

ORDINANCE 2133

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ARTICLE I OF CHAPTER 1 OF THE LOS GATOS TOWN CODE REGARDING THE RESPONSIBILITIES OF THE TOWN CLERK

WHEREAS, the Town is currently served by an elected Town Clerk whose primary statutory duties, including the maintenance of an accurate record of the proceedings of the Town Council (Government Code section 40801), maintenance of an ordinance book (Government Code section 40807), acting as custodian of the Town seal (Government Code section 40811) and administering oaths and certifying affidavits pertaining to Town affairs (Government Code section 40814), have been augmented from time to time by the Town Council with the addition of other duties including the administrative responsibilities associated with the operation of a Clerk's Department;

WHEREAS, the Town Council adopted Resolution No. 2001-110 establishing the appointed position of the Town Clerk Administrator with responsibility for performing all non statutory duties that had been delegated to the elected Town Clerk while ensuring that the elected Town Clerk retains responsibility for all statutory duties;

WHEREAS, the Town Code contains numerous references to the Town Clerk without distinguishing the non statutory duties that are delegated to the Town Clerk Administrator, thus creating confusion about whether the elected Town Clerk or the appointed Town Clerk Administrator is responsible for performing certain non statutory duties;

WHEREAS, the Town Code does not ensure that the statutory duties of the Town Clerk shall be delegated in the event the Town Clerk position becomes vacant or the Town Clerk is absent, unavailable, incapacitated or otherwise unable or unwilling to perform those duties; and

WHEREAS, the Town Council desires to amend the Town Code to eliminate the aforementioned concerns.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS:

SECTION I

Article I of Chapter 1 of the Los Gatos Town Code is amended to add section 1.10.120 to read as follows:

Sec. 1.10.120. References to Town Clerk in the Code

- (a) All references in this Code to the "Town Clerk" or "Clerk" are intended to refer to the Town Clerk Administrator, or other appointed clerk administrative positions as may be established from time to time by action of the Town Council or as the result of an election pursuant to Government Code section 36508, except:

- (1) With regard to those duties set forth in Government Code sections 40801, 40807

and 40811, which shall remain the duties of the Town Clerk unless otherwise determined in an election pursuant to Government Code section 36508;

- (2) The first reference to "Town Clerk" in section 2.30.011(b);
- (3) In section 2.30.295.

- (b) In the event that the position of Town Clerk becomes vacant or the Town Clerk is absent, unavailable, incapacitated or otherwise unable or unwilling to perform the duties set forth in Government Code sections 40801, 40807, 40811 and 40814, the Town Clerk Administrator, or other appointed clerk administrative positions as may be established from time to time by action of the Town Council, is hereby delegated the authority to perform said duties until such time as the Town Clerk is available and willing to do so.

SECTION II

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on June 7, 2004, 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 June 21, 2004. This Ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman,
Mayor Steve Glickman.

NAYS: None

ABSENT: None

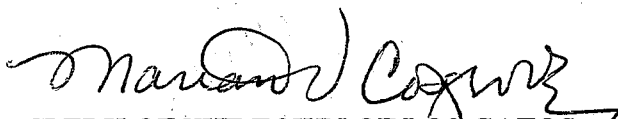
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA