

**CITY OF CLOVERDALE
ORDINANCE NO. 729-2019**

AN ORDINANCE OF THE CITY OF CLOVERDALE VESTING AUTHORITY WITH THE CITY MANAGER TO APPOINT THE OFFICE OF CLOVERDALE CITY CLERK AND AMENDING CHAPTER 2.03 "CITY CLERK" OF THE CLOVERDALE MUNICIPAL CODE

WHEREAS, the office of Cloverdale City Clerk was formerly an elective office, voted on by the electorate of Cloverdale; and

WHEREAS, on July 14, 2010, pursuant to Government Code section 36508, the City Council submitted to the electorate of Cloverdale, Measure R, which asked them whether the office of Cloverdale City Clerk should be appointive; and

WHEREAS, on November 2, 2010, the majority of the Cloverdale electorate voting at that election voted yes on Measure R, thereby making the office of Cloverdale City Clerk appointive; and

WHEREAS, on December 8, 2010, the City certified the results of the November 2, 2010 election, including Measure R; and

WHEREAS, as a result of the passage and certification of Measure R, the office of the Cloverdale City Clerk became an appointive office, appointed by the City Council; and

WHEREAS, Government Code section 36510 grants the City Council the authority to vest its appointive powers in the City Manager; and

WHEREAS, the City Council now wishes to vest its authority to appoint the office of Cloverdale City Clerk in the City Manager; and

WHEREAS, the City Council also wishes the Cloverdale Municipal Code to reflect the aforementioned vesting of authority.

NOW, THEREFORE, the City Council of the City of Cloverdale does ordain as follows:

SECTION 1 The recitals above are true and correct, and incorporated by reference herein.

SECTION 2 VESTING OF AUTHORITY

Pursuant to Government Code section 36510, the City Council of the City of Cloverdale hereby vest its authority to appoint the office of Cloverdale City Clerk in the City Manager.

SECTION 2. AMENDMENT

Chapter 2.03 "City Clerk" of the Cloverdale Municipal Code is hereby amended in the manner stated in the attached Exhibit A:

SECTION 2. SEVERABILITY

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, or preempted by State legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. EFFECTIVE DATE

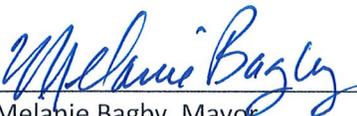
This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage, and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an Ordinance duly and regularly adopted by the City at a regular meeting thereof held on March 13, 2019, by the following vote:

PASSED, APPROVED AND ADOPTED this 13th day of March, 2019 by the following roll call vote: (Ayes-5; Noes-0; Absent-0; Abstain-0).

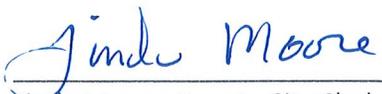
Ayes: Councilmember Brigham, Vice Mayor Wolter, Councilmember Cruz, Councilmember Turner, and Mayor Bagby
Noes: None
Absent: None
Recuse: None

Approved:



Melanie Bagby, Mayor

Attested:



Linda Moore, Deputy City Clerk

Chapter 2.03 CITY CLERK

Sections:

- [2.03.010](#) Office created.
- [2.03.020](#) Duties generally.
- [2.03.040](#) Salary.
- [2.03.070](#) Departmental cooperation.
- [2.03.080](#) Bond required.
- [2.03.090](#) Vacancy of office.

2.03.010 Office created.

The office of the city clerk is created and established. There shall be one city clerk who shall hold office as an employee of the city. The city clerk shall be appointed by the city manager, and shall hold office at the pleasure of the city manager.

2.03.020 Duties generally.

A. It shall be the duty of the city clerk to devote his/her entire time to the duties of the office in the interest of the city. The city clerk shall perform all duties as prescribed by law, this code, by resolution, or as further directed by the city council or city manager. Such duties may extend to other city boards and commissions.

Pursuant to Government Code Sections [40805.5](#) and [37209](#), Government Code

Sections [37201](#) through [37208](#) shall be performed by the finance director, and further provide that the ex-officio assessor duties provided by the Government Code Section [40810](#) shall be performed by the city clerk, county officers or city clerk’s appointee.

B. The principal functions of the city clerk shall be:

1. To keep an accurate record of the proceedings of the city council in books bearing appropriate titles and devoted exclusively to such purposes. The books shall have a comprehensive general index;
2. Keep all ordinances and resolutions of the council as required by Sections [40806](#) and [40807](#) of the Government Code;

Exhibit A –Chapter 2.03 “City Clerk” of the Cloverdale Municipal Code

3. Assure that records of council meetings and council correspondence are kept in such a manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or recorded and the original thereof destroyed, in accordance with state laws;
4. Be the custodian of the seal of the city pursuant to Government Code Section [40811](#);
5. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city and certify copies of the official record pursuant to Government Code Section [40814](#);
6. The city clerk shall perform all duties required by a city clerk with respect to the conduct of municipal elections as set forth in the Elections Code of the State of California;
7. Be responsible for the publication of official notices of the city as required by Government Code Section [36933](#);
8. Receive all claims filed against the city and its officers, agents or employees pursuant to the provisions of the Government Code of the state, Section 915 et seq.;
9. Receive documents to the city clerk or city council and immediately forward a copy of each to the city manager for presentation to the city council in due course. The original of each document shall remain with the city clerk;
10. Assist the city manager, as requested, in the preparation of the city council agenda or such other agenda as may from time to time be required;
11. Assure compliance with directives, administrative procedures or policies as may be determined by the city manager which are not otherwise provided for by the Government Code.

2.03.040 Salary.

The city council shall, by resolution, upon the recommendation of the city manager and from time to time, establish the salary to be paid to the city clerk for the performance of the foregoing duties.

2.03.070 Departmental cooperation.

The city clerk shall maintain cooperative relationships with all elected and appointed officials within the city, as well as city staff, and shall maintain a work schedule approved by the city manager.

2.03.080 Bond required.

The city clerk upon assuming his or her duties of office shall execute a bond for the city in conformity with the provisions of Government Code in the amount established by the city council of public officers.

2.03.090 Vacancy of office.

Whenever a vacancy shall occur in the office of city clerk, whether by resignation, removal for cause, death or other disability, the city manager is automatically appointed to fill the vacancy temporarily until a successor is appointed, unless the city manager is already acting as city clerk or city treasurer, in which case a department head designated by the city manager shall fill the vacancy.