

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING ESCONDIDO MUNICIPAL CODE CHAPTER 2, ARTICLE 4B, SECTION 2-94 AND AMENDING SECTION 2-95 TO REDUCE CITY TREASURER COMPENSATION TO THE SAME LEVEL AS A CITY COUNCILMEMBER AND TO STANDARDIZE VACANCY PROCEDURES FOR ALL CITY OF ESCONDIDO ELECTED OFFICIALS

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

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

WHEREAS, the City of Escondido 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 would lower the City Treasurer compensation to equal that of a City Councilmember; 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 July 27, 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 and vacancy procedure.

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 the same compensation as a city councilmember.

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. The City Clerk shall be authorized to replace the terms "Measure G" wherever they appear in this ordinance with the respective ballot designations determined by the County Registrar before this ordinance is codified.

SECTION 6. 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.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 14<sup>th</sup> day of December, 2022 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
B20F47BD2551475...  
PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D08DC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2022-19 passed at a regular meeting of the City Council of the City of Escondido held on the 10<sup>th</sup> day of August, 2022, after having been read at the regular meeting of said City Council held on the 14<sup>th</sup> day of December, 2022.

DocuSigned by:  
*Zack Beck*  
A58535D08DC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

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