

RESOLUTION NO. 7679

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE
APPOINTING THE CITY MANAGER AS THE ELECTIONS OFFICIAL IN
CONNECTION WITH ANY RECALL PROCEEDINGS DIRECTED TOWARDS THE
ELECTED OFFICE OF CITY CLERK**

WHEREAS, pursuant to Ordinance No. 2092; and South Gate Municipal Code Title 1 (Administration and Personnel), Chapter 1.52 (Municipal Elections), Subdivision 1.52.050 (Duties of city clerk/election official), the City Council may by resolution appoint an Elections Official to render specified services in connection with election related matters in the City; and

WHEREAS, the City Council has for more than a decade appointed the City Clerk to serve as the Elections Official in past general and special elections, all of which have been undertaken in compliance with various state and local laws and ordinances under her supervision; and

WHEREAS, on or about July 30, 2015, the City received a Notice of Intention to Circulate Recall Petition directed towards the elected office of City Clerk, which requires that this document and subsequent documents, as required by law, be processed by an Elections Official appointed by the City Council for purposes of determining whether it meets with certain prerequisites under state and/or local laws; and

WHEREAS, California Elections Code Section 11201 provides that when the City Elections Official is the Officer sought to be recalled, the duties imposed upon him or her be performed by some other person designated by the City Council; and

WHEREAS, the City Clerk has advised City staff and the City Manager that she would refrain from serving as the Elections Official for the purposes of performing duties and tasks related to any recall effort specifically involving her elected office, including the review and processing of any documents submitted in connection with recall proceedings directed towards the elected office of City Clerk; and

WHEREAS, pursuant to the aforementioned state and local laws, the City Council desires that the City Manager perform any and all duties of the Elections Official in connection with any recall efforts and proceedings specifically directed towards the elected office of City Clerk, effective as of the date the City was first served with a Notice of Intention to Circulate Recall Petition on or about July 30, 2015, through and including June 30, 2016; and

WHEREAS, the appointment of the City Manager is not intended, and shall not be construed, to reflect negatively in any manner upon the City Clerk, as said appointment is done

purely to comply with state law, to ensure transparency, and to facilitate the City Clerk's well-intentioned request to decline to serve in such official capacity as Elections Official in any recall effort and process directed toward her elected position;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City is statutorily required to have in place an Elections Official to oversee any recall process held in the City of South Gate, including the review and processing of documents related to the recall process filed by members of the public.

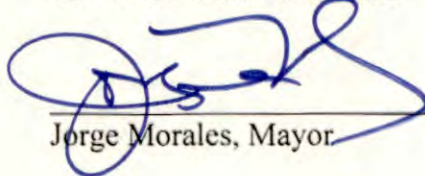
SECTION 2. Pursuant to California Elections Code Section 11201; Ordinance No. 2092; and South Gate Municipal Code Section 1.52.050, the City Council hereby appoints City Manager Michael Flad as the Elections Official effective retroactive to July 30, 2015, and continuing through and including June 30, 2016, to perform all duties of the Elections Official related to any recall proceedings directed towards the elected office of City Clerk.

SECTION 3. The City Manager, Michael Flad, hereby accepts his appointment as Elections Official of the City of South Gate, effective retroactive to July 30, 2015, and continuing through and including June 30, 2016, in relation to any recall proceedings held in connection with the elected office of City Clerk.

SECTION 4. Sonia Guerrero, Deputy City Clerk or another official of the City Clerk's Office, shall certify to the adoption of this Resolution, which shall be effective upon its adoption.


PASSED, APPROVED and ADOPTED this 11th day of August 2015

CITY OF SOUTH GATE




Jorge Morales, Mayor

ATTEST:



Sonia Guerrero, Deputy City Clerk
(SEAL)

**APPROVED AS TO FORM:
KAUFMAN LEGAL GROUP**



Stephen J. Kaufman, Special Counsel

RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS

CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7679 was adopted by the City Council at their Regular Meeting held on August 11, 2015, by the following vote:


Ayes: Council Members: **Morales, De Witt, Davila, Bernal and Hurtado**

Noes: Council Members: **None**

Absent: Council Members: **None**

Abstain: Council Members: **None**

Witness my hand and the seal of said City on August 17, 2015.



Sofia Guerrero, Deputy City Clerk
City of South Gate, California