



# City Council Report

Item: 15.  
Category: New Business  
Date: June 1, 2010

**TITLE:** Authorizing Submittal of Ballot Measure and Adoption of Ballot Language Regarding City Clerk and City Treasurer Offices (Resolution/Roll Call Vote)

## RECOMMENDATION

That the City Council adopt a resolution authorizing submittal of a measure at the November 2, 2010 General Municipal Election seeking voter approval to convert the offices of City Clerk and City Treasurer; to appointed positions directing the City Attorney to prepare an Impartial Analysis; and authorizing Arguments and the filing of Rebuttal Arguments for or against the measure.

## DISCUSSION

Pursuant to Government Code §35608, the City Council may submit to the electors the question of whether the elected officers shall be appointive by the City Council. At the City Council Study Session of March 22, 2010, the City Council considered a staff report entitled "Consideration of Converting Elected City Clerk and City Treasurer Positions." After hearing from staff and discussing the item, the City Council directed staff to proceed with a ballot measure to put before Campbell voters the question of whether to convert these two offices from elected to appointed. The Council also expressed a desire to have the City Clerk be appointed by the City Council, as opposed to the City Manager, and that the City Treasurer be appointed by the City Manager. It is anticipated that the Finance Director would assume this appointment since most of the duties of the traditional City Treasurer position have been absorbed over the years by professionals in the Finance Department.

The current terms of office for both the elected City Clerk and City Treasurer positions expire in November 2012. The incumbents would complete their terms and no future election would occur. For the City Clerk position, a draft job specification is attached, indicating the position would be under the direction of the City Council. A recruitment would need to occur after the departure of the incumbent.

Adoption of the attached Resolution will approve the submittal of the matter for the voters at the November 2, 2010 General Municipal Election. Additionally, the Resolution directs the City Attorney to prepare an Impartial Analysis, authorizes arguments, and authorizes the filing of Rebuttal Arguments for or against the measure.

According to the City Attorney, the ballot question will be ***"Shall the offices of City Clerk and City Treasurer be appointive?"***

## TIMING/TIMELINE

If the City Council desires to place the two elected positions on the upcoming November 2 General Election in the fall, the City Council must adopt a resolution on placing the measure on the ballot no later than Tuesday, August 3.

**FISCAL IMPACT**

According to the County Registrar of Voters, the actual election cost will depend on the length of the measure, analysis and arguments for and against.

As it stands now, the estimated cost to the City for the November 2010 Council election and this measure is \$95,000 and is built into the FY 2011 operating budget. Currently, the City Council is exploring the feasibility of placing a revenue measure for the next November General Election in connection with the City's Budget Correction Strategy. This cost is not built into the budget at this time.

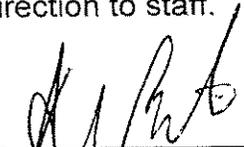
If the City were to shift the City Clerk position from elected to appointed, there would be little fiscal impact as the salary and benefits package of the position is unlikely to change. There would, however, be cost savings associated in not having an election for City Clerk every four years.

In addition, if the City Treasurer position were to become appointed, the City could save approximately \$15,000 per year. Also, there would be City cost savings from not having elections every four years.

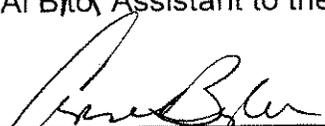
**ALTERNATIVES**

1. Do not approve moving forward with the ballot measure asking voters to make the City Clerk and City Treasurer offices appointed.
2. Provide other direction to staff.

Prepared by:

  
\_\_\_\_\_  
Al Bito, Assistant to the City Manager

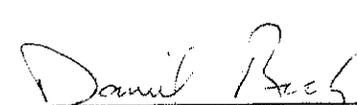
Reviewed by:

  
\_\_\_\_\_  
Anne Bybee, City Clerk

Reviewed by:

  
\_\_\_\_\_  
William Seligmann, City Attorney

Approved by:

  
\_\_\_\_\_  
Daniel Rich, City Manager

- Attachment 1 - Resolution  
2 - Study Session Staff Report  
3 - City Clerk Job Specification

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CAMPBELL CITY COUNCIL SUBMITTING TO THE CITY OF CAMPBELL'S QUALIFIED VOTERS AT THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICES OF CITY CLERK AND CITY TREASURER; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE**

**WHEREAS**, Campbell's elected City Clerk and City Treasurer positions were established at the time of the City's incorporation in 1952; and

**WHEREAS**, however, over time, the duties and requirements of these positions have changed; and

**WHEREAS**, the California Government Code requires each general law city to have a City Clerk and City Treasurer

**WHEREAS**, however, in a majority of California cities these positions are appointed, not elected; and

**WHEREAS**, on March 22, 2010, the City Council held a Study Session to consider a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

**WHEREAS**, after holding the Study Session, the Council directed staff to move forward with placing the issue before the voters; and

**WHEREAS**, the ballot language for the proposed measure shall be as follows:

<b>Shall the offices of City Clerk and City Treasurer be appointive?</b>	<b>YES</b>	
	<b>NO</b>	

**WHEREAS**, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk and City Treasurer should be appointive offices.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Campbell hereby submits to the City of Campbell's qualified voters at the November 2, 2010 General Municipal Election, a measure seeking voter approval to convert the offices of City Clerk and City Treasurer to appointive positions.

**BE IT RESOLVED FURTHER**, if the voters approve converting these two elected offices into appointed positions, then the appointments become effective upon the earlier of either vacancies or at the end of each current terms of office (i.e., December 2012) and;

**BE IT RESOLVED FURTHER**, that the City Council hereby directs the City Attorney to prepare an impartial analysis.

**BE IT RESOLVED FURTHER**, that the City Council hereby authorizes arguments in connection with the aforementioned ballot measure.

**BE IT RESOLVED FURTHER**, that the City Council hereby authorizes the filing of rebuttal arguments for or against the measure.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by the following roll call vote:

**AYES:** Councilmembers:

**NOES:** Councilmembers:

**ABSENT:** Councilmembers:

**APPROVED:**

\_\_\_\_\_  
Evan D. Low, Mayor

**ATTEST:**

\_\_\_\_\_  
Anne Bybee, City Clerk

**MEMORANDUM****CITY OF CAMPBELL**

City Manager's Office

To: Honorable Mayor &amp; City Council

Date: March 22, 2010

From: Al Bito, Assistant to the City Manager

Via: Daniel Rich, City Manager

Subject: **Council Study Session on Consideration of Converting Elected City Clerk and City Treasurer Positions**

**BACKGROUND**

A major workplan item in the City Manager's Office in the current fiscal year is to explore issues related to the elected City Treasurer and elected City Clerk positions.

Campbell's elected City Clerk and City Treasurer positions were established at the time of the City's incorporation in 1952. However, over time, the duties and requirements of these positions have changed.

California Government Code requires each general law city to have a City Clerk and City Treasurer. However, in many California cities these positions are appointed, not elected.

Government Code §36508 provides that the City Council may place the question(s) on the ballot whether the City Clerk and/or City Treasurer should be an appointive office(s).

**DISCUSSION**

The only requirements to run for either the elected City Clerk or City Treasurer offices are that the candidate be at least 18 years of age, a registered voter and a resident of Campbell. Under this process, there are no assurances that the incumbent would have the requisite skills to carry out the essential duties of their elected positions.

**City Clerk**

Out of 478 incorporated cities and towns in California, 154 (or 32%) have elected City Clerks based on November 2006 data from the League of California Cities. In Santa Clara County, only 3 cities out of 15 have elected City Clerks (ie, Campbell, Santa Clara and Morgan Hill which recently changed its City Clerk's Office). The other 12 cities have appointed City Clerks, including the Town of Los Gatos which converted its Clerk in 2008. Of these appointed positions, three are appointments directly by the City Council (Mountain View, Palo Alto and San Jose<sup>1</sup>) and the rest are appointed by the City Manager like other employees.

