



AGENDA REPORT

Meeting Date: November 17, 2015
Item Number: D-5
To: Honorable Mayor & City Council
From: David M. Snow, Interim City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
REPEALING SECTION 2-1-21 OF THE BEVERLY HILLS
MUNICIPAL CODE REGARDING COUNCIL VACANCIES
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS REPEALING SECTION 2-1-21 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING COUNCIL VACANCIES" be introduced and read by title only.

INTRODUCTION

At the November 3, 2015 study session, the Council directed the City Attorney's office to draft an ordinance repealing the provisions in the municipal code regarding council vacancies.

BACKGROUND and DISCUSSION

When a city council vacancy occurs cities generally have the option of filling the vacancy by either appointing a person or holding a special election. A person appointed or elected to fill the vacancy holds office for the unexpired term of the former incumbent.

However, pursuant to Government Code Section 36512(c)(1), cities may enact an ordinance to require that a special election be called immediately to fill every city council vacancy. The City of Beverly Hills has adopted such an ordinance providing, in relevant part, as follows:

Beverly Hills Municipal Code Section 2-1-21. Within thirty (30) days after the commencement of a vacancy on the council, the council shall call a special election to fill the vacancy for the unexpired term of the former incumbent. Such

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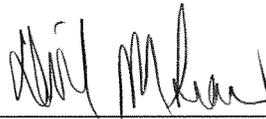
election shall be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of the special election.

During the November 3, 2015 study session, the Council discussed the process for filling council vacancies and expressed a desire to follow the provisions set forth in Government Code Section 36512(b) which allow the City Council 60 days to either appoint someone to fill a vacancy or call for a special election. As a result, the Council directed the City Attorney's office to prepare an ordinance rescinding the council vacancy provisions contained in the municipal code.

Pursuant to Government Code Section 36937 and Elections Code Section 9235, ordinances relating to an election take effect immediately upon adoption (after second reading), and are not subject to the typical 30-day delay in effective date that is applicable to ordinances.

FISCAL IMPACT

Adoption of this proposed ordinance would have no fiscal impact.



David M. Snow, Interim City Attorney

Attachment 1

ORDINANCE NO. 15-O-____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
REPEALING SECTION 2-1-21 OF THE BEVERLY HILLS
MUNICIPAL CODE REGARDING COUNCIL VACANCIES**

WHEREAS, Section 2-1-21 of the Beverly Hills Municipal Code requires the City Council to call a special election within 30 days after the commencement of a vacancy on the Council in order to fill the vacancy for the unexpired term of the former incumbent.

WHEREAS, the City desires to be governed by the provisions contained in Government Code Section 36512(b) which give cities the option of filling a council vacancy by either appointing a person or holding a special election within 60 days.

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

Section 1. Section 2-1-21 (“COUNCIL VACANCIES”) of Chapter 1 (“COUNCIL”) of Title 2 (“ADMINISTRATION, PERSONNEL, AND PROCEDURES”) of the Beverly Hills Municipal Code is hereby repealed.

Section 2. **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk’s certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 3. **Effective Date.** This Ordinance relates to an election and shall take effect immediately upon its adoption.

Adopted:

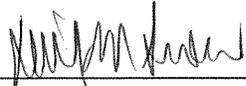
Effective:

JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

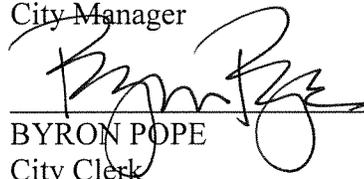
APPROVED AS TO FORM:



DAVID M. SNOW
Interim City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager



BYRON POPE
City Clerk