

ORDINANCE NO. 2021- 1504

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, MODIFYING CHAPTER 2.04 (GENERAL) AND CHAPTER 2.08 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SAN MARCOS MUNICIPAL CODE TO CHANGE THE TERM "MAYOR PRO TEM" TO "DEPUTY MAYOR," AND MODIFYING CHAPTER 2.20 (CITY OFFICERS) TO CHANGE THE TERM "CITY MANAGER PRO TEM" TO "ACTING CITY MANAGER"

WHEREAS, the City Council of the City of San Marcos finds it desirable and/or necessary from time to time to adopt and/or update procedural provisions of the San Marcos Municipal Code (SMMC); and

WHEREAS, the City Council desires to replace the term "Mayor pro tem" with the term "Deputy Mayor" wherever it appears in the SMMC; and

WHEREAS, the City Council desires to replace the term "City Manager pro tem" with the term "Acting City Manager" wherever it appears in the SMMC.

NOW, THEREFORE, the City Council of the City of San Marcos, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. That the foregoing recitals are true and correct.

Section 2. That section 2.04.090 (Persons Authorized to File Documents Designated), and section 2.08.040 (Designation of Mayor Pro Tem) of Chapter 2.04 (General) of Title 2 (Administration and Personnel) of the SMMC are each hereby amended to replace the term "Mayor pro tem" with the term "Deputy Mayor," as reflected in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 3. That section 2.20.090 (City Manager Pro Tem) of Chapter 2.20 (City Officers) of Title 2 (Administration and Personnel) of the SMMC is hereby amended to replace the term "City Manager pro tem" with the term "Acting City Manager" as reflected in Exhibit A.

Section 4. That any affected headings, index references, and Table of Content references relating to each of the SMMC sections affected by this Ordinance be amended in accordance with Sections 2 and 3, above.

Section 5. If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 6. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance of the title thereof, as a summary as required by state law.

Section 7. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in accordance with the provisions of State Law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the 14th day of September, 2021; and

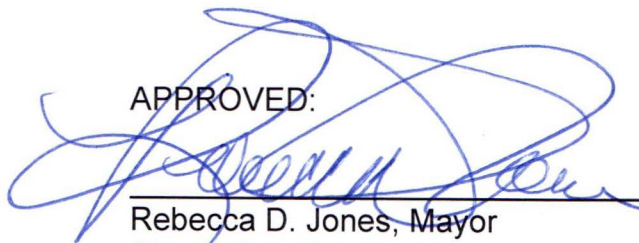
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos held on the 28th day of September, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: JENKINS, MUSGROVE, NUÑEZ, WALTON, JONES

NOES: COUNCILMEMBERS: NONE


ABSENT: COUNCILMEMBERS: NONE

APPROVED:



Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:


Phillip Scollick, City Clerk
City of San Marcos

APPROVED AS TO FORM:



Helen Holmes Peak, City Attorney
City of San Marcos

EXHIBIT A

MODIFIED PROVISIONS OF SAN MARCOS MUNICIPAL CODE

2.04.090 Designation of Persons Authorized to File Documents ~~Designated~~.

The Mayor, the City Clerk, the City Attorney, and the Deputy Mayor ~~pro-tem~~ are each appointed ~~an~~the authorized agent of the City for the filing with such offices and officers of the state and of the county of certified copies of ordinances and resolutions and such other documents as may be required for the proper and efficient conduct of the City's business.

2.08.040 Designation of Deputy Mayor ~~Pro-Tem~~.

In order to expedite the orderly procedure of the City Council meetings in the event the Mayor cannot be present, the City Council shall elect one member of the City Council who shall act as Deputy Mayor ~~pro-tem~~ in the absence of the Mayor.

2.20.090 Acting City Manager ~~Pro-Tem~~.

The City Manager must appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Acting City Manager ~~pro-tem~~ during any temporary absence or disability of the City Manager. If the City Manager fails to appoint an acting manager ~~pro-tem~~, the City Council may designate a duly qualified person to perform the duties of the City Manager. The Acting City Manager ~~pro-tem~~ shall be subject to the bond requirement under Section 2.20.220 of this chapter, or in the alternative, shall furnish a corporate surety bond conditioned upon faithful performance of the duties required to be performed by the City Manager. Any premium for such bond shall be a proper charge against the City.