

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.



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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.

