



MEETING DATE: 11/5/07
ITEM NO: 9
ADDENDUM

COUNCIL AGENDA REPORT

DATE: NOVEMBER 2, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA S. JACOBS, INTERIM TOWN MANAGER *Pamela Jacobs*

SUBJECT: TOWN CLERK AND TOWN TREASURER OFFICES

- A. ADOPT RESOLUTION CALLING ELECTION ON THE QUESTION WHETHER THE TOWN CLERK AND TOWN TREASURER OFFICES SHOULD BE APPOINTIVE; OR
- B. ADOPT RESOLUTION CALLING ELECTION ON THE QUESTION WHETHER THE TOWN CLERK OFFICE SHOULD BE APPOINTIVE
- C. AUTHORIZE BUDGET ADJUSTMENTS IN THE AMOUNT DETAILED IN THE FISCAL IMPACT SECTION OF REPORT DEPENDING UPON THE RESOLUTION OPTION APPROVED BY TOWN COUNCIL

DISCUSSION:

Council's direction on October 15, 2007, was to prepare this item to allow the exercise of all options. Attached is a third form of resolution that would call an election on the question whether the Town Treasurer Office shall be appointive.

Attachment:

Resolution calling an election on the question whether the Town Treasurer Office shall be appointive

Distribution:

Joanne Benjamin
Marlyn Rasmussen

PREPARED BY: **ORRY KORB** *OK*
Town Attorney

OK:pg

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Reviewed by: _____ Assistant Town Manager *OK* Town Attorney
_____ Clerk Administrator _____ Finance _____ Community Development

RESOLUTION NO.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE TOWN OF
LOS GATOS ON FEBRUARY 5, 2008; REQUESTING SANTA CLARA COUNTY
BOARD OF SUPERVISORS TO AUTHORIZE REGISTRAR OF VOTERS TO
PROVIDE ELECTION SERVICES; REQUESTING CONSOLIDATION OF
PRESIDENTIAL PRIMARY ELECTION WITH LOS GATOS MUNICIPAL
ELECTION AND SPECIFYING CERTAIN PROCEDURES FOR THE
CONSOLIDATED ELECTION; TO PROVIDE NOTICE OF ELECTION FOR
THE PURPOSE OF AN INITIATIVE MEASURE ELECTION ON THE
QUESTION WHETHER THE ELECTIVE OFFICE OF TOWN
TREASURER SHALL BE APPOINTIVE

WHEREAS:

- A. Section 36501 of the Government Code states that a city treasurer is among the governing officers of a general law city.
- B. The Town of Los Gatos is a general law city and the office of Town Treasurer is elective.
- C. Section 36508 of the Government Code provides that the Town Council may submit to the electors the question whether the elective office of Town Treasurer shall be appointive.
- D. Section 36509 of the Government Code states how the question of whether the elective office of Town Treasurer shall be appointive shall be printed on the ballots.
- E. Of 478 municipalities in the State of California, as of 2006, only 174 have elected treasurers.
- F. The current duties and responsibilities associated with the office of Town Treasurer require the regular services of a competent and trained professional, which can be assured only through an appointive selection process.
- G. Section 2.30.010 of the Los Gatos Town Code provides that the general municipal election for the Town of Los Gatos shall be held on the day of the presidential primary election.
- H. Pursuant to Part 3 of Division 10 of the Elections Code, a general municipal election may be consolidated with a statewide election.
- I. A statewide election will be held on February 5, 2008.

RESOLVED:

1. A general municipal election hereby is called to be held in and for the Town of Los Gatos on Tuesday, February 5, 2008, to have a public vote on an initiative measure to read as follows:

Shall the office of Town Treasurer be appointive?

2. Pursuant to Elections Code section 10002, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to make available the services of the Registrar of Voters for the purpose of performing the usual services necessary in the conduct of the consolidated general municipal election, including the provisions of election supplies and voters' pamphlets; and that upon approval of such requests, the Registrar of Voters of the County of Santa Clara shall be reimbursed for all costs incurred by said services.

3. Pursuant to the Elections Code, commencing with section 10400, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to order the consolidation of the general municipal election to be conducted within the boundaries of the Town of Los Gatos on February 5, 2008, with respect to which the Board of Supervisors of the County of Santa Clara has the power to order a consolidation. The Town Council further consents to and orders the consolidation of the general municipal election hereby called with the presidential primary election. Upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened at 7:00 a.m. and closed at 8:00 p.m., ballots counted and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of law regulating the elections so consolidated.

4. The Clerk Administrator is hereby authorized and directed to publish a notice of the general municipal election within the time and in the manner specified in Elections Code section 12110. The Clerk Administrator is further authorized and directed to do all other things required by law to hold the general municipal election above provided.

5. The Clerk Administrator is hereby authorized and directed to certify to the adoption of this resolution and to transmit a certified copy to the Board of Supervisors of the County of Santa Clara and to the Registrar of Voters of the County of Santa Clara.

6. The Town Attorney is hereby authorized and directed to prepare an impartial analysis pursuant to Elections Code section 9280.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the _____ day of _____, 2007, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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