
From: Bailey, Rusty
Sent: Thursday, February 8, 2018 3:52 PM
To: peter.boyd@sbcglobal.net
Subject: Fwd: [External] memo re scope of mayor's veto
Attachments: 20171213100039.cleaned.pdf; ATT00001.htm

RIVERSIDE Humble.

Rusty Bailey
Mayor
City of Riverside
(951)826-5551 office
(951)801-8439 cell

Begin forwarded message:

From: "Geuss, Gary" <GGeuss@riversideca.gov>
Date: February 6, 2018 at 10:59:57 AM PST
To: "Gardner, Mike" <MGardner@riversideca.gov>, "Melendrez, Andy" <ASMelendrez@riversideca.gov>, "Soubiros, Mike" <msoubiros@riversideca.gov>, "Conder, Chuck" <CConder@riversideca.gov>, "MacArthur, Chris" <CMacArthur@riversideca.gov>, "Perry, Jim" <JPerry@riversideca.gov>, "Adams, Steven" <SAdams@riversideca.gov>
Cc: "Bailey, Rusty" <RBailey@riversideca.gov>, "Nicol, Colleen" <CNicol@riversideca.gov>, "Russo, John A." <jrusso@riversideca.gov>
Subject: FW: [External] memo re scope of mayor's veto

Councilmembers,

In the last week, two of you have approached me with regard to the scope of the Mayor's veto and whether it applies to the contract of the City Manager. I was first contacted with this question early December by the Mayor "confirming" that he had the power to veto a charter officer's contract. I told him at that time that the Charter states in Sections 600 and 700 the Charter Officers serve at the pleasure of the City Council (no mention of the Mayor.) Furthermore, the veto provisions of the Mayor are located in Sec. 413 *Adoptions of ordinances and resolutions* and not in general duties of the Mayor.

The Mayor adamantly disagreed with this interpretation of the Charter so, in an abundance of caution, and in an attempt to ease discord, I asked Michael Colantuono to review our Charter and all recent revisions and legislative history and provide me with an opinion. That four page opinion is attached.

The bottom line is that my opinion, supported by Colantuono's similar opinion, is that the Mayor does not have the authority under the Charter to veto employment contracts for the Charter Officers. Rather, it is the Council and only the Council that has the authority to hire, fire, and approve or disapprove employment contracts for Charter Officers.

Gary

From: Michael G. Colantuono [<mailto:mcolantuono@chwlaw.us>]
Sent: Wednesday, December 13, 2017 10:14 AM
To: Geuss, Gary <GGeuss@riversideca.gov>
Subject: [External] memo re scope of mayor's veto

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As you asked.

Michael G. Colantuono

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