Over the past few decades, the role of the City Clerk has evolved and become far more technical with numerous laws governing the responsibilities. The City Clerk's Association of California summarizes the City Clerk's duties and responsibilities as follows:

<sup>1</sup> All 3 are charter (as opposed to general law) cities

*The City Clerk is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the city council takes action, the city clerk ensures that actions are in compliance with all federal, state and local statutes and regulations and that all actions are properly executed, recorded, and archived. The statutes of the State of California prescribe the basic functions and duties of the city clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow. The office of the City Clerk is a service department within the municipal government upon which the city council, all City departments, and the general public rely for information regarding the operations and legislative history of the City. The City Clerk serves as the liaison between the public and city council and provides related municipal services.*

For those cities that have appointed City Clerks, it is desirable for the incumbent to possess or be working toward a certified municipal clerk (CMC) designation which is earned after attaining approximately 300 hours of institute training over a 2-3 year period. This certification is granted by the International Institute of Municipal Clerks which maintains a professional standard code of ethics.

Campbell's City Clerk performs additional important technical and administrative duties such as serving as the City's chief records manager who has responsibility in maintaining and preserving the City's permanent records like minutes, resolutions and ordinances; coordinating and managing the City's municipal elections, coordinating the City Council agenda preparation packet process; updating the City's municipal codes; managing the Conflict of Interest (Form 700) statement annual process; coordinating boards and commissions recruitments; supervising staff; and managing the division's budget.

Proponents of changing the City Clerk post from elected to appointed argue that public accountability with respect to the above duties should occur daily and not every four years at election time. Hiring competent and qualified professionals who have adequate experience and knowledge of applicable laws to manage the City's public documents and meetings is important. Further, if incumbents don't perform, they can be terminated instead of waiting for the next election cycle.

The primary argument to maintain an elected City Clerk is that the electoral process provides more checks and balances and establishes a higher level of public accountability than an appointed position.

#### If appointed, by City Council or by City Manager?

There are two ways an appointment of the City Clerk can be accomplished. The City Council, an elected body in itself, could decide to make the City Clerk appointment directly which would address concerns about political accountability. While Council-appointed City Clerks are a minority amongst Santa Clara County cities, this appointment structure maintains ultimate accountability to the City Council and public, and would be akin to the City Council appointing a City Manager or a City Attorney. In this fashion, if residents are concerned about

losing their "voice" should the City Clerk switch from its elected capacity, then the Council-appointment maintains a more direct reporting relationship to the public. If Council makes the appointment, then all five members of the Council would be responsible for advertising the position, reviewing applications, interviewing and then making the final selection. An employment contract would then have to be drawn up and annual performance evaluations conducted.

Alternatively, the City Manager could be the appointing authority as is the case in most cities in Santa Clara County. Under this model, and like all City positions under him or her, the City Council would approve a job specification and the salary range, then the City Manager would have responsibility for the recruitment, hiring and termination of the City Clerk. The City Clerk would report directly to the City Manager similar to other executive management positions. In this model, the Manager is fully accountable for the totality of City services.

### City Treasurer

The League of California reports that, as of June 2006, 174 of 478 cities (36%) have elected City Treasurers. In Santa Clara County, only 2 of the 15 cities have an elected City Treasurer (ie, Campbell and Morgan Hill). The Town of Los Gatos converted to an appointed position in 2008.

Campbell's Treasurer is a part-time, elected office whose responsibilities have diminished over the years. The treasurer's duties and responsibilities have been largely assumed by or delegated to the Finance Department by the City Council through a formal investment policy which has strict controls over the management and investment of City funds. As such, the City Council has assumed some of the political oversight that may have previously resided with the City Treasurer. Disbursing money, monitoring investments and other financial tasks typically associated with a treasurer have been handled by the Finance Director for many years now. Because the City employs full-time financial accountants and managers who possess the requisite skills to manage the City's finances and investments, the treasurer position may no longer be needed.

Proponents of converting the City Treasurer position into an appointed one may argue that hiring professionals to handle the taxpayers' money may be safer because the City Council can establish minimum job qualifications for a person the City hires and hold the City Manager accountable. To this end, the applicant pool would not be limited to residents. In contrast, to be eligible to serve as Campbell's City Treasurer, one needs only be at least 18 years of age and a resident. Effective financial management now requires professional skills and expertise in areas such as electronic banking, municipal fund accounting, government reporting requirements, investment regulations and debt management. Today's professional staff, independent audits and internal accounting controls provide the necessary oversight and control of the City's finances.

Opponents of converting the City Treasurer office to an appointed one may argue that may take out public oversight and checks and balances through the electoral process as well as the residency requirement.

## RECOMMENDATION

While there is no "one way" to address this issue, staff recommends:

- 1) That the City Council direct staff to prepare a ballot measure for the upcoming November General Election to make both the City Clerk and City Treasurer positions appointed<sup>2</sup> at such time the position becomes vacant or at the conclusion of the current terms (ie, 2012).
- 2) The City Council direct staff to develop job specifications and minimum qualifications for the new City Clerk position which would be created and available for review by the Council along with the draft ballot language in June - well before the November election.
- 3) That the City Council provide direction to staff to make the City Clerk position appointed by the City Manager.
- 4) That the City Council provide direction to the City Manager to delegate all of the Treasurer's traditional roles and responsibilities to the Finance Director.

*The current incumbents in the City Clerk and City Treasurer elected offices, Anne Bybee and Gerald Kennedy, respectively, were consulted in January 2010 about the City Council's workplan exploration and associated issues and concur with, and are supportive of, converting them to appointed positions.*

## FISCAL IMPACTS

The City Attorney believes that two separate ballot measures may be needed for the questions on the City Clerk and City Treasurer positions. Staff is still exploring this issue as other California cities have combined similar questions into one question.

According to the County Registrar of Voters, the estimated election cost to the City of Campbell to place two additional ballot measures on the November 2010 City Council election could be as much as \$98,500. Actual costs will depend on the length of the measure, analysis and arguments for and against. As it stands now, the estimated cost to the City for the November 2010 Council election and two measures is \$148,000 and would have to be programmed into the FY 2011 operating budget.

If the City were to shift the City Clerk position from elected to appointed, there would be little fiscal impact as the salary and benefits package of the position is unlikely to change. There would, however, be cost savings associated in not having an election for City Clerk every four years.

In addition, if the City Treasurer position were to become appointed, the City could save approximately \$15,000 per year. Also, there would be City cost savings from not having elections every four years.

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<sup>2</sup> There is no legal authority to *remove* either of these offices in a General Law city.

**TIMING/TIMELINE**

Pursuant to Government Code §35608, the City Council may submit to the electors the question of whether the elected officers shall be appointive by the City Council. If the City Council desires to place the two elected positions on the upcoming November 2 General Election in the fall, the City Council must adopt a resolution on placing the measure on the ballot no later than Tuesday, August 3. Staff would plan on returning to Council with draft ballot language and a job description by late June.

The current four-year terms of office for the incumbent City Clerk and City Treasurer positions both expire in November 2012.

**ALTERNATIVES**

1. Do not approve moving forward with a ballot measure at this time
2. Make the City Clerk position appointed by the City Council
3. Effectuate a change only for the City Clerk position
4. Effectuate a change only for the City Treasurer position
5. Provide other direction to staff

Attachments:

A - Controlling Government Code statues (§§36501-36525)

# GOVERNMENT CODE

## SECTION 36501-36525

36501. The government of a general law city is vested in:

- (a) A city council of at least five members.
- (b) A city clerk.
- (c) A city treasurer.
- (d) A chief of police.
- (e) A fire chief.
- (f) Any subordinate officers or employees provided by law.

36501.5. Every employee has the right to inspect personnel records pursuant to Section 1198.5 of the Labor Code

36502. (a) A person is not eligible to hold office as councilmember, city clerk, or city treasurer unless he or she is at the time of assuming the office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 10227 of the Elections Code.

If, during his or her term of office, he or she moves his or her place of residence outside of the city limits or ceases to be an elector of the city, his or her office shall immediately become vacant.

(b) Notwithstanding any other provision of law, the city council of a general law or charter city may adopt or the residents of the city may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve. Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal. Notwithstanding the provisions of this subdivision, the provisions of any city charter that, on January 1, 1996, impose limitations on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall remain in effect. Unless otherwise prohibited by a city charter, any city charter may be amended pursuant to this section or pursuant to the procedures specified in the charter, to include the limitation authorized in this subdivision.

36502.5. Notwithstanding the provisions of Section 36502, the city council of the City of Tustin may adopt by ordinance a proposal to limit the number of terms a member of the city council may serve on the city council without submitting the proposal to the electors of the city for approval, provided that a proposal containing those same provisions was submitted to the electors of the City of Tustin at a regularly scheduled election and a majority of the votes cast on the question favored the adoption of the proposal.

Any ordinance adopted pursuant to this section shall apply

prospectively from the effective date of this section.

36503. Unless otherwise required by Section 57379, a general municipal election shall be held on a date prescribed by Section 1301 of the Elections Code. Except as otherwise provided in this title, all elective city offices shall be filled by the city electorate at a general municipal election. City officers holding elective city office shall hold office for their prescribed terms from the date of the installation of officers following adoption by the council of the official canvass of their election and until their successors are elected and qualified.

36503.5. Notwithstanding any other provision of law, during the period commencing the day of a recall election pursuant to Division 11 (commencing with Section 11000) of the Elections Code, of an elective officer of a city, and ending upon certification of the election results pursuant to Division 15 (commencing with Section 15000) of the Elections Code, or, if the recall prevails, upon qualification of the successor declared elected pursuant to Section 11385 of the Elections Code, an elective officer sought to be recalled shall not expend, or participate in any action that would commit to expend, city funds.

36505. The city council shall appoint the chief of police. It may appoint a city attorney, a superintendent of streets, a civil engineer, and such other subordinate officers or employees as it deems necessary.

36506. By resolution or ordinance, the city council shall fix the compensation of all appointive officers and employees. Such officers and employees hold office during the pleasure of the city council.

36507. Before entering upon his or her duties, each city officer shall take and file with the city clerk the constitutional oath of office, except that the councilmember elected at the incorporation election shall deposit his or her oath with the county elections official of the county wherein the city is located, to be held by him or her for delivery to the city clerk at the time as the city clerk officially assumes office.

36508. 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 councilmen, 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.

36509. The question shall be printed on the ballots used at the election substantially in one of the following forms:

- (a) "Shall the offices of city clerk and city treasurer be

appointive "; or

(b) "Shall the office of city clerk be appointive "; or

(c) "Shall the office of city treasurer be appointive "

The words "yes" and "no" shall be so printed on the ballots that the voters may express their choice.

36510. If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers.

36511. The petition for incorporation of a city may provide for the appointment of the elective officers, or any of them except councilmen. If it does, a separate election upon the question need not be held, and upon incorporation the city council shall appoint such officers.

36512. (a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 30 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance which:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to Section 34902. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to Section 34902 when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body which has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an

appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

36513. (a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

(b) Notwithstanding subdivision (a), if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

36515. The compensation of a city councilman appointed or elected to fill a vacancy is the same as that payable to the member whose office was vacated.

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(F) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not

exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the Government Code may be provided with compensation in addition to that which he receives as a councilman. Such additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

36517. The city clerk and the city treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution.

36518. Before entering upon the duties of their offices, the city clerk and city treasurer shall each execute a bond to the city. Except as otherwise provided, the bonds shall conform to the provisions of this code relating to bonds of public officers. The penal sum of the bond shall be in a reasonable amount recommended by the city attorney and fixed by the city council, by resolution, and

may be changed during their terms of office.

36519. The city council may require bonds of any other officer or employee of the city.

36520. The city council shall approve all bonds. When approved, the clerk's bond shall be filed with the mayor, and other bonds shall be filed with the city clerk.

36521. Except as otherwise provided, all laws relating to the official bonds of officers apply to bonds required by this chapter.

36522. Any officer or employee collecting or receiving any money belonging to, or for the use of, the city shall deposit it immediately in the treasury in the manner prescribed by ordinance for the benefit of the funds to which it belongs. He shall report such deposits to, and settle with, the city clerk, or director of finance if that office has been established by ordinance, on the first Monday in each month or at such shorter intervals as are prescribed by ordinance.

36523. By ordinance or resolution, the city council may provide for a treasurer's departmental trust fund into which collections of the police department and other officers authorized to make collections may be deposited at frequent intervals during each month. Officers or employees shall advise the city treasurer upon making each deposit.

36524. The city treasurer shall make withdrawals from such a fund only on order signed by the proper department head and for the following purposes:

- (a) Making a refund of bail, which has been exonerated, or other refundable deposits.
- (b) Revolving fund advances authorized by the city council.
- (c) Correction of clerical or ministerial errors in the receipt of payments to the city.
- (d) Making settlements with city funds at the end of each calendar month for collections accumulated during the month.

36525. (a) As used in this section "city auditor" includes an elected or appointed officer or full-time employee of the city who is compensated, but does not include an independent contractor.

(b) All books, papers, records, and correspondence of the city auditor pertaining to his or her work are public records subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 and shall be filed at any of the regularly maintained offices of the city auditor. However, none of the following items or papers of which these items are a part may be released to the public by the city auditor, or his or her employees:

- (1) Personal papers and correspondence of any person providing assistance to the city auditor when that person has requested in

writing that his or her papers and correspondence be kept private and confidential. Those papers and that correspondence shall become public records if the written request is withdrawn or upon the order of the city auditor.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed.

(3) Papers, correspondence, or memoranda pertaining to any audit that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit.

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## CITY OF CAMPBELL

CITY CLERKDEFINITION

Under administrative direction of the City Council, plan, direct, supervise and coordinate all activities of the City Clerk's Office; to provide information and maintain official City records; to conduct municipal elections as required; and other supplemental duties and related work as required.

TYPICAL DUTIES

Serve as Clerk to the City Council and Redevelopment Agency; manage clerical and administrative support to the Mayor and City Council members; prepare City Council documents, postings and agendas, ensuring compliance with the Brown Act, Political Reform Act, and all federal, state and local laws pertaining to clerk operations and records; record and certify all ordinances and resolutions; conduct municipal elections in cooperation with the County of Santa Clara; serve as a filing officer for Economic Interest and Campaign Disclosure statements; serve as custodian of the official City records; plan and direct the maintenance, filing and safekeeping of all official municipal documents and maintain custody of the City seal; supervise the preparation, organization, printing and distribution of the agenda for City Council meetings; manage annual recruitment of various City boards and commissions; attend and take minutes at all Council meetings; accept and process subpoenas, Appeals, and Claims; publish legal notices as required by government and municipal codes; administer requirements of AB1234 and Campbell's Statement of Values; develop and implement office systems and procedures; provide notary service for City related documents; administer Oaths of Office to elected and appointed City officials, department heads, and City employees; prepare and administer the Clerk division budget; assist the public and City staff by providing information and research assistance; maintain the City's Municipal Code; build and maintain positive working relationships with the public and other City employees using principles of exceptional customer service, and perform other related duties as assigned.

EMPLOYMENT STANDARDS

Education and Experience: Equivalent to completion of a Bachelor's Degree from an accredited college or university with major course work in public or business administration or closely related field, plus three years increasingly responsible experience in relevant and complex office administration, preferably in local government; including one year of supervisory experience. (Possession of an AA degree plus six years experience may be substituted for a Bachelor's Degree and three years experience)

Knowledge of: Applicable federal, state, and municipal laws and procedures; election laws and procedures; political

reform requirements; business English, spelling and arithmetic; budget principles; modern office practices, procedures, and equipment; principles of supervision, training and performance evaluation.

Ability to:

Provide information and organize material in compliance with laws, regulations and policies; interpret and apply rules, laws and policies and procedures and effectively apply them; meet the public to understand their questions and provide information; gather and analyze data and maintain records; communicate effectively, both orally and in writing; maintain effective working relationships with those contacted in the course of work; work independently and use good judgment when dealing with sensitive issues; select, supervise, train and evaluate assigned staff; operate standard office equipment, including a personal computer; work in a standard office environment with some ability to sit for long periods of time, with prolonged exposure to a computer screen and extensive public contact; attend meetings outside normal work hours; and travel to various locations within and outside the City of Campbell.

Possession of:

Valid California Driver's License.

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