

# City of Santa Clara

## Study Session: Roles, Duties and Qualifications of a Professional City Clerk

March 29, 2018



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# Background

- City Clerk Diridon, Jr. resigned on February 6, 2018 creating an immediate vacancy
- Council appointed Jennifer Yamaguma as acting City Clerk to ensure continuity of clerk functions under Charter section 903 (City Clerk; Powers and Duties)



# Council Direction from March 6

- Council chose not to appoint a City Clerk and left the elective office of City Clerk vacant
  - Under Charter Section 903, the duties of the City Clerk are being performed by appointed Acting City Clerk until the November 2018 election
- Directed staff to return with a resolution calling for an election to fill the vacancy in the November 2018 election
- Directed staff to return with a Study Session to discuss the roles, duties and qualifications of a professional City Clerk, including salary information

# Charter Section 903 – City Clerk

- **The City Clerk shall have the power and be required to:**
  - a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in the books that shall bear appropriate titles and be devoted to such purposes;**
  - b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;**



# Charter Section 903 – con't

- **The City Clerk shall have the power and be required to:**
  - c) **Maintain separate books, in which a record shall be made of all written contracts and official bonds;**
  - d) **Keep all aforementioned books properly indexed and open to public inspection when not in actual use;**
  - e) **Be the custodian of the seal of the City;**
  - f) **Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official record; and**
  - g) **Have charge of all City elections**



# Charter Section 903 – con't

The City Council may, in its direction, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.



# ROLES, DUTIES AND QUALIFICATIONS OF A PROFESSIONAL CITY CLERK

PRESENTATION TO THE CITY OF SANTA CLARA

Dawn Abrahamson, MMC

Lee Price, MMC

# What is a City Clerk?

- The City Clerk is the local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public.
- The City Clerk acts as a compliance officer for federal, state, and local statutes including the Political Reform Act, the Brown Act, and the Public Records Act.
- The City Clerk manages public inquiries and relationships and arranges for ceremonial and official functions.





# The Clerk is a Municipal Officer

Per the California Government Code, a municipality is vested in:

- City Council
- City Clerk
- City Treasurer
- Chief of Police
- Fire Chief (GC §36501)

# The Clerk is a Municipal Officer

The Powers, Duties and Responsibilities of the Santa Clara City Clerk are established, specific and consistent with State Law:

- Custodian of City Seal
- Attest subpoenas and other documents
- Attend and record proceedings
- Maintain legal documents
- Administer oaths
- Support to City Council
- Conduct Elections (Charter §712, 903; SCMC Chapter 2.20)

# Duties of the City Clerk

- Elections Official
- Local Legislation Auditor
- Municipal Officer
- Political Reform Filing Officer
- Records & Archives
- Public Inquiries & Relationships
- City Council Support Services



# Responsibilities of the City Clerk

- The City Clerk has responsibility for the impartial, effective administration and implementation of the democratic process.
- A professional City Clerk understands the origins of local government, champions collective goals, and adapts to changes that support public participation and build strong communities.

# Responsibilities of the City Clerk

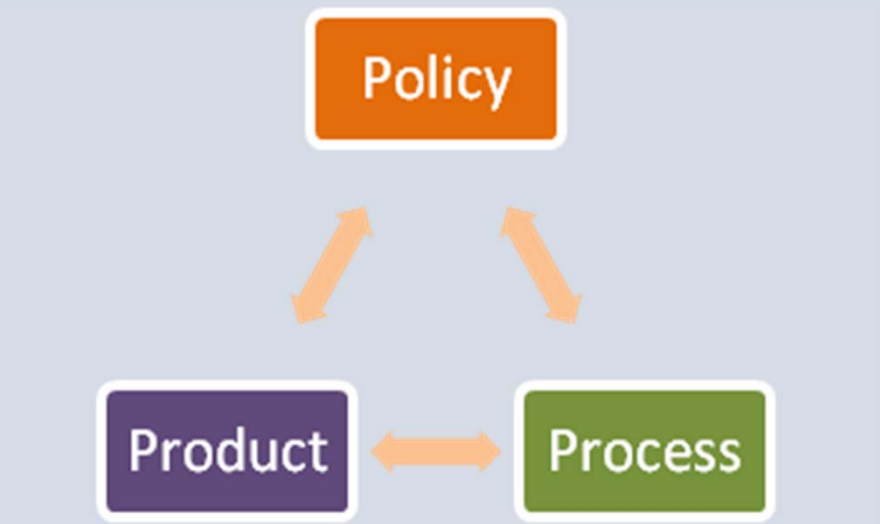
Thousands of statutes and regulations exist which protect democracy and provide a system of “checks and balances.”

- It is the city clerk’s responsibility to ensure compliance with these laws, which are complex and constantly changing and evolving.
- The city clerk, as the local official, must have the professional education, training, and knowledge necessary to understand and administer these laws.

# The City Clerk as a Department Head

- Member of the Executive Management Team
- Responsible for Fiscal Planning, Operating Budget and Personnel Management
- Provides Key Citywide Services (information and records management, legal notices, bid openings, for example)
- Serves as the “hub” of City government

# Public Service – A Balanced Triangle



# Public Service – A Balanced Triangle

City Council	→	Policy	→	Establishes vision and direction for the community's future.
City Manager	→	Product	→	Provides services to the taxpayer that the taxpayer cannot (or will not) provide for themselves.
City Clerk	→	Process	→	Ensures that the decision-making process is transparent to the public; complies with federal, state, and local regulations; and is properly recorded.



## Public Service – A Balanced Triangle

- In an organization where the City Council, City Clerk, City Manager and City Attorney understand and respect each other's roles and share in the obligation to maintain this balance, success in public service is achieved.
- The Clerk's role is to ensure proper process and open, transparent government. As professional managers, Clerks are uniquely qualified to do just that.

# Qualifications of a Professional City Clerk

Extensive knowledge of and experience with:

- The Brown Act
- The Public Records Act
- The Political Reform Act
- Election Law
- Voting Rights Act
- Fair Political Practices Commission (FPPC) Regulations
- Ethics Law (AB1234)
- Tort Claims Act
- Maddy Act

# Qualifications of a Professional City Clerk

## Experience in effectively managing:

- Personnel (hiring, training, evaluating)
- Fiscal Planning and Budget Preparation
- Department Objectives (consistent with Citywide Goals)
- Office Operations and Resources
- Communications (internally and externally)

# Qualifications of a Professional City Clerk

- Education, Technical Knowledge and On-the-job Experience
- IIMC Certification (Certified Municipal Clerk and/or Master Municipal Clerk)
- Proven Track Record for Impartiality, Fairness and Ethical Conduct
- Demonstrated Dedication to Public Service
- Committed to Continuing and Advanced Education to Stay Current with Changes in Law and Best Practices in Local Government
- Technologically Competent
- Team Player

# Questions?

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# Compensation Comparisons

- Santa Clara's practice of providing accrued time off for elected officials appears to be unique
- The only other elected City Clerk in Santa Clara County, (Morgan Hill) receives a \$200 per month stipend and does not accrue paid leave



# Compensation Comparison

City	Min Salary	Max Salary	Effective Date
Milpitas	\$105,204	\$147,300	March 2018
Mountain View	\$125,000	\$160,000	December 2017
San Jose	\$136,787	\$193,916	February 2018
Sunnyvale	\$109,319	\$128,610	July 2017
<b>Average</b>	<b>\$119,078</b>	<b>\$157,457</b>	
Santa Clara	\$200,976 (City Clerk/Auditor) City Clerk portion = \$178,500 of this total City Auditor portion = \$22,476 of this total		

CITY	POPULATION	CHARTER/ GENERAL LAW	ELECTED/ APPOINTED	REGULAR PAY	TOTAL PAY & BENEFITS*
Campbell	41,993	General Law	Appointed	\$106,527	\$145,347
Cupertino	59,946	General Law	Appointed	\$126,894	\$170,514
Gilroy	52,140	Charter	Appointed	\$110,574	\$142,541
Los Altos	29,969	General Law	Appointed	\$124,718	\$168,034
Los Altos Hills	8,354	General Law	Appointed	\$119,355	\$162,163
Los Gatos	30,532	General Law	Appointed	\$89,163	\$140,170
Menlo Park	32,896	General Law	Appointed	\$109,743	\$160,022
Milpitas	70,092	General Law	Appointed	\$140,287	\$213,725
Monte Sereno	3,450	General Law	Appointed	\$126,667	\$135,981
Morgan Hill	41,197	General Law	Elected	\$2,400	\$20,986
Mountain View	76,781	Charter	Appointed	\$146,091	\$201,450
Palo Alto	66,861	Charter	Appointed	\$139,432	\$189,641
San Jose	1,000,536	Charter	Appointed	\$152,908	\$296,276
<b>Santa Clara</b>	<b>121,229</b>	<b>Charter</b>	<b>Elected</b>	<b>\$192,288</b>	<b>\$276,569</b>
Saratoga	30,887	General Law	Appointed	\$123,891	\$153,459
Sunnyvale	147,055	Charter	Appointed	\$121,996	\$195,283

Obtained from TransparentCalifornia.com – 2016

Note: San Jose is non-CalPERS agency

## Compensation Comparison of SC County Cities



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# Salary Setting Commission

- Charter Section 702 establishes the Salary Setting Commission, which is to meet on or before March 15 of every odd year to set the salary of the Mayor and members of the City Council
- The Council may consider having the City Attorney draft an Ordinance that would request the Salary Setting Commission to recommend compensation for the elected City Clerk position.



# Compensation Set by Council

- The Council may direct staff to return with a full report on options for setting the compensation of the elected City Clerk
- Staff will present options related to the appointed City Auditor on May 8 for Council consideration
- November 2018 Election cycle:
  - May 1, 2018: can begin to solicit contributions after filing a Declaration of Candidacy statement
  - July 16 – August 10: Filing period for Nomination Papers and Candidate's Statements





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