

CITY OF

MANHATTAN BEACH



**VOTER INFORMATION
PAMPHLET**
and Sample Ballot

**SPECIAL MUNICIPAL ELECTION
TUESDAY, MARCH 26, 1996**

POLLS OPEN AT 7 A.M. AND CLOSE AT 8 P.M.

Compiled and Prepared by
OFFICE OF THE CITY CLERK

**PROPOSED MEASURES
ANALYSES, AND ARGUMENTS ARE ENCLOSED**

CITY OF MANHATTAN BEACH

SAMPLE BALLOT

LOCAL MEASURE(S) MANHATTAN BEACH CITY SPECIAL MUNICIPAL ELECTION

H Shall the office of City Clerk be appointive?	178	YES ➡
	179	NO ➡
I Shall the office of City Treasurer be appointive?	180	YES ➡
	181	NO ➡
J Shall an ordinance be adopted which limits a Member of the City Council to serving two (2) consecutive terms with a provision which allows a Member to hold office again after being out of office for a period of at least two (2) years?	184	YES ➡
	185	NO ➡
K Shall an ordinance be adopted which limits a Member of the City Council to serving two (2) terms with a provision declaring a Member ineligible to hold office thereafter (a lifetime ban on renewed service)?	186	YES ➡
	187	NO ➡

END OF BALLOT

CITY OF MANHATTAN BEACH

VOTER INFORMATION PAMPHLET

The following pages contain:

BALLOT MEASURES, ANALYSES, ARGUMENTS AND REBUTTALS

MEASURES: Some of the following pages may contain proposed measures.

ANALYSIS: The Impartial Analysis is an impartial summary of the results of the proposed measure or proposition.

ARGUMENTS: Arguments and/or rebuttal arguments in support of or in opposition to the proposed laws are the opinions of the authors and have not been checked for accuracy by any official agency.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE H**

The Office of the City Clerk of the City of Manhattan Beach is presently elective and is filled by the voters of the City. Passage of this measure would make this office appointive and the next and future City Clerks would be appointed by the City Council or by the City Manager if the Council by ordinance vests in the manager this responsibility.

The duties of the City Clerk as specified in Government Code Section 40801 and following include keeping records of City Council proceedings, recording in a special book every ordinance and attaching thereto a certificate stating that it is a correct copy and has been published or posted pursuant to law, keeping custody of the City seal, and performing such additional duties as may be prescribed by city ordinance.

Tom Wood

ARGUMENT IN FAVOR OF MEASURE H

The City Clerk is, and has been since 1972, an honorary part-time elected official with the duties of the clerk performed by appointed full-time staff members. The last time there was a contested race for the Office of City Clerk was in 1980.

Historically, many cities have had an elected city clerk who performed a variety of duties. However, as cities have grown and become more complex, the duties of the city clerk have become more numerous and technical in nature and now require professional skills and expertise in areas such as election law, federal and state law, records management, and conflict of interest regulations. There is no guarantee that an elected City Clerk will possess such skills and expertise. An appointed City Clerk, however, would be selected based on education, management experience, licenses and continuing professional education. The appointed City Clerk would be subject to normal personnel procedures, including annual performance evaluations and possible termination for unsatisfactory performance.

The position of City Clerk, unlike that of a City Councilmember, is not a "political" one and it has no policy making power, nor is the City Clerk a "watch dog", or part of the governmental system of checks and balances. Rather, the role of the City Clerk is to use modern management practices to administer the legislative process as the City's election official, legislative administrator and records manager, while remaining apolitical and neutral.

We, the undersigned City Councilmembers, feel this change is in the best interest of the citizens, therefore endorse the appointment of a City Clerk and encourage your affirmative vote on this measure to ensure that the duties of the City Clerk are performed by a legislative and administrative professional selected based on knowledge, education, training and qualifications.

Steven A. Napolitano, Mayor
Steve Barnes, Mayor Pro Tem
Joan Hood Jones, Councilmember
Timothy J. Lilligren, Councilmember
Jack E. Cunningham, Councilmember

ARGUMENT AGAINST MEASURE H

(None Filed)

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE I**

The Office of City Treasurer of the City of Manhattan Beach is presently elective and is filled by the voters of the city. Passage of this measure would make this office appointive and the next and future City Treasurers would be appointed by the City Council or by the City Manager if the Council by ordinance vests in the manager this responsibility.

