

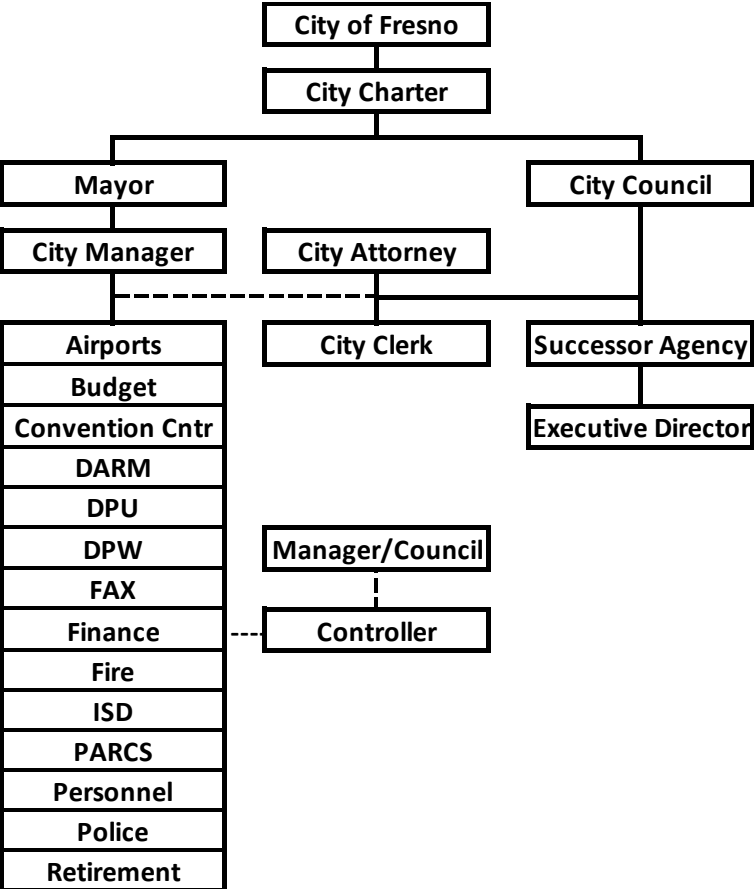
Fresno City Attorney's Office

Legal Update
2018

Topics

1. Charter Structure
2. Charter Official Authority and Responsibility
 - a. Council
 - b. Mayor
 - c. Manager
 - d. Council President
 - e. City Attorney
 - f. City Clerk
 - g. Controller
3. Sources of Law
 - a. Federal
 - b. State
 - c. Court Decisions
 - d. Grants
 - e. Charter
 - f. FMC
 - g. Resolutions
 - h. MOUs and Contracts
 - i. AOs
4. Council Rules
5. Contracting
 - a. Authority
 - b. Competitive Process
 - c. Appropriation
 - d. Legal Review
6. Procurement
 - a. Competitive Process
 - i. Formal Spec/Bid
 - ii. Design Build
 - iii. RFP
 - iv. Informal
 - v. Exceptions
 - vi. No Contact
 - b. Public Works of Improvement
 - c. Goods
 - d. Services
 - e. Other
 - i. Employment
 - ii. Governmental
7. Brown Act
8. FPPC
9. Discrimination / Harassment

Charter Structure



Charter Officials

2. Charter Official Authority and Responsibility
 - a. Council – all authority, unless delegated; includes legislation/budget; legal matters, appoint City Attorney and City Clerk; approve organizational structure and duties
 - b. Mayor – prepares budget; hires and directs Manager; recommends policy; investigates; veto
 - c. Manager – implements policy and budget via staff; supervises all directors and employees under her jurisdiction; advise Mayor
 - d. Council President – presides over meetings; prepares agenda; speaks for Council; Mayor Pro Tem, if necessary
 - e. City Attorney – represent and advise all City officials; prosecute Charter and FMC violations; approve contracts, resolutions, and FMC amendments; approve certain settlements and write-offs, along with Manager
 - f. City Clerk – maintain records and books; prepare agenda; oaths; attest documents
 - g. Controller – in charge of finances; CAFR; oversee payments and budget implementation; inventory City property; collections; write-offs

Sources of Law

3. Sources of Law

- a. Federal – Constitution; legislation re: civil rights, contracting, grants, drugs, etc.
- b. State – Constitution and statutes, but charter city exceptions – PRA, Gov't Code, Brown Act
- c. Court Decisions – all levels
- d. Grants – terms impose obligations and restrictions
- e. Charter – can vary from state law – our “constitution”
- f. FMC – force of law, subject to Charter
- g. Resolutions – also force of law, but primarily internal
- h. MOUs and Contracts – obligations have force of law
- i. AOs – Manager’s authority to oversee employees

Council Rules

4. Council Rules

- Charter
- Resolution – law
- President and VP
- Meetings
- Agenda
- Voting
- Quorum
- Public Comment
- Motions – Main, Amend, Procedural, “Friendly”
- Closed Session

Contracting

5. Contracting

- a. Authority – Who can authorize? With Council unless delegated
- b. Competitive Process – Public Works of Improvement (\$135,000), bids, RFPs
- c. Appropriation – Budget or Budget Amendment
- d. Legal Review – “approved as to form”

Procurement

6. Procurement

a. Competitive Process

- i. Formal Spec/Bid \$135,000
- ii. Design Build – “as you go”
- iii. RFP – best value
- iv. Informal
- v. Exceptions
- vi. Local Preference 5% (not state or federal)
- vii. No Contact – Electeds no contact while pending

b. Public Works of Improvement – building things

c. Goods

d. Services

e. Other

- i. Employment Contracts
- ii. Governmental – inter agency MOUs

Brown Act

7. Brown Act

- Legislators
- Public Discussions
- Quorum (<4)
- Serial Meetings
- Council Meeting Agendas – Fair Notice
 - Regular – 72 hours
 - Special – 24 hours
- Closed Sessions - Confidential
 - Litigation
 - Real Estate
 - Labor
 - Personnel
 - Security

FPPC

8. FPPC (PRA)

- Gifts
- Conflicts
- Elections
 - Filing Date
 - Residency
 - Fundraising

Discrimination / Harassment

9. Discrimination / Harassment

- Intentional
- Effect
- Objective and Subjective
- Training
- City Policy
 - Applicable to All
 - Mandatory Reporting
 - Investigation
 - Corrective Action

End

10. Be Legal