



Folsom City Council Staff Report

MEETING DATE:	5/26/2026
AGENDA SECTION:	Old Business
ITEM TITLE:	Consideration of Potential Ballot Measure(s) Amending the City Charter and/or the Folsom Municipal Code for the 2026 General Municipal Election and Direction to Staff
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff requests that the City Council consider and provide direction to staff regarding preparation of potential ballot measures amending the City Charter and/or the Folsom Municipal Code for the 2026 General Municipal Election.

BACKGROUND / ISSUE

On December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee. The Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council. Resolution No. 11525 directed the Committee to submit a report to the City Council containing its recommendations.

The Committee performed its work over five meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter and ultimately approved recommended language changes to seven sections of the Charter and one section of the Folsom Municipal Code that was an initiative measure passed by a vote of the people in 1994.

Resolution No. 11525 created the 2026 Ad Hoc Charter Review Committee as a Brown Act Committee, so the Committee's meetings were open to the public. Members of the public attended the final three meetings and addressed the Committee on many of the items considered.

On May 12, 2026, the 2026 Ad Hoc Charter Review Committee's Report was submitted to the City Council and a public hearing was held on the eight amendments recommended by the Committee. During the public hearing, 14 members of the public spoke, many of whom

addressed the proposal to amend Section 2.07(D) – Restriction on City Utility or Enterprise (franchise authority), which would have eliminated the existing voter approval requirement before a City owned utility or enterprise may be sold, leased for more than 2 years, contracted to, or put to franchise to any non-governmental party.

Following the public hearing, the City Council deliberated and passed Resolution No. 11613, receiving the 2026 Ad Hoc Charter Review Committee Report to City Council with recommended amendments and dissolving the Committee.

The Council engaged in further deliberation and ultimately voted 4-0, with one absent, not to submit the following proposed Charter amendments to the voters at the November 3, 2026 election:

1. **Section 2.01** - City Council: to address the transition away from at-large elections.
2. **Section 2.01(E)** - Term limits: reducing the maximum number of consecutive terms City Councilmembers may serve, from four 4-year terms to three 4-year terms.
3. **Section 2.06** - City Council Compensation and Expenses: to add automatic annual salary adjustments for City Council, tied to the Consumer Price Index, with a maximum increase of three percent per year.
4. **Section 2.07(D)** – Restriction on City Utility or Enterprise (franchise authority): eliminate voter approval requirement before a City owned utility or enterprise may be sold, leased for more than 2 years, contracted to, or put to franchise to any non-governmental party. This will allow the Council to franchise or contract for City services without voter approval.
5. **Section 9.02** – Transition of Elected Officials from 1990: delete entirely as obsolete. The Committee voted 7-0 in favor of this recommendation.

The Council directed staff to return on May 26, 2026, for further consideration of whether to submit to the voters at the November 3, 2026 election any of the following amendments recommended by the Committee:

1. **Section 4.03** - City Attorney: to change how the City Attorney is appointed, from the current system in which the City Manager appoints the City Attorney, to a system in which the City Council appoints the City Attorney, and related procedural and structural changes.
2. **Section 4.07** – Boards and Commissions: strike language that all City Boards and Commissions are only advisory to the Council, allowing the Council to set the powers and duties of Commissions and Committees by ordinance. Clarifying that Committee members must be residents and registered voters of the City.

3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation. To increase the campaign contribution limit in support or opposition to any candidate from \$150 to a higher limit to be determined.

POLICY / RULE

The recommendations brought forward by the Ad Hoc Charter Review Committee relate to distinct and separate areas of law. To facilitate the City Council’s review and ensure the legally sufficient placement of these items on the ballot, the following sections outline the governing legal framework applicable to each of the proposed measures under consideration.

Charter Amendment

City Charter section 8.01 governs Charter amendments, which may be framed and proposed in several ways, including by an ordinance of the City Council containing the full text of the proposed amendment. Charter Amendments must be approved by a majority of the voters of the City at a regular election.

Pursuant to City Charter section 2.12(A), no City ordinance shall contain more than one subject, which shall be clearly expressed in its title. This “single subject rule” applies to all of the remaining amendments recommended in the Committee’s report.

Amendment of Ordinance Passed as an Initiative Measure

As applicable here, Elections Code section 9217 requires that an ordinance proposed by initiative petition and adopted by the voters shall only be amended by a vote of the people. Elections Code section 9222 allows the City Council to submit to the voters, without a petition, a proposition for the amendment of any ordinance, to be voted upon at any succeeding regular or special election. If the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be amended.

Campaign Contribution Limits

Campaign contribution limits have been held to infringe on the contributor’s ability to engage in free communication and association, thereby impinging on First Amendment freedoms. (*Citizens United v. Federal Election Commission* (2010) 558 US 310.) Limits on campaign contributions made directly to candidates or their committees may be upheld if the regulations are “closely drawn” to achieve important governmental interests, including preventing corruption, the appearance of corruption, and the circumvention of otherwise valid campaign finance regulations. (*Buckley v. Valeo* (1976) 424 US 1, 26.) However, the goals of equalizing political opportunities between candidates and reducing the influence of money in politics were rejected by the Supreme Court in *Citizens United* as sufficiently important governmental interests to support impinging on First Amendment freedoms. As a result, those concepts cannot be used as the basis for campaign contribution limits. (*Citizens United*, 558 US at p. 350.)

ANALYSIS

Summary of Recommended Amendments

Each proposed amendment is reflected in an attachment to this staff report containing the recommended language amendments approved by the Committee and modified by staff following Council deliberation on May 12, 2026, as well as a succinct explanation of the reasons for the proposed changes. Briefly, the remaining amendments recommended by the Committee and not eliminated by the Council include:

1. **Section 4.03** - City Attorney: to change how the City Attorney is appointed, from the current system in which the City Manager appoints the City Attorney, to a system in which the City Council appoints the City Attorney, and related procedural and structural changes.
2. **Section 4.07** – Boards and Commissions: strike language that all City Boards and Commissions are only advisory to the Council, allowing the Council to set the powers and duties of Commissions and Committees by ordinance. Clarify that Committee members must be residents and registered voters of the City.
3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation. To increase the campaign contribution limit in support or opposition to any candidate from \$150 to a higher limit to be determined through City Council deliberation.

Next Steps

Following the May 26, 2026 City Council meeting on this item, staff requests that the Council provide direction on which proposal(s) it would like to submit to the voters at the November 3, 2026 election.

If the Council elects to proceed with proposed amendment(s), a second public hearing will be held on June 23, 2026, where the City Council will consider ordinance(s) containing the specific language of the City Charter and/or Folsom Municipal Code amendment(s) it would like to be submitted to the voters.

On July 14, 2026, the Council will consider a resolution formally approving submission to the voters of any proposed amendments to the City Charter and/or the Folsom Municipal Code.

At the Council's direction, the proposed amendments could be submitted to the voters at the statewide general election on November 3, 2026. Each proposed amendment shall be approved if it receives a majority of the votes cast on it at the election.

FINANCIAL IMPACT

The Sacramento County Department of Voter Registration and Elections recently updated its election fee formula, resulting in a substantial increase over prior estimates. The 2024 election that included Measure G and two city council positions cost the City \$61,145. However, based

on new information from the County Registrar of Voters Office, the revised cost structure is as follows:

- First Ballot Measure: Approximately \$83,000
- Subsequent Measures: Approximately \$10,750 per additional item

If the City Council decides to add three measures to the ballot the anticipated City election costs for 2026 are estimated to be approximately \$115,250. Staff has included sufficient funds to cover this cost in the proposed FY 2026/2027 preliminary budget.

