

# CITY OF CARLSBAD

(This Measure will appear on the ballot in the following form.)

---

## MEASURE C

Shall the office of the City Clerk be appointive?

---

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the arguments and rebuttals.

### CITY ATTORNEY'S IMPARTIAL ANALYSIS

State law requires all cities to have a City Clerk. The position may be elected or appointed. Since the City of Carlsbad's incorporation in 1952, the City Clerk has been an elected position with a four-year term. The City Council placed this measure on the ballot for city voters to determine whether the City Clerk should become an appointed position.

A "yes" vote on this measure means the City Clerk position will become an appointed position.

A "no" vote means the City Clerk will remain an elected position.

The City Clerk's responsibilities include keeping accurate records of City Council proceedings; recording, publishing and certifying city ordinances and resolutions; keeping custody of the city seal; and administering oaths of office. The City Clerk also serves as the city's elections official; collects and maintains all candidate campaign finance forms; coordinates, records and retains city officials' and city staff's statements of economic interests; and helps ensure compliance with the state's open meeting laws. The elected City Clerk position is largely ceremonial. The City Clerk does not vote to enact laws or policies and currently all day-to-day responsibilities are performed by the City Clerk Services Department staff.

State law requires an elected City Clerk to be at least 18 years old, a city resident, and a registered city voter. Carlsbad Municipal Code Section 2.04.040 further requires an elected City Clerk to have a certified municipal clerk designation from the International Institute of Municipal Clerks or a bachelor's degree from an accredited college or university and two years of full-time, salaried work experience in business administration or public administration. If the City Clerk becomes an appointed position, the city may establish different or additional qualifications for the position.

The City Clerk position is currently vacant. If the City Clerk remains an elected position, an election for a new City Clerk will be held in November 2022.

If the City Clerk becomes an appointed position, the City Manager will make the appointment. Appointment of the City Clerk is expected to save the city approximately \$40,000 annually in salary and benefits as the position is expected to be filled from existing city staff.

/s/  
Celia A. Brewer  
City Attorney, City of Carlsbad

The above statement is an impartial analysis of Ordinance or Measure C. If you desire a copy of the ordinance or measure, please call the City Clerk's Office at 442-339-2808 and a copy will be mailed to you at no cost.

# ARGUMENT IN FAVOR OF MEASURE C

## Appoint Carlsbad's City Clerk

State law requires all cities to have a City Clerk.

The City Clerk position can either be elected or appointed.

According to the City Clerks Association of California, the City Clerk's Office is a service department within a local government which the City Council, all departments and the public rely on for information. The City Clerk is not a legislator or policy maker. Appointed City Clerks are non-partisan and ensure actions by the City Council are in compliance with all statutes and regulations as well as properly executed, recorded and archived.

80% of California cities appoint their City Clerk rather than having them elected by voters.

Of the 18 cities in San Diego County only Carlsbad, Oceanside and National City elect their City Clerk.

## Role Requires Technical Skill

Since 2012, city staff handle the day-to-day duties of the City Clerk's Office as the Carlsbad elected City Clerk position is more ceremonial than administrative.

In addition, the job duties, requirements and legal responsibilities of a City Clerk have become more complex and technical requiring specific training, certifications and skills. Elected City Clerks typically do not have these credentials when they take office and may take up to four years to obtain the credentials. The city can require an appointed City Clerk to have these credentials before appointment.

## Vacant since August 2021

The previous Carlsbad City Clerk resigned in August 2021. Since then, all responsibilities of the Carlsbad City Clerk have been performed by professional, credentialed staff with no impact to services provided to residents.

Measure C will make the City Clerk an appointed position, ensuring an appropriately qualified individual fills this role. The city will maintain the same level of service and will save approximately \$40,000 a year by converting the role from elected to appointed.

**Please join over 80% of cities throughout California and make the City Clerk appointed in Carlsbad.**

MARIA TERESA ACOSTA  
District 4 City Council Member

PEDER NORBY  
District 1 City Council Member

KEITH BLACKBURN  
District 2 City Council Member

MATT HALL  
Mayor

PRIYA BHAT-PATEL  
District 3 City Council Member

**ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE  
OPINIONS OF THE AUTHORS.**

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

The City Clerk's responsibility is to "serve as the local official for elections, local legislation, the Public Records Act, the Political Reform Act and the Brown Act" (open meeting laws) based upon California state law. "The City Clerk also ensures that the decision-making process is transparent to the public, complies with federal, state and local regulations and all are properly recorded."

This is NOT a "ceremonial" position.

A NO vote would allow the voters to select the City Clerk who would be responsible to CITIZENS of Carlsbad to maintain government transparency and integrity.

A YES vote would allow the City Manager to choose the City Clerk who, as an employee, can be fired if they don't "follow along" with the wishes of the City Manager or City Council. Make no mistake, a YES Vote creates the distinct possibility of CORRUPTION in City Hall.

Your NO vote allows the City Clerk to continue to oversee the Office without being beholden to anyone except the VOTERS. As a WATCHDOG, the City Clerk must remain INDEPENDENT from the City Council and the City Manager.

