

# Resource Materials

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This section contains a number of valuable resource materials from the Senate Local Government Committee and the Institute for Local Government (ILG). ILG is a research collaborative of CSAC and the League of California Cities. In addition to the Guides include in this manual, ILG produces a wide array of local government guides on governance, ethics, land use planning, collaboration, finance and budgeting, and other timely issues. Visit their web site at [www.ca-ilg.org](http://www.ca-ilg.org).

## Institute for Local Government

The Institute for Local Government (ILG) mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on Local Government Basics, please visit [www.ca-ilg.org](http://www.ca-ilg.org).

Included as resources are:

- \* Types and Responsibilities of Local Agencies
- \* How Local Agencies Make Things Happen
- \* What are the Sources of Law for Local Agencies?
- \* Local Agency Powers and Limitations
- \* Understanding the Role of Chair

## The Quick List

"The Quick List" is published by the Senate Local Government Committee, and first appeared about 20 years ago when the committee's staff started jotting down statutory citations to answer questions from other staffers, lobbyists, and constituents.

"Where do I look in state law to find the Brown Act?" was a common question. Or, "What's the cite for the redevelopment law?" And the never-ending string of questions about LAFCos. The Committee's staff got tired of looking up the same answers, so they wrote them down. And so "The Quick List" was born.

Over the years, a succession of Senate Fellows has added items, corrected mistakes, and cleaned-up "The Quick List." The List was last updated in February, 2009. County Supervisors find this a valuable resource when researching California Law or retrieving official California state documents.

The List is divided into three sections:

- \* Annotated Glossary of Local Government Statutes (pages 1-22)
- \* Instructions for Retrieving Official State and Court Documents (pages 23-24)
- \* Useful State and Local Government-related Websites (pages 25-28)



# How Local Agencies Make Things Happen

Local agency governing bodies make policy and spending (fiscal) decisions. This is a collective decision-making process in which a majority of decision-makers concur on a given course of action.

The *policy* tools local agencies have to take collective action include:

- Ordinances,
- Resolutions, and
- Motions and Minute orders.

In addition, the voters can play a role in decision-making through the **referendum and initiative** process.

The concepts and processes to understand on the fiscal side of local agencies' responsibilities include budget, expenditures and warrants.

## Ordinances

Local agencies make local laws through ordinances. Ordinances typically require or prohibit certain actions under certain circumstances. A local agency's ordinances are frequently indexed and recorded into a "code." These codes become part of the city or county's legislative history and may prove useful even many years after adopted. As access to technology improves, many local agencies publish and/or make their codes available online.

**Drafting.** Typically, an agency's staff, along with the help or oversight of the agency's attorney, will prepare a preliminary ordinance for review by the decision-making body and the public. This also enables staff to be aware of and help the agency comply with any special notice requirements that may apply to that particular kind of ordinance.

**Timing Issues.** There is usually a waiting period between the time the ordinance is first considered by that body (known as the "introduction" of the ordinance) and second or final presentation of the ordinance

### Other Kinds of Action: Quasi-Judicial

Local agency officials also, from time to time, act in a quasi-judicial capacity. This is when decision-makers apply existing policies to specific situation (much as a judge applies legal standards in court cases).

Some of the procedural standards that apply in quasi-judicial decision-making are explored in [www.ca-ilg.org/bias](http://www.ca-ilg.org/bias).

during which it is considered by the governing body for adoption. This introduction process is also known as the first “reading” of the proposed ordinance, because it is the first opportunity decision-makers have to consider the merits of the proposed ordinance. In some limited circumstances, urgency and certain other types of ordinances can be adopted at the time of their introduction without going through a later waiting period.

**Making Revisions during the Adoption Process.** Sometimes decision-makers will ask staff to revise the proposed ordinance. Such changes may respond to ideas or concerns expressed by decision-makers or the public; changes may also result in language that a majority of the decision-making body can support. If substantive changes are made to a proposed ordinance after it is first introduced, it generally will need to be re-introduced and another waiting period must pass before the modified ordinance can be adopted. These steps ensure that laws are drafted as carefully as possible and to ensure that a full and open review of the ordinance occurs that permits the public to review and comment on the proposed law prior to its approval.

**Adoption.** After the initial “reading” and waiting period have occurred, the ordinance is then presented at a subsequent meeting for second reading. A member of the decision-making body moves for approval of the ordinance. If the motion receives a second, the body votes on whether to adopt the ordinance.

**Effective Date.** Most ordinances are effective 30 days after the date of adoption. Staff will typically take care of any requirements for publicizing the ordinance’s adoption during this period (for example, by publishing the ordinance in a newspaper and adding the ordinance to the agency’s code).

## Resolutions

A resolution is a legal action by a decision-making body, such as setting fees and adopting policies. It can also be a vehicle through which the body expresses its opinion on a matter.

Resolutions are formal actions by the decision-making body and are retained as part of the agency’s record. Compared to ordinances, though, resolutions involve fewer procedural requirements. For example, they do not have to be “introduced” and “adopted” over the space of two meetings but may be adopted at one meeting. Furthermore, with limited exceptions (for example, setting tax rates), resolutions do not have to be published in a newspaper.<sup>1</sup>

## Motions and Minute Orders

Local agencies do not always have to adopt an ordinance or resolution to take action. For less important actions, local agencies also may act by motion, which may be summarized in a minute order. Typically, the agenda materials will describe the action that is proposed to be taken.

These actions, along with others at the meeting, are memorialized in the record of the meeting (the minutes). Once approved by the body, the minutes become the official record of the meeting. The agency’s secretary or clerk maintains the official records of the agency, including the minutes.

## Initiative and Referendum

In California, the public also plays a role in the decision-making process by voting on ballot measures. The rules relating to placing matters on the ballot are both complex and technical. Ballot measure proponents are well advised to seek advice from experienced attorneys and political consultants on these matters to avoid missteps.

**Referendum.** If members of the community disagree with a legislative act approved by elected officials, then they can circulate a petition to put the matter on the ballot for the voters to decide whether the law should be repealed. This is called a “referendum” because the petition requires the matter to be *referred* to the voters for approval. The petition process must occur within a short window of time before the law goes into effect.

When a successful referendum petition occurs, a governing body has two choices. It can repeal the law that is the subject of the referendum petition. If the repeal occurs, it becomes unnecessary for the matter to go to a community vote. Otherwise the body must put the matter on a ballot for a vote.

**Initiative.** The public may also propose a new law (or an amendment to an existing law). To do that, they circulate petitions that must include a copy of the proposed law. If enough people sign the petition, then the governing body must either adopt the proposed law without change or put the matter on the ballot for a community vote. This process is known as the “initiative” process, because members of the community are *initiating* the legislative proposal.

## Decisions to Spend Money

Perhaps one of the most important roles elected officials play is deciding how to allocate public funds to pay for necessary services and facilities. There are a number of steps in this process.

**Budget.** A budget is a device that enables decision-makers to project what revenues will be available to fund services and facilities and how those revenues should be allocated and spent. The decision to spend money for particular purposes is an “appropriation,” which is an authorization to spend money consistent with the budget.

Typically the budgeting process involves:

- The administrative head of the agency (county executive officer, city manager or general manager of a special district) prepares and transmits a set of instructions to department heads for submitting budget information and requests;
- Department heads prepare and submit their budget information and requests;
- The administrative head reviews the requests and assembles them into a comprehensive budget document;
- The decision-making body holds budget hearings at which elected officials and the public receive information about the proposed budget;
- Elected officials receive public input/reactions to the proposed budget;

- Elected officials evaluate all the information received and revise (as necessary) and adopt the final budget; and
- The administrative head of the agency (typically the city manager, county executive officer, general manager) is responsible for implementing and executing the budget.

(Note that the budget includes decisions about money that don't involve "spending " per se, such as saving for capital projects, and allocated and unallocated reserves.)

**Expenditures.** The agency then spends money throughout the year in a manner consistent with the adopted budget, which may include expenditures to satisfy contractual obligations (for example, labor agreements, and contracts for goods or services). Some expenditures, such as election costs related to an initiative, referendum or recall may not be budgeted for, but may be a required expenditure directed by the public through the signature gathering process.

**Warrants.** These are specific authorizations to spend money from a local agency's bank account. To avoid having to take every minor payment to the decision-making body for approval, some agencies have policies delegating authority to staff to authorize payment for budgeted expenditures up to certain amounts.

## About the Institute for Local Government

This tip sheet is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

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## References

<sup>1</sup> The rates of taxes to be levied or the amount of revenue required to be raised by taxation must be fixed either by ordinance or resolution. Government Code Sections 36936.1, 53724. If such tax rate or amount of revenue is fixed by resolution, the resolution must be published in the same manner and within the same time as ordinances are required to be published. Government Code Section 36936.1. Tax levies are subject to voter approval. Government Code Sections 53722, 53723. Some taxes (for example a documentary transfer tax) must be approved by ordinance. See Revenue and Taxation Code Section 11911.

# Local Agency Powers and Limitations

What can local agencies do to address issues that arise within their boundaries? The answer to that question turns on the division of labor between state and local government in California's Constitution. Federal laws can sometimes also be a limiting factor.

## Regulatory (“Police”) Powers

For example, as general purpose governments, California's counties and cities get some aspects of their authority directly from the California Constitution. That document says that cities and counties may make and enforce within their limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.<sup>1</sup> This is commonly known as the “police power,” and is the source of counties' and cities' regulatory authority to protect public health, safety and welfare.

Cities exercise this authority within their boundaries (known sometimes as “incorporated areas” reflecting the notion that residents voted to form/”incorporate” the city). Counties exercise this authority in the areas not within cities (unincorporated areas).

For purposes of comparison, special districts are creations of state law. They get their authority from the statute that authorizes the district's creation and do not have police power. Special districts have only those powers given to them by the Legislature.<sup>2</sup>

## Preemption

As a general matter, the restriction on the exercise of a county or city's authority depends on whether the proposed local enactment conflicts with federal or state general laws. This is a concept known as “preemption.” Federal or state law may preempt local officials' ability to legislate in a particular area, either explicitly or by implication.

The test for preemption of local law by federal or state laws is similar. A local ordinance will be preempted by state law when it is in express conflict with state or federal law.<sup>3</sup> Preemption may also occur even when there is no direct conflict if the state or federal government has fully occupied the area of law in general.<sup>4</sup> In the absence of judicial decisions determining whether a particular form of local legislation is preempted, the analytical process local agency lawyers must engage in to advise their clients that a matter on whether such legislation has been preempted can be complex.

## Exception to Preemption: Charter City Powers

Under California's Constitution, certain kinds of cities have an additional measure of protection from state preemption. Charter cities have an extra measure of authority over municipal affairs.<sup>5</sup> If a matter is a "municipal affair" (and not a "matter of statewide concern"), a charter city has power to act, even to the extent that the city's action may be at odds with a state law. The chief restriction on local action under these circumstances is whether the action would be inconsistent with the city's charter or the state and federal constitutions.

In a charter city, the residents adopt a charter. This charter functions as a local constitution that provides for the organization and structure of the city. It also can create limits on city powers and functions. Some charters have a great deal of detail; others are quite brief. Either way, when residents have determined that their city should be a charter city, their city then has the option deviating from state law with respect to municipal affairs.

Courts, rather than the Legislature, are the ultimate deciders of whether a subject is a municipal affair or a matter of statewide concern.<sup>6</sup> This determination is made on a case-by-case basis, which means that it frequently takes litigation to determine the scope of charter cities' exercise of authority.

More specific information on charter city authority can be found on the League of California Cities website at [www.cacities.org/chartercities](http://www.cacities.org/chartercities).

## Charter County Powers

Another section of California's Constitution provides special prerogatives for counties to become charter counties. The courts have determined that the charter county provision of California's Constitution, because it is worded differently, confers less authority on counties.<sup>7</sup>

The authority extends to the subjects described in the constitution's charter county language, which refers to such issues as:

- How the five member board of supervisors are elected (by district, at large or at large, from a district);
- Compensation, terms and removal of supervisors;
- Elected sheriffs, district attorneys, assessors and other officers (their election or appointment, compensation, terms and removal);
- Specified personnel functions (including setting compensation).<sup>8</sup>

Nonetheless, these charter county provisions were one reason that the California Supreme Court overturned legislation that would have imposed binding arbitration to resolve public safety employees' salary negotiation impasses.<sup>9</sup>

## Other Restrictions on State Legislative Powers Relating to Cities and Counties

California's Constitution forbids the Legislature from taking certain kinds power away from county and city officials and giving it to private parties.<sup>10</sup> More specifically, the Legislature may not delegate to private



persons or entities power over municipal improvements, money (including taxes and assessments), property, or functions.<sup>11</sup>

The Legislature also may not single out a particular city or county for special legislation.<sup>12</sup> However, the courts have allowed the Legislature to create classes of cities and counties as long as the individualized treatment bears a rational relationship to a legitimate state purpose.<sup>13</sup> One way of classifying counties and cities is by population.<sup>14</sup>

## Operation of Public Works

The California Constitution provides that counties and cities may establish, purchase, and operate public works to furnish their inhabitants with light, water, power, heat, transportation, or means of communication.<sup>15</sup> They may furnish those services outside their boundaries, except within another municipal utility's boundaries that furnishes the same service and does not consent.

Case law suggests that special districts may fall under this section in some ways, but not all.<sup>16</sup>

The constitution also provides that persons or corporations supplying these services may operate within cities upon conditions and under regulations that the city may prescribe.<sup>17</sup>

## Revenue Authority

California's system for financing local government operations is a complex web of constitutional and statutory provisions. This system is summarized in *Understanding the Basics of County and City Revenues*, available at [www.ca-ilg.org/revenuebasics](http://www.ca-ilg.org/revenuebasics).

## State and Federal Constitutional Limitations

Local officials' actions must also comply with the United States Constitution and federal law. Areas of federal law that frequently arise for local agencies include:

- The First Amendment establishment of religion, free exercise of religion and free speech clauses.<sup>18</sup>
- The Fourth Amendment prohibition against unreasonable search or seizure.<sup>19</sup>
- The Fifth Amendment right to remain silent (for example, in police interrogations) and the requirement of just compensation for the taking of property.<sup>20</sup>
- The Fourteenth Amendment's protections of due process, equal protection and property rights.<sup>21</sup>

California's Constitution also contains similar declarations of rights, as well as other provisions that may limit local actions. Some examples include provisions relating to water rights,<sup>22</sup> workers compensation,<sup>23</sup> alcoholic beverage regulation,<sup>24</sup> public housing projects<sup>25</sup> and the non-partisan nature of municipal government.<sup>26</sup>

Local officials should also be aware of the various federal civil rights laws, which prohibit public agencies from discriminating against individuals based on a number of protected characteristics (for example, race,

gender, physical disability and age). The state also has a number of laws that contain similar—but not always the same—protections.

## More Resources

### California's Constitution

[www.leginfo.ca.gov/const.html](http://www.leginfo.ca.gov/const.html)

### California School Boards Association Handbook

[www.csba.org/~media/51E3FBB839504700825CB16B7265F3C4.ashx](http://www.csba.org/~media/51E3FBB839504700825CB16B7265F3C4.ashx)

### California's Department of Education: School District Governance History

[www.cde.ca.gov/re/lr/do/](http://www.cde.ca.gov/re/lr/do/)

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## References

<sup>1</sup> Cal. Const., art. XI, § 7.

<sup>2</sup> *Los Angeles County Flood Control Dist. v. Southern California Edison Company*, 51 Cal. 2d 331, 339, 333 P.2d 1 (1958).

<sup>3</sup> *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 141, 10 L. Ed. 2d 248, 83 S.Ct. 1210 (1963) (federal law conflicts when it is physically impossible to comply with both federal and state/local law); *Cohen v. Board of Supervisors*, 40 Cal. 3d 277, 290, 219 Cal. Rptr. 467 (1985) (Local legislation that conflicts with state law is void).

<sup>4</sup> *Wisconsin Public Intervenor v. Mortier*, 501 U.S. 597, 604, 115 L.Ed. 2d 532, 111 S. Ct. 2476 (1991) (federal law preemption by occupying the field analysis); *Candid Enterprise v. Grossmont Union High School District*, 39 Cal. 3d 878, 886, 218 Cal. Rptr. 303 (1985) (state preemption by occupying the field).

<sup>5</sup> See generally Cal. Const., art. XI, § 5.

<sup>6</sup> The threshold inquiry is whether a conflict exists between a charter city law and state law. If no conflict exists, the charter city law stands. If a conflict exists, the court will find the matter is a municipal affair unless it qualifies as a matter of statewide concern. Even if the subject matter is of statewide concern, the state law must be reasonably related and narrowly tailored to address that statewide concern. See *Johnson v. Bradley*, 4 Cal. 4th 389, 14 Cal. Rptr. 2d 470 (1992).

<sup>7</sup> See *Johnson v. Bradley*, 4 Cal. 4th 389, 405, 14 Cal. Rptr. 2d 470 (1992).

<sup>8</sup> Cal. Const., art. XI, § 4.

<sup>9</sup> *County of Riverside v. Superior Court*, 30 Cal. 4th 278, 132 Cal. Rptr 713 (2003).

<sup>10</sup> Cal. Const., art. XI, § 11.

<sup>11</sup> Cal. Const., art. XI, § 11.

<sup>12</sup> Cal. Const., art. IV, § 16.

<sup>13</sup> *City of Los Angeles v State*, 138 Cal. App. 3d 526, 534, 187 Cal. Rptr. 893 (1982).

<sup>14</sup> *Keenan v. San Francisco Unified School District*, 34 Cal. 2d 708, 713, 214 P.2d 383 (1950).

<sup>15</sup> Cal. Const., art. XI, § 9(a).

<sup>16</sup> See *Morrison v. Smith Brothers*, 211 Cal. 36, 293 P. 53 (1930).

<sup>17</sup> *Id.*

<sup>18</sup> U.S. Const. amend. I.

<sup>19</sup> U.S. Const. amend. IV.

<sup>20</sup> U.S. Const. amend. V.

<sup>21</sup> U.S. Const. amend. XIV, § 1.

<sup>22</sup> See Cal. Const., art. X.

<sup>23</sup> See Cal. Const., art. XIV, § 4.

<sup>24</sup> See Cal. Const., art. XX, § 22.

<sup>25</sup> See Cal. Const., art. XXXIV.

<sup>26</sup> See Cal. Const., art. II, § 6.

# Leadership & Governance: Tips for Success

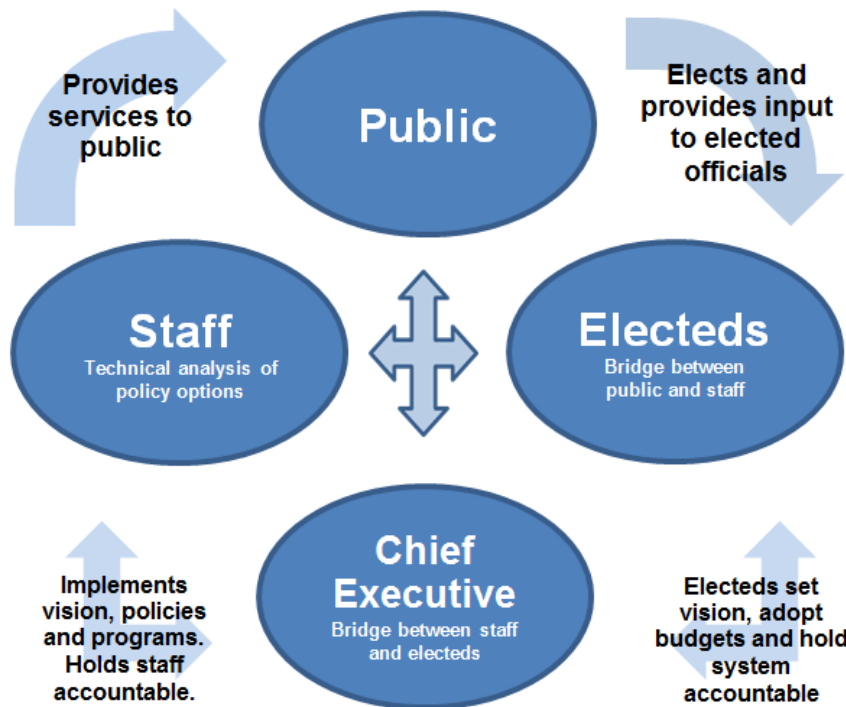
## Electeds and Staff Bring a Different & Necessary Perspective

Understanding and embracing different perspectives is part of what makes our democratic institution at the local level so great. Both perspectives are vital when making decisions in the community's interests.

- Elected officials focus on what their constituents value and need from the agency; and
- Staff has technical expertise in policy areas and what can work, given their day-to-day experiences with implementing agency policies, practices and service delivery that can help inform the decision-making process.<sup>1</sup>

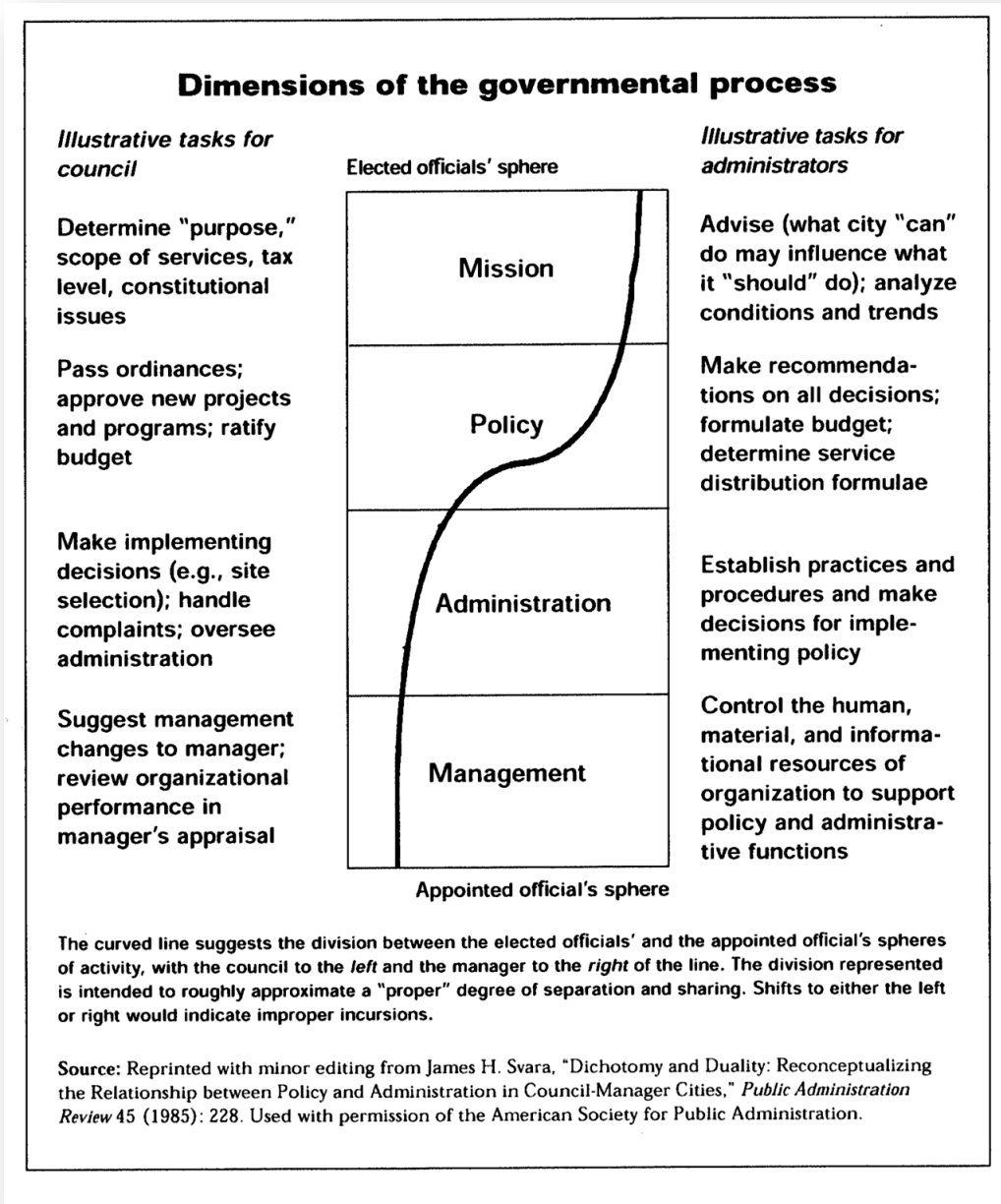
## Bridging Function

Elected officials play a key bridging function between the community needs and staff; the chief executive officer in turn plays a bridging function between elected officials and staff.



# Role Division

Current thinking is that elected and appointed officials operate in all four dimensions of the governance process: mission, policy, administration and management, although to differing degrees.<sup>2</sup> The graphic<sup>3</sup> below illustrates this phenomenon. The curved line illustrates the division of roles between governing boards and executive staff; how this line looks for each local agency varies.



## Role Clarity

A shared understanding of the chief executive's role and the governing board's expectations optimizes the working relationship. This understanding is informed by local charter and ordinance provisions that provide the overall framework for the relationship.

- The process of developing such a shared understanding begins with the hiring process and each participant in the process being forthright about their respective expectations.
- An annual evaluation process is an ongoing opportunity for such communication, particularly as governing board members change.

Staff will be most able to perform to expectations if those expectations are clear and mutually acceptable.

## Tips for Governing Board Members

**Setting Goals and Priorities.** A helpful practice is to have the governing board establish priorities and strategic goals for the organization; such goals and priorities are a tool to guide the chief executive and staff on where to focus their efforts.<sup>4</sup>

Establishing an annual time for board reflection on community priorities would also offer an opportunity to discuss decorum among members and the executive-board relationship.

**Limited Resources Means Difficult Trade-offs.** An unhappy reality is that there are likely insufficient resources to accomplish everything that the community and elected governing board members desire. This reality creates challenges for the chief executive in proposing a budget as well as well as managing the agency work force.

**Finding Common Ground.** A key skill for a governing board member is finding areas of agreement and common interests with other board members. Within the parameters of the state's open meeting laws, work with the other governing board members to find areas of agreement on what courses of action best serves the public's interests.

In the event that board members disagree, clear ground rules can quell acrimony before it becomes a public spectacle.

### When the Governing Board Changes

Staff's job is to implement the policies adopted by the governing body. This includes implementing changes in policy direction when the philosophy of the governing board changes.

New majorities on boards sometimes impute the policy preferences of the previous boards to staff. This causes them to worry that staff will not be as diligent in implementing changes to previous policies. They sometimes believe staff has to change in order for policies to change.

This is another area where frank and ongoing communication is helpful. Most professional staff understand that policy directions change and that their role is to implement that change, as long as the policy falls within the bounds of the laws and public service ethics.

Allow a certain amount of time for staff and the new majority to get to know one another and see if a productive working relationship can occur.

**Understanding that Public Policymaking Involves Value Choices.** Policy choices tend to be choices among different values, including the values of fairness, compassion, efficiency, individual rights, common good and others. The “correct” answer is likely to be an elusive goal,<sup>5</sup> particularly since members of the community as well as other members of the governing board are likely to give different values different weight.

**Chief Executive Works for the Entire Board.** All members of the body were elected by the community to participate in the agency’s decision-making processes. As a result, the chief executive’s responsibility is to strive for positive working relationships with all members of the body equally and provide information equally to all members of the body.

**Communications Needs.** Let the chief executive know what kinds of communications work for you. While the chief executive’s job is to share information with all members of the governing body equally (and typically through a combination of written communications and one-on-one meetings), governing body members will often have different communications preferences as to what combination of these two techniques work best for them.

**Transparent Decision-Making.** The governing board makes decisions (and gives staff direction) at open and well-publicized governing board meetings. These decisions occur after listening to, inquiring of and learning from interactions with all segments of the community and staff.

**The Benefits of Collaboration.** Be forthright on your objectives and goals with the chief executive, so he or she can do what is possible to help you achieve them (as opposed to “going around” him or her). A chief executive will try to be as responsive as possible to the needs of individuals on the governing board; however understand that significant tasks are likely to require governing body buy in and some tasks may conflict with priorities and policies adopted by the full governing body.

**Ground Rules.** A helpful practice is for the governing board as an entity to adopt, regularly review and update how the board will conduct its meetings and make decisions.<sup>6</sup> Such protocols typically address meeting procedures (agenda preparation, how to put issues on the agenda, debate and voting procedures (parliamentary rules) and standards of decorum (civility).<sup>7</sup>

**Managing Difficult Board Members.** Staff’s role is to provide information to enable elected officials to knowledgeably participate in the decision-making process. However, from time to time, there will be difficult and divisive board members that create a challenging and uncomfortable environment for both the board and staff. There is no one-size-fits-all solution to solve such a problem. In the end, the board must manage its own behavior—not staff.<sup>8</sup>

**Staff Preparation.** If you have questions, concerns and/or information needs (or know that members of the community do), provide staff a heads up in advance of meetings so staff can be prepared to address them.

**Unwelcome Information.** One of staff’s least favorite roles is providing information and analysis that will make one or more governing board members unhappy. Typically, providing such information is part of staff’s job to avoid surprising the board. If pursuing a given course of action could have negative outcomes (a lawsuit, unintended consequences or a chance that a given goal will not be achieved), it is

staff's job to let the board know so the board can factor such information and risks into the decision. If possible, staff will also try to identify options and alternatives for reducing the risk of negative outcomes.

**Directing Questions and Criticisms.** Question, and if appropriate, criticize ideas, policies, programs or outcomes, but not the individuals involved (whether those individuals are fellow elected officials, staff or members of the public). Remember that staff is your tool to accomplish your objectives. Public praise for things you like will motivate; public criticism and embarrassment will discourage. Criticism or information regarding staff missteps should be directed to the chief executive to address.

**Responding to Mistakes and Disappointing Outcomes.** Mistakes are likely to happen in any organization. If something bad happened, ask what measures can and will be taken to prevent such missteps in the future.<sup>9</sup>

## Tips for Chief Executive & Staff

**Clear Goals and Priorities.** A key task is for the governing body and chief executive work together to assure staff has clear direction on the agency's goals and priorities.

Goal setting workshops can be useful forums for establishing governing board and organizational priorities. This includes holding annual workshops in which goals are set, reviewed, updated and/or retained, as well as direction on how the group wants to be kept updated on progress, goals and priorities.<sup>10</sup> Follow up, of course, is critical to maximizing a goal setting session's value.<sup>11</sup>

Such clarity enables staff to know where to devote scarce/limited resources in proposing budget and work program priorities for the governing board's consideration.

Documented goals and priorities serve as a reference point when issues and potentially competing priorities come up throughout the year. Priorities may need to change of course; the key is if a new priority is added, an old one must be subtracted.<sup>12</sup>

Engaging a broad range of the community in the conversation about hard choices can help the governing body in aligning agency goals with community wishes. Such processes offer important opportunities to inform and consult the community on what can be difficult tradeoffs due to scarce resources. Such engagement can also make the resulting decisions more enduring.

**Focus on the Core Functions.** For those areas over which the agency has discretion (for example, non-state mandated efforts without maintenance of effort requirements), the conversation can focus on identifying what is most important for the agency to accomplish. This tends to be an intersection of three things: what the community is passionate about, what the organization can be best at and what resources are available.<sup>13</sup>

Identifying this intersection does not necessarily mean that tasks outside the intersecting area will not get accomplished. Some functions may be more effectively accomplished by other agencies, community-based organizations or the private sector.

**Capacity Building.** The entire community benefits from well-prepared and knowledgeable local officials. Some tools for assisting with this goal include:<sup>14</sup>

- Leadership academies that help the public, including potential future governing board candidates, understand key elements of the agency's work and processes.
- Candidate orientations that provide information about agency functions, pending policy issues, including budget issues and any regulations that apply to the campaigning process.
- Newly elected official orientations conducted as soon as possible after election results are certified. Content should include the nuts and bolts of how to accomplish objectives in their new role, as well as briefings on current issues the agency faces, the status of long-range plans and capital projects, and the budget process. Connecting newly elected officials with former electeds who are respected in the community and can offer advice and share experience is also helpful.<sup>15</sup>
- Ongoing education through local workshops, references to helpful information about local governance and policy issues and conference attendance.

**Credit for Commitment to Elective Office.** One dimension of staff's role is to help governing board members receive the recognition they deserve for their actions as public servants.<sup>16</sup> As media opportunities occur, ensure the electeds are aware so they may receive recognition for their service on community issues.

**Evenhandedness.** A positive working relationship with all governing body members regardless of personality, philosophy, positions on issues or whether the member is in the majority or minority on the body (remember majorities can change) can be another important success strategy. Communication preference may require that you spend more time with certain members. "Evenhandedness" does not necessarily mean communicating with all decision-makers in the same way.

**A Sustained Effort.** Successful relationships require ongoing effort and attention. Communication is a central element of this effort.

- Staff's role is to present information and analysis objectively, fairly and without spin.
- This includes willingness, when necessary, to deliver unwelcome information and minimize surprises for the governing board.

**When Elected Officials Disagree with Staff Recommendations and Analysis.** Professionals recognize smart, conscientious and reasonable people can disagree on the best course of action (particularly given the differing perspectives that staff and electeds contribute to the analysis of what best serves the community's interests).

- Such disagreements are not and should not be taken personally.
- All governing board decisions must be faithfully implemented, even those which differed from what staff recommended.
- Staff should never speak ill of elected officials, even to seemingly sympathetic and discreet listeners. Word of what was said inevitably seems to get back.

**Attention to Detail.** Doing the small things well helps governing board members trust staff on the big items.



**Defining Success.** Enjoying good relationships with elected officials is a worthy goal, with a few caveats.

- Be clear on the lines (legal, ethical and professional) over which you are not willing to step, before finding yourself in a difficult situation.
- As difficult as it may be, your professional reputation for competence and integrity in the long term is a more valuable career asset than keeping a particular job.

## More Resources

International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999)

International City/County Management Association and National League of Cities, *Leading Your Community: A Guide for Local Elected Leaders* (2008)

This resource reflects the insights and thoughts of a number of individuals, including: Kevin C. Duggan, West Coast Director, International City/County Management Association, Pete Kutras, Retired County Executive, Santa Clara, and Principal Consultant, Municipal Resource Group, LLC, Richard A. Haffey, County Executive Officer, Nevada County, and William Chiat, Director, CSAC Institute for Excellence in County Government.

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## References

<sup>1</sup> International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999) at 22.

<sup>2</sup> *Working Together: A Guide for Elected and Appointed Officials*, at 19-20.

<sup>3</sup> Based on the work of James H. Svara in "Dichotomy and Duality: Reconceptualizing the Relationship between Policy and Administration in Council-Manager Cities," *Public Administration Review* 45 (1998): 228. This material is reproduced with permission of John Wiley & Sons, Inc.

<sup>4</sup> Kevin C. Duggan, A Key Ingredient for Success: An Effective City Council/City Manger Relationship, at 9.

<sup>5</sup> Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine*, August 2009, available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

<sup>6</sup> See International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999), at 59. Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle=>

<sup>7</sup> See International City/County Management Association and National League of Cities, *Leading Your Community: A Guide for Local Elected Leaders* (2008) at 30-33.

<sup>8</sup> Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009), available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

<sup>9</sup> A Key Ingredient for Success: An Effective City Council/City Manger Relationship, at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

<sup>10</sup> Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009) available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

<sup>11</sup> Mike Conduff, ICMA-CM, A Great Retreat!, *PM Magazine* (April 2012) available at <http://webapps.icma.org/pm/9403/public/council.cfm?author=&title=Council%20Relations&subtitle=>

<sup>12</sup> Frank Benest, Ten New Rules for Elected Officials in Times of Economic Meltdown (2011) available at <http://www.ca-ilq.org/post/leadership-strategies-times-economic-meltdown>.

<sup>13</sup> Adapted from Jim Collins, *Good to Great in the Social Sectors*, 2005 at 19 (the "hedgehog concept"). Also recommended by Frank Benest in Ten New Rules for Elected Officials in Times of Economic Meltdown (2011) available at <http://www.ca-ilq.org/post/leadership-strategies-times-economic-meltdown>.)

<sup>14</sup> From Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle=>

<sup>15</sup> Preparing Councils for Their Work, *PM Magazine*, available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

<sup>16</sup> This concept is part of the International City/County Management Association's Code of Ethics:

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

# Working Together to Achieve One's Goals: Some Strategies for Success

*“Our freedom, our pluralism, our dispersion of power all invite healthy conflict as various groups and individuals pursue their diverse purpose. The reconciling of such divergent purposes is one of the tasks of the leader....In a world characterized by multiple, interacting systems, substantial rewards flow to leaders who have mastered the bargaining arts.”*

- John Gardner, *On Leadership*

According to long time public servant and thinker John Gardner, the bargaining arts can range from an “I win/you lose” to a “we both win” approach. The former may be appropriate for some situations. However, it may not be the best approach to nurture a long-term collaborative working relationship.<sup>1</sup>

Those seeking public office at the local level generally do so because of goals and objectives they want to achieve for their community. Successfully achieving those long term objectives is critical to one's ability to serve the public. Thus, finding ways to work together effectively becomes a critical component to success and lays the foundation for continued collaboration on future issues.

