

**MEASURE A
CITY OF MARTINEZ**

Appointment of City Clerk

Shall the Office of City Clerk be appointive?

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE A**

Background. State law requires general law cities like Martinez to have city clerks. The position may be elected or appointed. Over 80% of all California cities have transitioned from elected to appointed city clerks. Appointed city clerks are professional employees who perform duties including, but not limited to keeping a list of all legislation adopted by the City Council, certifying official documents, responding to Public Records Act requests, publishing legal notices, maintaining City Council minutes and other official records of the City, administering oaths of office, attending City Council meetings, and acting as the election official for the City.

Currently, the City of Martinez has both an elected City Clerk and an appointed Assistant City Clerk, resulting in a duplication of efforts between the two officials. The elected City Clerk performs only ceremonial duties of administering oaths of office and signing official city documents, while the appointed full-time Assistant City Clerk performs these same ceremonial duties as well as all other daily functions of the City Clerk's office, including, but not limited to supervision of other City staff, responding to Public Records Act requests, managing City records, preparing agendas, resolutions, ordinances, minutes, and agreements, handling claims and subpoenas, and serving as the signing officer for compliance with the Fair Political Practices Commission for all City officials. The appointed Assistant City Clerk is a professional and experienced City employee, with training to perform increasingly complex administrative and technical duties, as well as interface with the public seeking services. By contrast, the elected City Clerk is not required to have any professional training or knowledge regarding the position, but need only be a registered voter in the City of Martinez. The elected City Clerk is elected to a four-year term, with the current term expiring in fall 2024.

Measure A. The Martinez City Council placed Measure A on the ballot to allow voters, by simple majority, to decide whether to make the City Clerk office an appointed position, rather than an elected position, so that all duties would be continued to be performed by a full-time professional employee experienced in performing all city clerk duties and eliminating the duplication of some of the ceremonial duties currently performed by an elected City Clerk. The authority to appoint a full-time professional employee as City Clerk would be delegated to the City Manager.

A "yes" vote will eliminate the City Clerk as an elected position, upon the expiration of the term of the current elected City Clerk.

A "no" vote maintains the City Clerk as an elected position.

_____ Date: November 21, 2023

Teresa L. Highsmith
Martinez City Attorney

**ARGUMENT IN FAVOR OF
MEASURE A**

A “Yes” vote on Measure A ensures the selection of the City Clerk for the City of Martinez will be based on qualifications and experience, not the results of a political campaign. The public deserves the duties of the City Clerk to be performed efficiently and properly in accordance with standards of conduct.

The current qualifications to serve as elected City Clerk require only that a candidate be of-age and a registered voter. There is no guarantee that an elected City Clerk will possess the necessary skills and expertise required; as a result, nearly 85% of California cities now appoint their City Clerks. This ensures the selection of City Clerk will be based on education, experience, and professional abilities. Furthermore, Measure A will potentially save the City money by eliminating salary and benefits provided to an elected Clerk and removing the cost of the Clerk election every four years.

Historically, elected City Clerks perform narrow statutory duties. However, as cities have become more complex, the duties of the Clerk have become more technical. Clerk responsibilities require professional skills and expertise in Elections, the Political Reform Act, the Brown Act, the Public Records Act, Records Retention, Conflict-of-Interest Regulations, the City’s Municipal Code, and the ability to serve as the Clerk of the Council, while remaining neutral.

Your “Yes” vote will convert the elected Martinez City Clerk position to a staff position appointed by the City Manager and ensure the City’s operations be run effectively by a qualified and trained individual. The Martinez City Council, elected City Clerk and City management support Measure A and urge you to vote “Yes.”

Brianne Zorn, Mayor
Mark Ross, Vice Mayor
Debbie McKillop, Councilmember
Jay Howard, Councilmember
Satinder S. Malhi, Councilmember

**ARGUMENT AGAINST
MEASURE A**

No Argument Against was filed.

**FULL TEXT OF
MEASURE A**

Exhibit "A"

An Ordinance of City's Qualified Electors at the Special Municipal
Election Held on March 5, 2024 to Make the Office of City Clerk
Appointive

The People of the City of Martinez do ordain as follows:

Section 1. The City Clerk shall hereby be appointed by the City Council;
this authority is delegated to the City Manager.

Section 2. Severability. If any provision of this ordinance or the
application thereof to any person or circumstance is held invalid, the
remainder of the ordinance and the application of such provision to
other persons or circumstances shall not be affected thereby.

Section 3. Election. Voter approval of this ordinance shall have the
effect of making the office of City Clerk appointive rather than elective.
If the measure is defeated, the Municipal Code remains unchanged.

Section 4. Adoption. If a majority of qualified electors vote in favor
of the ballot measure regarding this Ordinance, this Ordinance shall
be adopted upon the date the vote therefore is declared by the City
Council.

Section 5. Effective Date. If approved by a majority of qualified electors
vote in favor of the ballot measure regarding this Ordinance, which shall
add Section 2.52.040 to the Municipal Code as specified in Section 1,
above, shall be effective December 18, 2024.

Section 6. Execution. The People of the City of Martinez hereby
authorize the Mayor and City Clerk of the City to execute this Ordinance
to reflect its adoption at the March 5, 2024 election.