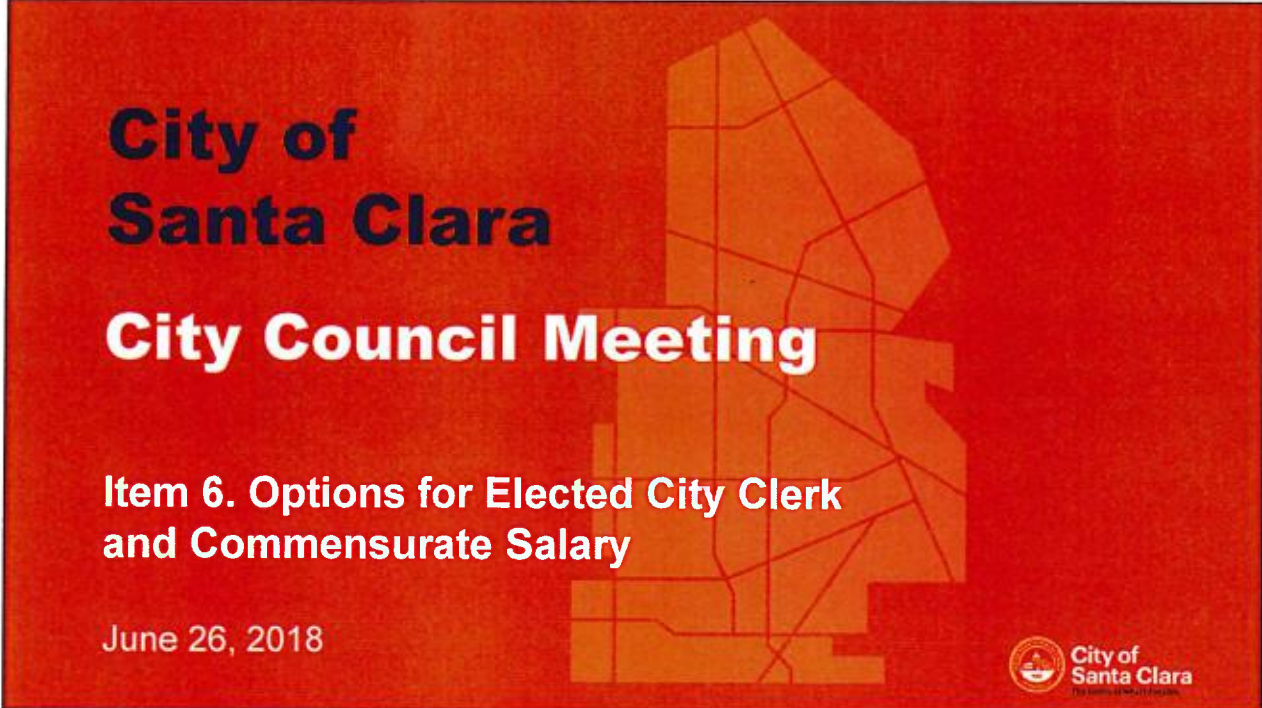


6/26/18

ITEM #6

A red rectangular slide with a faint orange map of Santa Clara County in the background. The text is in white and dark blue. The City of Santa Clara logo is in the bottom right corner.

**City of
Santa Clara**

City Council Meeting

**Item 6. Options for Elected City Clerk
and Commensurate Salary**

June 26, 2018

 **City of
Santa Clara**
The Heart of the Community

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:
 - 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

Background

- **February 13 Council Action :**
 - Council directed staff to 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
 - Clarify any potential conflict with the By-District Council Elections & Voting Method Ballot Measure already approved for the June 5, 2018 election
- **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

3



Background

- **March 29 Council Action:**
 - Following a presentation from Master Municipal Clerks Dawn Abrahamson and Lee Price, Council directed the City Clerk and City Manager to write a report with options for the Council's consideration, including compensation, for the assigned duties of the City Clerk, as discussed at the Study Session and previous Council meetings
- **April 24 Council Action:**
 - Following a presentation by staff, Council continued any action to a future Council meeting to be held at 7 pm.

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Option 1: Assign Certain Duties to Assistant City Clerk

- Council has the 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*
- By adoption of an Ordinance, Council may consider formally assigning certain professional City Clerk duties to the Assistant City Clerk

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Option 1: Charter Responsibilities

- The 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

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Option 1: Duties of the City Clerk

- If Council were to choose Option 1, the City Clerk would primarily 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

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Option 1: Compensation

- Set the elected City Clerk position compensation at the same rate of Council Members (currently \$2,000 per month) as defined in Charter Section 702
- Discontinue the practice of granting accrued time off to the elected position
- Set benefits consistent with Council Members (eligible for PERS and deferred compensation)
- Direct the City Attorney to draft an ordinance that would include the position of City Clerk to be reviewed by the Salary Setting Commission

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

- 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

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Option 2: Compensation

- Formally set the salary for the elected City Clerk at \$178,500 annually OR
- Set salary at 5% above the maximum range of the Assistant City Clerk, which would be approximately \$167,227
- Discontinue the practice of granting accrued time off to the elected position
- Continue to allow the elected City Clerk position to be eligible for all other fringe benefits
- Note: Human Resources benchmark survey of neighboring cities indicates average top step salary for City Clerk = \$155,220 annually

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Council Action Needed

- Set the responsibilities of the elected City Clerk (staff makes no recommendation)
- Set the salary for the elected City Clerk (staff makes no recommendation)
- Set the benefits (staff makes no recommendation)
- Discontinue providing any accrued time off to align this position to an elected status (staff recommends this option)
- Any other alternative as determined by the Council

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City of
Santa Clara
The Mission City

Assignment of City Auditor Function to the Assistant Finance Director



**City of
Santa Clara**
The Center of What's Possible



**City of
Santa Clara**
The Center of What's Possible

Background

- On February 6, 2018, former City Clerk Rod Diridon, Jr. resigned leaving a vacancy in the *appointed* City Auditor position
- Charter Section 900 provides that the City Council appoint the City Auditor:

In addition to the City Manager, the City Council shall appoint and affix the compensation of the City Attorney and City Auditor who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.



Background

- Charter Section 909 sets forth the duties of the City Auditor position and grants to the Council the authority to appoint any other officer or employee as City Auditor:

The City Auditor shall audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the

City Attorney, advise the City Council as to the regularity, legality and correctness of such claims, demands or charges.

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

3



Background

- In 2006, the Council appointed the City Clerk as the City Auditor
- This appointment was codified in Santa Clara City Code section 2.20.050, which is consistent with Charter Sections 900 and 909.
- On April 24, 2018, the City Council directed staff to return with an Ordinance repealing Section 2.20.050, "Performance of City Auditor's functions," and move the City Auditor's functions to the Assistant Finance Director in Chapter 2.105 of the City Code.

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City Auditor

- With the adoption of the Fiscal Year 2018/19 Annual Operating Budget, the Council established an audit function in the Finance Department
- Auditor skills have evolved since the drafting of the City Charter duties
- Duties will be expanded to include cash audits, internal control procedures, compliance and performance audits
- This position is currently in the final stages of the recruitment process and it is anticipated that the position will be filled in the August timeframe
- Once the position is filled staff will bring forward an action for Council to appoint the newly hired Assistant Finance Director as City Auditor