This resource offers a starting point for understanding strategies of working together to achieve one's goals.

## Related Resources

*Getting to YES: Negotiating Agreement without Giving In*, Roger Fisher and William L. Ury, Houghton Mifflin Company, 1981.

*Getting It Done: How to Lead When You're Not in Charge*, Roger Fisher, Alan Sharp, John Richardson, Harper Collins, 1998.

*Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. Jeffrey Cruikshank and Lawrence Susskind, Basic Books, Inc., 1987.

*Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes*, Lawrence Susskind and Patrick Field, The Free Press, 1996.

*On Leadership*, John W. Gardner, The Free Press, 1990.

*Getting Things Done: Working Effectively to Achieve Results*, David Landis, Instructor. CSAC Institute for County Excellence, January 2012. ([www.csacinstitute.org/](http://www.csacinstitute.org/))

## Working with Others to Get Things Done

Numerous experts and books<sup>2</sup> about negotiating strategies offer insights into the benefits of collaboration and alternatives to the “I win-you lose” negotiating approach. Sometimes referred to as seeking “mutual gain” or “principled negotiations” these strategies are “...explicitly designed to produce wise outcomes efficiently and amicably.”<sup>3</sup>

## Strategies for Achieving Mutual Gain Results<sup>4</sup>

Experts recommend several key inter-related strategies for mutual gain results. They are:

- Separating the people from the problem;<sup>5</sup>
- Focusing on interests, not positions; and<sup>6</sup>
- Inventing options for mutual gain.<sup>7</sup>

The advantage of these strategies is that they tend to produce outcomes that benefit a broader range of interests and groups and help to nurture relationships that can endure over time.

## Separating the People from the Problem

*“Negotiators are people first. A basic fact about negotiations, easy to forget in corporate and international transactions, is that you are dealing not with abstract representatives of the ‘other side,’ but with human beings. They have emotions, deeply held values, and different backgrounds and viewpoints; and they are unpredictable. So are you.”*

- Roger Fisher and William L. Ury, *Getting to Yes*

If the food in a restaurant arrives at the table tasting too salty or the wine has soured, it is not the fault of the server. Considerate diners don’t blame the server when they send the food or wine back to the kitchen. The same principle applies to the individual with whom one negotiates, whether it is a colleague on the same governing board, a member of a neighborhood group or an individual representing a company proposing a project within the jurisdiction.

The authors of *Getting to Yes* observe, “A working relationship where trust, understanding, respect and friendship are built up over time can make new negotiations smoother and more efficient.” This is similar to recognizing the importance of civility in public agency deliberations and relationships.

## Asking “Why?” to Understand the Problem

The importance of understanding the problem at hand by asking “why” may be the most critical step in any effort to solve that problem or reach agreement on a solution.

Consider the story of two men quarreling in a library. One wants the window open and the other wants it closed. They bicker back and forth about how much to leave it open: a crack, halfway, three quarters of the way. No solution satisfies them both. Enter the librarian. She asks one why he wants the window

open: “To get some fresh air.” She asks the other why he wants it closed: “To avoid the draft.” After thinking a minute, she opens wide a window in the next room, bringing in fresh air without a draft.<sup>8</sup>

Asking “What is the problem you are trying to solve?” enables one to focus on the roots of the problem. This helps leaders look at the issues from many angles and devise possible win-win approaches.<sup>9</sup>

## Listening Carefully<sup>10</sup>

Active listening is an ingredient in any interpersonal relationship. It takes on an added dimension when it provides opportunities to move one’s own goals forward. Listening carefully does not necessarily mean one agrees with the other party. Rather, it signals an interest in learning more and of understanding the “why” and history behind a position.

For example, active listening that is part of asking “why” may shed light on why residents in an underserved neighborhood are angry over a street widening project in a capital improvement plan. Or it may help understand why a fellow elected official is upset about the proposed date for a city council retreat. By respectfully probing for the “why” and listening carefully to the responses, one may be able to identify the reason behind the positions. The neighbors may be concerned about the safety of their children from the increased traffic and the council colleague may be upset because the retreat date selected conflicts with a long planned family reunion.

To be effective, of course, active listening must be genuine. Combining it with a quest to understand the context or “why” of a position can result in powerful insights that may lead to a reasoned, mutually beneficial solution.

## Respecting the Process

Some observers liken negotiations or the process of working together to find common ground to a ritual or a dance. Respecting the process signals respect for the time and effort the parties put into the process. In some situations, reaching agreement too quickly may be perceived as a lack of respect for the process or the other parties’ interest in working through the issue. Taking the time to work out a mutually agreed upon solution validates the time everyone spends participating in that process.<sup>11</sup>

## Other Thoughts to Consider

### Characteristics of a Good Negotiated Settlement

Some experts offer the following four key characteristics of a successful negotiated settlement.<sup>12</sup>

1. **Fairness:** Did the participants in the process perceive it to be fair? A process that is open to modification to respond to new concerns or information generally will be viewed as fair.
2. **Efficiency:** A fair agreement may not be acceptable if it takes longer to achieve than is warranted by the problem. Was the resolution worth the trouble?

3. **Wisdom:** The search for a wise decision or settlement requires collaborative inquiry, one that breaks down a complex problem into a series of mutually agreed-upon pieces.
4. **Stability:** Will the agreement endure over time? Even if the participants view it as fair, efficient and wise, to be effective, a resolution must be stable over time.

## Decision-Making Transparency

Remembering the importance of transparent decision-making is critical when working towards a win-win solution. Public agency decision-making is different from the way individuals or private businesses make decisions. This difference is fundamental to the purpose and objectives of those decisions. The guiding principle must always be what best serves the public's interest.

Remembering potential legal and ethical constraints also is important when working to find a mutually agreeable solution.<sup>13</sup> In seeking to find wise solutions, one does not want to inadvertently overstep what the law allows. For example, current law limits the number of elected officials who may discuss an issue outside of a meeting for which the public has received notice.<sup>14</sup> Fair process considerations may require a public hearing before a final decision can be made.<sup>15</sup> Thus, consulting with the agency's legal counsel is a good first step.

## Consider that You May Be Wrong<sup>16</sup>

Being open to new ideas and information, including the possibility that one's perspective may be wrong, is the sign of a good leader. This applies whether it is learning about and accepting new information that might change one's prior understanding of the issue or working through an issue with the other stakeholders and coming to a different conclusion.<sup>17</sup>

## Principled Leadership

Some experts suggest that principled leadership – that is, leadership based upon “doing the right thing” – includes ephemeral qualities that are hard to define. These are qualities “...we value above and beyond their ability to generate profits or votes.” They include:

- Decency,
- Respect, and
- Compassion.

Attributes of leaders also include:

- Integrity,
- Honesty, and
- Trust.

These leadership qualities contribute to successful relationships that can benefit the community and help achieve the objectives one set out originally in seeking public office.

## About the Institute for Local Government

This tip sheet is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

For more information and to access the Institute's resources on local government basics, visit [www.ca-ilg.org/local-government-basics](http://www.ca-ilg.org/local-government-basics).

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Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at [www.fppc.ca.gov/index.php?id=52](http://www.fppc.ca.gov/index.php?id=52). A source for case law information is [www.findlaw.com/cacases/](http://www.findlaw.com/cacases/) (requires registration).

<sup>1</sup> *Getting Things Done: Working Effectively to Achieve Results* and *Getting Things Done: Working Effectively to Achieve Results*, David Landis, CSAC Institute for Excellence.

<sup>2</sup> Examples include: *Getting to YES*; *Dealing with an Angry Public: Breaking the Impasse*, and *Getting Things Done: Working Effectively to Achieve Results*, David Landis, CSAC Institute for Excellence.

<sup>3</sup> *Getting to YES*, pp. 10-11.

<sup>4</sup> Numerous authors offer thoughtful ideas about integrated strategies for negotiating win-win, mutual gain results. Although providing detailed steps for negotiation strategies is beyond the scope of this tip-sheet, it does offer tips about two key elements of any strategy. Several of the key resources in this area are listed in Resources to Learn More at the beginning of this tip-sheet.

<sup>5</sup> *Getting to YES* p.11.

<sup>6</sup> *Getting to YES*, p. 11.

<sup>7</sup> *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*, p. 117.

<sup>8</sup> *Getting to YES*, p 40.

<sup>9</sup> *Dealing with an Angry Public*, p. 221 and 232.

<sup>10</sup> *Getting to YES*, pp. 35 and following.

<sup>11</sup> *Getting Things Done: Working Effectively to Achieve Results*, David Landis, CSAC Institute for Excellence.

<sup>12</sup> *Breaking the Impasse*, pp. 21 and following.

<sup>13</sup> *Breaking the Impasse*, pp. 193-194.

<sup>14</sup> See Generally Cal Govt. Code § 54950 and following. See also Discussion in *Alternative Dispute Resolution: Navigating Special Issues in Public Agency Disputes* available at <http://www.ca-ilg.org/post/institute-resources-intergovernmental-dispute-resolution>.

<sup>15</sup> See *Trancas Property Owners Association v. City of Malibu*, 138 Cal. App 4<sup>th</sup> 172 (2006); *Save Tara v. City of West Hollywood*, 45 Cal. 4<sup>th</sup> 116 (2008).

<sup>16</sup> *Dealing with an Angry Public*, pp. 166-167.

<sup>17</sup> *Dealing with an Angry Public*, p. 231.

# Board/Executive Staff Communications Strategies

## Establish Communication Priorities at the Beginning of the Relationship

Establishing rapport and communication styles early on will help throughout the board members' and executive's appointment tenure.

## Ongoing Communications/No Surprises

A mutual goal in executive/board member communications is for each to keep the other informed of developments relevant to the others' roles and responsibilities. Another important goal is to avoid situations in which either elected officials or the chief executives are surprised.

## Board Workshops

A board workshop, or series of workshops, can help to set goals and priorities for the agency. Workshops and communicating about decorum are key tools for the governing body. Such workshops enable the board to establish overall goals and priorities the community and objectives for the chief executive to pursue. Workshops can also create mutual expectations among board members on how they will work together to achieve goals.

## Role of the Chair

One member of the board may be selected to serve as chair of the board. The chair may handle issues among the electeds as they arise so staff is not in the middle of any situations. An executive can work directly with the chair on agenda setting and logistical priorities.

## Tailored Communications Methodologies

On a more day-to-day basis, regular communications between the chief executive and elected officials are advisable. How those communications occur will vary according to the preferences and styles of the individuals involved. Elected officials are likely to vary in how, when and where they want to engage in

communication with staff. As one former elected official observed, “One size does not fit all, but all need to feel fit.”

Although the mode of communication may vary; all board members should receive the same information. The method and amount of time for delivering and receiving communication may differ among members. Understanding the communication needs of each elected official is a key executive task.

## Regular in-Person Meetings

Experts suggest that one-on-one meetings between the agency chief executive and each governing body member should occur frequently - if not weekly, then biweekly or monthly.

- Regular meetings with governing board are especially important when the body is divided.<sup>1</sup> If the chief executive meets only with members of the majority, the executive may undermine perceptions of staff objectivity and neutrality.
- Although staff is bound to implement the policy adopted by the majority, the relationship the chief executive develops must be with the body as a whole as well as with each individual who makes up the body.

## Weekly Updates

Some agencies find a weekly newsletter/email from the chief executive to governing body is helpful practice.

- These should be informational only - not an effort to achieve consensus among decision-makers outside open and publicized meetings.<sup>2</sup>
- Executives and governing board members also need to be aware that such communications are public documents subject to disclosure to the media or in litigation.

## Voice-to-Voice for Sensitive Matters

Communications relating to confidential or sensitive matters are best accomplished in person or by telephone.

## Newly Elected Official Orientations

A helpful practice is for each newly-elected governing board member and the chief executive to meet individually early on. The meeting can include a tour of agency facilities and a briefing on key issues, as well as a preview of issues to be covered in any additional orientation sessions planned. It also offers elected officials the opportunity to get their most pressing questions answered.<sup>3</sup> For more information, visit ILG’s *New to Public Service* resources at: [www.ca-ilg.org/new-public-service](http://www.ca-ilg.org/new-public-service).



