

City of South Gate CITY COUNCIL

AGENDA BILL

For the Special Meeting of: May 9, 2022
Originating Department: City Manager's Office

Interim City Manager: _____

Chris Jeffers

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Chris Jeffers

SUBJECT: INTERVIEW OF CANDIDATES FOR APPOINTMENT TO FILL THE VACANCY OF SOUTH GATE CITY CLERK POSITION

PURPOSE: City Council will interview applicants for appointment to the vacant elected City Clerk position for the term ending November 8, 2022, and possibly action to appoint a qualified candidate.

RECOMMENDED ACTION: City Council will:

- a. Interview applicants for the vacant elected City Clerk position; and
- b. Consider possible appointment of a qualified applicant or provide additional direction to staff.

FISCAL IMPACT: No addition fiscal impacts.

ANALYSIS: At the March 7, 2022, City Council meeting, the direction was given for staff to develop an application and publish said application for interested and qualified South Gate residents to submit for possible consideration by the South Gate City Council to be appointed to fill the remaining term of the elected City Clerk position. That term ends on November 8, 2022.

The filling of a vacancy of an elected office is governed by Government Code Section 36512 which requires the City Council to either fill the vacancy by appointment or call for a special election to fill the vacancy. Under Government Code Section 36512. (1), the calling of a special election for filling a vacancy cannot occur less than 114 days from the action of the City Council.

Time frames of when the office became vacant and the next regular municipal election, left the City Council with only the option to appoint a qualified individual to fill the remaining term of office. State law also requires the appointment to be accomplished within 60 days of the elective office becoming vacant, which sets the deadline for a decision no later than May 30, 2022.

Under the Government Code and Elections Code, the City Council can only appoint a qualified elector who resides in the City of South Gate. The City Council has wide discretion in its selection process, but it cannot appoint someone who would be unwilling to take the Oath of Office, is not a legal resident within the City or who is disqualified from holding office due to a felony conviction.

The City advertised the opportunity to apply and be considered from March 28, 2022 through and including April 14, 2022. The notice was placed on the City's website and other City social media

platforms. Also, a formal notice was published in English in the Los Angeles Wave Newspaper and in Spanish in the Press Telegram Newspaper. Due to initially low submittals of applications, the City Council extended the filing period to April 28, 2022 and legal notices of the extension were published in English and in Spanish in the Los Angeles Wave Newspaper.

As stated in the March 7, 2022, staff report and subsequently restated in the advertisement for the opening of the appointment to the vacant City Clerk position, the following description of the duties of a City Clerk were stated:

“The City Clerk is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the City Council takes action, the City Clerk ensures that the action is in compliance with all federal, state, and local statutes and regulations and that all actions are properly executed, recorded, and archived.

The statutes of the State of California prescribe the basic functions and duties of the City Clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow.

The Office of City Clerk is a service department with the municipal government upon which the City Council, all City departments, and the general public rely on for information regarding the operations and legislative history of the City. The City Clerk serves as liaison between the public and City Council and provides related municipal services.” (Italics added.)

This description is developed by the California City Clerk’s Association.

At the filing deadline of April 28, 2022, the City had received 10 (ten) applications for consideration by the City Council. The following South Gate residents submitted applications:

1. Frank Casillas
2. Stephani Galvez
3. Yodit Glaze
4. Jovanna Laborin
5. Rubidia Lopez
6. Yesenia Martinez
7. Brenda Moran Garcia
8. Erika Nunez
9. Crystal Tapia
10. Maria Claudia Tinajero

As previously stated, the City Council has considerable discretion in determining who would be the best candidate to fill the vacancy. The City Council must only be sure the individual ultimately appointed is a resident of the City, willing to take the Oath of Office and is able to vote within the City. The City Council may place any other qualifications, permitted by law, in determining which candidate to select.

The City Council is not bound by the applications submitted and may select any qualified individual it deems to be best suited to fill the remaining term of office. The City Council is reminded that by State

law it must appoint a qualified individual by no later than May 30, 2022. The Council may deliberate its decision up until that time or may select an individual at this meeting.

The interviews will be conducted in alphabetic order based on the applicant's last name and are allotted up to 30 minutes each. The process is expected to take approximately 4 hours.

- ATTACHMENTS:**
- A. Frank Casillas (Application/Resume)
 - B. Stephani Galvez (Application/Resume)
 - C. Yodit Glaze (Application)
 - D. Jovanna Laborin (Application)
 - E. Rubidia Lopez (Application/Resume)
 - F. Yesenia Martinez (Application/Resume)
 - G. Brenda Moran Garcia (Application/Resume/Letter of Recommendation)
 - H. Erika Nunez (Application/Resume)
 - I. Crystal Tapia (Application/Resume)
 - J. Maria Claudia Tinajero (Application/Resume)