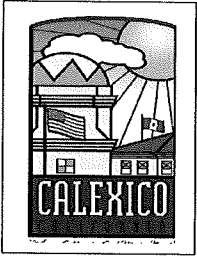


**AGENDA
ITEM**

06



AGENDA STAFF REPORT

DATE: July 18, 2018

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager *UK for D.D.*

PREPARED BY: David B. Dale, City Manager *UK for D.D.*

SUBJECT: Appointment and Swearing in of City Clerk

=====

Recommendation:

Council to make the Appointment and Swear in of Gabriela T. Garcia as City Clerk.

Background:

California Government Code section 36501 sets out the governing officers of a general law city, one of which is the City Clerk. The office of City Clerk for the City of Calexico was formerly an elective office pursuant to California Government Code section 36503. A special municipal election was held on June 5, 2012, in which a ballot measure to make the office of City Clerk appointive was submitted to the voters pursuant to California Government Code sections 36508 to 36509. The ballot measure was passed by a majority vote and the measure is to take effect from and after November 6, 2012.

Discussion & Analysis:

On January 6, 2016, The Council adopted Ordinance No. 1166 repealing Ordinance No. 1144 and amending section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code Regarding the Appointment Process and Duties of the City Clerk. With the passing of Ordinance No. 1166, City Council Ordained as follows:

Section One. Section 2.02.110 of the Calexico Municipal Code is hereby amended to read as follows:

"2.02.110 -Powers of appointment.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk and city attorney."

Section Two. Chapter 2.07 -"City Clerk" of the Calexico Municipal Code is hereby amended in its entirety to read as follows:

AGENDA ITEM 06

"Chapter 2.07- City Clerk

Sections:

2.07.010 -Appointment of city clerk. The city clerk shall be appointed by the city council and shall serve at the will and pleasure of the city council and may be dismissed without cause. Prior to appointment of the city clerk by the city council, a committee consisting of the city manager and two members of the city council may be appointed by the city council to evaluate the applicants and make a recommendation on the appointment. Subject to the approval of the city council, the city manager may execute a written contract with the city clerk describing the conditions of his/her appointment.

2.07.020 - Duties.

Except as otherwise provided in this code, the city clerk shall perform the duties prescribed by the general laws and statutes of the state pertaining to duties of city clerks. In addition thereto, the city clerk shall perform such other duties not in conflict with her/his mandatory duties, as prescribed in a city job description, or which the city council may from time to time assign."

The position was advertised and interviews were held to select a City Clerk for appointment. Ms. Gabriela T. Garcia was selected as the candidate to serve as City Clerk by a panel made up of two Council Members and the City Manager. At the meeting of June 27, 2018, Council provided direction to appoint Ms. Garcia as City Clerk.

Fiscal Impact:

\$ 82,592.00 Annually.

Coordinated With:

None.

Attachments:

1. Ordinance No. 1144 - An Ordinance of the City Council of the City of Calexico Amending Section 2.02.110 of Chapter 2.02 of the Calexico Municipal Code and Adding Chapter 2.07 "City Clerk" to Title 2 "Administration and Personnel" Regarding the Appointment Process and Duties of the City Clerk.

2. Ordinance No. 1166 - An Ordinance of the City Council of the City of Calexico Repealing Ordinance No. 1144 and Amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code Regarding the Appointment Process and Duties of the City Clerk.

ORDINANCE NO. 1144

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO AMENDING SECTION 2.02.110 OF CHAPTER 2.02 OF THE CALEXICO MUNICIPAL CODE AND ADDING CHAPTER 2.07 "CITY CLERK" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" REGARDING THE APPOINTMENT PROCESS AND DUTIES OF THE CITY CLERK

WHEREAS, California Government Code section 36501 sets out the governing officers of a general law city, one of which is the City Clerk; and

WHEREAS, the office of City Clerk for the City of Calexico was formerly an elective office pursuant to California Government Code section 36503; and

WHEREAS, a special municipal election was held on June 5, 2012, in which a ballot measure to make the office of City Clerk appointive was submitted to the voters pursuant to California Government Code sections 36508 to 36509. The ballot measure was passed by a majority vote and the measure is to take effect from and after November 6, 2012; and

WHEREAS, according to California Government Code sections 36510 and 34856, if a proposition to make an elective office into an appointed office passes by a majority vote, the appointment is to be made by the City Council at the expiration of the term of the officer then in office or on a vacancy in such office. The same Government Code sections provide that the City Council may, by ordinance, vest the City Manager with the authority to appoint the officer; and

WHEREAS, according to section 2.02.110 of the Calexico Municipal Code, the City Manager does not currently have the authority to appoint the position of City Clerk; and

WHEREAS, the City Council desires to amend the Calexico Municipal Code to give the City Manager the authority to appoint the position of City Clerk, along with the duties to appoint, remove, promote and demote other officers and employees of the City, and to clarify the employment status and job duties of the City Clerk.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 2.02.110 of the Calexico Municipal Code is hereby amended to read as follows:

"2.02.110 - Powers of appointment.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney."

SECTION TWO. Chapter 2.07 – "City Clerk" is hereby added to Title 2 – "Administration and Personnel" of the Calexico Municipal Code to read as follows:

“Chapter 2.07- CITY CLERK

Sections:

2.07.010 - Appointment of city clerk.

2.07.020 - Duties.

2.07.010 – Appointment of city clerk.

The city clerk shall be appointed by the city manager, subject to the approval of the city council, to serve at the will and pleasure of the city manager and may be dismissed without cause. Prior to appointment of the city clerk by the city manager, a committee consisting of the city manager and two members of the city council may be appointed by the city council to evaluate the applicants and make a recommendation on the appointment. Subject to the approval of the city council, the city manager may execute a written contract with the city clerk describing the conditions of his/her appointment.

2.07.020 - Duties.

Except as otherwise provided in this code, the city clerk shall perform the duties prescribed by the general laws and statutes of the state pertaining to duties of city clerks. In addition thereto, the city clerk shall perform such other duties not in conflict with her/his mandatory duties, as prescribed in a city job description, or which the city manager may from time to time assign.”


SECTION THREE: This Ordinance was introduced on September 18, 2012 and was adopted on October 2, 2012.

SECTION FOUR: This Ordinance shall become effective thirty days following its passage and adoption.

SECTION FIVE: The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

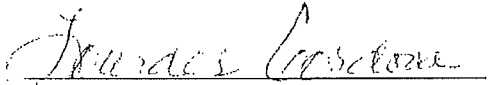
PASSED AND ADOPTED this 2nd day of October, 2012, by the following vote, to wit:

AYES:	Romero, Hurtado, Hodge, Moreno, Castro
NOES:	None
ABSENT:	None
ABSTAIN:	None


Daniel F. Romero, Mayor

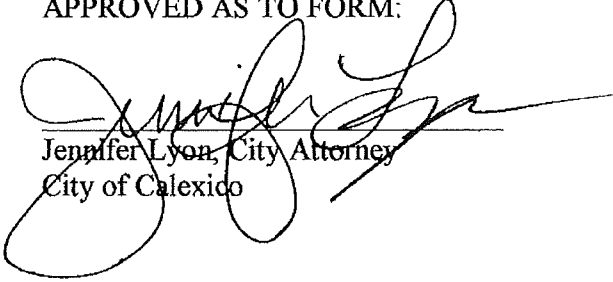
ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 1144, that has been published pursuant to law.



Lourdes Cordova, City Clerk
City of Calexico

APPROVED AS TO FORM:



Jennifer Lyon, City Attorney
City of Calexico

ORDINANCE NO. 1166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPEALING ORDINANCE NO. 1144 AND AMENDING SECTION 2.02.110 AND CHAPTER 2.07 OF THE CALEXICO MUNICIPAL CITY CODE REGARDING THE APPOINTMENT PROCESS AND DUTIES OF THE CITY CLERK

WHEREAS, On October 2, 2012, the City Council of the City of Calexico adopted Ordinance No. 1144 amending Section 2.02.110 of Chapter 2.02 of the Calexico Municipal Code and adding Chapter 2.07 to the Calexico Municipal Code regarding the appointment process and duties of the City Clerk; and

WHEREAS, Ordinance No. 1144 grants the City Manager the authority to appoint the City Clerk, as well as to remove, promote and demote the City Clerk; and

WHEREAS, the City Council now desires to amend the Calexico Municipal Code regarding the appointment process and duties of the City clerk as described in this ordinance

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 2.02.110 of the Calexico Municipal Code is hereby amended to read as follows:

"2.02.110 - Powers of appointment.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk and city attorney."

SECTION TWO. Chapter 2.07 -"City Clerk" of the Calexico Municipal Code is hereby amended in its entirety to read as follows:

"Chapter 2.07- CITY CLERK

Sections:

2.07.010 – Appointment of city clerk.

2.07.020 – Duties.

2.07.010 -Appointment of city clerk.

The city clerk shall be appointed by the city council and shall serve at the will and pleasure of the city council and may be dismissed without cause. Prior to appointment of the city clerk by the city council, a committee consisting of the city manager and two members of the city council may be appointed by the city council to evaluate the applicants and make a recommendation on the appointment. Subject to the approval of

the city council, the city manager may execute a written contract with the city clerk describing the conditions of his/her appointment.

2.07.020 - Duties.

Except as otherwise provided in this code, the city clerk shall perform the duties prescribed by the general laws and statutes of the state pertaining to duties of city clerks. In addition thereto, the city clerk shall perform such other duties not in conflict with her/his mandatory duties, as prescribed in a city job description, or which the city council may from time to time assign."

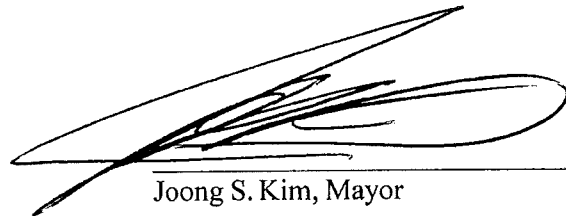
SECTION THREE: This Ordinance was introduced on November 3, 2015.

SECTION FOUR: This Ordinance shall become effective thirty days following its passage and adoption.

SECTION FIVE: The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

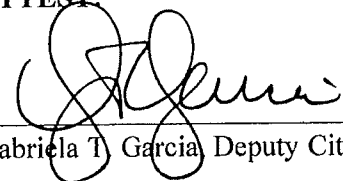
PASSED AND ADOPTED this 5th day of January 2016, by the following vote, to wit:

AYES: Kim, Castro, Real
NOES: Moreno
ABSENT: Hurtado



Joong S. Kim, Mayor

ATTEST:



Gabriela T. Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Carlos Campos, Interim City Attorney