The duties of the City Treasurer as specified in Government Code Section 41001 and following include receiving and keeping all city money, complying with all laws governing the deposit and securing of government funds, handling the city trust funds, paying out money only upon lawfully signed warrants, preparing monthly reports of all receipts, disbursements, and fund balances, and performing such additional duties as may be prescribed by city ordinance.

Tom Wood

ARGUMENT IN FAVOR OF MEASURE I

The City Treasurer is a ministerial office whose duties are regulated by statute, resolution and ordinance. Since 1972, the position has been a part-time elected official with most duties performed by full-time city staff members. In recent years, these duties have become more time consuming and difficult as the portfolio has grown substantially and investment activities have become increasingly complex. The position of City Treasurer is not a "political" one and it has no policy making power. Rather it is the responsibility of the City Treasurer, in conjunction with the Director of Finance, to insure that the fiduciary responsibilities of the city are met.

In recognition of the above, since 1993, a Financial Subcommittee comprised of two Councilmembers, the City Treasurer, the City Manager and the Finance Director have assumed the investment oversight role with day-to-day administration performed by Finance personnel. This process incorporates the necessary professional expertise of staff with political oversight by your elected representatives.

Such a balance of expertise and political oversight is not often achieved with solely an elected City Treasurer because there is no guarantee that the candidates for the position possess the necessary qualifications. An appointed City Treasurer, however, would be selected based upon education and investment experience, and would be subject to annual evaluations and possible termination for unsatisfactory performance.

We, the undersigned Mayor and City Treasurer, feel this change is in the best interest of the citizens, and therefore endorse the appointment of a City Treasurer and encourage your affirmative vote on this measure to insure that the duties of the City Treasurer are performed by a finance professional selected based upon knowledge, education, training and qualifications. The entire City Council supports this measure.

Steven A. Napolitano, Mayor
Steve Schlesinger, City Treasurer

ARGUMENT AGAINST MEASURE I

(None Filed)

MEASURE J

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, WHICH LIMITS A MEMBER OF THE CITY COUNCIL TO SERVING TWO (2) CONSECUTIVE TERMS WITH A PROVISION WHICH ALLOWS A MEMBER TO HOLD OFFICE AGAIN AFTER BEING OUT OF OFFICE FOR A PERIOD OF AT LEAST TWO (2) YEARS

WHEREAS, §36502 of the California Government Code provides that the City may prospectively limit the number of terms an elected mayor and/or a Member of the City Council may serve after approval by a vote of the people; and

WHEREAS, the City Council is authorized and directed by statute to submit an ordinance to the voters.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. A person is ineligible to hold office as Member of City Council if that person has served in the office for two (2) consecutive full terms (each term is four (4) years).

SECTION 2. For the purpose of term limitation, a person who is appointed or elected as Member of City Council to a vacant office for an unexpired term of two (2) years or more of the original term shall be deemed to have served a full term.

SECTION 3. For the purpose of term limitation, a person who has served two (2) consecutive terms as a Member of City Council, shall be eligible to serve either as an appointed or elected Member of City Council after being out of office for a period of at least two (2) years.

SECTION 4. For the purpose of term limitation, all offices of Member of the City Council elected at large shall be considered as one office.

SECTION 5. This ordinance shall apply prospectively to terms of office beginning after the effective date of this ordinance.

SECTION 6. Pursuant to Election Code §9221, if the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

SECTION 7. This ordinance shall be considered as adopted upon the date the vote is declared by the legislative body, and shall go into effect 10 days after that date.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J

Under current law there is no restriction on how many terms a person may serve as a member of the City Council of the City of Manhattan Beach. Passage of this measure would impose a restriction and make a person ineligible to serve as a member of the City Council if that person has served two consecutive full terms or one term of two or more years followed by a full four year term. That person would become eligible again after being out of office for at least two years. This restriction would apply to terms of office beginning after the date this measure becomes effective.

If both Measure J and Measure K pass, only the measure receiving the higher number of votes will become effective and only its provisions will become law.

Tom Wood

ARGUMENT IN FAVOR OF MEASURE J

In the April 1992 General Municipal Election, 80% of the voters supported an advisory ballot issue supporting legislation limiting City Councilmembers to two terms.

Effective January 1, 1996 the City of Manhattan Beach is authorized by recent state legislation to allow a vote for mandating the overwhelming support for the two term limitation that our citizens asked for nearly four years ago.

As an alternative to an absolute two term limitation, a vote for this measure provides for unlimited terms but requires an individual to vacate office after serving two terms for a period of at least two years. After sitting out for such a time period, former City Councilmembers may again seek election for another two terms requiring only periodic two year gaps in service.

Steven A. Napolitano, Mayor
Steve Barnes, Mayor Pro Tem

ARGUMENT AGAINST MEASURE J

(None Filed)

MEASURE K

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, WHICH LIMITS A MEMBER OF THE CITY COUNCIL TO SERVING TWO (2) TERMS WITH A PROVISION DECLARING A MEMBER INELIGIBLE TO HOLD OFFICE THEREAFTER (A LIFETIME BAN ON RENEWED SERVICE)

WHEREAS, §36502 of the California Government Code provides that the City may prospectively limit the number of terms an elected mayor and/or a Member of the City Council may serve after approval by a vote of the people; and

WHEREAS, the City Council is authorized and directed by statute to submit an ordinance to the voters.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. A person is ineligible to hold office as Member of City Council if that person has served in the office for two (2) terms (each term is four (4) years).

SECTION 2. For the purpose of term limitation, a person who is appointed or elected as Member of City Council to a vacant office for an unexpired term of two (2) years or more of the original term shall be deemed to have served a full term.

SECTION 3. For the purpose of term limitation, a person who has served two (2) terms as a Member of City Council, shall be ineligible to serve (lifetime ban on renewed service) either as an appointed or elected Member of City Council.

SECTION 4. For the purpose of term limitation, all offices of Member of the City Council elected at large shall be considered as one office.

SECTION 5. This ordinance shall apply prospectively to terms of office beginning after the effective date of this ordinance.

SECTION 6. Pursuant to Election Code §9221, if the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

SECTION 7. This ordinance shall be considered as adopted upon the date the vote is declared by the legislative body, and shall go into effect 10 days after that date.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

Under current law there is no restriction on how many terms a person may serve as a member of the City Council of the City of Manhattan Beach. Passage of this measure would impose a restriction and make a person ineligible to serve as a member of the City Council if that person has served two full terms, whether or not the terms are consecutive. Filling an unexpired term of two years or more is deemed a full term. This restriction would be a lifetime ban on renewed service as a Council member and would apply to terms of office beginning after the date this measure becomes effective.

If both Measure J and Measure K pass, only the measure receiving the higher number of votes will become effective and only its provisions will become law.

Tom Wood

ARGUMENT IN FAVOR OF MEASURE K

In the April 1992 General Municipal Election, 80% of the voters supported an advisory ballot issue supporting legislation limiting City Councilmembers to two terms.

Effective January 1, 1996 the City of Manhattan Beach is authorized by recent state legislation to allow a vote for mandating the overwhelming support for the two term limitation that our citizens asked for nearly four years ago.

A "Yes" vote is required to ensure that the will of the voters of Manhattan Beach regarding a two term limit was not only heard, but more importantly, is actually implemented.

Steven A Napolitano, Mayor
Steve Barnes, Mayor Pro Tem

ARGUMENT AGAINST MEASURE K

(None Filed)

POLLS OPEN AT 7 A.M. AND CLOSE AT 8 P.M.

**NOTE: Your POLLING PLACE LOCATION,
the COMPLETE SAMPLE BALLOT, and
the ABSENTEE VOTER APPLICATION
are being mailed under separate cover
as required by the
COUNTY REGISTRAR'S OFFICE,
which is conducting this election.**

**WINONA J UNDERHILL CITY CLERK
CITY HALL 1400 HIGHLAND AVE
MANHATTAN BEACH CA 90266
310/545-5621**

**BULK RATE
CAR RT SORT
U. S. POSTAGE
PAID
DMI
1933**

CALO49

Ballot Type