



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – Special Meeting

Date: March 7, 2023

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Olivia Nashed
City Clerk
Telephone: (209) 333-6702

Notice Regarding Public Comments

Public Comment may be submitted in the following ways:

- In-person
- Email – councilcomments@lodi.gov
 - Received no later than two hours prior to the meeting
- Mail – City Clerk's Office, P.O. Box 3006, Lodi, CA 95241
- Hand delivered to: City Clerk's Office, 221 W. Pine Street, Lodi, CA 95240
 - Received no later than two hours prior to the meeting

Public comment received via email, mail, or hand delivery will be provided to the City Council and included in the official minutes record of the meeting, but will not be read aloud at the meeting.

A. Call to Order / Roll Call

B. Regular Calendar

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

C. Adjournment

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

Olivia Nashed
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. Agendas and staff reports are also posted on the City's website at www.lodi.gov. 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 Olivia Nashed 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 Olivia Nashed (209) 333-6702.

Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at www.lodi.gov by clicking the meeting webcasts link. Members of the public may view and listen to the open session of this meeting at www.facebook.com/CityofLodi/.



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 7, 2023
PREPARED BY: City Manager

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

BACKGROUND INFORMATION: Due to the resignation of Council Member Shakir Khan, a vacancy now exists in the District 4 Council seat. Mr. Khan's resignation was effective by its terms on February 16, 2023. California Government Code Section 36512 provides direction on the process of filling vacant seats.

Section 36512 directs a council to either fill a vacancy by appointment or call a special election within sixty (60) days of the declared vacancy. Based on the effective date of Mr. Khan's resignation (February 16th) Council must act under Section 36512 on or before April 16, 2023.

Council has three options:

- 1) Appoint a successor to fill the remainder of the District 4 term through 2024;
- 2) Call a Special Election to be held on November 7, 2023; or
- 3) Do nothing.

The Council can appoint a successor to represent District 4 for the balance of the existing term, through a process established by the Council. For historical context, the Council previously faced the need to fill 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. Council also addressed a vacancy with Council Member Bob Johnson. In that case, Council elected not to fill the seat by election or appointment in part based on proximity to the next election, cost, and a desire not to tip the scales toward any one candidate in the upcoming election. The council seat for District 4 will be subject to vote in the November 2024 general election.

Alternatively, the Council could call for a special election to be held no earlier than November 7, 2023. The San Joaquin County Registrar of Voters Office estimates the cost of a special election to range from \$25,000 to \$50,000. This is significantly less than Staff was originally expecting due to the limited number of voters in a single district contest. The cost is based on what the County is actually billed for administering the special election. The County uses the following formula: the total billable amount of

APPROVED: _____
Stephen Schwabauer, City Manager

actual election costs (from previous elections) divided by the total number of registered voters equals the total cost per voter. Currently, District 4 has 3,943 registered voters. Based on recent elections, the SJROV estimates that the cost per voter for a special election in District 4 would range from approximately \$5.20 to \$10.46. If the total number of registered voters were to increase prior to the special election, the projected cost per voter would have a corresponding decrease.

Staff does not recommend that the Council take no action to fill the current vacancy. Doing nothing leaves District 4 without representation until the 2024 general election and exposes the City to possible legal risk as discussed in the City Attorney's attorney-client privileged memorandum provided to the Council.

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