

ORDINANCE NO. 12-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DEFINING THE DUTIES OF THE OFFICE OF THE CITY CLERK**

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this ordinance is to define the responsibilities of the Office of the City Clerk of the City of Elk Grove.

Section 2: Office of City Clerk

The City Council hereby defines the responsibilities of the Office of City Clerk of the City of Elk Grove as follows:

1. **Appointment of City Clerk.** The City Clerk shall be appointed by the City Council wholly on the basis of his or her ability and qualifications and shall hold office at the pleasure of the Council.

2. **Compensation.** The City Clerk shall receive such salary and benefits as set by separate agreement between the City and City Clerk, and approved by resolution.

3. **Qualifications.** The qualifications for the office of the City Clerk shall be consistent with those defined in the City Clerk classification description as recorded by Human Resources.

4. **Powers and Duties Generally.** The City Clerk shall be responsible for the efficient administration of city clerk duties as prescribed by law, and as otherwise provided in this ordinance or by direction of the City Council. The City Clerk shall have the following additional specific duties, responsibilities and powers:

a. To attend all meetings of the City Council unless excused therefrom by the Mayor individually or the City Council.

b. To perform such other duties and exercise such other powers as may be delegated to the City Clerk from time to time by ordinance or resolution or other official action of the City Council.

5. **Relations with Council.** The City Council and its members shall address the administration of duties of the office of the City Clerk only through the City Clerk except for the purpose of inquiry and neither the City Council nor any member thereof shall give orders to any subordinates of the City Clerk. The City Clerk shall take orders and instructions from the City Council, only when the City Council is sitting in a duly

convened meeting of the City Council. No individual council member shall give any orders or instructions to the City Clerk or any subordinate of the City Clerk, with the exception of direction from the Mayor regarding items to appear on agendas for meetings of the City Council.

6. **Departmental Cooperation.** It shall be the duty of the City Attorney, the City Manager and his or her subordinates to assist the City Clerk in development of City Council agendas and otherwise supporting the administration of the affairs of the Office of the City Clerk.

7. **Performance Evaluation.** Performance evaluations of the City Clerk shall be conducted by the City Council on an annual basis or with greater frequency at the pleasure of the Council.

8. **Removal.** The City Clerk shall at all times serve at the pleasure of the City Council and may be removed from office with or without cause, at anytime, except that the City Clerk shall not be removed from office, nor shall notice of removal be determined, during or within a period of ninety days next succeeding any municipal election held in the City at which a member of the City Council is elected. The purpose of this provision is to allow any newly elected member to the City Council or a reorganized City Council to observe the actions and ability of the City Clerk in the performance of the office of City Clerk.

9. **Agreements With Council Not Abridged.** Nothing in this ordinance shall be construed as a limitation on the power or authority of the City Council to enter into any agreement with the City Clerk delineating additional terms and conditions of employment. The terms and conditions of any employment agreement may be inconsistent with, and supersede, this ordinance only if expressly provided for in the agreement.

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability.


If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).


ORDINANCE NO. 12-2007

INTRODUCED: February 14, 2007
ADOPTED: February 28, 2007
EFFECTIVE: March 30, 2007



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on February 14, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 28, 2007 by the following vote:

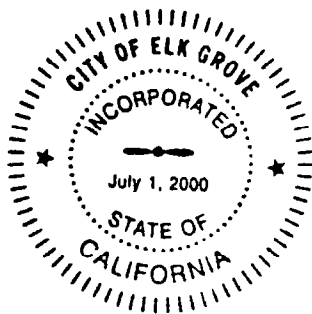
AYES : COUNCILMEMBERS: Scherman, Cooper, Davis, Leary


NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Hume

A summary of the ordinance was published pursuant to GC 36933(c) (1).





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**