



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Introduction, and Reading by Title Only, an Ordinance Amending Section 2.08.100 of the Sausalito Municipal Code Authorizing the City Manager to Appoint the City Clerk

RECOMMENDED MOTION:

Introduction, and Reading by Title Only, an Ordinance Amending Section 2.08.100 of the Sausalito Municipal Code Authorizing the City Manager to Appoint the City Clerk

SUMMARY

Under the current regulations of the Sausalito Municipal Code, the City Manager does not have the authority to appoint candidates to the position of the City Clerk. By adoption of an ordinance, this can be amended in order to give the City Manager the authority to fill and appoint this position.

BACKGROUND

California Government Code Section 36501 sets forth the governing officers of a general law city, one being the City Clerk. The Government Code also directs that the City Council shall appoint this position, unless the Council relinquishes this right to the City Manager.

The City has not had a City Clerk since the appointment of the last City Manager. It was the desire of the new administration to first determine how best to reorganize the Administration Departments in order to be the most effective and efficient. As the City continues to reorganize the duties and functions of all its departments and managers, it has been determined that the City would function best with a City Clerk that also supports the City Manager. Since 1994, the past practice has been to have a combined City Manager/City Clerk.

In order for the City Clerk to also be the administrative support to the City Manager, appointments must be made by the City Manager.

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There are ten City Clerk's in the County of Marin. Three of the City Managers serve as the City Clerk (Belvedere, Mill Valley and Ross), three are appointed by the City Manager (Corte Madera, Larkspur and Tiburon), three of the Clerks are elected (San Rafael, San Anselmo and Fairfax), and one appointed by the City Council (Novato).

ISSUES

Due to budget constraints, the City is not in position to support a position that serves 100% as City Clerk. Staff is recommending that the Assistant to the City Manager / Deputy City Clerk position be promoted to Assistant to the City Manager / City Clerk in an effort to best manage the City Clerk's responsibly and provide support to the City Manager.

FISCAL IMPACT

If the City Council authorizes that the City Manager can appoint the City Clerk there would be a proposed 5% increase to the Assistant to the City Manager / Deputy City Clerk salary. Currently the monthly salary is \$7,527 and would increase to \$7,903.

STAFF RECOMMENDATIONS

Introduce, waive first reading, and read by title only: "an ordinance of the City Council of the City of Sausalito amending Chapter 2.08.100 of Title 2 of the Sausalito Municipal Code regarding the appointment of a City Clerk".

ATTACHMENTS

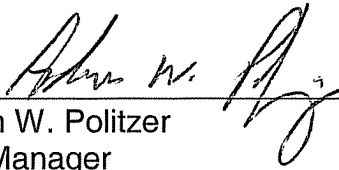
Draft ordinance.

REVIEWED BY:

