

## **RESOLUTION 2017-115**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ACCEPTING THE RESIGNATION OF CITY CLERK TED DENNEY; DETERMINING TO FILL THE VACANCY BY APPOINTMENT; AND GIVING DIRECTION ON THE APPOINTMENT PROCESS TO FILL THE REMAINING TERM OF OFFICE (2014-2018)**

WHEREAS, on May 15, 2017, City Clerk Ted Denney submitted his resignation effective June 30, 2017;

WHEREAS, under state law, the City Council has sixty (60) days to either appoint someone to fill the remainder of the term of office or call for a special election;

WHEREAS, in order to qualify for the position, a candidate or applicant must be a registered voter and reside in the city of San Pablo;

WHEREAS, the statutory duties of an elected City Clerk are set forth in Government Code sections 40801-40812 as follows; the City Clerk shall: (1) keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively; (2) is the accounting officer of the city and shall maintain records readily reflecting the financial condition of the city; (3) shall cause a summary of the city's financial report in a form prescribed by the State Controller; (4) keep a book marked "ordinances"; (5) is the custodian of the city seal;

WHEREAS, as is common in many cities, the finance and accounting duties have been transferred to the City's Finance Director and the taxing duties to the County and in practice, all City Clerk duties and responsibilities for the City are performed by the Deputy City Clerk, except for the more ceremonial duties at City Council meetings;

WHEREAS, the cost of a special election is estimated to be approximately \$50,000 and, therefore, staff recommends that the City Council follow a process to appoint a successor to fill the vacancy and not hold a special election;

WHEREAS, because the cost of a special election is estimated to be approximately \$53,000, the City Council determines that it would be more financially responsible to the taxpayers of the City to appoint a successor to fill the City Clerk vacancy; and

WHEREAS, the appointment process timeline would be as follows: City staff would accept applications from interested parties who apply with the City Manager's Office by 6:00 pm, Monday, July 10, 2017 and meet the residency and voter registration requirements; with the expectation that interviews with the City Council would be scheduled for the July 17, 2017 City Council meeting at which time the City Council would make their appointment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES RESOLVE AS FOLLOWS:

1. The foregoing recitations are true and correct, and are adopted herein by reference; and,

2. The Office of the City Clerk is declared to be vacant as of June 30, 2017 with the resignation of City Clerk Ted Denney, and the City Council intends to appoint a qualified elector of the City to fill the remainder of such term of office per the procedural timeline detailed above.

\* \* \* \*

Adopted the 5<sup>th</sup> day of June, 2017, by the following vote:

AYES:	COUNCILMEMBERS	Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS	None
ABSENT:	COUNCILMEMBERS	Cruz
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Ted J. Denney  
Ted J. Denney, City Clerk

/s/ Cecilia Valdez  
Cecilia Valdez, Mayor