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IMPARTIAL ANALYSIS BY CITY ATTORNEY

MEASURE CC

BELMONT CITY CLERK

City of Belmont
Office of City Clerk

Measure “CC” asks Belmont voters the question whether the office of city clerk should be made appointive rather than elective. A “yes” vote would make the city clerk appointive. A “no” vote would keep the position of city clerk elective. The city council placed the measure on the ballot by unanimously adopting Resolution 2017-090. If approved by majority vote, this measure would make the office of city clerk appointive after the November 5, 2019 election, or upon a vacancy in the office occurring before the election.

Office of City Clerk

Under state law, the office of city clerk in general law cities like Belmont may be elective or appointive. Just under 25% of California cities have an elected city clerk. Historically, the office of city clerk was charged with accounting and tax administration responsibilities. With the transfer of accounting duties to a city finance director and tax administration to the county, the general statutory duties of the city clerk include: keeping a record of city council meetings and ordinances; attesting documents; being the custodian of the city seal; receiving financial disclosure forms; receiving process; and administering oaths of office. A city clerk may perform other statutory duties as assigned by the city council including acting as the city elections officer. An elected city clerk performs the duties of the office independent of oversight by the city manager.

In Belmont, the city clerk is currently elected to a four-year term of office, is considered a full-time position, and has a salary of approximately \$100,000 with benefits including health and pension comparable to non-elected city employees. The city clerk’s regular duties include: the general statutory duties listed above (excluding accounting and tax administration); serving as secretary to the city council; drafting minutes of city council meetings; printing and distributing city council agenda packets; publishing and posting notices of city council meetings; receiving and opening construction contract bids; maintaining city contracts; keeping a roster of city commissions; responding to records requests; and maintaining the city code.

Qualifications of City Clerk

California law has two eligibility requirements for an elected city clerk: (1) the individual must be at least eighteen years of age and (2) a registered city voter.

If made appointive, the city council can establish education and experience qualifications for an appointed city clerk, whose duties may be performed by existing city staff. The city manager would be responsible to appoint and supervise staff to carry out office of city clerk duties.

Financial Impact of Measure if Approved

If the measure is approved, the city would save the cost of holding an election every four years for the position. The city may save additional costs if the duties of the office are consolidated with other administrative functions, however potential savings, if any, cannot be predicted to any degree of certainty.


Scott Rennie
City Attorney