SUBJECT: Consideration of Process for the Selection of Mayor

SOURCE: CITY MANAGER

At an earlier Council Meeting, the City Manager was directed to place an item before the Council regarding the selection of the office of Mayor. Essentially, the options are presented as follows:

- Continue the Current Process
- Approve a Rotational Process
- Submit to the Electorate A Measure for A Directly Elected Mayor

**Current Process:** The current process is described in Section 9 of the City Charter. This section specifies:

> The council shall reorganize at its next meeting following each municipal election and shall choose one of their number to serve as president of the council to be known as mayor. At this time the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a majority vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

This provision was approved by the electorate at the March 4, 2003 election. Another measure was on the ballot that required four votes to remove between reorganizations. It also passed, but by a smaller majority. The results of the election were

Measure F - Remove Mayor/Mayor Pro Tem with 4/5 Vote –
Yes = 1276 (53%)    No = 1122

Measure G - Remove Mayor/Mayor Pro Tem with 2/3 Vote –
Yes = 1381 (58%)    No = 1010

CM _______  APPROP _______  ITEM NO.  24
Over the past 15 years, Mayors have served various terms. Below is a summary of terms served by Porterville Mayors:

- **Mayor Theodore Ensslin**  3/13/89 - 3/11/91  (2 years)
- **Mayor Boyd Leavitt**   3/11/91 - 3/08/93  (2 years)
- **Mayor Daryl Nicholson**  3/08/93 - 3/15/94  (1 year)
- **Mayor Judith Gibbons**  3/15/94 - 3/13/95  (1 year)
- **Mayor William Clark**  3/13/95 - 3/19/96  (1 year)
- **Mayor Jay Coleman**  3/19/96 - 9/06/96  (< 1 year)
- **Mayor Virginia Gurrola**  9/17/96 - 9/02/97  (1 year)
- **Mayor Judith Gibbons**  9/02/97 - 3/08/99  (1.5 years)
- **Mayor Virginia Gurrola**  3/08/99 - 3/12/01  (2 years)
- **Mayor Gordon Woods**  3/12/01 - 3/10/03  (2 years)
- **Mayor Richard Stadtherr**  3/10/03 - 3/02/04  (1 year)
- **Mayor Pedro Martinez**  3/02/04 - 5/17/05  (> 1 year)
- **Mayor Kelly West**  5/17/05 -  (incumbent)

As a matter of summary, over the past 15 years the length of service has been in four instances, 2 years; five instances, 1 year; and in three instances, some other period of time.

To provide additional background, the City Clerk’s office contacted 11 cities in Tulare and Kings Counties. In each of the cities, the selection of mayor is by the City Council and in each of the cities, except Hanford, the selection is normally for a non-reorganized two (2) year term. In Hanford, the office is rotated annually on December 1st.

**Establish a Rotational Basis for Mayor:** If the Council determined that the Mayor should as a matter of policy rotate each year, the result may be achieved by ordinance or by Charter amendment.

An ordinance, of course, cannot overcome the requirements of the Charter. It could, however, provide a requirement that the City Clerk at the first meeting in June of each year that there is not a municipal election, shall place on the agenda an item to reorganize the City Council. With three affirmative votes at the Council Meeting, the reorganization would be considered by the City Council.

The ordinance could further provide that the senior member of the Council who has not served in the office of Mayor shall by action of law be nominated for the position. The Council could with a motion and second make further nominations and a vote could be taken beginning with the senior member. A similar procedure could apply to the office of Mayor Pro Tem. Other rules and procedures, implementing the Charter provision could be specified in the ordinance.

The Council could, of course, place a Charter provision before the electorate defining a revised basis for the selection of Mayor by the City Council. Time remains to place this on the ballot for the November election.
Directly Elected Mayor: In 1959 the General Laws regarding Cities in the State of California were modified to provide for the direct election of Mayor. Section 34900 of the Government Code provides:

> At any general municipal election, or at a special election held for that purpose, the city council may submit to the electors the question of whether electors shall thereafter elect a mayor and four city councilmen, and whether the mayor shall serve a two-year or four-year term. In cities presently having elected mayors, the city council may also submit to the electors the question of whether the mayor shall thereafter serve a two-year or a four-year term.

The general law approach is only a single method to directly elected Mayors. There are other approaches including a provision where the candidate with the greatest number of votes is seated as Mayor for a two year term. The Mayor Pro Tem could be selected by this process (second in votes) or by the appointment of the City Council.

The City of Porterville is a Charter City, so in areas where the Charter is specific, the general laws are not guiding. They do introduce, however, a suggestion how the question of directly elected mayor may be addressed. In the case of the General Laws, the mayor would not obtain the administrative powers of the City unless the Charter was so modified to define their exercise by the mayor rather than the city manager.

Commentary & Analysis: The Council has requested that the matter of the selection of the Mayor be placed on the agenda for consideration. Options have been provided above which include

- Maintaining the current process
- Rotational Mayor by ordinance
- Rotational Mayor by Charter
- Directly elected Mayor by Charter

It would be presumptuous to define the issue before the Council. Therefore, a very generic consideration is provided below regarding the various options.

Current process: It may be maintained that the current process has served the City for more than one-hundred years through many municipal trials. It, therefore, has the weight and authority of traditional procedures and processes.

Rotational Mayor by ordinance: The City Attorney would prepare an ordinance implementing the Charter provision. It has the merit of economy and immediately addressing an issue. An ordinance cannot modify but only interpret the Charter. It could in this way establish a process for the consideration of rotation in each year while leaving the specific decision to the Council seated at that time. The main issue is that the annual reorganization, though appearing on the Agenda, would only be undertaken by three votes of the City Council. There would not, however, be an issue regarding whether the option is presented for Council consideration. The ordinance adopted by the Council could be modified at any time by future Councils to implement...
the intent of the Charter. Therefore, if the Council determines to pursue this approach, there will need to be a finding that the ordinance implements the intent of the Charter provision.

**Rotational Mayor by Charter:** If the Council feels that this is a major item for consideration, it can be placed before the electorate. There have been relatively few modifications to the Charter since it is essentially the “constitution” of the City. The benefit of this approach is that it would be considered by the electorate. The downside is that the Electorate may not approve it or it may consume organizational focus over matters the Council considers more important. If the electorate did not approve, then the Council would not be provided with specific guidance how the voters wish to proceed.

**Directly elected Mayor:** The Council may submit to the electorate an issue to establish a directly elected Mayor. This could be for a two or four year term. Many cities have under the General Laws established this form in California, though the form has not been applied in Tulare and Kings Counties to date. It provides for the community’s direct action telling who serves as Mayor. There are trade-offs regarding this. The community may feel more connected to the office, but the Council could feel less connected. In theory the Council appointed Mayor provides a consensus on leadership from among the member. The Council appointed Mayor on a rotational basis de-emphasizes the selection of Mayor and focuses on the Council as a body. The directly elected Mayor emphasizes direct voter selection of the presiding officer.

It is suggested, in the end no form is necessarily superior. If the goal is to work as a Council to achieve a common result - theoretically a Council selection process would appear beneficial. If, however, the purpose is to establish a sense of community connection with the office of Mayor, the directly elected form may be superior.

**RECOMMENDATION:**

The staff analysis is provided to support the agenda item requested by the City Council.