

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF SEAL BEACH
MEASURE EE**

If this Measure is adopted, the position of City Clerk would be appointed, not elected.

Under the City Charter, the City Clerk is an elected position. The City Council has directed that this Measure be placed on the ballot to provide an opportunity for the voters to decide whether the City Clerk should be an appointed position instead. The majority of California cities have an appointed City Clerk. In some cities, the City Clerk is hired by the City Manager. In other cities, the City Council appoints the City Clerk. If this Measure passes, the City Council will have the option of determining whether the City Council or the City Manager would have the authority to appoint the City Clerk.

This Measure will have no impact upon the incumbent City Clerk. The incumbent City Clerk was last elected in November 2012 and would be permitted to stay in office until the end of her current term in 2016. At the conclusion of her term, the incumbent City Clerk would be eligible for appointment to the same office. If the incumbent City Clerk resigns before the end of her term, a replacement would be appointed. The replacement would not be required to be a resident of the City.

This Measure was placed on the ballot by the Seal Beach City Council and requires the approval of a majority of voters. A "yes" vote on this Measure amends the City Charter so that the City Clerk position will be appointed. A "no" vote retains the language currently in the City Charter, maintaining the elective position of City Clerk.

The above statement is an impartial analysis of Measure EE. If you desire copies of the Measure and the proposed Charter amendment please call the City Clerk's office at 562-431-2527, ext 1305, and copies will be mailed at no cost to you. Copies can also be obtained from the City Clerk's office at City Hall, 211-8th Street, Seal Beach, CA 90740 or the City's website at <http://www.sealbeachca.gov>.

s/ Steven L. Flower
City Attorney
City of Seal Beach

ARGUMENT IN FAVOR OF MEASURE EE

Of the 34 cities in Orange County, only 6 still directly elect the City Clerk. Seal Beach is one of them. Having an appointed rather than elected City Clerk **will reduce costs for Seal Beach taxpayers.**

When Seal Beach was a young city, the job did not involve much, but over time, and with all the new laws and regulations, it has evolved into a technical, professional, credentialed position requiring experience. It is a "M-F, 9-5" job just like the other clerical positions at city hall. *It is time to change the charter for a professional clerk.* Vote Yes on EE.

If our present City Clerk leaves, the Council would appoint an interim Clerk and call for an election. The only requirement for an elected clerk is that they live in the City of Seal Beach. Unless you elect a resident with prior City Clerk experience, it will cost the taxpayers to get them trained. How many credentialed City Clerks live in our town?

City Clerks usually begin as Deputy City Clerks and work their way up acquiring experience, knowledge and credentials necessary to do the job. **We need an impartial, professional, credentialed City Clerk.** Voting yes on EE will give us a professional clerk.

Some concerns were raised that an appointed City Clerk would not be independent and could play politics with the position. **What is more political than a City Clerk who is also a politician?** *It's time for a professional city clerk.*

Times have changed. The position has changed. **A competitive hiring process will allow the city to hire the most qualified individual** instead of taking its chances through an election. The time is right to change the charter to allow for an appointed City Clerk. Vote Yes on EE.

Vote Yes on EE. Vote for a professional, not a politician.

s/ Gordon A. Shanks
S.B. Councilman/Former Mayor
48 year resident

s/ William T. Ayres
Past Seal Beach Citizen of the Year &
Block Captain N4N
30 Year SB Resident

s/ Les H. Cohen
Ombudsman, Leisure World

s/ Barbara E Barton
Environmental Quality Control Board
48 year Resident

s/ Sandra Massa-Lavitt
S.B Planning Commission Chair
24 yr Leisure World Resident

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE EE

Corruption costs taxpayers money, Vote No On EE!

Look at the City of Bell. When asked for salary information, their *appointed* City Clerk knowingly provided a document with incorrect information. She did this at the request of the City Manager, Robert Rizzo. *"He was my boss and I needed to listen to what he was telling me to do"* (LA Times, January 25, 2013).

We don't want a City Clerk who is beholden to the City Council or the City Manager.

For decades, voters have competently selected a dedicated local resident to serve their fellow citizens. Measure EE takes away your right to select this resident, eroding democracy. *Don't allow the City Council or City Manager to pick someone who does not live in Seal Beach, and does not represent your interests!*

Measure EE will not reduce costs to taxpayers.

If Measure EE passes, the City will hire a recruiter to place ads and screen applicants. The City paid a recruiter \$5000 to find a Treasurer and \$8000 for a Police Chief.

For the same money, the City can easily train an elected City Clerk since *all City Clerks learn their profession "on-the-job"*. The City Clerks Association offers a two-day "nuts and bolts" workshop covering a wide range of subjects costing only \$175. Further in-depth training is offered through a series of three week-long seminars for a total cost of less than \$4500. There is also a *free* mentoring program that ensures "no clerk's left behind."

Vote No On EE!

s/ Ronald Kredell
Former City of S.B. Council Member & Mayor

s/ Mike Buhbe
40 year Seal Beach Resident
& Chair of Seal Beach For Two Stories

s/ Jim Caviola
35 year resident
President, Trees For Seal Beach

s/ Elizabeth Kane
17 Year Resident &
Director, Run Seal Beach

s/ Wendi Rothman
Long Time S.B. Resident and
Local Business Owner

ARGUMENT AGAINST MEASURE EE

The City Clerk is the local official for elections, the Public Records Act, and the Brown Act. In Seal Beach, as in 153 other California cities, the City Clerk is elected by a citywide vote to represent the interests of every citizen to have fair elections, access to government documents, and open government meetings.

The City Council fears that the public may not elect someone who is capable of fully understanding "increasingly complex" laws while "remaining completely apolitical and neutral." Therefore, the Council is asking you to give them the power to appoint the next City Clerk.

We are deeply concerned with this proposal. How can the public be sure that the City Clerk will fairly enforce election rules when the outcome of the election may impact the City Clerk keeping their job? Do we want the City Clerk to be accountable to individual Council Members or the public as a whole?

During an election there are lots of rules and deadlines that could be bent or broken by an unscrupulous candidate. One example, which actually occurred in 2006, was the placement of yard signs before the date they were allowed. One candidate put up signs a week earlier than his opponent who was following the rules. Who would be more likely to notify the public of this, an elected City Clerk or one who fears that this candidate might be their boss in a couple of months?

While it is true that City Clerks need to know a lot, this education has been successfully accomplished through extensive education programs, publications, and annual conferences sponsored by various professional organizations such as the City Clerks Association of California.

As Seal Beach prepares to celebrate its centennial, it is timely to recall the wise adage, "If it ain't broke, don't fix it."

s/ Robert L. Goldberg, M.D.
City of Seal Beach Planning Commissioner

s/ Marc Loopesko
President, Run Seal Beach

s/ Paul Yost MD
Former Seal Beach Council Member & Mayor

s/ Esther S Cummings
City of Seal Beach Planning Commissioner

s/ Carla A. Watson
Seal Beach Parks & Recreation Commissioner

REBUTTAL TO ARGUMENT AGAINST MEASURE EE

Vote **Yes on EE** for an independent City Clerk! ***A Political Clerk is not an independent clerk -- it is a clerk with NO supervision and NO accountability.***

Yes on EE saves taxpayers money.

Currently Orange County cities are advertising for Certified City Clerks with 5 years' experience at tens of thousands of dollars less in salary than our Seal Beach Clerk. **Why are we paying more?**

Electing a clerk who monitors their own election to a six figure salary every four years with no supervisor is inviting trouble. **YES on EE** means accountability and transparency in government. It's just smart government.

There are no qualifications required to be an elected City Clerk except that you live in the City of Seal Beach and have reached the age of 18.

Vote **Yes on EE** for a Professional Clerk hired through a rigorous, competitive process.

The City Clerk's position should no longer be a popularity contest paying a six figure salary. ***It's time to cut our budget, cut the cost of government and hire a professional clerk!***

This position is no different from other administrative positions in the city. Every city employee should have a supervisor and be **held accountable for doing a day's work for a day's pay.**

Now that our Clerk is leaving, it's the perfect time for a Professional clerk hired through a competitive process with a competitive salary who is held accountable through supervision.

Vote **YES on EE** for a **Professional Clerk, not a Politician.**

s/ John Michael Carey
Retired City Clerk - Seal Beach Resident

s/ Gordon A. Shanks
Councilman/Former Mayor

s/ Les H. Cohen
Ombudsman, Leisure World

s/ Ellery Deaton
Mayor/Councilwoman

s/ William T. Ayres
Past Citizen of the Year
30 Year Resident - N4N Block Captain