



August 21, 2012

Honorable Members  
Mayor and Councilmembers  
Lemoore City Council

On behalf of the City Clerks Association of California (CCAC) this correspondence is respectfully submitted for your consideration. I am writing to encourage you to consider keeping the City Clerk an appointed City Clerk as opposed to a joint/shared position with the City Manager. I understand that you are considering such a consolidation.

As you may be aware, CCAC is a member-driven organization founded with the mission of promoting the profession of City Clerks through education, support and communication. The current membership of CCAC includes over 900 City Clerks, Assistant and Deputy City Clerks, Special District clerks and other similar positions.

Given that the City Clerk position is a statutory position, the existence of which is codified in Government Code Section 36501, the responsibilities of this position should not be taken lightly. The City Clerk is legally and statutorily responsible for a variety of duties, including but not limited to, the following:

- Local Elections Official for Regular and Special Municipal Elections Including Nomination and Election of Legislative Bodies, Initiatives, Referendums and Recalls - Elections Code, Various Sections Throughout Entire code
- Local Filing Officer for Annual Statements of Economic Interest (form 700) and Campaign Disclosure Forms - Political Reform Act of 1974, Government Code Section 81000 et seq.
- Ralph M. Brown Act Compliance Officer - Government Code Section 54950 et seq.
- Public Records Act Compliance Officer - Government Code Section 6250 et seq.
- Financial Report Publication - Government Code Section 40804
- Weed Abatement Publications and Noticing - Government Code Sections 39566, 39567
- Custodian of Financial and Legislative Records - Government Code Sections 40801, 40802 and 40808
- Custodian of City Seal - Government Code Section 40811
- Official to Administer Oaths-Government Code Sections 36507-40814
- Ordinance Publication and Adoption - Government Section 36933
- Warrants, Register of Demands, Payrolls - Government Code Sections 37203, 37207, 41004
- Assessor Filing Officer - Government Code Sections 40810, 41204, Business and Professions Code Section 5499.6
- Annexations and Street Lighting Assessments - Streets and Highway Code Sections 8296, 8734, 18040, 18151

In addition to some of the statutory responsibilities list above, many City Clerks also handle contracts administration, codification, insurance tracking, general liability claims, subpoenas, passport processing and a variety of others tasks needed by the City and community they serve.

I would like to share an analogy with you. Consider the city as a triangle of *Policy-Process-Product*.

- The City Council establishes the *Policy*—establishing vision and direction for the community’s future.
- The City Clerk oversees the *Process*—ensuring that the decision-making process complies with federal, state, and local regulations and that it is properly recorded.
- The City Manager provides the *Product*—which is the primary reason for the existence of local government: to provide services to the taxpayer that the taxpayers cannot (or will not) provide for themselves.

Success in public service requires an even-sided triangle. The City Council, City Clerk, and City Manager must understand and respect each other’s roles and share an obligation in maintaining this balance.

CCAC is aware of and sympathizes with the plight of local governments in these challenging economic times with respect to declining revenue sources and increased personnel costs. While we can appreciate the need for fiscal responsibility in these times, we would also bring attention to the liabilities associated with non-performance of statutory duties and the long-term costs associated with the same through legal challenges.

We respectfully ask that you consider the above comments. Please feel free to give me a call at 916.804.2544 should you have any questions regarding the above.

Respectfully submitted,

Shirley Concolino MMC  
President

c: CCAC Executive Board