

**BENICIA CITY COUNCIL
SPECIAL MEETING AGENDA**

**Council Chambers
October 12, 2010
5:30 PM**

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

I. CALL TO ORDER (5:30 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. 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

IV. ADOPTION OF AGENDA:

V. ACTION ITEMS (5:40 PM):

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

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. It was decided at the Council's September 28, 2010 meeting to ask for applications. The applications received by the deadline are attached. In case the Council would like to call a special election, those documents are attached as well.

RECOMMENDATION: Review the applications, interview the applicants and appoint a City Treasurer and provide direction for future actions regarding the position.

B. ARSENAL INVESTIGATION AND REMEDIATION COMMITTEE REPORT ON MEETING WITH THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL. (City Attorney)

On September 30, 2010 the Department of Toxic Substances Control hosted a meeting for some property owners to talk about an investigation and possible remediation at the former Benicia Arsenal. City staff and the Council Subcommittee attended the meeting as representatives of the City as a property owner. An oral report will be provided at the Council meeting. Depending on the results of the meeting, additional steps may be required by the City.

RECOMMENDATION: Hear the oral report on the meeting with the Department of Toxic Substances Control and provide direction as necessary including providing for future meetings and other action including hiring consultants.

VI. INFORMATIONAL ITEM: (6:15 PM)

A. Verbal update on Pipelines and Safety. (Fire Chief)

VII. CLOSED SESSION (6:30 PM):

**A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**

**Agency negotiators: Council Subcommittee, City Manager,
Administrative Services Director**

Employee organizations: City Manager, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)**

Title: City Manager

**C. PUBLIC EMPLOYEE APPOINTMENT
(Government Code Section §54957(b))**

Employee: City Manager

**D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

Name of case: City of Benicia vs. Lighthouse Covenant Fellowship, et al.

**E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section
54956.9**

Number of Potential cases: #1

VIII. ADJOURNMENT (9:00 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

In compliance with the Americans with Disabilities Act (ADA), 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 this 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 Clerks Office.

**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 12, 2010
CONSENT CALENDAR**

DATE : October 5, 2010

TO : City Council

FROM : City Attorney

SUBJECT: **FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER**

RECOMMENDATION:

Review the applications, interview the applicants and appoint a City Treasurer and provide direction for future actions regarding the position.

EXECUTIVE SUMMARY:

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. It was decided at the Council's September 28, 2010 meeting to ask for applications. The applications received by the deadline are attached. In case the Council would like to call a special election, those documents are attached as well.

BUDGET INFORMATION:

There is no new budget impact from appointing a person to fill the vacancy. If the appointed person waives the salary and benefits, there is a cost savings from the salary and benefits. The City Treasurer currently receives \$583/month as compensation. If an election is required to fill the vacancy, the estimated cost of the election is \$15/voter for an election with polling places or \$10/voter for a mailed ballot.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

Because City Treasurer Teddie Bidou passed away while in office, there is a vacancy in the office of City Treasurer. 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 by October 17th, a Sunday. Since Sunday is considered a holiday, Monday, **October 18** 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 30 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 30 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. Since it is too late to put this item on the November election, the next available election to fill the vacant City Treasurer position would be in March of 2011.

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 the former City Treasurer's term (December of 2011).

At the City Council's meeting on September 28, the City Council decided to ask for applications for the position. The City Council requested the draft application be amended to see if applicants would be willing to voluntarily waive the salary and benefits. The deadline for applications was set as October 5, 2010 at 5 p.m.

Three applications were received by the deadline. Applications were received from Teri Davena, Larry Fullington and Robert Langston. Copies of their applications are attached. It is recommended that the City Council interview the applicants and make an appointment. A resolution for the appointment is attached.

As noted in the September 28th report, the City of Oceanside has also pondered the appointment process. Oceanside had the applicants wait in a room until their name was called. The order of the interviews was determined by a random drawing. At the interview, the applicants were allowed a one minute

presentation to the Council. The City Clerk then asked four standard questions to each of the applicants. The questions were:

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 December 2012? (For Benicia it is 2011.)

Although the application asked whether the applicants were willing to waive the salary and benefits and all applicants agreed to do so, the Council may want to add a question about waiving the salary and benefits. Oceanside allowed each applicant had 1 minute to answer each question. Following the questions the Council asked additional questions as time permitted. The Oceanside Council allocated 10 minutes per applicant. Following the interviews the Council stated their top choice and appointed the person.

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.

So, for the appointment process, I recommend that the council first agree on the questions and format (Oceanside's format seems reasonable), have a random draw to see which applicant goes first, then interview the applicants in the random order, discuss the applicants and then make an appointment.

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 a special election. The next available election date is March 8, 2011. The cost of a special election is estimated to be \$15 per registered voter when the election is conducted as a polling place election. If a mail only ballot is used, the cost is estimated to be \$10 per registered voter. There are currently 17015 registered voters. Thus, a regular election would cost approximately \$255,225 and a mail ballot election would cost approximately \$170,150. No funds have been allocated for this election cost. A budget adjustment would be required.

Draft resolutions are attached for your consideration.

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

When deciding whether to appoint the position or to have an election, the Council may also want to consider whether the City Treasurer should be an

elected or appointed position. 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. Copies of the resolutions to call the election and receive County services are attached.

Follow Up Actions:

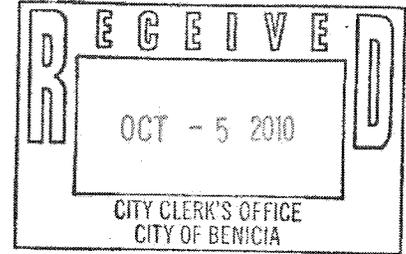
It is recommended that staff be directed to update the research on putting a ballot measure regarding whether the treasurer position should remain elected. In addition, an ordinance could be drafted to transfer whatever duties are remaining with the treasurer to another office. For example, the City of Lakeport abolished the position of treasurer. Under Lakeport's municipal code the city treasurer duties that were not transferred to the county have been transferred to the city clerk and the office of city treasurer abolished.

Attachments:

- ❑ City Treasurer Applications
- ❑ Draft Resolution for Appointment of City Treasurer
- ❑ Resolutions Calling a Special Election and Requesting County Services
- ❑ Previous City Clerk/City Treasurer Ballot Measure Information



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 2011. This application must be submitted with an original signature no later than the deadline of October 5, 2010 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: Teri Davena
(Please print- no nicknames).

HOME ADDRESS: [REDACTED]
(Street Address)

Benicia 94510 [REDACTED]
(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: davenatk@yahoo.com

CURRENT EMPLOYER: City of Benicia
(Company Name)

250 East L Street
(Company address)

Benicia 94510 746-4202
(City) (Zip Code) (Phone Number)

POSITION TITLE: Administrative Secretary

DRIVER'S LICENSE NUMBER: CA/N7640230
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for 23 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? The work of the City's Finance Director, the oversight of the Finance, Audit & Budget Committee, and computerized accounting systems have assumed many of the original duties of City Treasurer. I'd like to attend the Finance Audit & Budget Committee meetings and evaluate the necessity for the position by the end of the term.

What relevant experience can you bring to this position? Many years of oversight of City of Benicia City Manager, City Council, and Economic Development accounts including budget forecasting and preparation assistance.

What community organizations and associations do you belong to? _____

Volunteer for numerous BUSD student support groups including art, band, sport. Volunteer for numerous Benicia youth sports organizations.

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

Staff support to City of Benicia Economic Development Board.

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

16+ years in numerous positions with the City of Benicia organization.

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.

Jeri Dvorak
Applicant's Signature

10/05/10
Date Submitted

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

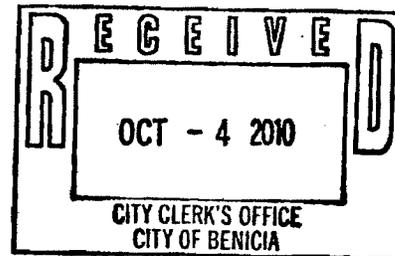
OFFICIAL USE ONLY

_____ BPD Background Check

Comments _____



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

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

APPLICANT'S NAME: LAWRENCE T. FULLINGTON
(Please print- no nicknames).

HOME ADDRESS: [REDACTED]
(Street Address)

BENICIA 94510 [REDACTED]
(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: LFULLINGTO@SBCGLOBAL.NET

CURRENT EMPLOYER: RETIRED
(Company Name)

(Company address)

(City) (Zip Code) (Phone Number)

POSITION TITLE: _____

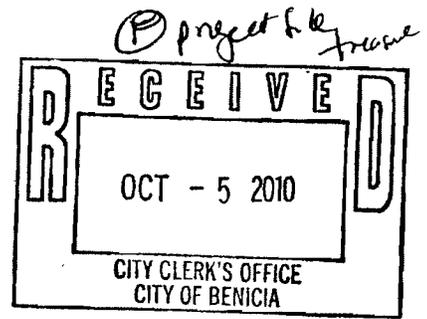
DRIVER'S LICENSE NUMBER: 00950632
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for 25 years.

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



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 2011. This application must be submitted with an original signature no later than the deadline of October 5, 2010 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: Robert P. Langston
(Please print- no nicknames).

HOME ADDRESS: [REDACTED]
(Street Address)

Benicia 94510-2335 [REDACTED]
(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: robtlangston@sbcglobal.net

CURRENT EMPLOYER: Retired
(Company Name)

(Company address)

(City) (Zip Code) (Phone Number)

POSITION TITLE: _____

DRIVER'S LICENSE NUMBER: M0991301
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for 64 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? _____

Please see attached supplement

What relevant experience can you bring to this position? _____

Please see attached resume

What community organizations and associations do you belong to? _____

Please see attached supplement

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

Please see attached supplement

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

Please see attached supplement

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.

Robert P. Smyth
Applicant's Signature

10-05-10
Date Submitted

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

OFFICIAL USE ONLY

_____ BPD Background Check _____ Comments

City of Benicia
Application for City Treasurer
Supplemental information

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

I am primarily interested in maintaining public safety resources and the City's financial health presently and for future generations. My interest in budgeting, spending and revenues is based on a career of monitoring costs/expenses, public agency financials and examining accounting statements.

What community organizations and associations do you belong to?

Present:

- Board of Directors, B.D.E.S Hall Association (Portuguese Hall)
- Benicia Volunteer Fireman, Inc. Honorary Member
- Native Sons of the Golden West, Parlor #89, Benicia
- Knights of Columbus, Benicia Council #7268
- Young Mens Institute, Benicia Council

Previously:

- B.D.E.S. Hall Association & Benicia Holy Ghost – treasurer 10 years
- Benicia Volunteer Fireman – 10 year member
- Benicia PAL Softball – manager & coach
- Benicia High School Girls' Freshman Basket ball team – head coach
- Saint Dominic Grammar School, 5th, 6th, 7th, 8th grades Girls Basketball teams – coach
- Solano County Parks & Recreation Commission – chairman & commissioner
- Benicia City Employees' Association- president

Are you serving or have you served on any Benicia advisory groups?

- Benicia Waterfront Planning Commission – mid-70's

Please provide related background and education.

- Lifelong resident
- High School: Saint Vincent Ferrer High School, Vallejo, CA
- Saint Mary's College, Moraga, CA, degree in business administration, emphasis in accounting

Robert Langston

Benicia, CA 94510-2335

home

cell: 707

e-mail: robtlangston@sbcglobal.net

Profile

Extensive management and hands-on experience in complex engineering, design, construction and production environments with emphasis on budget development, return cost analysis, overhead cost allocation, production management and project progress metrics. Fluent in all Microsoft Office Suite applications and Excel power user. Consistent record of improvements in organizational cost controls, efficiencies, productivity, and cross functional company communications at all levels. Outstanding interpersonal and written communication skills.

Professional Experience

Accountemps/Robert Half International

2007-2010

- Various temporary/long term accounting assignments in a variety of business environments, including Foster's Group in (Napa, CA), Norcal Truck Sales (Benicia, CA)
- Assignments ranged from complex Excel modeling, forensic accounting and bookkeeping to the preparation of accounting statements using commercial accounting software.

Contra Costa Water District – Engineering Department

1997 - 2007

Administrative Financial & Budget Analyst

- Developed five two-year budgets (\$20M-\$30M); Provided staffing projections by overhead allocation, project hours estimate, materials, consultant cost, through four budgeting sections rolling up to the department level.
- Budget proposals included professional staff, technicians (CAD) and support administrative and clerical staff.
- Developed, maintained and issued complex management monthly budget and return cost reports for both overhead and project budget allocations at project detail and roll-up levels compiled from mainframe data
- Developed and implemented the initial "S" curve (target-progress-time) departmental analysis and graphics application for project cost and schedule, improving design schedule adherence.
- Developed and maintained the Master Project Schedule for all major construction projects in the District, tracking projects in earned value algorithm to key events by percent complete and time remaining to complete the key event, substantial completion and project delivery.
- Reviewed, checked and approved consultant invoices for payment (\$4M-\$6M per year) with respect to task accuracy, billed amounts, ODC's and project assignment of costs.
- Provided single point of contact coordination to staff and management in all departments regarding human resource support, project scheduling, budget and cost issues.

