



RESOLUTION NO. 2013-66

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ESTABLISHING THE COUNCIL
COMMUNICATION POLICY

WHEREAS, Fresno City Charter § 500 provides the Council is the governing body of the City and, subject to the express limitations of the Charter, is vested with all powers of legislation in municipal affairs of the City; and

WHEREAS, Charter § 400 provides the Mayor shall recommend to the Council such measures and ordinances as the Mayor may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable; and

WHEREAS, Charter § 803 provides the City Attorney represents and advises the Council, management, and City officials in all matters of law pertaining to their offices; and

WHEREAS, Charter § 803(g) provides the Council has control over all legal business and proceedings of the City; and

WHEREAS, the City Attorney provides legal services to the Council, Mayor and all other City officials and staff; and to do so effectively, communications between the City Attorney and the Council, Mayor, other City officials and staff may under some circumstances be open and complete, yet in other communications be confidential and limited.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that the Council Communications Policy shall provide the following:

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1. The City Attorney shall provide timely, complete information to the Council pertaining to all matters within the Council's jurisdiction, as provided herein.

2. The City Attorney shall be free to communicate with and preliminarily advise Councilmembers, the Mayor, City Manager, and staff on all City legal matters without the necessity of the City Attorney sharing the substance or fact of those communications and advice with the entire Council until such time as the City Attorney reasonably believes there is an immediate need for the Council to be informed, or such a matter may be brought before the Council for its consideration.

3. All City officials and staff shall immediately provide or communicate to the City Attorney documents and other forms of communication that state or indicate a claim, legal risk, or potential liability that exceeds the sum or value of fifty thousand dollars (\$50,000) affecting the City, including any new exposure on matters or projects the City has approved or has under consideration. This reporting requirement shall not include existing litigation, personnel complaints, or tort or civil rights claims that are processed through the claims procedures handled by the Risk Management Division or Personnel Department, until such time as a lawsuit is filed. The City Attorney then shall exercise discretion in sharing the documents or information with the Council, Mayor, City Manager, and other City officials. The City Attorney may discuss with the Council President, Mayor, and City Manager, the method and timing of communicating the information to Council or others.

4. In consideration of the acknowledgement by Council of the propriety of the City Attorney communicating with and advising the Mayor, City Manager, and staff without the immediate need to share those communications with Council, the Council encourages the Mayor,



City Manager, and staff to involve the City Attorney as early as possible in matters that may ultimately be brought before Council, so that legal issues may be resolved timely and effectively.

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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 9th day of May, 2013.

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

Mayor Approval: N/A, 2013
Mayor Approval/No Return: May 21, 2013
Mayor Veto: N/A, 2013
Council Override Vote: N/A, 2013

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Douglas T. Sloan
Douglas T. Sloan, City Attorney

DTS:pn[61312pn/RESO]-rev. 04/30/13

May 10, 2013

Council Adoption: 5/9/2013

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

A handwritten signature in blue ink, appearing to read "Yvonne Spence", written over the "FROM" line.

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 5/9/13, Council adopted the attached Resolution No. 2013-66 entitled **Establishing the Council Communication Policy** Item No. **2B**, by the following vote:

Ayes	:	Baines, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	Brand
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 20, 2013. 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/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	:

May 10, 2013

RECEIVED

Council Adoption: 5/9/2013

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2013 MAY 22 PM 4:39

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 5/9/13, Council adopted the attached Resolution No. 2013-66 entitled **Establishing the Council Communication Policy** Item No. **2B**, by the following vote:

Ayes	:	Baines, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	Brand
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 20, 2013. 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/NO RETURN: _____

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


Ashley Swearengin, Mayor

Date: 5/22/13

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: