the individual be a registered voter of the city. Therefore, the following qualifications are desirable, but not required.

A. Knowledge of:

1. Municipal revenue sources;
2. Methods, practices and principles related to the investment of city idle funds;
3. Basic assessment district and bond financing techniques; and
4. Methods, practices and principles related to evaluating municipal cash flow needs.

B. Ability to:

1. Invest city idle funds in a wise and prudent manner;
2. Meet the public and provide required information pleasantly and efficiently;
3. Communicate effectively and tactfully in both oral and written forms;
4. Establish and maintain complex and extensive financial record keeping systems and files;
5. Operate and use a variety of office equipment;
6. Establish and maintain effective work relationships with those contacted in the performance of required duties. (Ord. 11-09 § 1).

The Benicia Municipal Code is current through Ordinance 14-01, passed April 1, 2014.

Disclaimer: The City Clerk's Office has the official version of the Benicia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

C

Effective:[See Text Amendments]

West's Annotated California Codes [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Government of Cities ([Refs & Annos](#))

▢ [Division 3. Officers \(Refs & Annos\)](#)

▢ [Part 1. General \(Refs & Annos\)](#)

→→ **§ 36502. Councilmember, clerk or treasurer; qualifications; vacancy upon nonresidence; term limits; electoral approval**

(a) A person is not eligible to hold office as councilmember, city clerk, or city treasurer unless he or she is at the time of assuming the office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in [Section 10227 of the Elections Code](#).

If, during his or her term of office, he or she moves his or her place of residence outside of the city limits or ceases to be an elector of the city, his or her office shall immediately become vacant.

(b) Notwithstanding any other provision of law, the city council of a general law or charter city may adopt or the residents of the city may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve. Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal. Notwithstanding the provisions of this subdivision, the provisions of any city charter that, on January 1, 1996, impose limitations on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall remain in effect. Unless otherwise prohibited by a city charter, any city charter may be amended pursuant to this section or pursuant to the procedures specified in the charter, to include the limitation authorized in this subdivision.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 143, § 1. Amended by Stats.1957, c. 635, p. 1842, § 1; Stats.1961, c. 1682, p. 3650, § 1; Stats.1975, c. 1030, p. 2432, § 4, eff. Sept. 24, 1975; [Stats.1994, c. 923 \(S.B.1546\), § 71](#); [Stats.1995, c. 432 \(S.B.2\), § 5](#).)

Current with urgency legislation through Ch. 16 of 2014 Reg.Sess. and all propositions on the 6/3/2014 ballot.

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END OF DOCUMENT

**Effective: January 1, 2011**West's Annotated California Codes [Currentness](#)Government Code ([Refs & Annos](#))Title 4. Government of Cities ([Refs & Annos](#)) [↖] [Division 3. Officers](#) ([Refs & Annos](#)) [↖] [Part 1. General](#) ([Refs & Annos](#)) **→→ § 36512. Vacancies; fill by appointment or special election; term; ordinances governing appointments or elections; restrictions**

(a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and [Section 34902](#), a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to [Section 34902](#). The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to [Section 34902](#) when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d)(1) Notwithstanding subdivision (b) and [Section 34902](#), an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 144, § 1. Amended by Stats.1975, c. 283, p. 703, § 1; Stats.1977, c. 1205, p. 4076, § 89; [Stats.1992, c. 136 \(A.B.2295\), § 1](#); [Stats.1993, c. 229 \(A.B.1282\), § 12, eff. July 29, 1993](#); [Stats.2010, c. 38 \(A.B.1668\), § 10.](#))

Current with urgency legislation through Ch. 16 of 2014 Reg.Sess. and all propositions on the 6/3/2014 ballot.

