

ORDINANCE 09-1

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 2 (ADMINISTRATION), ARTICLE III (OFFICERS AND EMPLOYEES) AND CHAPTER 26 (ELECTIONS), ARTICLE II (CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; FAIR CAMPAIGN PRACTICES) SECTIONS RELATING TO THE POSITION OF THE CITY CLERK

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Concord Municipal Code Chapter 2 (Administration), Article III (Officers and Employees), Division 2 (Compensation), Section 2-101 (City Clerk) is hereby deleted in its entirety.

Section 2. Concord Municipal Code Chapter 2 (Administration), Article III (Officers and Employees), Division 4 (City Manager), Subsection 2-143(2) is amended to read as follows:

- (2) To employ, discipline, or remove all heads of departments and all subordinate officers and employees of the city, to transfer employees from one department to another, and to consolidate or combine offices, designate departments and department head titles, and positions under his jurisdiction, with the approval of the City Council in each instance; however, nothing herein contained shall apply to the City Treasurer or the City Attorney; provided further the authority given the City Manager under the terms of this paragraph shall be subject to any civil service or personnel system now or hereafter established by ordinance

Section 3. Concord Municipal Code Chapter 2 (Administration), Article III (Officers and Employees) is amended by adding new Division 6, City Clerk, to read as follows:

Sec. 2-163--2-179. Reserved.

DIVISION 6. CITY CLERK

Sec. 2-180. Appointment of City Clerk.

- (a) As of November 4, 2008, the City Clerk shall no longer be an elective official of the City of Concord. Rather, from and after November 2, 2010, or upon an earlier vacancy in the office of the City Clerk, the City Clerk shall be appointed solely on the basis of an objective evaluation of his/her administrative qualifications.
- (b) The City Clerk need not be a resident of the city at the time of his/her appointment.
- (c) Though the City Clerk shall hold office at the pleasure of the City Council, the City

1 Council has delegated the authority to appoint the City Clerk to the City Manager.

2 Sec. 2-181--2-200. Reserved.

3 **Section 4.** Concord Municipal Code Chapter 26 (Elections), Article II (Campaign
4 Contributions and Expenditures; Fair Campaign Practices), Section 26-31 (Definitions), the definition
5 for "Election cycle" is amended to read as follows, all other terms and definitions in this section
6 remain unchanged:

7 *Election cycle.* For each elective city office, the term "election cycle" means a two-year period
8 of time commencing January 1st after an election and ending at midnight on December 31st
9 for the same office. The offices of City Council and City Treasurer shall be subject to the
10 election cycle as stated herein.

11 **Section 5.** Concord Municipal Code Chapter 26 (Elections), Article II (Campaign
12 Contributions and Expenditures; Fair Campaign Practices), Subsection 26-37(a) is amended to read as
13 follows:

14 (a) In addition to other duties required by law, the City Clerk shall monitor all campaign
15 statements filed with the city. The City Clerk shall:

16 (1) Determine whether the campaign statement required by this article has been
17 timely filed with the City Clerk; and

18 (2) Determine if any reported contributions on any campaign statement exceed the
19 allowable maximums established by this article.

20 **Section 6.** Concord Municipal Code Chapter 26 (Elections), Article II (Campaign
21 Contributions and Expenditures; Fair Campaign Practices), Subsection 26-37(b) is hereby deleted in
22 its entirety and subsections (c) through (e) become (b) through (d).

23 **Section 7.** This Ordinance No. 09-1 shall become effective thirty (30) days following its
24 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
25 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
26 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
27 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
28 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and

1 once within fifteen (15) days after its passage and adoption, including the vote of the
2 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
3 Concord.

(d)(5)

Laura Hoffmeister
Mayor

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7 ATTEST:

(d)(5)

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9 Mary Rae Lehman, CMC
City Clerk

10
11 (Seal)

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13 Ordinance No. 09-1 was duly and regularly introduced at a regular joint meeting of the City
14 Council and Redevelopment Agency held on April 13, 2009, and was thereafter duly and regularly
15 passed and adopted at a regular joint meeting of the City Council and Redevelopment Agency held on
16 April 27, 2009, by the following vote:

17 **AYES:** Councilmembers - G. Bjerke, M. Peterson, B. Shinn, L. Hoffmeister

18 **NOES:** Councilmembers - None

19 **ABSTAIN:** Councilmembers - None

20 **ABSENT:** Councilmembers - H. Allen

21 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
22 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

23 (d)(5)

24
25 Mary Rae Lehman, CMC
26 City Clerk
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