



Additional Resources

ILG Welcomes California's Newly Elected Officials

When the November elections conclude, many local governments across California will welcome a number of new elected officials. Assuming a leadership role is not an easy task — today's local leaders face myriad challenges. From their first day in office onward, they will be asked to balance multiple competing priorities with limited resources. To assist them, the Institute for Local Government (ILG) has developed materials aimed at getting newly elected local officials and staff up to speed on a variety of key topics (www.ca-ilg.org/local-government-basics-those-new-public-service).

Local Government Basics for Those New to Public Service

Local governments provide a variety of essential services to their communities. ILG offers local officials and staff numerous articles, videos and other resources in the following areas:

- Budgeting and finance;
- Leadership skills;
- Making decisions;
- Engaging the public;
- Media relations;
- Working with staff;
- When bad things happen;
- Land use;
- Responsibilities and powers;
- Public trust and transparency;
- Personnel, labor relations and pensions; and
- Health and human services.

Featured Resources: Working with Staff

Staff is often one of the most valuable resources available to local elected officials. To support newly elected officials making the transition into office, ILG has compiled multiple resources on working with staff (www.ca-ilg.org/working-staff). This section of the ILG website includes information on the role that local agency staff plays, the division of roles between elected officials and staff, and video interviews with Jan Perkins of the International City/County Management Association (ICMA) on working with staff and the role of the chief executive.

In addition to the resources mentioned here, this section also contains information on:

- **Maximizing the success of board-chief executive relations**, with tips for both parties, including communications and evaluation strategies;
- **Codes of conduct**, which can facilitate collaboration and civility between individual members and the elected body as a whole. This section includes sample codes of conduct from throughout California; and
- **Encouraging innovation and smart risk-taking**, with tips on how governing board members can help create a safe environment for reasonable risk-taking.

Additional Resources: Public Trust and Transparency

In California, state and federal laws create a complex set of requirements and laws that guide elected officials and agency staff in their service to their communities. This section of the website (www.ca-ilg.org/public-trust-transparency-ethics) offers the following resources:

- **Ethics Law Principles for Public Servants** outlines the types of issues and financial interests that should trigger a conversation with your agency counsel about what the law requires; and
- **The ABCs of Open Government Laws** provides a plain-language explanation of what local leaders need to know about California's transparency laws, the Brown Act and the Public Records Act.

For more information on ethics and transparency, visit www.ca-ilg.org/trust.

Orientation Materials for Newly Elected Officials

Are you a local agency staffer looking to help the new elected officials in your agency? In addition to your agency's own materials (such as policies, calendars and staff rosters), ILG's resources can help officials understand and pursue their leadership role.

Learn more at www.ca-ilg.org/orientationmaterials.

About the Institute for Local Government

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 visit www.ca-ilg.org/local-government-basics. If you would like to access this resource directly, go to www.ca-ilg.org/post/ilg-welcomes-californias-newly-elected-local-officials.

The Institute welcomes feedback on this resource:

- *Email:* mkuehne@ca-ilg.org Subject: *ILG Welcomes California's Newly Elected Officials*
- *Mail:* 1400 K Street, Suite 205 • Sacramento, CA • 95814

Good Governance Checklist: Good and Better Practices



What practices can a local agency put in place to promote public trust and confidence? What practices can minimize the risk of missteps that could undermine or damage this trust and confidence?

The Institute for Local Government (ILG) has created a checklist to help elected officials, county administrative officers, city managers, agency counsel, local agency staff and the community-at-large answer these fundamental questions. Some of the “good practices” are those necessary to comply with California law. Others set the agency’s sights higher and take good practices to a level of “better practices.” Whenever possible, the checklist offers references for further information on a topic.

The checklist is divided into the following areas:

1	Stewardship of Public Resources (Financial Practices, Use of Public Resources, Procurement and Contracting)
2	Transparency (Open Government Practices, Meetings, Decision-Making)
3	Education, Training and Personnel
4	Campaigns

This checklist can be used by elected officials and staff to evaluate the current practices of an agency, identify deficiencies in policy and procedures, set goals and foster communication within the agency about its practices.

The checklist combines legal requirements included in California law as well as practices suggested by the following resources:

- Government Finance Officers Association’s best practices, available at www.gfoa.org/best-practices
- Institute for Local Government’s “Ethics Law Compliance Best Practices,” available at www.ca-ilg.org/ethicsbestpractices
- League of California Cities City Managers Department, “Transparency and Your City Self-Assessment Checklist,” draft version available at www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Managers/Transparency-Subcommittee/Transparency-and-Your-City-checklist
- California Special District Leadership Foundation, “District Transparency Certificate of Excellence Checklist,” available at www.sdlf.org/transparency.htm
- Sunshine Review, “2013 Transparency Report Card,” available at http://ballotpedia.org/Transparency_report_card_%282013%29

In addition, the League of California Cities helped develop an extensive fiscal assessment tool designed to probe more extensively into local agency fiscal conditions. This tool is available at www.californiacityfinance.com/Diagnostic1405.pdf.

ABOUT THE INSTITUTE FOR LOCAL GOVERNMENT

The Institute for Local Government 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 ethics visit www.ca-ilg.org/trust. If you would like to access this resource directly, go to www.ca-ilg.org/goodgovernance.

The Institute welcomes feedback on this resource:

- Email: ethicsmailbox@ca-ilg.org Subject: Good Governance Checklist: Good and Better Practices
- Mail: 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

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HOW TO USE THIS INFORMATION

Although the Institute endeavors to help local officials understand technical and legal concepts that apply to their public service, these materials are not technical or legal advice. Officials are encouraged to consult technical experts, attorneys and/or relevant regulatory authorities for up-to-date information and advice on specific situations.

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | GENERAL

Minimum Standards/Good Practices

- Consistent with generally accepted accounting principles, agency fully and accurately discloses both positive and negative financial information to the public and financial institutions including:
 - Summaries of all municipal funds, fund balances and changes
 - Summaries of all municipal revenues and expenditures
 - Five year financial forecast
 - General status of reserves and any unfunded obligations (for example, pension obligations)
- Agency creates and documents accounting policies and procedures

Resource:

- www.gfoa.org/documenting-accounting-policies-and-procedures

Beyond the Minimum/Better Practices

- Agency discloses budget and financial documents on agency website. See Government Finance Officers Association's (GFOA) Best Practice: Using Websites to Improve Access to Budget Documents and Financial Reports, available at www.gfoa.org/sites/default/files/CCIUsingWebsites.pdf
- Agency prepares five year financial forecasts for both general and other funds, examining issues such as overall economic trends, environmental and regulatory risks, unfunded liabilities, adequacy of fee levels, fund balances, cost deferrals and infrastructure condition
- Agency officials discuss forecasts, comparing actual results to forecasts, accompanied by a broader discussion of risks that could affect core agency service levels and facilities during public meetings
- Agency officials and the public they serve are clear on the financial implications (short and long term) of the policy and other decisions being made; management and decision-makers support a culture of transparency regarding the agency's financial situation
- Agency engages in energy efficiency and conservation measures to save money and natural resources

Resource:

- www.ca-ilg.org/energy-efficiency-conservation

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | INTERNAL AGENCY CONTROLS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency segregates duties among staff to minimize risk of error or misconduct <input type="checkbox"/> Agency has created a system of authorizations, approval and verification for transactions <input type="checkbox"/> Diligent reconciliation process requirements are in place and followed to compare various sets of data to one another; discrepancies are identified and investigated and corrective action is taken when necessary <p>Resource:</p> <ul style="list-style-type: none"> • www.osc.state.ny.us/agencies/ictf/docs/intcontrol_stds.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Managers are given information and training to take responsibility for internal controls <input type="checkbox"/> Manager involvement follows GFOA's best practices including: <ul style="list-style-type: none"> • Trainings for all employees • Documentation of internal controls • Practical means for employees to report management override of internal controls that could indicate fraud • Periodic evaluation of internal controls <p>Resource:</p> <ul style="list-style-type: none"> • www.gfoa.org/getting-management-involved-internal-control

