



MINUTES

CITY COUNCIL SPECIAL MEETING

November 29, 2016

4:00 PM

City Council Chamber

One Civic Center Plaza

Irvine, CA 92606

CALL TO ORDER

The special meeting of the Irvine City Council was called to order at 4:01 p.m. on November 29, 2016 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

ROLL CALL

Present:	5	Councilmember:	Beth Krom
		Councilmember:	Jeffrey Lalloway
		Councilmember:	Lynn Schott*
		Councilmember:	Christina Shea
		Mayor:	Steven Choi

*Councilmember Schott arrived at 4:06 p.m.

PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

1. COUNCIL BUSINESS

1.1 CONFIRM RESIGNATION FROM APPOINTED POSITION OF MAYOR PRO TEMPORE BY CITY COUNCIL MEMBER LYNN SCHOTT; RESCIND PRIOR APPOINTMENT OF CITY COUNCIL MEMBER LYNN SCHOTT AS MAYOR PRO TEMPORE; DESIGNATE COUNCIL MEMBER(S) TO ACT ON CITY'S BEHALF DURING THE PERIOD OF MAYORAL VACANCY BETWEEN DECEMBER 4, 2016 AND DECEMBER 13, 2016

Sean Joyce, City Manager, noted that Irvine Municipal Code (Code) Section 1-2-123 called for the Mayor Pro Tempore to succeed in the event of an unscheduled vacancy for the office of Mayor; and to avoid any concern should this provision apply in that instance through actions not of her own doing as the Code might suggest., Councilmember Schott resigned her position as Mayor Pro Tempore. He further noted the action required by the City Council to designate Councilmember(s) to act on the City's behalf as required by the City's Municipal Code and based on Mayor Choi's upcoming resignation.

Alan Meyerson, Irvine resident, questioned the need for a special meeting and concerns raised by another Councilmember regarding the Mayor Pro Tempore's role when a mayoral vacancy existed. He further spoke in support of Councilmember Schott as Mayor Pro Tempore while continuing to fulfill her remaining two years as a Councilmember.

City Council discussion included: Mayor Choi's transition to California State Assemblyman and resulting mayoral vacancy; clarified the Mayor Pro Tempore's role when a mayoral vacancy occurs; whether the confirmation of Councilmember Schott's resignation by the City Council was required and consequences, if any, of not doing so; whether rescinding Councilmember Schott's prior appointment as Mayor Pro Tempore would undo all time previously served; questioned the length of time between the resignation date and date submitted to the City Council; suggested potential options during the mayoral vacancy period; noted a request made by a Councilmember for a comprehensive legal understanding of the Municipal Code with respect to a mayoral vacancy, and whether the Mayor Pro Tempore would forfeit their remaining term as Councilmember if required to assume the mayoral position; and suggested bifurcating the motions to segregate the designation of Councilmember(s) to act on the City's behalf during the mayoral vacancy.

Jeff Melching, City Attorney, noted that confirmation or acceptance of Councilmember Schott's resignation as Mayor Pro Tempore by the City Council was not necessary for the resignation to be effective; reiterated that Councilmember Schott had the ability to resign under the California Government Code; however, he suggested that doing so would provide for a clean record. City Attorney Melching also clarified that rescission of Councilmember Schott's

appointment as Mayor Pro Tempore would become effective upon City Council action and would not be retroactive.

ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to:

- 1) Confirm and accept the resignation of City Councilmember Lynn Schott as Mayor Pro Tempore.
- 2) Rescind the appointment of City Councilmember Lynn Schott as Mayor Pro Tempore.

Additional City Council discussion included: noting that a similar mayoral vacancy had not occurred in the past, and the assumption that the Mayor Pro Tempore would assume the mayoral role during the vacancy period without forfeiting their remaining term; suggested tightening up the language in the Municipal Code to avoid any potential challenges in the future; noted that the role of the Mayor Pro Tempore was a ceremonial role appointed by the City Council; referenced recent postings on social media by another Councilmember regarding legal interpretation of the City's Municipal Code; reiterated the City Attorney's interpretation that the Mayor Pro Tempore was not required to become Mayor; noted that the letter of resignation should have been distributed to the City Council upon submittal; whether the City Attorney's legal opinion of the Municipal Code could be made public; and noted that any required forfeiture of Councilmember Schott's term based on the upcoming mayoral vacancy would be contrary to the will of the voters.

Councilmember Schott noted the submittal of her resignation letter to City Hall dated November 22, 2016; and further noted that her resignation as Mayor Pro Tempore was in the interest of protecting public trust in the event that being compelled to assume the Mayoral seat could result in a forfeiture of her remaining term.

City Attorney Melching reiterated that although the City could appoint a Mayor Pro Tempore, the Mayor Pro Tempore would not become Mayor, but rather, only fulfill the functions of the Mayor during the vacancy, and that the City Council would have to declare a vacancy before a new Mayor could be appointed. He also noted that the "Temporary Mayor" position as reflected in the Code could only exist if there was no Mayor or Mayor Pro Tempore; and making his legal opinion public would require agendaizing the item at a future meeting.

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Schott, to:

Designate Councilmember Lynn Schott to fulfill the responsibilities of Mayor from December 5, 2016 until the election is certified on December 13.

ACTION: A substitute motion was made by Councilmember Shea, seconded by Mayor Choi, to:

Designate Councilmember Beth Krom to fulfill the responsibilities of Mayor from December 5, 2016 until the election is certified on December 13.

The motion carried as follows*:

AYES: 4 COUNCILMEMBERS: Lalloway, Schott, Shea and Choi

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 0 COUNCILMEMBERS: None

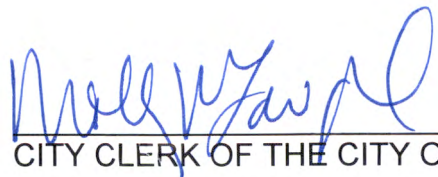
* The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

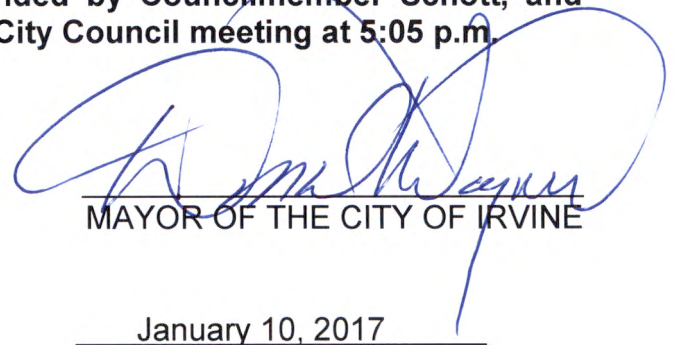
PUBLIC COMMENTS

Alan Meyerson, Irvine resident, expressed his appreciation to Councilmember Krom for her years of service to the community.

ADJOURNMENT

Moved by Councilmember Lalloway, seconded by Councilmember Schott, and unanimously carried to adjourn the special City Council meeting at 5:05 p.m.


CITY CLERK OF THE CITY OF IRVINE


MAYOR OF THE CITY OF IRVINE
January 10, 2017