

Regular Council Meeting

March 30, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-C (ID 23-539)

RESOLUTION - Amending the Council Communication Policy

Contents of Supplement:

Resolution

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Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AMENDING AND RESTATING
THE COUNCIL COMMUNICATION POLICY

WHEREAS, Fresno City Charter § 500 provides the Council is the governing body of the City and, subject to the express limitations of the Charter, is vested with all powers of legislation in municipal affairs of the City; and

WHEREAS, Charter § 400 provides the Mayor shall recommend to the Council such measures and ordinances as the Mayor may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable; and

WHEREAS, Charter § 803 provides the City Attorney represents and advises the Council, management, and City officials in all matters of law pertaining to their offices; and

WHEREAS, Charter § 803(g) provides the Council has control over all legal business and proceedings of the City; and

WHEREAS, the City Attorney provides legal services to the Council, Mayor and all other City officials and staff; and to do so effectively, communications between the City Attorney and the Council, Mayor, other City officials and staff may under some circumstances be open and complete, yet in other communications be confidential and limited; and

WHEREAS, by Resolution No. 2022-176, Council approved the Council Communication Policy, which policy the Council desires to amend and restate as further

set forth hereinunder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Attorney shall provide timely, complete information to the Council pertaining to all matters within the Council's jurisdiction, as provided herein.

2. The City Attorney shall be free to communicate with and preliminarily advise Councilmembers, the Mayor, City Manager, and staff on all City legal matters without the necessity of the City Attorney sharing the substance or fact of those communications and advice with the entire Council until such time as the City Attorney reasonably believes there is an immediate need for the Council to be informed, or such a matter may be brought before the Council for its consideration.

3. All City officials and staff shall immediately provide or communicate to the City Attorney documents and other forms of communication that state or indicate a claim, legal risk, or potential liability that exceeds the sum or value of fifty thousand dollars (\$50,000) affecting the City, including any new exposure on matters or projects the City has approved or has under consideration. This reporting requirement shall not include existing litigation, personnel complaints, or tort or civil rights claims that are processed through the claims procedures handled by the Risk Management Division or Personnel Department, until such time as a lawsuit is filed. The City Attorney then shall exercise discretion in sharing the documents or information with the Council, Mayor, City Manager, and other City officials. The City Attorney may discuss with the Council President, Mayor, and City Manager, the method and timing of communicating the information to Council or others.

4. In consideration of the acknowledgement by Council of the propriety of the City Attorney communicating with and advising the Mayor, City Manager, and staff without the immediate need to share those communications with Council, the Council encourages the Mayor, City Manager, and staff to involve the City Attorney as early as possible in matters that may ultimately be brought before Council, so that legal issues may be resolved timely and effectively.

5. No Councilmember [Mayor, or City Manager (collectively referred to herein as Charter Officials)] shall utilize the services of the City Attorney's Office or contract counsel for the City for purposes of investigating or obtaining legal opinions concerning other [Charter Officials or their respective staff] ~~Councilmembers~~ or their actions. Should any [Charter Official] ~~Councilmember~~ believe an investigation of one or more other [Charter Officials or their respective staff] ~~Councilmembers~~ is warranted, a closed session may be held, and the Council may provide direction to the City Attorney to hire independent counsel to research, investigate, and advise the Council on the matter. All requests for public documents by Councilmembers shall be timely and appropriately responded to by the City Attorney's Office; however, if in the judgement of the City Attorney the documents requested concern or affect other Councilmembers, the documents provided shall also be provided to all Councilmembers at the same time. This resolution shall not prohibit the City Attorney's Office from investigating matters such as harassment and hostile work environment in which investigations are legally required.

6. This resolution shall be effective upon final approval and shall supersede all prior versions of this resolution.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Raj Singh Badhesha Date
Chief Assistant City Attorney