



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
SPECIAL MEETING
SHAFTER CITY COUNCIL
MONDAY, NOVEMBER 10, 2025**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER: 4:30 PM

ROLL CALL: Mayor Givens
Mayor Pro Tem Olvera
Council Member Alvarado
Council Member Espinoza
Council Member Prout

PLEDGE OF ALLEGIANCE: Mayor Givens

INVOCATION: Mayor Pro Tem Olvera

APPROVAL OF AGENDA:

PUBLIC COMMENT:

Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the City Council, are invited to speak from the podium and address the City Council. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

MANAGEMENT REPORT:

- 1. AGREEMENT FOR ADMINISTRATIVE HEARING OFFICER SERVICES (MARTIN A. MUELLER OF ROEMER & HARNICK LLP):** Council find that the action is not defined as a "project" per Section 15378(b)(5) of the CEQA Guidelines; authorize the City Manager to enter into an administrative hearing officer services agreement with Martin A. Mueller of Roemer & Harnik LLP to provide administrative hearing officer services to the City of Shafter.

ROLL CALL

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time the special services are needed to allow

City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's

Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., November 7, 2025. Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the City Council meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **4:30 PM on November 10, 2025** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call- in number and code. Please call by 3:00pm on the Monday prior to the City Council meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the City Council and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the City Council meeting.



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**NOTICE OF
SPECIAL MEETING OF THE SHAFTER CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Shafter will be held on **November 10, 2025**. The meeting will convene at **4:30 PM**, in the Council Chamber, 336 Pacific Avenue, Shafter, California and via teleconference and Livestream on YouTube. Said special meeting shall be for the following purpose:

MANAGEMENT REPORT:

- 1. AGREEMENT FOR ADMINISTRATIVE HEARING OFFICER SERVICES (MARTIN A. MUELLER OF ROEMER & HARNICK LLP):** Council find that the action is not defined as a "project" per Section 15378(b)(5) of the CEQA Guidelines; authorize the City Manager to enter into an administrative hearing officer services agreement with Martin A. Mueller of Roemer & Harnik LLP to provide administrative hearing officer services to the City of Shafter. **ROLL CALL**

Yazmina Pallares, City Clerk

Affidavit of Posting Special Meeting Notice

This is to certify that this Special Meeting Notice was posted at City Hall and the Police Department by 5:00 p.m., November 7, 2025. Further information regarding this Agenda Notice is available at City Hall, 336 Pacific Ave., Shafter, CA.

Yazmina Pallares, S/S, City Clerk

Dated: November 7, 2025



CITY OF SHAFTER CITY COUNCIL REPORT

MEETING DATE: November 10, 2025

DEPARTMENT: Marco Martinez, City Attorney

SUBJECT: AGREEMENT FOR ADMINISTRATIVE HEARING OFFICER
SERVICES (MARTIN A. MUELLER OF ROEMER & HARNICK LLP)

RECOMMENDATION

Council find that the action is not defined as a “project” per Section 15378(b)(5) of the CEQA Guidelines; authorize the City Manager to enter into an administrative hearing officer services agreement with Martin A. Mueller of Roemer & Harnik LLP to provide administrative hearing officer services to the City of Shafter.

BACKGROUND

On August 5, 2025, the City Council adopted Ordinance No. 770, titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER ADOPTING ENFORCEMENT PROCEDURES FOR VIOLATIONS OF COUNCIL GOVERNANCE NORMS AND PROTOCOLS, CITY ORDINANCES AND CHARTER PROVISIONS AND STATE AND LOCAL LAWS IN ACCORDANCE WITH THE CHARTER OF THE CITY OF SHAFTER

The provisions of Ordinance No. 770 are now effective. On September 18, 2025, the Shafter City Clerk received a complaint against Councilmember Gilbert Alvarado filed by Councilmember Pete Espinoza (presumably) related to certain findings contained in the Kern County Grand Jury Report issued by the Kern County Grand Jury on June 17, 2025. Pursuant to Ordinance No. 770, the City Attorney is required to “... arrange for an independent Administrative Hearing Officer who meets the following minimum requirements to be confirmed or rejected by majority vote of the entire City Council at a meeting held within sixty (60) days of receiving the complaint...”

According to Ordinance No. 770, the Administrative Hearing Officer shall conform to the following criteria:

- a. Active membership with the California State Bar in good standing, not subject to current investigation;
- b. Minimum of 5-10 years practice experience in California;
- c. Familiarity with the Administrative Adjudication Code of Ethics;
- d. Familiarity with the California Code of Judicial Ethics, and

MANAGEMENT REPORT

AGREEMENT FOR ADMINISTRATIVE HEARING OFFICER SERVICES (MARTIN A. MUELLER OF ROEMER & HARNICK LLP)

e. Council shall approve the Administrative Hearing Officer through resolution at a special or regular meeting.

The City Attorney's office made several inquiries to gauge potential administrative hearing officer candidates. Those inquiries resulted in a recommendation of having Martin A. Mueller of Roemer & Harnik LLP serve as Administrative Hearing Officer. Mr. Mueller's qualifications are in the attached letter. Importantly, Mr. Mueller has 41 years' experience as a lawyer in California, is in good standing and is familiar with the various codes of ethics referenced in Ordinance No. 770, having served as a trial lawyer and a trial judge in tribal court matters. In addition, Mr. Mueller is familiar with the operations of cities, having previously represented several Riverside County cities.

