

Full Text of Measure U

ORDINANCE NO. 1746

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ENACTING A NEW CHAPTER 2.10 OF TITLE 2 OF THE SAN CLEMENTE MUNICIPAL CODE ESTABLISHING THE APPOINTIVE OFFICE OF CITY CLERK, SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 8, 2022

WHEREAS, pursuant to California Government Code Section 36502, the office of San Clemente City Clerk is currently an elective office; and

WHEREAS, Government Code Section 36508 and Elections Code Section 9222 authorize the City Council to submit to the electors the question of whether the elective City Clerk shall be an appointive office and, if a majority of voters voting on the measure approve it, the office shall become appointive; and

WHEREAS, an appointive City Clerk gives the City the ability to recruit candidates for the office of City Clerk who have the requisite training, skills and experience necessary to fulfill the important responsibilities of the office of City Clerk; and

WHEREAS, currently the majority of California cities have appointive City Clerks; and

WHEREAS, on June 7, 2022, pursuant to State law, the City Council adopted Resolution No. 22-18, submitting this ordinance to the voters at the General Municipal Election on Tuesday, November 8, 2022; and

WHEREAS, all other legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, the People of the City of San Clemente do ordain as follows:

Section 1: Chapter 2.10 of Title 2 of the San Clemente Municipal Code is hereby enacted to read as follows:

“Chapter 2.10 – CITY CLERK

2.10.010 – Office established – Appointment and compensation.

Pursuant to California Government Code Sections 36501 and 36508, there is hereby established the office of City Clerk. The City Clerk shall be appointed by, and shall serve at the pleasure of, the City Council and shall not be required to be a resident or elector of the City. The City Clerk shall receive such compensation as shall be fixed from time to time by resolution or ordinance of the City Council. Notwithstanding the above, pursuant to Government Code Section

F. Prepare the Council agendas, in conjunction with and under the direction of the City Manager;

G. Perform the duties prescribed by the California Elections Code in conducting municipal elections, except where said election duties are performed by the Orange County Registrar of Voters or similar agency;

H. Perform the duties imposed upon City Clerks by the California Political Reform Act;

I. Be responsible for the publication of all official advertising required by law with respect to matters coming before the City Council;

J. Be responsible for the maintenance and distribution of the Municipal Code;

K. Be responsible for accepting all claims filed against the City and its officers, agents or employees, pursuant to Chapters 1 and 2 of Part 3 of Division 3.6 of the California Government Code (commencing with Section 900) and Chapter 3.04 of Title 3 of this Code; and

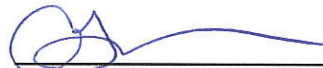
L. Perform such other duties consistent with this Code as may be required of the City Clerk by the City Council or City Manager."

Section 2: If this ordinance is passed by a majority of San Clemente voters voting on the matter at the November 8, 2022 General Municipal Election, it shall take effect 10 days after the City Council declares and certifies the results of the election by resolution. The position of City Clerk shall be filled by appointment thereafter upon the earlier of either a vacancy in the office or at the expiration of the current term of office of the incumbent (i.e., December 2024).

Section 3: If any part of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of the ordinance. The People declare that they would have adopted this ordinance, and each part of it, irrespective of the possibility that some part or parts of it might be declared invalid or unconstitutional.

Section 4: The City Clerk is hereby directed to publish this ordinance at least once, within 15 days after the election results are certified, in a newspaper of general circulation published and circulated in the City of San Clemente.

PASSED, APPROVED AND ADOPTED BY THE PEOPLE OF THE CITY OF SAN CLEMENTE this 8th day of November, 2022.



MAYOR of the City of
San Clemente, California