



RESOLUTION NO. 2015-201

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, CONCERNING APPOINTING  
AUTHORITY AND RESPONSIBILITY

WHEREAS, the City of Fresno has a charter form of government, with each elected official, appointed official, and employee having certain Charter designated authority and responsibilities; and

WHEREAS, Charter section 800 provides the Council has the sole authority to appoint and remove the City Attorney and City Clerk; and

WHEREAS, Charter section 400 provides the Mayor has the sole authority to appoint and remove the City Manager (Chief Administrative Officer); and

WHEREAS, Charter section 500 provides each Councilmember has sole authority to appoint and remove his or her Council Assistant; and

WHEREAS, Charter section 910 provides the Retirement Board shall appoint and direct a Retirement Administrator who shall report to the Board; serve at the Board's pleasure; administer the retirement office and its financial affairs as directed by the Board; appoint, suspend and remove subordinate employees subject to the Civil Service System provisions of this Charter; and perform such other administrative duties as directed by the Board; and

WHEREAS, Charter section 705 provides the City Manager has the authority to approve or disapprove all proposed appointments and removals of deputies, assistants and subordinate employees by department heads or officers *except* those officers



whose appointment is vested by this Charter in the Council – the City Attorney and City Clerk; and

WHEREAS, it is desirable that City officials and employees are clear and informed of their respective Charter authority and responsibilities; and

WHEREAS, it is the intent of this Resolution to clarify, restate, and implement provisions of the Charter.

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

1. Pursuant to Charter sections 705 and 800, authority and responsibility for appointment, removal, discipline, compensation, payroll records, and direction of deputies, assistants and subordinate employees of the Councilmembers, City Attorney and City Clerk shall remain solely with the individual Councilmembers, City Attorney and City Clerk, respectively; and

2. Pursuant to Charter section 705, the City Manager has the authority to approve or disapprove all proposed appointments and removals of deputies, assistants and subordinate employees, including department heads and their subordinate employees, except for the elected officials, the appointees and employees of the Council, the employees of the City Attorney and City Clerk's offices, and of the Retirement Board; and

3. This Resolution shall supersede any provisions of the Fresno Municipal Code or resolutions that are inconsistent, except for provisions of any approved Memorandum of Understanding with a City bargaining unit; and



4. This Resolution shall take effect upon its passage.

\* \* \* \* \*

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

I, YVONNE SPENCE, 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 12<sup>th</sup> day of November, 2015.

AYES : Brand, Brandau, Caprioglio, Olivier, Quintero, Soria, Baines  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: \_\_\_\_\_ N/A \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_ November 23<sup>rd</sup> \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_ N/A \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

By: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: *Douglas T. Sloan* 11-30-15  
Douglas T. Sloan [Date]  
City Attorney

KBD:ns [69620ns/kbd]- 11/9/15

November 13, 2015

RECEIVED



Council Adoption: 11/12/2015  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

2015 NOV 24 AM 8 15

FROM: YVONNE SPENCE, CMC  
City Clerk

MS

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 11/12/15, Council adopted the attached Resolution No. 2015-201 entitled, **Concerning appointing authority and responsibility**. Item No. 2-A, File ID# 15-1031, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Soria  
Noes : None  
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 November 23, 2015. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> 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.

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**APPROVED/NO RETURN:** \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Ashley Swearengin, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :