

ORDINANCE 2170

**ORDINANCE OF THE TOWN OF LOS GATOS PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 36510 DELEGATING AUTHORITY TO APPOINT
THE TOWN CLERK AND TOWN TREASURER AND AMENDING THE TOWN CODE
BY REPEALING SECTIONS 1.10.120 AND 2.30.035 REGARDING THE ELECTED
TOWN CLERK AND TOWN TREASURER AND APPOINTED CLERK
ADMINISTRATOR**

WHEREAS:

A Section 36508 of the Government Code provides that the Town Council may submit to the electors the question whether the elective office of Town Treasurer shall be appointive.

B. In February 2008 voters approved a ballot measure making the elected positions of Town Clerk and Town Treasurer appointive.

C. Section 36510 of the Government Code provides that if a ballot measure pursuant to section 36508 is approved by a majority of voters, the offices of Town Clerk and Town Treasurer shall be appointed by the Town Council upon expiration of the terms of the current elected office holders unless Council adopts an ordinance vesting in the Town Manager its authority to appoint such officers.

D. The terms of office of the elected Town Clerk and Town Treasurer will end on the date Council certifies the results of the November 4, 2008 consolidated election.

E. On October 1, 2001, Council adopted resolution 2001-110 establishing the appointed position of Clerk Administrator to handle the day-to-day responsibilities of the clerk function.

F. On June 21, 2004 Council adopted Ordinance No. 2133 amending the Town Code by adding section 1.10.120 providing, in essence, that the Clerk Administrator would be responsible for most of the duties of the Town Clerk as set forth in the Town Code. The elected Town Clerk retained responsibility over the duties expressly delegated by state law.

G. Town Code section 2.30.035 provides that the Town Council shall conduct an annual performance review and determine compensation for the elected Town Clerk and Town Treasurer.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS AS FOLLOWS:

SECTION I

The authority granted to the Town Council pursuant to section 36510 of the Government Code is hereby delegated to the Town Manager, who is authorized to select, appoint, supervise, and compensate as the Town Manager deems necessary within the ranges authorized by the Town Council, the Town Clerk and Town Treasurer. This delegation shall supercede any and all prior actions taken by the Town Council regarding the establishment, responsibilities, selection and compensation of the Town Treasurer, Town Clerk and Clerk Administrator.

SECTION II

Section 1.10.120 of Article I of Chapter 1 of the Los Gatos Town Code, section 2.30.035 of Article III; Division 1 of Chapter 2 of the Los Gatos Town Code, and Ordinance No. 2133 are hereby repealed in their entirety.

SECTION III

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

SECTION IV

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on November 3, 2008, and adopted by the following vote as an Ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on November 17, 2008. This Ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

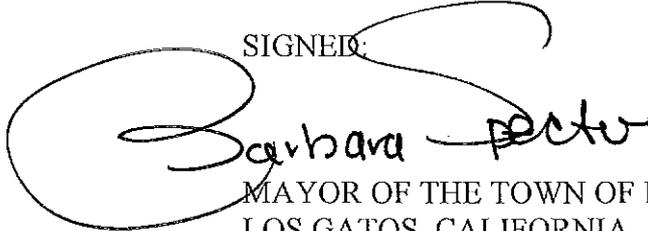
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Mike Wasserman, and Mayor Barbara Spector

NAYS:

ABSENT:

ABSTAIN:

SIGNER:

A large, stylized handwritten signature in black ink that reads "Barbara Spector". The signature is written over the printed name and title of the Mayor.

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

ATTEST:

A handwritten signature in black ink that reads "Jackie Rose". The signature is written over the printed name and title of the Clerk.

**CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**