



# City of Rialto

## Legislation Text

---

File #: 20-0914, Version: 2

---

For City Council Meeting [January 26, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Acting City Manager

FROM: Barbara A. McGee, City Clerk

Request City Council to Select and Concur with the Appointment of a Mayor Pro Tem.

### **(ACTION)**

### **BACKGROUND**

California Government Code Section 36801 provides that, “after each election, the city council shall meet....and choose one of its number as mayor, and one of its number as mayor pro tempore.” The City of Rialto has an elective mayoral position. Therefore, section 36801 does not apply as to the appointment of a mayor. However, the State general laws governing cities with elective mayor positions are set forth in Government Code sections 34900, *et. seq.* Section 34905 requires that “a mayor pro tempore shall be chosen in the manner provided by section 36801.”

### **ANALYSIS/DISCUSSION**

As noted above, section 36801 requires that the city council choose one of its members as mayor pro tem. If the mayor is absent or unable to act, the mayor pro tem “shall serve until the mayor returns or is able to act.” (Gov. Code §36802.) In such capacity, the mayor pro tem has all of the powers and duties of the mayor. (Id.)

### **ENVIRONMENTAL IMPACT**

This action is not a project as defined by Section 15378 of the California Environmental Quality Act (CEQA).

A “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A Project does not include: Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.

### **GENERAL PLAN CONSISTENCY**

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

### **LEGAL REVIEW**

The City Attorney has reviewed and supports this staff report.

### **FINANCIAL IMPACT**

Appointment of a Mayor Pro Tem will have no financial impact.

**RECOMMENDATION**

Request Mayor and City Council to select and concur with the appointment of a Mayor Pro Tem. The City Clerk's Office will send out reorganization notification letters to the state, county, and cities.