



Folsom City Council Staff Report

MEETING DATE:	6/23/2026
AGENDA SECTION:	Public Hearing
ITEM TITLE:	Consideration of Ordinances Amending the City Charter and/or the Folsom Municipal Code for Submission to the Voters at the 2026 General Municipal Election: Ordinance No. 1371- An Ordinance of the People of the City of Folsom Amending Section 4.03, “City Attorney”, of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes (Introduction and First Reading) Ordinance No.1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, “Boards and Commissions”, of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards, Commissions, and Committees by Ordinance (Introduction and First Reading) Ordinance No. 1373- An Ordinance of the People of the City of Folsom Amending Section 2.48.030, “Campaign Contribution Limitation”, of the Folsom Municipal Code to Increase the Campaign Contribution Limit (Introduction and First Reading)
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council hold the public hearing and then introduce and conduct the first reading of the following ordinances, for submission to the voters at the 2026 General Municipal Election:

Ordinance No. 1371- An Ordinance of the People of the City of Folsom Amending Section 4.03, “City Attorney”, of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes

Ordinance No. 1372- An Ordinance of the People of the City of Folsom Amending Section 4.07, “Boards and Commissions”, of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards, Commissions, and Committees by Ordinance

Ordinance No. 1373- An Ordinance of the People of the City of Folsom Amending Section 2.48.030, “Campaign Contribution Limitation”, of the Folsom Municipal Code to Increase the Campaign Contribution Limit

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. 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 five of the eight Charter amendments proposed by the Charter Review Committee to the voters at the November 3, 2026 election.

The Council also 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 three remaining amendments recommended by the Committee.

On May 26, 2026, staff presented to the Council conceptual language for the following Charter and Folsom Municipal Code amendments which, if approved by the Council at a future meeting, could be submitted to the voters at the November 3, 2026 election:

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 operational 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 Boards, 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: increase the campaign contribution limit in support or opposition to any candidate from \$150 to a higher limit to be determined.

Staff also presented information on the cost of putting these measures on the ballot.

The Council deliberated and subsequently voted 4-1 to move forward with the next steps necessary to submit all three measures to the voters in November, with a campaign contribution limit of \$500.

POLICY / RULE

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.

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

On May 26, 2026, the City Council voted to move forward with three amendments to existing City laws: two amendments to the City Charter and one amendment to the Folsom Municipal Code. All three amendments require voter approval.

Amendments to the City Charter proposed by the City Council must be made in the form of an ordinance containing the full text of the proposed amendment.

The City Council may submit to the voters a proposal to amend any ordinance, including an ordinance proposed by initiative petition and adopted by the voters.

Attached to this report are the three ordinances that, if approved by the Council at the July 14 meeting, will be submitted to the voters at the November 3, 2026 election. No changes were made to the language of the proposed amendments to City Charter § 4.03 (City Attorney) and City Charter § 4.07 (Boards and Commissions). The proposed language for those sections, included as Attachment 1 and Attachment 2 to the May 26, 2026 staff report, was carried over verbatim to Ordinance No. 1371 and Ordinance No. 1372, respectively. The language of the proposed amendment to Folsom Municipal Code § 2.48.030 (Campaign Contribution Limitation) was changed to reflect the Council's desire for a new campaign contribution limit of \$500. That modification was the only change to the proposed language included as Attachment 3 to the May 26, 2026 staff report that was included in Ordinance No. 1373.

Following the public hearing on this item, the City Council will be asked to vote to introduce and conduct the first reading of each of the three ordinances referenced above.

Next Steps

If the Council elects to proceed, on July 14, 2026 the Council will consider a resolution formally approving submission to the voters in November any proposed amendments to the City Charter and/or the Folsom Municipal Code referenced in this report.

If the Council passes that resolution, the proposed amendments will be submitted to the voters at the statewide general election and general municipal 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 \$12,200 per additional item

If the City Council decides to add three measures to the ballot, the anticipated City election costs for the three measures are estimated to be approximately \$107,400. Staff has included sufficient funds to cover this cost in the FY 2026/2027 budget, which was approved by the Council on June 9, 2026.

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. Ordinance No. 1371- An Ordinance of the People of the City of Folsom Amending Section 4.03, “City Attorney”, of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes
2. Ordinance No. 1372- An Ordinance of the People of the City of Folsom Amending Section 4.07, “Boards and Commissions”, of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards, Commissions, and Committees by Ordinance
3. Ordinance No. 1373- An Ordinance of the People of the City of Folsom Amending Section 2.48.030, “Campaign Contribution Limitation”, of the Folsom Municipal Code to Increase the Campaign Contribution Limit

Submitted,

Bryan Whitemyer
City Manager

Attachment 1

ORDINANCE NO. 1371

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.03, "CITY ATTORNEY," OF THE CITY CHARTER TO HAVE THE CITY COUNCIL APPOINT AND DIRECT THE CITY ATTORNEY AND TO MAKE RELATED OPERATIONAL CHANGES

The People of the City of Folsom hereby do ordain as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.03, "City Attorney", of Article IV, "Departments, Agencies and Employees", of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

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.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

ORDINANCE NO. 1372

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.07, “BOARDS AND COMMISSIONS,” OF THE CITY CHARTER TO CONFIRM THAT THE CITY COUNCIL MAY GRANT DECISION MAKING AUTHORITY TO BOARDS, COMMISSIONS, AND COMMITTEES BY ORDINANCE

The People of the City of Folsom hereby do ordain as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.07, “Boards and Commissions”, of Article IV, “Departments, Agencies and Employees”, of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

Section 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 qualifications 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.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 3

ORDINANCE NO. 1373

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 2.48.030, "CAMPAIGN CONTRIBUTION LIMITATION", OF THE FOLSOM MUNICIPAL CODE TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT

The People of the City of Folsom hereby do ordain as follows:

SECTION 1 ORDINANCE AMENDMENT

Section 2.48.03, "Campaign Contribution Limitation", of the Folsom Municipal Code is hereby amended to read as follows:

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 \$500.
- 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.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Ordinance amendment vote in favor of it, the Ordinance amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Ordinance amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Ordinance amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK