

**MINUTES**  
**Regular Council Meeting**  
**San Luis City Council**  
**San Luis Council Chambers**  
**1090 E. Union Street**  
**September 25, 2019**  
**7:00 p.m.**

**APPROVED** by Council

Date: 10/23/2019

Clerks Office: SP

**1. CALL TO ORDER/ROLL CALL:** Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:02 p.m.

**PRESENT:** Mayor Gerardo Sanchez  
Vice Mayor Maria Cecilia Cruz  
Council Member Mario Buchanan Jr.  
Council Member Matias Rosales  
Council Member Gloria Torres

**ABSENT:** Council Member Africa Luna-Carrasco  
Council Member Jose Ponce

**OTHERS PRESENT:** Tadeo A. De La Hoya, City Manager  
Sonia Cornelio, City Clerk  
Kay Marion Macuil, City Attorney  
Alexis Gomez, Code Enforcement Officer  
America Cano, Administrative Coordinator  
Angel Ramirez, Fire Chief  
Axel Chayra, IT Technician  
Derek Duenas, IT Manager  
Edgar Carbajal, Recruitment Coordinator  
Enrique Lopez, Fire Captain  
Ernesto Prieto, Police Sergeant  
Estela Diaz, Custodian  
Eulogio Vera, Director of Public Works  
Fausto Gonzalez, HR Training and Programs Coordinator  
Francia Alonso, PIO/Assistant to Council  
Glenn Gimbut, Assistant City Attorney  
Isaac Gutierrez, GIS Specialist  
Janet Taylor, Legal Secretary  
Jenny Torres, Economic Development Manager  
Joaquin Campa, Building Official  
Jorge Perez, Billing & Collections Manager  
Jose A. Guzman, Director of Planning & Zoning  
Lizandro Galaviz, Director of Parks & Recreation  
Martha Jimenez, Building Inspector  
Monica Castro, Director of Finance

Oswaldo Rodriguez, Lead Custodian  
Roman Pacheco, Planning Technician  
Antonio Carrillo, President & CEO Yuma County Arts and Cultural Group  
Cesar Neyoy, Reporter  
Christian Cuevas, Simultaneous Interpreter  
Guillermina Fuentes, Resident  
Lucy Lopez, Reporter  
Maria Gonzalez, Resident  
Mark Concha, Resident  
Najeh Edais, Riedel Holdings Engineer  
Olivia Jenkins, Resident

## **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Maria Cecilia Cruz.

## **3. INVOCATION**

The Invocation was led by Mr. Juan Ortiz, Seventh-Day Adventist Church.

## **4. PROCLAMATIONS**

### **4.A. Human Resources Professionals Day - September 26, 2019**

Mayor Gerardo Sanchez congratulated the Human Resources professionals, their hard work is appreciated.

### **4.B. National Custodian Workers Recognition Day - October 2, 2019**

Mayor Gerardo Sanchez thanked the city's custodians for the service provided.

### **4.C. Breast Cancer Awareness Month October 2019**

Mayor Gerardo Sanchez commented that breast cancer is a disease that affects everyone, with proper prevention, more lives can be saved. There is new technology to perform the mammograms and reminded all women to screen themselves for breast cancer.

### **4.D. Domestic Violence Awareness Month October 2019**

Vice Mayor Maria Celia Cruz stated that October is domestic violence awareness month and events are put together to bring awareness to the community. Only a coordinated effort will put a stop to this crime. She thanked the San Luis Police Department, Amberly's Place and those who support domestic violence victims.

Mayor Gerardo Sanchez said that there has been an increase in the Yuma County area. He thanked Amberly's Place, the Coalition Against Domestic Violence and the San Luis Police Department.

#### **4.E. National Community Planning Month October 2019**

Mayor Gerardo Sanchez commented that the City of San Luis is in the process of working in the General Plan. The General Plan prepares the city for the next 10, 20, 30 years, it helps plan for the future and it is very important that the community be involved.

Ms. Sonia Cornelio, City Clerk, read all the proclamations in their entirety.

### **5. PRESENTATION**

#### **5.A. Presentation of the 2019-2020 San Luis Youth Council. (Francia Alonso, Assistant to Council/PIO)**

Ms. Francia Alonso, Assistant to Council/PIO, introduced the members of the San Luis Youth Council to the Mayor and City Council. The Youth Council are David Hernandez, Emmanuel Hernandez, Francisco Felix, Genezareth Garcia, Jesus Cardenas, Judith Anderson and Karla Vera; Advisors Edgar Carbajal, Jose Guzman and Francia Alonso. They have different projects that they will be working on with department heads; this year they will be focusing on littering, making sure that the community is more green, roads and bike lanes.

Mayor Gerardo Sanchez congratulated the San Luis Youth Council and added he likes their ideas and are grateful they are part of this organization.

Council Member Matias Rosales asked how many and who attended the Arizona League of Cities and Towns conference. Ms. Alonso responded Emmanuel Hernandez was the only one.

Council Member Matias Rosales asked Emmanuel Hernandez if he would like to comment on his experience at the conference. Emmanuel Hernandez stated he enjoyed the conference as he got to interact with other students from the state participating in councils for the youth.

### **6. CONSENT AGENDA**

#### **6. A. MINUTES OF**

- Special Council meeting held September 4, 2019
- Work Session meeting held September 4, 2019

#### **6. B. DISBURSEMENTS FROM SEPTEMBER 1, 2019 THROUGH SEPTEMBER 25, 2019.**

Total Disbursements \$587,846.44  
(Five Hundred Eighty-Seven Thousand, Eight Hundred Forty-Six Dollars and Forty-Four Cents)

**MOTION:** Council Member Gloria Torres/Council Member Mario Buchanan to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

## **7. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**7. A. Discussion and possible action on any and all matters regarding approval of a contract with Yuma County Arts and Cultural Group for the San Luis Film Festival event in San Luis, Arizona for Fiscal Year 2019-2020. (Tadeo A. De La Hoya, City Manager and Francia Alonso, Assistant to Council/PIO)**

Ms. Francia Alonso, Assistant to Council/PIO, explained the amount for the San Luis Film Festival is a total of \$5,000.00, which is the same amount as previous years. This event will take place from November 12-15, 2019 at the Cesar Chavez Cultural Center.

Mayor Gerardo Sanchez asked who will be the VIP person this year.

Mr. Antonio Carrillo, President & CEO Yuma County Arts and Cultural Group, responded they have a different plan this year, they wanted to bring a movie named "Sonora" from Mexico, however due to bureaucracy issues, it will not be possible. Instead, they will screen the "Sound of My Voice" with Linda Ronstadt and the VIP is not confirmed as of the moment. The event will open with "Mente Revolver" and the director and actor will be present. Mr. Carrillo provided a brief description of the schedule for the event.

Mayor Gerardo Sanchez thanked and congratulated Mr. Carrillo for this event and added that each year the event gets bigger. If possible a dinner and tickets to the movie theater will be raffled for two people, this will be for people that attend the event multiple days.

**MOTION:** Council Member Gloria Torres/Vice Mayor Maria Cecilia Cruz to approve \$5,000.00 to the Yuma County Arts and Cultural Group in support of the November 2019 San Luis Film Festival. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**7. B. Discussion and possible action on any and all matters regarding Resolution No. 2102. A resolution of the Mayor and Council of the City of San Luis, Arizona approving a contribution to the transit fund for the Yuma County Area Transit (YCAT) Public Transportation Services. (Tadeo A. De La Hoya, City Manager)**

Ms. Francia Alonso, Assistant to City Council/PIO, explained that the amount of \$70,573.00 is the same amount as last year's. This is for the operation of bus and transit services for the city and surrounding areas.

Mr. Tadeo A. De La Hoya, City Manager, added that the other contributing agencies are Yuma County, City of Yuma, City of Somerton, Town of Wellton, Cocopah Indian Tribe, Arizona Western College and Northern Arizona University and the contribution is one dollar more than last year.

Mayor Gerardo Sanchez mentioned that the vast majority of users of YCAT are residents from the City of San Luis. Many students use YCAT to go to school and is a service that we must continue to provide to them.

**MOTION:** Vice Mayor Maria Cecilia Cruz/Council Member Mario Buchanan Jr. to approve and adopt Resolution No. 2102. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**7. C. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2019-0405 and Ordinance No. 392. An ordinance of the Mayor and City Council of the City of San Luis, Arizona, amending the official zoning map of the City of San Luis by changing the zoning classification of 36.76 acres of real property located on the southeast corner of San Luis Lane and 20th Avenue from Medium-High Density Residential (R-2) to Medium Density Residential (R1-6). (Jose A. Guzman, Director of Planning and Zoning)**

**A. Open public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Gloria Torres to open the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

### **1. Staff presentation**

Mr. Jose Guzman, Director of Planning & Zoning, stated that this is a request by Riedel Holdings on behalf of Border Ranches to change the zoning classification of 36.76 acres from Medium-High Density Residential (R-2) to Medium Density Residential (R1-6). The subject property is located in the east mesa of the City of San Luis; at the southeast corner of San Luis Lane and 20th Avenue. The reason for this request is to build a future subdivision to be called Santa Cecilia 4 which will consist of 169 lots. The zoning request is consistent with the General Plan and it was presented to the Planning & Zoning Commission on September 10, 2019. The commission recommended approval of the rezoning with the conditions recommended by staff. Staff is recommending approval with the following conditions:

1. That any development of the property, or portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
2. A traffic study is required and the construction of any and all improvements as recommended by the said study.

The applicant agreed with the conditions.

### **2. Call to the Public on this item**

Mr. Najeh Edais, Riedel Holdings, thanked the Mayor and City Council for considering this rezoning case; they agreed to the conditions.

There were no additional comments from the public on this item.

### **B. Close public hearing**

**MOTION:** Council Member Mario Buchanan Jr./Council Member Matias Rosales to close the public hearing. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**C. Approval of Reading of Ordinance No. 392 by title only  
(City Clerk to read the ordinance by title only)**

**MOTION:** Vice Mayor Maria Cecilia Cruz/Council Member Mario Buchanan Jr. to approve Ordinance No. 392 by title only. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

Mrs. Sonia Cornelio, City Clerk, read Ordinance No. 392 by title only.

**D. Action on Ordinance No. 392**

**MOTION:** Council Member Matias Rosales/Council Gloria Torres to approve Ordinance No. 392. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**8. SUMMARY OF CURRENT EVENTS**

Mayor Gerardo Sanchez reported that the Founder's Day parade will take place on September 28, 2019 at 8:00 a.m. to start the celebration of the city's 40<sup>th</sup> anniversary. He cordially invited everyone to attend this event. He also reported that he met with the regional director for the census and there are concerns regarding the change of address; it is very important that everyone get counted. The official count will commence on April 1, but many of the agriculture

workers are in Salinas or different parts in California and there is a possibility that the State of California is going to count for the residents of the City of San Luis. An aggressive campaign will be done to promote the census.

Congress is getting ready to approve the presidential budget and meetings have been held with the different delegations as the City of San Luis' port of entry is still on the list. There is a possibility that during the negotiations the \$248 million are taken out...the city has been working for this port of entry for nearly nine (9) years.

## 9. CALL TO THE PUBLIC

Mr. Mark Concha, 1441 N. De La Vara Avenue, SLAZ, commented in spanish "Good evening, my name is Mark Concha, I live on 1441 N. De La Vara Avenue, here in San Luis, Arizona. Tonight ahh I'm here, since a bit more than a month ago, just over a month, I came and present a minor detail here for Mr. Mayor, since he's detaining what is meant to be the approval of Santa Cecilia 3, uhm, only for what is known to be personal things. There is no type of detail, at the moment here it is what would be the engineer from the city, planning, we have emails where there is no type of problems, you (plural) ahh keep saying that there was an "illegal lot split", being that there is not ahh any inconvenience with us, being that we never did it, but what the city in reality is trying to do or better say, they want to do is that Mrs. Riedel grants them a right on the property that is not hers, something that can't be done. Why, because the city of San Luis built a waste water plant on property that is not from the city. That is, more than anything the reason and umm overall it is detaining what is to be the growth, my job is still at risk, after the 1st of November, I will not have a job and not just me but quite more people, too much people that works directly and indirectly. In fact, the city gets sufficient money on behalf of all the permits that get paid, it's practically 80% the permits that, pardon its 80% what, from the permits that are given by the city of San Luis that we have been acquiring. For what? So there is more ahh residence, and also so that there is more employment, and all for things ahh from you Mr. Mayor that is taking the things personally and you members from the council that are not doing anything to stop it. He is only one vote, you are six votes that can stop it. It is reason why this past 19th of September, I took out a package to ahh recall you ahh Gerardo Sanchez, and I hope that all those persons that are unhappy support me to put order on what is the City being that there are preferences and double standards, there's what comes to be known a corruption on abuse of power and besides, not letting to work those who in reality are, are "hire" to work on the city and perform their work adequately."

Mr. Glenn Gimbut, 1534 N. 9<sup>th</sup> Avenue, San Luis Arizona, stated "This is in brief response to Mark. Uhh, Santa Cecilia 3 subdivision is proposed to be on an illegally created parcel. Uhh, there was an illegal lot split, lot tie to create it; Nieves Riedel knew it was an illegally created parcel when she bought it according to Josh Meyer. Uhh, it is the policy of Yuma County, Arizona, it is the policy of every city in Maricopa County,

Arizona, that when a parcel of land is illegally created, no development occurs until the illegality is straighten out.

City legal staff has made demand on Nels Rogers and Josh Meyer to do what's right, to follow city regulations, and if you will, make it legal and do it correct and do it the right way. There has been absolute refusal by Mr. Rogers, a police investigation is underway. In the meantime, until that illegality is straighten out, there is only going to be one (1) entrance and exit to Santa Cecilia #3 to 24<sup>th</sup> Street.

With that one (1) entrance and exit, if you will, if you look at the proper safety design, it is two (2) exits and entrances spread apart from each other, so that you can get adequate police and fire response in an emergency response into the subdivision. If you have only one way in and one way out, if it gets blocked for any reason, now you got a problem. Uhh, we have experienced, you have experienced, uhh Los Alamos subdivision and the fact, we are spending hundreds of thousands of dollars, our citizens are spending hundreds of thousands of dollars to straighten out a problem because of that poor design at Los Alamos. It is not the job of the citizens of the San Luis to make Nieves Riedel rich, it is our tax dollars should not go to support her developments, new development should support itself. It is been the long standing policy like every development agreement out there by Avenue E and Avenue F and that area, that new development will pay for all proper infrastructure. That is all city staff has asked of it, we are working hard to straighten up the problems, we are working hard hard to allow Santa Cecilia 3 to go forward but we cannot as long as we have an illegally created parcel and an unwillingness to correct the problems. As far as I am concern, Nels Rogers is a criminal but it takes time to process that through the system, that's where we're at. On a lighter note, I want to thank all of you humbly for making arrangements through the entire city to celebrate my birthday, October 4, thank you."

Mr. Najeh Edais, Santa Cecilia 3 Subdivision Engineer, stated "My name is Najeh Edais, uhh, it just happen that I am the engineer for San Cecilia 3, what you are hearing tonight is nothing but bogus. Uhh, the city attorney that was just speaking, he instructed us to go ahead and cause a lot split, we did the lot split, he asked us to put the necessary language on that lot split to make these lots legal, we did it. The lot split was submitted to the city, the city reviewed it, city engineer approved it, city staff approved it. The city, the person that was talking before me, the city attorney approved it, city signed it, we recorded it. That Santa Cecilia 3 right now, if you were to look at the county record, it is a legal lot. City staff and whoever that is involved with them is absolutely making a political deal about this and that is not right in the United States of America to highjack a property like this. I heard tonight from the city attorney, that he would love to practice engineering, that saying that Santa Cecilia 3 have one (1) exit, one (1) entrance one whatever. I really would like somebody to put that map, we have Santa Cecilia 3 have an access to 24<sup>th</sup> Street, it has an access to uhh, uhh going north to uhh, uhhmm, I forgot the name of the road that goes east/west that's another access and then going further north, the San Luis uhh, uhh Boulevard or road or whatever, you know, we have complied with widening roads, striping plans, signing, markings, everything. On top of that, Nieves Riedel, that bad woman in the City of San Luis, the one that bring opportunities to the City of San Luis and builds subdivisions and create jobs by the way,

you know, construction jobs. She has so many people building homes and making a living out of what she does, that is the bad person in San Luis, you know. I once said, that I think the City of San Luis should put a statue for her because of the economic development that she does for San Luis. She told the city and I challenge all city staff to come here and say something different, she said "I would build all the roads that you guys want me to build on a pay back agreement", and we went ahead, we met with the city, we met with the developers and we went in there. She was willing to go ahead and build those roads that the city have dreamed of, that are not necessary at this point because there is no traffic impact study that warrants them, but city want those roads, she said ok, I'll build them. If the right of ways, the city would not get right of ways for her to build those roads. We just finished our discussion with Mr. Nels Rogers today, where Nieves Riedel offered Nels Rogers, and this is for the record, \$30,000.00 to purchase land from him so she can give it to the city to satisfy city staff, so they can release her subdivision, they are hijacking the subdivision, this is a hijack deal at, at noon, you know. Well, Nels Rogers agreed to it and he, she wrote the check, I wish I had brought that check, I saw it today, she wrote him the check, then he said ok, I don't want to allow you to put storm water into my land, I said Nels, we have to take road off of the street and put it somewhere, he said no, I don't want that. Well now, excuse my French, Nels is a jackass, we know it, Glenn knows it, everybody that knows Nels Rogers knows it, but Nieves Riedel does not have the condemnation authority to go and get that property, she can sweet talk him, she can give him money, she can give him whatever he wants as far as money, but she does not have the condemnation power. City staff are not doing anything to get that piece of property from Nels Rogers. They call him criminal, fine, call him a criminal, but Nieves is not the criminal, she is trying to do the right thing."

Mayor Gerardo Sanchez advised Mr. Edais his five (5) minutes were over.

Mr. Edais added "Do something guys, that is unfair, you guys are mistreating this developer that is doing so much for the city, thank you."

Mr. Glenn Gimbut, made some comments that are inaudible...

Mayor Gerardo Sanchez told Mr. Gimbut that they have never allowed anyone to talk twice, because then they will be here all night.

Mr. Najeh Edais... stated some comments that are inaudible...

Mayor Gerardo Sanchez stated he is a citizen.

Mr. Glenn Gimbut stated "Najeh you know full well, the Santa Cecilia lots split had nothing to do with Nels Rogers...inaudible.

Ms. Olivia Jenkins, 3766 Jet Street, SLAZ, stated she wanted to personally and publicly thank HR staff, they are now her ex-coworkers and she was part of their team for two

(2) years. HR does a lot of work and she does not think it gets recognized enough, they are short staff and deserve to get the help needed. HR staff is willing to stay and dedicated.

## 10. EXECUTIVE SESSION

**Vote to hold an Executive Session pursuant to A.R.S. §§38-431.03(A)(3) and 38-431.03(A)(4)**

**Discussion and possible action to hold an Executive Session pursuant to A.R.S. §§38-431.03(A)(3) and 38-431.03(A)(4) on any and all matters relating to settling the city's claim against LPC Construction, Inc. and its bonding company for completion of contracted road work for discussion or consultation for legal advice with the City Attorney or the City's Attorneys and in order to consider the City's position and instruct its Attorneys. (Kay Marion Macuil, City Attorney)**

**MOTION:** Council Member Matias Rosales/Council Member Mario Buchanan Jr. to go into executive session at approximately 8:07 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

## 11. MOTION TO GO BACK INTO REGULAR SESSION

**MOTION:** Council Member Mario Buchanan Jr./Vice Mayor Maria Cecilia Cruz to go back into regular session at approximately 8:29 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

## 12. DISCUSSION AND POSSIBLE ACTION ITEM:

**12.A. Discussion and possible action on any and all matters regarding settling the City's claim against LPC Construction, Inc., for the failure of the trench work along Cesar Chavez Boulevard for the Lift Station Project. (Kay Marion Macuil, City Attorney)**

**MOTION:** Vice Mayor Maria Cecilia Cruz/Council Member Gloria Torres to approve the settlement agreement as presented in the amount of \$65,000.00. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

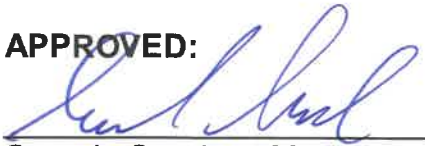
### **13. ADJOURNMENT**

**MOTION:** Vice Mayor Maria Cecilia Cruz/Council Member Mario Buchanan Jr. to adjourn the Regular Council meeting at approximately 8:29 p.m. Motion passed unanimously.

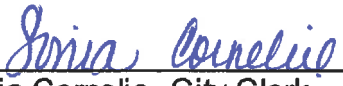
The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

**APPROVED:**

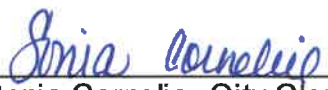
  
\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sonia Cornelio, City Clerk

**CERTIFICATION**

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING FO THE CITY COUNCIL, SAN LUIS, ARIZONA HELD ON SEPTEMBER 25, 2019. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

  
\_\_\_\_\_  
Sonia Cornelio, City Clerk