The citizens of Carlsbad have twice rejected the appointment of the City Clerk - in April, 1980 and November, 1990. The citizens of Carlsbad overwhelmingly voted for an ELECTED City Clerk...TWICE! Why the change now? This isn't about money. It's about ensuring we have INDEPENDENT OVERSIGHT.

Honesty and Transparency are critical for Carlsbad's City government. Let's keep it that way.

Please VOTE NO!!!

LANCE SCHULTE  
Past Carlsbad City Planner

LELA PANAGIDES  
Member of Carlsbad Chamber of Commerce

SIMON ANGEL  
72 year resident of Barrio

MARY ANNE VINEY  
Founder/Pres. Local Carlsbad Non-Profit

RAYMOND BENDER  
Retired City Attorney

**ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE  
OPINIONS OF THE AUTHORS.**

## **ARGUMENT AGAINST MEASURE C**

The City Clerk is the keeper of the City Records. This includes records documenting work product of the City Manager and City Council. A 'yes' on this Measure means the City Clerk would report to the City Manager who works for the City Council. The City Clerk needs to be INDEPENDENT of the City Manager and the City Council, NOT DEPENDENT on the hierarchy for their employment. The only way to ensure the City Clerk mains independent is to VOTE NO, allowing VOTERS to choose the City Clerk.

The City Clerk ensures that the City follows proper procedures and laws, INCLUDING LOCAL ELECTIONS. The Clerk must be independent and free from interference by the City Manager and City Council.

WE MUST RETAIN THIS OFFICE AS ELECTED so the City Clerk can use their own judgement INDEPENDENT of the City Council and City Manager, ENSURING THE INTEGRITY OF OUR ELECTION PROCESS.

Vote NO to KEEP our City Clerk, a public watchdog as an ELECTED official. Vote NO to keep the City ACCOUNTABLE – residents want TRANSPARENCY! No more appointed positions!

VOTE NO to PRESERVE our democracy and PREVENT corruption!

VOTE NO to ensure Carlsbad residents maintain our publicly elected WATCHDOGS!

Don't give up your right to vote for an elected official!

LANCE SCHULTE  
Past Carlsbad City Planner

SIMON ANGEL  
72 Year Resident of Barrio

LELA PANAGIDES  
Member of Carlsbad Chamber of Commerce

PAIGE DECINO  
Retired Carlsbad High School Teacher

MARY ANNE VINEY  
Founder/Pres. Local Carlsbad Non-Profit

**ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE  
OPINIONS OF THE AUTHORS.**

# REBUTTAL TO ARGUMENT AGAINST MEASURE C

## What do National City and Oceanside have in common with Carlsbad?

They are the only 3 cities in the region with elected City Clerks. City Clerks are not legislators or policy makers, and having an elected City Clerk is no longer the standard for efficient local government operations in California.

### Measure C Makes Sense for Carlsbad!

Cities throughout California have appointed professional City Clerks.

**80% of cities in California appoint their City Clerks**, saving tax dollars and removing politics from an important service position within city operations.

### Measure C Means a Professional City Clerk.

To assure competency in performing vital tasks, City Clerks must have years of training and experience.

Cities with elected City Clerks risk many important tasks falling into the hands of unprepared individuals who might struggle learning on the job.

City Clerk responsibilities:

- Keeping accurate records of proceedings
- Recording, publishing and certifying ordinances
- Working with the Registrar of Voters during elections to assure compliance with all laws
- Ensuring compliance with the state's open meeting laws and Political Reform Act
- Responding to public record requests
- Retaining Statements of Economic Interests for the entire organization

### Unqualified City Clerks can disrupt government operations.

Some elected City Clerks have failed to manage even the most basic parts of the position, including preparing council minutes.

### City Clerks Must be Impartial - Not Beholden to Politics or Special Interests.

A City Clerk must be an impartial, well-trained professional that can be held accountable by the organization.

Carlsbad should join the 15 other San Diego County cities who recognize the City Clerk position should be an unbiased, experienced and trained professional serving the community and organization.

MARIA TERESA ACOSTA  
City Councilmember, District 4

MATT HALL  
Mayor

KEITH BLACKBURN  
Council Member D-2

PEDER NORBY  
Council Member, District 1

PRIYA BHAT-PATEL  
Council Member D3

**ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE  
OPINIONS OF THE AUTHORS.**

**FULL TEXT OF BALLOT MEASURE**

Ordinance No. CS-417

**AN INITIATIVE ORDINANCE OF THE CITY OF CARLSBAD, CALIFORNIA,  
MAKING THE OFFICE OF CITY CLERK APPOINTIVE**

The people of the City of Carlsbad, California, do ordain as follows:

SECTION 1. The office of the City Clerk shall be appointive as authorized by California Government Code Section 36508.

SECTION 2. This ordinance shall take effect as provided in California Elections Code Section 9217.

SECTION 3. The City Clerk's Office shall publish this ordinance according to law.

END OF MEASURE