

**Agenda Item: ID#18-0938 (4-D)**

**Date: 8/9/18**

## **FRESNO CITY COUNCIL**



### **Supplemental Information Packet**

**Agenda Related Item(s) – ID#18-0938 (4-D)**

**Contents of Supplement: Email from Mr. Doug Vagim  
(This document was distributed during the Council Meeting)**

#### **Item(s)**

**\*\*\*RESOLUTION** - Submitting to City Electors a proposal to amend the Charter to modify or eliminate provision that are contrary to and preempted by state or federal law and providing for the placement of the measure on the November 6, 2018, General Election ballot. (Subject to Mayor's Veto.)

**Sponsors:** Council President Soria

#### **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.

## **Yvonne Spence**

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**From:** Doug Vagim <dvagim@gmail.com>  
**Sent:** Thursday, August 09, 2018 12:24 PM  
**To:** Yvonne Spence  
**Subject:** Agenda item 4-D, ID18-0938, Combining Four (4) different City Charter Amendment Items as One (1) ballot item for the Nov. General Election

Ms Spence, please distribute this message to the Council, Mayor and other City officials as needed.

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To the Members of the City Council and Mayor:

I question of the validity of proposing the removal of four (4) separate and different sections from the City Charter to be set in one (1) ballot question on the November General Election.

Each of these Charter Sections stand alone and while the Council has the authority to place them on the November 2018 ballot individually, combining them will create the problem of exceeding the "Single Subject Rule" for ballot questions.

### **Charter Sec. 309**

Sec 309 is still a lawful campaign finance restriction in California. A decision by the U.S. 5th Circuit Court of Appeals for a Texas case is not binding here in California. Not until the U.S. 9th Circuit Court of Appeals, the U.S. Supreme Court or a California Appellate or Supreme Court takes up this issue making it invalid - Charter Sec. 309 remains in force.

The fundraising time limit restriction is currently in place in other cities in California. Long Beach and San Diego for example, maintain a restricted time period for receiving campaign contributions.

### **Charter Sec. 1225**

Charter Sec 1225 was placed in the Charter via the initiative process and approved by the voters. Voter approved initiative's should not be treated as scrap paper to be bundled up in a batch with other Charter items proposed to be eliminated.

Charter Sec 1225 is being presented as having been overridden by State and Federal law. However Sec 1225 is multifaceted and has never been adjudicated in regard to Fresno as a Charter City's Home Rule or the Municipal Affairs rule. If the Council wants it removed from the Charter it should be put to the voters as a separate ballot question.

### **Charter Sec. 701**

The City negotiates a "Management Employee Agreement" with the City Manager and it is not unlawful to require that individual to reside within the city as part of the Agreement. The City Manager is involved in the formation of matters that affect the lives of the citizens of this city. Why shouldn't the City Manager see first hand what citizens face as result of one policy or another promulgated by the City Manager?

Thank you,

Doug Vagim