

ORDINANCE NUMBER 1045

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REPEALING SECTION 2.09.015 OF THE PERRIS MUNICIPAL CODE AND ADDING A NEW SECTION 2.09.015 TO THE PERRIS MUNICIPAL CODE, REPEALING ORDINANCE NUMBER 1029 TO ELIMINATE THE POSITION OF CITY CLERK AS A CITY EMPLOYEE, TO SET FORTH THE STATUTORY DUTIES OF THE ELECTED CITY CLERK, TO ESTABLISH THE COMPENSATION OF THE ELECTED CITY CLERK AND DECLARING THE URGENCY THEREOF

WHEREAS, in 1995, after the Perris City Council ("City Council") was apprised that the City of Perris ("City") was on the verge of financial devastation, by its financial officers, the City Council began to make serious reductions in City expenditures, including closing City Hall to the public on Fridays, implementing a layoff of City personnel and eliminating non-essential City services; and

WHEREAS, in early 1996, after implementing even more cost saving measures, the City Council realized that, still, the City's budget was \$3.5 million short and that there was no new or additional revenue sources anticipated that could help keep the City solvent; and

WHEREAS, in March 1996, faced with potential bankruptcy, the City Council made difficult, prudent, financial decisions to preserve the immediate preservation of the public peace, health, welfare and safety of the people of the City such as to eliminate the Perris Police Department to contract law enforcement services with the Riverside County Sheriff, to layoff even more City staff and department heads to cut certain essential City services; and

WHEREAS, at this time the City is still suffering financially. The City is experiencing a budget shortfall in the amount of approximately \$400,000.00. Also, it has been deemed that the City is a "going concern" by its auditors, and that additional City staff has been laid-off and essential City services have been cut to a minimum due to the City's dire financial straits; and

WHEREAS, the elected city clerks in the cities of San Bernardino County and Riverside County are compensated as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, in light of the City's continuing financial problems, absent of the adoption of this ordinance, a disturbance of the peace, welfare and safety of the general public would result in that the City would suffer loss of essential services such as fire and police services; and

WHEREAS, as fiscally responsible legislators of the money of the taxpayers of Perris, the City Council shall set comparable compensation for the Elected City Clerk of the City of Perris.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris as follows:

Section 1. Perris Municipal Code Section 2.09.015 is repealed.

Section 2. New Section 2.09.015 is added to the Perris Municipal Code to provide the following:

"(a). The position of the City Clerk is elected. The Elected City Clerk (hereinafter "City Clerk") is not a City employee but rather an elected official charged with the operation and management of the office of the City Clerk. Therefore, accordingly, the City Clerk shall be required to perform the following State mandated duties only:

- i. Administer the office of the City Clerk;
- ii. Keep an accurate record of the proceedings of the City Council in minute books that shall have a comprehensive general index (Government Code Section 40801);
- iii. Keep a book marked "Ordinances" wherein recorded are all City ordinances with an ordinance number and the City Clerk's certification that the ordinance has been duly published and posted (Government Code Section 40806);
- iv. Maintain custody of the City Seal (Government Code Section 40811);
- v. Administer oaths or affidavits (Government Code Section 40814);
- vi. Perform duties set forth in state statute;
- vii. Perform certain duties related to elections as set forth in the California Elections Code that are delegated to the City Clerk, specifically.

(b). The City Clerk shall perform no other duties except as specified above.

(c). The City Clerk may appoint deputies to assist in the performance of his/her state-mandated duties as specified above for whose acts the City Clerk and the City Clerk's bondsman are responsible. Deputies serve at the pleasure of the City Clerk.

(d). The City Council shall establish the compensation of the City Clerk and his/her deputies by resolution pursuant to state law."

Section 4. Ordinance Number 1029 is repealed.

Section 5. It is necessary for the immediate preservation of the public peace, health, welfare and safety of the City that this ordinance take effect immediately to protect public safety, preserve the economic viability of the City, to ensure that the character of the community is preserved by providing the public with essential services.

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage of this ordinance by a 4/5's vote of the City Council and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this ordinance shall take effect immediately and be in full force and effect until repealed by the City Council.

ADOPTED, SIGNED and APPROVED this 4th day of March, 1997.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 1045 was introduced at a regular meeting thereof held on 10 March 1997 and adopted by the City Council of the City of Perris at the regular meeting thereof held on the 10th day of March, 1997, by the following called vote:

Ayes: Torres, Denney, Yarbrough and Landers
Noes: None
Absent: Long

CITY CLERK