FISCAL IMPACT

The City Council has previously budgeted additional funds for legal matters. Mr. Mueller indicates his rate would be \$650 per hour and other attorneys in his firm that would assist would range between \$425 to \$650 per hour.

CEQA ANALYSIS

The action is not defined as a "project" per Section 15378(b)(5) of the CEQA Guidelines because the action is approval of an agreement for administrative hearing officer services and therefore, it is organizational and administrative activity that will not result in direct or indirect physical changes to the environment and not subject to CEQA.

APPROVED BY THE CITY ATTORNEY

Yes

ATTACHMENTS

1. Shafter Letter-c1

ROEMER & HARNIK
LLP
ATTORNEYS AND COUNSELORS AT LAW

RICHARD I. ROEMER (1926-2007)
BRIAN S. HARNIK *
MARTIN A. MUELLER
MARY E. GILSTRAP
BRUCE S. ROSS ** †
DANIEL E. OLIVIER †
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**Certified by The State Bar
of California Board of
Legal Specialization
(Estate Planning, Trust
and Probate Law)

†Of Counsel

October 29, 2025

Via Electronic Mail Only

Marco Martinez
City Attorney
City of Shafter
336 Pacific Avenue
Shafter, CA 93263
Email: Marco.Martinez@bbklaw.com

Re: Qualifications and Potential Retention As
Hearing Officer for the City of Shafter

Dear Mr. Martinez:

On behalf of myself and my law firm, ROEMER & HARNIK LLP ("R&H") I appreciate the opportunity to send you this proposal for my retention as a hearing officer for the City of Shafter as relates to a recent complaint against a sitting council member.

Conflicts of Interest

ROEMER & HARNIK LLP maintains a conflict-of-interest index, and we have checked the following names for possible conflicts: City of Shafter, Chad Givens, Gustavo Olvera Jr., Gilbert T. Alvarado, Pete Espinoza, and Cathy L. Prout. We do not find any potential or actual conflict between our firm and the above-named persons or entities. Unless you tell us otherwise, we will assume that this list is complete and accurate. Please let us know if you learn of additional names that we should check.

Fees and Charges

Our Professional Service Fees. Current rates for attorneys in the firm range from \$425 to \$950 per hour. My current rate is \$650 per hour. If retained, I would want the Council to authorize my use of other attorneys in my firm to do research and drafting work, as necessary, so long as the rates billed were at the ordinary rates for those persons and were below my rate. Our billing rates are normally adjusted annually and may change during the course of our engagement. We will provide advance notice of any such adjustment. Our standard billing practice is to bill each month for our services, disbursements, costs, and other charges. Clients

whose statements are not paid within 30 days of the statement date may be assessed a late charge on the unpaid balance at the rate of 1.5% per month.

I am willing to bill any necessary travel time at 50% of my regular hourly rate, and would not bill for any office support costs such as phone charges, copy costs etc.

My Background and Qualifications

I have practiced law in California since November 1984. While I have primarily been a trial lawyer in the areas of business and real property, I also litigated cases on behalf of various Riverside County cities for over 15 years.

More importantly, for over 30 years, I have actively served as a quasi-judicial officer. I have tried many cases in the Superior Court of Riverside County, sitting as a judge pro tem. Since sometime in 2008, I have served as the sole judge for the Cabazon Band of Cahuilla Indians. As the sole sitting officer of the Tribal Court, I have tried many tort cases, but also internal tribal issues, including a significant case brought against the Tribal Chairman for his removal.

These experiences, and particularly the role as a Tribal Judge, required that I develop and implement due process procedures in my courtrooms and render sound and legally supported decisions, some of which have been reviewed and upheld in the Federal District and Appellate Courts.

I am familiar with the differences between Charter cities like Shafter and General Law cities. I have not had the opportunity to review your Charter, but of course, doing so would be a necessary part of any role as a hearing officer. I have downloaded from your city website Resolution no 3031 and the attached "Council Governance Norms and Protocols" as well as your Ordinance No 770 and its attached Exhibit A, "Disciplining A Disruptive Member". I have studied these documents carefully and understand them.

In terms of the specific qualifications as directed in Exhibit A to your Ordinance No. 770, I can absolutely confirm the fact that I satisfy all of those criteria. I am an active member of the state bar (no 115111) and am in good standing, not subject to any investigation. I have practiced in California continuously for the past 41 years. I am familiar with Government Code Sections 11475-11475.70, the Administrative Adjudication Code of Ethics, and with the Judicial Code of Ethics adopted by the Supreme Court pursuant to subdivision (m) of Section 18 of Article VI of the California Constitution.

I am very interested in serving the City of Shafter as a hearing officer, as needed. I am available to answer questions and would certainly be willing to participate in a telephonic or Zoom interview with the City Manager or Council as necessary.

Sincerely,

ROEMER & HARNIK, LLP



MARTIN A. MUELLER