

Newcomb, Melanie,

From: Ralph Kanz <[REDACTED]>
Sent: Wednesday, May 22, 2024 1:46 PM
To: Ethics Public Comment
Subject: Item #6 Tonight's Agenda

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The process for this measure is not transparent. What caused the need to amend the Charter? Did a City Council member want this on the ballot in November to promote themselves as good government? The process has not been transparent. The Charter Review Subcommittee supposedly held meetings to discuss this issue, but none of those meeting were publicly noticed and allowed public participation. How many meetings took place? What actually happened in those meetings? None of this is available for the public to review. Not noticing these meetings is a violation of the Brown Act and the Sunshine Ordinance. The First Amendment Coalition and the ACLU sued the City of Fresno over this failure to notice committee meetings.

<https://firstamendmentcoalition.org/2023/11/fac-aclu-sue-city-of-fresno-for-open-meetings-law-violation/> These meeting of the committee should have been publicly noticed. At a meeting last year Commissioner Upton revealed that committee meeting were not being noticed to reduce the workload on staff. Neither the Brown and or the Sunshine Ordinance have exemptions for staff workload. When I chaired this commission we noticed every meeting of every type that took place and allowed public participation at every step. That is part of being a "Public" ethics commission. I emailed Nicolas Heidorn my concerns about the recent changes to the City's Records Retention Policy which the PEC should have been provided an opportunity to provide input on. The PEC staff took it upon themselves to provide input, but the legally required input by the Commission never happened. I explained to him my concerns about the changes to the Records Retention Policy and the PEC

not noticing and making public committee meetings. His response was he was busy with the budget until July 1.

With regard to the proposed changes to the Charter, the law needs to make clear that a public recruitment process for PEC membership means there is public notice and ability to participate in every step of the process. When I was chair we noticed the interviews of candidates by the committee and allowed the public to participate. That has not happened for far too long.

No member of the PEC should be an employee of a government agency or an elected official. Also the spouse, partner or other living with an elected official, lobbyist or city contractor should be prohibited. The prohibition in the Redistricting Commission Charter section should also apply: "A person with a conflict of interest, as defined in the Political Reform Act, commencing at Section 81000 of the Government Code." Unfortunately members of the Redistricting Commission were in violation of this section because it needs to spell out the restrictions in the Government Code section. The law should specify that board members of nonprofits that do business with the City cannot serve.

Before proceeding any further with this proposal the PEC should schedule a public committee meeting and allow for a full discussion of proposed changes to the City Charter. Anything less is not a public process.

Ralph Kanz