ENVIRONMENTAL REVIEW

The proposed Charter and Folsom Municipal Code amendments are not a project for purposes of CEQA because CEQA only applies to activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Because the proposed amendments do not have the potential to cause a physical change in the environment directly or indirectly, they are not a project subject to CEQA. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2).) If for any reason the proposed amendments are considered a project, they are exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

ATTACHMENTS

1. Proposed Amendment to City Charter § 4.03 City Attorney
2. Proposed Amendment to City Charter § 4.07 Boards and Commissions
3. Proposed Amendment to Folsom Municipal Code § 2.48.030 Campaign contribution limitation

Submitted,

Bryan Whitemyer
City Manager

Attachment 1

Attachment 1

Section / Title:

Section 4.03 (City Attorney)

What Change is Recommended and Why:

Designate the City Council as responsible for the direct hiring and oversight of the City Attorney position and make related procedural and structural changes to align with existing Charter language for the City Manager position, which is also hired by and reports directly to the Council.

The Committee reviewed the current appointment process for the City Attorney, with a focus on shifting this responsibility toward a Council-led hiring model. It was noted that the prevailing standard in other municipalities is for the City Attorney to report directly to and be hired by the City Council. Based on this, the Committee proposed a formal shift in authority to ensure the Council is responsible for the direct hiring and oversight of the City Attorney position.

Committee Vote:

The Committee voted 7-0 in favor of this recommendation.

Current Language:

4.03 City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and:

- A. Duties. Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.
- B. Additional Duties. Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.
- C. Department Head. May be a full time department head of the City, or may be contracted as a department head.
- D. Approval of Contracts. Shall review and approve all City contracts as to legal form.
- E. Special Counsel. The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.

Proposed Language:

4.03 City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and, notwithstanding any other provision of this Charter:

- A. Duties. Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.
- B. Additional Duties. Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.
- C. Department Head. May be a full time department head of the City appointed by the City Council, or may be contracted by the City Council as a department head.
- D. Approval of Contracts. Shall review and approve all City contracts as to legal form.
- E. Special Counsel. The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.
- F. City Attorney Appointment. The City Council shall appoint a City Attorney for an indefinite term through the mechanism of an employment agreement the same as those afforded department heads under this Charter. The City Attorney:
 - 1. Serve At Pleasure. Shall serve at the pleasure of the Council;
 - 2. How Chosen. Shall be chosen solely on the basis of administrative qualifications and, at time of appointment need not be a resident of the State or City but shall be a member of the California State Bar;
 - 3. Salary. Shall be paid a salary fixed by the Council commensurate with the responsibilities of the position;
- G. Dismissal Hearing. Shall have the right to a public hearing on any motion to remove or to suspend his/her employment, which public hearing shall be held only after provision of 10 days' published notice prior to the Council voting on the motion to remove or to suspend the City Attorney.
- H. Restriction on Dismissal. During a period of 90 days immediately following the date of installation of any person newly elected to the Council at a regular or special City election, or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or to reduce the duties, salary or benefits of the City Attorney.
- I. Appointment of Employees. The City Attorney shall appoint all other members of the City Attorney's Office to positions authorized by the Council. These employees shall serve at the pleasure of the City Attorney but shall have permanent status subject to all rights and limitations in the City merit system.

Redline Showing Changes:

4.03 City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and, **notwithstanding any other provision of this Charter:**

- A. Duties. Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.
- B. Additional Duties. Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.
- C. Department Head. May be a full time department head of the City **appointed by the City Council**, or may be contracted **by the City Council** as a department head.
- D. Approval of Contracts. Shall review and approve all City contracts as to legal form.
- E. Special Counsel. The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.
- F. **City Attorney Appointment. The City Council shall appoint a City Attorney for an indefinite term through the mechanism of an employment agreement the same as those afforded department heads under this Charter. The City Attorney:**
 - 1. **Serve At Pleasure. Shall serve at the pleasure of the Council;**
 - 2. **How Chosen. Shall be chosen solely on the basis of administrative qualifications and, at time of appointment need not be a resident of the State or City but shall be a member of the California State Bar;**
 - 3. **Salary. Shall be paid a salary fixed by the Council commensurate with the responsibilities of the position;**
- G. **Dismissal Hearing. Shall have the right to a public hearing on any motion to remove or to suspend his/her employment, which public hearing shall be held only after provision of 10 days' published notice prior to the Council voting on the motion to remove or to suspend the City Attorney.**
- H. **Restriction on Dismissal. During a period of 90 days immediately following the date of installation of any person newly elected to the Council at a regular or special City election, or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or to reduce the duties, salary or benefits of the City Attorney.**
- I. **Appointment of Employees. The City Attorney shall appoint all other members of the City Attorney's Office to positions authorized by the Council. These employees shall serve at the pleasure of the City Attorney but shall have permanent status subject to all rights and limitations in the City merit system.**

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Attachment 2

Attachment 2

Section / Title:

Section 4.07 (Boards and Commissions)

What Change is Recommended and Why:

1. Remove “All boards and commissions only shall be advisory to the Council”

Removing this restrictive phrasing allows for greater flexibility in how commissions and committees operate. The change is not intended to diminish the Council's ultimate oversight; rather, it is designed to preserve and clarify the City Council's authority to formally delegate specific responsibilities or decision-making powers to boards and commissions through an ordinance when deemed appropriate. This adjustment would ensure the Charter does not inadvertently block the Council from empowering commissions and committees to take direct action on specialized matters.

2. Add “committees” to boards and commissions.

Adding this reference clarifies that members of committees must be residents and registered voters of the City, as are Council Members and members of boards and commissions.

Committee Vote:

The Committee voted 7-0 in favor of recommendation 1. Recommendation 2 is proposed by staff to close a loophole in the existing Charter language. This recommendation was not identified by staff until preparation for the City Council meeting on 5/12/26.

Current Language:

4.07 Boards and Commissions:

The City Council may by ordinance create other Boards and Commissions and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any. All boards and commissions only shall be advisory to the Council. Each member of any Board or Commission shall be a resident and registered voter of the City.

Proposed Language:

4.07 Boards, Commissions, and Committees:

The City Council may by ordinance create other Boards, Commissions, and Committees and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any. Each member of any Board, Commission, or Committee shall be a resident and registered voter of the City.

Redline Showing Changes:

4.07 Boards, ~~and~~ Commissions, and Committees:

The City Council may by ordinance create other Boards, ~~and~~ Commissions, and Committees and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any. ~~All boards and commissions only shall be advisory to the Council.~~ Each member of any Board, ~~or~~ Commission, or Committee shall be a resident and registered voter of the City.

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Attachment 3

Attachment 3

Section / Title:

Folsom Municipal Code § 2.48.030 (Campaign Contribution Limitation)

What Change is Recommended and Why:

Increase campaign contribution limits from \$150 to a higher amount to be determined.

The Committee recommended that campaign contribution limits increase from \$150 to \$750 to balance the influence of political action committees and special interests on local elections.

The Council deliberated on May 12, 2026 and did not yet reach a consensus regarding a new campaign contribution limit to be submitted to the voters at the November 3, 2026 election.

Committee Vote:

The Committee voted 7-0 in favor of the recommendation of raising the campaign contribution limit to \$750.

Current Language:

2.48.030 Campaign contribution limitation.

- A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed \$150.
- B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than \$1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.
- D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.
- E. As used in this section, "extension of credit" means any loan, gift, forbearance or forgiveness of debt without adequate compensation.

Proposed Language:

2.48.030 Campaign contribution limitation.

- A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed \$ ____.
- B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than \$1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.
- D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.
- E. As used in this section, "extension of credit" means any loan, gift, forbearance or forgiveness of debt without adequate compensation.

Redline Showing Changes:

2.48.030 Campaign contribution limitation.

- A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed ~~\$150~~ \$ ____.
- B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than \$1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.
- D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.

E. As used in this section, “extension of credit” means any loan, gift, forbearance or forgiveness of debt without adequate compensation.

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