## Staff Reports

Another form of communication between staff and elected officials (and others) are the staff reports the governing body receives in preparation for meetings. Good communication between the governing board and staff about the board's needs and expectations is important. In general, the following are recognized as good practices.<sup>4</sup>

- **Complete Information.** Staff reports should contain all of the information necessary to make an informed decision. This includes options and alternatives when appropriate, as well as anticipating questions and concerns.
- **Usability.** Complete information is useful only if it is in useable form. Executive summaries, graphics, tables and decision-trees are ways to summarize complex information in an easier-to-understand manner.
- **Plain Language.** Acronyms, jargon and technical language should be avoided. Any term that is likely to be unfamiliar to the average resident should be either defined or avoided in favor of more easily understandable wording. Be succinct and prepare executive summaries for the members as often as possible.
- **Analytic Framework.** Agency staff should use a consistent framework for presenting policy analyses. Typical components include: problem definition, options and alternatives, evaluation of options, staff recommendation, implementation and evaluation.

## Subjects of Communication

Board/executive communications should include not only what is happening or needs to happen, but how decision-making processes occur. This can be especially important on major or potentially contentious issues. The governing body may feel it needs additional time to evaluate the difficult issues presented or engage in additional public engagement processes to hear and consider public input.

## More Resources

International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999)

International City/County Management Association and National League of Cities, *Leading Your Community: A Guide for Local Elected Leaders* (2008)

This resource reflects the insights and thoughts of a number of individuals, including: Kevin C. Duggan, West Coast Director, International City/County Management Association, Pete Kutras, Retired County Executive, Santa Clara, and Principal Consultant, Municipal Resource Group, LLC, Richard A. Haffey, County Executive Officer, Nevada County, and William Chiat, Director, CSAC Institute for Excellence in County Government.

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## References

<sup>1</sup> Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009) available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle>

<sup>2</sup> See *Wolfe v. City of Fremont*, 144 Cal. App. 4th 533 (2006); Cal. Gov't Code § 54952.2(b):

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or *through intermediaries*, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in *separate* conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

See also *Open and Public IV: A User's Guide to the Ralph M. Brown Act* (2010) at 17 (noting that chief executive officer briefings can be a violation of the state's open meeting laws when the process reveals information about governing body members' respective views).

<sup>3</sup> From Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle>

<sup>4</sup> International City/County Management Association, *Partnerships in Local Governance: Effective Council-Manager Relations* (1989) at 42-45 (chapter by Kevin C. Duggan and Terry Ellis "Preparing Staff to Work with the Council").

# **The Quick List**

An Annotated Glossary of Local Government Statutes

**Second Edition**  
February 2009

## **Introduction to “The Quick List”**

The earliest version of “The Quick List” appeared nearly 25 years ago when the Senate Local Government Committee’s staff started jotting down statutory citations to answer questions from other staffers, lobbyists, and constituents.

“*Where do I look in state law to find the Brown Act?*” was a common question. Or, “*What’s the cite for the redevelopment law?*” And the never-ending string of questions about LAFCOs. The Committee’s staff quickly tired of looking up the same answers, so they wrote them down. And “The Quick List” was born.

Over the years, “The Quick List” has improved because of the hard work by a succession of wonderful Senate Fellows, including Candace Carpenter (2000-01) and Christina Wong (2005-06).

Helen Ho is the Committee’s 2008-09 Senate Fellow. Working from the 2006 version, Helen checked every citation, corrected past mistakes, and added valuable new items. Every time you use the Second Edition of “The Quick List,” be sure to thank Helen for her excellent work.

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### Acronyms:

ALG	Assembly Local Government Committee
CDIAC	California Debt and Investment Advisory Commission
CNPA	California Newspaper Publishers Association
OPR	Office of Planning and Research
SLG	Senate Local Government Committee

**Copying notice:** This document is in the public domain. It is not copyrighted. Anyone can copy “The Quick List” without further permission. However, we would appreciate a note that credits the source. “The Quick List” also appears on the Senate Local Government Committee’s website: [www.sen.ca.gov/locgov](http://www.sen.ca.gov/locgov)

## **The Quick List: An Annotated Glossary of Local Government Statutes**

### **1911 Act (Improvement Act of 1911)**

Streets & Highways Code §5000, et seq.

One of the traditional benefit assessment laws that pay for public works with assessment bonds.

### **1913 Act (Municipal Improvement Act of 1913)**

Streets & Highways Code §10000, et seq.

One of the traditional benefit assessment laws that pay for public works with assessment bonds.

### **1915 Act (Improvement Bond Act of 1915)**

Streets & Highways Code §8500, et seq.

One of the traditional benefit assessment laws that pay for public works with assessment bonds.

### **1972 Act (Landscaping and Lighting Act of 1972)**

Streets & Highways Code §22500, et seq.

Local governments levy benefit assessments to pay for public works and public services.

### **1982 Act (Benefit Assessment Act of 1982)**

Government Code §54703, et seq.

Local governments levy benefit assessments to pay for public works and public services.

### **AB 8 (property tax allocation)**

Revenue & Taxation Code §95, et seq.

The state law that allocates property tax revenues to local governments and schools.

(Resource: [Demystifying the California Property Tax Apportionment System](#), Santa Clara County, available at [www.californiacityfinance.com](http://www.californiacityfinance.com))

(Resource: [Property Tax Allocation](#), SLG Committee, 1999)

### **AB 32 (Global Warming Solutions Act of 2006)**

Health & Safety Code §38500, et seq.

Commits the State by 2020 to reduce its greenhouse gas emissions to 1990 levels.

Authorizes the Air Resources Board to reduce emissions.

### **AB 1234 (compensation and ethics training of local officials)**

- Compensation: Government Code §53232, et seq.

- Ethics training: Government Code §53234, et seq.

Rules governing compensation of local officials.

Compensated local officials must take biennial ethics training courses.

(Resource: Free online ethics training, <http://localethics.fppc.ca.gov>)

### **AB 1600 (developer fees)**

Government Code §66000, et seq.

Counties and cities can charge developer impact fees to pay for public works.

(Resource: [Exactions and Impact Fees in California](#), Solano Press Books)

**Administrative Procedures Act (APA)**

Government Code §11340, et seq.

The procedures for state departments to adopt their administrative regulations.

**Advisory elections**

Elections Code §9603

Local officials can put non-binding questions on local ballots.

**Agricultural conservation easements**

Public Resources Code §10260, et seq.

Landowners and local officials can voluntarily restrict land to agricultural uses.

(Also see: “conservation easements” and “open space easements”)

**Alquist-Priolo Earthquake Fault Zoning Act**

Public Resources Code §2621, et seq.

Local officials must adopt earthquake fault zoning, based on state maps.

**ALUC (Airport Land Use Commission)**

Public Utilities Code §21670, et seq.

Every county with a public use airport has an ALUC that must adopt binding land use plans.

(Resource: [The Airport Land Use Planning Handbook](#), Caltrans Division of Aeronautics,

[www.dot.ca.gov/hq/planning/aeronaut/](http://www.dot.ca.gov/hq/planning/aeronaut/))

**Anti-NIMBY law (development approvals)**

Government Code §65589.5

Cities and counties must approve certain housing developments, even if neighbors object.

**Appropriations limit (Gann limit, Proposition 4)**

California Constitution Article XIII B

Government Code §7900, et seq.

Public agencies can't spend more than they spent in the prior year, with adjustments.

**Area planning commissions**

Government Code §65101

Two or more local governments can form joint planning commissions.

**Bagley-Keene Open Meeting Act**

Government Code §11120, et seq.

The open meeting law for state agencies, similar to the Brown Act.

(Resource: [A Handy Guide to the Bagley-Keene Open Meeting Act](#), Attorney General,

<http://caag.state.ca.us/publications/index.htm#openmeetings>)

**Bankruptcy**

Government Code §53760

Local governments can use the federal bankruptcy law.

**BCDC (San Francisco Bay Conservation and Development Commission)**

Government Code §66600, et seq.

The state commission that plans and regulates land use under and around the San Francisco Bay.

**Benefit Assessment Act of 1982 (1982 Act)**

Government Code §54703, et seq.

Local governments levy benefit assessments to pay for public works and public services.

**Benefit assessments (special assessments)**

Involuntary charges on property owners to pay for public works that directly benefit property.

(Resource: [Assessing the Benefits of Benefit Assessments](#), SLG Committee,

[www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

(Also see: “1911 Act,” “1913 Act,” “1915 Act,” “1972 Act,” “1982 Act,” and “Proposition 218”)

**“Blight” defined**

Health & Safety Code §33030, §33031, & §33320.1

Physical and economic conditions of blight in urbanized areas.

(Also see: “redevelopment”)

**Bond oversight**

Government Code §53410, et seq.

Local officials must issue annual reports on how they spend bond funds.

**Bonds**

Most local bonds require voter approval or property owners’ approval.

General obligation bonds for cities, counties, & special districts need 2/3-voter approval.  
California Constitution Article XVI, §18 (a)

General obligation bonds for school districts require 55% voter approval.  
California Constitution Article XVI, §18 (b)

Revenue bonds require majority-voter approval.  
Government Code §54386

Assessment bonds require property owners’ approval in a weighted ballot election.  
California Constitution Article XIII D, §4  
Government Code §53753

**Booking fees**

Government Code §29550

Counties can charge cities fees to recover their costs of booking people into county jails.

**Borrowing, temporary**

Government Code §53820, et seq., §53840, et seq., §53850, et seq., & §53859, et seq.

Local governments can use “dry period loans” to borrow money against future revenues.



**Bradley-Burns Uniform Local Sales and Use Tax Law (sales tax)**

Revenue and Taxation Code §7200, et seq.

Counties and cities levy sales taxes for general purposes.

**Brown Act**

Government Code §54950, et seq.

Open meeting law for local governments, similar to the Bagley-Keene Open Meeting Law.

(Resource: The Brown Act: Open Meetings for Local Legislative Bodies, Attorney General, <http://caag.state.ca.us/publications/index.htm#openmeetings>)

(Resource: Open & Public IV, League of California Cities, [www.cacities.org/resource\\_files/26038.7456\\_OP\\_IV\\_reduced.pdf](http://www.cacities.org/resource_files/26038.7456_OP_IV_reduced.pdf))

**California Roster (Roster of public officials)**

Government Code §12240

The Secretary of State keeps rosters of state and local public officials.

(Resource: California Roster, Secretary of State, [www.sos.ca.gov/admin/ca-roster.htm](http://www.sos.ca.gov/admin/ca-roster.htm))

(Also see: “Roster of public agencies”)

**CDIAC (California Debt and Investment Advisory Commission)**

Government Code §8855, et seq.

The State Treasurer’s panel that monitors local governments’ bonds and debt.

**CEQA (California Environmental Quality Act)**

Public Resources Code §21000, et seq.

Public agencies must consider the environmental effects of development projects.

(Resource: Guide to CEQA, Solano Press Books)

(Resource: Natural Resources Agency’s CEQA website, <http://ceres.ca.gov/ceqa>)

**CEQA Guidelines**

14 Cal. Code Reg. §15000, et seq.

The state regulations that interpret CEQA.

(Resource: Guide to CEQA, Solano Press Books)

**Cities have the same taxing powers as charter cities**

Government Code §37100.5

Any city can levy any tax that any charter city can levy, with voter approval.

**City charters**

California Constitution Article XI, §3 & §5

Government Code §34400, et seq. & §34450, et seq.

Cities can adopt local charters, giving them control over their municipal affairs.

(Resource: Tailor-Made Government, SLG Committee, 1998)

**City council districts**

Government Code §34870, et seq.

Voters can elect city council members “by districts” or “from districts.”

**City council salaries**

Government Code §36516

City council members' salaries are based on the city's population.

**City council vacancies**

Government Code §1770 & §36513

Vacancies on a city council are filled by appointment or election.

**City manager form of government (council-manager form of government)**

Government Code §34851, et seq.

City ordinances can adopt the city manager form of government.

**City name changes**

Government Code §34502

Cities can change their names by ordinance.

**City ordinances**

Government Code §36900, et seq.

Procedures for adopting city ordinances and penalties for violations.

**City property**

Government Code §37350, et seq.

Cities can buy, lease, develop, and sell property.

**City selection committee**

Government Code §50270, et seq.

A committee of mayors in each county that appoints city officials to other boards.

**Coastal Act**

Public Resources Code §30000, et seq.

State law requires special planning and permits for development in the coastal zone.

**COGs (Councils of Governments)**

Government Code §6500, et seq. & §65582 (b)

Joint powers agencies between counties and cities that prepare regional plans.

**Community facilities districts (Mello-Roos Community Facilities Act)**

Government Code §53311, et seq.

Local agencies can levy special taxes to pay for public works and some public services.

**Community Redevelopment Law**

Health & Safety Code §33000, et seq.

Redevelopment agencies use tax increment revenues and eminent domain in blighted areas.

