



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of January 14, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney

SUBJECT: Information on Methods for Choosing a Mayor Pro Tempore

RECOMMENDED ACTION

It is recommended that the City Council provide feedback and direction to staff concerning its preferences for the process of determining the mayor pro tempore following the upcoming municipal election.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

Government Code § 36802 states that the mayor shall preside at the meetings of the city council. If the mayor is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor pro tempore has all of the powers and duties of the mayor.

Antioch Municipal Code § 2-1.403 states that the mayor pro tempore shall have all the duties and responsibilities specified in the California Government Code. Pursuant to Cal. Gov't Code § 36802, the mayor pro tempore shall serve in the absence of the mayor or if he is unable to act until the mayor returns or is able to act. During such time, the mayor pro tempore has all of the powers and duties of the mayor. However, pursuant to Cal. Gov't Code § 34902, in the case of a vacancy in the office of the mayor for any reason, the City Council shall fill the vacancy by appointment, or by the calling of an election as specified in that provision. (AMC § 2-1.403)

Currently, at the first meeting of the City Council following each general municipal election, the City Council chooses as mayor pro tempore the council member who received the highest number of votes at the general municipal election. (AMC § 2-1.40) The Mayor Pro Tempore serves a two-year term and until his or her successor qualifies for office. (AMC § 2-1.402)

In the upcoming elections, candidates for mayor will run in a general election and all other city council members will run in district elections. Therefore, the Council is

interested in considering alternative methods for choosing a mayor pro tempore. Attachment A to this staff report contains some methods for consideration currently being used by other cities to select their mayor pro tempore.

ATTACHMENTS

- A. Sample methods from other cities for choosing a mayor pro tempore

SAMPLE METHODS FROM OTHER CITIES FOR CHOOSING MAYOR PRO TEMPORE

CITY OF LOMPOC

City Council Handbook Amended December 19, 2017

Mayor pro tempore

At a regularly scheduled meeting soon after a General Municipal Election, the City Council shall choose one of its members as Mayor pro tempore, to serve a term of one year or until a successor is chosen. The Mayor pro tempore has all the powers and duties of the Mayor. Cal. Gov. Code §36801; Lompoc Municipal Code §2.04.030.

CITY OF SANTA ANA

Mayor & Council Handbook 2018

Mayor pro tempore

In the first meeting of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect a mayor pro tem who shall act as mayor during the absence from the City or disability of the mayor, or during any vacancy in the office of mayor until otherwise filled in accordance with section 403.

The City Council elects a Mayor Pro Tem at the first meeting of the City Council, following any general or special election at which Councilmembers are elected. The Mayor Pro Tem substitutes for the Mayor during his or her absence from the City or during any vacancy in the office of Mayor.

NOTE: In the event that both the Mayor and Mayor Pro Tem are unavailable, the City Council may elect a Councilmember to chair a meeting (pursuant to SAMC 2-101). The Mayor may also appoint an acting Mayor Pro Tem to act as Mayor in the absence of both the Mayor and the Mayor Pro Tem (pursuant to SAMC 2-101.1).

CITY OF ARROYO GRANDE

City Council Handbook adopted: April 10, 2018, Resolution No. 4848

The City Council appoints a Council Member as Mayor Pro Tem to serve the duties of Mayor in his/her absence.

The Mayor Pro Tem shall serve a term of one year.

The appointment of the Mayor Pro Tem takes place at the first meeting in December of each year.

It is the City Council's policy to rotate appointment of the Mayor Pro Tem based upon the seniority of City Council Members that have not yet served in the position of Mayor Pro Tem. City Council Members become eligible to serve as Mayor Pro Tem after serving on the City

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Council for a period of one year. If two Members of the City Council have the same seniority, the order of rotation will be based upon time served on a City Council appointed Commission and/or Committee prior to being elected to the City Council.

CITY OF HAYWARD

Council Member Handbook Dated April 2015

Mayor pro tempore

In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of June.

The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year, and shall be elected and removed by the affirmative votes of at least five (5) members of Council. The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See City Council Minutes, 4/28/92)

Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the fiscal year of July 1 to June 30. (Resolution 98-120 and Council Minutes, 6/26/2001)

The Mayor Pro Tempore shall perform the duties of the Mayor during her/his absence or disability. (Sec. 605, City Charter)

CITY OF WALNUT CREEK

City Council Handbook

Last Amended November 3, 2015, Resolution Nos. 15-47, 48, 49 and 50

Election of Mayor and Mayor Pro Tem

There are five Councilmembers, each of whom is either elected or appointed to the City Council. Each Councilmember, regardless of whether elected or appointed, has an equal opportunity to serve as Mayor. At a minimum, a Councilmember will serve as Mayor once every five years. Because Councilmembers have four-year terms of office, a Councilmember may not be able to serve as Mayor in a given four-year period.

Each Councilmember has a specified position in the rotation sequence. In any year, the first person in the sequence shall be selected as Mayor, the second in the sequence as Mayor Pro Tem. After serving as Mayor, that Councilmember moves to the end of the rotation sequence, and the other four Councilmembers move forward in the sequence. If a Councilmember leaves office, the other Councilmembers move forward in the sequence. A Councilmember's position in the sequence relative to other Councilmembers may not change except by City Council

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majority vote.

When a new Councilmember is elected or appointed, that Councilmember goes to the fifth position in the rotation, after all incumbents. If two or more new Councilmembers are elected at the same time, the number of votes received in the election determines the position in the rotation sequence, with the new Councilmember receiving the highest number of votes being first among the new members. Within 60 days of the election or appointment of a new Councilmember or members, the City Council will approve an updated mayoral rotation sequence.

At the first meeting in December each year, the City Council shall elect one of its members as Mayor and one as Mayor Pro Tem according to the rule set forth above. The election of the Mayor and Mayor Pro Tem shall be by vote of a majority of members of the City Council. The Mayor shall be seated and assume the duties of presiding officer immediately following the election of Mayor and before the election of the Mayor Pro Tem, unless a motion is carried to elect and seat the Mayor and Mayor Pro Tem at the same time.

The mayoral rotation system can be changed at any time by a Council majority vote.