



Essential Skills: Developing the City Attorney and City Council Relationship

Wednesday, May 8, 2019 General Session; 3:15 – 4:45 p.m.

Attorney Development and Succession Committee Members
with help from a few friends

DISCLAIMER: *These materials are not offered as or intended to be legal advice. Readers should seek the advice of an attorney when confronted with legal issues. Attorneys should perform an independent evaluation of the issues raised in these materials.*

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Orienting New Council Members to the Role of the City Attorney

**Attorney Development and Succession Committee
League of California Cities
Spring 2019 Conference**

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Introduction

This presentation and paper are designed to provide you with information on how to prepare an orientation for new Council Members to introduce them to your role as the City Attorney. By providing an introduction to the legal framework and encouraging Council Members to communicate often and early about any questions or concern, you will avoid, or at least reduce, the number of surprises in a public meeting. New Council Members may be unfamiliar with the role of the City Attorney and may not understand that the City Attorney does not serve each Council Member individually. Furthermore, a Council Member may have expectations that exceed the scope of what the City Attorney may be allowed to do.

To help avoid these problems, this paper and the panel attempt to help the City Attorney educate new Council Members regarding the role of the City Attorney and key laws early in order to avoid legal and ethical violations. It is important to inform Council Members of the consequences of their actions, which may involve fine or imprisonment, rescission of actions, or the appearance of impropriety. While the City Attorney helps the City Council navigate through legal issues, the City Attorney must understand the political dynamics of the City Council and maintain a relationship with each of the Council Members. The City Attorney must take great care to remain impartial because the City is the client, yet remain responsive to each Council Member because the City Attorney serves at the discretion of the City Council. In this current environment, where technology and social media make it easy for individuals to broadcast or comment about public meetings in real-time, the City Attorney is tasked with the increased pressure to respond immediately, concisely, and courteously while being recorded and uploaded to the Internet. This presentation is designed to help you meet those challenges.

This presentation is not just about educating Council Members on how they should act, but about how the City Attorney can act to prevent problems and address them when they eventually occur. The Committee has prepared three vignettes in which a beleaguered attorney's interaction with a new Council Member raises an ethical issue, conflict of interest, or waiver of the attorney-client privilege. After each vignette is acted out, a team of experts comprised of in-house and contract City Attorneys will discuss their experiences and perspectives in addressing each type of problem. The goal of these conversations is to demonstrate that each City Attorney will have a unique way to approach a delicate problem, and that there are various ways to solve them. It is our goal to provide you with different approaches and resources, so that you will be armed with more options in navigating through these challenging situations.

To that end, we have compiled sample policies on the relationship between the City Attorney and the City Council and sample City Council orientation materials. At the end, there is a list of websites links to additional orientation materials and local government resources. We hope this material will prove useful as you assess and design the content you would like to cover in your orientation with new Council Members given your City's needs and goals.

Attorney Development and Succession Committee
League of California Cities

**Illustrating the Issues that Arise
Between the City Attorneys and
New City Council Members**

Three Vignettes

Below are summaries of the three vignettes or illustrations of interactions between the City Attorney and a new Council Member that may arise and create a conflict to highlight issues to cover in orienting new Council Members. Each of these vignettes will be acted out. Then, a panel of experts, comprised of an in-house attorney at a small city, an in-house attorney at a large city, and contract attorneys will discuss the potential issues from each of their perspectives and how they would address them.

Vignette 1 – Summary

A new Council Member is upset that the City Attorney informed him at yesterday's Council meeting that he could not vote on a use that is located a block away from where the Council Member lives. The City Attorney must explain that the City Attorney serves the City, not any individual Council Member, and that certain laws preclude a Council Member from taking action on items in which he has a conflict of interest.

Vignette 2 – Summary

A new Council Member is upset with the outcome of a City Council decision to approve a use which he opposed. The Council Member is pressuring the City Attorney into reviewing a letter he has written to a newspaper editor opposing the use and has suggested that if the Attorney does not review the letter, the Attorney's job is at risk. The City Attorney must remind the individual Council Member that his or her client is the City. The City Attorney also wants to avoid the appearance that he or she is making a policy decision.

Vignette 3 – Summary

A new Council Member has asked the City Attorney for an update on what happened in a closed session at which the Council Member was not present. The Council Member requests that the City Attorney send future updates by text message directly to the Council Member. In the course of conversation, the City Attorney learns that the Council Member disclosed confidential information to her father. The City Council Member gives the City Attorney a gift certificate. The City Attorney must remind the individual Council Member of the importance of the confidential information the City Attorney provides and that gifts may be inappropriate.

The vignettes illustrate the various conflicts that can occur – the City Council Member's personal conflicts, a Council Member's confusion over who the City Attorney's client is, and the protection of the attorney-client privilege.

**Sample Policies that
Address the Relationship between the
City Attorney & the City Council**

City of Benicia

Under policy direction of the City Council, [the City Attorney] acts [as] a legal advisor to and a counsel for the City Council and City officials in matters relating to official City duties, may represent the City in litigation, and performs related work as required. The City Attorney serves as primary legal advisor to the City Council with day-to-day direction and general guidance of the City Manager. The position requires aggressive and creative problem solving ability and emphasizes practice of preventative law while keeping City Council and City Staff well informed and up to date on all matters regarding legal implementation, compliance and legislative impacts.

City of Davis

The City Attorney is the legal advisor for the City Council, City Manager and department heads. The general legal responsibilities for the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects, 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings, 3) prepare ordinances, resolutions, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared and 4) to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

City of Desert Hot Springs

The City Attorney is the chief legal advisor for the City and the City Council. The City Attorney is appointed by the City Council and is responsible directly to that body.

The City Attorney's office represents and advises the City Council, City Commissions, and City Officers on a wide range of legal issues pertaining to their offices. The City Attorney's office renders legal opinions as necessary, prepares and reviews memorandums, contracts, deeds, leases, permits and other legal documents necessary to transact the City's daily business.

Since the City Council also acts in a legislative capacity, the City Attorney prepares all proposed ordinances requested by the City Council. The City Attorney also prepares resolutions for the City Council and Planning Commission as required to memorialize their decisions.

Finally, the City Attorney's office represents and appears for the City in lawsuits in which the City is a party.

The City Attorney also functions as the City Prosecutor involving alleged violations of the Municipal Code.

City of Sacramento

- A. The City Attorney provides legal counsel to the council, city manager, and all departments, offices, boards, and commissions of the city. The city attorney represents the city in litigation and prosecutes city code violations.
- B. The City Attorney reports directly to the City Council. The City Council is responsible for hiring, evaluating, and terminating the City Attorney.
- C. The City Attorney shall not cause or allow any practice, activity, decision, or organizational circumstance that is illegal, unethical, imprudent, or in violation of commonly accepted business and professional ethics.
- D. The City Attorney shall provide applicable monitoring reports to the City Manager for consolidation into a comprehensive citywide report.
- E. The City Attorney shall treat the council as a whole and be responsive to individual council members except where substantial resources are required to fulfill a request.
- F. With respect to the council, the city manager, and those reporting directly to the council, the city attorney shall:
 - 1. Give his or her advice and legal opinion whenever necessary or deemed required.
 - 2. Inform the council and city manager of potential or future material legal issues impacting the city.
 - 3. Provide counsel to the council as well as to individual council members regarding conflicts of interest and ethical matters.
 - 4. Assist the council in complying with applicable statutes and laws.
 - 5. Inform the council of developments that have the potential of exposing the city to legal or reputational risk.
- G. The city attorney shall not provide legal counsel to any council member or employee except in their official city capacity.

Specific Responsibilities of the City Attorney (compiled from various sources)

- Prepares or reviews ordinances, resolutions, contracts, agreements, deeds, leases, pleadings and other legal documents
- Reviews all claims and serving as a board member or alternate to the joint risk authority and assisting with the various risk management functions
- Represents the City in court in civil matters or oversees outside attorneys representing the City and criminal matters such as *Pitchess* motions to protect the confidentiality of the personnel files of our police officers
- Provides advice to the City Council, Commissions, Boards and staff on the Brown Act, Public Records Acts, conflicts of interest, public contracting, insurance, financing and Proposition 218 (tax) issues, land use and environmental laws, employment and other municipal matters.
- Renders legal opinions to the City Council, City Manager, and City Staff as requested.
- Attends all City Council meetings and meetings of other boards and commissions as required and renders legal advice on matters on the agenda.
- Confers with and renders assistance to the City Manager and City Staff in establishing departmental policies by developing and applying legal points and procedures.
- Recommends changes in policies and procedures in order to meet legal requirements.
- Monitors and analyzes legislation affecting the City.
- Assists in resolving code enforcement issues and securing compliance.
- Assists in the conduct of legislative and administrative hearings conducted by the Council and Commissions.
- Prepares election documents for general and special municipal elections.
- Prepares, justifies, and administers the City Attorney's budget.
- Supervises and reviews the work of legal and clerical support staff.
- Assists with negotiations involving contracts, zoning issues and property transactions.

Sample Script about the City as the Client

Generally, the City Attorney is appointed by the City Council and serves at the pleasure of the City Council. The City Attorney's client is the City Council as an entity, acting through the City Council. Therefore, while the City Attorney may assist an individual Council member with legal issues, the Attorney's professional obligation is to the City as an entity, and not to any individual Council Member.

Sample Neutrality Script

Except for the few cities in California with elected city attorneys, most city attorneys do not get involved in politics to preserve their role as a neutral officer charged with rendering impartial opinions on legal matters. Therefore, please do not be offended if I do not attend fundraisers or other political events.

Policy of Placing Items on Agenda

OVERVIEW OF AGENDA PROCESS & STAFF REPORT DEADLINES

No single staff work product is more central to good decision-making than Staff Reports. Staff Reports help the City Council define projects, understand complex problems, consider alternative solutions and determine courses of action. Staff Reports forward recommendations involving public assets, and assure that our administrative processes are managed in a fair and open manner. In addition, Staff Reports are used by the public to understand and participate in the decision-making process of the community.

City Staff is expected to adhere to the *Agenda Guidelines Administrative Policy* that covers various aspects of the agenda preparation process, streamlines the process while providing internal flexibility, expeditious processing of City Council agenda items, ensuring coordination between Departments, effectively delegating of staff resources, compliance with the Ralph M. Brown Act.

We strive to maintain consistency in the delivery and appearance of agenda material when presented to the City Council, and City Boards, Committees, and Commissions.

Staff Reports are submitted and routed electronically for approvals through the SIRE System.

6.0 AGENDA PREPARATION

6.1. City Manager

It shall be the responsibility of the City Manager, assisted by the City Clerk, to prepare all City Council meeting agendas, including the various boards, committees or commissions that the City Council-body may sit as.

Requests for placement of an item on agenda must be submitted to the City Manager by staff.

The City Manager shall have sole discretion as to the agenda content, with the exception of those items submitted and/or requested by Council as per Exhibits A and A-1.

Exhibit A

WORKFLOW TO ADD ITEMS TO ANY CITY COUNCIL AGENDA

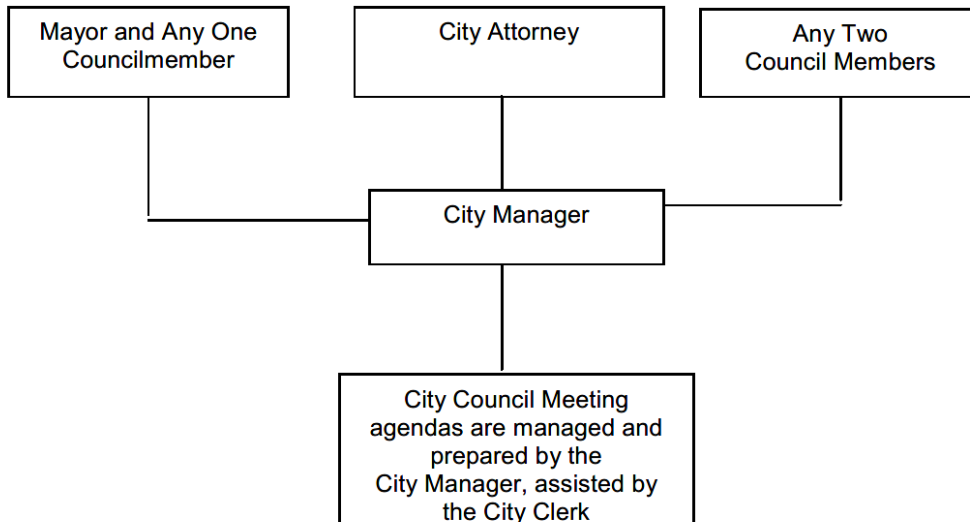
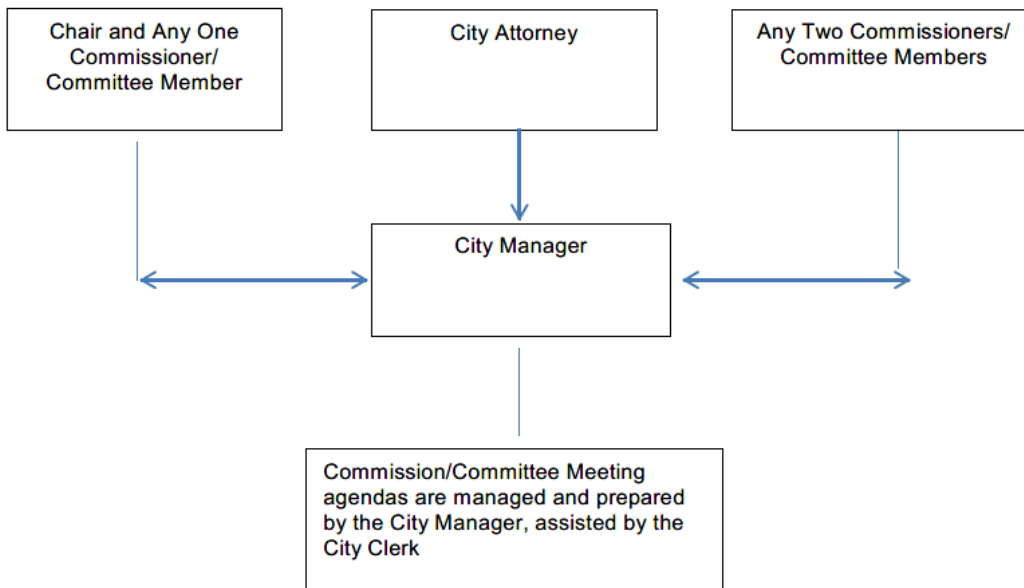


Exhibit A-1

WORKFLOW TO ADD ITEMS TO ANY COMMISSION OR COMMITTEE AGENDA



Agenda Guidelines

1. PURPOSE

This policy has been prepared in an effort to fully acquaint City staff with the various aspects of the agenda preparation process, streamline the process while providing internal flexibility, expedite processing of City Council agenda items, ensure coordination between Departments, effectively delegate staff resources, and to comply with the Ralph M. Brown Act.

We wish to maintain consistency in the delivery and appearance of agenda material when presented to the City Council, and City Boards and Commissions.

2. APPLICATION

This policy applies to all Departments and City employees, with accountability falling on the respective Department Head.

3. PROCESS & DEADLINES

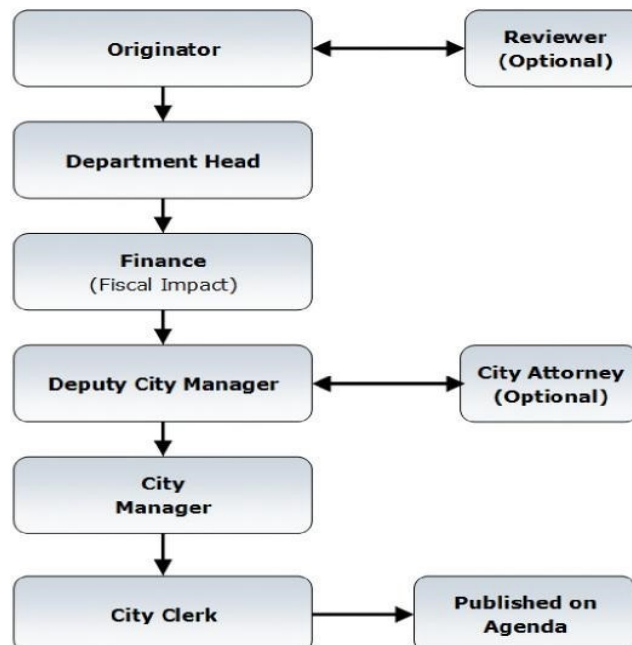
Staff reports are submitted and routed electronically for approvals through the [SIRE WebCenter](#) System.

For instructions on how to enter a Staff Report, refer to the [SIRE Agenda Workflow Manual](#).

Long Range Agenda Planning (Executive Management Team Meetings)

On the 1st and 3rd Wednesdays of each month, designated staff members shall meet to discuss future agenda items.

SIRE Agenda Item Review and Approval Workflow:



The agenda schedule is structured to ensure adequate time for review and to distribute a complete final agenda packet to the City Council Members by the end of the business day on Thursday.



2) Monday (8 days prior to the City Council meeting):

Generally, any agenda item requiring amendments to the staff report or incomplete staff reports or attachments after Tuesday will be removed and placed on the next available agenda.

Following City Manager approval, agenda items shall be routed to the City Clerk for final compilation, website publication, and distribution. Posting of the agenda will be in accordance with the Brown Act.

Generally, any agenda item requiring amendments to the staff report or incomplete staff reports or attachments will be removed from the agenda and placed on the next available meeting.

Adherence to the Schedule:

Adherence to this schedule is necessary and expected. On the occasion when an item must be late, the originating department shall notify the City Clerk and obtain the approval of the City Manager or his/her designee.

Note Regarding Urgency Items:

- The City Council is prohibited from taking action on any item not appearing on the posted agenda unless a majority of the body determines that an “urgency” situation exists, and by a 2/3 vote that the need to take action came to the City’s attention subsequent to the posting of the agenda, and there is an immediate need to take action on the item. **An item cannot be considered if the City Council or staff knew about the need before the agenda was posted.**
- Urgency Items must meet two requirements: 1) make the finding that the item came to the attention of the City after the posting of the Agenda and, 2) that there is an immediate need to take action on the item before the next regular City Council Meeting.

4. PLACEMENT

All agenda items fall under one of the following categories:

Presentations:

Proclamations, certificates of recognition and other forms of formal recognition initiated by the Mayor, a member of the City Council, or City Manager (or his/her designee) shall be listed on the agenda and presented during this time of the meeting.

Public Hearing:

Public hearings must be noticed in advance with both formal legal advertising and/or mailings. See *Public Notice Guidelines* under Reference Material or consult the City Clerk’s Office and/or City Attorney’s Office.

Consent Calendar:

The Consent Calendar is intended for non-controversial and routine items that can be approved by a single motion. (Example: minutes, treasurer’s report, payment register, informational items, 2nd reading ordinances, etc.) Individual items will not be discussed or debated unless pulled from the Consent Calendar for discussion and separate action taken. Per City Council policy, agreements shall not be placed on the Consent Calendar.

Administrative Calendar:

This section is for all other items that do not fall into the other categories.

Sample City Council Orientation Materials

Sample Orientation Outline I

**THIS DOCUMENT IS SUBJECT TO THE ATTORNEY-CLIENT AND/OR ATTORNEY
WORK PRODUCT PRIVILEGES. DO NOT STORE WITH PUBLICLY ACCESSIBLE
RECORDS**

TO:

CC:

FROM:

DATE:

RE: Background and Pending Issues

Congratulations and welcome to the City Council! The following is a brief outline of some issues to cover during an initial orientation meeting. Please feel free to call or email anytime if you have follow up questions, or wish to discuss any legal matters.

CITY ATTORNEY'S OFFICE:

--Role of City Attorney

--General Counsel to the "corporation"

--work for Council as a whole, with CM and Department heads/staff

--conflict analysis "exception"

--Attend City Council meetings and other meeting as needed e.g. PC

--Legal document preparation/review

--Litigation (plaintiff v. defense, covered v. non-covered)

--Criminal Prosecution (civil enforcement v. City Prosecutor)

--Nuts and bolts

--Contract

--office hours

--office location

--Means of Communication—what is your preference?

--Other Law firm contracts for worker's comp, bond counsel, Civil Service, specialty litigation (tax, etc.), and conflict counsel (upcoming)

--City Charter

--comprehensive v. compact

--Municipal Affair v. matter of statewide concern

--Council powers

--sets policy

--individual vs. acting as a majority

--vote (impact of abstention), agenda setting policy

--City Manager form of Government

--implements policy

--chief personnel officer

--Highlight of some Legal Issues

--Brown Act (serial meetings, closed sessions)

--no meeting without agenda

--no private meeting unless closed session

--Conflicts (FPPC, 1090, common law, gifts)

--Attorney/Client communications/closed sessions

--City holds privilege

--Liability Issues (personal v. covered, privileges)

--indemnification if within scope

--Public Records Act (most documents, personal devices)

--Mass Mailing prohibitions

--Upcoming projects

[BRIEF DISCUSSION OF MAJOR UPCOMING COUNCIL AGENDA ITEMS]

Sample Orientation Outline II

Information you should include in your orientations with new Council Members:

- Confidentiality
 - Who is the client?
- Conflicts of Interest
 - Political Reform Act
 - Government Code § 1090
 - Form 700
 - Gifts, Honoraria
 - Income
 - FPPC
 - Attorney General's Office
- Open Government
 - Brown Act
 - Social media
 - Public Records
- Council Meetings
 - Procedure
 - Rules of Order
 - Civility
- Legislative
 - Municipal Code
- Decisions
 - Land use
 - CEQA
 - Claim's Process

Benicia Handbook for City Council Members – Table of Contents

1	The City Attorney's Office Contact Information Organizational Chart Job Descriptions City Attorney Contract
2	The City Attorney's Office Website "The Quick List"
3	Monthly Reports Monthly Claims and Litigation Status Report Project List Outside council Fees
4	Year End Report
5	Open Government The Brown Act The Public Records Act & Supplement Benicia Municipal Code, Title 4 Penal Code: Vote Trading/Intimidation
6	Council Meetings Council's Rules of Procedure Open Government Tips/How To: Motions/Ex Parte/Conflicts/Records Your Guide to: Benicia City Council Meetings Tips for Promoting Civility
7	Council Member Conduct Code of Conduct Whistleblower Policy Anti- Harassment Policy DFEH Pamphlet
8	Conflict of Interest Conflict of Interest Code "Political Reform Act" by the FPPC Form 700: Statement of Economic Interest Gifts, Honoraria Ticket Distribution Policy
9	Maps of Council Member's Real Property Interests
10	Common Acronyms

Sample Reminder about Brown Act applying before Council Member is Seated

Dear Council Member-Elect,

Although the election results have not been certified, you appear to be a presumptive City Council Member-elect. I look forward to working for the new City Council.

I realize that you are already familiar with the City, but you will be receiving additional background materials in a binder from the City, as well as a memorandum from me. However, I want to bring to your attention the following:

1. Brown Act -- The Brown Act (state law) applies to any person who has been elected to serve on the council but who has yet to assume the duties of the office. (Cal. Gov't Code section 54952.1) Accordingly, prohibitions on a majority of the city council meeting outside of a noticed public meeting apply to meetings with newly elected -- but not yet seated -- council members. For example, a presumptive new Council Member (like yourself) cannot meet with two other Council Members to discuss City business outside of a public meeting even before the election is certified or you are sworn in.
2. State-mandated AB 1234/Ethics training -- The law requires completion of the training within one year of taking office. However, I strongly encourage you to complete the training quickly as it is a beneficial "Public Service 101" course. The online course is available at no charge and can be found at <http://localethics.fppc.ca.gov>.

Please contact me if you have any questions about these matters. I look forward to setting up a time when we can talk as you transition to your new position. Please let me know when you would be available. In addition, once you are seated as a new Council Member, I can brief you regarding litigation and other legal matters involving the City.

Sample Introduction Email from City Attorney to City Council

Congratulations on your election to the _____ City Council. It has been my honor to serve as the _____ City Attorney since _____, and I look forward to serving you in your new position on the Council.

I thought you might appreciate receiving a summary of the important legal issues facing the City in advance of our meeting on _____. In addition, I wanted to introduce you to the role of the _____ City Attorney as established by the _____ Municipal Code and State law and to describe for you my approach to fulfilling that role. I have tried to provide enough information in this memo to alert you to key issues, but additional detail on these matters will of course be provided to you in the future. On _____, we will have the opportunity to discuss this memo and I can answer any questions you may have.

Sample Orientation Memorandum I

TO: Council Member-Elect

FROM:

DATE: _____, 2019

SUBJECT: ***Confidential: Attorney-Client Privilege Laws Governing Service on the City Council***

This memorandum aims to give new Council Members a general outline of the legal framework in which they will be operating during their terms of office.

Please be certain to complete the state-mandated ethics training (AB 1234). The law requires completion of the training within one year of taking office. However, I strongly encourage you to complete the training quickly as it is a beneficial "Public Service 101" course. The online course is available at no charge and can be found at <http://localethics.fppc.ca.gov>. Upon completion of the training, please print out the certificate of training and forward a copy to the City Clerk's Office. These certificates are public records and would be provided if a Public Records Act request was submitted for compliance with this training requirement. AB 1234 training is also available at the League of California Cities' new council member conference.

The Institute for Local Government (the research arm for the League and California Counties Association) has also prepared materials on its website to assist in orienting newly elected local officials: <http://www.ca-ilg.org/OrientationMaterials>

As I indicated in an earlier email, **please remember that the Brown Act applies to any person who has been elected to serve on the Council but who has yet to assume the duties of the office. (Cal. Gov't Code section 54952.1)** Accordingly, prohibitions regarding meetings of a majority of the City Council outside of a noticed public meeting apply to meetings with newly elected, but not yet seated, council members. For example, a presumptive new Council Member can't meet with two other existing Council Members to discuss City business outside of a public meeting even before the election is certified or the new Council Member sworn in. More on the Brown Act follows.

I. WHAT EXACTLY IS A CITY?

A city is a municipal corporation. _____ was incorporated in ____ and like most of the cities in California, is a "general law" city. This means that the City's powers are defined and limited by state law. In some cases, the Council may not be able to enact an ordinance on a particular point because of state law. "Charter" cities, on the other hand, have more flexibility and are not as dependent on state law for their legal authority. The point to remember is that the City is restricted and guided by state law in its operations.

The position of Mayor in is rotated among council members as opposed to the directly-elected mayor in some other cities. The Mayor serves as the presiding officer/chair at the City Council meetings and appoints commissioners and board members subject to the approval of a majority of the City Council. The Vice Mayor is also chosen by the Council and fills in for the Mayor when absent.

There are also a separate Local Successor Agency to the Redevelopment Agency and a Joint Powers Financing Authority on which the Council Members serve as Board Members.

II. HOW DOES THE CITY RUN?

_____ was established as a council/manager form of government with the City Council as the governing body. The City Council establishes the policies of the City to address both short-term and long-term needs of the community. The City Council acts by majority decision (at least 3 votes for a particular action). Therefore, Council Members should be careful to distinguish if they are speaking for the Council (majority viewpoint) or as an individual, particularly if appearing before another governmental agency.

It is the responsibility of the City Manager to apply and administer the Council's policies to the day-to-day operations of the City. The City Manager oversees the total City operations and is the liaison between the Council and the City staff. Another way to look at the distinction is that the Council determines **what** is to be done and the City Manager and staff determine **how** it is to be done. The council-manager approach seeks to enhance the effectiveness of local policy-making and municipal operations by bringing together skilled lawmakers, community representatives and experts in municipal administration and management.

If a Council Member has an issue regarding a staff member, the issue should be raised with the City Manager privately. If you have an issue with me, I hope that you will discuss it with me directly.

III. DOES A CITY ATTORNEY DRAFT WILLS FOR ALL OF THE RESIDENTS?

There is sometimes a great deal of confusion about my role as City Attorney. Residents have assumed that I will handle their divorces or wills, because they are residents of the City and I am the “City” Attorney. Therefore, I think it is helpful to describe the role of a city attorney up front.

