



Agenda Date: 11/6/2007  
Agenda Placement: 9E

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Britt Ferguson for Nancy Watt - County Executive Officer  
County Executive Office  
**REPORT BY:** Maiko Klieman, Management Analyst II, 707-253-4180  
**SUBJECT:** Issues Related to Appointment of New Treasurer-Tax Collector

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### **RECOMMENDATION**

County Executive Officer requests the following:

1. Acceptance of resignation from Marcia Hull, the duly elected Treasurer-Tax Collector of Napa County, effective at the close of business on December 21, 2007; (Vote to Accept) and
2. Discussion and possible action on the process of appointing the next Napa County Treasurer-Tax Collector for the remainder of the term of Ms. Hull. (Provide Direction to Staff)

### **EXECUTIVE SUMMARY**

Marcia Hull, the duly elected Treasurer-Tax Collector of Napa County, submitted her resignation to the Clerk of the Board effective December 21, 2007 and has recommended Tamie Frasier, the Assistant Treasurer-Tax Collector, to be appointed as the next Treasurer-Tax Collector for the remainder of her term. While submission of the resignation letter to the Clerk of the Board completes the resignation process, having the Board also accept the resignation seems appropriate.

To be appointed as the Treasurer-Tax Collector, an individual must meet education and experience requirements set out in Government Code section 27000.7. The following are the options staff has identified that the Board may choose from to appoint the next Treasurer-Tax Collector:

1. Make a tentative decision to appoint Ms. Frasier and direct the County Executive Officer (CEO) to return with an agenda item with the appropriate resolution officially appointing Ms. Frasier for the remainder of Ms. Hull's term;
2. Direct the CEO to schedule a Board interview with Ms. Frasier in an open session before making the final decision regarding her appointment;
3. Direct the CEO to initiate a recruitment process to seek applicants for the position (and, subsequently, conduct interviews in an open session or not, as the Board wishes); or
4. Board members nominate individuals for appointment to the position (and, subsequently, the Board

conduct interviews in an open session, or not, as the Board wishes)

Under options 2, 3 or 4, once the Board makes a tentative decision to appoint, the CEO would return with an agenda item with the appropriate resolution making the appointment for the remainder of Ms. Hull's term.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Marcia Hull, the duly elected Treasurer-Tax Collector of Napa County, announced her retirement at the October 23, 2007 Board meeting and submitted her resignation to the Clerk of the Board on the same day as required by Government Code Section 1750 (d). Ms. Hull will be retiring at the close of business on Friday, December 21, 2007. Ms. Hull at the 23rd Board meeting recommended Tamie Frasier, the Assistant Treasurer-Tax Collector, to be her successor.

Government Code section 25304 provides that the board of supervisors shall fill by appointment all vacancies that occur in any elective office except for judges of the superior court and county supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election. The phrase "first Monday after January 1st succeeding the next general election" found in section 25304 has been interpreted to mean until the next general election for the particular office involved in the appointment which would be January 3, 2011.

The request today is for the Board to make a decision on the process of appointing the next Treasurer-Tax Collector. The following are the options the staff has identified that the Board may choose from to make that appointment:

1. Make a tentative decision to appoint Ms. Frasier and direct the County Executive Officer (CEO) to return with an agenda item with the appropriate resolution officially appointing Ms. Frasier for the remainder of Ms. Hull's term;
2. Direct the CEO to schedule an interview with Ms. Frasier in an open session before making the final decision regarding her appointment;
3. Direct the CEO to initiate a recruitment process to seek applicants for the position (and, subsequently, conduct interviews in an open session or not, as the Board wishes), or
4. Board members nominate individuals for appointment to the position (and, subsequently, the Board conduct interviews in an open session or not as the Board wishes).

Under options 2, 3 or 4, once the Board makes a tentative decision to appoint, the CEO would return with an agenda item with the appropriate resolution making the appointment for the remainder of Ms. Hull's term. In the

event that the appointment process does not result in an appointment by the time Ms. Hull vacates the office (December 21, 2007), Government Code section 24105 provides that the duties of the office may be temporarily discharged by the Assistant Treasurer-Tax Collector until the vacancy is filled by Board appointment.

Qualification requirements for Treasurer/Tax Collector are listed below:

California Government Code 27000.7. (a) No person shall be eligible for election or appointment to the office of county treasurer, county tax collector, or county treasurer-tax collector of any county unless that person meets at least one of the following criteria. (1) The person has served in a senior financial management position in a county, city or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices. (2) The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance. (3) The person possesses a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, showing that person to be and a permit authorizing that person to practice as, a certified public accountant. (4) The person possesses a valid charter issued by the Instituted of Chartered Financial Analysts showing the person to be designated a Charter Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance. (5) The person possesses a valid certificate issued by the Treasury Management Association showing the person to be designated a Certified Cash Manager, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance. (b) This section shall only apply to any person duly elected or appointed as a county treasurer, county tax collector, or county treasurer-tax collector on or after January 1, 1998.

Ms. Frasier meets the above qualifications.

### **SUPPORTING DOCUMENTS**

A . Marcia Hull Resignation Letter

CEO Recommendation: Approve

Reviewed By: Maiko Klieman