

4/24/18

ITEM # 10

City of Santa Clara

City Council Meeting

Item 10. Options for Elected City Clerk and Commensurate Salary

April 24, 2018



Background

- On February 6, 2018, City Clerk Rod Diridon, Jr. resigned from his elective office
- On February 13, 2018, Council heard a presentation outlining options to consider in response to sudden vacancy of the elective City Clerk position, including:
 - Appoint a City Clerk under Charter Section 703
 - Call a Special Election for November 2018 to fill vacancy
 - Place a Charter Amendment on June election to have the City Clerk an appointive position rather than elected
 - Reduce the duties of the elected City Clerk



February 13 Council Action

- Following a staff presentation, discussion and public input, Council directed staff to:
 1. Return to Council with a potential Charter Amendment related to the position of the City Clerk to include on the June 5, 2018 ballot, including alternative language for consideration; and
 2. Clarify any potential conflict with the By-District Council Elections & Voting Method Ballot Measure already approved for the June 5, 2018 election

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March 6, 2018 Council Action

- Council took no action to fill the vacant position of City Clerk and directed staff to return to Council to call a Special Election for November to fill the vacancy;
- Directed the City Manager to return to Council with a Study Session with information on professional standards, qualifications and salary information for professional city/municipal clerks

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March 29 Council Action

- Following a presentation from Master Municipal Clerks Dawn Abrahamson and Lee Price, Council directed the City Manager to prepare a report with options for the Council's consideration, including compensation, for the assigned duties of the City Clerk

Option 1: Assign Certain Duties to Assistant City Clerk

- Council has authority to assign professional duties pursuant to Charter Section 903, which states:
 - *The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties*
- Council may consider formally assigning certain professional City Clerk duties to the Assistant City Clerk

Option 1: Assign Certain Duties to Assistant City Clerk

- Amend the City Code by establishing a new Chapter pertaining to the Management of City Records, which would establish the procedures for the management of city records and delegate authority and responsibility for management of those city records to the Assistant City Clerk

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Option 1: Charter Responsibilities

- Assistant City Clerk would have primary responsibility related to City Charter:
 1. Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all proceedings
 2. Maintain Resolutions and Ordinances
 3. Maintain record of all written contracts and official bonds
 4. Keep records indexed and open to public inspection
 5. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records

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Option 1: City Code Responsibilities

- Assistant City Clerk would have primary responsibilities related to City Code:
 1. Recording and maintaining a full and true record of all the proceedings of the City Council
 2. Publish and attest to the publication of all official notices
 3. Administer oaths or affirmations and taking affidavits and depositions pertaining to affairs of the city
 4. Issue certified copies of official records
 5. Record the rights, titles, and interests in all real properties acquired by the City
 6. Handle all Council correspondence
 7. Prepare agenda and supplemental material for Council meetings with the City Manager
 8. Duplicate records

Option 1: Duties of the City Clerk

- If Council were to choose Option 1, the City Clerk would primary be responsible for the following:
 - Be the custodian of the City seal
 - Have charge of all City elections
- The City Clerk would continue to be elected by the City at large for a term of four years and does not have term limits
- The City Clerk would be considered the Presiding City Clerk

Option 1: Compensation

- Council may consider the following choices under this option:
 1. Set the City Clerk elected position compensation at the same stipend rate of Council Members (currently \$2,000 per month) . If so directed, staff could draft an Ordinance that would include the position of elected City Clerk to be reviewed by the Salary Setting Commission upon its review of the Mayor and Council Member salaries every odd year; or
 2. Council may direct staff to conduct an analysis and return with a salary range commensurate with duties
- The Assistant City Clerk salary has already been set to reflect the high level of primary responsibilities so no change is needed

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Option 2: Don't Assign Responsibilities to Assistant City Clerk

- Council could take no action to assign the duties identified in the City Charter and City Code for the position of City Clerk to any other officer or employee of the City
- Whoever is elected to the position would be primarily responsible for all aspects

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Option 2: Compensation

- Human Resources prepared a preliminary compensation array with neighboring cities: Milpitas, Mountain View, Palo Alto, San Jose and Sunnyvale (all have appointed City Clerks)
- Survey average for top step salary = \$12,935
- Current budgeted amount for City Clerk salary in Santa Clara = \$14,875
- Number of factors included with former City Clerk/Auditor's compensation, including tenure, merit increases, salary adjustments, Unit 9 wage adjustments, etc.
- Note: City Auditor salary under separate Council action

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Benefits and Accrued Time Off

- Regardless of whether Council chooses either Option 1 or Option 2, or provides other direction as it relates to the elected position of City Clerk, the Council should consider:
 1. Discontinuing the practice of including the elected position of City Clerk with Bargaining Unit 9 – Miscellaneous Unclassified Management Employees; and
 2. Discontinue Santa Clara's unique past practice of having an elected position eligible to accrue paid time off through sick, vacation and/or management leave

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Summary

- Option 1
 - Assign certain professional primary responsibilities to Assistant City Clerk and have elected Presiding City Clerk primarily responsible for administering all aspects of City elections and custodian of the seal; and
 - Set stipend or direct compensation analysis commensurate with primary responsibilities
- Option 2
 - The elected City Clerk would be primarily responsible for all duties outlined in Charter and City Code
 - Direct further analysis for commensurate compensation

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Summary (con't)

- Either continue or discontinue past practice of including the elected position of City Clerk with Bargaining Unit 9, including eligibility to accrue paid time off through sick, vacation and/or management leave
- Any other alternative as determined by the Council
- Following direction from Council, staff will return with requisite Resolutions to call a Special Election to fill the position of elected City Clerk

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