

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING LAKE ELSINORE MUNICIPAL CODE CHAPTER 2.42 (CITY TREASURER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) TO MAKE THE OFFICE OF CITY TREASURER AN APPOINTIVE OFFICE

Whereas, Government Code Section 36508 and Elections Code Section 9222 authorize the City Council to submit to the electors the question of whether the elective City Treasurer shall be an appointive office and, if a majority of voters voting on the measure approve it, the office shall become appointive; and

Whereas, an appointive City Treasurer will be required to possess relevant experience in government finance and a professional financial background, training, skills and experience necessary to fulfill the important responsibilities of the office of City Treasurer; and

Whereas, on April 23, 2024, pursuant to State law, the City Council adopted Resolution No. 24-___, submitting this ordinance to the voters at the General Municipal Election on Tuesday, November 5, 2024; and

Whereas, all other legal prerequisites to the adoption of this ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:

Section 1. Subject to the approval of a majority of the voters of the City of Lake Elsinore at the scheduled election so designated by the City Council in a separate resolution placing this proposal on the ballot for such election, Chapter 2.42 of Title 2 of the Lake Elsinore Municipal Code is hereby amended to read as follows:

2.42.010 Office established.

As of the November 5, 2028 Municipal Election, the office of the City Treasurer shall cease to be elected as provided by law and shall become an appointive office. Pursuant to California Government Code section 36510, such appointive officer shall be appointed by the City Manager. The City Manager may appoint himself, the Director of Finance, or other professional with relevant experience in government finance and a professional financial background, training, skills and experience necessary to fulfill the powers and duties of City Treasurer.

~~2.42.020 Elective office.~~

~~The City Treasurer shall be elected from the City at large at a general municipal election.~~

~~2.42.030 Term of office.~~

~~The City Treasurer shall serve for a term of four years and until his successor is elected and qualified.~~

2.42.050 — Eligibility.

~~No person shall be eligible to hold the office of City Treasurer unless such person, at the time of assuming office, shall be a qualified elector of the City and shall have been a resident of the City for at least the minimum period provided by law next preceding the date of such person's election or appointment.~~

2.42.060 — Vacancies.

~~A vacancy in the office of City Treasurer shall be filled by appointment by the City Council. Such appointee shall hold office until the next succeeding general municipal election and until his successor is elected and qualified.~~

2.42.070 — Failure to fill vacancy.

~~In the event that the City Council shall fail to fill a vacancy by appointment within 30 days after such office has become vacant, the City Council shall forthwith call a special election to fill such vacancy; provided, that if such vacancy occurs within 120 days prior to a general municipal election, such vacancy shall be filled at the general municipal election.~~

2.42.080 — Powers and duties.

~~The City Treasurer shall be the custodian of all public funds belonging to or under the control of the City or of any office, department or agency of the City and shall perform such duties as may be prescribed from time to time by the City Council consistent with this chapter and applicable law.~~

2.42.020 Bond Requirements

Pursuant to California Government Code Section 36518, the City Treasurer shall furnish a corporate surety bond to be approved by the City Council in the same amount as that required of the Director of Finance and City Clerk, and it shall be conditioned upon the satisfactory performance of the duties imposed upon the City Treasurer by statute, ordinance, or resolution. Any premium for such bond shall be a proper charge against the City of Lake Elsinore.

2.42.030 Powers and duties.

The City Treasurer shall perform the duties as are prescribed by Cal. Gov't Code Sections 41001 through 41007 and by any other provisions of law applicable to deposit, investment and safekeeping of public funds of the city.

Section 2. Validity. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

Section 3. **Supersedence.** To the fullest extent allowed by law, the provisions of this Ordinance shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of Lake Elsinore which are in conflict with any provision of this Ordinance.

Section 4. **Amendments.** This section shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at a General Municipal Election, or at a special election called for that purpose.

Section 5. **CEQA.** This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

Section 6. **Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 7. **Effective Date.** This Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Lake Elsinore voting at a General Municipal election to be held on November 5, 2024, and shall take effect ten (10) days after the City Council has certified the results of the General Municipal election by resolution.

Section 8. **Attestation.** The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 5, 2024, by signing where indicated below.

Section 9. **Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

PASSED, APPROVED, AND ADOPTED by the People of the City of Lake Elsinore on the 5th day of November 2024.

Mayor's Name
Mayor

Attest:

Candice Alvarez, MMC
City Clerk