

10:15am A-1
3/17/09

COUNCIL AGENDA ITEM

DATE: February 24, 2009

TO: Fresno City Council

FROM: Council President Cynthia Sterling *CS*
Acting President Paul Caprioglio *PC*
Councilmember Andreas Borgeas *AB*

BY: Rosalyn Belluomini, Chief of Staff, District 4 *RB*
Stephen F. Sotomayor, Chief of Staff, District 2 *SS*
Carl Jones, Executive Analyst *CJ*

AGENDA ITEM: Fresno City Council Meeting Day Change

INTRODUCTION

Under the Fresno City Charter, the Council holds regular, open and public meetings to review, deliberate and address public issues affecting the City.

In order to ensure that our legislative body has the necessary information to make sound and well informed decisions and are provided the proper time to conduct due diligence, an amendment to the current Council meeting day is proposed.

Under our current system, Fresno city council members receive their agenda packets on the Friday afternoon prior to voting on them the following Tuesday. Due to such a short timeline, Fresno policy makers only have one and 1/8th working days in which to read the agenda items, meet with stakeholders, and ask questions of City staff. In addition, Council members must also read and be briefed by the City Attorney's office on closed session items.

Presented to City Council
Date: 2/24/09
Disposition: Per 2009-49
adopted; Bill B-7
Inter. Session

Presented to Fresno Redevelopment Agency
Date: 3/3/09
Disposition: Cont. to 4-2-09

If changes are made to any of these items, the timeline becomes even shorter, leaving very little time for a Council Member to conduct additional research. It is not unusual for the Council to receive additional information on items up to the moment the item is considered by Council.

This proposal will also address "red tag" items. These are last minute documents pertaining to an agenda item which are, at times, distributed as late as the morning of the Council meeting. A Tuesday afternoon deadline for red tag items would give interested parties one business day to deal with the red tag item. It would also give more time to those submitting the red tag document.

We propose that "red tag" items have a 5 PM distribution deadline on the Tuesday before the Thursday Council meeting. This will provide one full business day for Council to review the information. Please see attached Exhibit A for current/proposed Council meeting and red tag timetable.

The City Attorney has prepared two documents to implement this change. The first is a proposed Resolution amending the Council Procedure to change the regular meeting day from Tuesday to Thursday. By changing the day from Tuesday to Thursday as proposed, two additional business days will be added to enable Council Members to read the staff reports, research, and meet with City staff and outside stakeholders concerning specific Council items. Please see attached Exhibit B.

The second is an amendment to Fresno Municipal Code Section 2-303 which will provide for a five (rather than the current three) business day deadline for submission of agenda material prior to the Council meeting. This item is submitted for introduction today and adoption at the March 3rd meeting. Please see attached Exhibit C.

Improving Fresno's Council meeting timeframe is a benefit for all involved. With the implementation of this schedule, Council Members will be able to utilize their due diligence period to meet with stakeholders, talk with staff, and serve their constituents with well-researched and well-informed policy decisions.

ATTACHMENT: Exhibit A: Council Agenda Meeting Day Change and Red Tag Items

Council Item CURRENT	Day Submitted: Thursday, 5 PM	Packet to Councilmember: Friday, 5 PM	Council Meeting Tuesday, 8:30 AM
Council Item PROPOSED	Day Submitted: Thursday, 5 PM	Packet to Councilmember: Friday, 5 PM	Council Meeting Thursday, 8:30 AM

Red Tag Item CURRENT	Submitted Up to Tuesday Morning	Council Meeting Tuesday, 8:30 AM	
Red Tag Item PROPOSED	Submitted By Tuesday 5 PM	Council Meeting Thursday, 8:30 AM	



The
Business Alliance
Of Fresno County

RECEIVED

2009 FEB 23 AM 10:02

CITY CLERK, FRESNO CA

1099 E. Champlain Drive, Suite A, PMB 232
Fresno, Ca 93720
559-930-1962
fresnobusinessalliance.com

February 23, 2009

Fresno City Council
2600 Fresno Street
Fresno, Ca 93721

Dear City Council Members

The Business Alliance of Fresno County, a growing network of local businesses, submits this letter of support for the 9:15 Agenda Item C, proposal to move the Council meetings from Tuesday to Thursday.

As well as providing the City Council the opportunity to better review agenda items that may come before it, it will also provide a significantly better opportunity for members of the public to review these items as well.

Under the current process, it is very difficult to get any questions answered before the meeting or have time to fully understand the impact an item may have. This change will provide for a better informed public.

The Business Alliance of Fresno County considers this a very positive change that will benefit the local business community.

Your support for this agenda item is encouraged.

Sincerely,

Jerry Duncan

Chief Executive Officer

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 2-303 OF THE FRESNO MUNICIPAL
CODE RELATED TO DEADLINES FOR DELIVERY OF
AGENDA MATERIALS

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

SECTION 1. Section 2-303 of the Fresno Municipal Code is amended to read:

SECTION 2-303. AGENDA

(a) Procedure. All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the City Clerk prior to 5 p.m. of the ~~third~~ [fifth] business day prior to the Council meeting at which they are to be submitted. The City Clerk shall prepare an agenda of such matters according to the order of business as determined by the Council, and furnish each member of the Council, the Mayor, the City Manager, City Attorney, and department directors with a copy of the same prior to the Council meeting, and as far in advance of the meeting as time for preparation will permit. No item shall be submitted to the Council, except in accordance with the foregoing procedure. In accordance with statutory exceptions of the Ralph M. Brown Act, Government Code Section 54950 et seq., as amended, the Council may discuss and consider an item not on the agenda.

(b) State Law. The agenda shall be posted and prepared in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et seq., as amended.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final 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, at a regular meeting held on the _____ day of _____, 2009.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2009

Mayor Approval/No Return: _____, 2009

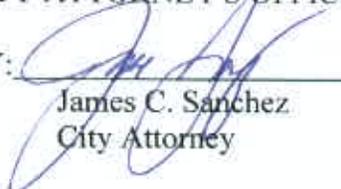
Mayor Veto: _____, 2009

Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 
James C. Sanchez
City Attorney

JCS:skl [48021skl-jcs Ord] 02/11/09

AGENDA ITEM NO. 10:15am A-2 2"

AGENCY MEETING 3/17/09

APPROVED BY

DEPARTMENT DIRECTOR

February 27, 2009

FROM: James C. Sanchez, City Attorney

SUBJECT: Resolution Amending Article III, Section 2, of the Redevelopment Agency Bylaws to change the Agency regular meeting days from Tuesdays to Thursdays, to coincide with the change in Council meeting days.

BACKGROUND

At the February 24, 2009, meeting, Council acted to move its meeting days from Tuesdays to Thursdays. A change in the Agency Bylaws is necessary to cause the Agency meetings to coincide with regular Council meetings.

Article III, Section 2, of the 2008 Agency Bylaws provides:

"Section 2. Regular Meetings. The Agency shall hold regular meetings each Tuesday in the Council Chambers, Fresno City Hall, 2600 Fresno Street, Fresno, California, at 8:30 a.m. or as soon thereafter on such days as the Chairperson shall convene the meeting. When any day fixed for a regular meeting of the Agency falls upon a day designated by laws as a legal or national holiday, such meeting shall be held at the same time on the next preceding regular Council meeting day not a holiday, unless the Agency fixes a different day for such meeting and the time and place is set forth in the minutes of a preceding regular meeting of the Agency."

To make the Agency and Council meeting days coincide, it is proposed by the Board that Article III, Section 2, be amended as follows:

"Section 2. Regular Meetings. The Agency shall hold regular meetings each Tuesday Thursday in the Council Chambers, Fresno City Hall, 2600 Fresno Street, Fresno, California, at 8:30 a.m. or as soon thereafter on such days as the Chairperson shall convene the meeting. When any day fixed for a regular meeting of the Agency falls upon a day designated by laws as a legal or national holiday, such meeting shall be held at the same time on the next preceding regular Council meeting day not a holiday, unless the Agency fixes a different day for such meeting and the time and place is set forth in the minutes of a preceding regular meeting of the Agency."

There are no other changes.

Written notice pursuant to Article VI, Section 1 of the Agency Bylaws of this proposed Bylaw amendment was provided on February 24, 2009.

The attached resolution should be adopted if the Redevelopment Agency Board is inclined to have the Agency meetings coincide with the regular Council meetings.

Attachments: Exhibit A - Resolution Amending Bylaws
48242cg/dts

Presented to City Council

Date 3/3/09

Disposition Cont. to 4-2-09

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF FRESNO RESCINDING PRESENT BYLAWS
AND ADOPTING NEW BYLAWS.

WHEREAS, the Redevelopment Agency of the City of Fresno, hereinafter referred to as the "Agency," is presently conducting its affairs in conformance with bylaws adopted by Resolution 1734 on December 16, 2008; and

WHEREAS, under Fresno Municipal Code Section 2-1302 the Council of the City of Fresno is designated as the "Agency" with the full rights and powers granted under the Community Redevelopment Law (Health and Safety Code §33000 et seq.); and

WHEREAS, rescission of said bylaws and adoption of new bylaws is necessary to reflect the new operational procedures to be followed by the Agency; and

WHEREAS, written notice as required by Article VI (Amendments) of aforesaid bylaws has been provided to each member of the Agency and not less than four members of the Agency concur in the action set forth herein below.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AS FOLLOWS:

Section 1. The bylaws of the Agency dated December 16, 2008 are hereby rescinded.

Section 2. The Agency hereby adopts new bylaws as follows:

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**THE REDEVELOPMENT AGENCY
OF THE CITY OF FRESNO**

ARTICLE 1 - THE AGENCY

Section 1. Name of Agency. The name of the Agency shall be the "Redevelopment Agency of the City of Fresno."

Section 2. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 3. Office of Agency. The office of the Agency shall be at such place in the City of Fresno, California, as the Agency may from time to time designate by resolution.

ARTICLE II - OFFICERS

Section 1. Officers. The officers of the Agency shall be a Chairperson, a Vice-Chairperson, and Executive Director appointed by and serving at the will and pleasure of the Agency, a Treasurer/Controller who shall be the Financial Officer of the Agency and Ex-Officio Clerk, who shall be the City Clerk, and Ex-Officio Attorney, who shall be the City Attorney or other legal counsel appointed by the Agency, and an Ex-Officio Purchasing Agent, who shall be the Purchasing Agent of the City. An officer or Ex-Officio officer may designate in writing a deputy to serve and act in his or her stead. The deputy shall have and enjoy all powers and duties conferred upon such officer herein.

Section 2. Chairperson. The Chairperson shall be elected by the members of the Agency as provided in Section 7 of this Article. He or she shall preside at all meetings of the Agency.

Section 3. Vice-Chairperson. The Vice-Chairperson shall be elected by the members of the Agency as provided in Section 7 of this Article and shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson, and in case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Agency shall elect a new Chairperson.

Section 4. Agency Executive Director. The Agency Executive Director, appointed by and serving at the will and pleasure of the Agency, shall have general supervision over the administration of its business and affairs, subject to the policy direction of the Agency.

Section 5. Clerk. The City Clerk shall be Ex-Officio Clerk of the Agency and shall be responsible for the recording and maintaining of a full and true record of all proceedings of the Agency in a journal of proceedings to be kept for such purpose and shall attend all meetings of the Agency either in person or by deputy. The Clerk shall:

- (a) Maintain separate books, in which shall be recorded all resolutions, with the certificate of the Clerk annexed stating the same to be the original or a correct copy;
- (b) Maintain separate files, with appropriate indexes thereto, of all contracts the execution of which was specifically authorized by Agency action, and of all official bonds of the Agency;
- (c) Be the custodian of the Seal of the Agency and shall affix such seal to all constricts and instruments authorized to be executed by the Agency;
- (d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the Agency and certify copies of official records;
- (e) Maintain in appropriate

books and files such other records, documents, instruments, and papers as the Agency shall provide.

Section 6. Purchasing Agent. The City Purchasing Agent shall be the officer in charge of the Agency's competitive bidding for Public Works projects. Except for contracts for legal services, the Director or his/her designee is authorized to contract for all services required by the Agency for which an appropriation has been made; provided the contract involves an expenditure of less than fifty thousand dollars (\$50,000.00). Agency Board approval of any contract or amendment to the contract for services is required if the total expenditure under the contract and amendment exceeds fifty thousand dollars (\$50,000.00). All contracts must be in writing and approved as to form by the City Attorney's Office.

Section 7. Election of Chairperson and Vice-Chairperson. Each year on the first Tuesday, after the first Monday in January, the Agency shall elect a Chairperson and Vice-Chairperson. Eligibility to serve as Chairperson is limited to those members who have served on the Board for one year or more.

ARTICLE III - MEETINGS

Section 1. Annual Meeting. The Annual Meeting of the Agency shall be held at the same location and immediately following the adjournment of the first regular Agency meeting in July of each year.

Section 2. Regular Meetings. The Agency shall hold regular meetings each Tuesday Thursday in the Council Chambers, Fresno City Hall, 2600 Fresno Street, Fresno, California, at 8:30 a.m. or as soon thereafter on such days as the Chairperson shall convene the meeting. When any day fixed for a regular meeting of the Agency

falls upon a day designated by laws as a legal or national holiday, such meeting shall be held at the same time on the next preceding regular Council meeting day not a holiday, unless the Agency fixes a different day for such meeting and the time and place is set forth in the minutes of a preceding regular meeting of the Agency.

Section 3. Special Meetings. Special meetings of the Agency may be held at any time upon the call of the Chairperson or, in his or her absence or unwillingness to make such a call, upon the call of four of the members of the Agency. Noticing and agenda requirements of the Ralph M. Brown Act will apply to all Agency special meetings.

Section 4. Meeting Procedures. Except for those procedures unique to the City of Fresno, such as Mayoral veto, the procedures set forth in Resolution No. 2005-116 relating to Council meetings shall be applicable to Agency meetings.

ARTICLE IV - CONDUCT OF BUSINESS OF AGENCY

Section 1. General. Except as expressly provided otherwise by statute or by a formally adopted resolution of the Agency or by an amendment to these bylaws, all business of the Agency, whether conducted at a meeting of the Agency or otherwise and whether conducted by members of the Agency or by staff and personnel of the Agency, shall be conducted in conformance with California Redevelopment Agency Law, Fresno Redevelopment Agency policies and procedures, and applicable state and federal laws.

Section 2. Contracts for Services to or from City. Director may be authorized to enter into contracts on behalf of the Agency to provide Agency staff services to the City of Fresno or to receive City staff services for the Agency.

Section 3. The Financial Officer of the Agency shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency in such bank or banks as the Agency may select. He or she shall sign all orders and checks for the payment of money and shall pay out and disburse such monies consistent with the approved Agency budget, contracts and appropriations. He or she shall keep regular books of accounts in accord with generally accepted accounting principles for public agencies showing receipts and expenditures and shall render to the Agency when requested an account of the transactions and also of the financial condition of the Agency. He or she shall give such bond for the faithful performance of his duties as the Agency may determine.

ARTICLE V - PERSONNEL

Section 1. Other than the Executive Director who is appointed by and serves at the will and pleasure of the Agency, Agency employees serve at the will and pleasure of the Executive Director. The Director, or his or her delegee shall act as the Director of Personnel for the Agency.

ARTICLE VI - AMENDMENTS

Section 1. Amendments to Bylaws. The bylaws of the Agency shall be amended only with the approval of at least four of the members of the Agency at a regular or a special meeting, but no such amendment shall be adopted unless at least seven days written notice thereof has been previously given to all of the members of the Agency. Such notice shall identify the section or sections of the bylaws proposed to be amended.

CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, Clerk Ex-Officio of the Redevelopment Agency certify that the foregoing resolution was adopted by the Redevelopment Agency of the City of Fresno, California, at a regular meeting held on the ____ day of _____, 2009, and that the same was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Seal of the Redevelopment Agency, this ____ day of _____, 2009.

REBECCA E. KLISCH
Ex-Officio City Clerk for the Redevelopment
Agency of the City of Fresno

BY: _____
Deputy

APPROVED AS TO FORM

JAMES C. SANCHEZ
Ex-Officio Attorney for the Redevelopment
Agency of the City of Fresno
CITY ATTORNEY

BY:  _____
City Attorney

10:15am "A-3"
3/17/09

CITY COUNCIL MEETING SCHEDULE - 2009 *
*** THURSDAY MEETINGS (STARTING 4/23/2009)**

January	6	8:30 a.m.		July	2	COUNCIL RECESS
January	13	8:30 a.m.		July	9	COUNCIL RECESS
January	20	NO MEETING - MARTIN LUTHER KING DAY		July	16	8:30 a.m.
January	27	8:30 a.m.		July	23	8:30 a.m.
February	3	8:30 a.m.		July	30	8:30 a.m.
February	10	8:30 a.m.		August	6	COUNCIL RECESS
February	17	NO MEETING - PRESIDENTS' DAY		August	13	COUNCIL RECESS
February	24	8:30 a.m.		August	20	8:30 a.m.
March	3	8:30 a.m.		August	27	8:30 a.m.
March	10	COUNCIL RECESS		September	3	COUNCIL RECESS
March	17	8:30 a.m.		September	10	COUNCIL RECESS
March	24	8:30 a.m.		September	17	8:30 a.m.
March	31	8:30 a.m.		September	24	8:30 a.m.
April	7	8:30 a.m.		October	1	8:30 a.m.
April	14	NO MEETING - EASTER WEEK		October	8	NO MEETING - COLUMBUS DAY
April	23	8:30 a.m.		October	15	8:30 a.m.
April	30	8:30 a.m.		October	22	8:30 a.m.
May	7	8:30 a.m.		October	29	8:30 a.m.
May	14	8:30 a.m.		November	5	8:30 a.m.
May	21	8:30 a.m.		November	12	8:30 a.m.
May	28	NO MEETING - MEMORIAL DAY		November	19	8:30 a.m.
June	4	8:30 a.m.		November	26	NO MEETING - THANKSGIVING WEEK
June	11	8:30 a.m.		December	3	8:30 a.m.
June	18	8:30 a.m.		December	10	8:30 a.m.
June	25	8:30 a.m.		December	17	8:30 a.m.
				December	24	NO MEETING - CHRISTMAS WEEK
				December	31	NO MEETING - NEW YEARS WEEK