



CITY OF CARSON

Legislation Text

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Report to Mayor and City Council

Tuesday, June 15, 2021

Discussion

SUBJECT:

CONSIDER RECOMMENDATIONS FROM THE CITY CLERK VACANCY AD HOC COMMITTEE REGARDING THE CITY CLERK POSITION AND CONSIDER APPROVAL OF RESOLUTION NO. 21-084 AMENDING THE CITY CLERK'S COMPENSATION AND VEHICLE ALLOWANCE (CITY COUNCIL)

I. SUMMARY

The City Clerk is an elective office established by the City Charter. Further, the powers and duties of the City Clerk are also established by the City Charter, State law, and the City's Municipal Code (as applicable). Pursuant to Charter Section 503 and Carson Municipal Code Section 2303, the City Clerk's salary and benefits is set by the City Council and, per the City Charter, "...maintained in a range appropriate under the City's salary schedule in accordance with their highest paid subordinate or manager. The city clerk ... may also receive additional premiums for receiving the professional designation as "Certified California Municipal Clerk" ... in accordance with Council resolution." In other words, the City Clerk's compensation should be in line with the level of work (e.g., hours worked) that the City Clerk carries out compared to his/her staff.

The Carson City Clerk has never been tasked with assembling and posting meeting agendas as a normal department head type City Clerk would. Though the former City Clerk provided passport services, this service has been discontinued. Further, the City previously conducted its own elections, but, with consolidation of the City's general election with the typical November elections in even numbered years and consolidation of elections with the County of Los Angeles, the City Clerk's role as an elections official has accordingly been reduced.

However, the traditional "ceremonial" city clerk tasks pursuant to Charter Section 503, Carson Municipal Code, and State law (described in more detail below) remain with the City Clerk. At this time, the City Clerk Vacancy Ad Hoc Committee's ("Committee") recommends that because there is a vacancy in the City Clerk's office that the compensation for this elective office be reduced well in advance of the November 2, 2022, election to Twenty-Five Thousand (\$25,000) annually as the City Clerk's role at this time is better defined as being a figurehead role to conduct traditional ceremonial tasks. The

Committee has observed that given recent changes discussed above and in this report and the fact that the main component of the tasks in the City Clerk's office is now run by the Chief Deputy City Clerk, Deputy City Clerk and other city clerk staff, a reduction in salary and benefits is appropriate. Accordingly, the Committee believes it is best to make this adjustment now so that anyone running to fill the City Clerk vacancy can be on notice and aware of this change well in advance of pulling papers to run.

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 21-084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING RESOLUTION NOS. 14-024 AND 15-027 BY CHANGING THE CITY CLERK'S SALARY TO \$25,000 PER YEAR AND ELIMINATING THE CITY CLERK'S ALLOWANCE FOR MILEAGE AND BUSINESS EXPENSE AS CONTEMPLATED BY SECTION 4 OF RESOLUTION NO. 15-027," but otherwise leaving all other provisions in Resolution Nos. 14-024 and 15-027 the same pursuant to the recommendation of the City Clerk Vacancy Ad Hoc Committee.

III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council consistent with applicable laws.

IV. BACKGROUND

City Clerk Powers and Duties

Historically, Carson's City Clerk has not carried out the duties that a typical department head type city clerk would carry out. For example, the City Clerk has never been tasked with assembling and posting Agendas as a normal department head type city clerk would. Further, the City previously conducted its own elections, but, with consolidation of the City's general election with the typical November elections in even numbered years and consolidation of elections with the County of Los Angeles, the City Clerk's role as an elections official has accordingly been reduced. While the former City Clerk had a passport service, this service has now been discontinued.

Essentially, the City Clerk's role at the City has now become principally ceremonial. The City Clerk's powers and duties are provided in Charter Section 501 as follows:

"(1) Attend in person or through authorized representative, all meetings of the city council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the city council in books that shall bear appropriate titles and be devoted to such purpose.

- (2) Maintain records of all ordinances, certifying the same to be the original or a correct copy; as to an ordinance requiring publication, providing for the publication thereof and stating that the same has been published or posted in accordance with this Charter; monitor records of all official actions of the city council, including contracts, bonds, deeds, and other recorded instruments; and keep all books properly indexed and open to public inspection when not in actual use. All ordinances shall be properly codified and all copies of the municipal code, written or electronic, shall be kept current and updated.
- (3) Manage the records of the official actions of the city council, including contracts, bonds, deeds, and other recorded instruments.
- (4) Attest the signatures of City officials on written contracts or conveyances.
- (5) Acknowledge the execution of all instruments executed by the City as required.
- (6) In accordance with the City's transparency goals, assure appropriate procedures are established and followed to comply with Government Code Section 6250 et seq. ("California Public Record Act").
- (7) Be the custodian of the seal of the City, and serve as City's agent for service of process.
- (8) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.
- (9) Be ex-officio assessor, unless the city council implements the provisions of the state laws relative to the assessment of property and the collection of City taxes by county officers, or unless the city council by ordinance provides otherwise.
- (10) Serve as the election official of the City and have charge of all City elections.
- (11) Conduct opening bids for public works projects publicly advertised by the City.
- (12) Perform such other duties not inconsistent with this Charter and as may be required by State general law, or by ordinance or resolution of the city council."