(Also see: "redevelopment")

### **Compensation of local officials**

- Charter cities: California Constitution Article XI, §5 (b)
- General law cities: Government Code §36516, et seq.
- Charter counties: California Constitution Article XI, §4
- General law counties: California Constitution Article XI, §1 (b)
- Special districts: varies by principal act.
- Benefits: Government Code §53200, et seq.
- Compensation allowed and limited (AB 1234): Government Code §53232, et seq.
- Ethics training (AB 1234): Government Code §53234, et seq.

(*Resource: Deregulating Local Officials' Compensation, SLG Committee, 1987)*)

### **Conflict of interest**

Government Code §1090, et seq. & §87100, et seq.

2 Cal. Code of Reg. §18700

Public officials can't participate in decisions in which they have financial interests.

(*Resource: Conflict of Interest, Attorney General,  
<http://caag.state.ca.us/publications/index.htm#conflict>)*)

(*Resource: Ethics Law Reference for Local Officials, Institute for Local Government,  
[www.cacities.org/resource\\_files/25287.ELR2007.pdf](http://www.cacities.org/resource_files/25287.ELR2007.pdf))*)

### **Conservation easements**

Civil Code §815, et seq.

Landowners grant easements to preserve open-space and prohibit development.

(*Also see: "agriculture conservation easements" and "open space easements"*)

### **Contract cities (Gonsalves Act)**

Government Code §51350

Cities can contract with the county for municipal services.

### **Contracts and bidding**

- Cities: Public Contract Code §20160, et seq.
- Counties: Public Contract Code §20120, et seq. & §20150, et seq.
- Districts: *See* the chart at Public Contract Code §20100, et seq.

State law spells out bidding and contract procedures for cities, counties, and special districts.

(*Resource: Summary of California State Laws, Construction Industry Research Board*)

### **COPS (Citizens' Option for Public Safety)**

Government Code §30061, et seq.

State funding for local public safety programs.

**Cortese-Knox-Hertzberg Local Government Reorganization Act (LAFCO)**

Government Code §56000, et seq.

State law governing city and special district boundaries; also creates a LAFCO in every county.

(Resource: [Guide to the Cortese-Knox-Hertzberg Act](#), ALG Committee,

[www.assembly.ca.gov/acs/newcomframeset.asp?committee=17](http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=17))

(Resource: [It's Time to Draw the Line: A Citizen's Guide to LAFCOs](#), SLG Committee,

[www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

(Resource: "Annexation and Boundary Issues," Detwiler in Selmi & Manaster)

**Council-manager form of government (city manager form of government)**

Government Code §34851, et seq.

City ordinances can adopt the city manager form of government.

**Councils of governments (COGs)**

Government Code §6500, et seq.

Joint powers agencies between counties and cities that prepare regional plans.

**County boundary changes**

- Minor: Government Code §23200, et seq.
- Major: Government Code §23230, et seq.

How counties can change their boundaries.

**County Budget Act**

Government Code §29000, et seq.

How counties prepare and adopt their annual budgets.

**County charters**

California Constitution Article XI, §4

Government Code §23700, et seq.

Counties can adopt and revise charters, giving them limited local autonomy.

(Resource: [Tailor-Made Government](#), SLG Committee, 1998)

**County classes, counties classified by size**

Government Code §28020, et seq.

State law sorts counties into 58 classes based on their populations.

**County fees deregulated**

Government Code §54985

County supervisors can set and change fees for county services.

**County formation**

Government Code §23300, et seq.

Procedures for forming new counties.

(Resource: [Suburban Secession](#), SLG Committee)

**County officers, named & classified**

Government Code §24000, et seq. & §24300, et seq.  
 State law spells out the names and duties of county officers.

**County ordinances**

Government Code §25120, et seq.  
 Procedures for adopting county ordinances and penalties for violations.

**County property development**

Government Code §25515, et seq.  
 Counties can acquire, sell, lease, and develop county-owned property.

**Davis-Stirling Common Interest Development Act**

Civil Code §1350, et seq.  
 State law that governs common interest developments (homeowners' associations).

**Design-build contracts**

- Cities: Public Contract Code §20175.2
- Counties: Public Contract Code §20133
- Redevelopment agencies: Public Contract Code §20688.6
- Orange County Sanitation District: Public Contract Code §20785
- Santa Clara Valley Water District: Public Contract Code §21162
- Sonoma Valley Health Care District: Health & Safety Code §32132.5

A single company both designs and constructs a public works project.  
 Cities, counties, redevelopment agencies, and 3 special districts can use design-build contracts.

**Development agreements**

Government Code §65864, et seq.  
 Counties and cities can sign long-term agreements with builders to develop property.

**Development approvals (Anti-NIMBY law)**

Government Code §65589.5  
 Cities and counties must approve certain housing developments, even if neighbors object.

**Density bonuses**

Government Code §65915, et seq.  
 Financial incentives to developers that build affordable housing.

**Developer fees (AB 1600)**

Government Code §66000, et seq.  
 Counties and cities can charge developer impact fees to pay for public works.  
 (*Resource: Exactions and Impact Fees in California, Solano Press Books*)

**Developer fees after disasters**

Government Code §66011  
 Reconstruction after a natural disaster is exempt from impact fees.

**Documentary real estate transfer tax (property transfer tax)**

California Constitution Article XIII A, §4 (limit)

Government Code §53725 (limit)

Revenue & Taxation Code §11901, et seq.

Counties and cities levy this tax on the sale of real property.

**Eminent domain**

California Constitution Article I, §19

Code of Civil Procedure §1230.010, et seq.

Public entities can take private property for public use, with just compensation and due process.

(Resource: *Kelo & California*, SLG Committee, [www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

**Enterprise districts (property tax policy)**

Government Code §16270

State policy says special districts should charge user fees.

**ERAF (Educational Revenue Augmentation Fund)**

Revenue & Taxation Code §97.2, et seq.

Shifts property tax revenues from local governments to schools.

**Ethics training (AB 1234)**

Government Code §53234, et seq.

Elected and key appointed local officials must take biennial ethics training courses.

(Resource: Free online ethics training, <http://localethics.fppc.ca.gov>)

**Expense claims (AB 1234)**

Government Code §53232, et seq.

Rules governing reimbursement of local officials' expense claims.

**Fair Political Practices Commission (FPPC)**

Government Code §81000, et seq. & §83100, et seq.

The state commission that administers the Political Reform Act.

**Farmland conservancy program (CFCP)**

Public Resources Code §10200, et seq.

Easements that preserve agricultural land by prohibiting development.

(Resource: Division of Land Resource Protection, [www.conservation.ca.gov/dlrp/cfcp/](http://www.conservation.ca.gov/dlrp/cfcp/))

**Farmland Mapping & Monitoring Program**

Government Code §51283 (d)(1) & §65570

Public Resources Code §612

The State Department of Conservation maps farmland conversions.

(Resource: Division of Land Resource Protection, [www.conservation.ca.gov/DLRP/fmmp/](http://www.conservation.ca.gov/DLRP/fmmp/))

**Farmland security zones**

Government Code §51296, et seq.

Landowners contract with counties to preserve farmland (part of the Williamson Act).

(Resource: Division of Land Resource Protection,

[www.conservation.ca.gov/dlrp/lca/farmland\\_security\\_zones/](http://www.conservation.ca.gov/dlrp/lca/farmland_security_zones/))

**Fees can't exceed costs**

Government Code §50076 & §66016, et seq.

Local fees can't exceed the reasonable cost of providing the service.

(Resource: "Comparing Local Taxes, Assessments, and Fees," SLG Committee,

[www.sen.ca.gov/locgov/references.htm](http://www.sen.ca.gov/locgov/references.htm))

**Fire suppression assessments**

Government Code §50078, et seq.

Local agencies can levy assessments for fire suppression services.

**Force account limits**

The amounts over which local governments must use private labor instead of public employees.

(Resource: Summary of California State Laws, Construction Industry Research Board)

**Gann limit (appropriations limit, Proposition 4)**

California Constitution Article XIII B

Government Code §7900, et seq.

Public agencies can't spend more than they spent in the prior year, with adjustments.

**General law cities**

Government Code §36501, et seq.

Most cities rely on state laws to spell out their governance structure and duties.

**General plan**

Government Code §65300, et seq.

Every county and city must adopt a general plan that guides their land use decisions.

(Resource: General Plan Guidelines, OPR, [www.opr.ca.gov/index.php?a=planning/gpg.html](http://www.opr.ca.gov/index.php?a=planning/gpg.html))

(Resource: Curtin's California Land Use and Planning Law, Solano Press Books)

**General Plan Guidelines**

Government Code §65040.2

OPR's advisory guidelines on how to prepare general plans.

(Resource: General Plan Guidelines, OPR, [www.opr.ca.gov/index.php?a=planning/gpg.html](http://www.opr.ca.gov/index.php?a=planning/gpg.html))

**General taxes**

California Constitution Article XIII C, §2

Government Code §53720, et seq.

General tax revenues are used for general purposes. General taxes need majority-voter approval.

**Geologic Hazard Abatement Districts (GHADs)**

Public Resources Code §26500, et seq.

Districts that finance the prevention, mitigation, abatement, or control of geologic hazards.

**Gift of public funds prohibited**

California Constitution Article XVI, §6

Public officials can't give away or loan public money.

**Gonsalves Act (contract cities)**

Government Code §51350

Cities can contract with the county for municipal services.

**Granny flats (second units)**

Government Code §65852.1, et seq.

Counties and cities must approve additional dwelling units that meet certain conditions.

**Home rule powers**

California Constitution Article XI, §5

Charter cities can control their own municipal affairs.

**Housing element**

Government Code §65580, et seq.

Part of a general plan that spells out housing data, goals, and implementation programs.

**Incompatibility of office doctrine**

Government Code §1099 & §1126, et seq.

Local officials can't engage in employment and activities that conflict with their duties.

**Independent special districts, defined**

Government Code §56044

A special district with elected or appointed governing board members.

**Infrastructure Bank (I-Bank, Infrastructure and Economic Development Bank)**

Government Code §63000, et seq.

State agency that gives grants and loans for public works projects.

**Infrastructure finance**

State law provides several ways for local governments to pay for public works.

(Resource: [California Debt Issuance Primer](#), CDIAC,

[www.treasurer.ca.gov/cdiac/publications/debtrelated.asp](http://www.treasurer.ca.gov/cdiac/publications/debtrelated.asp))

(Resource: "Debt Chart," SLG Committee, [www.sen.ca.gov/locgov/references.htm](http://www.sen.ca.gov/locgov/references.htm))

**Infrastructure Financing Districts (IFDs)**

Government Code §53395, et seq.

IFDs can use property tax increment revenues to pay for public works in nonblighted areas.

(Resource: "IFD information sheet," SLG Committee, [www.sen.ca.gov/locgov/references.htm](http://www.sen.ca.gov/locgov/references.htm))



**Initiative, Referendum & Recall**

- Cities: Elections Code §9200, et seq., §9235, et seq., & §11000, et seq.
- Counties: Elections Code §9100, et seq., §9140, et seq., & §11000, et seq.
- Special districts: Elections Code §9300, et seq., §9340, et seq., & §11000, et seq.

Procedures for local initiatives, referenda, and recalls.

**Integrated financing districts**

Government Code §53175, et seq.

The initial developer builds the public works and gets repaid by later builders.

**Interest rate limit on local bonds**

Government Code §53530, et seq.

State law limits the interest rates on local bonds.

**Investment of surplus funds**

California Constitution Article XI, §11

Government Code §53601, et seq. & §53635

State law limits how local officials invest their temporarily idle funds.

**JPA (joint powers agency, joint powers agreement)**

Government Code §6500, et seq.

Public agencies can enter into agreements to jointly exercise any common power.

(Resource: Governments Working Together, SLG Committee,

[www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

**LAFCO (Local Agency Formation Commission)**

Government Code §56000, et seq.

Commission in each county that regulates the boundaries of cities and special districts.

(Resource: Guide to the Cortese-Knox-Hertzberg Act, ALG Committee,

[www.assembly.ca.gov/acs/newcomframeset.asp?committee=17](http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=17))

(Resource: It's Time to Draw the Line: A Citizen's Guide to LAFCOs, SLG Committee,

[www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

(Resource: "Annexation and Boundary Issues," Detwiler in Selmi & Manaster)

**Landscaping & Lighting Act of 1972 (1972 Act)**

Streets & Highways Code §22500, et seq.

Local officials can charge benefit assessments to pay for public works and public services.

**Local Agency Investment Fund (LAIF)**

Government Code §16429.1, et seq.

