

given the present facts I will not seek any legal action against the City or any of the parties involved in this issue, provided the veto is overridden. That would include any claim about the irregular manner in which the contract was executed by the City.

John, if the veto is overridden you have lost nothing and your contract is intact. I also realize that you would have the ability to seek legal review of the authority for my veto if the veto is sustained. But for now, do you want the validity and enforceability of your contract to be in question under a cloud of uncertainty?

So my offer is this. Let us avoid, at least for now any threatened or expected legal action and let the veto stand or fail as required by the City Charter. Due process as provided for in our operating documents should be given an opportunity to work and not frustrated by legal opinion(s) that we both know will never be binding. It may be that ultimately whether or not the Mayor has the authority to veto contracts similar to the current situation may be decided by the courts, but at least for now if we can avoid the first steps we may be able to put off that day until some time in the future when everyone will have cooler perspectives and less personal feelings at stake.

Please let me know if you can accept this offer.

From: Rusty Bailey [<mailto:rustybailey9@aol.com>]
Sent: Saturday, February 10, 2018 7:37 PM
To: Craig Marshall
Subject: Fwd: [External] memo re scope of mayor's veto

Rusty
#iloveriverside

Begin forwarded message:

From: "Bailey, Rusty" <RBailey@riversideca.gov>
Date: February 10, 2018 at 15:53:27 PST
To: Rusty <rustybailey9@aol.com>
Subject: Fwd: [External] memo re scope of mayor's veto

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>, "Soubirous, Mike"

<msoubirous@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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