With respect to Charter Section 501(12), general law provides the current duties of the City Clerk (note that the financial powers and duties of the City Clerk have been transferred to the Finance Director pursuant to Carson Municipal Code Section 2722) which can be generally summarized as follows (also note that these overlap to a degree with Charter Section 501 and are similarly ceremonial):

- (1) Keep an accurate record of the proceedings of the City Council. (Gov. Code Section 40801).
- (2) Keep a book marked "ordinances" and record in it all City ordinances with a certificate annexed to each, stating: (a) It is a true and correct copy of a city ordinance; (b) The ordinance number; and (c) It has been published or posted pursuant to law.

(Gov. Code Section 40806).

(3) Be the custodian of the City seal. (Gov. Code Section 40811).

(4) Administer oaths and affirmations and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state. (Gov. Code Section 40814).

Further, the Carson Municipal Code (“CMC”) provides for duties of the City Clerk as follows (these duties also overlap to a degree with both the Charter and general law and, again, tend towards the ceremonial):

(1) Keep a record of the City’s various commissions, boards, and committees, such as meeting minutes, resolutions, and official records of City commissions, boards, and committees as applicable (e.g., CMC Section 2706 requires the City Clerk to do this for the Planning Commission).

(2) Administer the Oath to the City Security Officer. (CMC Section 2788).

(3) Accept and provide notices and setting appeal hearings relating to appeals for certain business permits/licenses. (see, e.g., CMC Sections 6347, 6385 et seq.).

(4) Accepting documentation relating to certain business license/permit applications (see, e.g., CMC Sections 63119.1, 63153.1 and 63153.2).

(5) Providing notices of special meetings of the City Council. (CMC Section 2403(D)).

(6) Attend City Council meetings. (Carson Municipal Code Section 2405).

(7) Calling a meeting to order when Mayor and Mayor Pro Tem are both absent. (CMC Section 2406).

(8) Adjourn the meeting if no council members are present. (CMC Section 2408).

(9) Facilitate public comment during City Council meetings pursuant to CMC Section 2412.

(10) Calling out the names of Council members when a roll call vote is required. (CMC Section 2415).

(11) Accepting lobbyist registrations and drafting of the annual report pursuant to CMC Section 2350 et seq.

(12) Accepting certain video franchise documents and payments on behalf of the City pursuant to CMC Section 6600 et seq.

(13) Provide notices pursuant to CMC Chapter 3 (Litter and Weed Control).

(14) Maintaining the City’s adopted Building Codes pursuant to CMC 8100 et seq.

(15) Acceptance of applications and fees required by the CMC pursuant to CMC Section 2201.

(16) Cooperate and assist the City Manager pursuant to CMC Section 2109.

City Clerk Vacancy Ad Hoc Committee's Recommendation

City Clerk Compensation

The City Clerk is currently compensated as a full time position at \$122,913 per year. Pursuant to Charter Section 503 and CMC Section 2303, the City Clerk's salary may be set by City Council resolution and, per the City Charter, must be "maintained in a range appropriate under the City's salary schedule in accordance with their highest paid subordinate or manager." Further, the City Clerk may also receive additional compensation if he or she receives the professional designation as "Certified California Municipal Clerk", provided that the City Council adopts a resolution allowing for that. In other words, the City Clerk's compensation should be in line with the level of work (e.g., hours worked) that the City Clerk carries out compared to his/her staff.

Recommendation of the Ad Hoc Committee

Elected City Clerks tend to perform in an independent ceremonial capacity with work of the city clerk's office being performed by full-time city employees (e.g., the Chief Deputy City Clerk, Deputy City Clerk and other city clerk staff). Historically, Carson's City Clerk has not carried out the duties that a typical department head type city clerk would carry out. Further, the City Clerk's powers and duties are now principally ceremonial. Consistent with this concept, the Committee (Mayor Davis-Holmes and Mayor Pro Tem Dear) recommends that the City Clerk's annual salary be adjusted and the vehicle allowance be eliminated. However, note that the Committee recommends that the City Clerk continue to be elected as this will enable the City Clerk to be a check and balance against both the City Council and City staff since, as an elected office, the City Clerk is independent and only beholden to his or her electorate.

As stated, the traditional "ceremonial" City Clerk tasks pursuant to, for example, Charter Section 503 remain with the City Clerk's office. At this time, the Committee recommends that because there is a vacancy in the City Clerk's office that the compensation for this elective office be reduced well in advance of the November 2, 2022, election to Twenty-Five Thousand dollars (\$25,000) annually as the City Clerk's role at this time is better defined as being a figurehead role to conduct traditional ceremonial tasks. Further, the Committee recommends that the City Clerk's vehicle allowance of \$550.00 per month be eliminated. The Committee has observed that given recent changes discussed above and the fact that the main component of the tasks in the City Clerk's office is now run by the Chief Deputy City Clerk, Deputy City Clerk and other city clerk staff, a reduction in salary and elimination of the vehicle allowance are appropriate. Accordingly, the Committee believes it is best to make this adjustment now so that anyone running to fill the City Clerk vacancy can be on notice and aware of this change well in advance of pulling papers to run.

V. FISCAL IMPACT

The potential fiscal impact of this item includes a savings of \$97,913 per year for the City Clerk salary (\$122,913 - \$25,000) and a savings of \$6,600 per year for the vehicle allowance (\$550 x 12) for a total potential savings of \$104,513 per year.

VI. EXHIBITS

1. Resolution No. 21-084 (pgs. 7 - 9)

Prepared by: City Attorney's Office