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CITY OF FRESNO
CITY CLERK'S OFFICE

August 25, 2022

TO: CITY COUNCIL
FROM:  TODD STERMER, CMC, City Clerk
SUBJECT: TRANSMITTAL OF MAYOR'S VETO

The Mayor has vetoed the legislative action entitled: ***** RESOLUTION - Accepting \$7 million in state funds to the City of Fresno, as pass-through entity for Arte Americas; Accepting \$1.5 million in state funds to the City of Fresno, as pass-through entity for Neighborhood Industries; and accepting \$1 million in state funds to the City of Fresno, as pass-through entity for Planned Parenthood Mar Monte (Subject to Mayor's veto)**

This item was approved by the City Council at the August 18, 2022, Regular Council meeting.

In accordance with the Fresno Municipal Code, any Councilmember may request the City Clerk place the vetoed item on the agenda for an override vote. Under the Charter, if a vetoed ordinance, resolution or other legislative action is not overridden within 30 days from the date the veto was filed with the City Clerk, the action is deemed disapproved.

Any Councilmember who wishes this matter be placed on the agenda for an override vote must sign below and file this request with the City Clerk as soon as possible.

To: CITY CLERK

Please place this item on the agenda for override consideration.


COUNCILMEMBER SIGNATURE

Date: 8/26/22

Thank You!

August 19, 2022

Council Adoption: 08/18/2022

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR JERRY DYER

FROM:  TODD STERMER, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of August 18, 2022, Council adopted the attached Resolution No. 2022-188 *** **RESOLUTION - Accepting \$7 million in state funds to the City of Fresno, as pass-through entity for Arte Americas; Accepting \$1.5 million in state funds to the City of Fresno, as pass-through entity for Neighborhood Industries; and accepting \$1 million in state funds to the City of Fresno, as pass-through entity for Planned Parenthood Mar Monte (Subject to Mayor's Veto).** Item 1-O, #1, File ID 22-1327, by the following vote:

Ayes : Soria, Arias, Maxwell, Chavez, Esparza
Noes : Bredefeld
Absent : Karbassi
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 29, 2022. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

SEE ATTACHED VETO MESSAGE



Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: 8/25/22

Date: _____

CITY OF FRESNO
CITY CLERK'S OFFICE

2022 AUG 25 P 2:09

RECEIVED



JERRY P. DYER
MAYOR

August 25, 2022

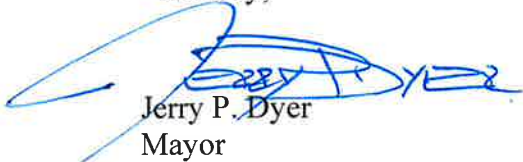
As Mayor, I value the executive power that allows me authority over legislative matters. The Charter outlines my power as Mayor to have line-item veto authority over all programs and budgetary units. As it relates to legislative matters such as **Resolution No. 2022-188 – Accepting state funds to the City of Fresno, as pass-through entity for \$7 million for Arte Americas; \$1.5 million for Neighborhood Industries; and \$1 million for Planned Parenthood Mar Monte**, I am unable to veto only a portion (line-item) of the resolution.

As outlined in the attached August 3, 2022, letter to Assembly Member Arambula, and in my veto message dated August 25, 2022, specific to Resolution No. 2022-191 – Adopting the 7th Amendment to the Annual Appropriation Resolution for Planned Parenthood Mar Monte, I have raised meaningful concerns about the City of Fresno's role as local administrator for public health-related funds for Planned Parenthood Mar Monte.

Therefore, I am exercising my veto authority on **Resolution No. 2022-188** in its entirety. I remain hopeful that the Council will reconsider accepting funds on behalf of Planned Parenthood Mar Monte, and instead work to see that a health-related agency is identified as the local administrator of state funds.

Unfortunately, by vetoing **Resolution No. 2022-188**, two agencies which have my full support may be temporarily affected. My Administration remains committed to administering funds for both Arte Americas and Neighborhood Industries, as evidenced by the attached, approved, veto slips for Resolution No. 2022-189 and Resolution No. 2022-190.

Sincerely,



Jerry P. Dyer
Mayor

Attachments: Letter to Assembly Member (Aug. 3, 2022)
Veto Slip for Resolution No. 2022-189 Arte Americas
Veto Slip for Resolution No. 2022-190 Neighborhood Industries



JERRY P. DYER
MAYOR

August 3, 2022

Honorable Assembly Member Dr. Joaquin Arambula
Hugh Burns State Building
2550 Mariposa Mall, Suite 5031
Fresno, CA 93721


Dear Assembly Member Arambula:

On July 27, 2022, I learned from District Director Maria Lemus that your office had been successful in obtaining state funding for three nongovernmental agencies and has recommended the City of Fresno be the local administrator of these funds. These applications were submitted directly to the state by the following entities: 1) Fresno Arts and Facilities to Expand Cultural Art Facilities such as Arte Americas; 2) Pathways to Employment Expansion for Neighborhood Industries; and, 3) Expansion of Abortion Access in the Post-Roe World for Planned Parenthood Mar Monte.

The City of Fresno has been actively involved in the workforce development and cultural arts sectors, and has specifically funded both Neighborhood Industries and Arte Americas – organizations that are doing amazing work in helping the City further its mission related to cultural arts, parks, workforce development and homelessness.

On the other hand, the City of Fresno has no local jurisdiction on health-related programs or funding. As such, I respectfully request that the City of Fresno be removed as administrator for the Planned Parenthood Mar Monte state budget allocation.

Please know that I appreciate your District Director working with my staff to determine alternative local administrators for the Planned Parenthood state allocation. Had my administration known of this request during the state budget process, we would have made alternative suggestions prior to approval. While I understand that your office worked through the City of Fresno council member who represent the districts in which these organizations operate, my administration has not been involved in this process absent a May 25, 2022, support letter for Neighborhood Industries.

Honorable Assembly Member Dr. Joaquin Arambula
August 3, 2022
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Secondarily, acting in an administrative capacity for this potentially divisive issue is not in the best interest of the City of Fresno, and will likely cause division, extensive local debate among our residents and elected officials, and prove to be an unnecessary distraction from the City's core mission.

It is my understanding that a simple fix would involve very minor trailer bill language to identify another local administrator such as the Fresno County Health Department or Planned Parenthood directly.

Thank you for your understanding and consideration of this urgent request to remove the City of Fresno as the local administrator for the Planned Parenthood state funding allocation.

Sincerely,



Jerry Dyer
Fresno Mayor

THANK YOU!

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA AUTHORIZING THE
ACCEPTANCE OF STATE FUNDING TO THE CITY AS A
PASS-THROUGH ENTITY FOR THREE LOCAL NON-
PROFIT ORGANIZATIONS

WHEREAS, pursuant to California Assembly Bill 178 (AB 178), the State of California is providing funding to the City of Fresno (City) as a pass-through entity, to be distributed to three local non-profit organizations; and

WHEREAS, pursuant to AB 178 Section 19.56.(k)(10), \$1,500,000 of the state funding will be distributed to Neighborhood Industries to purchase and renovate their headquarters; and

WHEREAS, pursuant to AB 178 Section 19.56.(h)(20), \$1,000,000 of the state funding will be distributed to Planned Parenthood Mar Monte for reproductive health for the Central Valley and for health center renovations; and

WHEREAS, pursuant to AB 178 Section 19.56.(e)(3)(C), \$7,000,000 of the state funding will be distributed to Arte Americas to support and expand the cultural arts and their associated facilities in the City of Fresno, supporting the city in preservation, operation, and maintenance costs; and

WHEREAS, the City desires to accept state funds in the total amount of \$9,500,000 to be distributed to Neighborhood Industries, Planned Parenthood Mar Monte, and Arte Americas; and

WHEREAS, the funds shall be distributed as follows: \$7,000,000 to Arte Americas, \$1,000,000 to Planned Parenthood Mar Monte, and \$1,500,000 to Neighborhood Industries.

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

1. Council approves acceptance of the funds from the State of California.
2. City certifies it has reviewed, understands and, to the extent consistent with all Constitutional and local law requirements and this resolution, agrees to the provisions contained in the award guidelines for said funding.
3. Council hereby authorizes and directs the City Manager, or designee, to enter into agreements with Arte Americas, Planned Parenthood Mar Monte, and Neighborhood Industries to receive and use state funding for the specific purposes delineated in AB 178.
4. The City Manager or designee is authorized and directed to take all actions, and sign all documents, necessary to effectuate this resolution.
5. This resolution shall be effective upon final approval.

* * * * *

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 _____ 2022.

AYES :

NOES :

ABSENT :

ABSTAIN :

Mayor Approval: _____, 2022

Mayor Approval/No Return: _____, 2022

Mayor Veto: _____, 2022

Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

BY: _____

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

BY: _____
Pauline Brickey Date
Deputy City Attorney