



December 17, 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 - Addendum**

Dear Judge Mockler,

On October 4, 2024, the City of Antioch received two letters from Mr. Ed Sarubbi regarding the City's response to Grand Jury Report 2405, Challenges Facing the City of Antioch. According to Mr. Sarubbi, the Grand Jury found that the City's responses to specific Findings and Recommendations provided on September 11, 2024, did not comply with the requirements of Section 933.05 of the California Penal Code.

The identified Findings were Findings 6 and 13. The Grand Jury requires an explanation be included with the City's original response of "The City disagrees with this finding".

The Addendum to these **Findings** is here below.

**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).*

The response to this Finding is as follows:

*The City disagrees with this finding.* The Mayor and certain City Council members do not believe that they have overstepped their authority regarding personnel matters which are under the purview of the City Manager and Human Resources. We have instructed the City Manager to send a separate communication with correspondence

from our Human Resources Department concerning the employment matter involving the Public Works Director that will demonstrate that there was no interference on the part of the City Council. This information will include a timeline and fact pattern regarding the termination in the employment matter referenced, to the extent that the information is disclosable under personnel rules. As noted, included in the City of Antioch's Municipal Code under Title 2: Administration is § 2-2.10 Council Interference, which includes that the Council must work solely with the City Manager to deal with administrative services, and the Council commits to abide by this and to refrain from interfering with the carrying out of city operations under the administration of the 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.*

The response to this Finding is as follows:

*The City disagrees with this finding.* The City of Antioch has historically always had a vacancy rate near its current levels. The new City Manager will be completing a vacancy review during the upcoming budget cycle to assess the operational needs of each department and review open positions for both relevancy and necessity going forward. As a follow up to this response, information will be sent to you which shows vacancy rates over time, once gathered and analyzed. The Council has funded certain positions and directed city staff to fill these, and they have not always done so, for example when additional code enforcement officers were authorized. In addition, the City Managers has had to requests that some positions be posted once she arrived and states various reasons hiring has not occurred which relate to operations and the needs of departments, as well as other factors the make recruitment and retention challenging. The process of hiring and recruitment of employees and the timeline for such does not include council directive and is an administrative function of the City Manager. When the Council does contribute it is for initiatives to recruit staff to our city, like the Incentive Bonus to hire policer officers after the Antioch Police Department began to lose officers due to the investigation involving some of its members began in 2023. Too, the City has a reserve fund balance due to the salary savings created because of positions which have been funded, yet not hired. Note that the City had compaction issues in its Public Works Department which impacted the recruitment and retention in that area, and we directed the City Manager at that time to investigate this two years ago. Too, the Council has not seen a General Plan update for years and we are unsure of what type of staffing is needed for the City, thus we must rely on the City Manager to oversee this function and report back to us when she needs support.

The Grand Jury also requested additional information be provided on **Recommendations** 1 through 5. The Addendum to these responses is here below.

**R1.** *The Mayor and City Council should follow through on the ongoing process of*

*hiring an experienced and qualified City Manager.*

The response to this Recommendation is as follows:

*The City agrees with this recommendation.* A new City Manager was hired and began on October 7, 2024. A detailed summary of the process will be provided to you in a separate communication as the information is being compiled at this time.

**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.*

The response to this Recommendation is as follows:

*The City agrees with this recommendation.* Again, we note that included in the City of Antioch's Municipal Code under Title 2: Administration is § 2-2.10 Council Interference, which states that the Council must work solely with the City Manager to deal with administrative services, and the Council commits to abide by this and to refrain from interfering with the carrying out of city operations under the administration of the City Manager.

**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.*

The response to this Recommendation is as follows:

*The City agrees with this recommendation.* The City Manager was hired and began on October 7, 2024. One of the priorities that we have set for her is to address the recruitment and appointment of permanent department heads to fill current department head vacancies. She will need time to assess the current issues and will work to have permanent department heads appointed and in place over the next year.

**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.*

The response to this Recommendation is as follows:

*The City agrees with this recommendation.* The Council has instructed the City Manager to complete a comprehensive operational assessment for each department over the next year, and to report back to Council on the findings and recommendations and interventions needed which come out of this undertaking.

**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.*

The response to this Recommendation is as follows:

*The City agrees with this recommendation.* The City Manager will work with the City Attorney to hold a series of training session on the Brown Act requirements no later than the end of Quarter 1, 2025 for the Mayor, City Council members and relevant city employees, as well as all official Boards and Committees of the City of Antioch. In addition, the City Manager will work with the City Attorney to hold a Public Records Act Training for the Mayor, City Council members and relevant city employees, as well as all official Boards and Committees of the City of Antioch.

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 comprehensive and helpful in this matter.

Sincerely yours,



Ron Bernal  
Mayor, City of Antioch

cc: Joanne Sarmiento, 2023-2024 Contra Costa County Civil Grand Jury Foreperson  
Antioch City Council  
Bessie Marie Scott, City Manager  
Thomas Lloyd Smith, City Attorney, City of Antioch