

**ORDINANCE NO. 1458**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING ORDINANCE NO. 1442 SETTING FORTH A PROCEDURE FOR THE ROTATION OF THE OFFICE OF MAYOR AND OTHER POSITIONS HELD BY COUNCILMEMBERS**

**WHEREAS** the City of Banning is currently operating under Ordinance No. 1442, setting forth a procedure for the rotation of the office of mayor and other positions held by Councilmembers;

**WHEREAS** Ordinance No. 1442 rotates each of the five (5) members of the City Council through the position of Mayor, Mayor Pro Tem, Chair of the Community Redevelopment Agency (“Agency”), Chair of the Housing Authority (“Authority”), and Vice Chair of the Agency and Vice Chair of the Authority;

**WHEREAS** redevelopment agencies were dissolved in the State of California on February 1, 2012, pursuant to ABx1 26 and AB 1484, thereby eliminating the positions of Chair of the Agency, and Vice Chair of the Agency; and

**WHEREAS** it is necessary to change the rotation established by Ordinance 1442 to eliminate the offices of the former Agency. Such change in rotation is urgent given that the next mayoral appoint occurs at the first regular meeting in December of this year. If the change and update in rotation to meet current law does not take effect prior to the time for mayoral rotation, appointment of a mayor will be confounded or delayed to the public’s detriment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.**

Section 2.04.070 of the Banning Municipal Code is amended to read in its entirety as follows:

**“2.04.070. Rotation of Mayor and Other Offices**

A. General. The City of Banning has a council/manager form of city government. All five members of the city council are elected at large to four-year terms. Additionally, the city has related agencies including the housing authority. These entities have various officers, including chair person and vice chair person. The city council believes that all councilmembers have the capability of performing these offices and should be given the opportunity to do so through a rotational system.

B. Rotation of councilmembers through the office of mayor and other offices.

- E. Office of the mayor pro tem. The mayor pro tem will serve as mayor in the event of the absence of the mayor and will be appointed as the mayor when there is a vacancy in the office of mayor. The selection of the mayor pro tem will follow the rotation policy stated above in subsection 2.04.070(A).
- F. Duties. The mayor, if present, shall preside as chairperson at all meetings of the city council. In the absence of the mayor, the mayor pro tem shall preside. In the absence of both the mayor and mayor pro tem, the next officer in the rotation succession list shall serve as chairperson. The chairperson shall preserve order and decorum. The chairperson may make or second any motion and present and discuss any matter as a member of the city council. The person serving as mayor accepts the responsibility to be the city's official representative for all events where representation is necessary, except where otherwise provided by the council, and for signing all contracts and official documents and correspondence.

#### SECTION 2. Effective Date.

The City Clerk shall certify to the passage and adoption of this ordinance by the City Council of the City of Banning and shall, within 15 days after its final passage, cause the same to be published once in the Record Gazette, a newspaper of general circulation which is hereby designated for that purpose. This ordinance shall take effect immediately after its passage.

#### SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held 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 Banning 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 thereof may be declared invalid or unconstitutional.

#### SECTION 4. Supersedes.

This ordinance supersedes any conflicting resolutions or ordinances, and any such resolutions or ordinances shall be construed so as to carry out the intent of this ordinance.

#### SECTION 5. Urgency and Effective Date.

This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption. The findings set out above in the recitals of this ordinance support the need for this urgency measure and are incorporated herein by reference. Additionally, in accordance with the requirements of Government Code section 36937, subdivision (b), the City Council hereby declares that the provisions contained herein are necessary for the immediate preservation of the public peace, health or safety for the following reasons: (i) the mayoral seat is a critical component of the City's policy-making and administration of public business, and (ii) the mayor serves as the chair of all City Council

## Cathedral City, California Municipal Code

### Title 2 ADMINISTRATION AND PERSONNEL

#### Chapter 2.04 COUNCIL

## 2.04.180 Appointment of mayor and mayor pro tem.

A. The purpose of this section is to implement a rotating system for appointing council members to the honorary positions of mayor and mayor pro tem pursuant to Section 603 of the City Charter. The appointment of individuals to serve as mayor and mayor pro tem must follow the requirements of this section.

B. At the first city council meeting in December of each calendar year, the city council shall approve a council rotation list and appoint council members to serve as mayor and mayor pro tem based on the approved rotation list. The rotation list shall be prepared in accordance with the following:

1. The current mayor pro tem shall succeed to the position of mayor. The outgoing mayor shall go to the bottom of the rotation list, except that in a regular election year any newly-elected first-term council member (not an incumbent re-elected to serve) shall be placed behind the outgoing mayor on the rotation list. The council member in third position on the rotation list shall move into the mayor pro tem position.

2. If an individual is appointed to fill, or a special election is held to fill, a council vacancy, the appointed or elected individual shall be placed at the bottom of the rotation list. Any council members who were below the outgoing council member on the rotation list shall move up one spot.

3. A council member shall not serve as mayor or mayor pro tem during their first year on the City Council.

C. In the event that there are two or more new council members who join the council at the same time, for the purposes of this section their placement on the rotation list shall be determined by drawing cards. One suit from a standard deck of playing cards will be utilized, with no jokers and aces high. Seniority will be determined by the cards drawn, with the highest card being the most senior. This draw shall only be done once, and the seniority determined by the draw will apply to the council members for so long as the subject council members are on the city council.

D. If at any point in time a council member serving as mayor or mayor pro tem resigns from the position, is removed from the position, or their seat becomes vacant, the position shall be filled in the same manner as the annual appointments. At the first council meeting in December thereafter, the process for selecting a new mayor and mayor pro tem shall be modified as follows:

1. If the council member serving as mayor has only served a partial term, as defined below, that council member shall continue to serve as mayor and the annual rotation will not occur.

## 2.3—Selection of Mayor and Vice Mayor

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The Council rotates/selects the Mayor and Vice Mayor each year on the Thursday immediately following the second Wednesday in December. The City Council believes that experience as a Councilmember will assist those who are selected to serve as Mayor or Vice Mayor, and has outlined a process that provides Councilmembers an opportunity to gain experience in cycles of governing prior to assuming their respective offices. Rotation to Vice Mayor is based on the length of time a councilmember has served since last being elected mayor and if needed the total vote count of his/her last election and works as follows:

1. The Vice Mayor rotates to the position of Mayor.
2. The member with the most continuous time of service on the Council who has not previously served as Mayor will be selected as Vice Mayor.
3. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected.
4. If a Councilmember is appointed to fill a mid-term vacancy, that Councilmember will go to the bottom of the rotational list.
5. Incumbent Councilmembers, when re-elected, do not begin anew at the bottom of the list, but rather retain their placement in the rotation.
6. A Councilmember may decline to serve as Mayor or Vice Mayor. In this case, the office would pass to the next Councilmember on the list. The Councilmember who declined may drop back one position in the rotation.
7. When the Council reorganizes, the outgoing Mayor will nominate the Vice Mayor to succeed him/her. The newly appointed Mayor will then nominate the next Councilmember in the rotational sequence to serve as Vice Mayor for the coming year.

The process described above shall guide the Council's selection of the Mayor and Vice Mayor; however, a majority of the City Council retains the authority to disregard the process and select any member of the City Council for these positions.