



CITY OF MORGAN HILL

Special Meeting Agenda

City Council

Steve Tate - Mayor

Rich Constantine - Mayor Pro Tem

Larry Carr - Council Member

Caitlin Jachimowicz - Council Member

Rene Spring - Council Member

Friday, July 27, 2018 9:00 am

Council Chamber

17555 Peak Avenue, Morgan Hill, CA 95037

A Special Meeting of the City Council is called at 9:00 a.m. for the purpose of conducting City business.

CALL TO ORDER

(Mayor Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk Bigelow)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Bigelow)

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

PUBLIC HEARING

**1. RECONSIDERATION OF ITEM 17 FROM THE JULY 18, 2018 CITY COUNCIL MEETING -
APPROVE BALLOT MEASURE FOR APPOINTIVE CITY CLERK AND CITY
TREASURER**

Recommendation:

1. Open and close the public hearing;
2. Discuss whether the Council wants to have one ballot measure converting the Elected City Clerk and City Treasurer seats to appointive positions or if it wants to have two ballot measures, one for City Clerk and one for City Treasurer;
3. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Clerk position and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
4. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Treasurer position and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
5. Adopt resolution approving an amendment to the Fiscal Year 2018-19 budget to appropriate an additional \$52,300 to the elections budget (010.2420.42231) for the additional ballot measure;
6. Direct the City Attorney to prepare an impartial analysis of both proposed ballot measures;
7. Determine whether the Council will submit arguments related to each ballot measure and designate the Mayor and/or Council Members to write the arguments; and
8. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measures to the voters.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



Sustainable Morgan Hill Vision

Morgan Hill is a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage ·
Enhancing Diversity and Inclusiveness

2018 STRATEGIC PRIORITIES

Community Engagement and Messaging

Economic Development and Telecommunications

Financial Stewardship

Infrastructure

Regional Initiatives

2018 STRATEGIC PRIORITIES:



Community Engagement and Messaging

The City of Morgan Hill will tell our story through outreach and by working closely with our community in presenting our vision, priorities, and financial needs, and by engaging citizens and business owners to find affordable and sustainable solutions. The City's communications, services, public spaces, and projects will embrace all community members as partners, encouraging public participation.



Economic Development and Telecommunications

The Economic Blueprint will continue to be implemented, with a primary goal of attracting jobs and investment into our community. The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure with private sector partnerships. The plan will be used to signal Morgan Hill's support for business expansion.



Financial Stewardship

We will be financial stewards of the City's assets to ensure long-term fiscal sustainability. New revenue sources, including a possible tax measure, will be considered to fund increasing costs to deliver services and complete infrastructure projects. The City will closely manage its expenditures to maintain its general fund reserve. The labor contracts will be negotiated using the City's adopted Employee Compensation Guiding Principles.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for transportation projects and road maintenance. For High Speed Rail, we will strongly advocate for the route with the least impact on Morgan Hill.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. A regional approach will be employed to address many priorities, including but not limited to, homelessness, animal services, teen suicide, High Speed Rail, and land use (Catholic High School, Outdoor Sports Center, agricultural preservation, and city limits). This regional involvement will include partnering with the League of California Cities, Valley Transportation Authority, Caltrain, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



CITY COUNCIL STAFF REPORT

MEETING DATE: July 27, 2018

PREPARED BY: Christina Turner, City Manager
APPROVED BY: City Manager

RECONSIDERATION OF ITEM 17 FROM THE JULY 18, 2018 CITY COUNCIL MEETING - APPROVE BALLOT MEASURE FOR APPOINTIVE CITY CLERK AND CITY TREASURER

RECOMMENDATION(S)

1. Open and close the public hearing;
2. Discuss whether the Council wants to have one ballot measure converting the Elected City Clerk and City Treasurer seats to appointive positions or if it wants to have two ballot measures, one for City Clerk and one for City Treasurer;
3. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Clerk position and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
4. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Treasurer position and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
5. Adopt resolution approving an amendment to the Fiscal Year 2018-19 budget to appropriate an additional \$52,300 to the elections budget (010.2420.42231) for the additional ballot measure;
6. Direct the City Attorney to prepare an impartial analysis of both proposed ballot measures;
7. Determine whether the Council will submit arguments related to each ballot measure and designate the Mayor and/or Council Members to write the arguments; and
8. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measures to the voters.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Fostering a Positive Organizational Culture
Preserving and Cultivating Public Trust

REPORT NARRATIVE:

At the July 18, 2018 City Council meeting, the Council approved placing a measure on the November 6, 2018 ballot asking the voters if the City Clerk and City Treasurer seats should be appointive positions. At the July 25, 2018 City Council meeting, Council asked to have the item reconsidered, specifically to consider whether they should place two separate measures on the ballot; one for the City Clerk position and one for the City Treasurer position.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the proposed action to place measures on the November 6, 2018 ballot asking the voters to make the City Clerk and City Treasurer appointed positions.

ALTERNATIVE ACTIONS:

Council could choose to move forward with one ballot measure asking the voters to make the City Clerk and City Treasurer positions appointed.

Council could alternatively choose to move forward with one ballot measure asking the voters to make either the City Clerk or City Treasurer positions appointed.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council approved placing a measure on the ballot at the July 18, 2018 City Council meeting.

FISCAL AND RESOURCE IMPACT:

The estimated cost to the City of Morgan Hill to place an additional measure on the ballot is \$52,300. Actual costs will depend on the length of the measure, analysis, and arguments for and against. The cost for an additional ballot measure is not included in the current adopted FY 18-19 budget. A budget amendment is required if Council approves moving forward with an additional ballot measure for the November 2018 General Election.

If one or both ballot measures are approved by the voters, the cost of the ballot measures could be offset by the cost savings from the City Clerk and City Treasurer stipend and health insurance costs. Currently the elected City Clerk and City Treasurer both receive a monthly stipend of \$200 and are eligible for the City's Health Benefits. For FY 18-19, the budgeted amount based on the incumbent's stipends and medical insurances is \$49,000, although based on the incumbent's health benefit selections, it could be as high as \$60,000 in future years. There would also be some future cost savings associated in not having an election for City Clerk and City Treasurer every four years.

CEQA (California Environmental Quality Act):

Not a Project - Pursuant to CEQA, organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and are therefore exempt activities.

LINKS/ATTACHMENTS:

1. July 18, 2018 Staff Report - Ballot Measure for Appointive City Clerk and City Treasurer
2. Appointed City Clerk Ballot Measure Resolution
3. Appointed City Treasurer Ballot Measure Resolution
4. Budget Amednment Resolution
5. Budget Scorecard-Additional Ballot Measure November 2018 Fund 010



CITY COUNCIL STAFF REPORT

MEETING DATE: July 18, 2018

PREPARED BY: Michelle Bigelow, Deputy City Clerk

APPROVED BY: City Manager

APPROVE BALLOT MEASURE FOR APPOINTIVE CITY CLERK AND CITY TREASURER

RECOMMENDATION(S)

1. Open and close the public hearing;
2. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Clerk and City Treasurer positions and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
3. Adopt resolution approving an amendment to the Fiscal Year 2018-19 budget to appropriate \$52,300 to the elections budget (010.2420.42231) for this ballot measure;
4. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure;
5. Determine whether the Council will submit an argument related to the ballot measure and designate the Mayor and/or Councilmembers to write the argument; and
6. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility

Preserving and Cultivating Public Trust

2018 Strategic Priorities

Financial Stewardship

REPORT NARRATIVE:

Background

State law requires all general law cities, like the City of Morgan Hill, to have a City Clerk and City Treasurer. The positions may be appointed or elected. In the City of Morgan Hill, the offices of City Clerk and City Treasurer are elected by the voters to a four-year term. Pursuant to state law, there are three qualifications for the positions of elected clerk and elected treasurer; 1) the individual must be a resident of the city, 2) the individual must be registered to vote in the city, and 3) the individual must be at least 18 years old. As an elected position, there are no minimum educational or professional requirements.

The City Clerk and City Treasurer positions in the City of Morgan Hill have been elected since the City's incorporation in 1906. Since that time, the duties, responsibilities, and requirements of these positions have changed significantly.

Government Code §36508 provides that each City Council may place the question(s) on the ballot whether the City Clerk and/or City Treasurer should be an appointed office.

The term of the current City Clerk and City Treasurer ends in November 2020. If the Council was to place this measure on the ballot for November 2018, and it passed, the incumbents would remain in office until they either resigned or until the end of their term.

In order to place the proposed resolution on the November 2018 ballot, state election law requires that certain procedures be followed by the Council. First, Council needs to adopt a resolution requesting the services of the Registrar of Voters (ROV) of Santa Clara County to conduct the election. This was completed on June 6, 2018. Second, Council needs to direct the City Attorney to submit an impartial analysis to the City Clerk. Third, Council needs to determine the process for submission of an argument in favor of the measure and select the authors for the argument in favor. The options for Council to consider in developing the arguments for the ballot measure are included below.

City Clerk

Based on data from the League of California Cities, of 482 incorporated cities and towns in California, 167 (or 35%) have elected City Clerks. In Santa Clara County, only two of fifteen cities have elected City Clerks (Morgan Hill and Santa Clara). The remaining thirteen cities have appointed City Clerks. Of these appointed positions, four are appointments made directly by the City Council (Campbell, Mountain View, Palo Alto, and San Jose¹) and the rest are appointed by the City Manager.

Over the past few decades, the role of City Clerk has evolved and become far more technical with numerous laws governing the designated responsibilities. The City Clerk's Association of California summarized the City Clerk's duties and responsibilities as follows:

The City Clerk is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the City Council takes action, the City Clerk ensures that actions are in compliance with all federal, state, and local statutes and regulations and that all actions are properly executed, recorded, and archived. The statutes of the State of California prescribe the basic functions and duties of the City Clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow. The office of the City Clerk is a service department within the municipal government upon which the City Council, all City departments, and the general public rely for information regarding the operations

¹ Three of the four are charter (as opposed to general law) cities

and legislative history of the City. The City Clerk serves as the liaison between the public and City Council and provides related municipal services.

To assure competency in performing these tasks, those cities that have appointed City Clerks find it desirable for the incumbent to possess or be working toward a Certified Municipal Clerk (CMC) designation which is earned after attaining approximately 300 hours of institute training over a 2-3 year period. This certification is granted by the International Institute of Municipal Clerks which promotes professional skill development and maintains a professional standard code of ethics.

Morgan Hill's City Clerk responsibilities are outlined in a variety of documents including the Government Code (Attachment 1), Elections Code, and the City's Municipal Code. A summary of responsibilities includes serving as the City's chief records manager who has responsibility in maintaining and preserving the City's permanent records like minutes, resolutions, and ordinances; certifying Council actions; keeper of the City Seal; coordinating and managing the City's municipal elections; updating the City's municipal codes; and managing the conflict of Interest (form 700) statement annual process. The City's Municipal Code separately lists the responsibilities of the City Clerk (Attachment 2). Most of these duties are currently delegated to the Council Services & Records Manager position.

Proponents of converting the elected City Clerk office to an appointed position argue that public accountability, with respect to the above duties, should occur daily and not every four years at election time. Hiring competent and qualified professionals who have adequate experience and knowledge of applicable laws to manage the City's public documents and meetings is critical. Further, if the appointed City Clerk does not perform to expectation, their performance can be addressed immediately rather than waiting for the next election cycle.

Opponents of converting the elected City Clerk office to an appointed position argue that the electoral process provides more checks and balances and establishes a higher level of public accountability than an appointed position.

If appointed, by City Council or by City Manager?

There are two ways an appointment of the City Clerk can be accomplished. The City Council, an elected body, could decide to make the City Clerk appointment directly which would address concerns about political accountability. While Council-appointed City Clerks are a minority amongst Santa Clara County cities, this appointment structure maintains ultimate accountability to the City Council and public and would be akin to the City Council appointing a City Manager or a City Attorney. In this fashion, if residents are concerned about losing their "voice" should the City Clerk switch from its elected capacity, then the Council-appointment maintains a more direct reporting relationship to the public. If council makes the appointment, then all five members of the council would be responsible for advertising the position, reviewing applications, interviewing, and making the final selection. An employment contract would then be established, and annual performance evaluations conducted.

Alternatively, the City Manager could be the appointing authority. Under this model, and like all City positions under him or her, the City Council would approve a job specification and salary range; then the City Manager would have responsibility for the recruitment, hiring, and management of the City Clerk. The City Clerk would report directly to the City Manager like other management positions.

City Treasurer

The League of California Cities reports that 181 of 482 cities (38%) have elected City Treasurers. In Santa Clara County, only one of the fifteen cities have an elected City Treasurer (Morgan Hill).

Morgan Hill's City Treasurer is an elected office with a primary focus on investment of City funds. Currently, that portfolio stands at about \$109,000,000. In practice, though not required by State law or the Municipal Code, the City Treasurer, prior to making any investment, routinely consults with the Finance Director about the City's short-term cash flow projection and the characteristics (safety, liquidity, and yield) of the particular security. Both the City Treasurer and Finance Director's investments are constrained by Government Code and the City Council's formally adopted investment policy. Both report their investment activity to the City Council, as required by State law, in the monthly financial reports prepared by the Finance Department.

California Government Code §41001 outlines the responsibilities of the City Treasurer (Attachment 3) as collection of City taxes and license fees, bank deposit of revenue, and payments to creditors. Most of these duties are currently delegated to the Finance Director. Effective financial management requires professional skills and expertise in areas such as electronic banking, municipal fund accounting, government reporting requirements, investment regulations, and debt management. Today's professional staff, independent audits, and internal accounting controls provide the necessary oversight and control of the City's finances.

Proponents of converting the City Treasurer position into an appointed position may argue that hiring professionals to handle the taxpayers' money may be more prudent because the City Council can establish minimum job qualifications for the position and the City Manager can hold the individual accountable. To this end, the applicant pool would not be limited to current residents.

Opponents of converting the City Treasurer office to an appointed position may argue that public oversight and checks and balances would be lost without the electoral process as well as the residency requirement.

Summary

Considerations in favor of the elected process include:

- Elected officials are directly selected by the voters without control or influence from City Councils or City Managers.

- Elected officials are directly accountable to the voters, with a process established in state government code for voters to remove a person from office.

Consideration in favor of the appointive process include:

- City Clerk and City Treasurer roles have become increasingly technical, demanding certain skills, experience, and reliability. These responsibilities are unlike those of other elected positions whose primary responsibility is policy making.
- CA Govt. Code does not allow qualification criteria (beyond residency in the city) to be established for elective offices.
- Cities can set qualification criteria for appointed positions, requiring applicants to demonstrate the requisite skills.
- City Councils and City Managers are readily able and accustomed to selecting and holding appointed city positions accountable.
- Experience statewide has shown that unqualified and/or unreliable City Clerks and City Treasurers can be disruptive and damaging to local government operations.

Ballot Arguments and Impartial Analysis

The State Elections Code allows the City Council to determine its interest in authoring an argument in favor of the ballot measure to convert the City Clerk and City Treasurer to appointive positions. The Elections Code provides for arguments to be filed with the City Clerk as the Elections Official. Arguments of no more than 300 words each for and against any ballot measure will then be included in the Voters Sample Ballot. The arguments must be submitted to the ROV by 5:00 p.m. on August 14, 2018, with the public viewing period open until August 24, 2018. Rebuttals (of no more than 250 words) must be submitted by 5:00 p.m. on August 21, 2018. The public viewing period for rebuttals would be opened until August 31, 2018. If there is no argument put forward in opposition to the ballot measure, then there will be no rebuttal arguments.

The arguments can be authored by a maximum of five eligible voters. The code also requires that only one argument for and one against each ballot measure will be accepted by the Elections Official and provides for an orderly process in determining who is eligible to submit a statement. If more than one argument for or more than one argument against the measure is received by the deadline, per the Elections Code, the City Clerk must select only one argument for and against, giving preference and priority in the following order to:

1. The legislative body, or member or members of the legislative body authorized by that body.
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors of proponents of the measure.
3. Bona fide associations of citizens.
4. Individual voters who are eligible to vote on the measure.

The City Council has several options regarding the preparation of ballot arguments. In the event Council decides to place the measure on the ballot and to author the argument in favor, example arguments are attached (Attachment 4) for Council review.

If the City Council decides to author an argument as a whole body, this could be accomplished in several ways in compliance with the Brown Act. The Council could write the argument in an open session; or delegate up to two Councilmembers to prepare the argument and present the draft to the whole Council for approval in an open session.

In order for the City Council to authorize an argument to be given preference as identified above, the Council may either;

1. Author an argument in favor of the measure as a whole body at the July 25, 2018 Council Meeting (subject to Brown Act considerations outlined in the next paragraph) or call a special meeting to draft the argument;
2. Authorize up to two Councilmembers to author and sign the argument, and authorize the remaining Councilmembers, to use their titles as members of the City Council to sign the argument; or
3. Authorize up to two Councilmembers to author and sign the argument and have up to three other eligible voters who are proponents sign. If the Council chooses options (2) or (3), the Council will have delegated full authority to the identified Councilmembers to author the measure, and it would not be necessary to return to the whole Council at a regular meeting to finalize the language of the argument. Alternatively, the City Council may choose to have other members of the Morgan Hill community author the argument.

Roles & Limitations During Ballot Measure Campaign Period

In order to be successful in securing voter approval of the measure, it will be necessary for various community leaders to assist in putting together a community campaign to support passage of the ballot measure. The City cannot expend any time, money or effort advocating a position supporting passage of the ballot measure. Council members and staff can work on the campaign on their own time and at their own expense, provided it is made clear that they are doing so on their own time and not utilizing City resources.

Staff requests guidance as to whether the Council wishes to draft the language of the argument and select the authors/signers of an argument and/or rebuttal.

If the measure is approved, the City Attorney is required to prepare an impartial analysis of the ballot measure. The impartial analysis would be included in the voter pamphlet and must be submitted to the ROV by 5:00 p.m. on August 21, 2018.

Conclusion

While there is no “one way” to address this issue, staff recommends:

1. That the City Council provide direction to staff as to whether the City Clerk and City Treasurer positions should be appointed by the City Council or City Manager.
2. That the City Council provide direction to the City Manager to delegate all the City Clerk's traditional roles and responsibilities to the Council Services & Records Manager.
3. That the City Council provide direction to the City Manager to establish minimum qualifications for the City Treasurer position and delegate all the Treasurer's traditional roles and responsibilities to the Finance Director.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the proposed action to place a measure on the November 6, 2018 ballot asking the voters to make the City Clerk and City Treasurer appointed positions.

ALTERNATIVE ACTIONS:

Council could choose to not approve moving forward with the ballot measure asking voters to make the City Clerk and City Treasurer offices appointed.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council previously placed a measure on the ballot in 2010 asking voters to make the City Clerk and City Treasurer offices appointed. However, it failed by a vote of 45.97% yes and 54.03% no.

FISCAL AND RESOURCE IMPACT:

According to the ROV, the estimated election cost to the City of Morgan Hill to place an additional ballot measure on the November 2018 Mayor and City Council election could be as much as \$52,300. Actual costs will depend on the length of the measure, analysis, and arguments for and against. The cost for this proposed measure is not included in the current adopted FY 18-19 budget. A budget amendment is required if Council approves moving forward with the proposed measure for the November 2018 General Election.

The cost of the ballot measure would be offset by the cost savings from the City Clerk and City Treasurer stipend and health insurance costs. Currently the elected City Clerk and City Treasurer both receive a monthly stipend of \$200 and are eligible for the City's Health Benefits. For FY 18-19, the budgeted amount based on the incumbent's stipends and medical insurances is \$49,000. There would also be some future cost savings associated in not having an election for City Clerk and City Treasurer every four years.

CEQA (California Environmental Quality Act):

Not a Project - Pursuant to CEQA, organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and are therefore exempt activities.

LINKS/ATTACHMENTS:

1. 1 - Government Code 40804-40814 City Clerk
2. 2 - Municipal Code City Clerk Duties
3. 3 - Government Code 410014-41007 City Treasurer
4. 4 - Sample Arguments for Converting to Appointed City Clerk Positions
5. Resolution - Budget Amendment 7-18-18
6. Budget Scorecard
7. Resolution - Ballot Measure 7-18-18


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GOVERNMENT CODE - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345] (Title 4 added by Stats. 1949, Ch. 79.)

DIVISION 3. OFFICERS [36501 - 41805] (Division 3 added by Stats. 1949, Ch. 79.)

PART 3. OTHER OFFICERS [40601 - 41805] (Part 3 added by Stats. 1949, Ch. 79.)

CHAPTER 2. City Clerk [40801 - 40814] (Chapter 2 added by Stats. 1949, Ch. 79.)

40801. The city clerk shall keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.

(Added by Stats. 1949, Ch. 79.)

40802. The city clerk is the accounting officer of the city and shall maintain records readily reflecting the financial condition of the city.

(Added by Stats. 1949, Ch. 79.)

40804. The city clerk shall cause a summary of the city's financial report required by Section 53891, in a form prescribed by the State Controller, to be published once in a newspaper of general circulation, pursuant to Article 1 (commencing with Section 6000), Chapter 1, Division 7, Title 1 of the Government Code. If there is no such newspaper he shall cause copies of the statement to be posted in three public places in the city designated by ordinance as the places for posting of public notices.

(Added by Stats. 1968, Ch. 857.)

40805. The report shall be published or posted consistent with the timelines established in Section 53891 after the close of the fiscal year for which the report is compiled.

(Amended by Stats. 2016, Ch. 366, Sec. 10. (SB 974) Effective January 1, 2017.)

40805.5. The financial and accounting duties imposed upon the city clerk by Sections 40802 through 40805 may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance.

(Added by Stats. 1955, Ch. 1754.)

40806. The city clerk shall keep a book marked "ordinances" and record in it all city ordinances with his certificate annexed to each, stating:

- (a) It is a true and correct copy of a city ordinance.
- (b) The ordinance number.
- (c) It has been published or posted pursuant to law.

(Added by Stats. 1949, Ch. 79.)

40807. The record with the certificate is prima facie evidence of the contents of each ordinance and of its passage and publication. It is admissible as such evidence in any court or proceedings.

(Added by Stats. 1949, Ch. 79.)

40808. The official city records in the custody of the city clerk shall not be filed in any court proceeding or other action but shall be returned to the custody of the city clerk.

(Added by Stats. 1949, Ch. 79.)

40809. This article does not prevent the proof of the passage and publication of ordinances in the usual way.

(Added by Stats. 1949, Ch. 79.)

40810. The city clerk is the ex officio assessor unless the legislative body provides for the assessment and collection of city taxes by county officers or otherwise.

(Added by Stats. 1949, Ch. 79.)

40811. The city clerk is the custodian of the city seal.

(Added by Stats. 1949, Ch. 79.)

40812. He shall perform such additional duties as are prescribed by ordinance.

(Amended by Stats. 1955, Ch. 628.)

40813. The city clerk may appoint deputies, for whose acts he and his bondsmen are responsible. The deputies shall hold office at the pleasure of the city clerk and receive such compensation as is provided by the legislative body.

(Added by Stats. 1949, Ch. 79.)

40814. The city clerk and his deputies may administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state. The acknowledgment of an instrument may be made before a city clerk and his deputies within the city in which they were elected or appointed.

(Amended by Stats. 1968, Ch. 576.)

City of Morgan Hill
Municipal Code Sections detailing Elected City Clerk Responsibilities

2.10.050 Records disposition schedule.

A. The records disposition schedule will serve as the basis for the city's records management program. The head of each department shall prepare a records disposition schedule for his/her department and any subsequent proposed amendments thereto. With the assistance of the records management officer, this preparation shall include:

1. A physical inventory and appraisal of all records to determine their administrative, fiscal, legal and historical value;
2. Identification of an official record series title for all department records and specific and accurate descriptions of records listed thereunder in accordance with guidelines developed by the city clerk. Terms used as record series titles or as description of files on the records disposition schedule, or any revision thereto, shall be descriptive. They shall not include the use of the words "miscellaneous" or "various," or words of similar connotation; nor shall any such schedule or request bearing such nomenclature be submitted to the city clerk and the city attorney for their consideration and approval;
3. A periodic review or audit of records to make sure they are properly covered by the records disposition schedule.

B. Following the review or audit, the city clerk will be notified of any proposed amendments to the records disposition schedule that are needed. Such amendments may include the addition of new record series titles to the records disposition schedule, or requests to have superseded record series titles removed from the records disposition schedule.

C. Final approval of the records disposition schedule shall require the written consent of the department head, the city attorney and the city clerk. The records disposition schedule must then be approved by the city council by resolution. Amendments and revisions thereto shall require the written consent of the department head, the city attorney and the city clerk.

(Ord. 705 N.S. § 1 (III-6-1.05), 1984)

2.10.060 Responsibilities.

A. The city clerk shall:

1. Be responsible for the maintenance of all official records, with the following exceptions:
 - a. Records identified pursuant to this chapter in the records disposition schedule, which are entrusted to the custody of other city officers or departments,
 - b. Newly created or unidentified record series, which shall be the responsibility of the originating department, until properly identified within the records disposition schedule,
 - c. Inactive records which have been transferred to non-city organizations,
 - d. Records which are legally maintained by other government agencies;
2. Be responsible for the administration of a uniform records management program assisting all city departments, and for the development, administration and coordination of procedures thereunder;
3. Administer a Records Center for the efficient and economical storage, maintenance and servicing of inactive city records;
4. Appoint a records management officer who shall serve in the office of the city clerk as the head of the records management program.

- B. The records management officer, under the direction of the city clerk, shall:
1. Provide effective control over the identification appraisal, maintenance, protection, preservation, transfer, retention and disposition of all city records. This shall include:
 - a. Providing assistance and guidelines to departments in the preparation of their records disposition schedules and amendments thereto,
 - b. Establishing proper procedures for securing necessary revisions to the records disposition schedule, with the approval of the city attorney,
 - c. Providing direct technical assistance and guidance to departments that will aid in resolving specific files and related records problems;
 2. Operate the Records Center in an orderly and efficient manner. This operation shall include:
 - a. Providing information, assistance and records to using departments to ensure optimum utilization of the Records Center,
 - b. Notifying using departments periodically when records held by the Records Center are eligible for destruction,
 - c. Causing to be destroyed records held by the Records Center only after receiving proper authorization from the responsible department head.
- C. Each department head shall:
1. Cooperate with the city clerk to assure proper administration and implementation of the city's records management program;
 2. Ensure the proper application of the records disposition schedule to his/her department's records;
 3. Ensure that records are transferred to the Records Center for storage at the end of the office retention period listed in the records disposition schedule;
 4. Review the records disposition schedule and recommend to the city clerk any amendments thereto which are necessary due to changing requirements;
 5. Comply with procedures mentioned in this chapter regarding the destruction of records and nonrecords;
 6. Appoint a records coordinator to serve as liaison between the records management officer and the department and to assist in the implementation of the records management program.
- (Ord. 705 N.S. § 1 (III-6-1.06), 1984)

2.10.070 Destruction of records.

- A. Eligibility. No record shall be destroyed until it has been properly inventoried, appraised and entered in the records disposition schedule. Furthermore, before a record is eligible for destruction, the department head must first make the following determinations:
1. Required retention periods listed in the records disposition schedule have lapsed;
 2. The record is maintained by said department;
 3. The record is no longer required to fulfill any administrative, fiscal, legal or historical interests of the city or the public;
 4. The record series title is descriptive and does not include the use of the words "miscellaneous" or "various," or words of similar connotation.
- B. Procedures. Before records are destroyed, the department head shall:
1. In compliance with the records disposition schedule, exercise a final review over all records eligible for destruction for the purpose of determining any further administrative, fiscal, legal or historical needs;

2. Ensure that if the records disposition schedule does not specify records for transfer to the Records Center, the records shall be destroyed at the end of the listed office retention period in compliance with the records disposition schedule;
 3. Ensure that if the records disposition schedule does specify records for transfer to the Records Center, and this has not occurred, the records shall be destroyed, providing they have exceeded their total retention requirement (office plus Records Center);
 4. Destroy duplicate records and nonrecords when they are no longer needed in the course of the city's business.
- (Ord. 705 N.S. § 1 (III-6-1.07), 1984)


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GOVERNMENT CODE - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345] (Title 4 added by Stats. 1949, Ch. 79.)

DIVISION 3. OFFICERS [36501 - 41805] (Division 3 added by Stats. 1949, Ch. 79.)

PART 3. OTHER OFFICERS [40601 - 41805] (Part 3 added by Stats. 1949, Ch. 79.)

CHAPTER 3. City Treasurer [41001 - 41007] (Chapter 3 added by Stats. 1949, Ch. 79.)

41001. The city treasurer shall receive and safely keep all money the treasurer receives.

(Amended by Stats. 2017, Ch. 77, Sec. 1. (SB 742) Effective January 1, 2018.)

41002. (a) The city treasurer shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his or her possession.

(b) If the city has issued bonds, the city treasurer shall use a system of accounting and auditing that adheres to generally accepted accounting principles.

(Amended by Stats. 2017, Ch. 77, Sec. 2. (SB 742) Effective January 1, 2018.)

41003. The city treasurer shall pay out money only on warrants signed by legally designated persons.

(Amended by Stats. 2017, Ch. 77, Sec. 3. (SB 742) Effective January 1, 2018.)

41004. Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

(Amended by Stats. 2017, Ch. 77, Sec. 4. (SB 742) Effective January 1, 2018.)

41005. The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.

(Added by Stats. 1949, Ch. 79.)

41006. The city treasurer may appoint deputies.

(Amended by Stats. 2017, Ch. 77, Sec. 5. (SB 742) Effective January 1, 2018.)

41007. The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.

(Added by Stats. 1949, Ch. 79.)

Sample Arguments for Converting to Appointed City Clerk Positions

(Source: <http://www.smartvoter.org/>)

Measure I

City Clerk

City of Burlingame

November 3, 2009 Election

Majority Approval Required

As cities have grown and government has become more complex, so have the duties of city clerks. Today city clerks perform important legal, technical, and administrative tasks that require professional skills and expertise. Yet state law only requires elected city clerks to be over the age of 18, citizens of the U.S., and registered voters in the cities where they serve.

More than two-thirds of California cities and 13 of the 20 cities in San Mateo County have switched from the outdated model of an elected city clerk to an appointed city clerk, which allows cities to make appointments using the same thorough process they use to select department heads, including police and fire chiefs. In 1991, Burlingame voters approved making the city treasurer an appointed position.

If this measure is approved, the city clerk would be appointed beginning in 2013 and could save the city the cost of an expensive election (\$32,000).

Today the city clerk plays a vital role in communicating information to the public, working with online video streaming resources that allow public viewing of city meetings, taking minutes, keeping records of municipal codes current, and making sure officials and candidates for office follow laws relative to fair political activities and conflicts of interest. Cities don't have the luxury of dedicating a person to handle the narrowly defined duties performed by city clerks of 30 to 50 years ago.

An elected city clerk may be heavily dependent on support from politicians. In nearby cities, we have seen how politicized an elected city clerk position can become. Like other professional department heads, the city clerk needs to be politically neutral.

Please vote Yes on Measure I to save our city money and bring the city clerk out from the world of politics and into the world of professionalism.

/s/ Ann Keighran, Mayor

/s/ Terry Nagel, Council Member & Former Mayor

/s/ Rosalie O'Mahony, Council Member & Former Mayor

/s/ Jerry Deal, Council Member

/s/ Doris Mortensen, Former Burlingame City Clerk (retired December 2008)

Measure Y

Appointment of City Clerk and Treasurer City of Placentia

November 5, 2002 Election

Charter Amendment - Majority Approval Required

records have greatly expanded since we adopted our first Charter in 1965. As a result, the City has hired full time and highly experienced professionals to perform the vast majority of the duties that could once be performed or managed by a part time City Clerk and a part time City Treasurer.

We need to face the reality that we have outgrown the need for a part time City Clerk and City Treasurer.

We have City staff members who are experienced professional clerks and financial managers. These dedicated City employees can and do perform the full range of duties of the City Clerk and the City Treasurer. A part time City Clerk and a part time City Treasurer no longer have meaningful roles to play in a lean, experienced, service oriented City government that serves a large urban community. These offices are luxuries we can no longer afford.

This measure asks our residents to change the way our City Clerk and City Treasurer are chosen and to ensure that the City Administrator develops comprehensive sets of qualifications for the jobs. The criteria for choosing who will manage City funds and public records should be straightforward qualifications and competence. These jobs require experts -- not an election -- and should be positions for which one has to qualify -- not run.

We urge you to vote YES for Measure Y and help ensure accountability in the protection of our City's funds and records.

Measure V

Election of the City Clerk

City of San Carlos

November 3, 2009 Election
Majority Approval Required

The selection of the City Clerk should be based on qualifications and experience - not the result of a political campaign.

Demands on the City Clerk have evolved over the past few decades. The complexities of the position have increased and the technical skills and knowledge required are significant. The Clerk's responsibilities include management of the City's electronic document management program, oversight of all municipal elections, compliance with conflict of interest regulations, following federal/state laws, and recording decisions of the representative government.

Logic demands that the Clerk be selected based on an extensive screening designed to recruit and hire the person with the strongest technical, administrative, and professional skills. Once hired, an appointed City Clerk can be held accountable to perform to the same standards established for City department heads and executive staff.

Under California law, the only qualifications to serve as an elected City Clerk are that the person be at least 18 years old and that they are registered to vote in San Carlos. This potentially eliminates qualified candidates living nearby but unable to afford living in San Carlos.

You expect the duties of this vital position will be performed by an experienced and skilled professional. This can best be accomplished by selecting a person to serve based on technical skill, education, and relevant experience.

Statewide, the trend has moved towards appointed rather than elected City Clerks. Seventy-six percent of California cities appoint their City Clerks. We join many groups and individuals in California committed to quality local government and encourage you to support this logical and necessary change.

Your yes vote ensures the duties of the City Clerk are performed by a qualified professional selected on experience, education, and training, not by popular vote.

/s/ Bob Grassilli, Mayor of San Carlos

/s/ Christine D. Boland, CMC, City Clerk of San Carlos

Measure C

Appoint Clerk/Treasurer

Town of Los Gatos

February 5, 2008 Election
Majority Approval Required

PLEASE VOTE "YES" on Measure C and bring Los Gatos into the 21st century.

When Los Gatos was incorporated in 1887, the Town Clerk and Treasurer were elected, as was the practice at the time. All that was required was responsible citizens to record minutes of meetings and deposit monies in the bank. However, over time these jobs have grown considerably in terms of complexity and responsibility. Today the vast majority of California cities no longer elect their Clerks and Treasurers. Instead, they are appointed or hired as part of the city's professional staff.

The only qualification for being the elected Treasurer or Clerk is being a registered Los Gatos voter. However, the duties and responsibilities of these positions warrant considerable experience and professionalism in such areas as financial markets, investment policies, risk mitigation, information technology, records management, election processes and conflict of interest laws. Most lay persons do not meet these job requirements.

Some believe that only publicly elected officials can provide oversight and visibility for these jobs. However, today the oversight function is actually accomplished via external audits, performance reviews, mandatory Council approval of the Town's investment policy, publishing of agenda items and reports on the Town's website, television and Internet coverage of Council meeting, and the state's open meeting and public records laws.

The Clerk and Treasurer positions are too important to our Town to be left to the possibility of unqualified candidates or an electorate unable to evaluate their qualifications. It is time to join the majority of California cities and move to a more efficient, professional, effective government by voting to appoint these positions. Please join the people knowledgeable about both sides of this matter and bring Los Gatos into the 21st century by VOTING YES on Measure C.

/s/ Randy Attaway
Former Mayor & Council Member

/s/ Joanne Benjamin
Former Mayor & Council Member

/s/ Eric Carlson
Former Mayor & Council Member

/s/ Sandy Decker
Former Mayor & Council Member

/s/ MarLyn Rasmussen
Former Council Member & Clerk Administrator

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2018-2019 BUDGET IN THE GENERAL FUND (FUND NO. 010) TO APPROPRIATE FIFTY-TWO THOUSAND THREE HUNDRED DOLLARS (\$52,300)

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2018-2019 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City's previously adopted Fiscal Year 2018-2019 Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- b. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2018-2019 Budget of City.
- c. That the Finance Director be directed to spend no more than the estimated \$52,300.00

cost to place the elimination of City Clerk and City Treasurer as elected positions on the general election ballot.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 18th day of July 2018.

AYES: COUNCIL MEMBERS:
 NOES: COUNCIL MEMBERS:
 ABSTAIN: COUNCIL MEMBERS:
 ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

 STEVE TATE, Mayor

 IRMA TORREZ, City Clerk

— **CERTIFICATION** —

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-XXX, adopted by the City Council at a regular meeting held on July 18, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

 IRMA TORREZ, City Clerk

AGENDA BUDGET SCORECARD

FISCAL YEAR 2018-19

ADJUSTMENT #

003

FUND:

DEPARTMENT:

OBJECT:

010	General Fund
2420	City Clerk-Elections
42231	CONTRACT SERVICES

AGENDA DATE:

AGENDA ITEM TITLE:

07/18/18
Additional Ballot Measure on November 2018 Ballot

	07/01/18 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/19 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	17,687,052	41,264,549	41,658,489	17,293,112
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION	-	-	52,300	(52,300)
RESULT OF RECOMMENDED ACTION	<u>17,687,052</u>	<u>41,264,549</u>	<u>41,710,789</u>	<u>17,240,812</u>

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICES OF THE CITY CLERK AND CITY TREASURER; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Clerk and City Treasurer positions were established at the time of the City's incorporation in 1906; and

WHEREAS, however, over time, the duties and requirements of these positions have changed; and

WHEREAS, the California Government Code requires each general law city to have a City Clerk and City Treasurer; and

WHEREAS, however, in a majority of California cities these positions are appointed, not elected; and

WHEREAS, on July 18, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk and City Treasurer should be appointive offices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the offices of City Clerk and City Treasurer be appointive?	Y E S
	N O

SECTION 2. If the voters approve converting these two elected offices into appointed positions, then the appointments become effective upon the earlier of either vacancies or at the end of each current terms of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and from only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County (“Board of Supervisors”) to permit the County Elections Official to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

City of Morgan Hill
Resolution No.
Page 3 of 4

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment that may be necessary in order to properly and lawfully conduct the election. Specifically, the City Clerk shall cause copies of the Notice of Special election to be posted in three (3) public places in the City of Morgan Hill and shall cause copy of the Notice to be published once in a local newspaper used to publish official notices for the City of Morgan Hill. Notice of the election shall be given as required by applicable provisions of the Elections Code of the State of California and shall include the dates for the primary arguments and rebuttal arguments set forth in Section 5 above.

SECTION 8. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 9. If, at the election, a majority of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 18th day of July 2018 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

City of Morgan Hill
Resolution No.
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∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.6351, adopted by the City Council at the meeting held on July 18, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Clerk position was established at the time of the City's incorporation in 1906; and

WHEREAS, over time, the duties and requirements of the position has changed; and

WHEREAS, the California Government Code requires each general law city to have a City Clerk; and

WHEREAS, in a majority of California cities this position is appointed, not elected; and

WHEREAS, on July 27, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Clerk office to an appointed position; and

WHEREAS, during the City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk should be an appointive office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the office of City Clerk be appointive?	YES
---	-----

	NO
--	----

SECTION 2. If the voters approve converting this elected office into an appointed position, the appointment becomes effective upon the earlier of either a vacancy or at the end of the current term of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and from only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County (“Board of Supervisors”) to permit the Santa Clara County Registrar of Voter’s Office to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City

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Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

SECTION 8. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

SECTION 9. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 10. If, at the election, a majority (50% plus 1) of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

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Resolution No.
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SECTION 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 27th day of July 2018 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No., adopted by the City Council at the meeting held on July 27, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICE OF THE CITY TREASURER TO AN APPOINTIVE POSITION; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Treasurer position was established at the time of the City's incorporation in 1906; and

WHEREAS, over time, the duties and requirements of the position has changed; and

WHEREAS, the California Government Code requires each general law city to have a City Treasurer; and

WHEREAS, in a majority of California cities this position is appointed, not elected; and

WHEREAS, on July 27, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Treasurer office to an appointed position; and

WHEREAS, during the City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Treasurer should be an appointive office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the office of City Treasurer be appointive?	YES
---	-----

	NO
--	----

SECTION 2. If the voters approve converting this elected office into an appointed position, the appointment becomes effective upon the earlier of either a vacancy or at the end of the current term of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and from only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County (“Board of Supervisors”) to permit the Santa Clara County Registrar of Voter’s Office to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City

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Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

SECTION 8. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

SECTION 9. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 10. If, at the election, a majority (50% plus 1) of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

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Resolution No.
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SECTION 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 27th day of July 2018 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No., adopted by the City Council at the meeting held on July 27, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2018-2019 BUDGET IN THE GENERAL FUND (FUND NO. 010) TO APPROPRIATE FIFTY-TWO THOUSAND THREE HUNDRED DOLLARS (\$52,300)

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2018-2019 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City's previously adopted Fiscal Year 2018-2019 Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- b. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2018-2019 Budget of City.
- c. That the Finance Director be directed to spend no more than the estimated \$52,300.00

cost to place an additional measure on the ballot for the elimination of City Clerk and City Treasurer as elected positions on the general election ballot.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 27th day of July 2018.

AYES: COUNCIL MEMBERS:
 NOES: COUNCIL MEMBERS:
 ABSTAIN: COUNCIL MEMBERS:
 ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

 STEVE TATE, Mayor

 IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-XXX, adopted by the City Council at a regular meeting held on July 27, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

 IRMA TORREZ, City Clerk

Attachment: Budget Amendment Resolution (1881 : Reconsideration of Appointed Clerk/Treasurer Ballot measure)

AGENDA BUDGET SCORECARD**FISCAL YEAR 2018-19****ADJUSTMENT #**

005

FUND:**DEPARTMENT:****OBJECT:**

010	General Fund
2420	City Clerk-Elections
42231	CONTRACT SERVICES

AGENDA DATE:**AGENDA ITEM TITLE:**

08/01/18
Additional Ballot Measure on November 2018 Ballot

	07/01/18 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/19 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	17,687,052	41,264,549	41,658,489	17,293,112
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	52,300	(52,300)
RECOMMENDED ACTION	-	-	52,300	(52,300)
RESULT OF RECOMMENDED ACTION	<u>17,687,052</u>	<u>41,264,549</u>	<u>41,763,089</u>	<u>17,188,512</u>