



Folsom City Council Staff Report

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
SUBJECT:	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

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt 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.

Staff further recommends that the City Council conduct the second reading and approve submission to the voters of 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.

BACKGROUND:

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 on July 14, 2026, will 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, confirming that the Council may set the powers and duties of Boards and Commissions by ordinance.
3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation: increase the campaign contribution limit from \$150 to \$500 per donor per election on campaigns for Folsom City Council.

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

The Council deliberated and then voted 4-1 to move forward with the next steps necessary to submit all three measures to the voters in November.

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.

Elections

Elections Code Section 9255 and Government Code Section 34458 provide that a proposal to amend a city charter proposed by the governing body of a city shall be submitted to the voters at an established Statewide General Election.

Pursuant to Folsom Municipal Code Section 2.40.010, the date of the General Municipal Election shall be the same date as the Statewide General Election in even numbered years. Elections Code Section 10400 establishes that, whenever two elections are to be held on the same day, they may be consolidated. In addition, Elections Code Section 10403 sets forth the requirement that jurisdictions file a resolution requesting consolidation with the local county board of supervisors.

The rules governing arguments in favor of and against City ballot measures are contained in Elections Code Sections 9281 through 9287. For measures placed on the ballot by the City Council, the City Council or a member or members of the Council authorized by the Council may file a written argument for or against any city measure, as may any individual voter

eligible to vote on the measure or a bona fide association of citizens, or a combination of voters and associations. If more than one argument for or against a City measure is submitted, the City Clerk must give preference and priority to the argument submitted by the City Council or a member or members of the Council authorized by that body. Consistent with state law, the County establishes deadlines by which arguments concerning ballot measures, and rebuttals to those arguments must be submitted.

Elections Code Section 9280 provides that the City Attorney shall prepare an impartial analysis of any City ballot measure, except for a measure affecting the organization or salaries of the Office of the City Attorney. The City Council may direct the City Clerk or outside legal counsel to prepare the impartial analysis for any such ballot measure. Additional regulations affecting preparation of the impartial analysis are contained in Elections Code section 9280.

Elections Code Section 9285 governs rebuttal arguments. The City Clerk must send a copy of the argument in favor of a City ballot measure to the authors of the argument against the measure and a copy of the argument against a City ballot measure to the authors of the argument in favor of the measure. The author(s) of the original argument relating to a City measure may submit a rebuttal argument or may authorize someone else to do so.

The full text of a City ballot measure may be but is not required to be printed in the voter information guide. Voters may publicly examine and/or obtain from the City Clerk a copy of the Ordinance and the Resolution authorizing submission of the ballot measure to the voters.

ANALYSIS

Approval of Resolution No. 11665, conducting the second reading of Ordinance No. 1371, and approving submission of the associated ballot measure to the voters are the final procedural steps necessary for the Council to submit the proposed amendment of City Charter Section 4.03 to the voters at the Statewide General Election on November 3, 2026.

The City Attorney serves as the chief legal officer for the City, providing legal advice, representing the City in civil, administrative, and quasi-criminal proceedings, and ensuring compliance with the law by City officials and departments. The City Attorney's client is the City of Folsom, the municipal corporation as a whole.

According to the League of California Cities' publication, Counsel and Council: A Guide to Building a Productive City Attorney-City Council Relationship (2022), city councils directly appoint the city attorney in 469 of California's 482 incorporated cities. Voters directly elect their city attorney in certain charter cities. City managers appoint the city attorney in only two California cities: Folsom and Shafter.

The proposed amendment would bring City operations and reporting structure for the Folsom City Attorney in line with the majority of other cities in the state, without changing the functions or responsibilities of the role.

The operational changes proposed are consistent with the existing Charter provisions governing appointment, dismissal, and related matters applicable to the City Manager, who is the only City employee currently appointed directly by the Council.

FINANCIAL IMPACT:

The Sacramento County Registrar of Voters has estimated the election cost for three Councilmembers at approximately \$65,000. If ballot measures are also added to the election, the cost will be approximately \$83,000 for the first measure, and \$12,200 for each additional measure. Funds have been included in the FY 2026/27 budget to cover these costs.

