

CITY ATTORNEYS' DEPARTMENT BYLAWS 2011

ARTICLE I - NAME

This department shall be known as the City Attorneys' Department of the League of California Cities (the League).

ARTICLE II - PURPOSES

The purposes of this department shall be to:

1. Advance the purposes and goals articulated in the League's Articles of Incorporation and Bylaws.
2. Support and encourage high-quality legal advice to and representation of California cities by producing conferences, continuing education programs, newsletters and other works of interest in the field of municipal law.
3. Foster the professional development and enrichment of its members by providing the opportunity to exchange ideas, to consult with one another and to meet with persons in or associated with municipal law.
4. Encourage the continued advancement of city attorneys by supporting professional accomplishment and adherence to high ethical standards.
5. Serve as a technical and advisory department to the League, including analysis of pending legislation and litigation.
6. Advance the interest of cities by helping improve, shape and develop municipal law through legal advocacy and legislative programs, consistent with League policy.

ARTICLE III - MEMBERSHIP

A member shall be any individual who is the city attorney or assistant or deputy to the city attorney of a member city of the League, as defined by the League Bylaws.

ARTICLE IV - OFFICERS, DUTIES, VACANCIES

Section 1 - Officers

The officers of this department shall be president, first vice president, second vice president, and director.

Section 2 - Terms of Office

(a) President and Vice Presidents - The term of office of the president, first vice president, and second vice president shall be one year. These officers shall be elected by the department's members at the League's annual conference and shall take office immediately after the adjournment of the annual conference.

(b) Department Representative on League Board of Directors - The department director shall serve a two-year term which shall expire in odd-numbered years. The department director shall be elected at the League's annual conference by the department's members and shall take office immediately after the adjournment of the annual conference.

Section 3 - Succession

Typically, the first vice president will succeed to the office of president and the second vice president will succeed to the office of first vice president.

Section 4 - Qualifications

(a) In General - Officers shall be currently serving as a city attorney and shall meet the criteria for officer selection set forth in article V of these bylaws.

(b) Qualifications of the Department Director

(1) First Choice - The department's representative on the League's board of directors shall be:

(i) A former president of the department who is most senior in terms of the number of years which have passed since completing his/her term as president, and who has not yet served as the department representative, and

(ii) From the appropriate geographic area (in terms of the north/south rotation as these terms are defined in the League's bylaws).

(2) Successive Choices - If the person fulfilling these criteria is no longer a city attorney or is unwilling to serve, the committee shall select the next most senior former president from the appropriate geographic area.

(c) Qualifications of the Second Vice-President

(1) In General - The second vice-president shall:

- (i) Be from the appropriate area of the state (the position alternates north/south);
- (ii) Possess the ability and knowledge to perform the job;
- (iii) Have a record of participation in the department as a committee member, speaker or *amicus* writer;
- (iv) Have demonstrated a commitment to excellence;
- (v) Hold the position of city attorney; and
- (vi) Demonstrate that s/he has the time to perform the job duties.

(2) North/South Rotation - Selection of the second vice president shall be based in part on a north/south rotation, as the terms "north" and "south" are defined in the League's bylaws; typically in even-numbered year elections, the second vice president shall be from the north.

Section 5 - Duties and Responsibilities

(a) President - The president shall preside at all meetings, serve as chairperson of the executive committee, perform all duties specified under these bylaws and be generally responsible for work of the department.

(b) First Vice President - The first vice president shall preside at department and executive committee meetings in the absence of the president and shall perform any other duties assigned by the President.

(c) Second Vice President - The second vice president shall preside at department and/or executive committee meetings in the absence of the president and first vice president and shall perform any other duties assigned by the president. In addition, as appropriate, the second vice president shall be responsible for coordinating the work of the department with that of the County Counsels' Association.

(d) Department Representative on League Board of Directors - The department director shall represent the department on the League's board of directors. The director shall also serve on the executive committee and other committees as designated by the president.

(e) All Officers After their election, the officers shall meet and make assignments for the coming year, including assignments as liaisons to local associations and the various department committees. Each officer shall serve as an ex-officio member of the Legal Advocacy

Committee; the president may appoint an officer or officers to serve in an ex-officio capacity on any standing or ad hoc committee. Officers also shall assist in development of seminars and conferences for the department and shall regularly communicate with department members regarding department activities, including opportunities for involvement in the department.

Section 6 - Vacancies

(a) Occurrence - A vacancy in any of the offices shall occur when the officer either resigns from the office or ceases to be a city attorney. The effective date of such vacancy shall be in accordance with the League's bylaws.

(b) Vacant Presidency or Vice Presidency - A vacancy in the office of president shall be filled for the unexpired term by the first vice president. A vacancy in the office of first vice president shall be filled by the second vice president. A vacancy in the office of second vice president shall be filled by election at the next department meeting. The nominating committee existing when the election occurs shall nominate a candidate to fill the vacancy.

(c) Vacant Directorship

(1) Interim Appointment - In the event of a vacancy in the office of director, the president of the department shall be the director or shall appoint a member of the department to fill such vacancy. In the event the president appoints a member of the department to fill such a vacancy, the appointment is subject to confirmation by the executive committee.

(2) Election of Replacement When Vacancy Occurs in First Year of Term - The person filling such vacancy shall hold office until adjournment of the next annual conference of the League. At this next annual conference, the department's membership shall elect a new director to fill any unexpired term of the director vacating the office of director. The membership shall endeavor to elect a new director who comes from the same part of the state as the departing director, so as to preserve, to the extent possible, the two-year, north/south rotation in the office of director.

(3) Election of Replacement When Vacancy Occurs in Second Year of Term - If the departing director's term would have otherwise expired at the next annual conference, the new director shall be elected to a full, two-year term and shall satisfy the requirements for a north/south rotation between the previously elected director and the newly elected director.

ARTICLE V - QUALIFICATIONS FOR LEADERSHIP ROLES

The following criteria should be considered along with all other relevant factors, when selecting department officers, as well as members of standing and *ad hoc* committees for the department:

1. Current membership in the department,;
2. A demonstrated active interest and history of participation in department and League programs and activities;

3. The opportunity to expand involvement in League activities;
4. A willingness and ability to make the substantial time and financial commitment necessary to adequately discharge the duties of the office in question-;
5. City size, location and type (*i.e.* general law, charter city) so as to ensure all cities' perspectives are represented in department activities-;
6. Type of municipal law practice (*i.e.* in-house, contract city attorneys, large office versus small office, part time versus full time city attorneys) so as to ensure all cities' perspectives are represented in department activities.

ARTICLE VI - NOMINATIONS AND ELECTIONS

Section 1- Nomination Procedures

(a) Appointment of the Nominating Committee - The president of the department shall appoint a nominating committee of five members in accordance with article IX, section 2(a) of these bylaws.

(b) Acquisition of Information by the Nominating Committee - The identity of the committee members will be announced at the spring conference and the membership will be encouraged to propose nominees to the members. The members should use the conference as an opportunity to solicit the names of and information about as many potential nominees as possible. Throughout the process, committee members are encouraged to solicit opinions about nominees from members of the department, including the department officers, local city attorney associations, and League staff. The committee should also solicit written submittals from nominees about their thoughts on the department and the unique perspectives they can bring to department activities. Once the committee selects a nominee, the committee should forward the nominee's written submittal to the department officers. The department's commitment to diversity, as described in the League's Bylaws, article VII, section 1, should be a factor in the decisionmaking process.

(c) Meetings of the Nominating Committee - The nominating committee shall meet once during the spring conference to review these bylaws, establish a schedule of telephone conferences between the spring conference and the annual conference, and consider any other necessary business. Thereafter, all meetings shall be by telephone conference call arranged through the League offices; not fewer than three telephone conferences should be held for conducting deliberations. The deliberations of the committee shall be kept confidential, but committee members are encouraged to solicit information about nominees under consideration from outside the committee throughout the deliberation process, particularly from current and former department officers, and to share this information with the committee. The committee may use any method that facilitates ranking the nominees.

(d) Report of the Nominating Committee - The nominating committee's report shall be made and communicated to the president not later than one month prior to the date of the League's Annual Conference. The nominating committee's report shall be made to the general

membership at the department business session of the League's annual conference. Following the report from the committee, additional nominations from the floor will be entertained.

Section 2 - Elections

The president shall preside over the election of officers. Election of officers shall be by voice vote, unless three or more members representing three or more cities request a written ballot. The member receiving a plurality of the votes cast for each office shall be declared elected by the president.