MAW
Mary Wagner
City Attorney

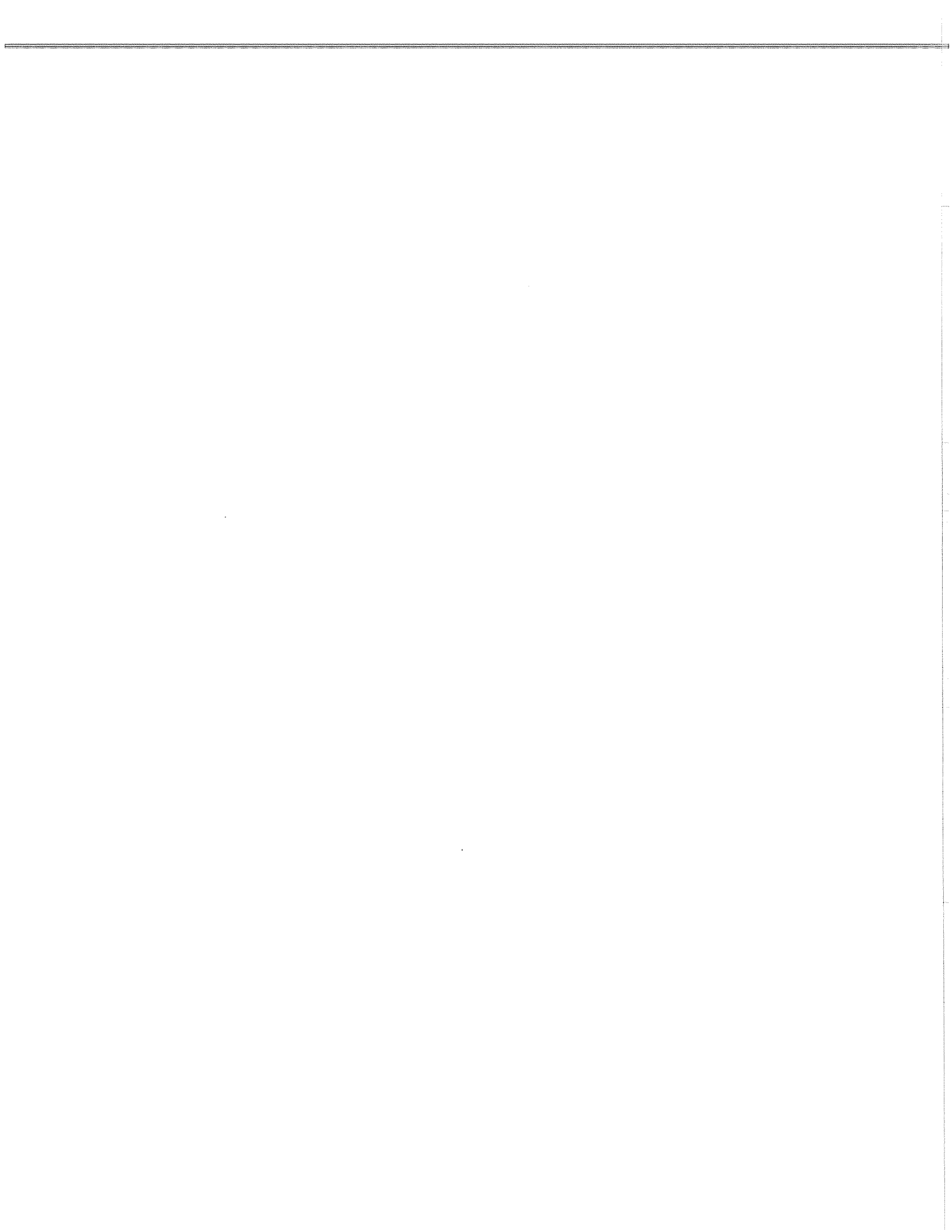
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SUBMITTED BY:



Adam W. Politzer
City Manager

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING CHAPTER 2.08.100 OF TITLE 2 OF THE SAUSALITO MUNICIPAL
CODE REGARDING THE APPOINTMENT OF A CITY CLERK**

WHEREAS, California Government Code Section 36501 sets forth the governing officers of a general law city, one being the City Clerk; and

WHEREAS, California Government Code Section 36510 states that the position of the City Clerk shall be appointed by and serve at the pleasure of the City Council unless the City Council, by ordinance, vests in the City Manager its authority to appoint such position; and

WHEREAS, according to Section 2.08.100 of the Sausalito Municipal Code, the City Manager does not currently have the authority to appoint the position of the City Clerk; and

WHEREAS, the City Council desires to amend Section 2.08.100 to give the City Manager the authority to appoint the position of the City Clerk, along with his/her duties to appoint, remove, promote and demote any and all other officers and employees of the city, except the city attorney and treasurer.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAUSALITO
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Section 2.08.100 of Title 2, Chapter 2.08 of the Sausalito Municipal Code is hereby amended as follows:

A. Section 2.08.100 is hereby added to read as follows:

“2.08.100 Power of appointment, removal, promotion and demotion. It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers, inclusive of the city clerk, and any and all employees of the city, except the city attorney and city treasurer, subject to the rules and regulations of the civil service commission.”

B. Unless otherwise amended pursuant to this Section 1, all of the remaining provisions of Chapter 2.08 shall remain in full force and effect.

SECTION 2.

If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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SECTION 3:

This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

SECTION 4:

This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Sausalito City Council on the ____ day of _____ 2009, and was adopted at a regular meeting of the Sausalito City Council on the ____ day of _____, 2009 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Mayor of the City of Sausalito

ATTEST:

Deputy City Clerk

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