


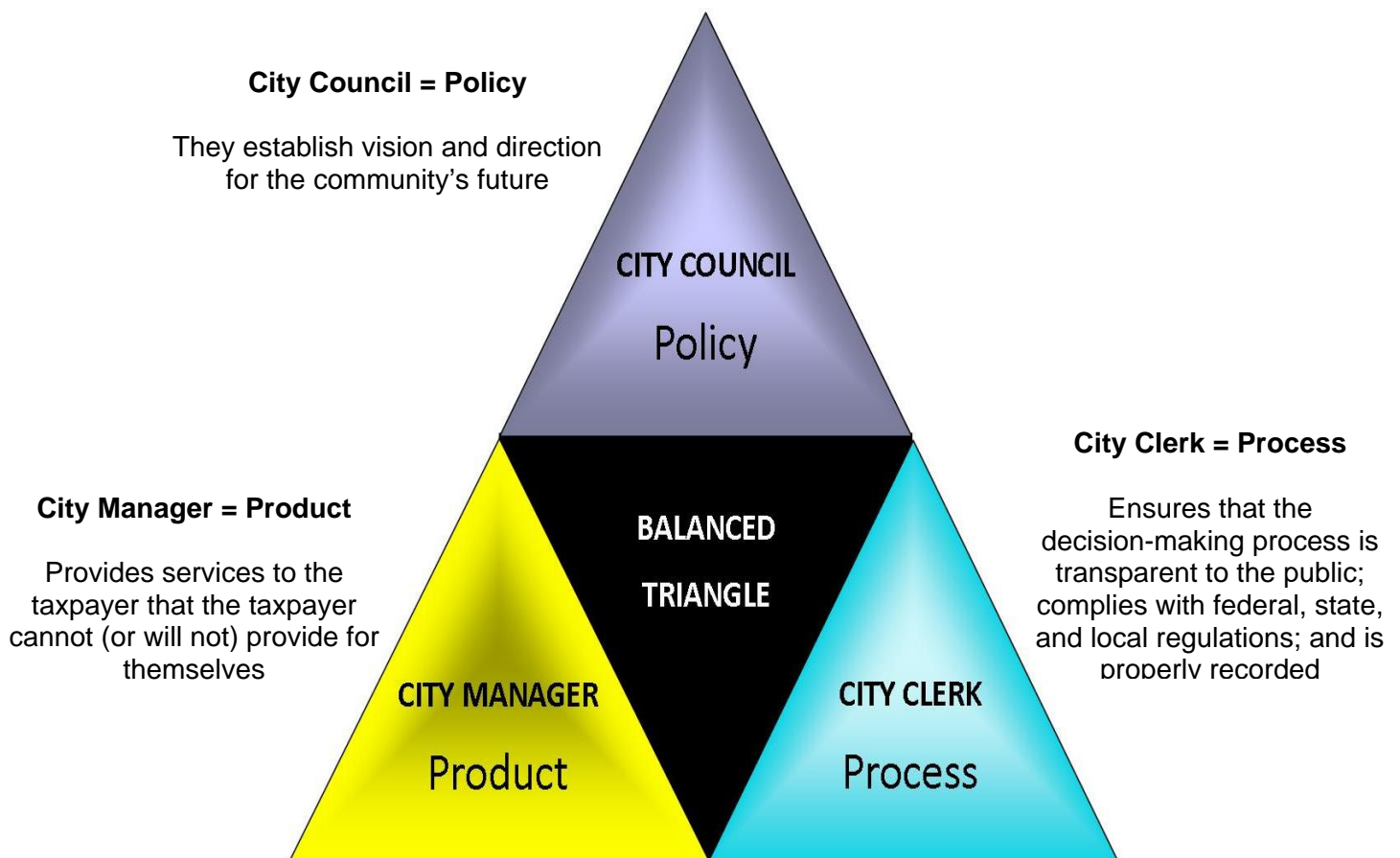
WORKING WITH YOUR CITY CLERK

The City Clerk is the local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public. The City Clerk acts as a compliance officer for federal, state, and local statutes including the Political Reform Act, the Brown Act, and the Public Records Act. The City Clerk manages public inquiries and relationships and arranges for ceremonial and official functions

www.californiacityclerks.org 

Public Service—A Balanced Triangle

Success in public service requires an even-sided, balanced 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.



Advocates for Democracy

Elected Officials, City Managers and City Clerks shoulder equal responsibility in preserving and promoting democracy, the very backbone of our society. The more we invite public participation, the more democracy will thrive, and citizens will take pride in shaping the community's future. The balance of power in local government is crucial to a democracy. Power ultimately resides with the governed, but only when the laws and actions are clearly set forth and records are accessible can people exercise their right of oversight. When people exercise their rights, democracy thrives and communities take shape and prosper.

