

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 12, 2019**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 12, 2019, commencing at 7:25 a.m.

Present: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Absent: Council Member Mounce

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

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)

City Manager Steve Schwabauer provided a presentation regarding a Notice of Intent requesting a special election in 2019 to consider amendments to Lodi Municipal Code Section 2.04.070 relating to Mayor and Mayor Pro Tempore selection process. Specific topics of discussion included purpose of Notice of Intent that would move the selection of Mayor and Mayor Pro Tempore to a rotational basis; staff concerns on the mechanics of the proposed initiative, including ambiguity in the language on who would be eligible for the random drawing in 2019; City's position of not providing legal advice but obligation to raise issues of concern so the public is properly informed before voting; and past practice of pointing out issues of concern in proposed initiative language. Mr. Schwabauer stated the proponent presented draft language to address the concerns brought up by staff, which appears to satisfy the concerns, and he anticipated an amended Notice of Intent will be filed soon.

In response to Council Member Nakanishi, Mr. Schwabauer stated the proposed initiative is structured for a November 2019 special election, the City pays for all elections whether regular or special, and a special election would be significantly more costly than a regular election because the City would absorb the full burden if no other agency has an election to share in the costs. In further response, City Attorney Magdich stated that, if enough signatures are obtained and the petition is sufficient, Council has the option to adopt the initiative as written or set it on the ballot to be decided on by voters. Council Member Nakanishi stated he was opposed to setting this matter for a special election based on the facts that the cost is significant and Council would no longer have a choice in selecting its Mayor and Mayor Pro Tempore, especially if there is a disruptive member on the Council or a member who may be incapable of devoting the amount of time it takes to serve as Mayor, whether due to work commitments or physical restrictions.

Council Member Johnson concurred, stating that last year he made it clear he did not want to be considered for Mayor or Mayor Pro Tempore, and this process would prevent him from sitting out a turn. In response to Council Member Johnson, City Clerk Ferraiolo stated the proponent needs signatures from 10 percent of the registered voters as last reported to the Secretary of State, which would be 3,194 signatures. She added that the figure may change, depending on when the proponent publishes the Notice of Intent.

Spencer Rhoads, proponent of the initiative, stated he put his measure forward as a result of the recent change from at-large to by-district elections so that the selection of Mayor and Mayor Pro Tempore is guaranteed to no longer be political and contentious at times. Without this change, it is possible that a Council district can elect a Council Member who may never be selected to serve

as Mayor and Mayor Pro Tempore, which he believed would be a disservice to their constituents. Under the proposed initiative, the position of Mayor would rotate annually by district in numerical order following the 2020 election after all Council districts are officially represented. Mr. Rhoads stated he believes he addressed staff's concerns in the initial proposed language by changing the rotation to occur after the certification of the election, not the canvass, during election years and to address the Mayor and Mayor Pro Tempore selection in December 2019 when Districts 4 and 5 officially have no representatives. With regard to the cost of a special election, he pointed out the City paid its share of the 2018 General Municipal Election, in addition to spending \$148,000 on consultants for Measure L. He stated he believes his measure will likely be less expensive. Regarding the other comments, any disruptive Council Member would have to face their district's constituents regarding their behavior, and Council Members are elected to serve and should be ready, willing, and able to step into the Mayor or Mayor Pro Tempore role. Council needs to start thinking about the future of districts.

In response to Council Member Nakanishi, Mr. Schwabauer stated the money for the Measure L consultant was spent on outreach to ask constituents what is important, to prioritize the wants, and to education them on the City's budget. The committee in support of Measure L paid to campaign for the Measure; not the City. Council Member Nakanishi stated that, despite being elected as a Council Member, not every member has the time it takes to serve as Mayor because it requires a significant commitment, time, and effort. He stated the City as a whole is important to him and this change would further divide the City into segments, which it was forced to do by the Mexican American Legal Defense and Education Fund. This change will further politicize local government.

Council Member Johnson stated he feels this is another step toward tunnel vision and thinking only about districts, and not the City as a whole. Citizens have complained that the east side of town has been ignored; however, he is comfortable in the knowledge that his votes have been just as equal to the citizens on the east side as it has been on the west side. He hoped this district-thinking does not become so territorial that Council Members only think about certain locations, instead of citywide.

Mr. Roads stated it appears Council is more concerned with the district election model than his proposed measure.

Pat Patrick, President and CEO of the Lodi District Chamber of Commerce, concurred with Council's comments that this change is unnecessary, stating it has only been a handful of times since the City's incorporation in 1906 that a Mayor Pro Tempore did not move into the mayoral position. Lodi elected five individuals to govern the City and make decisions, one of which is who will sit in the chair as Mayor. That decision is based on how well the Council works together, the member's confidence in one another, and who the group feels should serve as Mayor.

Alex Aliferis, member of the public, stated he supports the proposed measure because it will take out the politics in selecting a Mayor and the people have a right to put this forward through a petition to choose whether or not it wants this change. He stated he does not want special interests running City Hall and believes the City spent money on the Measure L survey to pry opinions out of the public in order to formulate the language of Measure L.

Doug Cheney, member of the public, concurred with the points made by Mr. Aliferis, stating he felt it was a crime against taxpayers for the City to spend \$148,000 from the general fund to finance a campaign, a practice that is not commonly prosecuted any longer.

Mike Lusk stated he supports moving to a district sequential representation of mayors based on the evolution of the electoral processing occurring in Lodi the last couple of years. He stated that since Lodi now has by-district elections, citizens will have greater knowledge about whom they are voting for because of the campaigns, and one of the criteria to consider when voting is an individual's overall qualifications to sit on the Council and to represent the City as Mayor and/or Mayor Pro Tempore. He does not believe this rotational selection based on districts will separate or divide the City. He stated voters should have the opportunity to make the decision on whether to move toward the proposed selection process.

Eunice Friederich, member of the public, stated she supports the measure; however, she prefers Council approve the measure and implement the change in order to save money on a special election. She added that she did not support moving to a by-district election process, but now that the City has districts, she believes this new rotational selection makes sense. Ms. Friederich expressed pride in having Council Member Mounce fight for the east side and was disappointed that Council passed her over twice for Mayor.

Myrna Wetzel, member of the public, reminded the public that Lodi was forced into moving to a by-district election process over threat of a lawsuit. She stated she hopes there is a consensus amongst everyone.

Mike Lusk stated he understood that, if the City were to accept the proposal and adopt the measure as presented, the City could change the ordinance language in the future without going to an election; whereas, if the measure goes on the ballot and is approved, a subsequent ballot measure would be necessary to change the ordinance. He requested clarification on his understanding, to which Ms. Magdich stated she would address that point with Council at a later date.

Mayor Pro Tempore Kuehne pointed out that two of the senior members of Council with a cumulative 30 years of experience agree this change is not a good idea. He added that some do not understand the significant time commitment it takes to serve as a Council Member; even more as a Mayor. With regard to the rotation process, Mayor Pro Tempore Kuehne reminded the public there are five districts, but Council Members serve four-year terms; therefore, a newly-elected Council Member could serve as Mayor in his or her first year on the Council without any knowledge or experience. There is a learning curve to be a Council Member, just like with any job, so being thrust into the Mayor position could be problematic. The set rotation does not allow flexibility for a Council Member to decline the Mayor or Mayor Pro Tempore position due to time constraints or health issues, which he felt was problematic because issues arise in people's lives.

Council Member Nakanishi suggested the proponent wait another year for a regular election and see how Council handles the next Mayor and Mayor Pro Tempore selection.

Mayor Pro Tempore Kuehne stated that all of the Council Members are concerned about the entire City, not just one area, and he was offended to hear comments that one Council Member champions a certain area over another. He pointed to the efforts, attention, and programs he promoted and supported in the Heritage District. He cautioned that once people start dividing areas, the atmosphere could become divisive.

Mayor Chandler agreed with most of the perspectives of his fellow Council Members, adding that he believed Council Members should have the discretion to decide if he or she wants to be Mayor because it requires a significant amount of time, as well as commitments to represent the City on a number of other committees and organizations. The person in line for Mayor should have the discretion to decline.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:12 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk