



RESOLUTION NO. 2009-113 AMENDING RESOLUTION NO. 2009-106

AN AMENDED RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ESTABLISHING A POLICY REGARDING VOLUNTARY CHARITABLE DONATION OF A PORTION OF ANNUAL CITY-PAID SALARY BY ELECTIVE OFFICERS TO CITY

WHEREAS, the Fresno City Charter recognizes the Council as the legislative body for the City of Fresno and delegates all authority necessary for the Council to legislate on behalf of the residents of Fresno; and

WHEREAS, Charter Section 300 enumerates City elective officers as the Mayor and seven Councilmembers; and

WHEREAS, Charter Section 308 prohibits the Council from increasing or reducing the compensation of an elective officer during their respective term of Office; and

WHEREAS, in these uncertain economic times, the Council desires to allow each elective officer the opportunity to voluntarily donate back to the City a portion of his or her City-paid compensation; and

WHEREAS, the City is a tax exempt entity which may receive tax deductible donations; and

WHEREAS, the Council finds that a uniform policy for the voluntary charitable donation of a portion of an elective officer's City-paid salary is in the public interest; and

WHEREAS, through this policy elective officers are encouraged not to take advantage of any tax benefits that may be associated with charitable donations hereunder.

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

1. Any elective officer may voluntarily designate a portion of his or her post-tax City-paid salary as a charitable donation back to the City for general public purposes and uses, in such amounts/for such duration as the elective officer shall provide;

Adopted 5/14/09
Approved 5/15/09
Effective 5/15/09

2009-113



2. The elective officer shall designate his/her donative intent and donation on a form to be developed by the Finance Director which shall refer to this resolution and include a recital of intention to make a charitable donation for general public purposes and uses, the amount and (if recurring) duration of the donation, and the absence of any City provided goods/services in consideration of the donation; and,

3. The City Manager/designee(s) thereof shall administer and implement this policy, accept donations hereunder, and provide any required written and contemporaneous substantiation of each donation.

This resolution shall be effective upon its final adoption and remain in effect until June 30, 2010.

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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 14th day of May, 2009.

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

Mayor Approval: May 15, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

By: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: Robert R. Coyle, Senior Deputy 5/8/2009

RRC:sn [49191sn/RESO] 5/8/09

May 14, 2009

Council Adoption: 5/14/09
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

2009 MAY 15 AM 10:00
CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 5/14/09, Council adopted the attached Resolution No. 2009-113 entitled **Amending Reso 2009-106 establishing a policy regarding voluntary charitable donation – City salary by elective officers**, Item No. 9:15 A.M. - B, by the following vote:


Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, Sterling
Noes	:	Xiong
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 May 25, 2009. 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 Swearengin, Mayor

Date: 5/15/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	