ENVIRONMENTAL REVIEW

The proposed Charter amendment is 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 Charter amendment relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, the proposed Charter amendment does not have the potential to cause a physical change in the environment directly or indirectly, and is 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 Charter amendment is considered a project, it is 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. 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

Submitted,

Bryan Whitemyer
City Manager

Attachment 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

WHEREAS, the Adopted Charter of the City of Folsom currently provides that the Folsom City Manager shall appoint, remove, and discipline all employees of the City, including the City Attorney, pursuant to the requirements set out in the Charter; and

WHEREAS, on December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee; and

WHEREAS, the Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council, and was directed to submit a report to the City Council containing its recommendations; and

WHEREAS, the Committee performed its work over five public meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter, heard from the public, and ultimately approved recommended amendments to several sections of the Charter and one section of the Folsom Municipal Code pertaining to campaign contribution limits that was an initiative measure passed in 1994; and

WHEREAS, on May 12, 2026, the Committee submitted its Report to the City Council, and a public hearing was held on all of the amendments recommended by the Committee; and

WHEREAS, this proposed Charter Amendment to have the City Council appoint and direct the City Attorney and to make related operational changes, was one of the Committee's recommendations made in its Report; and

WHEREAS, on May 26, 2026, staff presented to the Council conceptual language for this Charter Amendment and the Council gave direction for staff to draft finalized Charter Amendment language and the required resolution(s) and ordinance(s) to submit this Charter Amendment to City of Folsom voters at the November 3, 2026 General Municipal Election; and

WHEREAS, the City Council desires to submit to the voters 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 (the "Measure"); and

WHEREAS, pursuant to City Charter Sections 6.01 and 8.01, applicable provisions of state law shall govern amendments to the City Charter and elections for that purpose, insofar as such provisions do not conflict with the City Charter or City of Folsom ordinance(s); and

WHEREAS, pursuant to City Charter Section 8.01(A)(1), California Elections Code Sections 1415 and 9255, and Government Code Section 34458, the City Council has authority to place measures to amend the City Charter on the ballot as an ordinance to be considered at (i) the City's next regularly scheduled general municipal election or (ii) at a regular election as set by state law, occurring at least 88 days after the date of the order of election; and

WHEREAS, the City Council desires to place the Measure on the ballot to be considered by City of Folsom voters at the General Municipal Election which will coincide with the Statewide General Election to be held on Tuesday, November 3, 2026; and

WHEREAS, pursuant to California Government Code Section 34458(b), the City Council held a duly noticed public hearing on May 12, 2026 and a second duly noticed public hearing on June 23, 2026 to hear public comment and testimony and to consider the proposed Charter Amendment, with the first and second public hearings being held at 6:30 p.m. or as soon thereafter as the matter could be heard, outside normal City business hours; and

WHEREAS, pursuant to California Government Code Section 34458(b), this resolution is being adopted at a City Council meeting which is at least twenty-one (21) calendar days after the second public hearing referenced above; and

WHEREAS, California Constitution, Article XI, Section 3, requires that, to be effective, any charter amendment must be approved by a majority of City voters voting at an election called for that purpose; and

WHEREAS, City Charter Section 8.01 requires that amendments to the Charter must be approved by a majority of the voters of the City to be effective; and

WHEREAS, the specific terms of the Measure are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, the City Council desires to consolidate the General Municipal Election for the Measure described herein with the Statewide General Election to be held on November 3, 2026; and

WHEREAS, the City Council further desires to set deadlines and rules for primary and rebuttal arguments for and against the Measure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom as follows:

SECTION 1. Recitals. The City Council of the City of Folsom hereby finds and determines that the foregoing recitals are true and correct, incorporates the foregoing recitals

herein, and by this reference makes them an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City of Folsom, pursuant to its right and authority as contained in California Constitution, Art. XI, Section 3, the Adopted Charter of the City of Folsom Section 8.01(A)(1), California Government Code Sections 34450 *et. seq.*, California Elections Code Sections 1415 and 9255, and any other applicable requirements of the laws of the State of California relating to charter cities, **by a majority vote**, hereby calls and orders to be held a General Municipal Election in the City of Folsom to be consolidated with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to a vote of the qualified electors of the City of Folsom the Measure, in the form attached to this Resolution as Exhibit “A” and incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council of the City of Folsom, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters of the City in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2026, in addition to any other matters required by law, there shall be printed substantially the following:

Shall the measure amending the Adopted Charter of the City of Folsom to have the City Council appoint and direct the City Attorney and to make related operational changes, be adopted?	YES	
	NO	

SECTION 4. Election Procedures.

A. Request for Consolidation. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to the voters the Measure.

B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Sacramento County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

C. Canvass of Returns. The Sacramento County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Measure. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized and instructed, in coordination with the Sacramento County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Sacramento, except as otherwise provided in the Elections Code of the State of California.

H. Election to Follow Applicable Law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

I. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in the time, form, and manner as required by law.

J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

K. Receipt of Election Results. The City Clerk of the City of Folsom shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Vote Requirement. Pursuant to Section 8.01 of the Adopted Charter of the City of Folsom, and consistent with California Constitution Article XI, Section 3, the Measure shall be approved by a simple majority vote (50% + 1) of the votes cast on the Measure.

SECTION 6. Direct Arguments and Impartial Analysis.

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the Measure, (iii) a bona fide association of

such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California until and including **Tuesday, July 28, 2026**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments may be changed or withdrawn by their proponents until and including Tuesday, July 28, 2026. An argument in favor of or against the Measure shall not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, including specifically Elections Code Section 9287, and shall take all actions necessary to cause the selected arguments to be printed and distributed to the voters.

C. Pursuant to Section 9280 of the Elections Code, because the Measure affects the organization of the Office of the City Attorney, the City Council directs the City Clerk to transmit a copy of the Measure to outside legal counsel retained by the City (Best, Best & Krieger, LLP). Outside legal counsel shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. Outside legal counsel shall transmit such impartial analysis to the City Clerk, who shall cause the impartial analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The Impartial Analysis shall be filed by **Wednesday, August 12, 2026**. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the Impartial Analysis, in no less than 10-point bold type, the following: **“The above statement is an Impartial Analysis of Measure _____. If you desire a copy of the Measure, please call the election official’s office at (916) 461-6035 or email CityClerkDept@folsom.ca.us and a copy will be sent at no cost to you.”**

D. The provisions of this Section 6 shall apply only to the election to be held on November 3, 2026, and shall then be repealed.

SECTION 7. Rebuttals.

A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send a copy of the argument in favor of the Measure to the authors of the argument against the Measure, and a copy of the argument against the Measure to the authors of the argument in favor of the Measure. The author(s) of an argument in favor of or against the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing another person(s) to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be filed with the City Clerk not later than **Friday, August 7, 2026**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

B. The provisions herein shall apply only to the election to be held on November 3, 2026.

SECTION 8. Notice of Election. Notice of the election is hereby given and the City Clerk is authorized and instructed to give further or additional notice of the election in the time, form, and manner as required by law.

SECTION 9. Full Text. The full text of the Measure shall be printed in the voter information guide and a statement shall be printed in the ballot pursuant to Elections Code Section 9223, advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk. The complete text of the Measure is attached to this Resolution as Exhibit “A”.

SECTION 10. Filing with County. The City Clerk shall, not later than the 88th day before the General Municipal Election to be held on Tuesday, November 3, 2026, file with the Board of Supervisors and the County Registrar of Voters of the County of Sacramento, State of California, a certified copy of this Resolution.

SECTION 11. Public Examination. Pursuant to Elections Code section 9295, this Resolution and the Measure will be available for public examination for at least ten (10) calendar days immediately following the filing deadline for submission of those materials, as referenced in Section 10. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 12. CEQA. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2), (b)(5).) If for any reason the proposed ballot measure is considered a project, it is 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.

SECTION 13. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.
CITY OF FOLSOM)

I HEREBY CERTIFY that the foregoing Resolution No. 11665 was duly adopted by the City Council of the City of Folsom at a regular meeting thereof, held on the 14th day of July, 2026, by the following vote of the Council:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Christa Freemantle, City Clerk

EXHIBIT “A”

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

[attached behind this page]

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 and amend the Adopted Charter of the City of Folsom 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. 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 and amend the Adopted Charter of the City of Folsom 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