

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADDING ARTICLE 2, SECTION 2-25 TO CHAPTER 2 OF THE ESCONDIDO MUNICIPAL CODE TO AUTHORIZE THE CITY COUNCIL TO DETERMINE THE CITY TREASURER'S COMPENSATION AND TO STANDARDIZE VACANCY PROCEDURES FOR ALL CITY OF ESCONDIDO ELECTED OFFICIALS

WHEREAS, in a Community Opinion Survey Summary Report, prepared for the City of Escondido ("City") and published on December 31, 2021, found that "After receiving background information about the City Treasurer position, most respondents (55%) agreed that the City should eliminate the City Treasurer position. They shouldn't pay a person \$135,000 a year to do a job they may not be qualified to do, and for which the City is outsourcing the work anyway." and

WHEREAS, a voter initiative passed in 1984 (Proposition F), and modified in 1986 (Proposition N), has tied the City Treasurer's compensation to that of the highest paid City department head and could result in the City paying \$500,000 for a special election to fill a City Treasurer vacancy; and

WHEREAS, the voters did not place any specific education, training, or experience requirements for a City Treasurer; and

WHEREAS, since, the voters enacted the Propositions F and N, only the voters can modify the City Treasurer's compensation and vacancy procedures; and

WHEREAS, the City Council believes the City Treasurer position is not a full time job; and

WHEREAS, the City of Escondido's City Treasurer receives approximately \$150,000 in total compensation; and

WHEREAS, using the same vacancy provisions for the City Treasurer, City Councilmembers, and the Mayor will allow the City Council to assess all options when a vacancy occurs in any City of Escondido elected office; and

WHEREAS, if approved by the voters, the proposed ordinance will allow the City Council to pay the City Treasurer appropriate compensation based on the City Treasurer's education, training, experience and services provided to the City; and

WHEREAS, California Government Code section 36517 states, "the city treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution;" and

WHEREAS, California Government Code section 36512 authorizes the City Council to fill a vacancy in the elected offices of the City of Escondido within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, on May 25, 2022, the City Council directed the City Attorney to prepare a ballot measure for consideration of voter approval to address the City Treasurer's compensation.

NOW, THEREFORE, subject to approval by an affirmative, simple majority vote of the people as required by law, THE PEOPLE OF THE CITY OF ESCONDIDO, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. The Escondido Municipal Code is revised to repeal Chapter 2 - Administration, Article 4B - City Treasurer, Section 2-94 – Terms of office and filling of vacancy.

SECTION 2. The Escondido Municipal Code is revised to repeal and replace Chapter 2 - Administration, Article 4B - City Treasurer, Section 2-95. Salary and benefits. as follows:

The city treasurer shall receive such compensation as may from time to time be determined by resolution of the city council.

SECTION 3. ENVIRONMENTAL ANALYSIS. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code sections 2100, *et. seq.*, "CEQA") and CEQA Regulations (14 California Code of Regulations sections 1500, *et. seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not have any commitment to

a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a “project” that requires environmental review (14 CCR section 15378(b)(4-5)).

SECTION 4. INCONSISTENT PROVISIONS. Any provisions of the Escondido Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 5. This Ordinance shall take effect immediately, upon approval by a simple majority of the voters, voting on the question at the November 8, 2022 election.