


TO: City Council

FROM: James L. App, City Manager 

SUBJECT: City Clerk Vacancy

DATE: June 1, 1999

---

**NEEDS:** For the City Council to fill the vacant City Clerk position.

- FACTS:**
1. The elected City Clerk has resigned her Office effective May 31, 1999 (attached).
  2. As prescribed in state law, the Council must fill the vacancy within 30 days of its occurrence, or call a special election for that purpose.
  3. The Council may appoint a replacement, or call a special election.
  4. Appointment can be made immediately, or pursuant to any process the Council may wish to prescribe. If election of a replacement is preferred, a special election could be called in no less than 88 days, and would cost approximately \$7,500.
  5. The successor, whether appointed or elected, serves until the expiration of the predecessor's term, i.e., November 2000 (unless an interim appointment is made pending a special election - in that case, the interim appointee serves only until a successor is elected and seated; the elected successor would then serve the remainder of the elected predecessor's term, i.e., November 2000).
  6. An elected City Clerk must be a resident and registered voter of the City. An appointed City Clerk may be required to live within a reasonable distance of the City limits.
  7. An officer appointed or elected to fill a vacancy has all the rights and privileges of the prior officeholder (exception: if a City employee is appointed or elected, they would not receive the Clerk's \$300 monthly stipend).

**ANALYSIS & CONCLUSION:** Upon appointment or election, the responsibilities of the City Clerk include:

- Take & index City Council meeting minutes; and
- Attest, publish, post, & maintain City ordinances; and
- Hold the City seal; and
- Administer oaths of office; and
- Assure conduct of municipal elections in accordance with State Election Code, if there is an occasion when the County Clerk is not acting as the Election Officer; and
- Process Public Official economic interest statements; and
- Other related administrative, filing and processing duties.

**POLICY**

**REFERENCE:** California Government Code Sections 1777, 34902 (a), 36502, 36512, & 40800 et. seq.

**FISCAL**

**IMPACT:** None, unless a special election is called. A special election would cost approximately \$7,500.

- OPTIONS:**
- A. **Appoint an Individual of the Council's Choosing to Serve as City Clerk Until the Expiration of the Current Term (November 2000).**
  - B. **Appoint an Individual of the Council's Choosing to Serve as Interim City Clerk Until a Special Election Can be Conducted.**
  - C. **Amend, Modify or Reject the Options Above.**

Attachment: City Clerk's Resignation Letter



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

RECEIVED  
CITY MANAGER

MAY 12 1999

May 12, 1999

CITY OF PASO ROBLES

Mayor Duane Picanco  
City Councilmembers  
City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446

Dear Mayor Picanco,

This letter formally represents my resignation as the elected City Clerk of Paso Robles, effective May 31, 1999. It is with much regret and reluctance that I must step down at this time prior to fulfilling my term in office.

Over the course of the last several months, I have experienced some personal changes as well as changes with a support network within the office of the Administration that prohibits me from fulfilling my duties as City Clerk.

Most importantly, my recent employment with the City of San Luis Obispo prevents me from being able to take calls from the City of Paso Robles and to be available to a deputy city clerk during working hours. I do not feel it is conducive to the office of City Clerk to be unavailable and not provide the necessary services to the public and staff at City Hall.

I will continue in office and will offer as much guidance to the City as I can during the remainder of this month. State law requires the City Council to make an appointment of a City Clerk within thirty (30) days of my leaving office or a special election will need to be held.

This has been a difficult decision for me to make, but I must do what is in the best interest for myself as well as the City of Paso Robles. I appreciate the support of the City Council during my term in office and hope to continue my work as a volunteer in the community.

As City Clerk and a concerned resident of Paso Robles I would like to offer the following suggestions to the City Council in providing for an appointment of City Clerk:

1. It would be appropriate for the City Council to appoint a City Clerk who is a registered voter and resident of the City of Paso Robles.

2. Handle the appointment as you would if you were appointing someone to the Planning Commission.
3. Advertise publicly for interested parties to apply for the appointment and have a Committee of the Council and perhaps Marcia Torgenson, City Clerk in Atascadero assist with the interviews. (The appointed City Clerk has the authority to appoint a staff person or anyone else as their Deputy City Clerk. Keep in mind that the appointed City Clerk should allow themselves a minimum of 15 hours per week to perform those duties of City Clerk, in addition to attending the City Council meetings.)
4. The appointed City Clerk should be encouraged to run for the elected office. It would be in the interest of the residents of Paso Robles to have the continuity through the year 2004.

Should the need arise to contact me during working hours you may leave a message at 237-3898, Ext. 612 or fax me at (805) 239-3830. I will return your call or fax as soon as I can.

Many, many thanks go out to those in the community who have been supportive and offered their time and wisdom to me during my term. Thank you all.

Sincerely,



Madelyn Paasch  
City Clerk

C: Country News Press  
The Tribune  
City Manager