Contra Costa Country Club

1996 – 1997

Controller

- Responsible for all GL entries, reconciliations and monthly P/L and accounting statements to General Manager and Board of Directors.
- Maintained all payroll records, time and attendance and salary data, including weekly timesheet submissions.
- Approved vendor invoices for payment and assigned costs to profit centers. Recorded sales and revenue data from five revenue centers.
- Developed annual budget proposal consisting of revenues and cost forecasts by profit center and total organization for the General Manager's presentation to the Board of Directors.

▪ **Professional Experience** (con't)

Mare Island Naval Shipyard

1989 – 1996

Job Planning Head & Chief Planner (GS 13-14)

- Managed and directed a Planning and Estimating workforce of ≈150 senior planners and estimators and 12 supervisory direct reports. Management responsibility for preliminary scheduling, sequence, planning, budgeting for complex and intensive projects, including design, manufacturing, fabrication and shipboard production for on/off site overhaul, repair and refueling of nuclear warships. Planning efforts included issuing complex work orders and specifications, ordering all materials, machinery, equipment and controlling production man-hour allocations to each work sequence. Responsible to ensure adequate man-hour allocations for all trades and crafts on the project(s).
- On a regular basis, collaborated with other senior managers in resolving project cost and budget issues among the various organizational units. Developed solutions, alternatives and recommendations for executive management consideration.
- Developed a time and progress curve application that plotted planned and actual production output over the a defined phase period for completion, provided analysis tool for determining necessary adjustments in production, overtime or schedule.
- Responsible to ensure project budget and cost controls for all manufacturing, fabrication and production activities were maintained, monitored and adjusted as required.
- Led a successful cross-functional, multi-disciplinary team of engineers, planners and financial analysts to develop an embedded intelligent business system to provide accounting, scheduling, production and cost data for complex analyses and review supporting executive management.
- Conducted project cost briefings for executive management and senior management levels, providing timely data, analyses, reports and recommendations on project cost and schedule.
- Chaired a consortium team composed of managers from the eight naval shipyards to develop and implement an advanced methodology for issuing detailed work instructions that included exploded CAD drawings and detailed instruction for refurbishing/repairing components, assemblies and equipment.
- Completed several assignments to Naval Headquarters in Washington, D.C. to continue development of consortium recommendations. Led briefings and presentations to Command level flag staff.

Education

Business Administration, B.A.
Saint Mary's College, Moraga California

RESOLUTION 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE APPOINTMENT OF CITY TREASURER

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

WHEREAS, on September 17, 2010, the City Treasurer Teddie Bidou passed away while in office leaving a vacancy in the office of the City Treasurer; and

WHEREAS, pursuant to 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; and

WHEREAS, at the City Council meeting held on September 28, 2010, the City Council asked for applications for the position; and

WHEREAS, three applications were received by the deadline of October 5, 2010.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia reviewed the applications, interviewed the applicants, and discussed the applicants and hereby appoints _____ as City Treasurer.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 12th day of October, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 10-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011, 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 Special Municipal Election on the 8th day of March, 2011 may be held to fill one 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 the 8th day of March, 2011 a Special 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 28th day of September, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 10-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS
TO PERMIT A SPECIAL MUNICIPAL ELECTION TO BE HELD
MARCH 8, 2011**

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 March 8, 2011:

- 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 Special Municipal Election to be held March 8, 2011.

* * * * *

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 28th day of September, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**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 *AN*

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

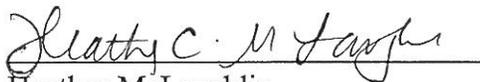
This Ballot Measure is about the office of the City Clerk. The City Clerk of the City of Benicia performs a variety of duties on behalf of the City Council. Some of these duties include:

- 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

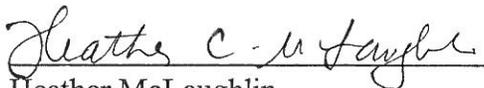
This Ballot Measure is about the office of the City Treasurer. The City Treasurer of the City of Benicia has certain duties and responsibilities set forth in State law. The City Treasurer is required to:

- 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.

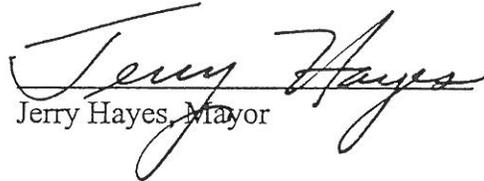
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure D be and it hereby is approved.

