

**RESOLUTION 2024-036**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE QUALIFIED ELECTORS A MEASURE RELATING TO THE EXTENSION OF A LOCAL TRANSACTION AND USE TAX (MEASURE F-14) AND A QUESTION RELATING TO THE CITY TREASURER POSITION**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

**WHEREAS**, the City Council proposes to continue the existing sales tax rate in the City to fund, enhance, and maintain important City services, with the rate set at one-half cent per dollar; and

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero (“City”) is authorized to levy a Transactions and Use Tax (sales tax) for general purposes, subject to voter approval; and

**WHEREAS**, the City Council desires to levy a Transaction and Use Tax for general purposes, to be known as the “Transactions and Use Tax Ordinance”; and

**WHEREAS**, the Transactions and Use Tax cannot be imposed without voter approval; and

**WHEREAS**, the City Council desires to submit the Transactions and Use Tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024, and to be consolidated with any other election to be held on that date; and

**WHEREAS**, the proposed Transactions and Use Tax is more completely described in the ordinance attached hereto as Exhibit A and incorporated herein by reference.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1.** The City Council hereby finds and determines that the foregoing recitals are true and correct.

**SECTION 2.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Atascadero,

California on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing a Mayor for the full term of two years; and two Members of the City Council for the full term of four years.

**SECTION 3.** That the City Council, pursuant to its right and authority, does hereby approve and order submitted to the voters at the General Municipal Election the following questions:

<u><b>BALLOT MEASURE #</b></u>	
<b>ATASCADERO LOCAL ROADS AND VITAL SERVICES FUNDING EXTENSION MEASURE.</b> To provide funding that cannot be seized by Sacramento, and that will be used locally for such things as repair of neighborhood roads, aging infrastructure along with other vital general government needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14), providing approximately \$3,000,000 annually, until ended by voters; with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<u><b>BALLOT MEASURE #</b></u>	
Shall the office of City Treasurer be appointive?	Yes
	No

**SECTION 4.** That the proposed complete text of the measures (Ordinances) submitted to the voters are attached as Exhibit A and Exhibit B.

**SECTION 5.** Pursuant to Article XIII C of the Constitution, these measures require approval by a majority (50% + 1) of the votes cast.

**SECTION 6.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 7.** That the City Clerk is authorized, instructed and directed to coordinate with the County of San Luis Obispo Clerk-Recorder to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 8.** 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 Election Code Section 10242, except as provided in Elections Code Section 14401 of the State of California.

**SECTION 9.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 10.** That notice of the time and place of holding the 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 11.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 12.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 11th day of June 2024.

On motion by Council Member Bourbeau and seconded by Council Member Dariz, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: Council Members Bourbeau, Dariz, Funk, and Mayor Moreno  
NOES: None  
ABSENT: Council Member Newsom  
ABSTAIN: None

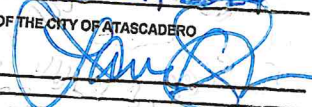
CITY OF ATASCADERO:



Heather Moreno, Mayor

ATTEST:

  
Lara K. Christensen, City Clerk

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
DATED June 26, 2024  
CITY CLERK OF THE CITY OF ATASCADERO  
ATTEST 

## **ORDINANCE NO. 672**

### **AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3, CHAPTER 17 OF THE ATASCADERO MUNICIPAL CODE EXTENDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION**

**WHEREAS**, one of the primary roles of City government is to provide vital public services such as maintaining and repairing neighborhood roads and aging infrastructure and other vital City needs; and

**WHEREAS**, the cost to provide these vital services continues to escalate and exceeds the amount of funds and revenues generated from all other sources of income available for such purposes; and

**WHEREAS**, the City is fiscally challenged and addressing critical infrastructure needs, particularly roads, has been a top priority of the City Council and Measure F-14, a transaction and use tax was placed on the November 2014 ballot; and

**WHEREAS**, Measure F-14, a ½ cent per dollar transactions and use tax increase, passed with over 58% voter approval and since it went into effect in April 2015, funds from F-14 have been targeted towards the improvements of neighborhood roads and local and collector roads; and

**WHEREAS**, Measure F-14 has made a significant impact on the maintenance, repair and rehabilitation of neighborhood and other roadways in the City, allowing the City to address 80 neighborhood road segments, equaling 52 centerline miles, for a total of \$17.2 million dollars; and

**WHEREAS**, Measure F-14 will sunset on March 31, 2027, unless renewed by voters and without this additional tax revenue, there will be little to no funding for the 26 neighborhood roadway segments contingently programmed after April 2027; and

**WHEREAS**, the extension of the transactions and use tax (Measure F-14) is necessary for the City to program or complete any additional neighborhood road projects following the sunset of Measure F-14; and

**WHEREAS**, without the extension of Measure F-14, the City will have to either generate additional revenue to continue to repair such things as neighborhood roads and aging City infrastructure or begin making cuts to other vital City services; and

**WHEREAS**, the proceeds from the extended transactions and use tax cannot not be seized by Sacramento and will stay in Atascadero to be spent on the repair of neighborhood roads and aging infrastructure along with other vital City needs; and

**WHEREAS**, revenues from this transaction and use tax, like all City revenues, are subject to annual independent audits with public review of the City's budget being widely available,

including at City Hall, and online, and will have published annual reporting, and subject to citizen committee oversight; and

**WHEREAS**, under applicable law, to renew the transactions and use tax, the City Council of the City of Atascadero must approve the Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.

**NOW THEREFORE, THE PEOPLE OF THE CITY OF ATASCADERO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The above findings are true and correct.

**SECTION 2. Title and Text.** This ordinance shall be known as the Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment “A,” attached hereto and incorporated herein by reference.

**SECTION 3. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this ordinance was duly introduced on June 11, 2024, and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on June 25, 2024.

**SECTION 4. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 5, 2024, and shall be deemed adopted and take effect ten days after the City Council has certified the results of that election by resolution.

**SECTION 5. Operative Date.** “Operative Date” for the Transactions and Use Tax adopted by this ordinance means the first day of the first calendar quarter commencing more than eight hundred and forty (840) days after the effective date of this ordinance, as set forth in Section 2, above.

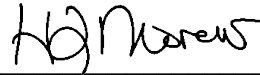
**SECTION 6. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 7. Summary.** The title and a summary of the Ordinance, along with the names of the City Council Members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 8. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this ordinance to be published by title and summary.

**APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the 25th day of June 2024, by a vote of at least two-thirds of the City Council.

CITY OF ATASCADERO:



\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:



\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5th day of November 2024.

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

## ATTACHMENT A

### CHAPTER 3-17 TRANSACTIONS AND USE TAX

#### Sections:

- 3-17.010 Title.
- 3-17.020 Operative Date.
- 3-17.030 Purpose.
- 3-17.040 Contract with State.
- 3-17.050 Transaction Tax Rate.
- 3-17.060 Place of Sale.
- 3-17.070 Use Tax Rate.
- 3-17.080 Adoption of Provisions of State Law.
- 3-17.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-17.100 Permit Not Required.
- 3-17.110 Exemptions and Exclusions.
- 3-17.120 Amendments.
- 3-17.130 Enjoining Collection Forbidden.
- 3-17.140 Severability.
- 3-17.150 Effective Date.
- 3-17.160 Termination and Repeal.
- 3-17.170 Independent Annual Financial Audit.
- 3-17.180 Citizens' Oversight Committee.
- 3-17.190 Annual Road Report.

#### **3-17.010 Title.**

This chapter is designated and shall be known as the Atascadero Transactions and Use Tax Ordinance. The City of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

#### **3-17.020 Operative Date.**

As to adoption of the transaction and use tax pursuant to Ordinance No. 581 approved by voters in November 2014, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of Ordinance No. 581.

Otherwise, "Operative Date" means the first day of the first calendar quarter commencing more than 840 days after the adoption of this chapter, the date of such adoption being as set forth below.

#### **3-17.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6

(commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-17.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-17.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-17.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.



**3-17.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 0.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3-17.080 Adoption of provision of State law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-17.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**3-17.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-17.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-17.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this

chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-17.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-17.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-17.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect ten days after the November 2024 election results are declared by the City Council (CA Elections Code §9217). The operative date (Section 3-17.020) will be the first day of the first calendar quarter commencing more than 840 days after the adoption of this ordinance, which will be April 1, 2027.

**3-17.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-17.170 Independent annual financial audit.**

The amount generated by this general purpose revenue source and how it was used shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

**3-17.180           Citizens' oversight committee.**

There shall be a permanent citizens' advisory committee called the "Citizens' Oversight Committee" (hereafter "Committee") which shall annually review revenues and expenditures from the collection of the tax. The committee shall have 9 members. Seven members shall be appointed to the committee by individual Atascadero community groups. Two members shall be appointed by the City Council. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.

