



Agenda Statement

File #: ORD 22-0005 **Version:** 1
Type: Ordinance **Status:** Second Reading
File created: 3/9/2022 **In control:** City Council
On agenda: 5/4/2022 **Final action:**
Title: #22-05 - Amending Chapter 2.12, Section 2.12.030, Titled Deputy City Clerk Appointment. Second Reading. Adoption.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 22-05- Amending Chapter 2.12 Section 2.12.030 Deputy City Clerk. JWS Approved.

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|-----------------------------|--------|
| 5/4/2022 | 1 | City Council | approved | Pass |
| 4/19/2022 | 1 | City Council | introduced on first reading | Pass |

ITEM TITLE:

#22-05 - Amending Chapter 2.12, Section 2.12.030, Titled Deputy City Clerk Appointment. Second Reading. Adoption.

SUBMITTED BY: Sheri Pierce, MMC, City Clerk

FISCAL NOTES:

Expenditure Required: NA
Unencumbered Balance: NA
Funding Source: NA

RECOMMENDATION:

[Click here to enter text.](#)

SUMMARY STATEMENT:

The City Charter directs that the City Clerk “shall hire as necessary a Deputy City Clerk, whose selection shall be ratified by the City Council” (Charter Section 5.4 (h)).

Language was created in the Municipal Code which expanded the role of the city council to include determining compensation and terms of employment. Since the Deputy City Clerk is not an “at will” employee, a classification has been established for the position on the city pay scale and the employee is currently protected under the section of the city personnel regulations regarding disciplinary and dismissal actions. The City Clerk performs the Deputy City Clerk evaluation and compensation is based on the section of the city personnel regulations which governs merit increases and advancement on the city pay scale. Therefore, the current language in the municipal

code which speaks to the city council setting compensation and terms of employment is contrary and conflicting. However, as established in the Charter, the city council will still ratify the selection of the Deputy City Clerk.

The municipal code also establishes this employee as “non-exempt”, meaning the Deputy Clerk is eligible to accrue overtime compensation. It is my recommendation that this position be classified as “exempt” equal to all other senior level positions in the city. The duties and qualifications required of the deputy city clerk satisfy FLSA requirements for exempt status.

If this ordinance is adopted, Section 5.1 of the city personnel regulations will need to be amended to reflect these changes.