



CITY OF
FOLSOM
A DISTRICT BY NATURE

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	1. Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. 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 (Second Reading and Approval of Submission to Voters)
FROM:	City Manager's Office

Staff is providing the attached additional information for the above-referenced agenda item.

Sari Dierking

From: Scott Rafferty <rafferty@gmail.com>
Sent: Saturday, July 11, 2026 5:10 PM
To: Sari Dierking; AttorneyCityWebsiteMail; Sarah Aquino; Barbara Leary; Mike Kozlowski; Bryan Whitemyer; Justin Raithel; Anna Rohrbough
Subject: Item 14 - Elected city attorney

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Please accept these public comments on Item 14 on the agenda of Tuesday's meeting.

The Council should amend Resolution No. 11665 to allow the people to decide whether they wish to elect their city attorney.

An appointed city attorney has proven unable to stand up to either the city manager or the city council and give objective legal advice, even in public meetings. This has been particularly acute in election-related matters. The People deserve an attorney who works for them, not council members or city officials.

The appointed city attorney couldn't stand up to the city manager when she waited until after public comment had closed and then relayed a series of instructions to the council that a political operative was texting her.

The appointed city attorney couldn't stand up to former member Rodriguez when she proposed to use districting "to keep the council we have." He endorsed the demographer's claim that the "first principle" was to create districts to which they would be elected. This required which required complete disregard for the FAIRMAPS Act, which specifies exclusive and mandatory ranked criteria. He stood by while members Kozlowski and Aquino split neighborhoods and implemented 27 "swaps," "trades," and "grabs," whose only purpose was partisan advantage.

Outside of public meetings, the appointed city disregarding the rights of the public in even more flagrant ways.

He threatened to delay compliance with the CVRA unless members of the Democratic Club agreed to forfeit their charter right to communicate through counsel and further agreed not to criticize maps they opposed. He made good on that threat, requiring CVRA litigation, even though the overwhelming majority of residents of all parties wanted district elections.

The former city attorney used public funds to achieve improper partisan goals. When member Kozlowski transferred petition signatures to former mayor Howell, he prosecuted a civil action against Howell (but not Kozlowski, whose offense was more serious). That malicious and frivolous lawsuit was thrown out of court, because the law requires a VOTER, not elected or appointed officials.

Perhaps most critically, the former city attorney perjured himself in a declaration demanding that the court dismiss the Shetty case because their attorney failed to serve a required amendment. Members

Kozlowski and Aquino knew this was deliberately false because they received courtesy copies of the document at the same time it was served.

No elected city attorney would do these things. They are acutely aware that, as the California Supreme Court has noted, their loyalty, especially in election cases, is to the voters, not to particular incumbents. Arnel v. City of Costa Mesa.

Huntington Beach told the Orange County Registrar that 70% of Californian elect their city attorney. "Does your city have elected attorney?" 5/11/24. This is an overstatement, but the fact remains that most cities with appointed attorneys are smaller than Folsom and pay less than the former city attorney received.

The People should be able to decide whether to elect their city attorney. It is unnecessary and inappropriate to provide that the city council should "direct" the attorney. The People can do that for themselves by electing an attorney who is willing accurately to state the law, even when the council doesn't want to hear it.

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