

ORDINANCE NO. 1123-16

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA
AMENDING LAWNSDALE MUNICIPAL CODE
SECTIONS 2.04.110 AND 2.16.045 PERTAINING TO
FILLING VACANCIES IN THE OFFICES OF
MAYOR, CITY COUNCILMEMBER AND CITY CLERK**

SUMMARY: This ordinance updates the city's laws re filling a vacancy in the office of an elected official.

WHEREAS, the Lawnsdale Municipal Code requires the City Council to fill a vacancy in the office of mayor, city councilmember or city clerk either by appointment or by calling a special election; and

WHEREAS, the Lawnsdale Municipal Code also specifies that if a special election is called to fill the vacancy, the special election shall be held on the date of the next regularly scheduled municipal election to be held throughout the city not less than one hundred fourteen days from the call of the special election and that the person elected in the special election shall hold office for the unexpired term of the former incumbent; and

WHEREAS, on August 12, 2015, Governor Brown signed Assembly Bill 952 which amended Government Code Section 36512 pertaining to vacancies in local elective offices; and

WHEREAS, as currently written, the Lawnsdale Municipal Code is inconsistent with Government Code Section 36512 and must be amended; and

WHEREAS, Government Code Section 36512 establishes specific rules pertaining to the timing of special elections to fill vacancies in local elective offices and the length of the term a person shall serve once appointed or elected to fill the vacancy; and

WHEREAS, Government Code Section 36512 also authorizes a city council to enact an ordinance that does any of the following: a) requires a special election to be called, b) requires a special election to be called upon the filing of a petition by the city's electors, or c) specifies that a person appointed to fill the vacancy holds office only until the date of the special election; and

WHEREAS, the Lawnsdale City Council wishes to adopt the rules established by the state legislature and not to adopt its own ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.04.110 of the Lawnsdale Municipal Code is amended to read, in its entirety, as follows:

"2.04.110 Vacancies—Filling—Term.

If a vacancy occurs in the office of mayor or city councilmember, the city council shall, within sixty days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy as follows:

(A) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(B) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(1) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office; or

(2) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent."

SECTION 2. Section 2.16.045 of the Lawndale Municipal Code is amended to read, in its entirety, as follows:

"If a vacancy occurs in the office of city clerk, the city council shall, within sixty days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The vacancy shall be filled in the same manner as a vacancy in the office of mayor or city councilmember, as described in section 2.04.110 of this code."

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the

same at the City Hall, the Lawndale Community Center and the United States Post Office, Lawndale Branch.

PASSED, APPROVED, AND ADOPTED this 17th day of October, 2016.

Robert Pullen-Miles, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1123-16 at its regular meeting held on the 3rd day of October, 2016, and duly approved and adopted said ordinance at its regular meeting held on the 17th day of October, 2016, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor	X				
Pat Kearney, Mayor Pro Tem	X				
James H. Osborne	X				
Daniel Reid	X				
Bernadette Suarez	X				

Rhonda Hofmann Gorman, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney