



January 18, 2021

Piedmont City Council
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

Re: Selection Process of the City of Piedmont Mayor and Vice Mayor

Dear Councilmembers:

I write to you on behalf of the League of Women Voters of Piedmont (LWVP). LWVP supports greater flexibility in the criteria for selecting the mayor and values the importance of transparency in local government. We take the position that the City Council criteria for selecting the mayor should include consideration of city government experience, seniority, leadership abilities and communication skills in addition to the most-votes tradition. This tradition holds that whichever member receives the highest number of votes in his or her first election to the Council becomes mayor during his or her second term – if reelected. We also take the position that the process and criteria for selecting the City's mayor should be publicly disclosed.

I and other members of LWVP observed the City Council meeting that was held on December 7, 2020. During this meeting, the Council elected the Mayor and Vice Mayor for the City of Piedmont. We were pleased to see discussion by the Council about criteria other than the "most-votes" tradition, however, we would like to encourage the Council to formalize its selection process to be more than merely "at the pleasure of the council."

We believe that not having a clear process can lead to misinterpretation of the process and to the perception of poor governance at best and impropriety at worst. This is especially true when the process is not disclosed to the public. In 2014 and 2015, LWVP conducted a study on, among other things, the selection process of the City of Piedmont mayor and vice mayor. In completing this study, a survey was conducted of 11 small cities in the Bay Area that have a city manager form of government similar to Piedmont, with the city mayors selected by their respective city councils. Information about mayoral selection policies and mayoral terms of office was gathered on all 11 cities. A copy of that study is attached for you to use as a resource.

The League of Women Voters of Piedmont urges the City Council to formalize its process for selection of mayor and vice mayor and further recommends that the City engage in a campaign

to inform the public about this process, especially in times leading up to an election. Transparency in government is of utmost importance and we are more than willing to help with education efforts in our newsletters, website and voter services.

Sincerely,

A handwritten signature in black ink, appearing to read 'LAP', with a stylized flourish at the end.

Lorrel A. Plimier
President, League of Women Voters Piedmont

**LEAGUE OF WOMEN VOTERS OF PIEDMONT
LOCAL ELECTIONS STUDY REPORT
2014-2015**

INTRODUCTION

At its Annual Meeting in May, 2014 the Piedmont League's membership directed the Board to conduct a study regarding three local election issues:

1. The General Municipal Election date
2. Selection process for the Piedmont Unified School District (PUSD) Board of Education president and vice-president and the Piedmont City mayor and vice mayor
3. Campaign fundraising levels for municipal elections

As it happened, soon after the Annual Meeting, the City Council put Measure GG on the 2014 November General Election ballot to move the date of the Municipal Elections from February in even-numbered years to the first Tuesday after the first Monday in November in even-numbered years. Measure GG was approved by Piedmont voters and the next municipal election will take place in November 2016 when there will be two open seats on the City Council and three open seats on the School Board.

A Local Election Study Committee was formed to address the second two issues. In addition, the Committee considered uncontested City elections. The Committee members are: Lianne Campodonico, Chair, Al Peters, Barbara Peters, Marjorie Blackwell, and Cathie Geddeis, ex-officio member.

League members were uncertain about the specific processes and criteria for selecting officers for the school board and council. Because both the mayor and school board president in Piedmont are perceived as significant leaders of the Piedmont community, the manner in which they are selected is of interest to the League and, by extension, to Piedmont voters.

Since 2010, substantial sums of money have been raised by candidates running for the School Board and City Council. The League membership raised the question of whether these campaign funding amounts, as well as the types of expenses paid out of campaign chests, inhibit potential community leaders from running for office.

LEAGUE OF WOMEN VOTERS GOOD GOVERNANCE POLICIES

In brief, the League's position on good governance is protection of the citizen's right to know and to facilitate citizen participation in government decision-making. By "right to know," we mean transparency in government. Basic to transparency in government is the right to know

when City Council and School Board meetings take place, what will be discussed, and what action is taken. This information is a matter of public record and can be found on the City's website and on the School District's website.

The Piedmont League believes it is also important to know what criteria are used to select the officers of our two elected bodies: the School Board and City Council. At present, these criteria are not widely understood by the general public.

Every March, the League nationwide celebrates Sunshine Week as a way to open a dialogue about the importance of transparency in government and freedom of information. Once the votes for our elected city officials have been cast and counted, government of, by and for the people requires continued active and engaged citizenship. To realize the power of the vote, citizens must demand accountability by shining a light on the methods used to select those elected officials who are asked to take on added responsibilities and act as spokespersons for the School Board or Council. It is important to understand any possible connection between their selection and their election.

LEAGUE OF WOMEN VOTERS CAMPAIGN FINANCE POLICIES

The Piedmont League membership has expressed concern about the level of campaign spending in recent years that appears excessive for our small city. Potential candidates may be discouraged from running if they are faced with having to raise large amounts of money or use personal funds to run for office. The League of Women Voters United States position on Campaign Finance states that the methods of financing political campaigns should emphasize a level playing field and maximum citizen participation.

The position statement on campaign finance is as follows:

“The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process.”

This position is applicable to all federal campaigns for public office — presidential and congressional, primaries as well as general elections. It also may be applied to state and local campaigns.

HOW WE GATHERED INFORMATION

Between January and April 2015, the Committee interviewed more than a dozen current and former Piedmont elected and city officials, as well as League members who have observed

Piedmont city government closely over many years. Our questions focused on the process of leadership selection by the Board of Education and the City Council; the role of these entities' leadership; and the length of terms served by the leadership.

Additionally, we reviewed the campaign finance reports filed with the City of Piedmont pursuant to the California Fair Political Practices Commission for the School Board and the City Council candidates. We also asked for and received data from City staff regarding the vote count in the various elections involving these entities.

A survey was conducted of 11 small cities in the Bay Area that have a city manager form of government similar to Piedmont, with the city mayors selected by their respective city councils. Information about mayoral selection policies and mayoral terms of office was gathered on all 11 cities.

SELECTION OF THE PIEDMONT MAYOR

The City Charter defines the role of the mayor as follows: "The mayor shall preside at meetings of the Council, shall be recognized as head of the City government for all ceremonial purposes and by the Governor for the purposes of military law, but shall have no administrative duties." As described, the legal role of the mayor is limited and, depending on the particular person in that office, a mayor might be an out-in-front activist or a behind-the-scenes mediator and facilitator. Over time, the office of the mayor has been elevated to a more prominent and influential leadership role in the community. Observers and former members of the Council have reported that there have been both divisive Councils beset with conflict as well as team-oriented Councils able to reach consensus more easily, often reflected in the mayor's leadership style.

Since about the mid 1980s, it has been the practice that the number of votes a candidate receives when first elected to the City Council determines whether she or he will become vice-mayor for two years and then mayor for two years during his or her second term, if re-elected. As a result of this informal, but customary practice, there are Council members, who because of their vote count, will not get a chance to be in line for mayor before they term out. Interestingly, prior to 1986 the office of mayor was the position a person assumed first, becoming vice mayor afterwards and serving as an experienced advisor.

In reviewing elections since 2002, it is clear that the Council has not deviated from the most-votes tradition. However, since there is no documented policy or rulebook for the Council, it is free to change or abandon the practice.

All but one of the current and one of the former City Council members we interviewed were familiar with the practice of the most-votes tradition. However, two members reported they were

not aware of this practice when they ran for office the first time. It was their sense that “most Piedmonters do not know about this practice.”

The City Charter states that the City Council will elect from its members a mayor and vice mayor after each general City election. These officers serve at the pleasure of the Council.

SELECTION OF THE SCHOOL BOARD PRESIDENT

The role of the School Board president is to run the School Board meetings, to work closely with the school superintendent in setting the board’s agenda and to act as the spokesperson to the community and media on behalf of the Board. Additionally the president serves as liaison to various committees as well as the Piedmont Educational Foundation.

The selection of the Board president and vice president is a more informal and flexible process than the selection of the City’s mayor. Our School Board interviewees were evenly divided about whether the number of votes received by a candidate is a crucial, or even an important, criteria for who is elected vice-president and president of the Board. All agreed that experience such as chairing a parcel tax or bond measure campaign was a significant part of the path to Board leadership. There have been some Board members who were considered “next in line” who then declined to be considered for president.

Most of the interviewees agreed that serving on the School Board is generally a team effort, with consensus and compromise operating most of the time.

The California Education Code requires that a Board of Education elect one of its own members as president and another as the vice-president on an annual basis. Therefore the president’s term is one year, in contrast to the city mayor’s two-year term tradition. However, it is not unusual for a president to be elected to a second, consecutive one-year term.

MAYORAL SELECTION FACT FINDING

John Tulloch, City Clerk for Piedmont, provided the Study Committee with the following summary of vote totals and subsequent mayoral selections:

- In 2002 three people ran for City Council, two for the first time. Jeff Wieler received about 2020 votes and Abe Friedman about 2400. Six years later Abe became mayor in 2008 during his second term.
- In 2004, Nancy McEnroe was reelected and Dean Barbieri was elected to the Council for the first time with about 3,080 votes. Nancy became mayor in 2006 and Dean became mayor in 2010. [Note: Nancy McEnroe was appointed to the Council 9/5/01 to full Emile Labadie’s unexpired term.]

