



1 Title 2 (Administration and Personnel), attached hereto as Exhibit A and incorporated herein by  
2 reference, is added to the Rialto Municipal Code.

3 **SECTION 3. SECTION 2.06.030 (VACANCY)**

4 Section 2.06.030 (Vacancy) of Chapter 2.06 (City Treasurer) of Title 2 (Administration and  
5 Personnel), attached hereto as Exhibit A and incorporated herein by reference, is added to the Rialto  
6 Municipal Code.

7 **SECTION 4. SECTION 2.07.030 (VACANCY)**

8 Section 2.07.030 (Vacancy) of Chapter 2.07 (City Clerk) of Title 2 (Administration and  
9 Personnel), attached hereto as Exhibit A and incorporated herein by reference, is added to the Rialto  
10 Municipal Code.

11 **SECTION 5. SEVERABILITY**

12 If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance  
13 is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent  
14 jurisdiction, then such decision shall not affect the validity of the remaining portions of this  
15 ordinance. The City Council hereby declares it would have adopted this Ordinance and each  
16 section, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or  
17 more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared  
18 invalid or unconstitutional.

19 **SECTION 6. CERTIFICATION, PUBLICATION, AND EFFECTIVE DATE**

20 The City Clerk shall certify to the adoption of this ordinance and publish and post the  
21 ordinance in accordance with Government Code Section 36933. This ordinance shall take effect  
22 thirty (30) days after its date of adoption.

23  
24 PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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27 JOE BACA, Mayor  
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ATTEST:

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BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

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ERIC S. VAIL, City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Ordinance No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council  
6 of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

7 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
8 \_\_\_\_\_, the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted.

9 Vote on the Motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
14 Rialto, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Barbara A. McGee, City Clerk

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**EXHIBIT A**

**SECTION 2.02.030 CITY COUNCIL AND MAYOR VACANCIES**

A. Definitions.

“Established election date” shall be determined pursuant to Section 1000 et seq. of the Elections Code, including any amendments and successor statutes thereto.

“Vacancy.” A vacancy in an elected office shall occur on any of the following:

- 1. The date the elected officer resigns or the date of their death.
- 2. The date the elected officer assumes another elected city office (e.g. mayor, city clerk, treasurer)
- 3. The date that the city council by resolution declares the seat vacant for failure to meet the required qualifications under Sections 34904 (elected mayor) or 36502 (councilmember, city clerk or treasurer) of the Government Code, including any amendments and successor statutes thereto.

B. Mayor Vacancy.

In the event of a vacancy in the office of the mayor for any reason, the city council shall fill the vacancy by appointment, as provided in subsection F below. If the city council fails to fill the office within 60 days, the city council shall call an election to fill the vacancy to be held on the next established election date to be held not less than 114 days thereafter. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent. A current councilmember may be appointed to the office of the mayor.

C. City council Vacancy.

- 1. Unless otherwise required by law to fill a vacancy by special election, if a vacancy occurs in a city council seat, the city council shall, within 60 days from the commencement of the vacancy, fill the vacancy by appointment, as provided in subsection F below.
  - a. If the city council fills the vacancy by appointment, within the 60 day period, the person appointed to fill the vacancy shall hold office pursuant to one of the following:
    - i. If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy

1 shall hold office until the next general municipal election that is scheduled 130 or  
2 more days after the date the city council is notified of the vacancy, and thereafter  
3 until the person who is elected at that election to fill the vacancy has been qualified.  
4 The person elected to fill the vacancy shall hold office for the unexpired balance of  
5 the term of office.

6 ii. If the vacancy occurs in the first half of a term of office, but less than 130  
7 days prior to the next general municipal election, the person appointed to fill the  
8 vacancy shall hold office for the unexpired term of the former incumbent.

9 iii. If the vacancy occurs in the second half of the term of office, the person  
10 appointed to fill the vacancy shall hold office for the unexpired term of the former  
11 incumbent.

12 b. If the city council fails to fill the vacancy within the 60 day period, then it shall call  
13 a special election which shall be held on the next regularly established election date not less  
14 than 114 days from the call of the special election. A person elected to fill a vacancy holds  
15 office for the unexpired term of the former incumbent.

16 D. In the event that the city council elects to transition the City to by-district elections, and  
17 elects to fill a vacancy by appointment as a result of a councilmember resigning from office, the  
18 appointment shall be made in accordance with Section 36512(e), including any amendments or  
19 successor statutes thereto.

20 E. An appointment pursuant to this section shall not be made to fill a city council or mayor  
21 vacancy if the appointment would result in a majority of the members serving on the city council  
22 having been appointed. In the event that the appointment of a mayor or councilmember would result  
23 in a majority of the members serving on the city council having been appointed, the vacancy shall  
24 be filled as follows:

25 1. The city council may call an election to fill the vacancy, to be held on the next  
26 regularly established election date not less than 114 days after the call.

27 2. If the city council does not call an election pursuant to paragraph (1), the vacancy  
28 shall be filled at the next regularly established election date.

1 F. The process to fill the vacant city council or mayor seat by appointment shall be as follows:

2 1. The city council shall appoint the person having received the second highest verified  
3 vote tally for the subject office in the most recent prior election, provided that person is  
4 willing to fill the office and is still legally eligible to do so in accordance with Section 36502  
5 or 34904 of the Government Code, as applicable. In the event that person cannot or will not  
6 fill the office, the person having received the third highest verified vote tally for the subject  
7 office in the most recent prior election shall be appointed, provided that person is willing to  
8 fill the seat and is legally eligible to do so in accordance with Section 36502 or 34904 of  
9 the Government Code, as applicable.

10 2. In the event there is no person who fulfills the requirements of Subsection 1, above,  
11 for the specific office being filled, and the City Council desires an appointment to the vacant  
12 seat, the City Council will determine an application process by resolution or minute order.

13 3. The failure to strictly adhere to the procedures in this subsection F. will not affect  
14 the legality and effectiveness of any appointment made. The City Council may, by  
15 resolution or minute order, modify the procedure to further efficiency and transparency, or  
16 to serve the public interest.

17 **SECTION 2.06.030 VACANCY**

18 In the event of a vacancy for any reason in the office of city treasurer, the city council shall appoint  
19 a person to fill the seat in accordance with the provisions of Section 2.02.030(F). Such appointee  
20 shall hold office as provided in Section 2.02.030(C). "Vacancy" shall have the same meaning as  
21 provided in Section 2.02.030(A).

22 **SECTION 2.07.030 VACANCY**

23 In the event of a vacancy for any reason in the office of City Clerk, the City Council shall appoint  
24 a person to fill the seat in accordance with the provisions of Section 2.02.03(F). Such appointee  
25 shall hold office as provided in Section 2.02.030(C). "Vacancy" shall have the same meaning as  
26 provided in Section 2.02.030(A).