ARTICLE VII - VOTING

(a) In General - Except in cases where otherwise provided, all voting in this department shall be by voice vote of the membership, unless a roll call vote is requested by three or more members. Each city present shall be entitled to one vote. A majority of the votes cast by the cities in attendance shall be necessary for a decision. The presiding officer shall determine and announce the results.

(b) Department Committees - Except in cases where otherwise provided, a majority of the membership of any department committee will constitute a quorum for the conduct of business. Except in cases where otherwise provided, a majority of the quorum is necessary for passage of any item.

ARTICLE VIII - DEPARTMENTAL MEETINGS

(a) Regular Meetings - The department shall have no fewer than two meetings per year. One shall be during the League's annual conference and the other shall be the annual city attorneys' spring conference.

(b) Special Meetings - Special departmental meetings may be called by a majority vote of the executive committee or upon written request by at least 40 members stating the purpose for such a meeting.

(c) Notice of Meetings - Notice shall be given to all members of the time and place of all regular and special meetings by mail, including an agenda, at least 30 days prior to each meeting, unless the special meeting is an emergency meeting, in which case notice may be shortened to 10 days.

(d) Location of Spring Meeting - The location and dates of the annual city attorneys' spring conference shall be determined by the executive committee.

ARTICLE IX - STANDING COMMITTEES

Section 1 - Executive Committee

(a) Membership - The executive committee shall be comprised of the department president, first vice president, second vice president and department director.

(b) Term of Office - The term of the executive committee shall coincide with the terms of the officers comprising the executive committee.

(c) Duties and Responsibilities

(1) To provide a forum for communication among departmental members, the local city attorneys' associations, related professional organizations, and the League.

(2) To initiate, supervise and review all projects, programs or internal business affairs of the department referred by the department's membership, its officers, the League, or related professional organizations.

(3) To act on behalf of and for the department between meetings.

Section 2 - Nominating Committee

(a) Membership - The nominating committee shall be appointed by the president, who shall also designate its chair. The nominating committee shall be composed of five members, at least one of whom shall be a past president of the department. If, under the north/south rotation specified in section 4 of article IV above, the second vice president would typically come from the south, three of the nominating committee members shall be from the north, and vice versa.

In appointing the nominating committee's members, the president should consider the factors contained in article V of these bylaws to assure the greatest possible representation of perspectives in recruiting and nominating individuals for a department office. The committee should consist of city attorneys with knowledge of the workings of the department and its members should reflect the diversity of the department.

(b) Term of Office - Appointments shall be made annually in the spring by the department, not less than one week before the annual spring conference.

(c) Duties and Responsibilities - The nominating committee shall compile a list of proposed nominees, one for each of the following department offices: president, first vice president, second vice president, and, in odd-numbered years or when a vacancy in the office of director has occurred, director. The nominating committee shall make its recommendations after having complied with the procedures specified in article VI, section 1 of these bylaws.

Section 3 - Legal Advocacy Committee

The department shall administer the League's legal advocacy program in accordance with the policy adopted by the League board of directors. A copy of the most recently adopted policy shall be attached to these bylaws as exhibit A. In addition to those duties set forth in the policy, committee members shall regularly solicit input from and report the committee's actions back to their respective local city attorneys associations, if any.

Section 4 - Municipal Law Handbook Committee

(a) Membership - The membership of the municipal law handbook committee shall be based on the number of chapters of the Municipal Law Handbook. Each member, other than the committee chair, shall serve as the chair for one chapter, and shall be responsible for overseeing the update process for one of the handbook's chapters. An additional committee member shall be the committee chairperson, whose responsibility shall be to oversee the committee's efforts.

Appointments shall be made by the president annually in March. When making these appointments, the president shall designate the committee's chairperson, who shall have already served on the committee for a term.

(b) Term of Office - Appointments shall be for staggered two-year terms, except for the committee chairperson, who shall serve for one year.

(c) Duties and Responsibilities -

(1) To assist the League in updating the material in *The California Municipal Law Handbook*, to alert city attorneys to changes in statutes and case law which bears on the subjects covered in the handbook.

(2) To identify new subjects which should be covered in the handbook.

(3) To identify subjects which should be covered in more detail in the handbook, with a special emphasis on making the handbook a practical and vital resource for city attorneys.

(4) To initiate and oversee, within the context of procedures established by the committee as a group, the effort to update and augment each of the chapters in the handbook.

(5) To involve a wide range of municipal attorneys in the updating and augmentation effort, both in writing and reviewing update materials.

(6) To complete the updating process by February 1 of each year to ensure the publisher can make the handbook available in a timely fashion.

Section 5 - Fair Political Practices Commission (FPPC) Committee

(a) Membership - The FPPC Committee shall be appointed by the president, who shall also designate its chair. The FPPC Committee shall be composed of at least five members.

(b) Term of Office – The terms of the FPPC Committee and the term of the chair shall commence upon appointment. All appointments shall be for staggered two-year terms, but the President may reappoint members.

(c) Duties and Responsibilities - The FPPC Committee shall be responsible for

(1) Monitoring the proceedings of FPPC,

(2) Advising the FPPC of city concerns and the practical implications of proposed policies, and

(3) Attending FPPC hearings whenever possible.

(4) Communicating through the chair or designee with the Department's representative on the League's Administrative Services Policy Committee about the committee's activities that are of interest to both groups.

The committee shall copy the League's director for legislative efforts on all written communications to the FPPC.

Section 6 – Municipal Law Institute (MLI) and MLI Committee

(a) Membership – The MLI Committee shall be appointed by the president, who shall also designate its chair. The MLI Committee shall be composed of at least five members. A Department Officer shall serve as a liaison and attend meetings as necessary and appropriate. Appointments shall be made by the Department president in November after consideration of the candidate's willingness and ability to attend and otherwise participate in the activities of the MLI Committee.

(b) Term of Office – The terms of the MLI Committee and the term of the chair shall commence upon appointment. All appointments shall be for staggered two-year terms, but the president may reappoint members.

(c) Purpose – The MLI shall be a project of the City Attorneys' Department. The purpose of the MLI Committee is to carry out the Duties and Responsibilities of the MLI, as set forth below.

(d) Duties and Responsibilities – The MLI's mission shall be to advance the Department's purposes, as set forth in Article II by

(1) Integrating the study of municipal law in law schools with the practice of municipal law in order to encourage and train students to work in municipal law as a profession.

(2) Promoting, through research and scholarly exchange, an analysis of municipal law issues.

(3) Acting as a resource to the state legislature and judiciary in the development of municipal law and supporting the legislative and legal advocacy programs of the Department.

(4) Conducting an annual symposium on municipal law issues and when possible in conjunction with a law school or university.

Section 7 – Brown Act Committee

(a) Membership – The Brown Act Committee shall be appointed by the president, who shall also designate its chair. The Brown Act Committee shall be composed of at least five members. A Department Officer, as designated by the President, may serve as a liaison and attend meetings as necessary and appropriate.

(b) Term of Office – Appointments to the Brown Act Committee shall commence upon appointment. All appointments shall be for staggered two-year terms, but the President may re-appoint members.

(c) Duties and Responsibilities – The Brown Act Committee shall be responsible for:

(1) Monitoring legislation introduced to amend the Brown Act; assisting the League in evaluating and analyzing the effect of legislative proposals on cities; advising the administrative services policy committee, or its equivalent, on the effect of legislative proposals; and proposing legislation to the League to amend the Brown Act when deemed appropriate.

(2) Monitoring case law developments relative to the interpretation and application of the Brown Act; making recommendations to the Legal Advocacy Committee relative to amicus participation in pending litigation; and offering suggestions to cities and other public agencies engaged in litigation involving interpretation and application of the Brown Act.

(3) Keeping the department membership informed of proposed legislation and pending case law affecting the Brown Act and soliciting suggestions relative to how the department should respond to same.

(4) Serving as a resource to city attorneys with questions or problems interpreting or applying the Brown Act.

(5) Updating *Open and Public* at intervals determined by the League and between publications maintaining updates and corrections to the publication on the League website.

(6) Assisting the Municipal Law Handbook Committee in its annual update of the Handbook's discussion of the Brown Act.

(7) Communicating through the chair or designee with the Department's representative on the League's Administrative Services Policy Committee about the committee's activities that are of interest to both groups.

(d) Meetings – The Brown Act Committee shall meet at least once annually at either the spring or autumn city attorney conference and at other times by teleconference or otherwise as may be necessary or desirable to perform its duties. The Committee may establish subcommittees as it deems appropriate to perform its duties.

Section 8 – California Public Records Act (CPRA) Committee

(a) Membership – The CPRA Committee shall be appointed by the president, who shall also designate its chair. The CPRA Committee shall be composed of at least five members. A Department Officer may serve as a liaison and attend meetings as necessary and appropriate.

(b) Term of Office – The terms of the CPRA Committee and the term of the chair shall commence upon appointment. All appointments shall be for staggered two-year terms, but the President may reappoint members.

(c) Duties and Responsibilities

(1) Monitoring legislation introduced to amend the CPRA; assisting the League in evaluating and analyzing the effect of legislative proposals on cities; advising the administrative services policy committee, or its equivalent, on the effect of legislative proposals; and proposing legislation to the League to amend the CPRA when deemed appropriate.

(2) Monitoring case law developments relative to the interpretation and application of the CPRA; making recommendations to the Legal Advocacy Committee relative to amicus participation in pending litigation; and offering suggestions to cities and other public agencies engaged in litigation involving interpretation and application of the CPRA.

(3) Keeping the department membership informed of proposed legislation and pending case law affecting the CPRA and soliciting suggestions relative to how the department should respond to same.

(4) Serving as a resource to city attorneys with questions or problems interpreting or applying the CPRA.

(5) Updating *The People's Business: A Guide to the California Public Records Act* at intervals determined by the League and between publications maintaining updates and corrections to the publication on the League website.

(6) Assisting the Municipal Law Handbook Committee in its annual update of the Handbook's discussion of the CPRA.

(7) Communicating through the chair or designee with the Department's representative on the League's Administrative Services Policy Committee about the committee's activities that are of interest to both groups.

(d) Meetings – The CPRA Committee shall meet at least once annually at either the spring or autumn city attorney conference and at other times by teleconference or otherwise as may be necessary or desirable to perform its duties. The Committee may establish subcommittees as it deems appropriate to perform its duties.

Section 9 – Reports to Membership

The chairperson of each standing committee will provide an annual report (either oral or written, as specified by the department officers) at the spring conference and will provide other reports as necessary, as requested by the department officers. The reports will be provided to the department officers and the members of the department (through the city attorneys' list serve). The report will describe the immediate past and prospective committee activities. The chairperson may also be asked to briefly report on the committee's work at other department meetings and conferences.

ARTICLE X - AD HOC COMMITTEES

Section 1 - Creation and Duration

Upon direction of the department membership, the executive committee, or the department's president, *ad hoc* committees may be established to analyze a special issue pertinent to the department's membership and/or to provide a forum for the generation, collection and dissemination of information on a subject not pertinent to the responsibilities of any other departmental committee. The duration of an *ad hoc* committee's existence shall be determined by the president, but in any event, *ad hoc* committees shall automatically dissolve 30 days after the annual conference held after the appointment of the committee, unless the incoming department president determines otherwise. The department president shall periodically evaluate the continuing need for each *ad hoc* committee's existence.

Section 2 – Membership

Membership selection and their number shall be determined by the president.

Section 3 – Identification

The League's general counsel will maintain a list of the department's *ad hoc* committees. The list will include a description of their functions, goals, membership, and meeting schedule, if any.

Section 4 – Meetings

Ad hoc committees will meet at the department's spring conference and, if necessary, at the League's annual conference. Between those times, they will meet through conference calls and through written communications. With the approval of the department president and in consultation with the League's general counsel, the committees may schedule additional face-to-face meetings as the need arises.

Section 5 – Agendas

Meeting agendas and other substantive written correspondence among committee members will be copied to the department officers and the League's general counsel.

Section 6 - Decision-Making

Committee decisions and preparation of written communications will be accomplished by a procedure agreed upon by the full committee in consultation with the department officers.

(a) Circulation of Proposed Written Communications - If a decision calls for a written communication to be directed outside the department, the committee's final draft will be circulated to the department officers, with a copy to the League's general counsel.

(b) Comments to Committee - Comments on the final draft will be provided to the committee chair within 48 hours, unless that degree of urgency is not warranted. After consultation with the officers, the president may convene a conference call among the officers and the committee chair to discuss the communication.

(c) Exigent Circumstances - The committee chair, or one of its members, may from time to time be called upon to render a judgment or make a decision under circumstances that make prior consultation difficult or impossible. Examples of such situations include negotiation sessions with state agency or legislative staff over the language in new regulations or legislation. In those situations, consultation with the department president, the League's general counsel or other members of the committee is encouraged when feasible. In all instances, the chair will conform decisions and agreements with the existing positions of the League.

Section 7 - Communication of Committee Decisions and Activities

(a) Circulation of Communications - Copies of all committee communications shall be distributed to the city attorneys' department officers, the city attorneys' department representative on the pertinent League policy committee, the relevant League staff person, and, if appropriate, the chairperson of the Legal Advocacy Committee.

(b) Reports to Membership - The chairperson of each *ad hoc* committee will provide an annual report at the spring conference and will provide other reports as necessary, as requested by the department officers. The reports will be provided to the department officers and the members of the department (through the city attorneys' newsletter or League web site). The report will describe the immediate past and prospective committee activities. The chairperson may also be asked to briefly report on the committee's work at other department meetings and conferences.

Section 8 - League Facilitation of Communications

League staff will provide mailing lists and/or mailing labels to facilitate all distributions contemplated under these bylaws.

**ARTICLE XI - CITY ATTORNEY DEPARTMENT REPRESENTATIVES
ON LEAGUE POLICY COMMITTEES**

Section 1 - Appointment

The president shall appoint the department representatives to the policy committees.

Section 2 - Role of Department Representatives

(a) Participation and Representation - Department representatives are expected to attend all meetings of the policy committee to which they are appointed and to advance the positions established by the department as to matters which arise on the agenda of the committee.

(b) Legal Advice - If, from time to time, the committee members ask the city attorneys' department representative to explain the legal significance of a matter before it, the city attorneys' department representative should do so to the best of his or her ability.

(c) Policy Input - The scope and substance of the representative's participation and vote on policy issues taken up by a committee, in the absence of a department position, should be guided by what the representative believes is in the best interests of California municipalities, as well as by the representative's conscience.

(d) Consultation with Department - If the opportunity arises before a committee meeting, in the course of the representative's pre-meeting review of the agenda (or, after a matter has been put over from one meeting to the next), the representative is encouraged to communicate with the department president and the League's general counsel about any significant policy or substantive legal issue as to which the representative is uncertain what position to take. The president may choose to convene a telephone conference with the representative and the department officers to determine the department's role, if any, in the formulation of a position on the matter.

(e) Preparation for Meetings

(1) Agenda Items – Department representatives should review all available information in preparation for committee meetings. League staff will endeavor to transmit to them documents and reports as exist from other department committees to assist in the evaluation of policy committee agenda items. If a department position exists on a policy committee agenda item, the general counsel will endeavor to convey that position to the representative in advance of the meeting.

(2) Administrative Services Representative – The Department's representative on the League's Administrative Services Policy Committee shall communicate with the chair or designee of the Department's FPPC, Brown Act, and Public Records Act committees about the committees' activities that may be of interest to the policy committee. The representative shall relay this information to the Administrative Services Policy Committee at a future meeting. In addition, the representative shall keep the appropriate department committee apprised of the policy committee's activities that are of interest to the Department.

Section 3 - Reports

(a) Obligation - Following each policy committee meeting, the department representative will prepare a written report to the department president summarizing the discussions and/or actions of the committee of relevance to the department.

(b) Distribution - The representative will copy the report to all department officers, city attorney association presidents, and the League's general counsel.

(c) Solicitation of Input - The transmission of the report to city attorney association presidents should include a request that they share the report with their membership and solicit comments and suggestions.

(d) Consultation With Department Representative on League Board - Department representatives are encouraged to communicate with the department director regarding any recommendations of a policy committee to the League's board of directors which are particularly complex or controversial, so as to familiarize the director with the issues in anticipation of the matter coming before the board.

Section 4 - Annual Meeting

Committee representatives are expected to attend the department spring conference and meet with the department officers. The agenda of that meeting will include discussions of substantive issues raised in the policy committees as well as issues of procedure and internal communications.

ARTICLE XII - REGIONAL ASSOCIATIONS

The department actively encourages and supports the formation of regional associations of city attorneys as a way for city attorneys to meet with one another more frequently and promote the purposes of the department as articulated in article II of these bylaws.

ARTICLE XIII - PARTICIPATION IN LEAGUE PROGRAMS

Department members are encouraged to participate in, and contribute their perspective to, all League activities and programs, including membership in any League policy committees. Department members should make their interests in participating in these activities and programs known to the department president and/or director.

ARTICLE XIV - RULES OF ORDER

Subject to the provisions in the League's bylaws and the department's bylaws, Robert's Rules of Order or such other parliamentary rules as may be adopted by the executive committee, shall prevail at all department meetings.

