

STAFF REPORT
City of Lancaster

NB 1
06/28/11
MVB

Date: June 28, 2011

To: Mayor Parris and City Council Members

From: David R. McEwen, City Attorney

Subject: **Ordinance Amending Section 2.04.040 of the Lancaster Municipal Code relating to filling vacancies on the City Council or in the Office of the Mayor**

Recommendation:

Introduce **Ordinance No. 967** (the “Ordinance”), amending section 2.04.040 of the Lancaster Municipal Code relating to filling vacancies on the City Council or in the office of the Mayor.

Fiscal Impact:

Unknown, but likely insignificant. Conversely, if a special election was held to fill a Council vacancy, the cost to the City would likely exceed \$100,000.00.

Background:

The charter of the City of Lancaster was adopted by the voters on April 27, 2010. Section 100 of the Charter gives the city the power to make and enforce all laws and regulations with respect to municipal affairs. The current provision of the Lancaster Municipal Code provides that a vacancy on the City Council or in the office of the Mayor will be filled in accordance with section 36512 of the California Government Code of which is applicable to general law cities.

Consistent with the powers granted by the Charter, this Ordinance amends section 2.04.040 of the Lancaster Municipal Code to provide an alternate procedure to fill such vacancies. Under the proposed ordinance, if a Councilmember’s seat were to become vacant prior to the expiration of their term, the vacated position would be filled by appointment of the Mayor, with the consent of the City Council, for the remainder of the unexpired term. If the Mayor’s seat were to become vacant prior to the expiration of the term, the powers and duties of the Mayor’s office would automatically transfer and vest in the Councilmember serving as the Vice-Mayor, until the next regularly scheduled municipal election, where the office of Mayor would then be up for election for a four year term regardless of the original term of the person who vacated the office of Mayor. For purposes of the proposed ordinance, the former Mayor’s seat shall be considered a vacant Councilmember seat and shall be filled accordingly pursuant to the ordinance.

Attachment:

Ordinance No. 967