



City Council

Staff Report

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Approved 5-0-0 *ar*

File #: 21-2026

Agenda Date: 7/21/2026

Agenda #: 16.

TO: Honorable Mayor and Members of the City Council

FROM: Sophia Meyer, City Attorney

SUBJECT:

A Resolution of the City Council of the City of Red Bluff (1) Calling for an Election on a Ballot Measure to Ask the Voters of the City of Red Bluff, California, Whether the Offices of City Clerk and City Treasurer Shall be Appointive; (2) Requesting the Board of Supervisors of Tehama County to Consolidate a Municipal Election on a Local Measure with Other Elections to be Held on the November 3, 2026, Consolidated Election Date; (3) Requesting the Tehama County Board of Supervisors Permit the Tehama County Elections Official to Render Election Services to the City; and (4) Approving the Proposed Measure

RECOMMENDED COUNCIL ACTION:

Adopt Resolution No. 21-2026 for an election on a ballot measure to ask the voters of the City of Red Bluff, California, whether the offices of City Clerk and City Treasurer shall be appointive; (2) Requesting the Board of Supervisors of Tehama County to consolidate a municipal election on a local measure with other elections to be held on the November 3, 2026, consolidated election date; (3) Requesting the Tehama County Board of Supervisors permit the Tehama County Elections Official to render election services to the City; and (4) Approve the proposed draft resolution.

SUMMARY:

Consideration of a resolution (1) Calling for an election on a ballot measure to ask the voters of the City of Red Bluff, California, whether the offices of City Clerk and City Treasurer shall be appointive; (2) Requesting the Board of Supervisors of Tehama County to consolidate a municipal election on a local measure with other elections to be held on the November 3, 2026, consolidated election date; (3) Requesting the Tehama County Board of Supervisors permit the County Elections Official to render election services to the City of Red Bluff; and (4) Approving the proposed resolution

PREVIOUS COUNCIL ACTION:

At the June 2, 2026, City Council meeting, Council approved calling an election and a ballot measure regarding the City Clerk and Treasurer's positions changing from elective to appointive.

DISCUSSION:

The following discussion is in no way intended to question the integrity or performance of the currently elected City Clerk or City Treasurer, it is simply a factual recitation of the duties of the two offices and analysis regarding pros and cons of making each position appointed vs. elected.

City Clerk

The City Clerk position in the City of Red Bluff has been an elected position since the City first became incorporated in 1876. The duties of a City Clerk are established in Government Code section 40801 et seq.

City Treasurer

The City Treasurer position in the City of Red Bluff has been an elected position since the City first became incorporated in 1876. The duties of a City Treasurer are expressed in Government Code section 41001 et seq.

The statutory qualifications for the office of elected City Clerk and City Treasurer are as follows: Must be eighteen (18) years of age or older, registered to vote, and residing within the limits of the City of Red Bluff.

The City of Red Bluff Municipal Code section 2.2 requires that both the City Treasurer and City Clerk execute a bond to the city before entering upon the duties of their offices.

A voter approval of a change to make the position appointive would allow the City Council to set qualifications and make the appointment or delegate that responsibility to the City Manager by ordinance.

Due to the continued growing complexity of local government, the duties of the City Clerk and City Treasurer continue to become more numerous and technical in nature, requiring professional skills and expertise in areas such as election law, federal and state regulations, records management, conflict of interest, and mandated accounting principles. For these reasons, among others, the trend of cities throughout the state over the last several years has been to have appointed City Clerks and Treasurers appointed based on professional standards for the position as well as experience and credentials, rather than through a general election process which only requires that the person be over the age of 18, a city resident, a registered voter in the city of residence, and not having been convicted of certain disqualifying crimes.

Arguments in favor of retaining an elected City Clerk and City Treasurer is that an independently elected position is important for "checks and balances" in the government structure. In reality, statutes of the State of California prescribe the basic functions of the positions and specific responsibilities and procedures to follow. This means that the City cannot impose any minimum qualifications for the elected positions such as a level of experience, education, professional certification, or training so there is no guarantee that an elected City Clerk or City Treasurer will possess the necessary skills and expertise to perform at the professional level currently required.

In contrast, an appointed City Clerk or City Treasurer would be selected based on specific criteria, experience, and abilities and be subject to personnel procedures and rules, including annual performance evaluations and possible termination for unsatisfactory performance.

Pursuant to Government Code section 36508, the City Council must submit a local measure to the voters to determine whether the City Clerk and City Treasurer positions should be appointive. The California Government Code addresses the election process for this ballot question. Section 36508 states, "at any municipal election, or a special election held for that purpose, the city council may submit to the electors the question whether the elective officers, or any of them except council members, shall be appointed by the city council; provided however, that the city council shall not submit such question to the electors more often than once in an 11-month period." The question shall be printed on the ballots used at the election substantially in the following form: 'Shall the offices of City Clerk and City Treasurer be appointive?' The words 'yes' and 'no' shall be so printed on the ballots that the voters may express their choice.

The proposed resolution calls for an election to consider the ballot measure and sets forth the exact language of the ballot measure, including the City Attorney's impartial analysis of the ballot measure, as required by the Tehama County Registrar of Voters. It incorporates the full text of the proposed Measure

and declares that the City Council approves the Measure and its submission to voters for consideration and makes a formal request to the Tehama County Board of Supervisors to consolidate the ballot measure election with the other elections being held on the same election date and furthermore, directs the Tehama County Registrar of Voters to provide the City with election services.

If the resolution is adopted, it must be mailed to both the Tehama County Registrar of Voters and the Tehama County Board of Supervisors so that both receive the resolution before July 22, 2026, which is the anticipated deadline for submitting resolutions to the Tehama County Board of Supervisors for consideration. The Board of Supervisors will consider the request for consolidation and election services, and, if approved, the ballot measure will go before the voters at the November 3, 2026, election. After the election, the City Council must hold a meeting to declare the results. If the Ballot Measure passes, it will become effective ten (10) days after the City Council's declaration of results. A majority vote is required for this ballot measure to pass. The City may provide for the appointment of the officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Additionally, in the event that the ballot measure passes, these officers would no longer be required to be residents or electors residing within the jurisdictional limits of the City. One advantage to this is that it will widen the pool of applicants.

The City Council should also consider whether they would like to author an argument in favor of the ballot measure. Arguments of not more than three hundred (300) words would be included in the voter information guide.

CITY FISCAL IMPACT:

The Tehama County Clerk's Office estimates that the cost of adding this ballot measure to the November 3, 2026, election would be \$5,000-8,000. This cost would be paid with money allocated in the General Fund. The City would realize cost savings regarding the ongoing election expenses for the two offices which would be eliminated in the future. The City would not incur additional salary expenses as the City Clerk position would remain at \$3,600 per year and the City Treasurer position would remain at \$3,600 per year.

CITY COUNCIL RESOLUTION NO. 21-2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED BLUFF (1) CALLING FOR AN ELECTION ON A BALLOT MEASURE TO ASK THE VOTERS OF THE CITY OF RED BLUFF, CALIFORNIA, WHETHER THE OFFICES OF CITY CLERK AND CITY TREASURER SHALL BE APPOINTIVE; (2) REQUESTING THE BOARD OF SUPERVISORS OF TEHAMA COUNTY TO CONSOLIDATE A MUNICIPAL ELECTION ON A LOCAL MEASURE WITH OTHER ELECTIONS TO BE HELD ON THE NOVEMBER 3, 2026, CONSOLIDATED ELECTION DATE; (3) REQUESTING THE TEHAMA COUNTY BOARD OF SUPERVISORS PERMIT THE TEHAMA COUNTY ELECTIONS OFFICIAL TO RENDER ELECTION SERVICES TO THE CITY; AND (4) APPROVING THE PROPOSED MEASURE.

THE CITY OF RED BLUFF CITY COUNCIL DOES HEREBY RESOLVE THAT:

WHEREAS, currently the positions of city clerk and city treasurer of the City of Red Bluff are elective; and

WHEREAS, Government Code Sections 36508-36510 provide that the offices of city clerk and city treasurer may be made appointive rather than elective upon approval of the voters at a regular or special election; and

WHEREAS, the City's next general municipal election will be held on November 3, 2026, and the City wishes to submit to the voters, at that election, the question of whether the city clerk and city treasurer should be made an appointive position.

NOW, THEREFORE, BE IT RESOLVED ON JULY 21, 2026, by the City Council of the City of Red Bluff as follows:

Section 1. Pursuant to California Government Code Section 36508 and Resolution No. 21 2026, the City Council has called for a general municipal election to be held on November 33, 2026, and orders that the following question be submitted to the voters at such election:

MEASURE #__ : APPOINTIVE CITY CLERK-TREASURER Shall the Offices of City Clerk and City Treasurer be Appointive?	Yes	No
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Section 2. That the proposed Measure submitted to the voters **shall read**:

The City Clerk and City Treasurer shall no longer be elective officials in the City of Red Bluff. From and after November 7, 2028, for both City Clerk and City Treasurer, or upon an earlier vacancy in the office of City Clerk or City Treasurer, the City Clerk and City Treasurer shall be appointed by the City Council. The City Clerk and City Treasurer so appointed shall hold office at the pleasure of the City Council and, notwithstanding California Government Code section 36502 to the contrary, are not required to be a resident or elector in the City. The City Council may by Ordinance vest in the City Manager its authority to appoint the City Clerk and City Treasurer.

Section 3. In the event the proposition receives approval by a majority of the votes cast, the proposition is adopted, and the City Council shall appoint such officers beginning in November 2028, or upon an earlier vacancy in the office of City Clerk or Treasurer. The City Council may by ordinance vest in the City Manager its authority to appoint such officers.

Section 4. Pursuant to Elections Code Sections 10002 and 10403 and other applicable authority, the City

Council hereby requests the Tehama County Board of Supervisors and the Tehama County Elections Clerk to: (a) consolidate the election on this City proposition with, and place it upon the same ballot as that provided for, the regular statewide election scheduled for Tuesday, November 3, 2026; and (b) perform election services relating to the vote on the City proposition in accordance with City of Red Bluff Resolution No. 21-2026 requesting election services on behalf of the City for the November 3, 2026, election, which resolution was adopted by the City Council on July 21, 2026, and is being forwarded to the County.

Section 5. The City Clerk is hereby authorized and directed forthwith to file certified copies of this resolution with the Tehama County Board of Supervisors and the Tehama County Clerk and Registrar of Voters

Section 6. That pursuant to Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney to prepare an impartial analysis of the Measure which shall not exceed 500 words in length.

Section 7. That pursuant to Elections Code Section 9282, the City Council may file a written argument in favor of the Measure in accordance with Article 4, Chapter 3, Division 9 of the Elections Code and may change the argument as allowed by law.

Section 8. That pursuant to Elections Code Section 9287, if more than one argument for or more than one argument against the Measure is submitted to the City Clerk within the time prescribed by law, she shall select one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters, giving preference in such selection in the following order:

1. The City Council, or a member or members of the City Council authorized by the City Council.
2. Bona fide associations of citizens.
3. Individual voters who are eligible to vote on the Measure.

Section 9. That pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the author or authors of the argument against, and copies of the argument against the Measure to the author or authors of the argument in favor. The author or authors may submit a rebuttal argument to the direct argument not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments and shall immediately follow the direct argument which it seeks to rebut. All previous resolutions providing for the filing of rebuttal arguments for City measures are repealed, and this Section shall only apply to the election on the Measure to be held on November 3, 2026.

Section 10. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Tehama County is hereby requested to consent to the Tehama County Clerk and Registrar of Voters rendering election services to the City as may be requested by the City Clerk of said City, the County of Tehama to be reimbursed in full for such services as are performed. The Board of Supervisors of Tehama County is also requested to consent and agree to the consolidation of the General Election with any other election occurring on November 3, 2026, and the City hereby consents to any such consolidation.

Section 11. The election services which the City requests of the Tehama County Clerk and Registrar of Voters, or such other official as may be appropriate to perform, and which such officer is hereby authorized and directed to perform if the said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards, the establishment or appointment of

precincts, polling places, and election officers, opening and closing of polling places, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places, the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk, and the performance of such other election services as may be requested by said City Clerk.

Section 12. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to California Elections Code Section 10242 and Section 14212, except as provided in California Elections Code Section 14401 or any other provision of law.

Section 13. All persons qualified to vote at municipal elections in the City on the day of the election herein provided for shall be qualified to vote on the Measure hereby submitted at the General Municipal Election.

Section 14. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding general municipal elections in the City.

Section 15. Notice of the time and place of holding the General Municipal Election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 16. The City Clerk shall receive the canvass as it pertains to the General Municipal Election, and shall certify the results to this City Council, as required by law.

Section 17. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

Section 18. Pursuant to California Elections Code section 9295, this Resolution will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The examination period will end on the day that is seventy-five (75) days prior to the date set for the election.

Section 19. This Resolution shall take effect immediately upon its adoption by a majority vote of all of the members of the City Council.

Section 20. The City Clerk of the City of Red Bluff is hereby directed to certify to the passage and adoption of this Resolution and to file a certified copy of this Resolution with the Board of Supervisors of Tehama County and the Registrar of Voters of Tehama County at least eighty-eight (88) days before the date of the election.

Section 21. The City Clerk and other City officers and employees are hereby authorized and directed to take all other actions that are necessary to have the City's proposition properly submitted to the City voters at the November 3, 2026 election.

PASSED AND APPROVED by the City Council of the City of Red Bluff on this 21st day of July 2026, by the following votes:

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RED BLUFF:

MOTION: Councilmember Hurton

SECOND: Councilmember Pope

AYES: Councilmembers Gonzales, Clement, Hurton, and Pope

NOES: Councilmember Deiters

ABSENT / ABSTAIN / NOT VOTING: None

ATTEST:



Deputy City Clerk



Mayor's Signature