The City Attorney and the City Manager are the two employees directly hired by the Council. Both are directly responsible to the City Council; serve at the pleasure of the Council; and do not work for each other. However, their roles are quite different.

The City Manager and all of the department heads and staff members are typically hired to get things done: identify objectives; develop strategies to obtain those objectives; and hopefully get the job done on-time and under budget. In contrast, the City Attorney is primarily hired to keep the City out of trouble – to prevent negative consequences. Therefore, I tend to be focused more on the process – how things are done -- so that the City can make decisions that are legally defensible and to protect its rights including contractual rights.

In particular, the City Attorney is responsible for:

- preparing or reviewing ordinances, contracts, leases and other legal documents
- reviewing all claims and serving as a board member or alternate to the joint risk authority and assisting with the various risk management functions
- representing the City in court in civil matters or overseeing outside attorneys representing the City (typically lawsuits against the City but sometimes responding to subpoenas in private matters) and criminal matters such as *Pitchess* motions to protect the confidentiality of the personnel files of our police officers
- providing advice to the City Council, Commissions, Boards and staff on the Brown Act, Public Records Acts, conflicts of interests, public contracting, insurance, financing and Proposition 218 (tax) issues, land use and environmental laws, employment and other municipal matters

My client is the City, which is the municipal corporation as a whole. When I raise potential legal issues, it is not to sink a favored project or delay implementing a favored course of action – it is to protect the City. I am an advocate for the City, but I am also an advisor to the City and, unfortunately, the law is not always clear-cut. Sometimes my advice cannot be “yes-no” but “here are the risks with the different options before you.”

I take my direction ultimately from the majority of the City Council. Therefore, I must still implement and defend a decision made by a 3-2 Council vote, even if the dissenting two Council Members are bitterly opposed or even if I personally do not

agree with the decision. As an attorney and officer of the court, I have certain ethical and prosecutorial duties as well.

As is the City's general policy, if I provide information or an opinion to one Council Member on a matter of general interest, I will provide it to all unless the Council has designated the Mayor or a subcommittee to be "point" on a particular item. I welcome telephone calls and personal visits, as I recognize that the City is often grappling with difficult issues for which you may have questions. I can make myself available in the early mornings or evenings, as I realize that Council Members also have busy work and family schedules, in addition to your Council service. Like health care, an ounce of legal prevention is often worth a pound of cure afterwards.

Except for the few cities in California with elected city attorneys, most city attorneys do not get involved in politics to preserve their role as a neutral officer charged with rendering impartial opinions on legal matters. Therefore, please do not be offended if I do not attend fund-raisers or other political events.

IV. **WHAT DOES IT MEAN TO MAKE A MOTION?**

Within the framework of state laws for a general law city, the City Council can take action by adopting ordinances (often codified in the _____ Municipal Code), resolutions or motions. Often state law dictates whether a city acts through ordinance, resolution or motion. An affirmative vote of three council members is required to adopt an ordinance, resolution or motion.

Ordinances are the laws of the city and are separate written documents that require certain public noticing. Approval of an ordinance requires a first reading (e.g. "motion to introduce the ordinance") and a second reading (e.g. "motion to adopt the ordinance") with at least 5 days between readings (except for an urgency ordinance). The ordinance (or summary) is then published in a local newspaper and becomes effective 30 days after adoption. This 30-day period is known as a referendum period, which is the time frame during which any citizen may file a petition challenging the legality of the adopted ordinance. An ordinance can only be repealed or amended by a subsequent ordinance.

The Municipal Code is found at _____. The Municipal Code sets forth the regulatory, penal and administrative ordinances of general application to the City. The Municipal Code is divided into the following categories and within each Title, the provisions may be further divided into chapters, articles and sections:

- Title 1: General Provisions
- Title 2: Administration and Personnel
- Title 3: Revenue and Finance
- Title 4: [reserved]
- Title 5: Business Taxes, Licensee and Regulations
- Title 6: Animals

Title 7: [reserved]
Title 8: Health and Safety
Title 9: Public Peace, Morals and Welfare
Title 10: Vehicles and Traffic
Title 11: [reserved]
Title 12: Streets, Sidewalks and Public Places
Title 13: Public Services
Title 14: [reserved]
Title 15: Buildings and Construction
Title 16: Subdivisions
Title 17: Zoning
Title 18: Signs

Resolutions are separate written documents, but do not require the same level of public noticing. A resolution typically expresses city council direction on certain types of procedural or administrative actions (e.g. “motion to adopt the resolution approving the contract”). A resolution requires only one council action and may be changed by subsequent resolution.

Motions are typically just reflected in the minutes of the meeting and are often used for more routine business matters. In addition, the city council will sometimes adopt a proclamation, which is often the council's endorsement of a special event or happening.

During a meeting, please try to conduct a fair hearing. Sometimes you may be inclined to blurt out that you disagree (or agree) with someone, but try to allow the speaker to comment or make a presentation first, so that there is not an obvious appearance that your mind was made up ahead of time. In the same vein, public statements that one would never vote for a particular project or a particular decision can raise issues later if a proponent contends that due process and a fair hearing were not provided. If you are asked an opinion on a matter ahead of time, especially on a land use (development) project, an appropriate response is to say something along the lines of: “As you know, I have consistently raised concerns about traffic [*or whatever*] issues in this City and have questions along those lines regarding this project, but as the law requires I will maintain an open mind until all evidence is presented at a public hearing.”

V. **I AM ETHICAL, SO WHY DO I NEED TO WORRY ABOUT ETHICS LAWS?**

As you learned (or will be learning) with the required state-mandated ethics training, there are a number of ethical principles that underlie governmental proceedings and public service. These principles have been codified into state law to create a “floor” for conduct as a public servant. These principles are: avoiding personal financial gain or other perks as a result of public service (e.g. Political Reform Act and Government Code section 1090); governmental transparency (e.g. Brown Act and Public Records Act); and fair processes (e.g. public contracting laws, incompatible offices doctrine, campaign

contribution regulations). I do not doubt that you are an ethical person and some of these laws are intuitive, but not always.

We will be providing additional materials on these principles; however, I do want to highlight a few concepts about conflicts of interest.

Conflict of interest laws create a baseline for ethical conduct and protect both actual impropriety and the *appearance* of impropriety. To that end, there are laws that require public officials to disclose financial interests annually (Form 700 which is distributed by the City Clerk); prohibit public officials from having an interest in a contract entered into by the governmental body (Government Code section 1090); restrict receipt of gifts and honoraria; bar a public official from making a governmental decision in which he or she has a financial interest (the Political Reform Act); and prohibit a public official from holding multiple incompatible public offices.

A. **Political Reform Act**

The Fair Political Practices Commission has adopted a 4-step conflict of interest analysis under the Political Reform Act to determine whether a disqualifying conflict of interest exists:

- (1) Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests?

Do you or your immediate family have a financial interest involved in the decision, such as real property, a source of income or of a gift, business investment, employment or management position, or other personal financial interest?

- (2) Step Two: Will the reasonably foreseeable financial effect be material?

There are complicated regulations regarding materiality, but generally the effect of the decision is deemed material if it affects a source of more than \$500 of income to you in a year (lower amounts for gifts) or if the decision affects property within 500 feet of your property line. If a pending project is located within 500 feet of your property, you cannot participate in the decision unless you receive written approval in advance from the Fair Political Practices Commission. If your property interest is located beyond 500 feet, then the question is whether the decision would cause a reasonably prudent person to believe that the governmental decision would influence the market value of the official's property. There are other regulations regarding leases and common areas with HOA (homeowners' association) properties.

- (3) Step Three: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from its effect on the public generally?

Would a significant segment of the public be affected by the decision in the same manner as you are? For example, the city council's consideration of generally applicable design guidelines would trigger this exception, but the design review for a building next to a council member's home would not.

- (4) Step Four: If after applying the three step analysis and determining the public official has a conflict of interest, absent an exception, he or she may not make, participate in making, or in any way attempt to use his or her official position to influence the governmental decision.

A council member with a conflict of interest should publicly identify the financial interest creating the conflict, "recuse" or disqualify himself or herself from acting on the matter and leave the room (not just the dais) until the matter is concluded. The council member is not counted for the quorum when disqualified for a conflict of interest. This is different from abstaining when a council member is counted for the quorum, but is basically going along with the majority vote (e.g. approving minutes for a council meeting when the council member did not attend that meeting) However, even if disqualified/recused, the council member is allowed to address the council on the matter as to his or her personal interest, such as the council member's business or property, and remain in the room (but not on the dais) before speaking.

A violation of conflict of interest laws may subject a public official to criminal or civil penalties and *lead* to scrutiny of the underlying governmental action. The City Attorney's Office can provide guidance, but only the Fair Political Practices Commission (FPPC) can provide a definitive opinion that confers immunity from liability under the Political Reform Act. However, obtaining FPPC opinions takes weeks and sometimes months, so these matters should be discussed as early as possible with the City Attorney's Office. Many believe that the best advice in these situations is: "*When in doubt, sit it out.*"

B. Incompatible Offices

Another kind of conflict of interest arises when one person holds multiple governmental positions that create the potential for a clash of duties or loyalties. This often occurs because one position exercises regulatory, supervisory or removal powers over the other position or both offices oversee overlapping territory. For such a conflict to exist, both positions must be public "offices" and not merely public employment (although some job positions can be public offices such as a city manager). If a public official has accepted two incompatible public offices, then the first office is deemed automatically vacated. If you are considering another governmental office, it would be best to contact the City Attorney first.

C. Bias

Beyond financial conflict of interests, as a decision-maker, Council Members are required to be fair and impartial. This means considering a matter with an open mind. A Council Member may have opinions or strong feelings, but should not have a

preconceived, unalterable view of the outcome that precludes the Council Member from weighing the evidence or information presented.

In some cases, council members may believe that they can be fair, but it may be more appropriate not to participate because of an appearance of impropriety. For example, the conflict of interest laws do not require disqualification if a financially independent child or sibling is a project proponent. However, depending on the circumstance, you may want to recuse yourself in those situations because of the appearance of impropriety.

VI. **CAN THE COUNCIL EVER MEET IN PRIVATE?**

Adopted after revelations of government business taking place at secret meetings, the Brown Act attempts to ensure that deliberations and actions of local government are conducted openly and with the opportunity for public participation. Violations of the Brown Act may result in invalidation of actions taken, and in extreme cases, civil or criminal charges.

A. **Public Noticing**

The City follows the Brown Act's requirements regarding public noticing. Agendas are prepared and limit the actions that the Council may take. The purpose of this prohibition is to provide a mechanism for informing the public of pending actions and the opportunity to comment on the matter before the action is taken. The public also has the right to comment on a matter within the body's jurisdiction even if that particular item is not on the body's agenda (this typically occurs during the initial public comment portion of an agenda).

There are regular meetings (first and third Monday at 6:00 p.m.), which require 72 hours of advance notice/agenda posting. Staff strives to have your agenda packets available by the end of day on Thursday before a Monday Council meeting. Occasionally additional information may be emailed to you before the meeting or waiting for you on the dais. There are often closed sessions scheduled before the 6:00 p.m. meetings for the Council to discuss litigation and other matters privately as allowed by the Brown Act.

There are also special meetings, which require 24 hours of advance notice/agenda posting. A special meeting can be called to hold a study session/workshop at which formal action is typically not taken or to address a particular issue on the agenda that cannot wait for a regular meeting or may require so much time that a dedicated meeting for the subject is most efficient. Emergency meetings are also allowed in critical emergency situations as defined by state law (e.g. significant natural disaster).

B. **Open Meetings**

The Brown Act prohibits a majority of a governmental body from reaching a decision outside of a regularly scheduled meeting. This issue typically arises when a majority (quorum) of the body discusses an issue that falls within the subject matter of that body, but that discussion occurs outside of a regularly scheduled meeting. For example, a

consensus reached among Council Members at a holiday party about a pending project or item would violate the Brown Act, as would emails about a pending project among a Council majority.

1. *Serial Meetings.* A “serial meeting” is when a majority of the governmental body participates in a decision without being physically present in one place at one time. Such a meeting is prohibited under the Brown Act. An example of a serial meeting would be a discussion between council members A and B outside of council meeting, in which a consensus is reached on a matter before the council, which is then communicated to council member C in an attempt to convince C to join in the position that A and B have reached. Again, this prohibited discussion can occur in person or through electronic means like email.

2. *Spoke and Wheel Meetings.* A “spoke and wheel” meeting is when one person separately contacts a majority of the governmental body to relay information and opinions to create a consensus on a matter. Such a meeting also violates the Brown Act, whether the “wheel” person is a constituent, reporter or staff member. In addition, when a public hearing is held or the Council is acting in a quasi-judicial role (most typically in land use and permitting kinds of situations), these conversations can also raise “due process” concerns that not all of the information upon which a decision is based has been considered in a public forum.

A common example of this situation is when a project applicant individually contacts council members about a project and relays the opinions of each council member, as opposed to simply providing “one-way” information about the project to a council member. If a council member chooses to have such conversations with project applicants or opponents, he or she should avoid expressing a definitive opinion on the project and should disclose the fact of the conversation, and any additional information provided, at the public meeting.

C. **Closed Sessions**

The Brown Act allows for limited situations in which a public body can meet in private, typically to discuss issues with legal counsel. These situations include certain personnel matters; meetings with legal counsel to discuss pending litigation involving the public entity; certain real property negotiations; meetings with the public entity’s labor negotiator; addressing threats to public security; and license applications by persons with criminal records.

These limitations make it difficult for city attorneys to counsel their client cities in the same way a corporate attorney may counsel a board of directors of a business. In open session with the public watching and the cameras rolling, I still try to provide advice by the way I frame a response or point out a procedural requirement, but it is necessarily guarded particularly in the context of a public hearing on a land use project. It can be challenging to explain the downsides of a particular action without providing potential plaintiffs with a road map for suing the City. Therefore, please listen carefully to what I

say, read any materials that I may have provided in advance, and contact me ahead of time with any questions.

When the council is allowed to go into closed session, the confidentiality of the closed sessions (and other attorney-client communications) cannot be over-emphasized. It should be treated like discussions with your own private attorney. You will be dealing with highly sensitive information and will be making decisions affecting millions of dollars. Discussing the information given to the City Council in closed session with other people could seriously harm the City and, in turn, the public. Accordingly, Council practice is that you return any closed session materials at the end of the closed session.

D. Other Meetings, Conferences and Social Events

The Brown Act acknowledges practical considerations about the role of government officials in their community. Council members may attend a meeting of another governmental body or a meeting hosted by a group providing information about local issues, so long as the meeting is publicized and is not used as an opportunity to caucus. All council members can attend a conference or social event, again so long as the group is not using the gathering to reach a consensus on a matter within its jurisdiction.

E. Public Records Act

Related to the concept of open meetings and the Brown Act is the Public Records Act, which allows every person to inspect public records of any state or local agency. State law defines a public record as any document containing information relating to the conduct of the people's business that is prepared, owned, used or retained by the City regardless of physical form or characteristics. Therefore, an email may be a public record. You will be provided with a City email address and I recommend that you use this account for just City business and have a separate email for personal matters. Otherwise, you may find yourself having to disclose personal matters that are on your City email account.

VII. I AM JUST A VOLUNTEER TRYING TO DO MY BEST HERE, CAN'T YOU STOP THOSE NASTY PUBLIC COMMENTS?

Libel and slander are topics that can arise in the political context. Generally, slander is defined as a spoken false statement of a fact about a person which damages his or her reputation, with libel being a written false statement. While you are attending City Council meetings, there are certain immunities which you have that help to defend you and the City from libel and slander lawsuits. However, the best course of action is to try to avoid libeling or slandering anyone. In particular, avoid accusing a person of having committed a crime.

Ironically, now that you are a public official, it is legally easier for people to libel and slander you. In the case of two people, if one is not in the public limelight, the test of libel or slander is whether the person making the false comment has made it

negligently, that is, unreasonably. However, in order for a public official to be libeled, the comment must be made with reckless disregard for the truth, or with a malicious intent. The reason for this rule is to allow criticism of public officials without the fear of libel or slander lawsuits. The proverbial “thick skin” is useful as a council member, particularly during the public comment portion of a meeting agenda.

I do suggest that the Council view the “public comment” portion of a public meeting as more of a one-way communication from the public to the City Council. This approach avoids Brown Act violations if the Council responds to the comment and reaches a decision on an item not on the meeting agenda. This approach also limits the Council from being dragged into more of a debate with a member of the public, which can be difficult for the Chair of the meeting (typically the Mayor) to control.

VIII. WHY WOULD A JUDGE KNOW WHAT IS BETTER FOR THIS CITY?

Almost every decision you make as a Council Member can be challenged in court. Depending on the type of case, judges may use one or two standards of review. The judges may either review the record and determine if the Council acted reasonably based on the record, or they may review the record and make their own independent judgment on what the outcome should be.

This is why city attorneys in general will often slavishly want to “protect the record” and make sure that the council “makes findings”. In other words, all relevant information should be presented to the council. The council should then weigh that evidence and reach a conclusion often memorialized in a resolution or ordinance. When this type of record is preserved, it will be much easier for a judge to see how and why the council reached its decision, and the judge will be less inclined to substitute his or her own judgment for that of the council.

In some cases, you personally may not care if the decision of the Council is upheld or reversed. Remember, however, that in many of these cases, a successful plaintiff may have attorneys’ fees and costs awarded against the City, and an adverse decision could cost the City significantly, in addition to an order changing the Council’s original decision.

IX. IF SOMEONE IS HURT IN THE CITY, IS IT ALWAYS THE CITY’S FAULT?

Sometimes it seems as though people feel that the City should be responsible for every unfortunate situation that occurs within the City’s limits. However, the law provides immunities for cities to protect the taxpayers of the city. For example, a city is generally not responsible for the condition of public property unless there was a “dangerous condition” (i.e. creates a substantial risk of injury) and that condition was due to the negligent act of a city employee or the city had notice of the dangerous condition in sufficient time to have taken protective measures. In addition, the person suffering the damage must have acted reasonably and with due care. Nonetheless, with increasing frequency, people are suing cities for injuries or property damage. Before they can bring

suit, they must file a claim for damages against the city, which gives the city a chance to approve, reject or compromise (settle) the claim before litigation need be filed.

Due to the loss of private liability insurance for cities in California (except for some higher levels of excess coverage), _____ belongs to a self-insurance pool called the _____ with a number of other cities (mostly in _____) is governed by a board of directors, with one representative from each city. The representatives are senior staff members. The _____ is completely self-funded by "premiums" paid by member cities. This means that typically every dollar paid to an injured person is a tax dollar, with no money coming from a private insurance company. For liability claims (e.g. sidewalk trip and fall, police excessive force claims), the _____ pays for losses above \$ _____, which means that the City self-insures the first \$1 or has in essence a deductible of \$_____.

By Resolution No. _____, the City Council delegated to the City Manager the authority to send required notices to claimants; to approve payments or settlements to claimants for claims covered by _____ or less; and to approve payments or settlements of other claims or litigation of \$ _____ or less. I handle the daily interaction with _____ and claimants regarding claims and report settlements to the Council periodically. These monies are typically paid out of the general fund. The has authority to settle cases for higher amounts. Those monies are paid out of the _____ funds, and will be reflected in our City's "premium" the following year.

Certainly some claims are legitimate or simply would cost too much to litigate and are paid or compromised. Unlike some public agencies, I do not automatically recommend rejecting every claim initially, but investigate each claim at some level. The practice here in _____ send a confidential memorandum to the City Council regarding the particular claim recommended for rejection. If a Council Member has a question, he or she should talk to me ahead of time. If the Council Member believes the matter should be discussed by the entire Council, then the matter should be pulled off the consent calendar and set for closed session at a future meeting.

Often, the rejection of a claim will be a formality, and the claims adjusters will continue to negotiate with the claimant despite the fact that a claim has been rejected. If a lawsuit is eventually filed, the case is usually referred to a private law firm retained by the _____. However, I remain involved in overseeing and reviewing the matter.

In closing, I believe that good Council-attorney communications are essential. My door is always open, and I welcome your comments and questions as I want you to be successful as a City Council Member.

cc: Mayor and City Council
City Manager

Sample Orientation Memorandum II

LEGAL ISSUES AND ETHICS

There are many local, state and federal laws protecting the democratic process as it is practiced by City Councils at the municipal level.

There are several legal issues that Council Members should be mindful of in fulfilling their roles and responsibilities in municipal government. Each is designed to protect fair access of the citizens to their government officials and due process (a fair hearing procedure).

The following is an introductory overview of information. For a more detailed discussion on these issues, please confer with the City Attorney.

Ralph M. Brown Act

The Ralph M. Brown Act, commonly referred to as the “Brown Act,” is California’s “sunshine” law for local government.

The Brown Act mandates that local government business be conducted at open and public meetings, except in certain limited situations (i.e. closed sessions). The central provision of the Brown Act requires all “meetings” of a “legislative body” to be open and public.

Whenever a quorum (majority) of the City Council or a City commission (or even a subcommittee of less than a quorum) is discussing City business, it is a meeting as defined by the Brown Act. The public must receive notice of subjects being discussed at the meeting and be given an opportunity to comment. Closed meetings are only allowed to discuss sensitive matters such as litigation, personnel and real estate matters. The Brown Act applies to even informal get-togethers or casual conversations about City business, which is why it is so important that conversations concerning City business be confined to officially noticed meetings.

The full text of the Ralph M. Brown Act (codified in the California Government Code beginning at Section 54950), which is designed to protect the public’s right to know, is included in the end of this section.

“Serial” meetings are also prohibited

A “serial” meeting is defined as a situation when City Council Members individually meet, telephone, email, fax or otherwise communicate among each other or through a common person about a topic that will eventually involve the commitment or action of a quorum.

Confidentiality of Closed Sessions

In 2003, the Legislature passed Assembly Bill 1945 (“AB 1945”) which added a new statute to the Brown Act, Government Code Section 54963. Under this new section, no

person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session.

Economic Conflicts of Interest

The Political Reform Act of 1974 defines the economic conflict of interest law for the Mayor and City Council Members. As stated in the Government Code “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a government decision in which he knows or has reason to know he has a financial interest.” The interests of spouses and dependent children must also be considered.

Economic interest is defined broadly and includes:

- Sources of income
- Real property interest worth \$2,000 or more
- Investments such as stocks or bonds
- Interest in business entities worth \$2,000 or more
- Any business entity in which the individual is a director, officer, partner, trustee, employee or any position of management
- Interest in trusts
- Loans
- Gift or gifts from any single source with an aggregate value of \$50 or more (up to \$460) in a calendar year.
- Any other economic interest that might benefit, directly or indirectly, the individual or his or her immediate family

A disqualified member of the City Council cannot attempt to influence the vote on the matter by lobbying the Mayor, the remaining members of the Council, or staff.

Note: Refer to Resource Material section of binder for publication “A Local Official’s Guide to Ethics Issues”.

What to do if you’re in doubt

Whenever a Council Member believes that there may be an economic conflict of interest, he or she should seek a written opinion from the Fair Political Practices Commission. Obviously, this means that members need to be looking ahead at upcoming issues and obtaining an opinion before the item requires action. At any time, it is always safest to err on the conservative side and to publicly identify the conflict, and then abstain from votes on issues that you believe might pose an economic conflict of interest. Whenever a Council Member recuses, the reason for the recusal must be declared for the public record.

Penalties

Violations of the Political Reform Act can be prosecuted as misdemeanors. Elected public officials cannot hold office for four years after conviction.

Statement of Economic Interests (FPPC Form 700)

Pursuant to Government Code Section 87200, elected officials are required to file an Annual Statement of Economic Interests (FPPC Form 700) and must report all monetary conflicts of interest within the City of Desert Hot Springs, such as:

- Investments-Stocks, Bonds and Other Interests
- Investments, Income, and Assets of Business Entities/Trusts
- Interests in Real Property
- Income, Loans and Business Positions
- Income-Gifts (Reportable at \$50 or more. \$470 limit from a single source)
- Income-Travel Payments, Advances, and Reimbursements

Newly elected Council Members must file an Assuming Office Statement that discloses any investments or interests in real property held by the member on the date he or she assumed office. The statement must also disclose income received during the 12 months prior to the date office was assumed. (Filers that go from one Government Code Section 87200 position to another, within the same entity and no break in service, are exempt from filing an “assuming office” statement. The filer would continue to file an annual statement).

The City Clerk administers disclosure statements and maintains file copies of all statements. The original statements are forwarded to the Fair Political Practices Commission. These statements are public documents. Any member of the public who wishes to inspect and copy them will be permitted to do so.

The City Clerk will remind filers in advance of reporting deadlines – though ultimately, each filer is responsible for timely filing.

Please also be aware that, pursuant to Government Code Section 91013, the City Clerk may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances. Persons who fail to timely file their Form 700 may also be referred to the FPPC’s Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

Helpful Websites

MATERIALS FOR ORIENTING NEW COUNCIL MEMBERS

The Institute for Local Government has great resources for orienting new council members. Below are a few, but a full list is here: <http://www.ca-ilg.org/newly-elected-officials-orientation-materials>

City Organization

- Municipal Code and/or Charter (let the Councilmember know it exists and can be found on the City's website)
- California Association of Council of Governments
 - www.calcog.org
- California Association of Joint Powers Authorities
 - www.cajpa.org
- California Association of Local Agency Formation Commissions
 - www.calafco.org
- California Association of Council of Governments
 - www.calcog.org
- California Association of Joint Powers Authorities
 - www.cajpa.org
- California Association of Local Agency Formation Commissions
 - www.calafco.org
- California Special Districts Association
 - www.csda.net
- California State Association of Counties
 - www.csac.counties.org
- Fair Political Practices Commission
 - www.fppc.ca.gov
- Institute for Local Government
 - "Orientation Materials for Introducing Local Government to New Audiences"
 - <https://www.ca-ilg.org/newly-elected-officials-orientation-materials>

- “How Your Agency Counsel Should Advise You When Agency Contracts Represent a Conflict of Interest”
 - https://www.ca-ilg.org/sites/main/files/file-attachments/how_your_agency_counsel_should_advise_you.pdf
- “Types and Responsibilities of Local Agencies”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/types__responsibilities_of_local_agencies.pdf
- “How Local Agencies Make Things Happen”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/how_agencies_make_things_happen_0.pdf
- “Leadership & Governance: Tips for Success”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/leadership__governance_tips.pdf
- League of California Cities
 - www.cacities.org
- Senate Governance & Finance Committee: The Quick List: An Annotated Glossary of Local Government Statutes
 - <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/TheQuickList2009.pdf>

Ethics

- Travel and Expense Policy for the City
- Conflict of Interest Code for the City
- Any City Code of Conduct
- “Ethics Law Principles for Public Servants”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/ethics_booklet_final.pdf
- “The Ethics of Speaking One’s Mind” (due process issues)
 - http://www.ca-ilg.org/sites/main/files/file-attachments/the_ethics_of_speaking_ones_mind.pdf

Meeting Procedures

- Any City-specific rules of procedure

- “The ABCs of Open Government”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/abcs_of_open_government_0.pdf
- Rosenberg’s Rules of Procedures
 - <http://www.cacities.org/UploadedFiles/LeagueInternet/77/77d4ee2b-c0bc-4ec2-881b-42ccdbbe73c9.pdf>
- “Preparing for Public Hearings”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/resources__25908.preparing_for_public_hearings.pdf
- “Tips for Promoting Civility at Public Meetings”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/tips_for_promoting_civility_in_public_meetings_1.pdf

Municipal Finances

- “Municipal Finance Quick Reference”
- “Understanding the Basics of County and City Revenues”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/basics_of_municipal_revenue_2016.pdf

Land Use

- General Plan of the City
- “Understanding the Basics of Land Use and Planning: Nuts and Bolts of Project Review”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landusenutsbolts_tab.pdf
- “Understanding the Basics of Land Use and Planning: Guide to Local Planning”
 - http://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseplanning_1.pdf
 this is 83 pages with shorter summaries available here:
<http://www.ca-ilg.org/post/land-use-one-pagers-uso-de-la-tierra-hojas-informativas>