



RESOLUTION NO. 2010-25

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, SUBMITTING TO CITY ELECTORS
A PROPOSAL TO AMEND CHARTER SECTION 1504
RELATING TO ADDITION OF TWO COUNCIL OFFICES.

RESOLVED, by the Council of the City of Fresno, California, as follows:

SECTION 1. The Council, on its own motion, submits to the electors of the City of Fresno at its direct primary election to be consolidated with the statewide direct primary election to be held on June 8, 2010, an amendment to the Charter of the City of Fresno as set forth in the following sections of this Resolution.

SECTION 2. Section 1504 of the Charter of the City of Fresno is amended as follows:

SECTION 1504. EXPANSION OF COUNCIL MEMBERSHIP.

(a) At such time as the population of the City of Fresno reaches 540,000 [650,000], the Council shall establish a public review process to consider add[ing] two Council offices to the Council designated as Councilmember Number 8 and Councilmember Number 9. For making a determination as to whether the 540,000 [650,000] population figure has been reached, the City shall utilize census data from the Demographic Research Unit of the State Department of Finance issued annually on May 1st or a similarly reliable source of population figures in the event the Demographic Research Unit no longer provides such information. Within 180 days of receipt of validated population figures evidencing this population total, the Council shall commence the public review process. Once that is completed, Council shall vote on whether to submit to the voters, a ballot measure adding two Council offices. If the measure receives a majority of votes cast, Council shall redraw the Council district boundaries, ~~after a duly noticed public hearing,~~ to reflect the two additional Council seats [in accordance with the applicable laws].

(b) The two seats shall be initially filled in the next regular municipal election held in which City offices are filled. Both Councilmember seats 8 and 9 shall be filled at said next regular municipal election. Thereafter, Councilmember seat number 8 shall be filled in the same electoral cycle as even-numbered Council seats and Councilmember seat number 9 shall be filled in the same electoral cycle as odd-numbered Council seats. Depending on when the election cycle for filling Councilmember seat numbers 8 and 9 falls, the initial term for one of the two seats shall be a two-year term.



(c) At such time as the Councilmembers designated as Councilmember Number 8 and Councilmember Number 9 are installed in office the following provisions shall be deemed changed:

(1) All provisions in this Charter for a requirement of an "affirmative vote of at least four members of the Council" or any similar language requiring four votes shall be deemed changed to require "affirmative vote of at least five members of the Council."

(2) All provision of this Charter for a requirement of an "affirmative vote of at least five members of the Council" or any similar language requiring five votes shall be deemed changed to require "an affirmative vote of at least six members of the Council."

SECTION 3. The question to be submitted to the electors with respect to the proposed Charter amendment set forth herein above shall be printed on the election ballot with the title and in the form hereinafter set forth:

AMENDMENT OF CHARTER SECTION 1504 TO REQUIRE CITY COUNCIL AND VOTER APPROVAL PRIOR TO CITY COUNCIL EXPANSION. Shall Charter Section 1504, which requires the automatic addition of two new City Council offices when Fresno's population reaches 540,000, be amended to include a public review process and require City Council and voter approval prior to adding two new Council offices when Fresno's population reaches 650,000?	YES
	NO

SECTION 4. The following constitutes the synopsis of the measure to be voted on for the purpose of meeting the publication requirements of Elections Code Section 12111:

Currently, Charter Section 1504 requires the automatic addition of two new Council offices when Fresno's population reaches 540,000, at the cost of approximately \$600,000 to the City budget for Fiscal Year 2009-2010. This measure will amend Charter Section 1504 of the City of Fresno to eliminate the automatic addition of two Council offices when Fresno's population reaches 540,000, and will instead require City Council and voter approval prior to adding two new Council offices when Fresno's population reaches 650,000.



SECTION 5. The City Clerk shall file a certified copy of this resolution with the Fresno County Elections Office as required by applicable law.

SECTION 6. The Fresno County Clerk, Elections Division, shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law.

SECTION 7. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, 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 11th day of February, 2010.

AYES: Borgeas, Brand, Xiong, Westerlund
NOES: Dages, Perea, Sterling
ABSENT: None
ABSTAIN: None

Mayor Approval: February 16, 2010
Mayor Approval/No Return: N/A, 2010
Mayor Veto: N/A, 2010
Council Override Vote: N/A, 2010

REBECCA E. KLISCH
City Clerk

BY Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Tei Yukimoto
Tei Yukimoto 2-11-10
Senior Deputy

TY:ty:pn[51163aty/RESO]- 02/11/10



February 11, 2010

Council Adoption: 02/11/10
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC ^{REK}
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 2/11/10, Council adopted the attached Resolution No. 2010- 25 entitled **Submitting proposal to repeal Charter Section 1504 re: addition of two Council Offices**, Item No. **9:00 A.M. #3**, by the following vote:

Ayes : Borgeas, Brand, Xiong, Westerlund
Noes : Dages, Perea, Sterling,
Absent : None
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 February 22, 2010. 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.

Thank you.

APPROVED:

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

Ashley Swearingin, Mayor

Date: 2-16-10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :