

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE R**

By State law, the city clerk of any general law city is an elective office unless, following approval by the voters of the city, such office is made appointive. The Office of City Clerk of the City of Brea is presently an elective office, the current term of which is to expire in November of 2008. This measure, if adopted, will make the position of City Clerk an appointed office and the City Manager shall appoint a City Clerk at the expiration of the term of the current elected office and/or on any vacancy in such office thereafter. Such appointed City Clerk will hold office at the pleasure of the City Manager without a specific term.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE R. IF YOU DESIRE A COPY OF THE MEASURE, PLEASE CALL THE ELECTION OFFICIAL'S OFFICE AT 714/990-7757 AND A COPY WILL BE SENT TO YOU AT NO CHARGE.

ARGUMENT IN FAVOR OF MEASURE R

A "Yes" on Measure R modernizes the way our city government operates by merging an outdated purely ceremonial elected position with a professional, trained staff person. Brea is one of only 29 cities out of 472 in California that still maintain a ceremonial Clerk position. A small cost savings will be realized and the opportunity for political posturing will be eliminated.

Back in 1917 when Brea became a city, elected officials ran all aspects of the city. In the 1930's most cities transitioned to the City Council / City Manager form like Brea has today. Professional staff is now hired to perform the administrative duties while policy is performed by the City Council. The City Clerk doesn't make policy, so no elected position is needed.

Currently, the City Council provides policy direction to the City Manager who, in turn, hires all staff, including the Police & Fire Chiefs, Development Services Director, the Records Supervisor, etc. The actual work in the Clerk's office is handled by the Records Supervisor and staff, not the elected City Clerk. The Supervisor has responsibility for elections, council and legislative support, and management of all public records. Each of these responsibilities is prescribed by complex laws that are constantly changing and evolving.

Under state law, every city must have a City Clerk. By voting "Yes" on this measure, Brea will merge the elected position of City Clerk with the professional position. This will ensure that trained and qualified personnel will perform the duties. The Clerk would no longer have to run for office in an election they are required by law to oversee. This removes the potential for conflict of interest.

After serving 2 years as your elected City Clerk, I urge a "Yes" vote on Measure R.

s/ Bev Perry, Brea City Clerk

No rebuttal to this argument was submitted.

ARGUMENT AGAINST MEASURE R

Breans are barraged with statements such as, 'the City Clerk position is only ceremonial' or 'there is really nothing for the clerk to do'. As citizens we must avoid deceptive voices which would degrade elected positions as 'simple', 'unnecessary' or 'outmoded'. Those who would profit most, encourage citizens to eliminate an elected position. Appointed positions are rarely in the 'best interest' of the public. Why? An appointed City Clerk is not accountable to the voter but to the one who appointed him/her.

That's what Thomas Paine warned when he said, "What we obtain too cheap, we esteem too lightly; 'tis dearness that gives everything its value"

We must retain the right to elect a City Clerk; it is our natural right to elect our own officials.

It is in the 'best interest' of Breans that we continue to elect a City Clerk.

An elected official is part of the checks and balances our forefathers recognized as necessary to maintain our freedoms.

Our forefathers have good advice for us. President Thomas Jefferson advised. "The will of the people is the only legitimate foundation of any government, and to protect it's free expression should be our first expression.

Since 1917 when Brea became a City, its citizens have elected a City Clerk, Treasurer and five Council members. Over 141 years earlier, our forefathers fought and died in order that each citizen could elect the candidate of their choice.

Breans must retain the right to elect our City Clerk.

s/ Peggy J. Mansur

s/ Wade A. Mansur

REBUTTAL TO ARGUMENT AGAINST MEASURE R

The only criterion for being elected to City Clerk in Brea is that you be 18 and a registered Brea voter.

Yet, the Clerk is the person legally responsible for ensuring compliance with laws such as the election code, public records act, and the municipal code. These laws are complex and change frequently. The Clerk must have the professional education, training, and knowledge necessary to understand and administer these laws properly. Currently, there is no guarantee that will happen. It makes the City vulnerable to personal political ambition and legal actions.

The opponents of Measure R argue that because we have always elected the Clerk, we should continue even though times and requirements have changed. They harken back to the days of the founders of our country. Yet the beauty and wisdom inherent in the Constitution is that the framers wrote into it the capacity to adapt to meet the unforeseen needs of our country. Indeed, Breans have already changed our government structure since being incorporated in 1917.

Measure R ensures that the person responsible for the integrity of the democratic process in our City is a professional whose qualifications and credentials have been screened before they are appointed. The position needs to be held by an individual who understands:

- the people's rights and laws,
- due process, and
- professional standards.

I believe that Measure R is in the best interest of Brea, a city I have publicly served for 14 years. I urge a Yes vote.

s/ Bev Perry, Brea City Clerk