



GOVERNANCE, TRANSPARENCY AND LABOR RELATIONS POLICY COMMITTEE
Friday, January 15, 2021
1:30 pm – 4:30 pm

Register for this meeting:

<https://zoom.us/meeting/register/tJwkcO2hqzqjH9zsxpFhWd-aElSrGPa9l-kp>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

- I. Welcome and Introductions**
- II. Public Comment**
- III. General Briefing (Handout)** *Informational*
- IV. Overview of Parliamentary Procedure and Roberts Rules (Attachment A)** *Informational*
- V. Committee Orientation (Attachment B)** *Informational*
- VI. Existing Policy and Guiding Principles (Attachment C)** *Informational*
- VII. Cal Cities 2021 Strategic Priorities (Attachment D)** *Informational*
- VIII. COVID-19 Roundtable Discussion** *Informational*
- IX. Adoption of 2021 Work Program (Handout)** *Action*
- X. 2020 Legislative and Budget Update (Handout)** *Informational*
Speaker: Bijan Mehryar, Legislative Representative, League of California Cities
- XI. Adjourn**

Next Virtual Meeting: Friday, April 16, 2021, 1:30 pm – 4:30 pm

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.



Parliamentary Procedure Basics Relating to Cal Cities Policy Committees

(adapted from Robert's Rules of Order Newly Revised¹)

Note: This document is designed to provide practical examples of common procedural matters encountered by Cal Cities policy committees. It strives to provide guidance to foster productive and efficient meetings; it is not meant to be an exhaustive or comprehensive discussion of Robert's Rules. As always, it is the role and discretion of the chair to provide helpful guidance to individuals that may digress from the appropriate form and substance related to the conduct of meetings and the presentation of motions and other procedural matters set forth below.

I. COMMON MOTIONS

1. Main Motions

Purpose: To introduce items to the committee for their consideration.

Example: "I move the staff recommendation to support AB 123."

2. Motion to Amend

Purpose: Retains the main motion under discussion, but changes it in some way.

Example: "I move to amend the (presented main) motion to support AB 123 if amended."

"Friendly" Amendments

Purpose: To offer an amendment to the main motion that is still supportive of the main motion.

Example: If there is currently a motion to support AB 123 on the floor and a committee member makes a "friendly" amendment to support AB 123 and also request that staff report back after contacting the sponsor for clarification on specific language.

Note: This is commonly mishandled procedurally. Often the individual that seeks to offer the "friendly" amendment will inquire if the maker of the original motion will "accept" the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.

However, if it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption.

3. Substitute Motion

Purpose: Removes the motion under discussion and replaces it with a new motion.

¹ Additional information relating to Robert's Rules of Order is available at: www.robertsrules.com.

Example: When there is a main motion on the floor to support a bill, a substitute motion would be, "I move a substitute motion that the committee oppose AB 123."

Addressing Multiple Motions

The following examples provide guidance relating to how multiple motions are handled, and the impact failed substitute motions have on original (main motions) and any proposed amendments. The last motion presented should be considered first.

Note: Substitute motions commonly occur during policy committee meetings, yet Robert's Rules does not make a distinction between motions to amend and substitute motions. However, motions to amend must be considered prior to a main motion. Because the use of "substitute" motions is fairly widespread, the label as it is reflected in practice is used in the examples below. Rosenberg's Rules of Order² do reference substitute motions and their impact is also reflected below.

Example 1

Committee Member 1: "I move that we support AB 123."

Committee Member 2: "I move that we support AB 123, if amended."

Committee Member 3: "I move a substitute motion that we oppose AB 123."

Characterizing the Motions:

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made an *amendment* to Committee Member 1's motion.

Committee Member 3 has made a *substitute* motion to Committee Member 1's motion.

Order for Consideration and the Possible Outcomes

Committee Member 3's motion is considered first. If Committee Member 3's motion *fails*, Committee Member 2's motion will be considered next. If Committee Member 2's motion *fails*, Committee Member 1's motion will be considered. If Committee Member 2's motion *passes*, there is no need to consider Committee Member 1's motion.

If Committee Member 3's motion *passes*, there is no need to consider Committee Member 1's motions because Committee Member 3's motion replaces Committee Member 1's original motion. There is also no need to consider Committee Member 2's motion since it is an amendment to Committee Member 1's motion that has been replaced by Committee Member 3's substitute motion.

Example 2

Committee Member 1: "I move that we support AB 123."

Committee Member 2: "I move a substitute motion that we oppose AB 123."

Committee Member 3: "I move that we oppose AB 123 unless amended."

Characterizing the Motions

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made a substitute motion to Committee Member 1's motion

² Additional information relating to Rosenberg's Rules of Order is available at:
http://www.cacities.org/resource_files/22486.ParliamentaryRevised.pdf

Committee Member 3 has made an amendment to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

Reviewing the Possible Outcomes

Committee Member 3's motion should be considered first. If the motion *fails*, Committee Member 2's motion is considered.

If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

If Committee Member 3's motion *fails*, Committee Member 2's motion is considered. If Committee Member 2's motion *fails*, the substitute motion for Committee Member 1's motion fails, and Committee Member 1's motion is considered.

If Committee Member 3's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 3's motion substitutes for it.

Example 3

Committee Member 1: "I move that we support AB 123."

Committee Member 2: "I move a substitute motion that we oppose AB 123."

Committee Member 3: "I move a substitute to the substitute motion that we take no position on AB 123."

Characterizing the Motions

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made a substitute motion to Committee Member 1's motion

Committee Member 3 has attempted to make a substitute to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

Reviewing the Possible Outcomes

While procedurally permissible, in an effort to avoid confusion Committee Member 3's motion should *not* be entertained by the chair until Committee Member 1 and Committee Member 2's motions have been discussed and voted upon.

Committee Member 2's motion should be considered first. If the motion *fails*, Committee Member 1's motion is considered. If Committee Member 1's motion *fails*, then Committee Member 3's may make the motion to "take no position on AB 123."

If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

4. Motion to Withdraw

Purpose: To withdraw an item from discussion.

Making the Motion to Reconsider: Only the individual that made the initial motion can make a motion to withdraw an item from discussion. The individual may interrupt a speaker (after being recognized by the chair) to withdraw the motion under discussion at any time.

Note: This type of motion typically occurs following some debate by the committee that may provide additional information that influences the mover to reconsider

continued debate on the original motion presented. Another member may subsequently make the same motion after it has been properly withdrawn.

Example: “Madame Chair, I move to withdraw my motion to support AB 123.”

5. **Motion to Reconsider**

Purpose: To revisit discussion of an issue.

Making the Motion to Reconsider: A motion to reconsider must be made by an individual that previously voted in the majority of the original motion. A motion to reconsider made by an individual that previously voted in the minority must be characterized as out of order.

Timing: A motion to reconsider must be made at the same meeting where the original motion was discussed, or the next meeting of the body. Motions for reconsideration following the next meeting are out of order.

Example: “I move to reconsider the committee’s position to support AB 123.”

6. **Motion to Table**

Purpose: This motion is often used in the attempt to "kill" a motion by setting it aside. The option is always present, however, to "take from the table," for reconsideration by the committee.

Note: This type of motion should be reserved to temporarily set an item aside if agreed upon by a majority of the committee to take up an item of immediate urgency. However, in practice it is sometimes used as an option to end debate and prevent a vote, and not typically to take up an item of immediate urgency. This is technically improper procedure (or out of order) under Robert's Rules.

Example: “I move that the committee table the motion to support AB 123.”

7. **Call for the Question**

Purpose: To refocus the committee on the agenda in the event there is sentiment that the discussion has drifted. The individual seeking to end debate must first be recognized by the Chair, make the motion and the motion must receive a second. The motion must be adopted by a 2/3 vote or unanimous consent.

Example: “I move the previous question.”

Note: The above procedure is consistent with Roberts Rules, however, in practice when an individual calls for the question a vote is not usually taken. The motion simply serves as an indicator to the chair that the debate may have drifted from the agenda, and the chair should remind the committee to return to the agenda. If there is a sense that the current discussion is productive the chair may elect to ask for a vote relating to the motion to call for the question, or the chair may propose continued discussion for some short period to allow individuals that wish to speak the opportunity.

8. **Motion to Appeal**

Purpose: To appeal a ruling made by the chair. A committee member may move to appeal a ruling by the Chair, but it must be seconded and receive a majority vote to be reversed.

Example: "I move to appeal the Chair's ruling that the committee approved support of AB 123."

9. **Adding an Item to the Agenda for Consideration**

Purpose: To have the committee discuss an item that is not on the prepared agenda before them. Because the Cal Cities is committed to complying with the legal requirements and spirit of the Brown Act additional agenda items may be considered only if they fall within any of the below exceptions:

- An item may be added to the agenda by circulation to the committee members and posting on the Cal Cities website at least 72 hours prior to the meeting.
- An item may be placed on the agenda at the meeting if the majority decides that it is an "emergency situation." An emergency situation includes work stoppage, crippling disaster, or any other activity that impairs public health safety or both.
- Two-thirds of the committee members present (or all of the members if less than two-thirds are present) must determine that there is a need for immediate action, and the need to take action arose subsequent to the circulation of the agenda.

If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

Note: This procedure is typically used when there is a supplemental agenda that is distributed at the meeting that was not mailed to the committee prior to the meeting.

II. **OTHER ITEMS**

1. **Point of Privilege**

Purpose: To draw attention to an item that interferes with the comfort of the meeting.

Example:

Committee Member: "Point of privilege."

Chair: "State your point."

Committee Member: "Madame Chair, may we inform the hotel staff that the room is uncomfortably hot and request that the air conditioning be adjusted."

2. **Point of Order**

Purpose: To draw attention to inappropriate conduct at the meeting.

Example:

Committee Member: "Point of order."

Chair: "State your point."

Committee Member: "Madame Chair, the motion was approved without opportunity for debate."

3. **Public Comment**

In the spirit of the Brown Act an opportunity for public comment is included on all agendas. The chair should exercise discretion in determining the appropriateness and extent of public comment during committee meetings setting reasonable limits as needed.

III. HOW TO PRESENT A MOTION

1. Obtain the floor by raising your hand and wait to be recognized by the chair.
2. Make your motion.
 - a. Speak clearly and concisely.
 - b. Always state a motion affirmatively. For example, "I move the staff recommendation that we support AB 123..." rather than, "I move that we do not take a position ...".
 - c. Avoid comments unrelated to the subject of the motion.
 - d. Avoid making any arguments supporting your motion at this time, simply state the motion.
3. Wait for someone to second your motion.
4. Another member will second your motion or the chair will call for a second.
5. If there is no second to your motion it is lost and no vote will be taken by the committee.
6. If there is a second to your motion the chair should re-state the motion, or ask Cal Cities staff to re-state the motion.
 - a. The chair will say, "it has been moved and seconded that we ..." This places the motion before the committee for consideration and action.
 - b. The committee then either debates the motion or may move directly to a vote.
 - c. Once a motion is presented to the committee by the chair it becomes "committee property," and cannot be changed by the maker of the motion without the consent of the committee.
7. At this point the individual making the initial motion (the mover) may elect to expand on the motion. For example, this would be the appropriate time for the mover to present an argument in support of the motion.
8. The chair should always recognize the mover first.
 - a. All comments and debate must be directed to the chair.
 - b. Keep to the time limit (if any) for speaking that has been established.
 - c. The mover may speak again only after other speakers are finished, unless called upon by the chair.
9. Putting the Question to the Committee
 - a. The chair asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken on the motion.
 - c. If the motion passes, the committee moves on to the next item on the agenda.
 - d. If the motion fails, and no other motion is on the floor, then a new motion is in order.

Note: If a motion to support AB 123 fails, this does not mean that there is opposition to AB 123 by default. A separate motion to oppose AB 123 or some other formal motion must be made and voted on by the committee.

IV. VOTING ON A MOTION

1. Voting is Conducted by Voice

The chair asks those in favor to say, "aye," those opposed to say "no." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. Following the vote, the chair should announce the outcome.

Example:

Chair: There is a motion and a second to support AB 123. All those in favor say, "aye." All those opposed say, "no." If the outcome by voice is clearly in support the chair would announce that, "The motion to support AB 123 passes." If the outcome results in opposition to the motion, the chair would announce that, "The motion to support AB 123 fails." If the outcome is unclear the chair, or another member may ask for a hand count.

V. QUORUM

1. Presumption of a Quorum

The presence of a quorum is *presumed* unless the issue is raised.

Note: It is not necessary, and is disfavored for the chair to routinely begin a meeting inquiring about the presence of a quorum.

2. Calculating the Presence of a Quorum

If the issue of whether a quorum is present is raised, a quorum consists of a majority of all appointed, voting members of a policy committee. A majority simply means more than half, not fifty percent plus one.

3. Votes Taken Prior to the Question of Whether a Quorum is Present Are Valid

If a vote(s) is taken prior to the question of whether a quorum was present is asked, and it is later determined that a quorum was not present when the vote(s) was taken, the action taken is still valid.

4. Votes Taken in the Absence of a Quorum are Advisory

A vote may be taken on matters *even if a quorum is not present*, but all votes taken by that body will be *advisory* to the Cal Cities Board or the General Resolutions Committee, and the Board or the General Resolutions Committee must be advised that a quorum of the body was not present. The vote count should also be noted and communicated.

HOW CAL CITIES POLICY COMMITTEES WORK

Role and Responsibility of Committee Members

The strength of Cal Cities policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy. Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

Cal Cities has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing Cal Cities engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to Cal Cities Board of Directors. Once approved, these positions are adopted as formal League policy and become part of Cal Cities compilation of existing policy entitled, “*Summary of Existing Policy and Guiding Principles*” (Summary). This document will be updated in April 2020 and every two years thereafter. The Summary, in its entirety, is located on Cal Cities Web site at www.cacities.org/advocacy. Individual sections are located on each policy committee’s Web page, which are available at www.cacities.org/polcomm.

Policy Committee Legislative Agenda Items

League policy committees review bills or regulatory proposals on issues for which Cal Cities does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

Committee Recommendations on Positions on Bills

The committee’s actions or positions are a recommendation to Cal Cities Board of Directors for a formal League position. Possible committee recommendations can be:

- Support
- Oppose
- Support-if-amended (as appropriate, specific amendments may be requested)
- Oppose-unless-amended (as appropriate, specific amendments may be requested)
- No position
- Neutral

There are nuanced differences between some of these positions. For example, “*support-if-amended*” sends a very different message than “*oppose-unless-amended*.” Both positions might seek the same change but the support-if-amended position means that Cal Cities would be listed with the “supporters” of the bill in most legislative analysis. In addition, “*no position*” and “*neutral*” have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture Cal Cities needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.

Approval by League Board Needed for All Committee Recommendations

All committee actions are recommendations to Cal Cities Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of Cal Cities. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board's consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board's discussion. Staff will also provide information about the reasons behind the committee's recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to Cal Cities Board and if there is a different recommendation, Cal Cities Board resolves the difference.

Role of the Committee Chair

The chair's role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

Committee Schedule and Process

Committees generally meet three times a year (January in Sacramento, April in Anaheim, and So. San Francisco in June), plus an abbreviated meeting at the Annual Conference (October in Long Beach) to review resolutions if any are assigned to it. (The October meeting schedule will be announced in mid-August). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m. and are scheduled on Thursdays and Fridays. **Please note that each policy committee will rotate which day it will occur on a yearly basis, so plan accordingly prior to submitting future applications.**

Agendas/Disseminating Information

A meeting notice is emailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is emailed at least one week before a meeting and also sent via e-mail. Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on Cal Cities Website:

www.cacities.org/polcomm.

We encourage you to visit Cal Cities Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on Cal Cities priorities and a link to track individual bills and Cal Cities position on them. You should also subscribe to Cal Cities electronic newsletter [CA Cities Advocate](#).

For meetings that are heavy in legislative review (generally in April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

How to Get an Item on the Agenda

Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, Cal Cities tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

Issues Should Have Statewide Impact

Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that Cal Cities must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, Cal Cities likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

Brown Act and Roberts Rules of Order

Cal Cities tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. Cal Cities also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

Staffing for Committee

Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a “main” committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee’s work.

League Partners and Other Guests

Cal Cities Partners have the ability to appoint up to two non-voting representatives to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of Cal Cities Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.

Governance, Transparency, and Labor Relations

Scope of Responsibility

The Committee on Governance, Transparency and Labor Relations (GTLR) reviews state legislation as it relates to transparency, technology (open data), healthcare, elections and political reform. Additionally, the committee oversees pension and workers compensation reform as well as other labor (employer/employee) related issues.

Summary of Existing Policy and Guiding Principles

Labor Relations

The League supports legislation that specifically exempts local public agencies from the requirement to negotiate with any labor or special interest group about matters submitted to the voters of that jurisdiction as initiatives or Charter amendments.

The League supports efforts to promote, initiate and improve both public and private sector labor- management relations.

The League opposes any system of compulsory and binding interest arbitration, including state-mandates and the imposition of binding arbitration through the initiative process. No arbitrator board or other private person should have any control, direct or indirect, over local budgets, revenues or appropriations.

The League opposes any legislative action that requires the continuation of the terms of any Memorandum of Understanding (MOU) between a public agency and an employee organization until a successor MOU is agreed upon.

The League opposes any extension of the State Public Employment Relations Board jurisdiction over local public agency labor relations disputes and charges of unfair labor practices, and also opposes any interference or intervention in local collective bargaining by all labor-management relations councils or boards.

The League opposes state-mandated legislation related to employer/employee relations that are not mutually agreed upon by the local public agency and its employee organizations, except as provided by local law.

Public Sector Pensions, Compensation and Other Post-Employment Benefits (OPEBs)

Pension Sustainability Principles

Public compensation systems programs should be sustainable, fair to taxpayers and employees, and provide long-term financial stability.

The League believes that solutions towards realizing pension system sustainability should be the result of inclusive stakeholder collaboration at both the local and state level (retirees, employees, employers, CalPERS).

The League supports legal or legislative remedies that facilitate options to restore sustainability to CalPERS benefit plans. As appropriate to each city, such actions could include one or more of the following:

- A single benefit level for every employee.
- Converting all currently deemed “Classic” employees to the same provisions (benefits and employee contributions) currently in place for “PEPRA” employees for all future years of service.
- Temporary modifications to retiree Cost of Living Adjustments (COLA) that are automatically added to a retiree’s pension benefit payment regardless of compensation level or CPI.

The League supports expanded flexibility for cities regarding their contract agreements with CalPERS, which could include additional mechanisms for exiting CalPERS and renegotiating UAL amortization terms.

The League supports a change in state law or judicial precedent to allow employers to negotiate plan changes with classic CalPERS members.

The League supports legislative solutions to address increasing costs associated with Industrial Disability Retirement (IDR).

General Pension Principles

The League supports balanced measures that ensure sustainable retirement and health care benefits are offered to public agency employees while at the same time ensuring that public agencies have solid retirement benefits to attract and retain highly talented employees. The League supports locally negotiated retirement programs that are fiscally responsible, transparent, sustainable, affordable and equitable for employees and for taxpayers in the long term.

The League supports reasonable measures to ensure that retirement benefits are properly funded allowing flexibility to local agencies to negotiate equitable cost sharing with employees and smoothing the employers’ costs during challenging economic times. The League supports the long-term sustainability of retiree health benefits by including their costs in employer/employee costs sharing formulas.

The League recognizes and supports the value of a dependable, sustainable, employer provided defined benefit plan for career employees; supplemented with other employee only funded retirement options including personal savings such as a 457 Plan. The League supports further exploration of defined contribution options as part of future pension reform discussions.

The League supports pension portability across all public agencies to sustain a competent cadre of California public servants.

The League supports calculating benefits only on core components; special pays such as temporary upgrade of out of class pay should be eliminated from final compensation calculations.

The League supports meeting any retirement needs for part-time employees with alternatives to a defined benefit plan.

The League supports employee benefits (including but not limited to retirement and disability) and desires to ensure that income derived from such sources are non-duplicative.

The League opposes preemption of charter city authority over public pension systems.

The League supports reducing public retirement benefit fraud and increasing transparency of other post-employment benefits.

The League supports full participation in the PERS Coalition (PERS/PAC) and its purpose of monitoring legislation, policies and action necessary to maintain or further the interests of contracting agencies.

The League believes that cities with retirement programs must retain the ability to opt out of Social Security.

The League believes that the employee benefit structure within local government should be developed locally through the local government collective bargaining process and that process should be strictly honored by the state Legislature and the Governor.

CalPERS (California Public Employees' Retirement System)

CalPERS Divestments Policy

Divestment in industries that may run contrary to environmental or other broad policy goals as an investment strategy can present challenging conflicts for CalPERS in balancing current affairs against its fiduciary duty to maximize retirement investments. The League supports CalPERS' priority to its members as stated in the State Constitution Article 16, Section 17, "[a] retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty."

The League supports responsible investment strategies that balance the short and long-term ability of CalPERS to meet its financial commitments to its members.

Any divestment policy must be well vetted and must include the opportunity to identify alternative revenue sources consistent with the intended impact of the divestment and CalPERS' fiduciary responsibilities outlined above.

The League supports CalPERS proxy access efforts to affect change from within businesses CalPERS has invested in to ensure they are well managed for sustained, responsible, long-term success.

The League supports an exemption for retired CalPERS employees, allowing them to work for CalPERS agency under contract or appointment by the local agency.

The League supports agencies having the maximum amount of flexibility when employing and compensating part-time, seasonal and temporary employees (ie. lifeguards, seasonal maintenance workers, recreation leaders, summer camp leaders, and other temporary hires, etc.) to include eliminating the mandate that CalPERS retirement benefits must be provided

when the part-time, seasonal or temporary employee works 1,000 hours in a fiscal year given the costs associated with the CalPERS retirement plan.

Further, the League supports providing CalPERS with information regarding enrolled members while eliminating the requirement to provide information regarding employees who are not members of CalPERS. The League also encourages agencies to support long-term part-time/seasonal employees by providing proportional retirement benefits via appropriate mechanisms.