- In 2006 Garrett Keating (about 2000 votes) and John Chiang (about 3100 votes) ran for the first time for two open seats. John became mayor in 2012.
- If tradition holds, Jeff Wieler, current vice-mayor, will become the next mayor in 2016, followed by Bob McBain in 2018 and Teddy King in 2020—if she is re-elected in 2018.

Five small cities of the 11 surveyed, have written policies regarding the mayoral selection process. In all 11 cities, the mayoral term is one year. Here are three examples:

- Menlo Park's Council policy stipulates that:
 - a. the office of mayor rotates annually,
 - b. nominee must have served at least one year
 - c. nominee must not yet have served as mayor; and
 - d. if two or more members are equally eligible, the Council chooses among them.
- Oakley has also adopted a rotation system in its policies so that each Council member shall have the opportunity to become either vice mayor or mayor, or both. The City Clerk is responsible for keeping the rotation schedule current.
 - a. The Council member who has the most continuous time of service and has not previously served as mayor, is first in succession.
 - b. If two or more members have equal service histories, the person with the most votes at his/her election will be selected.
 - c. The other members with equal time will be placed on the rotation system in order of votes received.
 - d. If a member has shown undesirable conduct, the Council may choose not to elect. These guidelines underscore a desire to foster good leadership skills and civil dialogue. Examples of problematic behavior are:
 - Violation of law or City policy
 - Intemperate, rude or disparaging remarks or conduct toward the public, staff or other City Council members
 - Lack of leadership or communication skills
 - Excessive absenteeism as a Council member
- The City of Pinole also has a documented yearly rotation system, with succession based on seniority; sufficient experience and vote count in members' first election.

CAMPAIGN FINANCING FACT FINDING

We reviewed the Forms 460 as filed with the City of Piedmont by candidates in the 2010, 2012 and 2014 City Council elections as well as the Forms 460 filed by candidates in the 2012 and 2014 School Board elections. A summary of the reported information is included in the Appendix.

City Council Elections

The number of candidates, positions available and total and average expenditures for the 2010, 2012 and 2014 City Council elections are as follows:

Year	Number of Candidates	Positions Available	Total Expenditures	Average Expenditures
2010	4	3	\$33,032	\$8,258
2012	3	2	51,662	17,221
2014	3	3	19,918	6,639

The 2014 election was uncontested. Expenditures funded by public donations and candidate donations are as follows:

Candidate	Total Expenditures	Funded By Public Donations	Self-Funded by Candidate
A	\$11,741	\$7,344	\$4,397
B	4,872	4,872	-
C	3,305	2,514	791
	<u>\$19,918</u>	<u>\$14,730</u>	<u>\$5,188</u>

School Board Elections

The number of candidates, positions available and total and average expenditures for the 2012 and 2014 School Board elections are as follows:

Year	Number of Candidates	Positions Available	Total Expenditures	Average Expenditures
2012	4	3	\$29,116	\$7,279
2014	3	2	12,104	4,035

Expenditures funded by public donations and candidate donations for 2012 and 2014 are as follows:

Candidate	2012 Total Expenditures	Funded By Public Donations	Funded By Candidate Donations	2014 Total Expenditures	Funded By Public Donations	Self- Funded by Candidate
A	\$4,323	\$4,323	\$-	\$2,982	\$2,982	\$-
B	9,961	9,961	-	4,044	4,044	-

C	4,060	4,060	-	5,078	2,340	2,738
D	10,772	5,386	5,386			
	<u>\$29,116</u>	<u>\$23,730</u>	<u>\$5,386</u>	<u>\$12,104</u>	<u>\$9,366</u>	<u>\$2,738</u>

Campaign funds were spent largely on mailings, ads or inserts in the Piedmont Post, lawn signs, voter data and websites/Facebook pages. Expenses for lawn signs (typically in the \$1,500 - \$2,000 range) and websites/Facebook pages have increased in recent years while expenses for mailings have, in most cases, decreased.

UNCONTESTED LOCAL ELECTIONS

According to California Election Code 10229, in the case of an uncontested election for vacant City Council seats, the City Council may choose:

1. to appoint the candidates to the office of City council member, or
2. to appoint a non candidate to the office of Council member, if there are fewer candidates than open seats
3. or may choose to hold an election for those open seats.

However, the City *may not* forego an election in the case of an uncontested election if there is a City measure on the ballot for that election. In that case, the names of the candidates for City council will appear on the ballot.

The school board has a similar set of options in the case of an uncontested election for school board candidates as specified in California Education Codes 5326 and 5328. If either entity—school board or City council—chooses not to put uncontested candidates on the ballot, that entity will not have to share in the cost the election. In addition, the greater the number of government units that participate in an election (cities, counties, special districts such as BART representatives) the less any individual government unit must pay towards the non-fixed costs of holding an election.