



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – SPECIAL MEETING

Date: March 10, 2020

Time: 7:00 a.m.

*and via conference call:

437 E. Elm Street
Lodi, CA 95240

For information regarding this Agenda please contact:

Pamela M. Farris
Assistant City Clerk
Telephone: (209) 333-6702

A. Call to Order / Roll Call

B. Consent Calendar

B-1 Provide Direction to Staff Regarding Vacant Seat on the City Council (CM)

C. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Pamela M. Farris
Assistant 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 Pamela M. Farris 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 Pamela M. Farris (209) 333-6702.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.**



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Provide Direction to Staff Regarding Vacant Seat on the City Council
MEETING DATE: March 10, 2020
PREPARED BY: City Manager

RECOMMENDED ACTION: Provide direction to staff regarding vacant seat on the City Council.

BACKGROUND INFORMATION: Due to the recent passing of Councilmember Bob Johnson, an at-large council seat (with a term ending November 2020) is now vacant. California Government Code Section 36512 provides direction on the process of filling vacant seats.

Section 36512 directs a council to either fill a vacancy or call a special election within sixty days of the vacancy. In addition, if the Council chooses to call a special election, the election must be held at least 114 days from the date Council calls the election to allow candidates an opportunity to run a meaningful campaign. In this case, the only established election date that fits this mandate falls on November 3, 2020, which coincides with the date seats for Districts 4 and 5 will, for the first time, be up for election. As a result, calling a special election to fill the current at-large seat would be a futile act, and likely lead to significant voter confusion since the seats for Districts 4 and 5 would also be up for election on November 3rd regardless of the current at-large vacancy.

Council has three options:

- 1) Appoint a successor to fill the term of the current at-large vacancy;
- 2) Call a Special Election for November 3, 2020; or
- 3) Do nothing.

Each of these options has potential negative outcomes. Appointing a successor candidate close to an impending election (for Districts 4 and 5) may improve a candidate's chances of winning in the November 2020 election. Calling a special election would cause significant voter confusion as outlined above and not result in actually seating an at-large replacement since a representative for District 5 would be elected at the same time. Doing nothing is not an option provided by statute. Each of these options is discussed in greater detail in the City Attorney's attorney-client privileged memorandum provided to the Council.

As noted, because the current vacancy is at-large and not from a district, the vacancy can be filled by any registered voter in the City. That leaves Council the option of selecting a candidate who does not live in either of the districts (4 and 5) that will be up for election in 2020. Another option would be to appoint only declared non-candidates for 2020. Council must be aware that both of those requirements are non-enforceable since a person could move or decide to run after the appointment.

APPROVED: _____
Stephen Schwabauer, City Manager

For historical context, the Council faced filling of a vacancy in the last year of a council member's term of office in 1998. At that time, all council seats were at-large. The Council decided to appoint an interim council member to fill the vacancy and directed the City Clerk accept applications from interested citizens during a one (1) week period. Following the application deadline, Council Members individually reviewed and ranked the applicants and provided their individual rankings to the City Clerk. Every candidate in the top three rankings was named a finalist and publicly interviewed at an open special meeting of the City Council. Each interview was no more than 30-minutes. The Council made the final selection at a special meeting held the week following the interviews, with the appointee sworn into office at the Council's next regular meeting.

Following discussion of the Council, staff requests direction as to what action, if any, that should be taken.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Stephen Schwabauer
City Manager