

Full Text of Measure V

ORDINANCE NO. 1747

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ENACTING A NEW CHAPTER 2.14 OF TITLE 2 OF THE SAN CLEMENTE MUNICIPAL CODE ESTABLISHING THE APPOINTIVE OFFICE OF CITY TREASURER, 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 Treasurer 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 Treasurer 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 Treasurer gives the City the ability to recruit candidates for the office of City Treasurer who have the requisite training, skills and experience necessary to fulfill the important responsibilities of the office of City Treasurer; 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 2.14 of Title 2 of the San Clemente Municipal Code is hereby enacted to read as follows:

“Chapter 2.14 – CITY TREASURER

2.14.010 – Office established – Appointment and compensation.

Pursuant to California Government Code Sections 36501 and 36508, there is hereby established the office of City Treasurer. The City Treasurer 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 Treasurer 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 36510, the City Council may, by ordinance, vest in the City Manager its authority to appoint the City Treasurer.

2.14.020 – Bond requirement.

Pursuant to California Government Code Section 36518, the City Treasurer shall furnish a corporate surety bond to be approved by the City Council in a reasonable amount recommended by the City Attorney and fixed by the City Council, by resolution, and may be changed during the City Treasurer's term of office. The bond shall be conditioned upon the satisfactory performance of the duties imposed upon the City Treasurer by statute, ordinance, or resolution. Any premium for such bond shall be a proper charge against the City.

2.14.030 – Powers and Duties

The City Treasurer shall have such powers and perform such duties as are prescribed by Sections 41001 through 41007 of the California Government Code and by any other provisions of law applicable to deposit, investment and safekeeping of public funds of the City."

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 Treasurer 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.

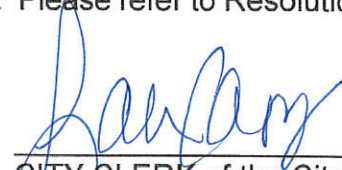
PASSED, APPROVED AND ADOPTED BY THE PEOPLE OF THE CITY OF SAN CLEMENTE this 8th day of November, 2022.



MAYOR of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I certify that Ordinance No. 1747 was adopted by the electorate of the City of San Clemente at a General Municipal Election held on November 8, 2022. This Ordinance was adopted as a result of the passage of Measure U. Please refer to Resolution No. 22-42 for the recitation of the election results.



CITY CLERK of the City of
San Clemente, California