ARTICLE XV - AMENDMENTS

These bylaws may be amended at either the department business session of the annual conference or the city attorneys' annual spring meeting, by a majority vote of those members in attendance, provided the proposed amendment(s) shall have first been prepared in writing, together with a statement in support therefore, and submitted to the executive committee so as to permit its review and consideration. The proposed amendment(s) and any written comments from the executive committee in the form of support or opposition shall then be mailed to each member at least ninety (90) days prior to the meeting at which they will be considered for review and study. Such amendments or any approved modification thereof shall take effect immediately after voted approval of the membership.

ARTICLE XVI - CONFLICT OF BYLAWS

If any portion of these bylaws are declared to be contradictory or in any way in conflict with the League's bylaws, then that portion shall become inapplicable and the League's bylaws shall prevail.

Approved and adopted: September 16, 2010

Attachment: Exhibit A, Legal Advocacy Committee Policy adopted by Board of Directors

EXHIBIT A
League of California Cities
Legal Advocacy Policy
(Approved 7/19/03)

Purpose of Program

The goal of the League's legal advocacy program is to advocate in support of such principles as:

- 1) Local control,
- 2) Protection of local public funds, and
- 3) Judicial deference to policy determinations by local governing bodies.

Such advocacy occurs primarily before the appellate courts and in response to requests for input on Attorney General opinions.

Guiding Principles

The League weighs in on legal issues when the League's participation is likely to affirmatively advance cities' collective legal interests by establishing legal precedent that will help cities more effectively serve their communities. The committee's charge is to identify those cases and Attorney General opinions that are of such significance on a statewide basis as to merit the collective investment of city resources through the League to participate.

Generally, for the League to become involved in the resolution of a legal issue, cities should agree on what the preferred outcome of the dispute should be and no city should be adversely affected by the League's legal advocacy efforts. In rare cases, the League will get involved in litigation or Attorney General opinions where cities do not have a common interest in the same outcome; the League will become involved in such issues only after full League Board consideration and approval.

Whenever possible, and to maximize the effective use of limited resources, the League will collaborate with other local agency associations and organizations to achieve mutually desired legal outcomes.

Scope of Committee Advice

The League receives advice on matters relating to litigation affecting cities' interests from its Legal Advocacy Committee. This advice includes but is not limited to:

- Whether the League should initiate litigation or participate in litigation as an *amicus curiae*;
- Whether the League should coordinate litigation activities among interested cities or encourage cities to participate as *amici curiae* in litigation; and
- Whether the League or interested cities should weigh in on a request for input on an Attorney General opinion request.

“Participate as *amicus curiae*” includes seeking appellate review of an adverse decision and requesting publication or decertification from publication of judicial opinions. Requests for League assistance shall be directed to the Legal Advocacy Committee for its recommendations and reasons.

Analysis of When the League’s Name Should Go on an *Amicus* Brief

Those requesting assistance will be given the opportunity to specify whether they prefer the League’s name on briefs or those of participating cities, although such preference is not binding on the League or the Legal Advocacy Committee.

In determining whether the League’s name should go on a brief, the Legal Advocacy Committee should evaluate the significance of the legal issue at stake in a case in light of the overall purposes of the legal advocacy program (see above). Amicus briefs in cases of major significance to a large number of cities (including cases involving charter city authority) should generally bear the League name (unless the requestor specifies a preference for an amicus brief filed by joining cities). Amicus briefs in cases that involve important legal issues of interest to a small, but significant, number of cities should be filed on behalf of those cities.

Authorization and Reports

The following actions require League Board approval:

1. Recommendations that the League initiate litigation or coordinate litigation among interested cities;
2. Recommendations that the League encourage city joinder in *amicus* briefs when one or more cities have an interest adverse to the position recommended.

Recommendations for all other forms of legal advocacy activities shall be made to the League’s Executive Director for approval. The Executive Director in his or her discretion may consult with the League’s executive committee or full League Board if there is a question whether *amicus* involvement with a case is consistent with League policies and/or present strategic or other political issues.

The League Board will receive regular reports on all legal advocacy activities.

Committee Membership and Organization

The Legal Advocacy Committee shall be comprised of at least one city attorney representative from each of the League’s regional divisions and the four largest cities in the state. The League’s city attorneys department shall adopt further procedures and guidelines for the Legal Advocacy Committee’s composition and operations, consistent with this policy.