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CITY COUNCIL MEETING
October 6, 1993

STATEMENT READ BY MAYOR PENNINO REGARDING INCIDENT WHICH
TOOK PLACE IN CITY MANAGER'S OFFICE WITH A CERTAIN
COUNCIL MEMBER

Mayor Pennino read a prepared statement regarding an incident which took place on October 1, 1993 of a Council member entering the "City Manager's office in his absence and without his consent, with a camera and a tape recorder for the obvious purpose of confrontation". Further, the City Council, on motion of Mayor Pennino, Mann second, directed the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

Council Member Davenport expressed his opposition to the subject motion and vote.

Council Member Davenport responded that the statement read by Mayor Pennino was not true and proceeded to explain what transpired. Further, Mr. Davenport asked Mayor Pennino to read the letter he sent him regarding his concern of his and his family's safety. Mr. Pennino replied that he had turned the letter over to the Police Department and that he would not read the letter. Mr. Davenport, therefore, read the letter to the public which addressed areas of concern by Mr. Davenport for his and his family's safety.

FILE NO. CC-6

Date: October 6, 1993

To: Council Members
City Manager
City Attorney

From: Mayor Phil Pennino

On Friday, October 1, an incident took place which needs to be addressed.

On that day a Council Member came to the City Manager's office in the afternoon and spent several hours in the conference room (I assume for the purpose of conducting City business). Towards the end of the work day, the Council Member went into the City Manager's office to discuss issues which affected the City of Lodi.

This is nothing new, and we as Council Members are encouraged to meet with the City Manager to discuss those issues that do affect the City. However, in a previous meeting with this Council Member, several verbal remarks were made towards the City Manager. Since that verbal accusation has occurred, the City Manager has requested that a third party be present in the room when discussing City business with this Council Member.

On October 1, the Council Member entered the City Manager's office, in his absence and without his consent, with a camera and tape recorder for the obvious purpose of confrontation. The Council Member photographed the Manager's office, desk and tape recorded their subsequent conversation. He disrupted business, upset the clerical staff and behaved in a way most people would consider totally unacceptable.

After discussing this occurrence with several City employees including the Council Member, I must ask the other Council Members to join me in directing the City Attorney to research and draft some policies and rules of conduct for ALL Council Members.

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Some points include:

1. Acknowledge the privacy of employee work places from intrusion by Council Members, without justification.
2. Delegate to the City Manager, the authority to remove from some City buildings and offices not generally open to the public anyone (including Council Members) who is not there on legitimate City business or who is disrupting normal business.
3. Limit the type and amount of documents and reports any single Council Member can request from the City Manager or individual departments without approval and concurrence from the rest of the Council Members.

My fellow Council Members, it saddens me deeply that we have to establish these policies. However, as Mayor and Council Members for the City of Lodi, we have a duty to maintain a safe and productive work environment for our employees.

Therefore, I would like to make a motion to direct the City Attorney to research policies and rules for Council conduct and to return to the Council with information for discussion and possible action.