

RECEIVED

NOV. 18 2020

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

AGENDA BILL

For the Regular Meeting of: November 24, 2020

Originating Department: City Clerk's Office

Department Director:

Carmen Avalos
Carmen Avalos

City Manager:

Michael Flad
Michael Flad

SUBJECT: ORDINANCE NO. 2020-03-CC AMENDING SECTIONS 1.09.020, 1.12.020 AND 1.25.010 OF THE SOUTH GATE MUNICIPAL CODE AMENDING ELIGIBILITY REQUIREMENTS FOR INDIVIDUALS APPOINTED TO SERVE IN CIVIL OFFICE

PURPOSE: During the Regular City Council Meeting of November 10, 2020, the City Council conducted a public hearing and introduced Ordinance No. 2020-03-CC adopting Sections 1.09.020, 1.12.020 and 1.25.010 of the Municipal Code indicate the eligibility requirements for the appointment to City commissions. Currently, these provisions restrict City commission appointments to "qualified electors." Consistent with the California Inclusion Act signed by the Governor of the State of California, amendments to these Municipal Code sections are proposed to comply with State law. It is now before the City Council for adoption.

RECOMMENDED ACTION: Adopt Ordinance No. 2020-03-CC amending Sections 1.09.020 (Composition), of Chapter 1.09 (Parks and Recreation Commission), 1.12.020 (Membership), of Chapter 1.12 (Planning Commission), and 1.25.010 (Membership), of Chapter 1.25 (Citizens' Advisory Committee), of Title 1 (Administration and Personnel), of the South Gate Municipal Code amending eligibility requirements for individuals appointed to serve in these civil offices.

FISCAL IMPACT: None.

ANALYSIS: On October 12, 2019, the Governor of the State of California signed the California Inclusion Act (Senate Bill 225 (SB 225)) amending section 1020 of the California Government Code. Prior to the California Inclusion Act only individuals who were 1.) 18 years of age or older, and 2.) citizens of the State were allowed to be appointed for civil office in California, including state/local boards and commissions. Intending to promote California's value of equal representation, SB 225 granted non-citizen residents, regardless of immigration status, access to serve in appointed civil office, including state/local boards and commissions.

Currently, Sections 1.09.020, 1.12.020 and 1.25.010 of the Municipal Code have certain eligibility requirements that restrict appointment to civil office to "qualified electors." A qualified elector is an individual who has the right to vote in local elections. This restriction prohibits individuals who are non-U.S. citizens from being appointed to civil office, including the Parks and Recreation Commission, the Planning Commission and the Citizens' Advisory Committee.

Staff recognizes that the City is home to a diverse population, with a total population of approximately 93,000 people and a total immigrant population of approximately 40,000. Staff also acknowledges that individuals from diverse backgrounds benefit the City, by providing diverse experiences and expertise. This diversity is especially beneficial in ensuring that diverse constituents are adequately represented in the development of public policy.

Therefore, staff is proposing that these Municipal Code sections be amended to allow non-citizen residents to be appointed to serve in these civil offices. The proposed change is to remove the electoral requirement while maintaining the age and residency requirements.

BACKGROUND: For the purpose of this Agenda Bill, the eligibility requirements for city commission appointments are detailed below. The provisions of concern are those dealing with the Parks and Recreation Commission, the Planning Commission and the Citizens' Advisory Committee.

1. ***Section 1.09.020 (Composition of Parks and Recreation Commission)***

The parks and recreation commission shall consist of five members. The members shall be appointed from the qualified electors of the city. Each member shall be selected by an individual councilman as provided herein and shall hold office upon ratification by a majority vote of the entire city council.

Staff recommends changing the eligibility language from "qualified electors of the city" to "qualified residents of the City" who are 18 years of age or older.

2. ***Section 1.12.020 (Membership of Planning Commission)***

The parks and recreation commission shall consist of five members. The members shall be appointed from the qualified electors of the city.

Staff recommends changing the eligibility language from "qualified electors of the city" to "qualified residents of the City" who are 18 years of age or older.

3. ***Section 1.25.010 (Membership of Citizens' Advisory Committee)***

The citizens' advisory committee shall consist of twenty members. Each city council member shall be entitled to appoint four committee members from among the qualified electors of the city. Before taking office, each committee member shall be confirmed by a majority vote of the city council.

Staff recommends changing the eligibility language from "qualified electors of the city" to "qualified residents of the City" who are 18 years of age or older.

ATTACHMENTS: A. Ordinance 2020-03-CC

Exhibit "A"
ORDINANCE NO. 2020-03-CC

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, AMENDING SECTIONS 1.09.020 (COMPOSITION),
OF CHAPTER 109 (PARKS AND RECREATION COMMISSION), 1.12.020
(MEMBERSHIP), OF CHAPTER 1.12 (PLANNING COMMISSION), AND 1.25.010
(MEMBERSHIP), OF CHAPTER 1.25 (CITIZENS' ADVISORY COMMITTEE), OF
TITLE 1 (ADMINISTRATION AND PERSONNEL), OF THE SOUTH GATE
MUNICIPAL CODE AMENDING ELIGIBILITY REQUIREMENTS FOR
INDIVIDUALS APPOINTED TO SERVE IN THESE CIVIL OFFICES**

WHEREAS, Sections 1.09.020 (Composition of Parks and Recreation Commission), 1.12.020 (Membership of Planning Commission), and 1.25.010 (Membership of Citizens' Advisory Committee) of Title 1 (Administration and Personnel) of the South Gate Municipal Code require that individuals appointed to City Commission positions be qualified electors of the City of South Gate ("City");

WHEREAS, the State of California has amended section 1020 of the California Government Code, via Senate Bill 225, allowing non-citizen residents, regardless of immigration status, to be appointed to civil office, including state/local boards and commissions;

WHEREAS, the City Council recognizes that the City is home to a diverse population;

WHEREAS, the City Council determined that democratic values of equal representation are upheld when the government is diverse and representative of the people who reside in the City;

WHEREAS, the City Council desires to amend certain Sections in Chapter 1.09 (Parks and Recreation Commission), 1.12 (Planning Commission), and 1.25 (Citizens' Advisory Committee) to remove requirements limiting city civil office appointments to qualified electors of the City; and

WHEREAS, the City Council conducted a duly noticed Public Hearing on November 10, 2020, to take public testimony concerning this matter.

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

SECTION 1. The City Council hereby amends Section 1.09.020 (Composition), of Chapter 1.09 (Parks and Recreation Commission), of Title 1 (Administration and Personnel), of the South Gate Municipal Code in its entirety to read as follows:

1.09.020 Composition.

The parks and recreation commission shall consist of five members. The members shall be appointed from among qualified residents of the City who are 18 years of age or older. Each member shall be selected by an individual councilperson as provided herein and shall hold office upon ratification by a majority vote of the entire city council.

SECTION 2. The City Council hereby amends Section 1.12.020 (Membership), of Chapter 1.12 (Planning Commission), of Title 1 (Administration and Personnel), of the South Gate Municipal Code in its entirety to read as follows:

1.12.020 Membership.

The planning commission shall consist of five members. The members shall be appointed from among qualified residents of the City who are 18 years of age or older. Before taking office, each member shall be confirmed by a majority vote of the city council.

SECTION 3. The City Council hereby amends Section 1.25.020 (Membership), of Chapter 1.25 (Citizens' Advisory Committee), of Title 1 (Administration and Personnel), of the South Gate Municipal Code in its entirety to read as follows:

1.25.020 Membership.

The citizens' advisory committee shall consist of twenty members. Each city council member shall be entitled to appoint four committee members from among qualified residents of the City who are 18 years of age or older. Before taking office, each committee member shall be confirmed by a majority vote of the city council.

SECTION 4. If any section, sentence, clause, or phrase in this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declare that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. This Ordinance shall take effect on the thirty first (31st) day after its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED, and ADOPTED this 24th day of November, 2020.

CITY OF SOUTH GATE:

By: _____
Maria Davila, Mayor

ATTEST:

By: _____
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney