

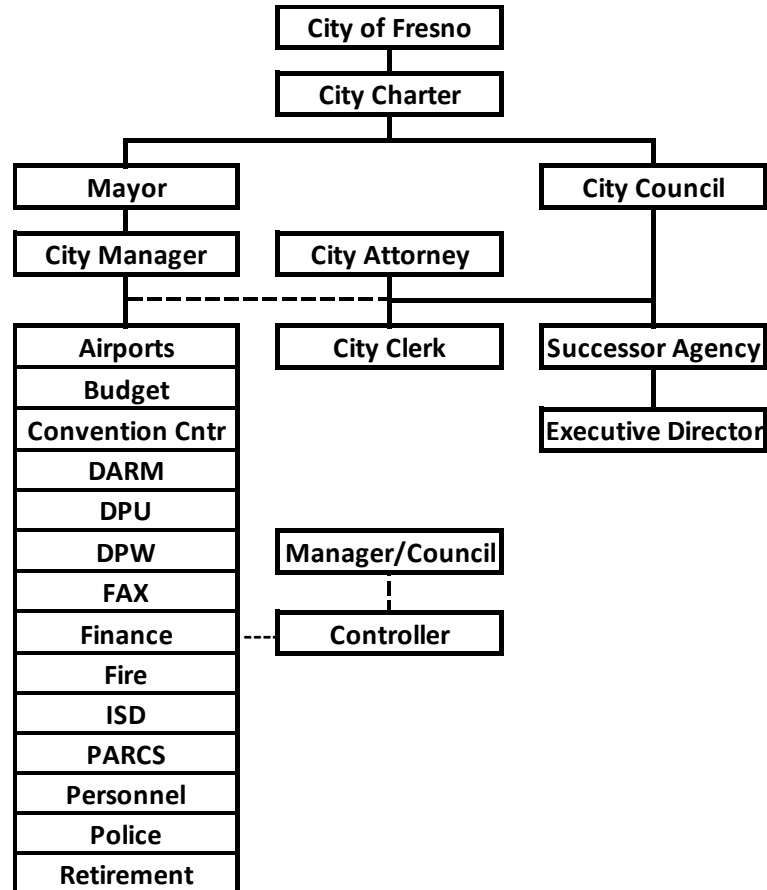
# Fresno City Attorney's Office

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