

7) **Second Reading of an Ordinance Amending Lake Elsinore Municipal Code Section 2.42.070 Regarding Failure to Fill a Vacancy of the City Treasurer Seat**

Adopt by title only and waive further reading of AN 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.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Candice Alvarez, MMC, City Clerk

Date: February 27, 2024

Subject: Second Reading of an Ordinance Amending Lake Elsinore Municipal Code Section 2.42.070 Regarding Failure to Fill a Vacancy of the City Treasurer Seat

Recommendation

Adopt by title only and waive further reading of AN 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.

Background

At its Regular meeting on February 13, 2024, the City Council unanimously introduced by title only and waived further reading of the Ordinance.

Fiscal Impact

There is no fiscal impact associated with this item.

Attachments

Attachment 1 - Ordinance

ORDINANCE NO. 2024-1496

AN 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, 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 Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 5: 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 27th 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 Ordinance No. 2024-1496 was introduced by the City Council of the City of Lake Elsinore, California, at its Regular meeting of February 13, 2024 and adopted at its Regular meeting of February 27, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk