CITY COUNCIL OF THE CITY OF SONORA
STAFF REPORT

MEETING DATE: NOVEMBER 4th, 2019

TO: SONORA CITY COUNCIL

FROM: DOUGLAS L. WHITE, CITY ATTORNEY

SUBJECT: CALLING FOR A GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION OF A PROPOSED BALLOT MEASURE TO CHANGE THE POSITION OF THE CITY CLERK/TREASURER FROM AN ELECTED POSITION TO AN APPOINTED POSITION, AND REQUESTING THE BOARD OF SUPERVISORS OF TUOLUMNE COUNTY TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION, TO BE CONDUCTED ON MARCH 3, 2020

RECOMMENDATION:

Adopt a resolution calling for a general municipal election for the submission of a proposed ballot measure to change the position of the City Clerk/Treasurer from an elected position to an appointed position, and requesting the Board of Supervisors of Tuolumne County to consolidate the general municipal election with the statewide primary election, to be held on March 3, 2020.

BACKGROUND:

The City Clerk/Treasurer position is currently an elected position in the City of Sonora ("City"). Currently, it is vacant, and Councilmember Such is serving as City Clerk pro-tempore. At the October 7, 2019 Sonora City Council meeting ("City Council") the City Council expressed interest in submitting a ballot measure to the voters to change the City Clerk/Treasurer position from an elected position to an appointed one. By doing so, the City can avoid the costs of holding an election to fill the position moving forward.

DISCUSSION:

State law requires the City to have a City Clerk and City Treasurer, who may be appointed or elected.[1] The basic duties of the City Clerk are to take minutes of City Council meetings, serve as the custodian of City records and serve as the City's elections official.[2] The main duties of the City Treasurer is to receive and safeguard City funds.[3] Currently, the City consolidates the position of City Clerk and Treasurer into one position: the City Clerk/Treasurer.[4]

Since the City Clerk/Treasurer is currently elected, to change the position into an appointed position, the City Council must submit a ballot measure to the City voters asking if the City

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[1] See Gov. Code, §§ 36501, 36508.
[2] See Gov. Code, §§ 40801 *et seq.*; Elec. Code, § 320.
[3] See Gov. Code, § 41001.
[4] See Sonora Municipal Code, § 2.08.020

Clerk/Treasurer should be an appointed position ("Ballot Measure").[5] If a majority of the voters answer "yes" to the question, then the City Clerk/Treasurer position will be an appointed position and the City Council can appoint the City Clerk/Treasurer on an ongoing basis.[6] The appointed City Clerk/Treasurer will serve at the pleasure of the City Council.[7] If the majority of voters vote "no" on the question then the position will remain elected, and the City cannot submit the Ballot Measure again to the voters for eleven (11) months.[8] The City Council must hold an election to fill the City Clerk/Treasurer position at the end of each term. [9]

Staff recommends that the City Council submit the Ballot Measure to change the City Clerk/Treasurer position from an elected position to an appointed position at the next general municipal election, since doing so would be more economical than holding a special election. The next general municipal election is on March 3, 2020, the same day as the statewide primary election.[10] The City Council can consolidate the Ballot Measure election with the statewide primary election. Doing so would allow the Ballot Measure to appear on the primary election ballot.

If consolidated, Tuolumne County ("County") will conduct the election on the City's behalf.[11] The proposed resolution requests a consolidated election and must be adopted eighty eight (88) days prior to the date of the statewide primary election.[12] Once adopted it must be filed with the Tuolumne County Board of Supervisors and the Tuolumne Registrar of Voters.[13]

Staff also recommends that the City Council authorize the City Attorney to prepare an impartial analysis and authorize a subcommittee of two members of the City Council to submit arguments in support of the measure. Staff also recommends that the City Council authorize a subcommittee of two members of the City Council to submit rebuttal arguments to respond to arguments submitted against the Ballot Measure.[14]

FISCAL IMPACT:

The fiscal impact associated with submitting the ballot measure to the voters will depend on the costs the County will incur to conduct the election, since the City must reimburse the County for the costs of conducting the election.[15] The costs of having the election, however, will be offset by the savings the City will receive from avoiding the costs of holding an election for the City Clerk/Treasurer position in the future.

OPTIONS:

1. The City Council may adopt the proposed resolution, calling a general municipal election for the submission of a proposed ballot measure to change the position of the City/Clerk

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[5] See Gov. Code, § 36508.
[6] See Gov. Code, § 36510.
[7] Gov. Code, § 36510
[8] See Gov. Code, §§ 36508, 36510.
[9] See Gov. Code, § 36503.
[10] See Sonora Municipal Code § 1.16.010.
[11] See Elec. Code, § 10403, 10418.
[12] Elec. Code, § 10403.
[13] See *ibid.*
[14] See Elec. Code, §§ 9280, 9282.
[15] See Elec. Code, § 10002.

Treasurer from an elected position to an appointed position, and requesting that the Tuolumne Board of Supervisors consolidate the general municipal election with the statewide primary election, to be conducted on March 3, 2020.

2. The City Council may choose to reject the proposed resolution.

3. The City Council may continue the item and request additional information and analysis from staff. Since the City must adopt the resolution eighty-eight (88) days prior to the election, this option may delay the City from submitting the proposed Ballot Measure to the County. The deadline to request consolidation with the primary election is December 6, 2019.

ATTACHMENTS:

Resolution