(C) 2014 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT

RESOLUTION NO. 14-

A RESOLUTION OF THE BENICIA CITY COUNCIL DECLARING THE POSITION OF CITY TREASURER VACANT, DIRECTING THE CITY CLERK TO POST A NOTICE OF INTENTION TO FILL THE POSITION AND TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY

WHEREAS, City Treasurer H.R. Autz passed away on May 16, 2014 prior to the end of his term of office, December 2016; and

WHEREAS, California Government Code Section 1770 declares the death of an incumbent in the office of the City Treasurer creates a vacancy and the City Council of the City of Benicia now states a vacancy exists; and

WHEREAS, California Government Code Section 36512 provides for a manner to fill the vacant position of City Treasurer of General Law cities; and

WHEREAS, it is the desire of the Benicia City Council to consider filling the vacancy through the appointment of an eligible resident of the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED that the Benicia City Council finds as follows:

- (1) That the City Council hereby declares that there exists a vacancy in the position of City Treasurer.
- (2) That it is in the best interest of the City of Benicia to seek applications to consider filling the vacancy by appointment to assure continuity in our local government.
- (3) That the City Council hereby directs the City Clerk to post a Notice of Intention to Fill a Vacancy in the position of City Treasurer and to advertise for applications to fill the vacancy and require that applications be returned by no later than Tuesday, June 10, 2014 at 5:00 p.m.
- (4) The interview process on June 24, 2014 shall include that:
 - (a) The interviews are conducted in public;
 - (b) Each applicant is allowed a one-minute opening statement;
 - (c) City Council asks each candidate the same four (4) questions;
 - (d) There are no time limits on the candidates responses to the questions;
 - (e) If follow up questions are needed, City Council will ask the same question to each candidate;
 - (f) Each applicant agrees to wait outside Council Chambers until it is time for the applicant's interview; and
 - (g) The order of the interviews will be determined by either a coin toss or drawing cards.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia hereby retains the right to fill the vacancy through the special election process as prescribed by Government Code 36512 even after receiving eligible applications should they so desire without statement of cause or explanation.

On a motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at the regular meeting of said Council held on the 27th of May, 2014, and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date



CITY OF BENICIA
Application for
City Treasurer

This application and any documents you attach are public records under the Public Records Act. Completion and submission of this application are required for consideration of appointment to the City Treasurer position, term ending December 2016. This application must be submitted with an original signature no later than the deadline of June 10, 2014 by 5:00 p.m. You must be an elector of the City of Benicia and 18 years or older.

Please be advised that the position for which you are applying will require a Statement of Economic Interest if you are appointed.

It is the policy of the City of Benicia that no qualified disabled person will be denied the opportunity to participate. Appropriate arrangements will be made to accommodate individuals as needed.

PLEASE RETURN COMPLETED APPLICATIONS TO: City Clerk Department
250 East L Street
Benicia, CA 94510
(707) 746-4200

APPLICANT'S NAME: _____
(Please print- no nicknames).

HOME ADDRESS: _____
(Street Address)

(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____
(Company Name)

(Company address)

(City) (Zip Code) (Phone Number)

POSITION TITLE: _____

DRIVER'S LICENSE NUMBER: _____
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for _____ years.

PLEASE ATTACH A SUMMARY OF YOUR RELEVANT BACKGROUND, EXPERIENCE AND EDUCATION THAT QUALIFIES YOU FOR THE CITY TREASURER POSITION.

What are your main areas of interest in Benicia City government? _____

What relevant experience can you bring to this position? _____

What community organizations and associations do you belong to? _____

Are you serving or have you served on any Benicia advisory groups? (Please indicate dates of service) _____

To assist in evaluating your qualifications for appointment as City Treasurer, please provide related background and education.

In light of the City's budget issues, are you willing, and would you, voluntarily waive any stipend or benefits associated with the City Treasurer position? (Circle one) YES / NO

You may attach to this application any additional materials that may be considered for appointments (i.e., resumes, letters of recommendation). Please keep in mind the application and responses are public records.

=====

Applicant's Signature

Date Submitted

Thank you for your willingness to serve your community. The City appreciates your commitment.

