

URGENCY ORDINANCE NO. 2024-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING LAKE ELSINORE MUNICIPAL CODE SECTION 2.42.070 REGARDING FAILURE TO FILL A VACANCY OF THE CITY TREASURER SEAT

WHEREAS, on July 10, 1984, the Lake Elsinore City Council adopted Ordinance No. 699 establishing Lake Elsinore Municipal Code ("LEMC") Section 2.42.070 "Failure to fill vacancy" which states, "In the event that the City Council shall fail to fill a vacancy by appointment within 30 days after such office has become vacant, the City Council shall forthwith call a special election to fill such vacancy"; and

WHEREAS, California Government Code Section 36512(b) states, "If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy"; and

WHEREAS, Government Code Section 36937 expressly authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, in order to be consistent with state law governing general law cities and to allow the City Council time to decide whether to fill a vacancy by appointment or call a special election to fill a vacancy, give the City Clerk time to solicit applications if the City Council decides to do so, and give the public time to complete and submit an application if requested by the City Council, the City Council desires to amend LEMC Section 2.42.070 to allow the City Council to fill the vacancy or call a special election within 60 days rather than 30 days.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, DOES ORDAIN
AS FOLLOWS:**

Section 1: LEMC Section 2.42.070 "Failure to fill vacancy", is hereby amended as follows:

"2.42.070 Failure to fill vacancy:

In the event that the City Council shall fail to fill a vacancy by appointment pursuant to Section 2.42.060, the City Council shall, not later than 60 days after such office has become vacant, call a special election to fill such vacancy. Notwithstanding the foregoing, if such vacancy occurs within 120 days prior to a general municipal election, such vacancy shall be filled at the general municipal election."

Section 2: CEQA. This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

Section 3: Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 4: Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City by Government Code Sections 36937 and shall be in full force and effect

immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This Urgency Ordinance shall take effect immediately upon adoption and shall become operative on February 13, 2024.

Section 5: Urgency. The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, or safety, as those terms are defined in Government Code Section 36937(b), in at least the following respects: The office of the elected City Treasurer became vacant on January 18, 2024 and the City Council requires sufficient time to evaluate the options to fill the vacancy consistent with the timeline provided by state law, the Lake Elsinore Municipal fails to provide sufficient time to evaluate those options, and, hence, the need to amend the City's Municipal Code to comply with state law is immediate such that it is essential that the City adopt the above stated Urgency Ordinance.

Section 6: Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed, Approved, and Adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, on this 13th day of February 2024.

Steve Manos
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Urgency Ordinance No. 2024-_____ was adopted at its Regular meeting of February 13, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk