



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### CITY COUNCIL MEETING

910 Calle Negocio  
2nd Floor  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

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**Meeting Date:** November 19, 2024

Agenda Item: 10A

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**Submitted By:** Finance and Administrative Services

**Prepared By:** Brian Brower, Administrative Services Director

**Subject:**

**APPOINTMENT OF THE CITY CLERK AND CITY TREASURER, AND INTRODUCTION (FIRST READING) OF ORDINANCES MAKING THE CITY TREASURER AND CITY CLERK POSITIONS APPOINTED BY THE CITY MANAGER**

**Fiscal Impact:**

None.

**Summary:**

In the General Municipal Election of November 8, 2022, the voters determined through a ballot measure that the City Clerk and City Treasurer should become appointed, rather than elected, positions. The change was slated to take effect after the four-year term ending in November, 2024. Around the same time, the incumbent officers retired mid-term from their respective positions, which were subsequently filled by City Council appointment. With the expiration of these elected terms, appointments must now be made for both the City Clerk and Treasurer.

In addition to making long-term appointments for the offices, the City Council is presented with the option to either directly appoint the City Treasurer and City Clerk going forward, or vest appointment authority in the City Manager.

At the City of San Clemente, the City Clerk position has historically been divided into an elected/City Council-appointed role and an internal staff role. If appointment of the City Clerk is vested with the City Manager, the duties and responsibilities can be combined into a single position, similar to many comparable municipalities in the region.

**Background:**

The City Council, at its meeting of June 7, 2022, added Ballot Measures to the General Municipal Election of November 8, 2022 for the voters to determine whether the City Clerk and City Treasurer should remain elected, or if they should be appointed by City Council or Staff.

The majority of voters approved these measures, approving the transition of the City Clerk and City Treasurer positions from elected to appointive, effective at the end of the 2020-2024 terms.

These actions coincided with the mid-term retirement from office by the officers elected two years prior in 2020. The resultant vacancies were filled at the November 17, 2022 City Council meeting, when the City Council appointed Laura Campagnolo to the office of the City Clerk and Charlie Smith to the office of the City Treasurer for the duration of their unexpired terms (though November 2024).

With the completion of the final elected terms, and their respective elective appointments coming to a close with the November 5, 2024 election, the subject offices must now be filled by appointment.

The City Council may appoint the City Treasurer and/or City Clerk going forward, or, pursuant to Government Code §36510, the City Council can vest appointment authority in the City Manager by ordinance.

### **City Clerk**

Through the transition outlined above, the City maintains a somewhat atypical situation in which the same individual who performs the duties of the City Clerk at City Council Meetings as established in SCMC Section 2.10.030 is also hired as a City employee with the job title of Legislative Administrator, who manages all services and activities within the City Clerk Department. A strong nexus exists between the duties of City Clerk and Legislative Administrator. Accordingly, it is common for municipalities similar in size to San Clemente to combine the functions into a single position with the title of City Clerk as a City employee. A recent poll of California cities was conducted by staff. Out of 44 respondents with an appointed City Clerk, 33 are appointed by the City Manager while 8 are appointed by City Council.

The convergence of duties and responsibilities presents an opportunity to consolidate the two roles into a single position appointed by, and reporting to, the City Manager. Proposed Ordinance No.1783 would vest authority in the City Manager to appoint the City Clerk pursuant to Government Code §36510.

### **City Treasurer**

The City Treasurer performs the duties as prescribed in 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.

Ordinance No. 1747 dated November 8, 2022 enacted Chapter 2.14 of the Municipal Code of the City of San Clemente, making the Office of the City Treasurer appointed by the City Council. Alternately, and pursuant to Government Code Section 36510, the City Council may, by ordinance, vest in the City Manager its authority to appoint the City Treasurer.

Unlike the City Clerk, the City Treasurer in San Clemente does not serve in a related internal staff role. While the Finance Division provides support to the Treasurer and the Investment Advisory Committee, which they chair, the City Treasurer maintains independent control over the City's funds. Staff is recommending that this independence be maintained and the City Council continue to appoint the City Treasurer. If City Council agree, no change is needed to the Municipal Code with respect to the City Treasurer.

***Council Options:***

**City Clerk**

- Adopt Resolution 24-170 appointing Laura Campagnolo to the office of City Clerk in accordance to Chapter 2.10 of the Municipal Code of the City of San Clemente.
- Introduce and conduct the first reading of Ordinance No. 1783 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.10 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO MODIFY SECTIONS 2.10.010 and 2.08.090, VESTING AUTHORITY IN THE CITY MANAGER TO APPOINT THE CITY CLERK, and direct the City Manager to make such future appointments going forward.
- Do not introduce Ordinance No. 1783.
- Provide alternate direction to staff.

**City Treasurer**

- Adopt Resolution 24-171 appointing Charlie Smith to the office of City Treasurer in accordance to Chapter 2.14 of the Municipal Code of the City of San Clemente.
- Introduce and conduct the first reading of Ordinance No. 1782 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.14 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO MODIFY SECTIONS 2.14.010 and 2.08.090, vesting authority in the City Manager to appoint the City Treasurer pursuant to Government Code §36510, and direct the City Manager to make such an appointment going forward.
- Do not introduce Ordinance No. 1782.
- Provide alternate direction to staff.

***Environmental Review/Analysis:***

This activity is not a project as defined under the California Environmental Quality Act State Guidelines; therefore, no environmental review is required.

***Recommended Actions:***

**Staff Recommendation**

**City Clerk**

1. Adopt Resolution 24-170 appointing Laura Campagnolo to the office of City Clerk in accordance to Chapter 2.10 of the Municipal Code of the City of San Clemente; AND
2. Introduce and conduct the first reading of Ordinance No. 1783 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING

CHAPTER 2.10 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO MODIFY SECTIONS 2.10.010 and 2.08.090, VESTING AUTHORITY IN THE CITY MANAGER TO APPOINT THE CITY CLERK, and direct the City Manager to make such future appointments going forward; AND

**City Treasurer**

3. Adopt Resolution 24-171, appointing Charlie Smith to the office of City Treasurer in accordance to Chapter 2.14 of the Municipal Code of the City of San Clemente.

***Attachment:***

1. Ordinance No. 1746 Establishing the Appointive Office of the City Clerk
2. Ordinance No. 1747 Establishing the Appointive Office of the City Treasurer
3. Resolution No. 24-170 Appointment of the City Clerk by the City Council
4. Resolution No. 24-171 Appointment of the City Treasurer by the City Council
5. Proposed Ordinance No. 1783 Vesting Authority in the City Manager to appoint the City Clerk
6. Proposed Ordinance No. 1782 Vesting Authority in the City Manager to appoint the City Treasurer

***Notification:***

None.

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 8<sup>th</sup> day of November, 2022.

  
 \_\_\_\_\_  
 MAYOR of the City of  
 San Clemente, California

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 8<sup>th</sup> day of November, 2022.



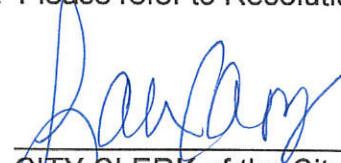
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MAYOR of the City of  
San Clemente, California



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

RESOLUTION NO. 24-170

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING LAURA CAMPAGNOLO TO THE OFFICE OF CITY CLERK IN ACCORDANCE TO CHAPTER 2.10 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE

WHEREAS, the City Council, at its meeting of June 7, 2022, added a ballot measure to the General Municipal Election of November 8, 2022 for the voters to determine whether the City Clerk should remain elected, or if they should be appointed by City Council or Staff; and

WHEREAS, the majority of voters approved this measure, approving the transition of the City Clerk position from an elected to an appointed position, effective at the end of the 2020-2024 term; and

WHEREAS, on November 8, 2022, the City adopted Ordinance No. 1746, which established the appointive office of the City Clerk; and

WHEREAS, the election transition to an appointed City Clerk coincided with the mid-term retirement from office by the officer elected two years prior in 2020 and the resultant vacancy was filled at the November 17, 2022 City Council meeting, when the City Council appointed Laura Campagnolo to the office of the City Clerk for the duration of the unexpired term; and

WHEREAS, Laura Campagnolo has served honorably as City Clerk, executing the powers and duties identified in Section 2.10.030 of the Municipal Code of the City of San Clemente, throughout the duration of the previous elective term expiring with the November 2024 election; and

WHEREAS, with the completion of the final elected term, and the previous appointment coming to a close, the office of the City Clerk must now be filled by appointment.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Laura Campagnolo is hereby appointed to the office of City Clerk of the City of San Clemente effective upon the expiration of the previously elected term.

Section 2. The appointed City Clerk shall serve for an indefinite term until resignation, inability to serve, or until removed from office by the appointing authority under Section 2.10.010 of the Municipal Code of the City of San Clemente.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution

and enter it into the book of original resolutions.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) §  
CITY OF SAN CLEMENTE )

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-170 was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney

RESOLUTION NO. 24-171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING CHARLIE SMITH TO THE OFFICE OF CITY TREASURER IN ACCORDANCE TO CHAPTER 2.14 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE

WHEREAS, the City Council, at its meeting of June 7, 2022, added a ballot measure to the General Municipal Election of November 8, 2022 for the voters to determine whether the City Treasurer should remain elected, or if they should be appointed by City Council or Staff; and

WHEREAS, the majority of voters approved this measure, approving the transition of the City Treasurer position from an elected position to an appointed position, effective at the end of the 2020-2024 term; and

WHEREAS, on November 8, 2022, the City adopted Ordinance No. 1747, which established the appointive office of the City Treasurer; and

WHEREAS, the election to transition to an appointed City Treasurer coincided with the mid-term retirement from office by the officer elected two years prior in 2020 and the resultant vacancy was filled at the November 17, 2022 City Council meeting, when the City Council appointed Charlie Smith to the office of the City Treasurer for the duration of the unexpired term; and

WHEREAS, Charlie Smith has served honorably as City Treasurer, executing the powers and duties identified in Section 2.14.030 of the Municipal Code of the City of San Clemente, throughout the duration of the previous elective term expiring with the November 2024 election; and

WHEREAS, with the completion of the final elected term, and the previous appointment coming to a close, the office of the City Treasurer must now be filled by appointment.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Charlie Smith is hereby appointed to the office of City Treasurer of the City of San Clemente effective upon the expiration of the previously elected term.

Section 2. The appointed City Treasurer shall serve for an indefinite term until resignation, inability to serve, or until removed from office by the appointing authority under Section 2.14.010 of the Municipal Code of the City of San Clemente.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     ) §  
CITY OF SAN CLEMENTE   )

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-171 was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney

ORDINANCE NO. 1783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 2.10.010 AND 2.08.090, VESTING AUTHORITY IN THE CITY MANAGER TO APPOINT THE CITY CLERK

WHEREAS, the City Council, at its meeting of June 7, 2022, added a Ballot Measure to the General Municipal Election of November 8, 2022 for the voters to determine whether the City Clerk should remain elected, or if they should be appointed by City Council or Staff; and

WHEREAS, the majority of voters approved this measure, approving the transition of the City Clerk position from an elected position to an appointed position, effective at the end of the 2020-2024 term; and

WHEREAS, on November 8, 2022, the City adopted Ordinance No. 1746, which established the appointive office of the City Clerk; and

WHEREAS, pursuant to California Government Code Section 36510 and Ordinance No. 1746, the City Council may by ordinance vest in the City Manager its authority to appoint the City Clerk; and

WHEREAS, the City Council desires to amend Sections 2.10.010 and 2.08.090 of the Municipal Code to vest in the City Manager its authority to appoint the City Clerk.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

**Section 1: Recitals and Scope**

The recitals above are true and incorporated fully into this Ordinance. The scope of this Ordinance is for the appointment of the Office of the City Clerk. This Ordinance is subject to the limitations set and superseded by state and federal law.

**Section 2: Amendment to San Clemente Municipal Code section 2.10.010**

Section 2.10.010 of the Municipal Code of the City of San Clemente is hereby amended to read in its entirety as follows (underlines indicate additions and ~~strikeouts~~ indicate deletions):

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 Manager 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, p-~~Pursuant to Government Code Section 36510, the City Council ~~may, hereby ordinance,~~ vests in the City Manager its authority to appoint the City Clerk.

**Section 3: Amendment to San Clemente Municipal Code section 2.08.090(B)**

Section 2.08.090(B) of the Municipal Code of the City of San Clemente is hereby amended to read in its entirety as follows (underlines indicate additions and ~~strikeouts~~ indicate deletions):

B. Appointment, etc., of Officers and Employees. To appoint, promote, discipline, demote and remove all heads of departments and all subordinate officers and employees of the City, except the City Attorney, ~~City Clerk~~ and City Treasurer; to transfer employees from one department to another and to consolidate or combine offices, positions, departments or units under his or her jurisdiction.

**Section 4:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

**Section 5: Effective Date.** This Ordinance shall become effective 30 days after adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of San Clemente, California, on the 19th day of November, 2024.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Clemente, California, on \_\_\_\_day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

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

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1783 having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney



ORDINANCE NO. 1782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 2.14.010 AND 2.08.090, VESTING AUTHORITY IN THE CITY MANAGER TO APPOINT THE CITY TREASURER

WHEREAS, the City Council, at its meeting of June 7, 2022, added a Ballot Measure to the General Municipal Election of November 8, 2022 for the voters to determine whether the City Treasurer should remain elected, or if they should be appointed by City Council or Staff; and

WHEREAS, the majority of voters approved this measure, approving the transition of the City Treasurer position from an elected position to an appointed position, effective at the end of the 2020-2024 term; and

WHEREAS, on November 8, 2022, the City adopted Ordinance No. 1747, which established the appointive office of the City Treasurer; and

WHEREAS, pursuant to California Government Code sections 36510 and Ordinance No. 1747, the City Council may by ordinance vest in the City Manager its authority to appoint the City Treasurer; and

WHEREAS, the City Council desires to amend Sections 2.14.010 and 2.08.090 of the Municipal Code to vest in the City Manager its authority to appoint the City Treasurer.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

**Section 1: Recitals and Scope**

The recitals above are true and incorporated fully into this Ordinance. The scope of this Ordinance is for the appointment of the Office of the City Treasurer. This Ordinance is subject to the limitations set and superseded by state and federal law.

**Section 2: Amendment to San Clemente Municipal Code section 2.14.010**

Section 2.14.010 of the Municipal Code of the City of San Clemente is hereby amended to read in its entirety as follows (underlines indicate additions and ~~strikeouts~~ indicate deletions):

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~~ Manager 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, hereby ordinance,~~ vests in the City Manager its authority to appoint the City Treasurer.

**Section 3: Amendment to San Clemente Municipal Code section 2.08.090(b)**

Section 2.08.090(B) of the Municipal Code of the City of San Clemente is hereby amended to read in its entirety as follows (underlines indicate additions and ~~strikeouts~~ indicate deletions):

B. Appointment, etc., of Officers and Employees. To appoint, promote, discipline, demote and remove all heads of departments and all subordinate officers and employees of the City, except the City Attorney, ~~City Clerk and City Treasurer~~; to transfer employees from one department to another and to consolidate or combine offices, positions, departments or units under his or her jurisdiction.

**Section 4:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

**Section 5: Effective Date.** This Ordinance shall become effective 30 days after adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of San Clemente, California, on the 19th day of November, 2024.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Clemente, California, on \_\_\_\_day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

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

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1782 having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney