
MEASURE H

PROPOSAL TO APPOINT CITY OF LINCOLN TREASURER

Shall the office of the City Treasurer be appointive?

YES _____

NO _____

If the above measure fails, which of the following candidates do you vote for to hold the office of City Treasurer?

Terrence “Terry” Dorsey

IMPARTIAL ANALYSIS BY LINCOLN CITY ATTORNEY

In the City of Lincoln, the office of the City Treasurer is elected by the City voters to a four-year term. The current term of the City Treasurer ends in November 2012. The elected treasurer is required to be a resident of the City.

This Measure asks the following questions:

“Shall the office of the City Treasurer be appointive?”

Yes

No

“If the above measure fails, which of the following candidates do you vote for to hold the office of City Treasurer?”

Terrence “Terry” Dorsey

If a majority of the votes cast as to whether the office of the City Treasurer should be appointive is affirmative, then the office of the City Treasurer will become an appointive office and such office will no longer be elected by the City voters. As an appointive office, the City Council would appoint a person to such office at the expiration of the term of the officer now in office, which is November 2012. As an appointive office, the City Council may by ordinance vest in the City Manager its authority to appoint such officer. That person will hold the office at the pleasure of the City Council and will not be required to be a resident of the City.

If a majority of the votes as to whether the office of the City Treasurer should be appointive is not affirmative, the office of the City Treasurer will continue to be elected. The candidate with the most votes will be the elected City Treasurer for a four year term.

Jonathan P. Hobbs
Lincoln City Attorney

NO ARGUMENT IN FAVOR OR AGAINST WAS RECEIVED

RESOLUTION NO. 2012- 040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN CALLING FOR AN ELECTION TO APPROVE MAKING THE POSITION OF CITY TREASURER AN APPOINTIVE POSITION BY THE CITY COUNCIL AND IF THAT MEASURE FAILS, HAVING VOTERS TO VOTE FOR AN ELECTED TREASURER

WHEREAS, the City Treasurer of the City of Lincoln is currently an elective position that can only be filled by a resident elector of the City, willing to stand for election to the position; and

WHEREAS, the position is an important function within the government of the City requiring substantial technical expertise and commitment of time; and

WHEREAS, Government Code section 36508 authorizes the City of Lincoln to submit to the electors the question of whether the office of City Treasurer, should be made an appointive office; and

WHEREAS, Government Code section 36510 provides that if a majority of the votes cast on the proposition is for it, the City Council shall appoint such officer at the expiration of the term of the officer then in office, and that such officer shall serve at the pleasure of the City Council; and

WHEREAS, the City Council of the City of Lincoln has determined that it is in the best interest of the City and its citizens that its voters be asked to make the position of City Treasurer appointive and if that measure does not pass, to having the voters to elect a City Treasurer in order to ensure that this position is filled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY RESOLVE AS FOLLOWS:

Pursuant to Government Code section 36508 and 36509, the City Council submits to the electors the following questions to be placed before the voters at the November 6, 2012 election:

Shall the office of the City Treasurer be appointive?

Yes No

If the above measure fails, which of the following candidates do you vote for to hold the office of City Treasurer?

Terrence "Terry" Dorsey

BE IT FURTHER RESOLVED that should a majority of the voters vote in favor of making the office of the City Treasurer appointive, pursuant to Government Code section 36510, the City Council, shall appoint a person to hold such office, who shall then hold such office at the pleasure of the City Council; and

BE IT FURTHER RESOLVED that pursuant to Government Code section 36510, should the office of City Treasurer become appointive, the City Council may, by ordinance, delegate this duty to the City Manager; and

BE IT FURTHER RESOLVED that the election on this question be consolidated with the next general election as permitted by law; and

BE IT FURTHER RESOLVED that pursuant to the Elections Code section 9282, the City Council shall submit a ballot argument to the Elections Clerk in favor of the measure at the appropriate time.

PASSED AND ADOPTED this 24th day of April 2012, by the following roll call vote:

AYES: COUNCILMEMBERS: Nader, Joiner, Hydrick, Short
NOES: COUNCILMEMBERS: None
ABSENT COUNCILMEMBERS: Cosgrove

Spencer Short, Mayor

ATTEST:
Patricia Avila, City Clerk