The Role of the City Clerk

Thousands of statutes and regulations exist which protect democracy and provide a system of "checks and balances." It is the city clerk's responsibility to ensure compliance with these laws, which are complex and constantly changing and evolving. The city clerk, as the local official, must have the professional education, training, and knowledge necessary to understand and administer these laws. The city clerk is your partner in democracy.



Office of the City Clerk

- Elections Official
- Local Legislation Auditor
- Municipal Officer
- Political Reform Filing Officer
- Records & Archives
- Public Inquiries & Relationships
- City Council Support Services

Elections Official

Per Elections Code 320, the City Clerk is the Elections Official for the City, unless the City Council has by resolution requested that the board of supervisors permit the county clerk to render specified elections services to the city

- Voter Registration
- Conduct Stand-Alone or Consolidated Elections for Council/Mayor/Treasurer/City Clerk
- Ballot Measures/Charter Amendments
- Initiative (Elections Code 9214)
- Referendum (Elections Code 9236)
- Recall (Elections Code 11360)

California Law: www.leginfo.ca.gov

Local Legislation Auditor

Per Gov. Code, the City Clerk is responsible to ensure that the Brown Act (Gov. Code 54950 et. seq.) is followed. The Brown Act was enacted to ensure all actions are taken openly and that all deliberations are conducted openly. It is a misdemeanor if an elected official deliberately deprives public of information.

- Public Notices/Public Hearings
- Contracts and Agreements
- Bonds and Insurance
- Authority to Execute Instruments
- Ordinances & Resolutions
- Municipal Code

League Publication: Open & Public IV (To order call: (916) 658-8247)

Municipal Officer

The City Clerk is one of five positions that Government is vested in: Per Gov. Code 36501, general law cities are required to be governed by a City Council, City Clerk, City Treasurer, Chief of Police, Fire Chief, and such subordinate officers or employees as required by law.

- Clerk of the Council (Gov. Code 36814)
- Perform Attestations (Gov. Code 40806)
- Administer Affirmations/Oaths of Office (Gov. Code 40814) (Gov. Code 36507)
- Maintain Custody of City Seal (Gov. Code 40811)
- Accept Subpoenas and Lawsuits (Gov. Code 37105)
- Countersign General Obligation Bonds (Gov. Code 43623 43625)
- File Official Bonds (Gov. Code 36520)

Political Reform Filing Officer

The Political Reform Act of 1974 (Gov. Code 83111) addresses the financial conflicts of interests of public officials through disclosure of the official's economic interests and prohibitions on participation in making decisions that the official knows or has reason to know will result in a material financial effect on one of the official's economic interests. The City Clerk serves as the compliance officer in matters pertaining to the Act.

- Filing Official for Form 700 – Statement of Economic Interests - Disclose personal assets and income—disqualify yourself if decision affects personal financial interests.
- Filing Officer for Campaign Finance Forms – 460, 470, 495, 510 etc. - Campaign Statements and Reporting - Elected officials shall respond to wishes of all citizens equally, contributors shall not gain disproportionate influence over others.

www.fppc.ca.gov

FPPC Manual 2 for Local Elected Officials

FPPC Help Line: 1-866-275-3772 – Elected officials should contact FPPC directly and avoid asking City Clerk to ask questions for them.

California Law: www.leginfo.ca.gov

California Code of Regulations: www.calregs.com

Records & Archives

The Public Records Act (Gov. Code 6250) was enacted to provide access to information that enables the public to monitor the functioning of their government. This right of access to information concerning the conduct of the people's business is a fundamental and necessary right of every person. As the Custodian of Records for the City, the City Clerk is responsible for ensuring compliance with the Public Records Act.

- **Receives and Answers Public Records Request** – With few exceptions, only records available to the public are disclosable to elected officials. Records exempt from disclosure include personal information, medical information, crime/intelligence records, voter records, utility usage records.
- **Indexing, Research & Retrieval**
- **Records Retention** – All correspondence received/sent by Council Member shall be directed to the City Clerk for proper disclosure/indexing/retention. Includes e-mails.

League Publication: The People's Business (To order call: (916) 658-8247)

- **Maintains and Produces Minutes of the Meetings of the City Council, Commissions and Committees**
 - History and legal record.
 - Record of actions and proceedings
 - Refresh recollection.
 - Gives reader sufficient understanding of proceedings
 - Are not transcriptions.
 - Are not an exact record of discussions and conversations
 - Are not "to do" lists.

Public Inquiries & Relationships

The City Clerk serves as a liaison between the public and the City Council. The City Clerk provides easy access to information and serves as a guide to open participation in the decision- and policy-making process. The City Clerk is often the first person a member of the public contacts when seeking assistance from the City Hall.

City Council Support Services

The City Clerk provides support services to the City Council in many ways.

- **Ceremonial Functions**
- **Resolutions, Commendations, Awards**
- **Administrative**
- **Commissions**
- **Resources**
- **Research**
- **History, Institutional Knowledge**