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

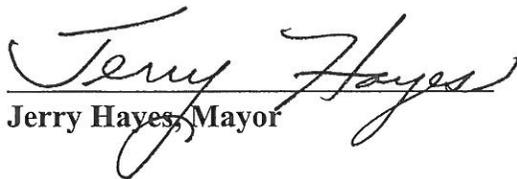
Since the City was incorporated in 1847, the City Clerk has been elected by the voters. In our early days as a City, and for many years thereafter, the City Clerk personally wrote and maintained the minutes of the City Council meetings and other official records of the City.

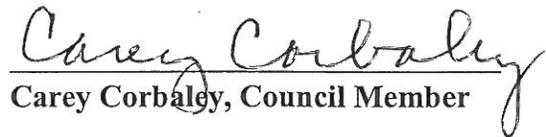
Today, the City Clerk is responsible for keeping public records, giving notice of public hearings and serving as clerk to the City Council. These are important duties which carry both fiduciary and legal responsibilities for which the City Council hold both the City Manager and City Attorney accountable.

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.

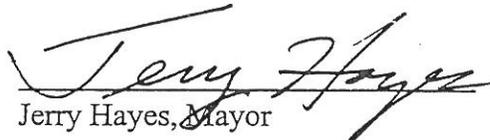
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure E be and it hereby is approved.

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:

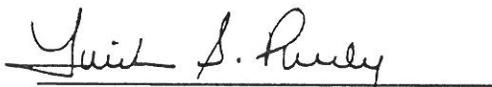
Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

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.

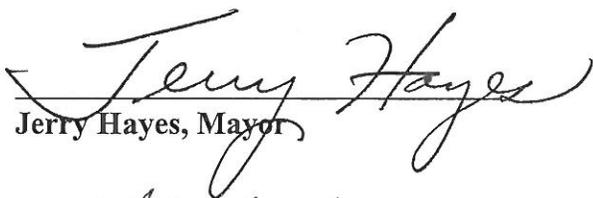
A vote in favor of Measure E will save precious tax dollars.

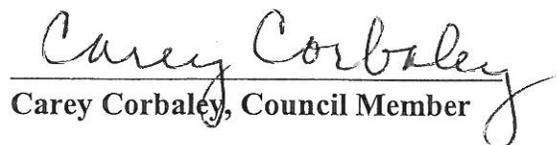
A vote in favor of Measure E is a vote for better government.

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

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 12, 2010
ACTION ITEMS

DATE : October 6, 2010

TO : City Council

FROM : City Attorney

SUBJECT : **ARSENAL INVESTIGATION AND REMEDIATION COMMITTEE
REPORT ON MEETING WITH THE DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

RECOMMENDATION:

Hear the oral report on the meeting with the Department of Toxic Substances Control and provide direction as necessary including providing for future meetings and other action including hiring consultants.

EXECUTIVE SUMMARY:

On September 30, 2010 the Department of Toxic Substances Control hosted a meeting for some property owners to talk about an investigation and possible remediation at the former Benicia Arsenal. City staff and the Council Subcommittee attended the meeting as representatives of the City as a property owner. An oral report will be provided at the Council meeting. Depending on the results of the meeting, additional steps may be required by the City.

BUDGET INFORMATION:

It is uncertain what the budget impact will be. There will be some impact to monitor the DTSC project. The extent of the impact will depend on how the work proceeds.

BACKGROUND:

A verbal report will be provided to update the Council and the public on the Department of Toxic Substances Control's meeting about the Arsenal. It was my understanding that the meeting was a limited meeting for the larger property owners who may be impacted by any action by the Department of Toxic Substances Control. DTSC did not include all property owners who might ultimately be included as part of any DTSC action.

At the meeting representatives from DTSC, the Army Corps of Engineers, the Department of Justice, Valero, Amports, the Potters, and the City. There were also representatives for Senator George Miller, Assembly Member Yamata, and Senator Wiggins. The most important thing of the meeting was that a date was set for the involved parties to get back to DTSC on whether they are willing to proceed with consent orders for the investigation and remediation of the properties. An early December date of December the 6th was finally settled on. In the meantime the parties will meet together to share information and to see if they can decide whether to proceed. More information will be provided at the meeting.

Additional steps may be necessary by the City to protect its property interests and liability position and to help better inform the public about what is happening. In order to do this, some specialize help to guide the process is required. I am gathering the names of possible project facilitators and potential lawyers (because of the threats of litigation). I will work with the subcommittee to procure this assistance. The goals will be to figure out how to minimize the impact to the property owners, protect economic development opportunities, and to protect human health and safety and the environment.