The League supports having CalPERS provide a broader range of formula choices classes with maximum local control and flexibility in negotiating all options.

The League supports having CalPERS provide a broader range of health plan choices with a variety of benefit options for all types of member classes with maximum local control and flexibility in negotiating all benefit options with active employees and for retirees.

The League supports legislation that allows agencies to offer a variety of different health care plans to retired employees that provides adequate, affordable coverage.

The League supports legislation permitting cities to establish their contributions toward retiree health premiums through the labor relations negotiating process, including: (a) multi-tiered contribution levels; (b) vesting eligibility other than PERS retirement eligibility; (c) prorated contribution based on age and/or length of service; and (d) different contributions for active and retired employees.

When discussing pension policy, the total cost of the pension benefit should be considered. In cost share arrangements, the League supports shared employee/employer costs based on the total cost of the pension benefit.

The League supports providing local governments with maximum flexibility and options. Local agencies must be able to decide on issues such as minimum retirement ages, pension caps, cost sharing, formulas and other options to meet local needs and promote ease of administration.

The League supports giving government agencies through the collective bargaining process the option to extend retirement ages for miscellaneous employees up to social security retirement ages.

The League supports eliminating the requirement that any negotiated changes in pension benefits under the Public Employees' Retirement Law (PERL) are voted on twice by the affected employees.

The League supports a State Constitutional Amendment to allow employers to negotiate plan changes with classic CalPERS members.

The League supports restructuring the CalPERS Board of Administration to substantially increase in independent public members (preferably with financial expertise) to ensure greater representation of taxpayer interests with regard to public pension decisions.

The League supports setting uniform standards and definitions for disability benefits and evaluating the level of benefit that is considered as tax exempt. The tax exempt portion should

either be eliminated or allowed on a proportional basis to the severity of the disability.

If the above reforms prove unfeasible or ineffective, the League supports considering a standard public employee pension system where one benefit level is offered to every employee as a further option to restore sustainability to CalPERS.

The League supports developing a program with the State to ensure that pension programs offered by localities are fully transparent, and that professional actuarial evaluations of unfunded components of other post-retirement benefits (OPEBs) and pension plans are completed.

Compensation Principles

Employee compensation should be based on each individual agency's overall philosophy on employee compensation as well as the agency's ability to pay and provide services to their community. The League recognizes that sound compensation practices are based on the complexity of the job and the community as well as the job requirements and the knowledge, skills and abilities needed to meet those requirements.

The League believes that employee compensation should be based on job requirements, complexity of both the makeup of the city organization and community, the leadership needed, labor market conditions, ethical considerations of what is just and fair, and the organization's ability to pay.

Public compensation systems programs should be sustainable, fair to taxpayers and employees, and provide long-term financial stability.

Transparency of compensation and other benefits ensures the public is informed about the fiscal realities local agencies face as they relate to fiscal obligations.

The League opposes legislation that would require employers to pay more than the regular pay for work on family holidays.

Workers' Compensation

The League supports legislation and policy that controls escalating workers compensation costs to public agencies and taxpayers.

The League opposes legislation that would permit an employee to use more than one legal process in regard to disability claims (i.e., ADA, workers' compensation, DFEH), or any other erosion of the "exclusive remedy" principle as it relates to disability claims covered under workers' compensation.

The League supports reforming the workers compensation process to incentivize employees returning to work creating a penalty for those that do not return to available modified duty or alternate positions.

Other Employer and Employee Related Issues

The League supports efforts to conform the California Family Care Leave Laws to the federal Family and Medical Leave Act (FMLA) laws.

The League supports the special protection of elected officials, county public defenders, public

figures and public employees acting in their official capacity against threats of death or serious bodily injury.

The League opposes legislation making it a misdemeanor to disclose peace officer personnel records and citizen complaint records, as well as prohibiting the use of documents or information obtained in violation of this procedure in any administrative proceeding against a peace officer, and any measure that makes it more difficult to discipline the misconduct of police officers.

The League supports maintaining the confidentiality of personnel matters and protecting public safety personnel discipline records from public disclosure.

The League opposes the mandated inclusion of governmental entities for Occupational Safety and Health Agency (OSHA) violations without appropriate compensation for the mandates.

The League supports legislation to protect the authority of city employers to request that an applicant disclose information or use for hiring decisions information concern a felony conviction.

The League supports the establishment of a state program similar to that of the federal AmeriCorps program that would allow cities and other local agencies to host service members.

The League opposes legislation that would allow employment applicants to bring action against the agency for taking into consideration their status as a current or former public employee.

The League supports controlling the overall costs of healthcare through community-wide actions.

The League opposes legislation that would interfere with a city's ability to maintain a safe workplace.

The League is committed to ensuring employees have access to, and are educated in, sexual harassment prevention training and supports the State of California's production of uniform training materials to be used to educate employees on the prevention of sexual harassment in the workplace. As employees move from agency to agency or between public and private employers, it is important that they have a uniform training standard related to sexual harassment prevention.

Transparency

Public trust and confidence in government is essential to the vitality of a democratic system and is the reason ethics laws hold public officials to high standards.

Laws alone cannot foresee or prevent all actions that might diminish the public's trust in governmental institutions. Transparency laws impose the minimum standards of conduct; to preserve public trust, public officials should aspire to conduct that exceeds minimum standards.

State revisions to laws governing local agency transparency and ethics should address material and documented inadequacies in those laws and have a reasonable relationship to resolving those problems.

In order to encourage and facilitate compliance with new transparency and ethics requirements,

State laws should be internally consistent, avoid redundancy and be mindful of the practical challenges associated with implementation.

State officials and agencies should aspire to conform to the same level of transparency and ethical behavior as is imposed on local officials and agencies.

Open Meeting Law (Ralph M. Brown Act) & Open Access to Public Records (California Public Records Act)

The League supports legislation that recognizes the need to conduct the public's business in public. To this end, the League supported and was a co-sponsor of the original Ralph M. Brown Act and supports legislation that conforms to the intent of the Act. The League also supports the regulation of the state and other public agencies to ensure conformance to the principles of the open meetings provision in the Ralph M. Brown Act.

The League opposes legislation claiming to enhance open and public meetings that in practice unnecessarily complicates the ability of a local governing body to properly communicate with the public and that discourages communications among governing body members through unproductive restrictions and inappropriate activities.

The League opposes legislation that would impose further unnecessary restrictions on the action that a governing body can take in closed sessions.

The League supports legislation that recognizes the realities of other constraints under which a local governing body must operate that necessitates judicious use of closed sessions, including:

- The privacy rights granted to individuals under the U.S. and California constitutions.
- The personnel issues that have a potential impact on an individual's career and potential earning capacity and that raise serious liability questions for a local jurisdiction.
- The protection of the taxpayer's interests over property and other acquisitions by a public agency.
- The proper maintenance of the same attorney-client privilege enjoyed by the private sector.

The League supports legislation that includes less-than-a-quorum advisory committees within the definition of "legislative body" as defined in the Ralph M. Brown Act, if the committee is composed solely of members of the legislative body whose subject matter jurisdiction has cumulatively lasted two years or less.

The League supports alternative methods of meeting public notice requirements and enhancing them through the use of cost effective and innovative, technology friendly methods of communication.

Political Reform Act of 1974 (PRA)

The League supports legislation and regulations that establish sound practices and principles related to political campaigns. Regulations and legislation that restrict or preempt local authority will be opposed.

The League should continue to explore opportunities to improve and streamline the Political Reform Act and its implementation through regulations.

The League supports an increase in the fee for the reproduction of statements required under the Political Reform Act from ten cents (\$0.10) per page to twenty-five cents (\$0.25) per page.

The League opposes legislation that would prohibit the use of public resources to commence an action to enjoin the operation of any law or constitutional amendment that was proposed by initiative petition and approved by the voters.

The League supports legislation providing the FPPC with authority to issue opinions to guide local officials in understanding conflict of interest laws, including Government Code Section 1090.

Governance and Ethics

The League supports legislation that strengthens the ethics laws related to the Board of Administration (Board) for the California Public Employees' Retirement System (CalPERS) including banning the ability for former Board members to do business with CalPERS.

The League believes that a statute of limitations for bribery should not begin until the act is discovered. The League also believes that in cases of conspiracy to commit a felony, the statute of limitations should be the same as the statute of limitations for the underlying crime.

Elections

The League supports legislation that reduces any unnecessary and costly procedures for conducting a municipal election. The League opposes legislation that mandates costly and unnecessary procedures related to the election process.

The League opposes state-mandated consolidated elections as they lead to increased costs and move local elections further down on the ballot even though local outcomes have a direct impact on voters themselves.

The League supports providing city councils more flexibility to fill city council vacancies including extending the appointment period to fill a vacancy.

The League supports mail ballot elections.

The League supports the requirement that the intent and text of a local ballot measure is to be filed with the city clerk and published in a newspaper of general circulation with a filing fee. With regard to any land use measure, the League supports allowing the city council to refer it to the planning agency for a report on the measure's effects.

The League supports legislation that facilitates newly sworn citizen's voter registration.

The League supports permitting elections officials to administer voter information electronically so long as such a process remained voluntary to voters.

The League opposes any legislation or regulation that would prohibit legal action from being filed by any person(s) challenging the validity of the initiative petition or ordinance after the date of the election.

California Voting Rights Act (CVRA)

The League supports a process that would allow a city presented with an allegation of a violation of the California Voter Rights Act (CVRA) to address the allegation before any person may file a lawsuit related to the alleged violation.

The League supports authorizing cities to convert from an at-large to a by-district election system using an ordinance process, thus avoiding possible California Voting Rights (CVRA) lawsuits and costs associated with gaining voter approval at the ballot.

The League supports modifying the California Voting Rights Act (CVRA) to provide cities more flexibility to remedy a potential CVRA lawsuit by converting to a rank-choice voting (RCV) method.

Recall Elections

The League supports legislation that maintains the integrity of the recall process.

The League supports legislation that reduces the amount of recall abuse while improving, streamlining and ensuring that the public has full knowledge of the issues.

Elected Officials

The League recognizes that elected and appointed officials receive threats, and have become the target of violence at their homes. The unauthorized publication of home addresses or telephone numbers in newspapers or similar periodicals, like publications on the Internet, is a threat to the security of public officials in their homes. The League supports legislation to extend or provide protection to elected and appointed officials from the unauthorized publication of their home addresses or telephone numbers in newspapers or similar periodicals.

The League supports requiring both elected local and state officials to maintain their place of residence in the jurisdiction they were elected to represent.

Candidates running for elected office with young children often face the practical reality of paying for increased childcare to campaign and network when running for office. The League supports increasing diversity of elected officials at all levels and supports the use of campaign funds to pay for childcare expenses resulting from a candidate or officeholder engaging in campaign activities or performing official duties.

Legal Issues

Attorney-Client Privilege

The League recognizes the special role of public agency attorneys in protecting the public interest, while at the same time maintaining appropriate and critical attorney-client confidentiality. The basis for this position is the belief that it is the public agency that is the public agency attorney's client, not an individual public official. Thus, the League supports legislation that permits public agency attorneys to breach attorney-client confidentiality to disclose only very serious wrongdoings where internal corrective measures have failed or are futile; the disclosure is made to narrowly circumscribe regulatory agencies and the public agency attorney follows specific procedures.

Government Liability and Tort Reform

The League supports legislation that limits the exposure of local governments to lawsuits related to liability, including but not limited to such areas as unimproved natural conditions, design immunity, hazardous recreational activities, and injuries due to wild animals in public places. The League opposes legislation that would unduly expose cities to increased liability and cost.

The League supports modifications to the joint liability laws that require the responsible parties in a civil action to pay only their fair share of judgment based on their relative responsibility.

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League policy process.

The League supports legislation that enables cities to better prosecute unfair competition cases (Business and Professions Code 17200) in order to protect consumers and their residents, and that removes the 750,000 population and District Attorney approval for city attorney action in this area. The League opposes legislation that restricts cities from pursuing unfair competition cases beyond the restrictions in current law (2003).

Interest on Judgments

The League supports ensuring that pre-and post-judgment interest rates are fair to all parties, including taxpayers, recognizing the impact on public budgets.

Data and Privacy Protection

The League encourages cities to do everything in their power to protect the privacy of employees and constituents. However, the League opposes mandates that would require, in the event of a security data breach, cities to provide identity theft prevention and mitigation services at no cost to the impacted persons.

Note: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League's General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

LEAGUE OF CALIFORNIA CITIES

2021 Strategic Advocacy Priorities

City leaders throughout the state work hard every day to improve the quality of life for their residents, and create an equitable and just future for all Californians. In 2020, city leaders displayed remarkable resilience in their commitment to serving their communities, taking action to protect their residents from a global pandemic, leading in the recovery of their local economies, responding to calls for equity and justice, and combating one of the worst wildfire seasons in history.

In setting the League of California Cities annual strategic advocacy priorities, cities remain committed to resiliency, response, and recovery to strengthen our cities and move our communities forward. We stand ready to work collaboratively with the state and federal governments and other stakeholders to accomplish our strategic advocacy priorities in 2021.

1. **Secure state and federal funding for local COVID-19 public health response and economic recovery for all.** Secure direct and flexible funding and resources for cities of all sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.
2. **Secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making.** Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community. Increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.
3. **Improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery.** Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.
4. **Protect and modernize critical infrastructure.** Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.