



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council
From: Jason Simpson, City Manager
Prepared by: Candice Alvarez, MMC, City Clerk
Date: April 23, 2024
Subject: November 5, 2024 General Municipal Election

Recommendation

1. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO WHETHER THE CITY TREASURER POSITION SHOULD BE APPOINTIVE;
2. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE CALIFORNIA ELECTIONS CODE; and
3. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

Background

The City of Lake Elsinore was incorporated in 1888 as a General Law city and, therefore, must adhere to all laws pertaining to the conduct and holding of elections as can be found in the California Elections Code. The laws allow for cities to set regulations pertaining to candidate and election materials either by Resolution or through their Municipal Code.

On February 1, 2018, the City adopted the By-District election process, subdividing the City into five districts. Each district is represented by one seat on the City Council. City Council Members for Districts two, four, and five and the City Treasurer will be on the ballot.

The question of whether the position of City Treasurer should continue to be elected or should be an appointed position was presented by the City Council in 2004 to the Mayor's Electoral Reform Ad Hoc Committee. On this issue, the Committee made nine findings, including "[D]ue to the complexity of government finance, the role defined by the laws of the State of California for a City Treasurer can best be satisfactorily performed by a full time, qualified financial professional" and "[T]he position of Director of Administrative Services of the City of Lake Elsinore requires a credentialed finance professional with commensurate education and experience. Any candidate qualified to be the Director of Administrative Services would be qualified to perform the duties of City Treasurer." Based on its Findings, the Committee recommended that a measure be placed on the ballot to eliminate the position of elected City Treasurer.

Moreover, former Elected City Treasurer Baldwin strongly advocated changing the position from elective to appointive to ensure that a qualified and experienced municipal finance and municipal accounting professional fills the position. Following Treasurer Baldwin's passing, the City Council, at its meeting on March 12, 2024, appointed Edwin Castro to serve an incomplete term as City Treasurer through December 2024 and directed staff to prepare a Resolution with proposed ballot measure wording to change the City Treasurer position from elective to appointive to be submitted to the Riverside County Registrar of Voters for inclusion on the November 5, 2024 General Municipal Election ballot.

Discussion

The election will be conducted on Tuesday, November 5, 2024 for the purpose of electing a City Treasurer and three members of the City Council (District 2, District 4, and District 5) to four-year terms. The City Council must adopt Resolutions calling the election, setting candidate statement regulations, and requesting the County of Riverside to consolidate the election with the Statewide General Election and render services required to conduct the election.

There are several significant dates associated with the election which are listed in Attachment 4. The significant dates pertaining to qualifying as a candidate are as follows:

Nomination Period – July 15 through August 9, 2024

The period where those interested in running for election to one of the available seats must pull and submit nomination papers in order to qualify having their name on the ballot.

Nomination Period Extended – through August 14, 2024

The nomination period is extended for a period of five days if an incumbent does not file to run in the election

Write-In Candidacy Nomination Period – September 9 through October 22, 2024

The nomination period where persons not on the ballot, wishing to submit their name as a write-in candidate must submit their nomination forms.

County Voter Information Guide Mailed – September 26 through October 15, 2024

Vote-By-Mail Ballots Mailed Beginning October 7, 2024

City Treasurer

The California Government Code addresses the election process for this ballot question for a General Law city.

Section 36508. “At any municipal election, or a special election held for that purpose, the city council may submit to the electors the question whether the elective officers, or any of them except council members, shall be appointed by the city council; provided, however, that the city council shall not submit such question to the electors more often than once in an 11-month period.”

Section 36509. “The question shall be printed on the ballots used at the election substantially in one of the following forms:

(c) “Shall the office of City Treasurer be appointive?”

The words “yes” and “no” shall be so printed on the ballots that the voters may express their choice.”

Section 36510. “If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The City Council may, by ordinance, vest in the City Manager its authority to appoint such officers.”

To place a ballot measure before the electorate, the City Council must adopt a resolution that:

- Submits proposed ballot measure wording (including whether the full text will be printed) to the Riverside County Registrar of Voters;
- Authorizes City Council Members and other individuals (up to five) to file a written argument regarding the measure, including providing for the filing of rebuttal arguments to the measure in accordance with filing deadlines; and
- Directs the City Attorney to prepare an impartial analysis of the measure.

Elective Versus Appointive City Treasurer

A survey of nine surrounding Cities resulted in seven having an appointed City Treasurer and the remaining two having an elected position. The Cities with the appointed City Treasurer are also their Finance or Administrative Services Directors who fulfill the treasurer duties within their director classification based on their relevant experience in government finance and professional financial background.

If the position of City Treasurer becomes appointive in Lake Elsinore, the duties will likely be fulfilled by the Assistant City Manager or Finance Director/Director of Administrative Services as appointed by and working under the direction of the City Manager. Having the City Treasurer function performed by qualified in-house professional staff would be more efficient. Under the current arrangement the elected Treasurer performs a largely ceremonial role.

Ballot Measure Timing

The Resolution calling for the Municipal Election must be adopted at least 88 days before the election, which for the November 5, 2024 election would be by August 9, 2024. The last regular City Council meeting before the 88-day deadline is July 23, 2024.

Mr. Castro will fulfill the position's duties until the November 5, 2024 Municipal Election. Should the measure pass, the position will become appointive as of December 2024.

Fiscal Impact

The elected City Treasurer receives \$150 per month. Instead, a full-time hourly employee would perform the duties currently performed by the elected City Treasurer, so there would be a salary savings of \$1,800 per year. Additionally, if the position is appointed instead of elected, the City would only pay for the election for the three Districts' Council Members that are currently on the ballot at the same time, since the position would no longer be on the ballot. So, the City would only pay for an election in three Districts rather than Citywide, unless another measure is on the ballot.

The County has estimated that the base cost for this Election will be approximately \$130,500. Adding the measure onto the ballot would be an additional roughly \$38,000. Funding will be included in the Fiscal Year 2024-25 Budget.

Attachments

- Attachment 1 - Resolution Calling the Election
Exhibit A - Ordinance
- Attachment 2 - Resolution Requesting Consolidation
Exhibit A - Ordinance
- Attachment 3 - Resolution Setting Candidate Statement Regulations
- Attachment 4 - 2024 General Municipal Election Calendar