

DATE: October 5, 2016

TO: Honorable Mayor John Rey
City Council

FROM: Jennifer Jeep Johnson, City Clerk

SUBJECT: Role of the City Clerk.

Having now served as appointed City Clerk for over a year, I have had an opportunity to evaluate the role of the City Clerk in DeKalb, including the interaction between the Clerk and City staff, as well as operations. I have formed recommendations regarding the model of City Clerk employed by the City based on that evaluation, as well as an examination of state statutes and City Code provisions. Additionally, I have examined the operating models of other communities.

The communities I examined use very different iterations of the City Clerk; some have elected Clerks, while some are appointed; some are full-time, whereas others are part-time. Additionally, the range of duties and level of responsibility varies greatly from community to community.

DeKalb has historically used an elected Clerk. Several years ago, the City Council changed the nature of the position from essentially a full-time, salaried position with benefits, to a very limited part-time position, compensated at \$5,000.00 per year. Over the years leading up to that change, and in the immediate aftermath, there were a number of duties that were delegated to City staff.

I conducted a meeting with members of the community to receive input on the role of City Clerk. There is currently a petition circulating to “restore” the role to that of a full-time position, which would bring several of those delegated duties back under the purview of the City Clerk. In this memo, I provide an analysis of many of those duties, the model of Clerk I believe would need to be employed in order to perform those duties, and conclude with my experience in the role.

1. Freedom of Information Act Responses: Prior to the aforementioned adjustment to the role, the City Clerk was responsible for handling Freedom of Information Act (FOIA) responses. Currently, FOIA responses are processed by City personnel, with Police FOIAs handled by Police Department Records personnel, and all others by Management Analysts.

The Current Process: When a FOIA request is received in one of a variety of formats (mail, email, in-person, or online submission form), a series of processing actions are triggered, based on the system created by the Management Analysts which is intended

to ensure that the processing meets statutory deadlines. This process ensures that the request is seen immediately, the proper deadline for response identified, and that the department housing the relevant records is contacted. It also allows for a proper tracking of the request to ensure that the City responds within the legally required timeframe. As previously discussed before Council, the City continues to experience growth in the number of FOIA requests received, as well as an increase in the complexity and scope of the inquiries.

The group of citizens with which I met were very clear FOIA inquiries should be handled by the elected City Clerk. They contend that the current system handles requests differently based on from whom the inquiry comes, and that they should be able to have simple questions answered without having to make a formal FOIA request. It is their position that the current system is costly, and that it would be cheaper to have a full-time Clerk handling these requests.

Given the demands of the FOIA process, it is my opinion that the City Clerk would need to be a “full time” position if responsible for FOIA. It is not reasonable to believe that a single person, whether staff or elected, could respond to all FOIA requests.

If Council chose to reassign FOIA requests to the City Clerk, it would certainly need to adjust the salary range to that of a full-time employee with experience overseeing employees, as well as provide a budget for the office of the Clerk that would allow for the hiring of additional staff to help attend the other duties of the Clerk.

2. Informal Responses to Questions and Concerns: Because of the strict language and high standards of FOIA, the City is forced to respond to many public inquiries as FOIA requests. It has been communicated to me several times, and reiterated during the meeting I held, that the public is frustrated by having to file a FOIA request for every inquiry. The City Clerk should be able to serve as an elected point of contact for citizen inquiries that do not rise to the level of a FOIA request. I have worked to fulfill this role and provide answers to citizens with questions about City processes or actions, but have done so without proper resources to do it consistently.

To properly fill this role, the Clerk would likely want to conduct regularly scheduled office hours at City Hall at designated times, which would increase the demand of the position upon the elected, or person filling the role. It is important to note that citizen inquiries directed to the Clerk are from the City at large, not one ward.

3. Permits and Licenses: At one time, many City-issued permits and licenses were processed through the City Clerk’s office. At present, nearly all of the permits and licenses (other than building and development related permits) are processed through the Finance Department. For permits that require coordination across departments, the Finance Department personnel have created a process that provides for input from all of the affected areas. For permits that require minimal processing, the Finance Department can issue permits directly.



Under City Code Section 3.08, and with the Council-Manager form of government that the City uses, most of the City's licenses are issued under the authority of the City Manager, or her delegates. Permit and license fees are ordinarily handled by the Finance Department regardless of which department issues it.

This is another duty that citizens have communicated they'd like to see back under the direction of the City Clerk. It was expressed that the current systems are not clear, and that there should be an easier way to receive guidance through the application process.

I do not believe that the City Clerk could oversee licenses and permits on a part-time basis, so do not encourage Council to include them in the Clerk's duties unless they change the role to that of a full-time position.

I do believe that the Clerk could facilitate the permitting and licensing processes in an informal capacity (as with FOIA) on a part-time basis, to help coordinate communications between the City and the public.

I have discussed this matter with the City Manager's office to identify certain updates that could be considered in providing information to the public. Among the idea that have been circulated are:

- Providing information videos on the City's website explaining how one applies for licenses or permits.
- Identifying a "business ombudsman" to meeting with new businesses, and help answer their questions regarding City requirements.

4. Record Retention, Ordinances, and Resolutions: I regularly receive questions regarding how the City retains records, and how ordinances and resolutions are generated. I have looked at how the City retains those records, and believe that the City is complying with its obligations, but I also have suggestions on how to improve transparency. Those suggestions include:

- Create an online archive of signed ordinances or resolutions on the City's website that are indexed by ordinance or resolution number (in addition to the current practice of updating the City's Municipal Code and having unsigned documents in the Council agenda packets). Please note that Deputy Clerk Ruth Scott has been working to fulfill this task, and anticipates that all of the resolutions and ordinances from 2012-2016 will be available by early November.
- Clarify or highlight links to YouTube videos of City Council meetings on the City's website, and where possible, directly relate those to the City Council minutes.
- Provide a public presentation that explains the current process for agenda creation, using the City's recent upgrade to the Agenda Center on the website.



I have received concerns that there are sometimes language changes between when an ordinance or resolution is approved by Council, and when it is signed, and sealed. It is the belief of the citizens from whom I received feedback, that the presence of a full-time Clerk would prevent such occurrences, as it would allow for the Clerk to better follow the language from first reading through the process.

5. Deputy City Clerks: As the position is presently configured as a limited part-time position, I have made use of the Deputy City Clerks to assist in the performance of Clerking duties in a variety of ways. On a daily basis, Deputy Clerks are used to sign documents, and otherwise perform the administrative formalities of the City Clerk's office, and ensure that the City operations proceed smoothly. For official City meetings where the Clerk is required to take the meeting minutes, I have coordinated with the appointed Deputy Clerks to ensure appropriate meeting coverage. Deputy Clerks may be asked to cover a meeting where I have a conflict, and am unable to attend. Perhaps more importantly, I have worked with staff from time to time to identify appropriate persons to take minutes based upon meeting needs.

For example, for the joint meetings of the City Council and Finance Advisory Committee, I have worked with the Finance Department to identify an appointee that can take meeting minutes and ensure that the meetings accurately reflect the financial points discussed and reviewed. As the discussions at those joint meetings can often delve into very detailed financial issues, I believe the interests of the City are best served by having the minutes prepared by a Deputy Clerk who understands the intricacies of the topics. As the meetings are open to the public and minutes are intended to reflect the discussion that ensues, I believe the public is best served by the production of meeting minutes that are detailed, and technically accurate.

I do believe that it is incumbent upon the Clerk herself to select Deputy Clerks, and to identify pending City meetings where a Clerk or Deputy Clerk is required to take minutes. I have worked with the City staff to ensure that this important responsibility is fulfilled, and I have worked with the Deputy Clerks that I have selected to ensure that they understand my expectations.

It is worth noting that I received input at the public forum that there are certain duties of the Clerk that citizens do not want to see delegated, despite the fact that it is legally permissible to do so. Among those duties are: utilizing the City Seal, and signing documents. It is my opinion that a Clerk needn't be full-time to meet these duties, but that they'll remain delegated to ensure efficiency if the role isn't brought up to at least a true part-time position.

6. Office of the Clerk: One of the major themes of the feedback I received is that of access, including: documents, information, and the elected official holding the office. It is worth noting that it is important to the citizens with whom I met that the Clerk not only have an office in terms of a dedicated space, but also in terms of an independent role.



Conclusion: In my time as City Clerk, I have found City staff to be responsible and professional in attending to my questions and role. I have never made a request of them which was not met promptly. I am confident that they will continue to work effectively with the City Clerk, regardless of how Council chooses to proceed with the role.

The role is a limited, part-time position as currently established, and paid a fixed sum of \$5,000.00 per year. That compensation does not reflect the amount of effort the role requires. I believe Council should seriously consider increasing the pay to reflect the amount of work performed by the City Clerk, even if they choose not to alter the duties. If left part-time, the model should more closely approximate compensation of the Mayor, as the person seeking the position is required to run in a City wide election, gather the same amount of signatures, and is an elected representative of the whole City. In addition, it is the only role that requires production of a work product, and must meet statutory requirements, and deadlines.

I have provided this memo to the City Council to outline the feedback I've received in my capacity as City Clerk, and in consideration of the best ways of serving the public while fulfilling the City's obligations.