=====

OFFICIAL USE ONLY

_____ BPD Background Check

Comments _____

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF ONE CITY TREASURER FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR CANDIDATES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Municipal Election on the 4th day of November, 2014 may be held to fill one (1) vacancy in the office of City Treasurer; and

WHEREAS, candidates for the office of City Treasurer are required to file nomination papers for the office selected prior to the election.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby resolve, declare, determine, and order as follows:

1. Pursuant to the requirements of the laws of the State of California relating to general law cities within the State, there shall be, and there is hereby called and ordered held in the City of Benicia, on November 4, 2014 a Municipal Election of the qualified electors of the City for the purpose of electing one (1) City Treasurer.
2. The cost for setup and printing of each Candidate's Statement will be borne by the City. The cost of printing the Statement of Qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the City.
3. The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.
4. The election shall be conducted in accordance with the laws of the State of California.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 27th day of May, 2014 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS TO PERMIT A GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2014

WHEREAS, pursuant to Elections Code Section 10002, the Board of Supervisors of the County of Solano is hereby requested to permit the Registrar of Voters to provide the following services to the City of Benicia in connection with the conduct of a Special Municipal Election to be held in the City of Benicia on November 4, 2014:

- a) Precinct consolidation, establishment of polling places, securing election officers, and preparing and mailing notices of appointment;
- b) Printing sample ballots, sample ballot envelopes, ballot measures, polling place cards, ballot arguments and mailing to registered voters;
- c) Printing of official ballots;
- d) Purchase precinct supplies and absent voter supplies;
- e) Provide for absentee voting at Office of Registrar of Voters, Election Division;
- f) Cartage of voting booths, ballots, ballot boxes and precinct supplies to precincts;
- g) Supervision and conduct of election;
- h) Tabulation of votes;
- i) Canvass the returns;
- j) Consolidate with any other election to be held on that date; and
- k) All things necessary or incidental to the above functions as may be requested from time to time by the City Clerk or as necessary to conduct the election in accordance with the Elections Code; and

WHEREAS, the City shall reimburse the County in full for services performed pursuant to this Resolution upon presentation of a bill to the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia requests the Board of Supervisors permit the Registrar of Voters to provide specified services for a Municipal Election to be held November 4, 2014.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 27th day of May, 2014 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date

City Council Meeting
June 7, 2011
Business Item E: City Treasurer
Rob Sousa, Finance Director
Speaking 2:29:25-2:33:25

Thank you very much, Mayor and Council. I appreciate the opportunity to offer a few points on this very important position. I'd also like to comment that I have not had any conversations with anybody regarding the duties of the treasurer. None of the speakers tonight have talked to me about the role of the treasurer in the City of Benicia. I would have to offer that in my tenure as Finance Director, I have seen the beginning of the vanishing need for a treasurer. It came along with electronic bookkeeping. It was furthered in the '70s by tremendous gains in checking, checking stock, the securities that the banks were able to exercise over the money they held in our name, removed a lot of the need for the treasurer, which in the old days that was their primary duty. A secondary duty was in the monitoring and control of investments. In those days, we actually received coupons or CDs and held them in-house, and when they matured we had to submit them to the financial institution to get our money and that was the other primary role of the treasurer. Today we have book-entry everything. We never take custody of an investment. We have reports from third party custodians that have the right of stewardship for those investments, so those two primary roles of the treasurer are gone. The other minor role may have been reporting to the City Council but, more often than not, that was allocated to the Finance Officer or Finance Director. I can say that, even that role, the Council sees on a regular basis. We have state laws that mandate that you see, on a quarterly basis, a copy of our investment reports. We do that, on a quarterly basis, so the treasurer doesn't have oversight need anymore in that area. Audit requirements have increased enormously in the last two decades, especially since Orange County went under in the '90s. We now have auditors that come in and examine, not just test, but examine every single piece of investment material that we have. They look at all of our bank recs. They test our checks. They go through them with a fine-tooth comb. That is another function that the treasurer would have served. Today, I serve as the treasurer for the City, not only in fact, but non-ceremoniously, because I do the work on a daily basis and I do appreciate the fact that there isn't a need for a treasurer to get in because it is very complex and somebody would take years to gather the knowledge as a citizen in coming into the role and so you would have a tremendous learning curve. You would have to find somebody that was an investment broker if you're going to find maximum return on the training that you're going to provide them, or perhaps a CPA, although we don't see CPAs coming in and taking on that role. Primarily treasurers are not professionals; they're members of the community. The span of control that we have today, the level of responsibility, the dual reporting, the passwords, the PINs, everything removes the need for a treasurer because we have so much oversight built into the system that, again, the need for the treasurer has been waning, and if not, vanished completely. And I would offer that the City Council serves as the prima facie treasurer for the City. And, again, I thank you for the opportunity to, I guess, speak my mind on this. And, again, I wish somebody would have called or talked to me about what the treasurer's duties actually are here in Benicia because they've been non-existent since I've been here.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 7, 1998
NEW BUSINESS**

DATE : June 25, 1998

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **BALLOT MEASURE REGARDING POSITIONS OF CITY CLERK
AND CITY TREASURER:**

RECOMMENDATION:

- The City Council approve a resolution calling for a special municipal election to be held November 3, 1998 requesting the Solano County Board of Supervisors to permit the Registrar of Voters to provide specified services in connection with this Special Election.
- Approve Council arguments in favor of ballot measures.

BUDGET INFORMATION:

- Election will cost the City approximately \$16,000
- Reorganization as recommended will save the City \$25,585.00 per year

SUMMARY:

In keeping with the City's continuing efforts to provide the most cost effective and efficient service to the community, staff examined the operation and function of City Clerk and City Treasurer positions. As a result of this examination, it is recommended that the position of City Treasurer be eliminated and that the position of Deputy City Clerk and City Clerk be combined, creating one (1) position appointed by the City Manager. This reorganization will result in a net savings to the City of \$25,585.00 per year.

As we all know, the City just celebrated its Sesquicentennial in 1997. The positions of City Clerk and City Treasurer were created in 1850, some 148 years ago, when the City's population was around 100, and the number of employees working for the City was a one digit number. Since then, the City has grown to a population of 28,000 with a full time work force of 198

employees. With the growth of the City the functions previously performed by the City Treasurer have been absorbed by the Finance Director and the Finance Department staff. Given the passage of time and the absorption of the functions previously performed by the City Treasurer, the City Treasurer position is now ceremonial rather than requisite.

In September 1989, the City created the position of Deputy City Clerk in an effort to support the part-time elected position of City Clerk. Like the position of City Treasurer, because of the current evolution of the City, it is very clear that one full-time position could accomplish the work currently performed by the full-time Deputy City Clerk position and the part-time elected position of City Clerk. It is also clear that reorganization of these two positions into one (1) full-time City Clerk position would create the most cost effective, efficient operation for the position of City Clerk.

If Council approves the resolution as presented by staff, two questions will be presented to the voters at the November 3, 1998 General Election. The questions will be:

1. Shall the office of City Clerk be appointive?
2. Shall the office of City Treasurer be appointive?

Although the staff report is recommending, as part of the reorganization, the elimination of the City Treasurer position and consolidation of the Deputy City Clerk and City Clerk positions into one City Clerk position, the questions posed to the voters are worded as required by law. If the voters approve the appointive nature of the positions of City Clerk and City Treasurer, the Council, by ordinance, would then formally incorporate the duties and responsibilities previously vested in the City Treasurer into the role description of the City Finance Director. Also, by ordinance, the City Council would place the position of City Clerk with those employees appointed by the City Manager.

Arguments in favor of or against the measures may be submitted to the voters pursuant to Election Code Section 9282-9287. The City Council must decide whether to author an argument in favor of the measures. This decision need not be made with adoption of the resolution, but must be made prior to August 7, 1998. Attached for your review and action are Council arguments in favor of these measures. Also attached for your information is the City Attorney's Impartial Analysis of each ballot measure.

The Council may also choose to allow rebuttal arguments. However, this decision must be made this evening when the resolution calling for the special election is adopted, pursuant to Section 9285(b) of the Election Code. You should note, the resolution before you allows for rebuttal arguments. Based upon the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten (10) day public examination period, the Council should set August 7, 1998 as the date after which no arguments for or against the measure may be submitted, according to Section 9286 of the Election Code.

Just a point of information, the Board of Supervisors must take action consolidating the City's special municipal election with the Statewide General Election in November no later than August 7, 1998. The Board meets on August 4, 1998. Therefore, this resolution must reach the County Registrar of Voters by July 20, 1998.



Otto Wm. Giuliani
City Manager

OWG:tb
/Agen77.98

Attachments:

- Draft Resolution
- Financial Analysis
- City Attorney Impartial Analysis (City Clerk)
- City Attorney Impartial Analysis (City Treasurer)
- Council Argument in Favor of Measure (City Clerk)
- Council Argument in Favor of Measure (City Treasurer)

M E M O R A N D U M

TO : CITY MANAGER

FROM : FINANCE DIRECTOR 

ABOUT : ELIMINATION OF CITY CLERK, ASSISTANT CITY CLERK, AND CITY TREASURER POSITIONS

DATE : 26 FEBRUARY 1998

In reference to your request, the following is provided:

<u>DESCRIPTION</u>	<u>AMOUNT SAVED</u> (BASED ON 1997.98 BUDGET)
Elimination of Elected City Clerk Position	\$ 16,195
Elimination of Deputy City Clerk Position	46,780
Elimination of Elected City Treasurer Position	9,390
Sub Total--->>	<u>\$ 72,365</u>
Creation of Appointed City Clerk Position	(46,780)
Total Savings	\$ 25,585

Should you have question or comment concerning this data, please see me.

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS**

MEASURE D

SHALL THE CITY CLERK BE ELECTED OR APPOINTED

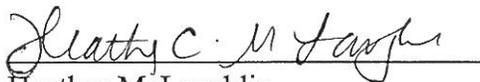
This Ballot Measure is about the office of the City Clerk. The City Clerk of the City of Benicia performs a variety of duties on behalf of the City Council. Some of these duties include:

- Acting as the official custodian of City records;
- Conducting City elections;
- Administering oaths;
- Maintaining the Benicia Municipal Code;
- Serving as clerk to the City Council;
- Providing notice of public hearings;
- Receiving and maintaining statements of economic interests from City employees; and
- Keeping and maintaining custody of the City seal.

The City Clerk now is elected by the voters to a four-year term. This Ballot Measure would change the City Clerk's office from an elective office to an appointive office. If this Ballot Measure passes, the current City Clerk would continue to serve the remainder of her term. At the expiration of her term or upon a vacancy in the office and with the adoption of an ordinance delegating appointment of the City Clerk to the City Manager, the City Manager would appoint a City Clerk. If the City Clerk is appointed, the duties and responsibilities of the office will remain identical to those now set forth in the State law and in the Benicia Municipal Code. In 167 California cities, the City Clerk is elected. In 302 California cities, the City Clerk is appointed.

A yes vote will approve the Ballot Measure and make the City Clerk an appointive office.

A no vote will disapprove the Ballot Measure and keep the City Clerk as an elective office.


Heather McLaughlin
City Attorney

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS**

MEASURE E

SHALL THE CITY TREASURER BE ELECTED OR APPOINTED

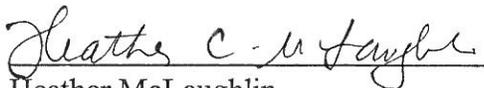
This Ballot Measure is about the office of the City Treasurer. The City Treasurer of the City of Benicia has certain duties and responsibilities set forth in State law. The City Treasurer is required to:

- Invest city monies in accordance with State law and the investment policy adopted by the City Council;
- Prepare and submit a monthly report to the City Council accounting for all receipts, disbursements, and fund balances;
- Sign disbursements in the name of the City of Benicia upon the direction and authorization of the City Council.

Currently, most of these tasks are performed by the Finance Director, and the position of City Treasurer is largely ceremonial.

The City Treasurer now is elected by the voters to a four-year term. This Ballot Measure would change the City Treasurer's office from an elective office to an appointive office. If this Ballot Measure passes, the current City Treasurer would continue to serve the remainder of her term. At the expiration of her term or upon a vacancy in the office and with the adoption of an ordinance delegating appointment of the City Treasurer to the City Manager, the City Manager would appoint a City Treasurer. If the City Treasurer is appointed, the duties and responsibilities of the office will remain identical to those now set forth in the State law. There are 472 cities in California. There are 183 elected City Treasurers.

A yes vote will approve the Ballot Measure and make the City Treasurer an appointed office. A no vote will disapprove the Ballot Measure and keep the City Treasurer as an elective office.


Heather McLaughlin
City Attorney

RESOLUTION NO. 98-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING
BALLOT ARGUMENT IN FAVOR OF MEASURE D

WHEREAS, a Ballot Argument in Favor of Measure D was submitted for public viewing, Council approval and signing prior to submission to the County Clerk for incorporation in the November 3, 1998 Election.

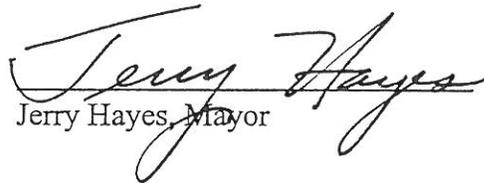
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure D be and it hereby is approved.

On motion of Council Member Gizzi, seconded by Council Member Corbaley, the above resolution was introduced and passed by the Council of the City of Benicia at a regularly scheduled meeting of said Council held on the 21st day of July, 1998 and adopted by the following vote:

Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Messina

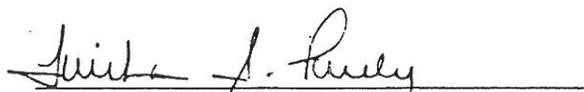
Absent: None


Jerry Hayes, Mayor

Attest:


Linda S. Purdy, City Clerk

I, Linda S. Purdy, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a regular meeting held July 21, 1998.


Linda S. Purdy, City Clerk

**BALLOT ARGUMENT
IN FAVOR OF
MEASURE D**

SHALL THE CITY CLERK BE ELECTED OR APPOINTED

Since the City was incorporated in 1847, the City Clerk has been elected by the voters. In our early days as a City, and for many years thereafter, the City Clerk personally wrote and maintained the minutes of the City Council meetings and other official records of the City.

Today, the City Clerk is responsible for keeping public records, giving notice of public hearings and serving as clerk to the City Council. These are important duties which carry both fiduciary and legal responsibilities for which the City Council hold both the City Manager and City Attorney accountable.

The City Council relies on the City Manager to oversee the day-to-day operations of the City, including the very important operations of the City Clerk's Office. The City Manager is accountable to the City Council for all City services, and appoints all of the other department managers, except for the City Attorney. Your vote in favor of Measure D and an enabling ordinance by the City Council would permit the City Manager to consolidate the full-time Deputy City Clerk and part-time City Clerk positions into one full-time appointed City Clerk position. This consolidation would save the City more than \$16,000 a year.

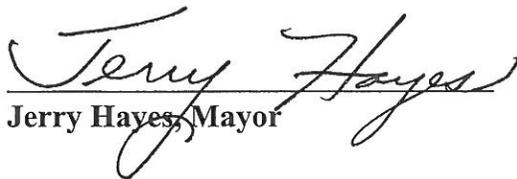
A vote in favor of Measure D will save precious tax dollars.

