



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	12/9/2025
<b>AGENDA SECTION:</b>	New Business
<b>SUBJECT:</b>	Resolution No. 11525 – A Resolution Establishing the 2026 Ad Hoc Charter Review Committee
<b>FROM:</b>	City Manager's Office

## **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that the City Council approve Resolution No. 11525 - A Resolution Establishing the 2026 Ad Hoc Charter Review Committee and provide direction to staff regarding:

1. Assignment of up to two City Councilmembers to the Ad Hoc Committee;
2. Method of identifying and selecting Committee members;
3. Timeline for completing the Committee's work; and

## **BACKGROUND / ISSUE**

The City Charter was adopted on June 5, 1990. On July 11, 2000, the City Council established an Ad Hoc Charter Advisory Committee (Attachment 2 to this Staff Report) to review the City Charter and make recommendations for potential Charter amendments. Members of the 2000 Ad Hoc Charter Advisory Committee were:

1. Former Mayor Robert Holderness (Chair);
2. Former Mayor Glenn Fait (Vice Chair);
3. Seven additional voting members (each Councilmember selected one member, and two additional members on the recommendation of City staff);

4. Then-serving Mayor and City Manager (or their designees) served as non-voting members of the Committee;
5. The City Attorney served as legal advisor to the Committee.

Based on records available in the City Clerk's Office, then-City Council declined to submit any proposed changes recommended by the 2000 Ad Hoc Charter Advisory Committee to the voters. A copy of the Staff Report and proposed Ordinance to be submitted to the City's voters in 2002 is attached as Attachment 3 to this Staff Report.

A need to review the City Charter arose following the recent court decision in *Robert Delp v. City of Folsom* where the court agreed with Mr. Delp that a sentence in the City Charter precluded the City Council from granting final approval authority to the Historic District Commission. The proposed Ad Hoc Charter Review Committee can help identify and recommend updates to the City Charter at a future statewide general election.

### **POLICY / RULE**

Section 2.04(G) of the City Charter authorizes the Mayor to establish ad hoc committees, subject to the approval of the City Council, for a term not to exceed one year.

Elections Code Section 9255, Government Code Section 34458(a), and Section 8.01 of the City Charter provide that the City Council may submit to the voters a proposition to amend the City Charter at a statewide general election, and if the proposition submitted receives a majority of the votes cast on it at the election, the City Charter shall be amended accordingly.

### **ANALYSIS**

Mr. Delp filed suit against the City's approval of a proposed mixed-use property at 603 Sutter Street. In challenging the project approval, Mr. Delp also challenged City Council's authority to convey final decision-making authority to the Historic District Commission under Section 4.07 of the City Charter because it contains a sentence that states "All boards and commissions only shall be advisory to the Council". Section 4.07 of the City Charter states as follows:

#### 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.

Trial court issued a final ruling on October 31, 2025, granting Mr. Delp's challenge and disapproved City Council actions granting final decision-making authority to the Historic District Commission. Prior to the court decision, the Historic District Commission exercised final

decision-making authority on matters such as design review, variance, use permit, and sign permit, subject to appeal to the City Council.

Since the Charter was last reviewed by an ad hoc committee in 2000, the recent court ruling presents an opportunity to have an ad hoc committee review the entire City Charter and make recommendations to the City Council on any updates and adjustments.

### **FINANCIAL IMPACT**

The financial impact is negligible. Sufficient funds exist in the City's General Fund to cover expenses related to ad hoc committee meetings.

### **ENVIRONMENTAL REVIEW**

The action is exempt under Section 15061(b)(3) – the common sense rule of the California Environmental Quality Act (CEQA) because the proposed creating of an Ad Hoc Charter Review Committee has no potential to cause significant effects on the environment.

### **ATTACHMENTS**

1. Resolution No. 11525 - A Resolution Establishing the 2026 Ad Hoc Charter Review Committee
2. Resolution No. 6331 – A Resolution Establishing The Ad Hoc Charter Advisory Committee (2000)
3. Ordinance No. 946 – An Ordinance Submitting Amendments to Sections 2.04(G), 2.08(B)(4), 2.09, 3.02, 3.03(E), 4.01(B), 5.04(A)(2), 5.05(G), 5.05(K), 5.08(C), 9.02, 9.03(C) of the Charter of the City of Folsom to a Vote of the Electorate at the General Municipal Election on March 5, 2002

Respectfully submitted,

BRYAN WHITEMYER  
City Manager