



AGENDA
SPECIAL MEETING OF THE MAYWOOD CITY COUNCIL AND THE
SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY
REDEVELOPMENT AGENCY

MONDAY, AUGUST 5, 2024 AT 5:00 PM

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
www.cityofmaywood.com

I. CALL TO ORDER/ROLL CALL

CALL TO ORDER
ROLL CALL

II. CITY OFFICIALS

MAYOR
Eddie De La Riva

CITY CLERK
Brian E. Juarez

MAYOR PRO TEM
Mayra Aguiluz

CITY TREASURER
Mary Mariscal

COUNCIL MEMBERS
Jessica Torres
Frank Garcia
Heber Marquez

CITY MANAGER
Jennifer E. Vasquez

CITY ATTORNEY
Roxanne Diaz

III. MEETING PROCEDURES

THIS MEETING WILL BE HELD IN PERSON.

THE MEETING WILL BE AVAILABLE FOR VIEWING VIA ZOOM:

<https://us02web.zoom.us/j/88214544403> AND VIA THE CITY'S FACEBOOK PAGE.

Public Participation Options:

1. **In-Person:** Council Chambers located at 4319 E. Slauson Avenue, Maywood, CA
2. **Before the Meeting:** Public comment will be accepted for the record in advance by 3:30 p.m. the day of the meeting by email to daisy.guerrero@cityofmaywood.org; or if you are unable to email, please call the City Clerk's Office at (323) 562-5714. Your comment will be made part of the written record but will NOT be read verbally at the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Council Meeting, please contact the City Clerk's Office (323) 562-5714 within 72 hours of the meeting.

IV. MAYOR, COUNCILMEMBERS AND STAFF COMMENTS

V. PUBLIC PARTICIPATION (Agenda Items; Time allotted: 3 minutes)

Speakers wishing to address the City Council on an item on the agenda may use the instructions provided in section **III. MEETING PROCEDURES** beginning on page 1 of this agenda.

VI. DISCUSSION/ACTION ITEMS

1. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 6373 CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE TO CHANGE THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION AND ADOPTION OF RESOLUTION NO. 6374 CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE TO CHANGE THE OFFICE OF THE CITY TREASURER TO AN APPOINTIVE POSITION

VII. ADJOURNMENT - The next Regular Meeting of the Maywood City Council is scheduled for Wednesday, August 28, 2024, at 5:30 p.m. in the Council Chambers.

PUBLIC ACCESS TO MEETING AGENDA AND AGENDA PACKETS

I, _____, City Clerk or Deputy City Clerk, hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5723 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.



AGENDA REPORT

CITY OF MAYWOOD



AGENDA ITEM NO. 1.

DATE: August 5, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER VASQUEZ, CITY MANAGER

BY: DAISY GUERRERO, DEPUTY CITY CLERK/ASSISTANT TO THE CITY MANAGER
ROXANNE DIAZ, CITY ATTORNEY

SUBJECT: CONSIDERATION OF ADOPTION OF RESOLUTION NO. 6373 CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE TO CHANGE THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION AND ADOPTION OF RESOLUTION NO. 6374 CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE TO CHANGE THE OFFICE OF THE CITY TREASURER TO AN APPOINTIVE POSITION

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 6373, calling for a measure to be added to the ballot to ask voters whether the office of City Clerk should be appointive and adopt Resolution No. 6374, calling for a measure to be added to the ballot to ask voters whether the office of the City Treasurer should be appointive.

BACKGROUND:

The positions of the City Clerk and City Treasurer are elected positions. However, the administration of local government has become more complex and there has been an evolution from having those positions be "ceremonial" roles to what is a position that requires specialized skills and professional training, education, experience and certification. Government Code Section 36508 provides that the City Council may ask the voters of the City the question of whether the City Clerk and the City Treasurer should be appointed positions. In order to do this, the City must place the question to the voters at a regularly scheduled general municipal election, which will occur this year on November 5, 2024. State law also provides the required form of the question for this type of ballot measure. Government Code Section 36509 states that the "question shall be printed on the ballots used at the election substantially in one of the following forms" which includes as follows: "Shall the office of city clerk be appointive? 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."

Accordingly, two Resolutions have been prepared that comply with the provisions of State law to ask the voters whether the City Clerk and the City Treasurer should be appointed positions. In addition, the two Resolutions also comply with the provisions of the Elections Code in (i) placing the measure (i.e. the question) on the same ballot as the City's General Municipal Election on November 5, 2024; (ii) direct the City Attorney to prepare an impartial analysis on the measure within the time provided for in the Elections Code; and (iii) provide for arguments for and against the measures be filed with the City Clerk in compliance with the Elections Code. In addition, the resolution provides that all members of the City Council are authorized to file

the argument in favor of the measure if they so choose to do so. In order to place these two measures on the ballot, the Resolutions must be adopted before August 9, 2024.

DISCUSSION:

The duties of the City Clerk and City Treasurer have changed significantly over the years. With respect to the office of the City Clerk, while there are basic historical duties provided for in the Government Code such as keeping minutes, recording, publishing and certifying city ordinances, keeping custody of the city seal and administering oaths of office, the California State Legislature has assigned greater and more complex responsibilities to the office of the City Clerk. This includes but is not limited to compliance with the State's open meeting law, compliance with the Public Records Act, compliance with record retention laws and organizing and keeping city records, ensuring that notices and documents are properly posted and published, compliance with the Political Reform Act related to statements of economic interests and other forms as well as numerous other duties under hundreds of state laws.

With all these increasing legal responsibilities, these duties should be performed by professional staff that have the expertise and technical skills to adapt to the ever-evolving landscape of regulations. In fact, the trend among cities has been to move the City Clerk position from an elected position to an appointed position. Cities have transitioned their elected City Clerks to appointed positions as the work has become more legally prescribed and professionally focused.

Also, this change makes for more efficient and effective operations of the City Clerk's functions because the City Clerk is an integral part of the day-do-day operations of the City. Such a role requires a person that has the professional education and training to administer and understand the wide range of laws and responsibilities. A recent survey was completed in 2022 by another city which found that of the then 482 cities, almost 80% now have an appointed City Clerk. Since that study, more cities have moved to having the position appointed by placing the question before the voters.

With respect to the office of City Treasurer, the responsibilities and duties of the Treasurer have evolved. While the City Treasurer has general statutory duties to safeguard the City's funds, the role does not require a treasurer's full-time attention because typically these duties are performed by a city's finance department. This is also true for the City of Maywood because we have full-time staff in the City's Finance Department as well as a professional Finance Director.

Even so, there are mandatory duties for the City Treasurer under State law and the treasurer should therefore have knowledge of the numerous accounting and fiscal reporting requirements mandated by State law and the Government Accounting Standards Board. If the position is kept elected, the City is unable to require that the City Treasurer be a finance professional with technical expertise and education specific to local government financing. Appointment will ensure that the position will be a person with such skills and expertise. For cities that have gone towards having appointed City Treasurers, typically those statutory duties are performed by the Finance Director and Finance Department. Again, the trend has been to move away from an elected City Treasurer and instead appoint an individual to this position. A 2016 Common Cause survey found that fewer than 1/3 of California cities elect their treasurers.

Because the duties of these positions are handled by professional staff, the recommendation of staff is to have the City Council delegate to the City Manager the appointment authority to ensure the appointment of a professional with the skills and expertise needed. These appointments will most likely be filled with existing professional staff that already perform the duties. And the appointments would not require that the person be a resident of the City (which is the only qualification to be a city clerk or city treasurer under state law, in addition to being at least 18 years of age). State law provides that the City Council can delegate this authority to the City Manager if the measure passes. Last, there would also be cost savings as well if the duties are performed by the City's employees, in that this would eliminate the current stipend provided for these two elected positions.

LEGAL REVIEW:

The City Attorney has drafted this report.

FISCAL IMPACT:

The cost to the City to place this question on the November 2024 ballot will vary, but the City is already holding an election for the selection of council members so it is likely the amount will be nominal. Also, the final amount will depend on the number of words in the measure and the amount of information included in the voter information pamphlet.

ATTACHMENT(S)

1. Resolution No. 6373 Appointive City Clerk Ballot Measure w_Ordinance
2. Resolution No. 6374 Appointive City Treasurer Ballot Measure w_Ordinance

RESOLUTION NO. 6373

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE SUBMISSION TO THE VOTERS OF A MEASURE TO CHANGE THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION

WHEREAS, State law requires all cities to have a City Clerk;

WHEREAS, the City Clerk can be either elected by a majority of the voters or appointed;

WHEREAS, the office of the City Clerk is currently an elected office;

WHEREAS, the duties, responsibilities and requirements of a City Clerk have changed significantly over the years;

WHEREAS, the City Clerk's role has become increasingly technical and demands a certain skillset as well as experience;

WHEREAS, basic historic duties of the City Clerk are set forth in Government Code Section 40801 et. seq., and include keeping minutes; recording, publishing and certifying city ordinances; keeping custody of the city seal; and administering oaths or affirmations and taking and certifying affidavits and depositions pertaining to city business;

WHEREAS, in addition to these basic historic duties, the California State Legislature has assigned ever greater and more complex responsibilities to the City Clerk;

WHEREAS, the only qualification in State law for elected City Clerks is that they must be at least 18 years old and registered voters of the City;

WHEREAS, the administration of local government has become more complex over time, increasingly requiring specialized skills and ever-greater professional training, education, experience and certification;

WHEREAS, the City Clerk is responsible for ensuring compliance with the state's open meeting laws and that legislative actions abide by the Ralph M. Brown Act, including but not limited to preparing the legislative agenda, publishing notices of meetings, verifying that legal notices have been posted or published, posting agendas, coordinating the city's meeting agenda software system, adjourning meetings, completing the necessary arrangements to ensure an effective meeting and making available to the public agendas of meetings and responding to public inquiries;

WHEREAS, the City Clerk is the official charged with maintaining City records, including the retention of records, the organization of the City's records and their indexing and retrieval;

WHEREAS, the City Clerk is responsible for complying with requests for records under the Public Records Act, including inspection requests, requests for documents and determining whether any requested city records are exempt from disclosure;

WHEREAS, the City Clerk is responsible under the Political Reform Act for coordinating, recording and retaining the statements of economic interests of all elected or appointed officials and staff, and for collecting and maintaining all candidate campaign finance forms;

WHEREAS, the City Clerk is the neutral elections official for the City and is the official that interacts with the Los Angeles County Registrar of Voters during all local elections to ensure compliance with all election laws and regulations;

WHEREAS, there are numerous other duties under state law for which the City Clerk is responsible including but not limited to duties related to approved subdivisions of law, mailing of notices, publishing of public hearing notices, maintaining records related to the census just to name a few;

WHEREAS, because the role of the City Clerk is much more than a ceremonial role and because the City Clerk is an integral part of the day-to-day operations of the City, the role of the City Clerk requires a person that has the professional education and/or training and knowledge in addition to the technical skills necessary to understand and administer the wide range of laws and responsibilities that accompanies the position;

WHEREAS, a survey was conducted by the City of Carlsbad in 2022, which found that of the 482 California cities at that time, 383 or 79.5% of cities now have an appointed City Clerk and only 99 cities or 20.5%, have an elected City Clerk;

WHEREAS, the percentage of elected City Clerks in California has continued to decline and the trend has been to move to an appointed position;

WHEREAS, as stated by the City Clerk Association of California, 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 and legislative history of the City. The City Clerk serves as the liaison between the public and City Council and provides related municipal services."

WHEREAS, because of the expertise needed for the role in addition to the increasing responsibilities on a City Clerk, the City Council desires to submit to the voters at the General Municipal Election to be held on November 5, 2024, a measure relating to whether the office of City Clerk shall be appointive; and

WHEREAS, if the measure is adopted, the City Council shall delegate to the City Manager the appointment authority for the position to ensure the hiring of a professional with the skills and expertise needed for the complex position of City Clerk;

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

Section 1. The facts set forth in the recitals of this Resolution are true and correct, and establish the factual basis for the City Council’s adoption of this Resolution.

Section 2. On May 22, 2024, the Maywood City Council called a General Municipal Election to be held in the City of Maywood (“City”) on November 5, 2024 (“General Municipal Election”) and requested that the Los Angeles County Board of Supervisors consolidate said election with the Statewide General Election to be held on the same date, through the adoption of Resolution No. 6353 and Resolution No. 6354. Accordingly, pursuant to California Elections Code Sections 9222 and 10201, the City Council hereby orders that at said General Municipal Election a ballot measure to convert the office of the City Clerk to an appointive position be submitted to the voters for consideration. The full text of the proposed ordinance to make the office of the City Clerk appointive is attached to this Resolution as Exhibit A and incorporated herein by reference. The measure to be submitted to the voters shall appear and be printed on the ballot as follows:

City of Maywood Appointive City Clerk Measure	
Shall the office of the City Clerk be appointive?	YES
	NO

Section 3. The proposed ordinance shall only take effect if at least a majority (50% + 1) of those voting vote in favor of it.

Section 4. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280.

Section 5. The City Council directs that arguments for and against the measure may be filed in accordance with applicable law, and that all members of the City Council are authorized to file the argument in favor of the measure to be voted on at such General Municipal Election pursuant to Elections Code Section 9282. Rebuttal arguments shall not be accepted in connection with this measure.

Section 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. All persons qualified and registered to vote in the City of Maywood as of the date of such election

shall be entitled to vote. That the ballots to be used at the election shall be in the form and content as required by state law.

Section 7. Notice of the time and place of holding the General Municipal Election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form and manner as required by law, and to publish a synopsis of the measure as required by law.

Section 8. The City Clerk is hereby directed to submit a complete certified copy of this Resolution to the Los Angeles County Registrar of Voters Office and to the Los Angeles County Board of Supervisors.

Section 9. The City Council authorizes the City Clerk to administer said election, and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

Section 10. The Mayor shall sign and the City Clerk shall certify the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of August, 2024.

Eddie De La Riva , Mayor

ATTEST:

Brian E. Juarez

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES) SS
CITY OF MAYWOOD

I, Brian E. Juarez, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. _____ was adopted at a special meeting of the City Council of the City of Maywood held on the 5th day of August 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Brian E. Juarez, City Clerk

EXHIBIT A
ORDINANCE NO. _____

EXHIBIT A
ORDINANCE NO.

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF
MAYWOOD, CALIFORNIA, ENACTING A NEW ARTICLE
9 TO CHAPTER 2 OF TITLE 2 OF THE MAYWOOD
MUNICIPAL CODE TO CHANGE THE OFFICE OF THE
CITY CLERK TO AN APPOINTIVE OFFICE, SUBJECT TO
APPROVAL OF A MAJORITY OF THE ELECTORS
VOTING ON THE MEASURE AT THE GENERAL
MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5,
2024**

WHEREAS, pursuant to California Government Code Section 36502, the office of the City Clerk of the City of Maywood is currently an elective 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 Clerk shall be an appointive office and, if a majority of voters voting on the measure approve it, the office shall become appointive;

WHEREAS, an appointive City Clerk would allow the City to appoint an individual, including an appointment through employment, that has the professional education, training, experience and knowledge in addition to the technical skills necessary to understand and administer the wide range of laws and legal responsibilities of the City Clerk;

WHEREAS, if the measure is adopted, the City Council intends to delegate to the City Manager the appointment authority for the position to ensure the appointment of a professional with the skills and expertise needed for the position of City Clerk;

WHEREAS, on August 5, 2024, pursuant to State law, the City Council adopted Resolution No. 6373, which called for a General Municipal Election to be held on November 5, 2024, submitting to voters this measure to convert the elected office of the City Clerk into an appointive office; and

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

NOW, THEREFORE, the People of the City of Maywood do ordain as follows:

Section 1. Article 9 of Title 2, Chapter 2 of the Maywood Municipal Code is hereby enacted to read as follows:

"ARTICLE 9 — CITY CLERK

2-2.901 — City Clerk - Appointed.

Pursuant to California Government Code Sections 36501 and 36508 through 36510, the City Clerk shall be appointed and serve at the pleasure of the City Council. Notwithstanding, pursuant to Government Code Section 36510, the City Council may by ordinance, vest in the City Manager its authority to appoint the City Clerk. The appointed person shall not be required to be a City resident or elector.

2-2.902 — Powers and duties.

A. The City Clerk shall have the powers, duties and responsibilities granted to and imposed upon the office of the City Clerk pursuant to the following:

1. The provisions of Chapter 2 of Part 3 of Division 3 of Title 4 of the California Government Code (commencing with Section 40801), with the exception of the financial and accounting duties set forth in Government Code Sections 40802 through 40805;
2. Other state laws, with the exception of those financial powers and duties imposed upon the City Clerk by Title 4, Div. 3, Part 2, Chapter 4 of the California Government Code (commencing with Section 37201); and
3. The provisions of the Maywood Municipal Code.

B. The City Clerk shall also perform such other duties as may be required of the City Clerk by the City Manager or the City Council."

Section 2. Effective Date. If a majority of the voters voting at the November 5, 2024 General Municipal Election approves this Ordinance, it shall take effect 10 days after the City Council declares and certifies the results of the election by resolution. The position of City Clerk shall be filled by appointment thereafter upon the earlier of either a vacancy in the office or at the expiration of the current term of office of the incumbent in accordance with Government Code Section 36510.

Section 3. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or provisions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail.

Section 4. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by

the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, without regard to whether any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. The City Clerk is hereby directed to publish this ordinance at least once, within 15 days after the election results are certified, in a newspaper of general circulation published and circulated in the City of Maywood.

Section 7. The Mayor is hereby directed to attest to the adoption of this Ordinance by signing where indicated below upon certification by the City Clerk that a majority of those electors voting on this Ordinance have voted in the affirmative.

PASSED, APPROVED AND ADOPTED By THE PEOPLE OF THE CITY OF MAYWOOD ON THIS DAY OF NOVEMBER 5, 2024.

Eddie De La Riva, Mayor

ATTEST:

Brian E. Juarez, City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MAYWOOD, CALIFORNIA, CALLING FOR THE HOLDING
OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 5, 2024 FOR THE SUBMISSION
TO THE VOTERS OF A MEASURE TO CHANGE THE
OFFICE OF THE CITY TREASURER TO AN APPOINTIVE
POSITION**

WHEREAS, State law requires all cities to have a City Treasurer;

WHEREAS, the City Treasurer is elected by a majority of the voters or appointed;

WHEREAS, the office of the City Treasurer is currently an elected office;

WHEREAS, the statutory duties of the City Treasurer are set forth in Government Code Section 41001, et. seq., and generally provide that the City Treasurer is to safely keep any money received, comply with all laws governing the deposit and securing of public funds, pay out only those warrants signed by legally designated persons, submit a monthly report to the City Clerk, and collect license fees and taxes;

WHEREAS, the California Attorney General has summarized the duties of the City Treasurer and opined that “these duties do not necessarily require the city treasurer’s full-time attention, especially if the city has a finance department responsible for performing the financial affairs of the city”;

WHEREAS, the administration of local government has become more complex over time, increasingly requiring specialized skills and ever-greater professional training, education, experience and certification;

WHEREAS, the only qualification in State law for elected City Treasurers is that they must be at least 18 years old and registered voters of the City;

WHEREAS, consistent with modern municipal practice, the day-to-day financial operations in the City of Maywood are handled by a full-time staff in the City’s Finance Department, including the Director of Finance;

WHEREAS, the Finance Director and the finance staff are ultimately under the direction and control of the City Manager and the City Treasurer does not have authority to direct the work of the staff or the Finance Director;

WHEREAS, the City Treasurer has mandatory duties and responsibilities under State law and the treasurer should be therefore knowledgeable of numerous accounting and fiscal reporting requirements mandated by State law and the Government Accounting Standards Board;

WHEREAS, because the duties of a treasurer requires specialized education and experience, most cities have appointed City Treasurers for that reason;

WHEREAS, making the City Treasurer position appointive would help make certain that the City is able to appoint an individual to this office who possesses the necessary education, training and experience to performance their respective duties effectively and consistently and it would eliminate the possibility that individuals could be elected to assume responsibilities for which they have no experience with the potential of creating significant risk to the City's financial operations;

WHEREAS, the City Treasurer is not a full-time position, and converting the Treasurer from an elected position to an appointed one will ensure that the position is filled by a qualified person and generally the Finance Director will perform those duties in cities where there is an appointed City Treasurer;

WHEREAS, from an organizational perspective, placing the duties of the City Treasurer as part of the Finance Department will reduce overlapping duties, create efficiencies and place responsibility for managing and safeguarding the City's funds with a professional, qualified, management level staff member;

WHEREAS, a 2016 survey conducted by Common Cause found that fewer than one-third of cities elect their treasurers;

WHEREAS, the trend among cities has been to go beyond the minimum requirements of being at least 18 years of age and a registered voter and establish professional standards for the position of City Treasurer through an appointive process;

WHEREAS, because of the expertise needed for the City Treasurer role as well as to ensure the safekeeping of the City's funds guided by a finance professional with the technical expertise and education, the City Council desires to submit to the voters at the General Municipal Election to be held on November 5, 2024, a measure relating to whether the office of City Treasurer shall be appointive; and

WHEREAS, if the measure is adopted, the City Council shall delegate to the City Manager the appointment authority for the position to ensure the appointment of a professional with the skills and expertise needed for the complex position of City Treasurer;

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

Section 1. The facts set forth in the recitals of this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

Section 2. On May 22, 2024, the Maywood City Council called a General Municipal Election to be held in the City of Maywood ("City") on November 5, 2024 ("General Municipal Election") and requested that the Los Angeles County Board of

Supervisors consolidate said election with the Statewide General Election to be held on the same date, through the adoption of Resolution No. 6353 and Resolution No. 6354. Accordingly, pursuant to California Elections Code Sections 9222 and 10201, the City Council hereby orders that at said General Municipal Election a ballot measure to convert the office of the City Treasurer to an appointive position be submitted to the voters for consideration. The full text of the proposed ordinance to make the office of the City Treasurer appointive is attached to this Resolution as Exhibit A and incorporated herein by reference. The measure to be submitted to the voters shall appear and be printed on the ballot as follows:

City of Maywood Appointive City Treasurer Measure	
Shall the office of the City Treasurer be appointive?	YES
	NO

Section 3. The proposed ordinance shall only take effect if at least a majority (50% + 1) of those voting vote in favor of it.

Section 4. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280.

Section 5. The City Council directs that arguments for and against the measure may be filed in accordance with applicable law, and that all members of the City Council are authorized to file the argument in favor of the measure to be voted on at such General Municipal Election pursuant to Elections Code Section 9282. Rebuttal arguments shall not be accepted in connection with this measure.

Section 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. All persons qualified and registered to vote in the City of Maywood as of the date of such election shall be entitled to vote. That the ballots to be used at the election shall be in the form and content as required by state law.

Section 7. Notice of the time and place of holding the General Municipal Election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form and manner as required by law, and to publish a synopsis of the measure as required by law.

Section 8. The City Clerk is hereby directed to submit a complete certified copy of this Resolution to the Los Angeles County Registrar of Voters Office and to the Los Angeles County Board of Supervisors.

Section 9. The City Council authorizes the City Clerk to administer said election, and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

Section 10. The Mayor shall sign and the City Clerk shall certify the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of August, 2024.

Eddie De La Riva , Mayor

ATTEST:

Brian E. Juarez

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES) SS
CITY OF MAYWOOD

I, Brian E. Juarez, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. _____ was adopted at a special meeting of the City Council of the City of Maywood held on the 5th day of August 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Brian E. Juarez, City Clerk

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MAYWOOD ENACTING A NEW ARTICLE 8 TO CHAPTER 2 OF TITLE 2 OF THE MAYWOOD MUNICIPAL CODE TO CHANGE THE OFFICE OF THE CITY TREASURER TO AN APPOINTIVE OFFICE, SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MEASURE AT THE CITY'S GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024

WHEREAS, pursuant to California Government Code Section 36502, the office of the City Treasurer in the City of Maywood is currently an elective 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;

WHEREAS, an appointive City Treasurer would allow the City to appoint an individual that has the requisite training, education, skills, and experience necessary to fulfill the legal responsibilities of the City Treasurer;

WHEREAS, if the measure is adopted, the City Council intends to delegate to the City Manager the appointment authority for the position to ensure the appointment of a professional with the skills and expertise needed for the position of City Treasurer;

WHEREAS, on August 5, 2024, pursuant to State law, the City Council adopted Resolution No. 6374, which called for a General Municipal Election to be held on November 5, 2024, submitting to voters this measure to convert the elected office of the City Treasurer into an appointive office; and

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

NOW, THEREFORE, the People of the City of Maywood do ordain as follows:

Section 1. Article 8 of Title 2, Chapter 2 of the Maywood Municipal Code is hereby enacted to read as follows:

"ARTICLE 8 — CITY TREASURER

2-2.801 — City Treasurer - Appointed.

Pursuant to California Government Code Sections 36501 and 36508 through 36510, the City Treasurer shall be appointed and serve at the pleasure of the City Council. Notwithstanding, pursuant to Government Code Section 36510, the City Council may by ordinance, vest in the City Manager its authority to appoint the City Treasurer. The appointed person shall not be required to be a City resident or elector.

2-2.802 — Bond requirement.

Pursuant to California Government Code Section 36518, the City Treasurer shall furnish a corporate surety bond in a reasonable amount recommended by the City Attorney and fixed by the City Council, by resolution, which amount may be changed by the City Council. The bond 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.

2-2.803 — Powers and duties.

The City Treasurer shall have such powers and perform such duties as are prescribed by California Government Code Sections 41001 through 41007, or any other provisions of state law or the Maywood Municipal Code applicable to deposit, investment, and safekeeping of public funds of the City."

Section 2. Effective Date. If a majority of the voters voting at the November 5, 2024 General Municipal Election approves this ordinance, it shall take effect 10 days after the City Council declares and certifies the results of the election by resolution. The position of City Treasurer shall be filled by appointment thereafter upon the earlier of either a vacancy in the office or at the expiration of the current term of office of the incumbent in accordance with Government Code Section 36510.

Section 3. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or provisions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail.

Section 4. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The people of the City of Maywood hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, without regard to whether any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. The City Clerk is hereby directed to publish this ordinance at least once, within 15 days after the election results are certified, in a newspaper of general circulation published and circulated in the City of Maywood.

Section 7. The Mayor is hereby directed to attest to the adoption of this Ordinance by signing where indicated below upon certification by the City Clerk that a majority of those electors voting on this Ordinance have voted in the affirmative.

**PASSED, APPROVED AND ADOPTED BY THE PEOPLE OF THE CITY OF
MAYWOOD ON THIS DAY OF NOVEMBER 5, 2024.**

Eddie De La Riva, Mayor

ATTEST:

Brian E. Juarez, City Clerk