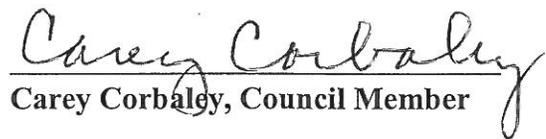
A vote in favor of Measure D is a vote for better government.

A vote in favor of Measure D is a vote for responsible government.

A vote in favor of Measure D is a vote for efficient government.

Please vote **YES** on **MEASURE D** on **November 3, 1998**


Jerry Hayes, Mayor


Carey Corbaley, Council Member


Steve Gizzi, Council Member

RESOLUTION NO. 98-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING
BALLOT ARGUMENT IN FAVOR OF MEASURE E

WHEREAS, a Ballot Argument in Favor of Measure E was submitted for public viewing, Council approval and signing prior to submission to the County Clerk for incorporation in the November 3, 1998 Election.

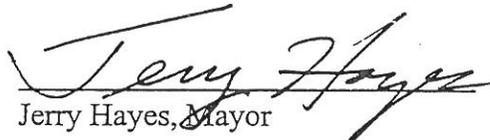
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure E be and it hereby is approved.

On motion of Council Member Corbaley, seconded by Council Member Gizzi, the above resolution was introduced and passed by the Council of the City of Benicia at a regularly scheduled meeting of said Council held on the 21st day of July, 1998 and adopted by the following vote:

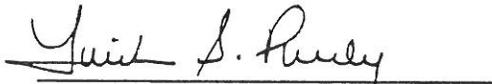
Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Messina

Absent: None


Jerry Hayes, Mayor

Attest:


Linda S. Purdy, City Clerk

I, Linda S. Purdy, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a regular meeting held July 21, 1998.


Linda S. Purdy, City Clerk

**BALLOT ARGUMENT
IN FAVOR OF
MEASURE E**

SHALL THE CITY TREASURER BE ELECTED OR APPOINTED

The variety and complexity of today's financial transactions were unimaginable in 1883 when the State created the position of City Treasurer and required the City Treasurer to be elected by the voters. With the complexities of City finance and the law, the City Council transferred all but ceremonial duties of the City Treasurer to the Finance Director in 1976 in accordance with the Government Code and Benicia Municipal Code. This action left the City Treasurer with purely ceremonial duties. For twenty-two (22) years, it has been the Finance Director's job to be the expert on the financial transactions for the City, to maintain controls over the proper expenditure of City revenue, and to help prepare and administer the City budget. Benicia no longer needs an elected City Treasurer. Elimination of the elected City Treasurer will save the City \$9,000 a year in salary and benefits.

Your vote in favor of Measure E would stop the waste of taxpayer dollars on a ceremonial position. Benicia cannot afford to waste our limited tax dollars.

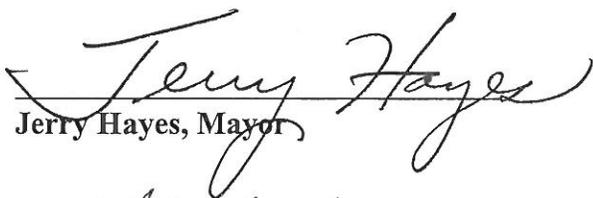
A vote in favor of Measure E will save precious tax dollars.

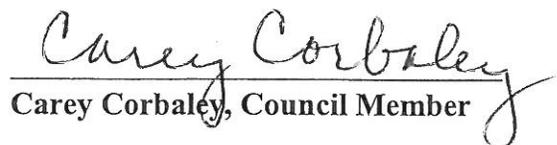
A vote in favor of Measure E is a vote for better government.

A vote in favor of Measure E is a vote for responsible government.

A vote in favor of Measure E is a vote for efficient government.

Please vote **YES** on **MEASURE E** on **November 3, 1998**


Jerry Hayes, Mayor


Carey Corbaley, Council Member


Steve Gizzi, Council Member