Local governments can invest their temporarily idle funds with the State Treasurer.

**Mailed ballot elections**

Elections Code §4000

Local elections can be conducted by mail.

**Marks-Roos Local Bond Pooling Act of 1985**

Government Code §6584, et seq.

Local officials can pool their bonds to lower their overhead costs.

**Maxims of jurisprudence**

Civil Code §3509, et seq.

Overarching principles that guide the legal system.

**Mello-Roos Community Facilities Act (community facilities districts)**

Government Code §53311, et seq.

Local agencies can levy special taxes to pay for public works and some public services.

**Meyers-Milias-Brown Act**

Government Code §3500, et seq.

Governs employer-employee relations for counties, cities, and special districts.

**Mills Act (historic preservation)**

Government Code §50280, et seq.

Revenue & Taxation Code §439, et seq.

Property owners can contract to preserve their historic properties and get lower property tax bills.

**Multifamily Improvement District Law**

Streets & Highways Code §36700, et seq.

Property and business assessments that benefit multi-family neighborhoods.

(Also see: “Parking and Business Improvement Area Law of 1989” and “Property and Business Improvement District Law of 1994”)

**Municipal advisory council (MAC)**

Government Code §31010

County supervisors can create an advisory council to represent an unincorporated area.

**Natural Hazard Disclosure Statement**

Civil Code §1103.2

Seller must notify prospective buyer if property is in a natural hazard area.

(Resource: “Show and Tell: The New ‘Natural Hazard Disclosure Statement,’” Detwiler in Matthew Bender & Co., Inc., <http://ceres.ca.gov/planning/nhd/background.html>)

**Naylor Act (surplus school sites)**

Education Code §17485, et seq.

Governs the sale of surplus school property.

**New counties (county formation)**

Government Code §23300, et seq.

Procedures for forming new counties.

(Resource: Suburban Secession, SLG Committee)

**On-site wastewater disposal zones**

Health and Safety Code §6950, et seq.

Local agencies authorized to run sewage systems can form on-site wastewater disposal zones.

**Open space easements**

Government Code §51070, et seq.

Land owners can grant easements to protect open space and prohibit development.

(Also see: “agriculture conservation easements” and “conservation easements”)

**Office of Planning and Research (OPR)**

Government Code §65025, et seq.

Part of the Office of the Governor that works on land use planning and environmental quality.

(Resource: Office of Planning and Research’s website, [www.opr.ca.gov](http://www.opr.ca.gov))

**Ordinances**

- Cities: Government Code §36900, et seq.
- Counties: Government Code §25120, et seq.

Procedures for counties and cities to adopt local laws.

**Parcel taxes**

Government Code §50075, et seq.

Local governments can levy special taxes with 2/3-voter approval.

(Also see: “special taxes”)

**Parking and Business Improvement Area Law of 1989**

Streets & Highways Code §36500, et seq.

Business assessments that pay for improvements and activities in business districts.

(Also see: “Multifamily Improvement District Law” and “Property and Business Improvement District Law of 1994”)

**Permit Streamlining Act**

Government Code §65920, et seq.

Public agencies must meet statutory deadlines for decisions on development projects.

**Planning, Zoning, and Development Law**

Government Code §65000, et seq.

Counties and cities set up planning agencies, adopt general plans, and make land use decisions.

(Resource: Curtin’s California Land Use and Planning Law, Solano Press Books)

(Resource: Planning, Zoning & Development Laws, OPR, [www.opr.ca.gov/index.php?a=planning/publications.html#pubs-P](http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-P))

**Police powers**

California Constitution Article XI, §7

Government’s power to regulate private behavior for public purposes.

Cities and counties can enforce local ordinances that don’t conflict with general laws.

**Political Reform Act of 1974**

Government Code §81000, et seq.

Prohibits public officials from having economic conflicts of interest.

**Prezoning**

Government Code §65859

Cities can zone unincorporated territory before annexation.

**Property and Business Improvement District Law of 1994**

Streets & Highways Code §36600, et seq.

Property and business assessments that pay for improvements and activities in business districts.

(Also see: “Multifamily Improvement District Law” and “Parking and Business Improvement Area Law of 1989”)

**Property-related fees**

California Constitution Article XIII D, §6

Government Code §53755

Procedures and requirements for new or increased fees on property-related public services.

(Resource: “Comparing Local Taxes, Assessments, and Fees,” SLG Committee,

[www.sen.ca.gov/locgov/references.htm](http://www.sen.ca.gov/locgov/references.htm))

**Property tax allocation (AB 8)**

Revenue & Taxation Code §95, et seq.

Allocation of property tax revenues to local governments and schools.

(Resource: Demystifying the California Property Tax Apportionment System, Santa Clara County, available at [www.californiacityfinance.com](http://www.californiacityfinance.com))

(Resource: Property Tax Allocation, SLG Committee, 1999)

**Property transfer tax (documentary real estate transfer tax)**

California Constitution Article XIII A, §4 (limit)

Government Code §53725 (limit)

Revenue & Taxation Code §11901, et seq.

Counties and cities levy this tax on the sale of real property.

**Proposition 1A (2004)**

California Constitution Article XI, §15, Article XIII, §25.5, & Article XIII B, §6

Protects local governments’ financing from the state government.

**Proposition 4 (1979) (appropriations limit, Gann limit)**

California Constitution Article XIII B

Government Code §7900, et seq.

Public agencies can’t spend more than they spent in the prior year, with adjustments.

**Proposition 13 (1978)**

California Constitution Article XIII A

Limits property tax rate to 1%, limits reassessments, requires voter approval for special taxes.

**Proposition 59 (2004)**

California Constitution Article I, §3  
Protects public access to government meetings and records.

**Proposition 62 (1986)**

Government Code §53720, et seq.  
Requires voter approval for local special taxes and most local general taxes.

**Proposition 172 (1993)**

California Constitution Article XIII, §35  
Government Code §30051, et seq.  
Dedicates ½¢ state sales tax for local public safety.

**Proposition 218 (1996)**

California Constitution Articles XIII C & XIII D  
Government Code §53750, et seq.  
Requires voter or property owner approval for local taxes, assessments, and fees.

**Publication requirements**

Government Code §6000, et seq.  
Laws governing the publication of public notices.

**Public Records Act**

Government Code §6250, et seq.  
Requires public access to public records, with limited exceptions.  
(Resource: First Amendment Pocket Guide, [www.thefirstamendment.org/publicrecordsact.pdf](http://www.thefirstamendment.org/publicrecordsact.pdf))  
(Resource: The People's Business, League of California Cities, [www.cacities.org/pr](http://www.cacities.org/pr))  
(Resource: Summary of the California Public Records Act, Attorney General, <http://caag.state.ca.us/publications/index.htm#publicrecords>)

**Quimby Act**

Government Code §66477  
Cities and counties can require subdividers to dedicate land for parks.

**Record retention and destruction**

- Cities: Government Code §34090, et seq.
- Counties: Government Code §26201, et seq.
- Special districts: Government Code §60200, et seq.

Rules for retaining and destroying local government documents.

**Redevelopment (Community Redevelopment Law)**

California Constitution Article XVI, §16

Health & Safety Code §33000, et seq.

Redevelopment agencies use tax increment revenues and eminent domain in blighted areas.

Affordable housing (20% set-aside)

Health & Safety Code §33334.2

Agencies must put money into a Low and Moderate Income Housing Fund.

“Blight” defined

Health & Safety Code §33030, §33031, & §33320.1

Physical and economic conditions of blight in urbanized areas.

Military base conversion redevelopment

Health & Safety Code §33492, et seq.

Accelerates the conversion of former military bases to civilian uses.

Natural disasters

Health & Safety Code §34000, et seq.

Accelerated redevelopment after natural disasters.

Polanco Act

Health & Safety Code §33459, et seq.

Redevelopment agencies can clean up properties with hazardous substances.

Reporting requirements

Health & Safety Code §33080, et seq.

Redevelopment agencies must provide annual audits and reports.

(*Resource*: “Redevelopment Agency Reporting Requirements,” SLG Committee)

State lawsuits (Department of Finance and Attorney General)

Health & Safety Code §33501 (c)

Finance and the Attorney General can sue to challenge redevelopment plans.

**Relocation benefits**

Government Code §7260, et seq.

Public agencies must pay relocation benefits to displaced property owners and tenants.

**Relocation subsidies banned**

Government Code §53084

Health and Safety Code §33426.7

Local officials can’t subsidize relocation of big box stores or auto malls in the same market area.

**Revenue Bond Law of 1941**

Government Code §54300, et seq.

Local governments can issue revenue bonds with majority-voter approval.

**RHNA (regional housing needs assessment)**

Government Code §65584, et seq.  
COGs allocate future housing needs.

**Right-to-farm ordinance**

Civil Code §3482.5  
Agricultural activity isn't a nuisance and can't be abated as a nuisance.

**Roster of public agencies**

Government Code §53051  
The Secretary of State and county clerks keep rosters of public agencies.

**Roster of public officials (California Roster)**

Government Code §12240  
The Secretary of State keeps rosters of state and local public officials.  
(Resource: California Roster, Secretary of State, [www.sos.ca.gov/admin/ca-roster.htm](http://www.sos.ca.gov/admin/ca-roster.htm))

**SAFE Act (State Assistance for Fire Equipment Act)**

Government Code §8589.8, et seq.  
Office of Emergency Services finances firefighting equipment for local agencies.

**Sales tax (Bradley-Burns Uniform Local Sales and Use Tax Law)**

Revenue and Taxation Code §7200, et seq.  
Counties and cities levy sales taxes for general purposes.

**Sales tax sharing**

California Constitution Article XIII, §29  
Government Code §55700, et seq.  
Cities and counties can enter into sales tax revenue sharing agreements.

**SB 375 (sustainable communities strategy)**

Government Code §65080 (b)(2)  
Each metropolitan planning organization adopts a sustainable communities strategy that aligns planning for housing, land use, transportation, and greenhouse gas emissions.

**Seismic Hazards Mapping Act**

Public Resources Code §2690, et seq.  
Department of Conservation maps known seismic hazards.

**School developer fees**

Education Code §17620  
Government Code §65995  
School districts can levy developer fees to pay for new schools.  
(Resource: Exactions and Impact Fees in California, Solano Press Books)

**SLONs (Securitized Limited Obligation Notes)**

Government Code §53835, et seq.

Special districts can issue SLONs to borrow money against their existing revenues.

**Special assessments (benefit assessments)**

Involuntary charges on property owners to pay for public works that directly benefit property.

(Resource: [Assessing The Benefits of Benefit Assessments \(Second Edition\)](#), SLG Committee, [www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

(Also see: Proposition 218, 1911 Act, 1913 Act, 1915 Act, 1972 Act, 1982 Act)

**Special districts' audits**

Government Code §26909

Special districts must have regular, independent audits.

**Special districts, defined**

Government Code §16271 (d) & §50077 (d)

Revenue & Taxation Code §95 (m)

A local government that provides limited services and facilities to a defined geographic area.

(Resource: [What's So Special About Special Districts?](#), SLG Committee, [www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

**Special districts (independent), defined**

Government Code §56044

A special district with elected or appointed governing board members.

**Special districts' principal acts**

State laws that govern each type of special district.

*For example:* Community Services District Law is Government Code §61000, et seq.

(Resource: Appendix A, [Special Districts Annual Report](#), State Controller's Office, [www.sco.ca.gov/pubs/#locgovrep](http://www.sco.ca.gov/pubs/#locgovrep))

**Special legislation prohibited**

California Constitution Article IV, §16

Special legislation is unconstitutional if a general law can apply.

**Special tax oversight (SB 535, 2001)**

Government Code §50075.1, §50075.3, & §50075.5

Local officials must issue annual reports on how they spend special tax revenues.

**Special taxes**

California Constitution Articles XIII A, §4 and XIII C, §2

Government Code §50075 et seq., §53722, et seq., & §53970, et seq.

Special tax revenues are restricted to special uses. Special taxes require 2/3-voter approval.



**Specific plans**

Government Code §65450, et seq.

Implementation program carrying out the general plan in part of a county or city.

**Standby charges (Uniform Standby Charge Procedures Act)**

California Constitution Article XIII D, §6 (b)(4)

Government Code §54984, et seq.

Local agencies can charge unimproved properties for sewer and water facilities.

**State mandated local programs (SB 90)**

California Constitution Article XIII B, §6

Government Code §17500, et seq.

State government must pay for the local costs of new state-mandated local programs.

**Subdivision Map Act**

Government Code §66410, et seq.

