



CITY COUNCIL AGENDA REPORT

MEETING DATE: March 7, 2006

ITEM NUMBER: VIII - 2

SUBJECT: APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE

DATE: FEBRUARY 22, 2006

FROM: KIMBERLY HALL BARLOW

PRESENTATION BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

FOR FURTHER INFORMATION CONTACT: KIMBERLY HALL BARLOW, 714-754-5399

RECOMMENDATION:

Give second reading and adopt the attached Ordinance Amending Chapter II of Title 2 relating to the appointments of the mayor and the mayor pro tempore.

BACKGROUND:

The City Council, in 2003 and 2005, adopted procedures governing the time and place for appointing the Mayor and Mayor Pro Tempore. At its regular meeting on February 21, 2006, City Council gave first reading to the proposed ordinance.

ANALYSIS:

Section 2-22 currently states that the selection of the Mayor and Mayor Pro Tempore shall take place at the regular meeting following the meeting at which the declaration of the municipal election results is made. Government Code § 63801 was amended in 2005 (effective on January 1, 2006), mandating that the selection of these officers shall occur at the same meeting as the declaration of the results of the election. As it now reads, § 2-22 does not comply with state law and needs to be amended.

FISCAL REVIEW:

None required.

LEGAL REVIEW:

The City Attorney's office has prepared the attached ordinance for your consideration.

CONCLUSION:

The proposed amendment to the Costa Mesa Municipal Code is intended to bring Section 2-22 back into compliance with state law. The City Attorney recommends that City Council give second reading to and adopt the Ordinance amendment.


ALLAN L. ROEDER
City Manager


KIMBERLY HALL BARLOW
City Attorney

DISTRIBUTION: City Manager

ATTACHMENTS: 1 Ordinance

File Name	Date	Time
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ORDINANCE NO. 06-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER II OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE APPOINTMENTS OF THE MAYOR AND THE MAYOR PRO TEMPORE.

WHEREAS, the City Council of the City of Costa Mesa previously adopted procedures governing the time and place for appointing the mayor and mayor pro tempore; and

WHEREAS, Government Code section 63801, relating to the selection of City Council officers has been amended effective January 1, 2006; and

WHEREAS, in light of this amendment the Costa Mesa Municipal Code no longer complies with state law and an amendment to section 2-22 is necessary.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter II of Title 2 of the Costa Mesa Municipal Code is hereby amended to read as follows:

Sec. 2-22. Selection of council officers.

The city council shall choose one of its members as mayor and one of its members as mayor pro tempore at the meeting at which the declaration of the municipal election results and the installation of the newly elected officers is made pursuant to Sections 10262 and 10264 of the Elections Code, following the declaration of the election results. The term of service for both mayor and mayor pro tempore shall be for a period of two (2) years from the date of appointment.

Section 2. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. 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

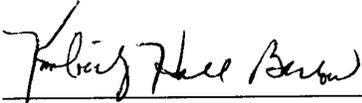
Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

PASSED AND ADOPTED this 7th day of March, 2006.

Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:

City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 06-5 was introduced and considered section by section at a regular meeting of said City Council held on the 21st day of February, 2006, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 7th day of March, 2006, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of March, 2006.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 06-__ was introduced and considered section by section at a regular meeting of said City Council held on the _____ day of _____, 2006, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the _____ day of _____, 2006, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2006.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa