



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Dages SECONDED BY Brand

BILL NO. B-22

ORDINANCE NO. 2009-22

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING SUBSECTION (c) TO SECTION 7-912, OF THE
FRESNO MUNICIPAL CODE, RELATING TO
QUALIFICATIONS OF APPLICANTS FOR CITY FINANCING.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 7-912 of the Fresno Municipal Code is amended by adding subsection (c) thereto to read:

SEC. 7-912. QUALIFICATIONS OF APPLICANTS FOR CITY FINANCING.

(a) The City Manager or his designee shall ascertain and make available to the Council information with respect to the qualifications and financial status of all applicants seeking city financial assistance or funding for private projects pursuant to the city's economic development program, whether such assistance consists of loans, grants, bond issuance, or otherwise. In order to comply with this requirement, and to safeguard city funds and protect the city's bond rating, the City Manager or his designee shall cause an investigation to be made of the facts stated in each application for city financing. Conviction (including pleas of guilty and nolo contendere) of any felony or misdemeanor involving moral turpitude shall constitute prima facie grounds for denying financial assistance to an applicant, except that such conviction may be disregarded if it is determined that mitigating circumstances exist. For purposes of this section, the term "applicant" includes but is not limited to an individual in a sole proprietorship, all general partners in a partnership, any

Adopted 6/4/09
Approved 6/11/09
Effective 7/12/09

2009-22



person holding 10% or more of the voting stock in a corporation, and in cases where the partner or stockholder is other than an individual, the individuals who are the beneficial owners of the stock or partnership interest.

(b) In order to further the objectives set forth in subsection (a) and as authorized by California Penal Code Sections 11105(b) and 13300(b)(10), the City Manager or his designee is hereby authorized to have access to and utilize summary criminal history information on file with the State of California Department of Justice and/or local law enforcement agencies when it is necessary for such records to be utilized to fulfill the certification duties required in this section.

[(c) Notwithstanding subsections (a) and (b) of this section and in addition thereto, Council may establish by resolution policies and procedures to implement this section and/or to provide for due diligence and oversight regarding private projects which seek public financing or other public assistance.]

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

///

///

///

///

///

///

///



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 ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 4th day of June, 2009.

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

Mayor Approval: June 11, 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 Klisch Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

By Robert R. Coyle 5-12-09
Senior Deputy City Attorney

RRC:sn [49097sn/ORD] 4/30/09



June 5, 2009

Council Adoption: 6/4/09
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN **RECEIVED**
FROM: REBECCA E. KLISCH, CMC *REK* 2009 JUN 11 PM 4:27
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 6/04/09, Council adopted the attached Ordinance No. 2009-22 entitled **Amd FMC re: qualifications of applicants for City financing**, Item No. **1N**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
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 June 15, 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
Ashley Swearengin, Mayor

Date: 6/11/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :