



September 11, 2024

The Honorable Terri Mockler  
Presiding Judge of Contra Costa County Superior Court  
725 Court Street  
PO Box 431  
Martinez, CA 94553-0091

Re: **City of Antioch Response to 2023-2024 Contra Costa Civil Grand Jury Report No. 2405: Challenges Facing the City of Antioch**

Dear Judge Mockler,

On behalf of the City of Antioch City Council, this letter is in response to Contra Costa Civil Grand Jury Report No. 2405 – Challenges Facing the City of Antioch. The City Council approved this response at its meeting on September 10, 2024. Pursuant to California Penal Code § 933.05, the City of Antioch has responded to the applicable findings and recommendations.

### Findings

**F1.** Antioch's City Manager has broad responsibility to ensure the efficient operation of the city, including supervision of an approximately \$100 million general fund budget and an authorized staff of over 400 employees.

*Response* The City agrees with this finding.

*The City's overall budget including general operations and capital improvements is \$146 million.*

**F2.** The city began the process of recruiting a new permanent City Manager in January 2024. As of June 10, 2024, no hiring decision has been announced.

*Response* The City agrees with this finding.

**F3.** As outlined in both the City Manager job description and in city recruitment materials, the City Manager position requires a qualified and experienced individual.

*Response*     *The City agrees with this finding.*

**F4.** There has been a lack of continuity in City Managers in Antioch, with six City Managers or Acting City Managers since December 2013.

*Response*     *The City partially disagrees with the finding.*

*The Antioch City Council has appointed five (5) city managers since December 2013. Human Resources Director, Ana Cortez, was delegated the authority and responsibilities of the city manager position by a former city manager prior to him being placed on administrative leave. Ms. Cortez fulfilled those responsibilities for a period of two (2) days bridging the period between the city manager being placed on administrative leave and the City Council appointing an Acting City Manager. Ms. Cortez was not appointed Acting City Manager by the City Council.*

**F5.** Under city ordinances the City Council, including the Mayor, has no direct authority to direct, supervise, hire, or fire any city employees, other than the City Manager and City Attorney (Ordinance 246-A).

*Response*     *The City agrees with this finding.*

**F6.** The Mayor and City Council members have on occasion overstepped their authority in seeking to make personnel decisions, including terminating the then Public Works Director in December 2022, in ways not permitted by city ordinance (Antioch City Code § 2-2.06 and § 2-2.10).

*Response*     *The City disagrees with this finding.*

**F7.** The Mayor and City Council members have on occasion sought to conduct meetings with City Staff without the approval or involvement of the City Manager, as required by city ordinance (Antioch City Code § 2-2.10).

*Response* *The City disagrees with this finding.*

*Staff is under the direction from the City Manager to always inform him of these conversations once they have occurred. There has been a history of Council working with staff on topics including Measure W, salary studies, ad hoc committees and standing committees. Committee topics have included matters such as cannabis businesses, social equity and racial justice, unsheltered people, and the Rivertown/Downtown area.*

**F8.** Antioch's city government had a 21.6% employee vacancy rate as of February 2024, roughly four-times the national average for government agencies.

*Response* *The City agrees with this finding.*

*As of February 15, 2024, the City-wide vacancy rate was 21% (Acting City Manager).*

**F9.** In the absence of a permanent City Manager since March 2023, the city has deferred hiring new department heads when openings occur.

*Response* *The City agrees with this finding.*

**F10.** The Police, Public Works and Community Development departments currently are without permanent department heads.

*Response* *The City agrees with this finding.*

**F11.** Seven of the eleven most senior positions in Antioch city government are currently held by acting or part-time personnel, including City Manager, Assistant City Manager, Directors of Community Development, Police Services, and Public Works (all acting) and the Directors of Economic Development and Recreation (both part-time).

*Response* *The City agrees with this finding.*

*The Economic Development Director is currently serving as Acting City Manager. He is not performing "part-time" duties for the Economic Development Department. The role of the Acting City Manager does not allow for any instance of not performing those duties at 100% of the time.*

**F12.** The employee vacancy rate is above the city-wide average in the Public Works Department (26% vacancy rate) and Community Development Department (35% vacancy rate), both of which currently do not have permanent directors.

*Response The City partially disagrees with this finding.*

*Not knowing when the Grand Jury sourced the staffing information for the abovementioned departments, the City cannot verify the information. As of June 30, 2024, the Public Works Department had a 17% vacancy rate and the Community Development Department had a 25% vacancy rate (Acting City Manager).*

**F13.** Recruitment and retention of staff has been impacted by the absence of a permanent City Manager and the lack of permanent department heads in multiple city departments.

*Response The City disagrees with this finding.*

**F14.** The Contra Costa County District Attorney's Office conducted an investigation into alleged Brown Act violations by Mayor Lamar Hernandez-Thorpe and Council Members Tamisha Torres-Walker and Monica Wilson, which was forwarded to the Grand Jury.

*Response The City agrees with this finding.*

**F15.** The District Attorney's Office noted serious concerns that noncompliance with the Brown Act may have occurred, however, there was insufficient evidence to prove beyond a reasonable doubt intentional violations of the statute occurred.

*Response The City agrees with this finding.*

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1.** The Mayor and City Council should follow through on the ongoing process of hiring an experienced and qualified City Manager.

*Response* The City agrees with this recommendation.

- R2.** The Mayor and City Council should abide by city regulations (Antioch City Code § 2-2.06 and § 2-2.10) that preclude the Mayor and City Council from having any direct authority to direct, supervise, hire or fire any city employee, other than the City Manager and City Attorney.

*Response* The City agrees with this recommendation.

- R3.** The new City Manager should, within 6 months of their appointment to the position of City Manager, recruit and appoint permanent department heads to fill current department head vacancies.

*Response* The City agrees with this recommendation.

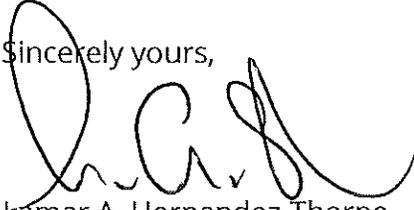
- R4.** By 1/1/2025 the City Council should direct the City Manager to undertake a study to determine the factors leading to the city's high employee turnover and vacancy rates.

*Response* The City agrees with this recommendation.

- R5.** By 1/1/2025 the Mayor and City Council should consider directing the City Manager and City Attorney to organize an annual training session focused on Brown Act requirements and compliance for the Mayor, City Council members, relevant city employees and members of city boards and commissions.

*Response* The City agrees with this recommendation.

On behalf of the City of Antioch, we are committed to working in partnership with Contra Costa Board of Supervisors in acknowledging of both the Civil Grand Jury findings and recommendations. We trust the Grand Jury will find these responses extremely helpful to its future endeavors.

Sincerely yours,  
  
Lamar A. Hernandez-Thorpe  
Mayor  
City of Antioch

Cc: Joanne Sarmiento, 2023-2024 Contra Costa County Civil Grand Jury Foreperson  
Antioch City Council  
Kwame P. Reed, Acting City Manager  
Thomas Lloyd Smith, City Attorney, City of Antioch