

TO: City Council

FROM: David Newman, Councilmember

DATE: February 28, 2023

SUBJECT: Update on Cal Cities New Mayors and Councilmembers Academy - February 1-3, 2023, Los Angeles-Universal City Sheraton

RECOMMENDATION:

1. Receive report.
2. Find that this action is not a project as defined under the California Environmental Quality Act (CEQA).

FINANCIAL IMPACT:

No Additional Funding Requested. Minimal staff time required to prepare the report is included in the Adopted FY 2022-23 General Fund Budget.

BACKGROUND:

The League of California Cities (Cal Cities) is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities.

Founded in 1898 on the principles of local control and interagency cooperation, the Cal Cities has grown from a handful of public officials to include the voluntary membership of 497 California cities. Today, Cal Cities and its member cities are working hard to strengthen the effectiveness of their advocacy efforts. The Cal Cities' mission statement reflects this commitment to "restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

DISCUSSION/ANALYSIS:

The 2023 New Mayors/Councilmembers Academy was held in both Northern and Southern California. Councilmember Newman attended the Southern California

Cal Cities New Mayors and Councilmembers Academy
February 28, 2023
Page 2

Academy held in Los Angeles from February 1-3, 2023, at the Universal City Sheraton. He was accompanied by Legislative Affairs Manager Layba. The purpose of the academy is to provide background and training for newly elected/appointed officials. The academy featured training in:

A. Harassment Training for Officials and Supervisors (AB 1661)

Anni Sifarloo, from Liebert Cassidy Whitmore conducted the training. Through a series of case studies and discussions, the session examined:

- Origins of protections (U.S. Equal Employment Opportunities Commission and State Civil Rights Department).
- Protected classifications including race, gender, age, and disability.
- The definition of unlawful harassment.
- Difference between inappropriate behavior/bullying and unlawful harassment.
- Unlawful retaliation.
- Types of Harassment e.g., quid pro quo; work environment (comments, visual content/conduct, etc.)

Sifarloo reviewed the standard process for how to report harassment, roles by the supervisor and human resources, and actions that take place including investigation. Speaker reviewed the extent of both agency and personal liability and consequences/damages that may ensue. Finally, she provided methods for preventing harassment in the workplace. Councilmember Newman received his certificate of completion for this mandated training.

B. Your Cal Cities – How to Use It

Executive Director Carolyn Coleman and Board Chair Ali Taj shared the purpose, mission, and history of Cal Cities. Cal Cities is celebrating its 125th anniversary. They have a staff of 77 employees and support 479 local governments. Coleman and Taj shared various roles and resources of the organization:

- Legislative advocacy.
- Ballot measure advocacy.
- Legal advocacy.
- Member services (conferences, educational sessions/webinars, resources).
- Membership engagement (“MyCalCities” web portal, diversity caucuses, policy committees, municipal departments, social media, newsletters, Cal Cities Partners, and regional division meetings).

C. Developing an Effective City Council and City Manager Team- The Key to Good Success.

Pat Martel, West Coast Director of the International City County Management Association offered her expertise as a retired City Manager. She clarified the role of the City Council as policy makers and City Manager as policy implementer. She

also facilitated a panel of Redlands City Manager Charles Duggan and Redlands City Councilmember Denise Davis. The panel discussed their respective roles, strategies for building mutual respect, building a foundation for strong communication, and the role of the Mayor in leading the City Council team.

Director Martel shared her strategy to fortify the City Council/City Manager relationship:

1. Develop norms or core values of operation.
2. Hold an annual retreat and develop common goals.

D. Legal Powers and Obligations- Open Government and Conflict of Interest

Carrie Manning, General Counsel for Cal Cities and Thomas Brown, of Counsel for Burke, Williams Sorensen, LLP reviewed legal powers for cities and city councils. Number one rule for City Councilmembers- “always consult your City Attorney.”

Cities are governed by the CA Constitution, U.S. Constitution, state and federal statutes, local ordinances, city charters, and court decisions. Cities have powers to tax and raise revenue for local purposes; impose eminent domain; provide public works; public corporate power to run local operations and “police powers” which support public health, welfare, and safety. City powers are limited to local limits; use of public funds for public purposes; and state/federal pre-emption. Laws by higher forms of government supersede local government. General law cities are bound by state law. Charter cities have authority over their “municipal affair.”

Presenters reviewed open government and transparency:

1. The Brown Act: All meetings by a legislative body must be open and public, which includes appointed and standing committees. This does not apply to an ad-hoc committee. Brown Act violations include serial meetings, holding of a retreat, use of email, and interaction by a majority on social media. Exceptions of meetings are conferences, community meetings, social/ceremonial gatherings, and individual contacts or staff briefings. Rules on posting, agendas, teleconferencing, and public comments were reviewed in detail.
2. Public Records Act: Any writing related to the conduct of public business prepared and owned by the public agency are subject to open records.
3. Political Reform Act: Ethics training is mandated by the State. The Act prohibits an official from making a decision in which they have a financial interest or contractual interest. Councilmembers also have an annual reporting obligation.

E. Public Sector Ethics Laws and Principles (AB 1234)

Megan Garibaldi and Lauren Langer of Best Best and Krieger served as the trainers for the AB 1234 session. Speakers reviewed three pillars of transparency: Public Records Act, Brown Act, and Political Reform Act. Using hypothetical examples, cases, and discussion, speakers helped define the scope and limitations of these laws. Speakers provided guidance on public access to documents, public meetings, and conflicts of interest. The Political Reform Act requires public officials to annually disclose personal financial interests. Councilmember Newman received his certificate of completion for this mandated training.