FINANCIAL PRACTICES | PERIODIC FINANCIAL REPORTS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> A certified public accountant prepares agency annual financial reports in accordance with generally accepted accounting principles <input type="checkbox"/> Agency officials receive periodic financial reports (mid-year at a minimum) <input type="checkbox"/> Reports provide a clear and complete picture of the agency's assets and liabilities <input type="checkbox"/> Periodic financial investment reporting occurs in open meetings 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with the Government Finance Officers Association, financial reporting best practices. For more information see www.gfoa.org/conforming-governmental-accounting-auditing-and-financial-reporting-standards <input type="checkbox"/> Agency posts and archives periodic reports on the agency website <input type="checkbox"/> Reviewing officials receive training/information on how to evaluate reports <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/FinancialReportingandAccounting

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | BUDGET

Minimum Standards/Good Practices

- Agency makes complete current fiscal year budget available on agency website
- Agency has a clear capital financing and debt management policy that addresses how it selects external consultants such as bond counsel, financial advisors, trustees, engineering consultants and underwriters
- Capital financing and debt management policies address disclosure and relations with rating service agencies

Beyond the Minimum/Better Practices

- Agency complies with Government Finance Officers Association's, "Best Practices in Public Budgeting" available at www.gfoa.org/services/nacslb/
- Agency makes budgets for the past three years available on agency website
- Agency officials receive training and information of how to review and/or comment on a budget and questions to ask

Resource:

- www.ca-ilg.org/budget-creation-and-monitoring (materials and informational video)

- Agency provides information on the budget to the public through a variety of channels, with an emphasis on presenting the information in plain and understandable terms

Resource:

- www.ca-ilg.org/engaging-public-budgeting

- Agency holds public budget workshops to get community input on perceived needs

FINANCIAL PRACTICES | EXPENSE REIMBURSEMENT POLICY

See Use of Public Resources section below

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | AUDITS

Minimum Standards/Good Practices

- Agency auditing practices meet California State Controller’s requirements
- Resource:**
- www.sco.ca.gov/ard_local_info_resources.html
- Agency secures independent audits of financial reports no later than 180 days after year end
 - Agency fully cooperates with state and federal audits
 - Agency posts most recent audit, including opinions on internal controls and other matters, on agency website as well as making such reports available at libraries
 - Agency periodically changes auditors to provide a fresh view of agency finances (no less than every six years)¹
 - Agency governing body meets with auditor to review results of audit in a full and frank manner during a public meeting; officials treat any issues identified as opportunities to improve agency practices and not as opportunities to blame staff

Beyond the Minimum/Better Practices

- Agency auditing practices exceed State Controller’s requirements
- Resource:**
- www.sco.ca.gov/ard_local_info_resources.html
- Auditors review agency procedures for handling potential conflicts of interests among agency staff
 - Agency posts the past three years’ audits on agency website
 - Agency officials receive information and training on how to review and comment on an audit
- Resource:**
- www.ca-ilg.org/audits

STEWARDSHIP OF PUBLIC RESOURCES

USE OF PUBLIC RESOURCES* | EXPENSE REIMBURSEMENT

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency has required travel and expense reimbursement policies for elected and appointed officials, ² as well as for staff Resource: <ul style="list-style-type: none"> • www.ca-ilg.org/SampleReimbursementPolicies <input type="checkbox"/> Agency provides the expense reimbursement policy to all new employees and officials <input type="checkbox"/> Staff carefully and consistently reviews compliance with expense reimbursement policy and receives support from top management and governing body in doing so <input type="checkbox"/> Compliance with expense reimbursement policy is subjected to independent verification <input type="checkbox"/> Legislative body members make required brief report of meeting attendance at the agency's expense at the next meeting of the body ³	<input type="checkbox"/> Policy and organizational culture emphasizes the value of being conservative about using public resources Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/reimbursementpolicy • "Buying Meals for Others on the Public's Dime" available at www.ca-ilg.org/dime <input type="checkbox"/> Agency posts the expense reimbursement policy on agency website <input type="checkbox"/> Staff and elected officials receive periodic reminders on the provisions of the policy that most likely apply to them <input type="checkbox"/> Members make a brief report on meetings and conferences attended at agency expense, underscoring the value received

USE OF PUBLIC RESOURCES* | ALLOWANCES

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Any allowance (for example, a telephone or technology allowance) is backed up by documentation explaining the factual basis for the allowance	<input type="checkbox"/> Officials decline overly generous or duplicative allowances/benefits that could create public perception issues or present ethical concerns

STEWARDSHIP OF PUBLIC RESOURCES

USE OF PUBLIC RESOURCES* | AGENCY RESOURCES AND EQUIPMENT

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> Agency adopts policy which takes into account proscriptions against:</p> <ul style="list-style-type: none"> • Gifts of public resources • Personal use of public resources • Political use of public resources (see Campaign section below) <p><input type="checkbox"/> Agency policy is consistently applied</p> <p><input type="checkbox"/> Staff and elected officials understand and comply with mass mailing prohibitions⁴</p> <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/massmailing <p><input type="checkbox"/> Those with special access to agency equipment receive training and periodic reminders on prohibitions of use of agency resources for personal or political purposes</p>	<p><input type="checkbox"/> Orientation of newly elected officials, newly appointed officials and newly hired staff address the issue of permissible and impermissible uses of public resources</p> <p><input type="checkbox"/> Agency periodically reminds team members of policies and proscriptions at relevant time points (for example, before election season)</p> <p><input type="checkbox"/> Agency explores opportunities to share limited resources among a network of local agencies (cities, schools, special districts, counties, etc.) to leverage capital and staff resources through joint training programs, sharing services, and joint use of facilities and equipment</p> <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/shared-services-and-joint-use

STEWARDSHIP OF PUBLIC RESOURCES

PROCUREMENT AND CONTRACTING RULES AND POLICIES	
Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has a transparent and fair process for selecting with whom it will do business <input type="checkbox"/> Agency complies with state competitive bidding requirements for public works projects⁵ <input type="checkbox"/> Agency has clear organization-wide standards and guidelines regarding procurement and contracting <input type="checkbox"/> Agency has policy for advertising contracts open for bidding <input type="checkbox"/> Agency has policies in place for the proper disposal of surplus property – policies are communicated to staff <input type="checkbox"/> Local officials involved in contracting decisions receive information and/or training on the laws prohibiting self-dealing in agency contracts⁶ <input type="checkbox"/> Officials involved in contracting and purchasing decisions must be included in an agency’s conflict of interest code and regularly file a Statement of Economic Interests (Form 700)⁷ <ul style="list-style-type: none"> • Form 700 is available at: www.fppc.ca.gov <input type="checkbox"/> Agency completes Agency Report of Consultants (Form 805)⁸ and ensures that all consultants in designated positions complete and file a Statement of Economic Interests (Form 700) <ul style="list-style-type: none"> • Form 805 is available at: www.fppc.ca.gov/forms/805.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with both the letter and the spirit of procurement laws and policies, that all interested parties are given the opportunity to do business with the agency on an equal basis <input type="checkbox"/> Agency website explains processes for doing business with the agency <input type="checkbox"/> Agency website includes information about contract opportunities and Requests for Proposals (RFPs) <input type="checkbox"/> Vendors receive information about ethics standards for doing business with the agency <input type="checkbox"/> Agency conducts periodic training and outreach to educate prospective and current vendors on the agency contracting process <input type="checkbox"/> Agency engages in climate friendly purchasing practices <ul style="list-style-type: none"> Resource: <ul style="list-style-type: none"> • www.ca-ilg.org/climate-friendly-purchasing <input type="checkbox"/> Agency engages in regional or shared bidding processes among local agencies in a geographic area to reduce costs.