State law regulates the subdivision of land with tentative maps and parcel maps.

(Resource: Subdivision Map Act Manual, Solano Press Books)

**Subdivided Lands Act**

Business & Professions Code §11000, et seq.

Land can be divided into five or more parcels for sale, lease, or finance.

**Surplus property (state agencies)**

Government Code §11011.1

State departments must offer surplus real property to local agencies.

**Surplus property (local agencies)**

Government Code §50568, et seq. & §54220, et seq.

Procedures for local officials to dispose of surplus property.

**Tax**

Involuntary charge against an individual, landowner, or business without regard for benefit.

(Resource: “Comparing Local Taxes, Assessments, and Fees,” SLG Committee,

[www.sen.ca.gov/locgov/references.htm](http://www.sen.ca.gov/locgov/references.htm))

(Resource: Revenues and Responsibilities, SLG Committee,

[www.sen.ca.gov/locgov/publications.htm](http://www.sen.ca.gov/locgov/publications.htm))

(Also see: “general taxes” and “special taxes”)

**Teeter plans**

Revenue & Taxation Code §4701, et seq.

An alternative method of allocating delinquent property tax revenues.

**Temporary borrowing**

Government Code §53820, et seq., §53840, et seq., §53850, et seq., & §53859, et seq.

Local governments use “dry period loans” to borrow money against future revenues.

**Term limits**

- Cities: Government Code §36502 (b)
- Counties: Government Code §25000 (b)
- Special districts: Government Code §53077

Cities, counties, and special districts may impose term limits.

**Timberland Productivity Act**

Government Code §51100, et seq.

Preferential property tax assessment of timberland. Similar to the Williamson Act.

**Tribal consultation**

Government Code Section §65352.3

Cities and counties must consult with tribes before adopting or amending general plans.

(Resource: [SB 18 Tribal Consultation Guidelines](#), OPR, [www.opr.ca.gov/index.php?a=programs/tribal.html](http://www.opr.ca.gov/index.php?a=programs/tribal.html))

**UDEL (Uniform District Election Law)**

Election Code §10500, et seq.

Procedures for holding local government elections.

**Uniform Public Construction Cost Accounting Act**

Public Contract Code §22000, et seq.

Local agencies follow uniform accounting standards and bidding procedures for public projects.

**Urgency clause**

California Constitution Article IV, §8 (d)

Urgency bills protect the public peace, health, or safety and require 2/3-vote in each house.

**Validation suits**

Code of Civil Procedure §860, et seq.

Lawsuits that ask a court to validate bonds, boundaries, or other decisions.

**VLF (Vehicle License Fees)**

California Constitution Article XI, §15

Revenue & Taxation Code §11005

A state excise tax on motor vehicles in lieu of local property taxes.

**Volunteer fire companies**

Health and Safety Code §14825, et seq.

Unincorporated towns can organize fire companies.

**Williamson Act**

- Contracts: Government Code §51200, et seq.
- Subventions: Government Code §16140, et seq.
- Reassessments: Revenue & Taxation Code §421, et seq.

Landowners can contract with counties to conserve their farmland and open space.

Landowners get lower property tax bills.

Counties get state subventions to make up for the lost property tax revenues.

(Resource: Division of Land Resource Protection,  
[www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx](http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx))

**Zoning**

Government Code §65800, et seq.

County and city zoning ordinances set land use standards and restrict land uses.

## **Retrieving Official Documents**

### **California Statutes**

1. Go to the home page for the Legislative Counsel: [www.leginfo.ca.gov](http://www.leginfo.ca.gov)
2. Click on the button labelled “CALIFORNIA LAW.”
3. In the next screen, find the Code that you want to search. For example, if you want to read Government Code §65302 (the contents of general plans), check the box for “Government Code” then click on the “Search” button near the bottom of the page.
4. In the next screen, you’ll see section numbers highlighted in blue. Scroll down and click on “65300-65303.4.”
5. In the next screen, you’ll see a series of code sections. Scroll down to “65302.”

### **Attorney General’s Legal Opinions**

1. Go to the home page for the California Attorney General: <http://caag.state.ca.us>
2. On the left side of the page, scroll down to “LEGAL OPINIONS” and click on “Opinions of the Attorney General.”
3. In the next screen, scroll down and click on “Opinions Search.”
4. In the next screen, fill in the field. For example, if you want to see the AG’s opinions since 1986 that contain the word “LAFCO,” type “LAFCO” and click on the button “Search.”
5. In the next screen, following this example, you have 20 citations to choose from. Click on the opinion you want to read.

### **Administrative Regulations**

1. Go to the home page for the Office of Administrative Law: <http://ccr.oal.ca.gov>
2. If you know the title and Code section numbers of the regulation you want to read, click on “Search for a Specific Regulatory Section,” otherwise, proceed to step 3.
3. If you don’t know the title and/or Code section numbers, click on “List of CCR Titles.”
4. In the next screen, click on the Title that contains the topic you want to read. For example, for the CEQA Regulations, click on “TITLE 14. NATURAL RESOURCES.”

5. In the next screen, continue clicking on the “+” icons to expand the divisions, chapters, and articles until you find the Code section you want to read. Following our CEQA Regulations example, expand “DIVISION 6. RESOURCES AGENCY” and “CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.” This will bring you to the articles related to CEQA regulations.

### **California Court Decisions**

1. Go to the home page for the California court system: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)
2. In the upper left-hand corner of the screen, click on “opinions.”
3. In the next screen, near the upper left-hand corner, click on the box that says “Searchable Opinions 1850 – Present.”
4. In the next screen, near the bottom of the page, click on the button “Continue.”
5. In the next screen (now you’re at a LEXIS NEXIS screen), scroll down to the bottom of the page and check the box that says “I have read and agree to these Terms and Conditions.”
6. Then, on the same screen, click “VIEW OPINIONS →.”
7. In the next screen, there are 2 ways to search for cases. Use the lower method called “Get Opinion by Cite” and enter the citation for the decision you want to retrieve. For example, if you want to read *Beach-Courchesne v. City of Diamond Bar* (2000) 80 Cal.App.4<sup>th</sup> 388, then fill out the three fields:
  - In the first box called “Enter Volume” insert “80”
  - In the pull down menu called “Select Reporter” click on “Cal.App.4th”
  - In the third box called “Enter Page #” insert “388”
8. When the *Beach-Courchesne* decision comes up, you can either read it online or you can print the case. Because that decision is 11 pages long, it might be easier to print the opinion.

## **Useful Websites**

### **Government Websites**

**California State Senate.** [www.sen.ca.gov](http://www.sen.ca.gov)

**California State Assembly.** [www.assembly.ca.gov](http://www.assembly.ca.gov)

**California Courts.** [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Access to court decisions.

**Department of Transportation.** [www.dot.ca.gov](http://www.dot.ca.gov)

Caltrans information on road conditions, traffic operations, and local roads.

**Fair Political Practices Commission.** [www.fppc.ca.gov](http://www.fppc.ca.gov)

Political Reform Act forms, filing deadlines, and ethics orientation.

**Governor's Office.** [www.gov.ca.gov](http://www.gov.ca.gov)

**Legislative Analyst's Office.** [www.lao.ca.gov](http://www.lao.ca.gov)

Analyses on the budget, fiscal, and policy legislation.

**Legislative Counsel.** [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Posts statutes, bills, analyses, votes, histories, publications, and CA codes.

**Secretary of State.** [www.sos.ca.gov](http://www.sos.ca.gov)

Elections, voter, campaign, lobby information, business filing, notary, public commissions.

**State Controller's Office.** [www.sco.ca.gov](http://www.sco.ca.gov)

Posts local government financial reports, reporting forms, and audit guidelines.

**State of California.** [www.ca.gov](http://www.ca.gov)

Links to all the state agencies, counties, and cities and departments.

**U.S. House of Representatives.** [www.house.gov](http://www.house.gov)

**U.S. Senate.** [www.senate.gov](http://www.senate.gov)

### **Local Government Websites**

**California Special Districts Association (CSDA)** is the umbrella group for districts.

[www.csda.net](http://www.csda.net)

**California State Association of Counties (CSAC)** provides county information.

[www.csac.counties.org](http://www.csac.counties.org)

**Institute for Local Government (ILG)** produces a variety of materials for local governments.

[www.ca-ilg.org](http://www.ca-ilg.org)

**League of California Cities** is the trade association for all 480 municipalities. [www.cacities.org](http://www.cacities.org)

The City Attorney's Department of the **League of California Cities** offers a number of helpful publications. [www.cacities.org/attorneys](http://www.cacities.org/attorneys)

**Senate Local Government Committee** offers diverse and eclectic resources.

[www.sen.ca.gov/locgov](http://www.sen.ca.gov/locgov)

### **Land Use Planning Websites**

Need information on California's public water agencies? **Association of California Water Agencies (ACWA)** is the umbrella group. [www.acwa.com](http://www.acwa.com)

**California Association of LAFCOs (CALAFCO)** serves the state's boundary commissions. [www.calafco.org](http://www.calafco.org)

You can reach professional planners at the **California Chapter of the American Planning Association**. [www.calapa.org](http://www.calapa.org)

Need information on **California Environmental Quality Act (CEQA)**?

- The statute. [http://ceres.ca.gov/topic/env\\_law/ceqa](http://ceres.ca.gov/topic/env_law/ceqa)
- The "CEQA Guidelines" are the regulations that interpret the statute. [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://ceres.ca.gov/topic/env_law/ceqa/guidelines)

The **California Environmental Resources Evaluation System (CERES)** main website.

<http://ceres.ca.gov>

Where do reporters get their land use information? The **Foundation for American Communications**. [www.facsnet.org](http://www.facsnet.org)

The state's **Land Use Planning Information Network (LUPIN)** is a great starting point and includes links to local general plans and zoning ordinances. <http://ceres.ca.gov/planning>

The Governor's **Office of Planning and Research (OPR)** advises local planners.

[www.opr.ca.gov](http://www.opr.ca.gov)

- OPR's General Plan Guidelines advise planners on how to plan. [www.opr.ca.gov/index.php?a=planning/gpg.html](http://www.opr.ca.gov/index.php?a=planning/gpg.html)
- OPR compiles the state's Planning, Zoning, and Development Laws. [www.opr.ca.gov/index.php?a=planning/publications.html#pubs-P](http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-P)
- OPR's California Planner's Book of Lists provides lots of information about local planning. [www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C](http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C)

### **Local Finance Websites**

**California Taxpayers' Association** conducts research and advocacy on tax and spending issues.

[www.caltax.org](http://www.caltax.org)

**Howard Jarvis Taxpayers Association** leads the fight against taxes. [www.hjta.org](http://www.hjta.org)

**League of California Cities** sponsors a local government finance website.

[www.californiacityfinance.com](http://www.californiacityfinance.com)

**State Board of Equalization** can answer your state tax questions. [www.boe.ca.gov](http://www.boe.ca.gov)

### **Policy Research and Databases**

The **California On-Line Directory "COLD"** lists state employees' phone numbers.

<http://cold.ca.gov>

**California Research Bureau** (part of the State Library) produces reports on California issues.

[www.library.ca.gov/crb/CRBSearch.aspx](http://www.library.ca.gov/crb/CRBSearch.aspx)

**California Courts'** website provides copies of court decisions. [www.courtinfo.ca.gov/opinions](http://www.courtinfo.ca.gov/opinions)

Researching the **Code of California Regulations?** There's a search function.

<http://ccr.oal.ca.gov>

**Department of Finance's Demographic Research Unit** posts population and census data.

[www.dof.ca.gov/html/Demograp/druhpar.htm](http://www.dof.ca.gov/html/Demograp/druhpar.htm)

**National Conference of State Legislatures** compares California to other states. <http://ncsl.org>

**Public Policy Institute of California** is an independent research center with statistical information and analytical reports. [www.ppic.org](http://www.ppic.org)



**Reason Public Policy Institute** is another public policy research center.  
[www.rppi.org/index.html](http://www.rppi.org/index.html)

**Senate Office of Research** (part of the California State Senate) produces policy reports.  
[www.sen.ca.gov/sor](http://www.sen.ca.gov/sor)

**Thomas** (a service of the Library of Congress) posts information about federal legislation.  
<http://thomas.loc.gov>

### **Current Awareness**

**“Rough & Tumble”** is Jack Kavanagh’s daily digest of news stories about California politics.  
[www.rtumble.com](http://www.rtumble.com)

**“California Planning & Development Report”** is Bill Fulton’s monthly newsletter.  
[www.cp-dr.com](http://www.cp-dr.com)