F. Policy Role in Land Use Planning

Speakers Mark Teague, Managing Partner of Placeworks and Eric Nelson, Planning Commissioner, City of Dana Point presented information on the basic tools of land use planning, such as the general plan, specific plan, zoning, CEQA, and other tools and regulations, such as sign ordinances.

- General plan - the long-term vision for the entire city that must be clearly stated and which integrates several elements including open space, circulation, and land use. Optional elements are public health, sustainability, etc.
- Specific plan - standards for land use in a concentrated area. It is good for addressing specific issues such as hillsides or upgrades to an area.
- Zoning - identifies specific uses for land. There are two types: Euclidian and form-based code. The type of zoning used will establish standards such as building uses, building size, landscaping, and even billboards.
- Other tools - development permits, objective standards, design guidelines, conditional use permits, variances, and overlays.
- CEQA - provides objective information regarding the environmental consequences to the proposed project to assist with decision-making. Also allows for public participation to weigh in on a project. CEQA streamlining is a new alternative.

G. Effective Advocacy and Key City Issues

Legislative Director Melanie Perron provided an overview of the State legislative cycle and how Cal Cities monitors and advocates for bills, ballot measures, and court cases. She reviewed the 2023 Cal Cities Priorities and current status of the State budget. Members of the Cal Cities Legislative Advocacy Team from

Sacramento were introduced. Each lobbyist represents key policy areas including (a) transportation and public works, (b) community services, (c) revenue and taxation, (d) environmental quality, (e) housing and economic development, (f) public safety, and (g) government transparency. Each shared their perspective of local bills that are on the horizon for 2023.

Public Affairs Manager Bismarck Obando shared the role of the Regional Public Affairs Managers assigned to 16 areas of the state. Regional managers assist with local advocacy and engagement. Members of the Regional Public Affairs team were introduced.

H. How to Conduct an Effective and Respectful Council Meeting

A comedic skit featuring faux Councilmembers from the mock City of Dysfunction Junction emphasized the best and worst ways to conduct public meetings. Faux Councilmembers were played by attorneys from Best Best and Krieger. The session reviewed protocols in handling public comments, closed sessions, agenda items, and addressing unruly members of the public as well as motions. The session also covered decorum among councilmembers.

I. Social Media/Digital Communications and Civic Engagement

Brandon Castillo, Partner at Bicker, Castillo and Fairbanks and Richard Schriwa, from Burke Williams and Sorensen provided tools for public outreach, digital trends, and practical solutions for using social media. Twenty years ago, information sources were television and newspapers, but today there are diverse platforms that are more readily available by phone and computers. Consumers spend 13 hours a day and check their phones at least 96 times a day. Digital is the predominant platform. Facebook is the top news intake platform. The speaker shared suggestions for developing:

- Search strategies.
- Holding meetings and public ceremonies online.
- Making content engaging to draw an audience to city issues such as the budget, public works, and community events.
- Creating policies for ways to engage with residents and planning for when news breaks (such as emergencies).

Legal considerations were discussed, including the First Amendment; Public Records Act; developing a social media policy; privacy settings; public and personal use of cellphones; censures; and prohibitions.

J. Financial Responsibilities, City Revenues Workshop

Fiscal Policy Advisor Michael Coleman discussed the fiduciary role of a councilmember. The primary role of City Council is oversight and financial accountability by approving the budget, contracts, and setting fiscal policies. Key staff involved are the City Manager, Finance Director, and Department Heads. Cities should have fiscal policies to provide transparency in their use of public funds. He explained the sources of local revenue including property and sales taxes, and the differences in taxation and fees.

Cities vary and so do their finances based on size, geography, community character, and service responsibilities. Taxes (property and sales) serve as a local revenue source for general benefit. General purpose taxes allow use for any purpose and are approved by a simple majority vote of the residents. Special taxes must be used for a specific purpose and approved by a 2/3 vote of the residents. Other collected revenues include fees (user, regulatory, and assessments), rents, and penalties.

City Manager Christina Turner from the City of Morgan Hill explained the municipal budgeting process. There are two types of budgets, operating and capital. Budgets have different fund types (general fund, enterprise, etc). Budgets have different terms (biennial, fiscal, etc.) Cities coordinate a budget process that includes department proposals, City Council review, and public hearings. She reviewed the audit process and submission of the Annual Comprehensive Financial Report (ACFR).

Information was shared on how to diagnose municipal financial health and examples of insolvency. Typical problems of insolvency relate to pension obligation bonds, risky economic development schemes, and binding arbitration. An online diagnostic tool is available.

General information was provided regarding the impact of statewide propositions:

- Prop 13 - One percent property tax rates capped. Property taxes transferred to the State.
- AB 8 - shift of local property tax to cushion impact of Prop 13.
- ERAF - shift of local property tax to save State General Fund.
- Local Revenue Protections via Prop 1A (2004), Prop 1A (2006), Prop 22.

Turner also explained the municipal budgeting process, the audit process and submission of the Annual Comprehensive Annual Financial Report (ACFR). She discussed the intricacies of pension funding, including new pension plans (Classic vs PEPR) and the impact of unfunded liabilities to city budgets.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

A. Create a more equitable, accessible, safe, welcoming, and inclusive government and community regardless of race, color, ethnicity, religion, sex, physical or mental ability, sexual orientation, gender identity and expression, age, language, education, and/or socio-economic status.

PREPARED BY: Mina Layba, Legislative Affairs Manager