

ORDINANCE NO. 967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, 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

WHEREAS, Section 100 of the Charter (the “Charter”) of the City of Lancaster (the “City”) provides, in part, that the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs; and

WHEREAS, Section 102 of the City’s Charter provides that the City shall have the power to adopt ordinances establishing procedures, rules or regulations concerning, among other things, the filling of vacant offices; and

WHEREAS, Section 2.04.040 of the Lancaster Municipal Code currently provides that a vacancy on the City Council or in the Office of the Mayor shall be filled pursuant to and consistent with the provisions of Section 36512 of the California Government Code, which is applicable to general law cities; and

WHEREAS, pursuant to the provisions of the City’s Charter, the City Council of the City hereby desires to amend Section 2.04.040 of the Lancaster Municipal Code in order to specify the procedures, rules and regulations applicable to filling a vacancy on the City Council or in the office of the mayor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2.04.040 of the Lancaster Municipal Code is hereby amended to read as follows:

2.04.040 Vacancies.

A. A vacancy shall exist on the city council or in the office of the mayor, and shall be declared by the city council, upon the occurrence of any of the events enumerated in the provisions of the California Government Code pertaining to vacancies in public offices.

B. Within forty-five (45) days of the city council declaring a vacancy on the city council pursuant to this section, the mayor, with the consent of the city council, shall fill such vacancy by appointment. In the event the office of the mayor is declared by the city council to be vacant, such vacancy shall be filled by election at the first general municipal election held immediately following the city council's declaration of vacancy.

C. In the event the office of the mayor is declared by the city council to be vacant, the powers and duties of the office of the mayor shall immediately and automatically transfer to and vest in the council member serving as the vice-mayor pursuant to Section 2.04.020, and such powers and duties shall remain so transferred and vested until the office of the mayor is filled by election pursuant to subsection B of this Section 2.04.040. **The Mayor, with the consent of the City Council, may fill the vacancy created pursuant to this subsection C, by appointment.**

D. A person appointed to fill a vacancy **holds office until the next general municipal election.** A person elected to the office of the mayor pursuant to subsection B of this Section 2.04.040 shall hold such office for a full term.

E. To the extent consistent with the terms of the city's charter and this Section 2.04.040, provisions of the California Government Code pertaining to filling vacancies in public offices shall apply.

Section 2. Any provision of the Lancaster Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 28<sup>th</sup> day of June, 2011, and placed upon its second reading and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011 by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF LANCASTER            )

CERTIFICATION OF ORDINANCE  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 967, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(seal)