

ORDINANCE NO. 19-OR0596-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 2, ARTICLE II, SECTION 2.10(d) OF THE OCEANSIDE CITY CODE BY MAKING THE POSITIONS OF CITY CLERK AND CITY TREASURER APPOINTIVE BY THE CITY MANAGER SUBJECT TO VOTER APPROVAL

WHEREAS, the City Council of the City of Oceanside has directed staff to prepare a ballot measure to permit the voters to decide whether the Offices of City Clerk and City Treasurer should be appointed by the City Manager; and

WHEREAS, Government Code section 36510 provides that if a majority of voters approve the proposed ballot measure, "the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers."; and

WHEREAS, the purpose of this ordinance is to delegate the power to appoint, remove, promote, suspend and/or demote the City Clerk and City Treasurer consistent with the City Manager's existing authority over department directors pursuant to Chapter 2 of the Oceanside City Code, applicable administrative directives and personnel rules of the City; and

WHEREAS, this ordinance will not be effective and shall not be codified unless and until the electorate approves a ballot measure making the offices of City Clerk and City Treasurer appointive in accordance with Government Code sections 36508 and 36509; and

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Subdivision (d) of section 2.10 of the Oceanside City Code is amended to read as follows:

(d) *Power of appointment, etc.* It shall be the duty of the city manager and he or she shall have the authority to appoint, remove, suspend, promote and demote any and all appointive officers and employees of the city, including the positions of City Clerk and City Treasurer, in accordance with the personnel ordinances and personnel rules and

1 regulations of the city, except those officers appointed specifically by the city council,
2 namely, the city attorney and special auditor

3 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this
4 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
5 days after its passage in a newspaper of general circulation published in the City of Oceanside.

6 SECTION 3. This ordinance shall not take effect and shall not be in force until the
7 electorate has approved a ballot measure making the City Clerk and City Treasurer positions
8 appointive and the City Council has certified said elections results.

9 SECTION 4. Consistent with Government Code section 36510, the City Manager shall
10 not have the authority to appoint the positions of City Clerk and City Treasurer until the
11 expiration of the current terms of the officers now in office unless a vacancy is created in either
12 office.

13 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
14 California, held on the 21st day of August, 2019, and, thereafter,

15 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
16 Oceanside California, held on the 11th day of September, 2019, by the following vote:

17 AYES: WEISS, FELLER, KEIM, RODRIGUEZ

18 NAYS: SANCHEZ

19 ABSENT: NONE


20 ABSTAIN: NONE

21 
22 MAYOR OF THE CITY OF OCEANSIDE

23 ATTEST:

24 
25 CITY CLERK


26 APPROVED AS TO FORM:

27 
28 CITY ATTORNEY

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STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF OCEANSIDE } §

I, Vaida Pavolas, Assistant City Clerk of the City of Oceanside, do hereby certify that the foregoing is a true and correct copy of *City Ordinance No. 19-OR0596-1 amending Chapter 2, Article II; Section 2.10(d) of the Oceanside City Code by making the positions of City Clerk and City Treasurer appointive by the City Manager subject to voter approval* as duly introduced on August 21, 2019 and adopted on September 11, 2019, a regular meeting, by the City Council of Oceanside. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office (GC 40806).



Vaida Pavolas, Assistant City Clerk
City of Oceanside, California

Date: September 16, 2019