**3-17.190           Annual road report.**

An Annual Road Report shall be prepared by the City no later than the last day of the sixth month following the end of each City fiscal year. The Report shall be submitted to the Citizens' Oversight Committee for review. The Committee will submit their findings and conclusions to the City Council. The Report will also be made available to the public. The Annual Road Report shall detail the prior fiscal year's activities related to the retail transaction and use tax. The Report shall include revenues generated by the Transaction and Use Tax, expenditures (in summary form), funds carried over from previous fiscal years, and any remaining funds to be carried over for expenditure in subsequent fiscal years.

## ORDINANCE NO. 673

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 2, CHAPTERS 4, 7, 14 AND 20 OF THE ATASCADERO MUNICIPAL CODE, STATING THE CITY TREASURER IS APPOINTIVE AND AUTHORIZING THE CITY MANAGER TO APPOINT THE CITY TREASURER

The People of the City of Atascadero, California do ordain as follows:

**SECTION 1.** The following findings are true and correct.

- A. The office of the City Treasurer has been an elected position since the City of Atascadero's incorporation in 1979 and the trend of cities throughout the State has been to convert to the use of appointive rather than elected city treasurers.
- B. The City Treasurer position necessitates the Treasurer be current and well versed with highly technical professional standards, laws, regulations, and management systems however, the only qualifications needed to serve in the City Treasurer position are to be 18 years of age, a resident of Atascadero, and a registered voter of Atascadero.
- C. An appointive City Treasurer ensures the City is able to appoint an individual with the necessary qualifications and expertise, eliminates the potential for unqualified individuals to be elected to the position, and removes the position from political pressures in performing the required duties and responsibilities.
- D. California Government Code 36508 states that the City Council may submit to the electors the question whether the elective officers, except Council Members, shall be appointed.
- E. The Atascadero City Council placed on the November 2024 election ballot, a ballot measure asking the voters if the City Treasurer position should be appointive.
- F. Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code will need to be updated to reflect the position of City Treasure as appointive and authorize the City Manager to appoint the position.

**SECTION 2.** Section 2-4.28 shall be added as follows:

2-4.28 Delegation of Authority to Appoint City Treasurer.

As a result of the November 2024 General Election, the voters decided to have the office of the City Treasurer appointed. The position will remain elected until the end of term, December 2026, or sooner if there is a vacancy. Once a vacancy occurs, the City Council authorizes the City Manager to appoint the City Treasurer, pursuant to Government Code Section 36510.

**SECTION 3.** Section 2-7.01 shall be amended as follows:

2-7.01 Creation and functions.

- (a) The office of the City Treasurer is confirmed as provided in Sections 36501 and 36502 of the Government Code of the State. As a result of the November 2024 General Election, the office shall be appointive. The City Treasurer shall perform such duties as are prescribed by Sections 41001 through 41007 of the Government Code of the State. The City Treasurer shall perform such other duties consistent with this Code as may be required of them by the Council.
- (b) The principal functions of the City Treasurer shall be to receive and safely keep all public funds coming into their hands as treasurer, and to comply with all laws governing the deposit and securing of public funds and the handling of trust funds in their possession.

**SECTION 4.** Section 2-7.03 shall be amended as follows:

2-7.03 Compensation.

The elected City Treasurer shall receive a salary of \$400 per calendar month. Once the position is appointed by the City Manager, the four hundred dollars (\$400.00) monthly salary will end.

**SECTION 5.** Section 2-14.02 of the Atascadero Municipal Code shall be amended as follows:

2-14.02 Elected positions.

- (a) The electors shall elect a Mayor and four (4) City Councilmembers.
- (b) The term of office of the Mayor shall be two (2) years. The term of the office of the Councilmembers shall be four (4) years

**SECTION 6.** Section 2-20.01 of the Atascadero Municipal Code shall be amended as follows:

2-20.01 Elected officials designated.

Elected officials in the City of Atascadero are the Mayor and City Councilmembers.

**SECTION 7.** Effective Date

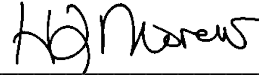
If this ordinance is approved by a majority of the electors voting on the issue at the November 5, 2024, general municipal election, pursuant to Elections Code Section 9217, the ordinance shall become effective ten (10) calendar days after the City Council accepts the certified results of the election.

**SECTION 8.** The title and a summary of this ordinance, along with the names of the Council Members voting for and against the ordinance, shall be published twice: at least five days prior to its final passage in a newspaper of general circulation in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in a newspaper of general circulation in the City of Atascadero. A copy of the full text of

this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

**APPROVED AND ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the 25th day of June 2024, by a vote of a majority of the City Council.

CITY OF ATASCADERO:



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Heather Moreno, Mayor

ATTEST:



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Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

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David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5th day of November 2024.

ATTEST:

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Lara K. Christensen, City Clerk