



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of December 14, 2021

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney *TLS*

SUBJECT: Appointment of Mayor Pro Tem

RECOMMENDED ACTION

It is recommended that the City Council nominate and appoint the Mayor Pro Tempore.

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 serves 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 calling an election as specified in that provision. (AMC § 2-1.403)

On June 23, 2020, the City Council adopted an ordinance amending Sections 1.401 and 1.402 of Title 2 of the Antioch Municipal Code revising the selection process and term of office for Mayor Pro Tempore ("Ordinance"). The selection process under the ordinance reads as follows:

§ 2-1.401 SELECTION.

(A) At the first City Council meeting following each general municipal election, or at the first City Council meeting of December during every odd year commencing

in 2021, the City Council shall designate one of its members to be Mayor Pro Tempore.

(B) The City Council shall select the Mayor Pro Tempore as follows:

(1) The Council member who has not previously served as Mayor Pro Tempore shall be selected. If more than one Council member has not previously served as Mayor Pro Tempore, the City Council shall select the member who received the highest percentage of votes from his or her district in the most recent general municipal election at which the council member was elected. If the selected Council member declines, the City Council shall select the next Council member who has not previously served and has the next highest percentage of votes from his or her district.

(2) If all Council members have previously served as mayor pro tempore, or if the Council members eligible in accordance with subsection (B)(1) decline, the City Council shall select the Council member who received the highest percentage of votes in his or her district in the most recent general municipal election at which the Council member was elected. If the selected Council member declines, or if the Council member would serve two consecutive years if chosen, the City Council shall select the member with the next highest percentage of votes from his or her district in the most recent general municipal election at which the Council member was elected.

Attachment A to this staff report contains the November 30, 2020 City of Antioch City Council election results.

ATTACHMENTS

A. Election Results for the City of Antioch



**CITY CLERK'S CERTIFICATE AS TO THE RESULTS OF THE CANVASS OF THE
CITY OF ANTIOCH**

NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION

State of California)
County of Contra Costa) ss.
City of Antioch)

I, ARNE SIMONSEN, MMC, City Clerk in and for the City of Antioch, Contra Costa County, State of California, do hereby certify that, pursuant to the provisions of the Elections Code, I did canvass the returns of the votes cast in the **City of Antioch** in said city at the General Municipal Election held on November 3, 2020 for said city candidates and Measure T submitted to the vote of the voters. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in the **City of Antioch** and each respective precinct therein, and that the totals of the respective columns and the totals as shown for each candidate and Measure T are full, true and correct.

WITHNESS my hand and official seal this 8th day of December, 2020.



ARNE SIMONSEN, MMC, City Clerk

A handwritten signature in blue ink, appearing to read "Arne Simonsen", is written over a horizontal line.

**CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE
CITY OF ANTIOCH
NOVEMBER 3, 2020 GENERAL ELECTION**

State of California)
) ss.
County of Contra Costa)

I, DEBORAH COOPER, County Clerk in and for the County of Contra Costa, State of California, do hereby certify that, pursuant to the provisions of the Elections Code, I did canvass the returns of the votes cast in the **City of Antioch** in said county at the General Election held on November 3, 2020 for said city candidates and measure(s) submitted to the vote of the voters. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said City and each respective precinct therein, and that the totals of the respective columns and the totals as shown for each candidate and measure are full, true and correct.

WITNESS my hand and official seal this 30th day of November, 2020.

DEBORAH COOPER, County Clerk



By: Rosa Mena
Rosa Mena, Deputy Clerk

CITY OF ANTIOCH, MAYOR (Vote for 1)

Precincts Reported: 74 of 74 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		42,361	5,236	47,597 / 62,394	
Candidate	Party	Vote By Mail	In-Person	Total	
LAMAR A. THORPE		18,072	1,720	19,792	
SEAN WRIGHT		13,330	1,764	15,094	
JULIO JESSE MENDEZ		3,925	478	4,403	
GABRIEL VISAYA MAKINANO		3,192	537	3,729	
RAKESH KUMAR CHRISTIAN		1,278	243	1,521	
Total Votes		39,797	4,742	44,539	

CITY OF ANTIOCH, MEMBER CITY COUNCIL, DISTRICT 1 (Vote for 1)

Precincts Reported: 16 of 16 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		7,581	1,177	8,758 / 12,637	
Candidate	Party	Vote By Mail	In-Person	Total	
TAMISHA WALKER		2,526	355	2,881	
JOY MOTTS		2,388	281	2,669	
MANUEL LOUIS SOLIZ, JR.		2,045	362	2,407	
Total Votes		6,959	998	7,957	

CITY OF ANTIOCH, MEMBER, CITY COUNCIL, DISTRICT 2 (Vote for 1)

Precincts Reported: 14 of 14 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		10,005	1,298	11,303 / 14,921	75.75%
Candidate	Party	Vote By Mail	In-Person	Total	
MIKE BARBANICA		4,770	678	5,448	53.22%
TONY G TISCARENO		4,350	438	4,788	46.78%
Total Votes		9,120	1,116	10,236	

CITY OF ANTIOCH, MEMBER, CITY COUNCIL, DISTRICT 3 (Vote for 1)

Precincts Reported: 24 of 24 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		13,017	1,466	14,483 / 18,349	78.93%
Candidate	Party	Vote By Mail	In-Person	Total	
LORI OGORCHOCK		4,082	426	4,508	34.30%
NICHOLE GARDNER		3,601	331	3,932	29.92%
MARIE ARCE		2,361	260	2,621	19.94%
ANTWON R. WEBSTER, SR.		1,846	236	2,082	15.84%
Total Votes		11,890	1,253	13,143	

CITY OF ANTIOCH, MEMBER, CITY COUNCIL, DISTRICT 4 (Vote for 1)

Precincts Reported: 20 of 20 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		11,758	1,295	13,053 / 16,487	79.17%
Candidate	Party	Vote By Mail	In-Person	Total	
MONICA E WILSON		6,000	492	6,492	55.17%
SANDRA GAIL WHITE		2,931	316	3,247	27.59%
ALEX JOHN ASTORGA		1,748	281	2,029	17.24%
Total Votes		10,679	1,089	11,768	

CITY OF ANTIOCH, CITY CLERK (Vote for 1)

Precincts Reported: 74 of 74 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		42,361	5,236	47,597 / 62,394	76.28%
Candidate	Party	Vote By Mail	In-Person	Total	
ELLIE HOUSEHOLDER		15,199	1,518	16,717	39.24%
ARNE SIMONSEN		14,881	1,733	16,614	38.99%
DWAYNE DONALD EUBANKS		8,073	1,202	9,275	21.77%
Total Votes		38,153	4,453	42,606	

CITY OF ANTIOCH, TREASURER (Vote for 1)

Precincts Reported: 74 of 74 (100.00%)

		Vote By Mail	In-Person	Total	
Times Cast		42,361	5,236	47,597 / 62,394	76.28%
Candidate	Party	Vote By Mail	In-Person	Total	
LAUREN POSADA		18,790	2,348	21,138	50.02%
JIM DAVIS		19,052	2,071	21,123	49.98%
Total Votes		37,842	4,419	42,261	
