



CITY OF BLYTHE

235 North Broadway / Blythe, California 92225
Phone (760) 922-6161 / Fax (760) 922-4938

September 28, 2010

Riverside County Grand Jury
P.O. Box 829
Riverside, CA 92502

Re: 2009-2010 Grand Jury Report: City of Blythe – City Clerk

Forwarded herewith, as adopted this date by the City Council, is the City's response to the 2009-2010 Grand Jury Report issued June 28, 2010 and released to the public after the close of business June 30, 2010.

Background

The City wishes to clarify some of the background information contained within the Grand Jury report which states, in part, "The former city clerk retired from her full-time city position as human resources director, reporting to city manager, and chose not to run for re-election".

The foregoing is incorrect. The retired city clerk's full-time position was that of Personnel/Safety Manager, not Human Resources Director, and therefore did not have department head status. Furthermore, she did not report to the City Manager as stated but reported directly to the Finance Director.

Grand Jury Findings

1. The former city clerk was derelict in her duties, in that she failed to provide written minutes of city council meetings for a period exceeding one year in violation of Government Code section 40801: "The City Clerk shall keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index."

The former city council was derelict in its responsibilities in allowing the minutes to fall behind without taking corrective action.

City Response: Agree with the first paragraph, disagree with the second paragraph

With respect to the second paragraph, it should be noted that, as an elected official, the City Clerk is not subject to direction from the City Council and is answerable only to the electorate. As such, the City Council had no authority to take "corrective

action". With that being said, however, the City Council recognized the importance of the issue and repeatedly asked the City Clerk for an update and encouraged her to complete the task. The City Council also directed staff to include a list of Minutes not yet completed as a standing, agenda item for every City Council meeting until completed.

2. The current city clerk is also a full-time administrative secretary for the City of Blythe. She reports to the city manager, which appears to be a conflict of interest.

City Response: Partially agree; the current City Clerk works as an Administrative Assistant under the direction of the City Manager. Furthermore, except for residency status, there are no requirements for running for an elected position nor are there any prohibitions against a City employee serving as the City Clerk.

A formal opinion of the City Attorney states that there is no conflict of interest.

Grand Jury Recommendations

1. The current city clerk should continue to transcribe tapes of prior city council meetings for approval by the city council with a target completion date of July 30, 2010. The city council should ensure that the minutes of a meeting are completed in time to vote for adoption at the next scheduled meeting.

City Response: The last set of Minutes from City Council meetings held under the tenure of the previous City Clerk were adopted by the City Council on August 10, 2010. As such, all City Council Minutes are current.

The City Clerk and Deputy City Clerk should be commended for the work done in preparing Minutes that were the responsibility of the previous City Clerk in addition to keeping up with the Minutes of more recent meetings. It should be noted further that, since being sworn in as the new City Clerk on December 8, 2009, she has worked many additional hours in an effort to resolve the backlog.

As for ensuring "...that the minutes of a meeting are completed in time to vote for adoption at the next scheduled meeting", again, that is something not within the purview of the City Council. As long as the City Clerk is elected, she is not subject to direction from either the City Council or staff. Having said that, however, it should be noted that the current City Clerk is always current with the latest Minutes and has demonstrated her exemplary work ethic in addressing the backlog while simultaneously keeping new Minutes current.

2. The City Council should place a measure on the ballot for the next city election, transferring the position of city clerk from an elected to an appointed position, reporting to the city council. Utilizing time in her position as assistant to the city manager to perform clerk duties should not be permitted.

City Response: Partially agree; the next City election will be held in November 2011, however the term of the current City Clerk will not expire until the fall of 2013. The City may consider the recommendation as that time draws closer.

Finally, the City disagrees with the statement "Utilizing time in her position as assistant to the city manager to perform clerk duties should not be permitted". Blythe is a small municipality with a non-specialized workforce requiring FLSA-exempt employees, such as the Administrative Assistant, to wear many hats. In these economic times that have required the City to effect numerous layoffs, it is impractical to prohibit any one employee from performing a critical task. However, the City is willing to explore improvements to the status quo as resources permit.

Conclusion

The City of Blythe appreciates the work of the Grand Jury as well as the opportunity to comment on its findings and recommendations.

Sincerely,

A handwritten signature in black ink that reads "Joey DeConinck". The signature is written in a cursive, flowing style.

Joey DeConinck
Mayor