



Legislation Details (With Text)

**File #:** ID16-1289    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Agenda Ready

**File created:** 10/27/2016    **In control:** City Council

**On agenda:** 11/3/2016    **Final action:**

**Title:** BILL - (For introduction) - Adding subsection (c) to Section 2-402 of the Fresno Municipal Code, relating to City Manager authority.

**Sponsors:** Office of Mayor & City Manager

**Indexes:**

**Code sections:**

**Attachments:** 1. Supplement - Ordinance.pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**REPORT TO THE CITY COUNCIL**

**November 3, 2016**

**FROM:** Bruce Rudd  
City Manager

**SUBJECT**  
BILL - (For introduction) - Adding subsection (c) to Section 2-402 of the Fresno Municipal Code, relating to City Manager authority.

**RECOMMENDATION**

Council approve an amendment to Fresno Municipal Section 2-402, subsection (c) requiring that all modifications, amendments, deferrals, or waiver of any provision of a contract, development agreement, subdivision map, conditional use permit, or fee, will be subject to written approval of the City Manager.

**EXECUTIVE SUMMARY**

Based on recent events it has been determined that there have been cases in which a Department Director or designee has modified various agreements; including but not limited to, development agreements, subdivision maps, condition of approvals, etc., without the knowledge or approval of the City Manager. The recommended change to the Fresno Municipal Code is intended to address this issue by requiring that all future contract modifications/amendments must be approved, in writing, by the City Manager.

## **BACKGROUND**

It has come to the attention of the City Manager that there have been situations in which a Department Director or designee has made changes to various development agreements, conditions of approval, and other types of contracts, without the knowledge or approval of the City Manager. In some cases, the lack of review and coordination have created situations in which these changes have not been adequately reviewed or shared with other affected City Departments, including the City Manager or City Attorney. The lack of review, coordination, and in some cases, documentation, has also created conflicts with other provisions contained in these agreements. The lack of consistency and coordination amongst City departments has created confusion with the building industry and other stakeholders as to what is or is not required and by when. The recommended amendment is intended to address this issue, as all future modifications/amendments will be subjected to review and written approval by the City Manager.

## **ENVIRONMENTAL FINDINGS**

N/A

## **LOCAL PREFERENCE**

N/A

## **FISCAL IMPACT**

None

Attachment: [If more than one, pluralize]