



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## "SHIRTSLEEVE" SESSION

Date: March 12, 2019

Time: 7:00 a.m.

\*and via conference call:  
**1311 Midvale Road**  
**Lodi, CA 95240**

For information regarding this Agenda please contact:

**Jennifer M. Ferraiolo**  
**City Clerk**  
**Telephone: (209) 333-6702**

### Informal Informational Meeting

**A. Roll Call by City Clerk**

**B. Topic(s)**

B-1 Receive Information Relating to Notice of Intent Requesting Special Election in 2019 to Consider Amendments to Lodi Municipal Code Section 2.04.070 Relating to Mayor and Mayor Pro Tempore Selection Process (CM)

**C. Comments by Public on Non-Agenda Items**

**D. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

\_\_\_\_\_  
Jennifer M. Ferraiolo  
City Clerk

*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.*



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Receive Information Relating to Notice of Intent Requesting Special Election in 2019 to Consider Amendments to Lodi Municipal Code Section 2.04.070 Relating to Mayor and Mayor Pro Tempore Selection Process

**MEETING DATE:** March 12, 2019

**PREPARED BY:** City Manager

**RECOMMENDED ACTION:** Receive information relating to Notice of Intent requesting a special election in 2019 to consider amendments to Lodi Municipal Code section 2.04.070 relating to the mayor and mayor pro tempore selection process.

**BACKGROUND INFORMATION:** A Notice of Intent to circulate a petition (attached as Exhibit A) was filed in the City Clerk's Office on Tuesday, March 5, 2019, requesting a special election in 2019 to consider amendments to Lodi Municipal Code section 2.04.070 relating to the mayor and mayor pro tempore selection process. While the City cannot provide legal advice on proposed ordinance changes, staff has concerns with the suggested language that should be shared with Council and the public.

The first concern is relatively simple. As Council has experienced, the Registrar is certifying elections later every year. As such, our mayoral succession timeline in the existing ordinance which refers to the "canvas of the election" should be updated to read "In an election year, the Mayor shall be rotated at the first regular meeting after the County Registrar of Voters certifies the election results." The Notice of Intent puts the old language in a citizen-sponsored initiative that could then only be adjusted by initiative.

The second concern is that the proposed initiative has the potential to leave no one eligible to be Mayor in its first year. The proposed initiative states the "The Mayor shall rotate annually by district in numerical order." The proposal goes on at several points to state that the rotation is according to represented districts and then to make Districts 1, 2 and 3 ineligible to serve as Mayor in the first effective year of the initiative; however, Districts 4 and 5 have yet to stand for a district election. If, as the proposed initiative presumes, Mayors must serve in the order of their represented districts, but no eligible district has faced a by-district election, the possibility arises that no one is eligible to serve as Mayor for Districts 4 and 5.

Staff's final comment is an observation of the mechanics of the proposal, without comment on whether the initiative is positive or negative. Assuming the proposal was amended to address the from district requirements for Districts 4 and 5, there are several ways it could play out. One possibility is that the council member assigned to District 5 is selected by lot. If that were to happen the member assigned to District 4 would then go to the very end of the line and not become mayor until 2024. If the object is to get all members in the mayoral chair, this proposal may well put the representative of District 4 in the farthest wait and given that we run staggered election cycles, that position would have to face another election cycle before being eligible.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

This is being provided for informational purposes; no Council action or direction is requested.

**FISCAL IMPACT:** Not applicable

**FUNDING AVAILABLE:** Not applicable

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Stephen Schwabauer  
City Manager

**EXHIBIT A**

**RECEIVED**

**MAR 05 2019**

**CITY CLERK**

**Notice of Intent to Circulate Petition**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi for the purpose of updating the process by which Lodi's mayor is selected. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

When Lodi switched from at-large elections to district-based elections, the city was split into five districts, and each voter now votes for a candidate they want to represent their district. Despite this new election model, the way our city selects its mayor remains relatively the same.

Although the Lodi's Municipal Code says that the council elects one of their peers to be the city's mayor, the city council has participated in a tradition that gives each member a turn as mayor before their four-year term is over.

This process is subject to abuse. Members can be elected to represent their district by their constituents, but a majority of the council can prevent a member from ever becoming mayor because of political or socioeconomic differences. Under the current model, a member that represents the district with a majority of Latino voters could be prevented from ever becoming mayor.

Under this proposed measure, each district representative gets their turn to be mayor.



Spencer Rhoads

1416 Mariposa Way, Lodi CA 95242

I hereby request that a ballot title and summary be prepared for this proposed measure.

The people of the City of Lodi hereby call for a special election to amend by the vote of the people Lodi Municipal Code Section 2.04.070 as follows:

### **2.04.070 - Presiding officer—Mayor—Mayor pro tempore.**

~~The presiding officer of the council shall be the mayor, who shall be elected by the council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the mayor shall be elected at the first regular meeting in December. At the time of the election of the mayor, one of the members of the council shall be chosen as mayor pro tempore. If the mayor is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor shall preserve strict order and decorum at all regular and special meetings of the council. He or she shall state every question coming before the council, call for the vote, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He or she shall sign all ordinances adopted by the council during his presence. In the event of the absence of the mayor, the mayor pro tempore shall sign ordinances as then adopted.~~

- A. The mayor shall rotate annually by district in numerical order. The mayor pro tempore shall be the city council member whose district number is next in numerical order relative to the district number of the city council member who is serving as mayor. When the city council member representing District 5 becomes mayor, the mayor pro tempore shall be the city council member representing District 1. When the city council member representing District 5 concludes his or her service as mayor, the annual rotation shall start over in numerical order, with the member representing District 1 serving as the mayor.
- B. The mayor shall be rotated at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the mayor shall assume office at the first regular meeting in December.
- C. The city shall conduct a random drawing at the first regular city council meeting in December 2019 to determine the city council member who will be the mayor set forth by this section. City council members who have served as mayor within the past three years cannot be drawn. The city council member that is chosen in the random drawing shall be the mayor, and shall serve as mayor until the first regular meeting after the canvas of votes done in conjunction with the statewide general election in 2020. The mayor pro tempore shall be the city council member whose district number is next in numerical order relative to the district of the mayor. If the council member representing District 5 is drawn, the mayor pro tempore shall be the member representing District 1. On January 1, 2021, Lodi Municipal Code 2.04.070 (C) shall no longer be effective and shall be repealed in its entirety.