TRANSPARENCY

OPEN GOVERNMENT PRACTICES | PROMOTING TRANSPARENCY

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency anticipates information the public needs concerning the agency’s activities and makes the information available through a variety of channels including the agency website <input type="checkbox"/> Local officials and designated staff are current in making their Statement of Economic Interests (Form 700) disclosures <ul style="list-style-type: none"> • Form 700 is available at: www.fppc.ca.gov <input type="checkbox"/> Agency institutes a policy for receipt of free tickets/event admissions for officials and ensures reporting compliance on the FPPC Agency Report of Ceremonial Role Events and Ticket/ Admission Distributions (Form 802)⁹ <ul style="list-style-type: none"> • Form 802 is available at: www.fppc.ca.gov/forms/802.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency creates a “transparency portal” on its website that provides anticipated information the public needs from all agency departments in one easy to find location <input type="checkbox"/> Agency makes Statement of Economic Interests (Form 700) disclosures available on the agency website <input type="checkbox"/> Agency makes Ticket/Admission Distribution Report (Form 802) available on the agency website <input type="checkbox"/> Agency makes Payment to Agency Report (Form 801) available on the agency website <ul style="list-style-type: none"> • Form 801 is available at: www.fppc.ca.gov/forms/801.pdf <input type="checkbox"/> Agency uses an electronic filing system to make posting and completion of the required disclosures easier

OPEN GOVERNMENT PRACTICES | PUBLIC RECORDS ACT REQUESTS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency adopts policy for handling Public Records Act requests and makes the policy available on website and through other channels <input type="checkbox"/> A designated staff member handles all records requests in order to ensure prompt compliance with records requests <input type="checkbox"/> (Alternative for Larger Agencies) Designated staff members within each department receive training on Public Records Act compliance to enable the department to properly respond to such requests. 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency accepts online records requests <input type="checkbox"/> Agency anticipates commonly requested records and posts them on the agency website, including all Fair Political Practices Commission forms <input type="checkbox"/> Agencies participating in joint use or shared services provide online access to documents and materials about cross-agency relationships

OPEN GOVERNMENT PRACTICES | PUBLIC ENGAGEMENT

Minimum Standards/Good Practices

- Agency has an easy to use website that makes public information readily available
- Agency website uses plain language and minimizes the use of acronyms to ease understanding
- Agency provides information explaining how the decision-making process works and how people can provide input

Resource:

- www.ca-ilg.org/PEOrientations

- Agency engages in regular communications through a variety of channels to keep the public up-to-date on agency activities

Resource:

- www.ca-ilg.org/PEstrategiccommunications

- Communications are translated as needed and distributed to appropriate community groups

Resource:

- www.ca-ilg.org/EthnicMediaInfographic

- Agency officials maintain regular office hours
- Department heads maintain an “open door policy” for the public

Beyond the Minimum/Better Practices

- Residents can subscribe to an e-notification system for meetings, summaries of actions taken at meetings, workshops or other events/information
- Agency uses social media and other digital tools to engage and communicate with the public

Resource:

- www.ca-ilg.org/online-engagement-guide

- Agency uses mobile app for community members to report issues

Resource:

- www.ca-ilg.org/technology-and-public-input

- Agency develops relationships with community based organizations, neighborhood groups, ethnic media and clergy/congregations to distribute information and solicit input on issues of potential interest to those groups

Resource:

- www.ca-ilg.org/partnering-community-based-organizations

- For potentially controversial and/or complex issues, the agency creates additional opportunities for individuals to learn about and have input into decisions on those issues

Resource:

- www.ca-ilg.org/DeeplyHeldConcerns

- Agency has or creates youth commissions as an opportunity to connect with younger generations about public services and needs

Resource:

- www.ca-ilg.org/engaging-youth

- Agency collaborates and partners with other local agencies to engage shared constituencies, through activities such as joint meetings and newsletters

OPEN GOVERNMENT PRACTICES | INFORMATION ABOUT KEY ELECTED AND APPOINTED OFFICIALS AND STAFF

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Contact information, including telephone numbers, mailing addresses, office locations and email addresses are available on agency website and kept current <input type="checkbox"/> Terms of office/appointment and next election date are disclosed <input type="checkbox"/> Agency Report of Appointments (Form 806) is posted on agency website¹⁰ <ul style="list-style-type: none"> • Form 806 is available at: www.fppc.ca.gov/forms/806.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Website and other communications explain terms of office and next election/appointment date for elected and appointed officials <input type="checkbox"/> Materials and information on how to seek election and appointment are available on agency website <input type="checkbox"/> Agency website contains a dedicated page for links to other local, state and federal agencies, clarifying the functions and services of each agency and makes referrals to other agencies where appropriate

OPEN GOVERNMENT PRACTICES | BOARDS AND COMMISSIONS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with California law relating to creation of a Local Appointments List (Maddy Act), which is a list of all appointed positions that expire within the next calendar year. The list is made available to members of the public by various means and provided to the local library with the largest service population¹¹ <input type="checkbox"/> Agency posts unexpected vacancies in the agency's clerk's office, the local library with the largest service population and other locations as directed by the legislative body¹² <input type="checkbox"/> Agency posts the Local Appointments List on the agency website on or before January 2 of each year 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency supports leadership program(s) to familiarize potential applicants who are thinking of applying to boards and commissions with relevant roles and responsibilities <input type="checkbox"/> Agency distributes the Local Appointments List broadly through social and print media, ethnic media, community-based organizations, and clergy and congregations <input type="checkbox"/> Agency publicizes unexpected vacancies broadly through press releases, social and print media, ethnic media, community-based organizations, and clergy and congregations <input type="checkbox"/> Agency encourages local officials to engage in widespread outreach through their networks to inform all segments of the community about opportunities to serve on boards and commissions

MEETINGS | POLICIES AND PROCEDURES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> All elected and appointed officials have received information/training related to California’s open meeting laws¹³</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/abc <p><input type="checkbox"/> Chairperson receives training/information about the role of the chairperson</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/chairmeeting <p><input type="checkbox"/> All members of the decision-making body receive training/information about roles, responsibilities and purpose</p> <p><input type="checkbox"/> Agency has adopted rules of procedure to govern meetings that meet the needs of the agency and the public</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/parliamentarysimplified 	<p><input type="checkbox"/> Agency promotes civility in public meetings</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/PromotingCivility <p><input type="checkbox"/> A statement of basic rules and protocol related to public participation is included on meeting agendas and orally stated at the beginning of public comment period</p> <p><input type="checkbox"/> Agency engages in processes to enable the public to understand how to most effectively communicate concerns about issues before the agency</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/publicmeetings

MEETINGS | WEBSITE CONTENT

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> Agency posts regular meeting agendas 72 hours in advance and special meeting agendas 24 hours in advance on agency website¹⁴</p> <p><input type="checkbox"/> Current year meeting minutes and agendas are available on agency website</p> <p><input type="checkbox"/> Community members can sign up for email notices/reminders of public meetings</p> <p><input type="checkbox"/> Calendar of date, time, location of meetings is available on the agency website</p>	<p><input type="checkbox"/> Agency posts meeting agendas for regular meetings earlier than required to enable the public to understand upcoming issues before the agency</p> <p><input type="checkbox"/> Agency makes archives of meeting minutes and agendas for three years or longer</p> <p><input type="checkbox"/> Agency makes available live audio/video streams and archived recordings of meetings available on the agency website</p> <p><input type="checkbox"/> Agency posts video recordings of meetings with relevant accompanying materials</p> <p><input type="checkbox"/> Agency emails meeting agendas to subscribers with information on how to view related materials on the website</p>

DECISION-MAKING | DECISION-MAKERS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> California Fair Political Practices Commission’s Form 700 (Statement of Economic Interests) is distributed and collected in a timely manner on an annual basis (required by law¹⁵) <input type="checkbox"/> Decision-makers know where the 500-foot boundaries are with respect to their various property interests¹⁶ <input type="checkbox"/> Officials are advised of prohibitions against self-dealing in addition to the Political Reform Act¹⁷ 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency staff creates a map of the 500-foot boundaries for each decision-maker to help him or her determine if there is a potential conflict of interest in a decision

DECISION-MAKING | PROCESSES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has adopted a conflict of interest code as required by the Political Reform Act¹⁸ <input type="checkbox"/> Decision-makers receive training on due process rules applicable to quasi-adjudicatory (administrative) hearings. <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/bias <ul style="list-style-type: none"> <input type="checkbox"/> Decision-makers know the agency’s policies for disclosure of information they receive outside of adjudicatory hearings <input type="checkbox"/> Agency policies are applied consistently to those seeking agency approvals, regardless of personal connections <input type="checkbox"/> Decision-makers listen attentively at public hearings, particularly adjudicatory hearings <input type="checkbox"/> Decision-makers consider potential impacts to the resources of other local, state, federal or tribal agencies when making decisions 	<ul style="list-style-type: none"> <input type="checkbox"/> Decision-makers voluntarily abstain when their ability to make decisions in the public interest (as opposed to personal or political interests) might be reasonably questioned <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/abstentions

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | ONBOARDING

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency provides materials on duties and responsibilities for all newly elected and appointed officials and staff Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/new-local-public-service <input type="checkbox"/> Agency provides information on policies, including ethics policy, upon onboarding	<input type="checkbox"/> Orientation on duties and responsibilities is available to all newly elected and appointed officials and staff Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/OrientationMaterials <input type="checkbox"/> When appropriate agency shares training services and costs among neighboring local agencies

EDUCATION/TRAINING | ONGOING EDUCATION

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency supports continuing education activities for staff, appointed and elected officials (including those that are required by law for certain professional license-holders) <input type="checkbox"/> Agency requires attendance at sexual harassment prevention training for elected officials and those in supervisory positions (two hours every two years required for those in supervisory positions) ¹⁹ <input type="checkbox"/> Agency publicizes and makes available resources to help local officials understand ethics laws	<input type="checkbox"/> Agency encourages regular attendance at local and/or statewide continuing education activities <input type="checkbox"/> Agency plans regular training sessions and budgets for attendance at trainings <input type="checkbox"/> Agency provides information and guidance on handling ethical dilemmas in the workplace <input type="checkbox"/> Agency conducts joint education and information sessions among city, county, school and special district elected officials about roles, responsibilities and purpose of each local government agency to clarify and raise awareness among decision-makers <input type="checkbox"/> When appropriate agency shares training services and costs among neighboring local agencies (e.g. computer classes for fundamental software programs)

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | PROMOTING ORGANIZATIONAL ETHICS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Ethics values are included in the agency’s mission statement <input type="checkbox"/> Agency has adopted a value-based code of ethics <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/ethicscodes <input type="checkbox"/> Ethics are part of agency’s hiring practices and interview process <input type="checkbox"/> Agency values collaboration and partnerships with other local agencies and community-based organizations	<input type="checkbox"/> Agency’s leadership leads by example by consistently demonstrating agency’s values through actions <input type="checkbox"/> When collaborating with other agencies, staff and leadership show respect and decorum for the formal and informal processes of partners and the community, developing and formalizing agreements when necessary

EDUCATION/TRAINING | ETHICS TRAINING (AB 1234)²⁰

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Elected and appointed officials receive two hours of ethics training every two years (and basic overview training within one year of assuming position) ²¹ <ul style="list-style-type: none"> • Online training available at: www.fppc.ca.gov <input type="checkbox"/> All local officials who must receive AB 1234 training are current on their training <input type="checkbox"/> Top level staff voluntarily receives training on ethics laws and principles as relevant to their duties within the agency	<input type="checkbox"/> Elected and appointed officials receive basic overview training within two months of assuming position <input type="checkbox"/> Agency takes steps to make AB 1234 training meaningful, understandable and helpful <input type="checkbox"/> AB 1234 training is in-person (as opposed to online) to enable discussion and questions <input type="checkbox"/> Certificates of compliance are easily accessible to the public and media (for example posted on the agency website) <input type="checkbox"/> Agency requires top level staff to participate in training on ethics laws and principles as relevant to their duties within the agency <input type="checkbox"/> Compliance is a condition of continuing appointment (for appointed officials) and reimbursement (elected officials) <input type="checkbox"/> Subsequent trainings are more in depth examinations of required topics ²² <input type="checkbox"/> Agency coordinates with other local agencies to provide AB 1234 training to all local officials and designated staff, including cities, counties, schools and special districts

EDUCATION, TRAINING & PERSONNEL

PERSONNEL | PRACTICES AND POLICIES

Minimum Standards/Good Practices

- Agency has fair and merit based processes in place for hiring and advancing employees
- Agency consistently makes a concerted effort to advertise widely for open positions
- Elected officials generally play a role in selection of chief executive, department heads, agency counsel, and non-elected or appointed staff and provide regular guidance and feedback to those employees

Resources:

- www.ca-ilg.org/Board-Chief-Executive-Relations

- Officials understand and abide by agency's adopted policies relating to who makes hiring and other personnel decisions relating to subordinate staff
- Agency has a non-discrimination policy and abides by its terms
- Agency has adopted and follows an anti-nepotism policy
- Agency has adopted a whistleblower protection policy and posted it on the agency website²³ (see Speaking Truth to Power section below)
- Agency has adopted policies regarding second jobs and other potentially incompatible activities²⁴

Beyond the Minimum/Better Practices

- Agency posts compensation and benefits information for all officials and employees on the agency website
- Agency completes salary comparison/benchmarking for staff positions using a reputable salary survey every five years - agency posts summary of results on agency website

EDUCATION, TRAINING & PERSONNEL

PERSONNEL | INCENTIVES FOR SPEAKING TRUTH TO POWER²⁵

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has an adopted policy clearly explaining procedures for reporting and investigating allegations of misconduct and protection of those that report misconduct <input type="checkbox"/> Unlawful conduct is dealt with swiftly, firmly and consistently within the agency <input type="checkbox"/> Agency supervisors and staff are familiar with legal protections related to whistle-blowing activities and receive ongoing training <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/whistle 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency supports employees who bring forward truthful, but potentially unwelcome, unsolicited, unpopular or difficult information to the attention of relevant decision- makers <input type="checkbox"/> Governing bodies encourage chief executive and financial staff to regularly analyze financial trends for areas of potential concern/risks so the body can discuss and address them <input type="checkbox"/> Staff participates in professional associations that provide guidance on ethics as it relates to their role in the organization - for a list of local agency professional associations with ethics codes see www.ca-ilg.org/associationethicscodes

PERSONNEL | CHIEF EXECUTIVE

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency chief executive has a college degree in relevant field and a minimum of five years of broad-based management experience <input type="checkbox"/> Chief executive is or is willing to become a member of the International City/County Management Association (ICMA) in good standing and adheres to ICMA’s declaration of ideals. For more information see www.icma.org 	<ul style="list-style-type: none"> <input type="checkbox"/> The hiring process includes ethics questions in interviews <p>Resource:</p> <ul style="list-style-type: none"> • “Promoting Personal and Organizational Ethics” available at www.ca-ilg.org/ppoe

PERSONNEL | AGENCY COUNSEL

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency counsel is an active member of the California State Bar in good standing with at least five years’ experience in municipal law. See www.calbar.ca.gov <input type="checkbox"/> Agency counsel is familiar with and adheres to the California State Bar’s Rules of Professional Conduct. See www.calbar.ca.gov/ethics 	<ul style="list-style-type: none"> <input type="checkbox"/> The hiring process includes ethics questions in interviews <input type="checkbox"/> Agency counsel acts in accordance with the ethical principles and values set forth by the agency and other relevant organizations. For example, “Ethical Principles for City Attorneys” available at www.cacities.org/attorneys

EDUCATION, TRAINING & PERSONNEL

PERSONNEL AGENCY CLERK	
Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency clerk is or is willing to become a member of the International Institute of Municipal Clerks (IIMC) in good standing and adheres to IIMC's code of ethics. For more information see www.iimc.com	<input type="checkbox"/> Agency encourages clerks to engage in education, mentorship and professional development activities through the California Clerk of the Board of Supervisors Association and the California City Clerks Association Resources: <ul style="list-style-type: none">• www.ccbsa.net• www.californiacityclerks.org

CANDIDATES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Candidates for the governing board receive information on how to comply with campaign laws²⁶, including local requirements and restrictions²⁷ <input type="checkbox"/> Agency distributes California’s Code of Fair Campaign Practices to all candidates²⁸ <input type="checkbox"/> Agency provides candidates with information about ethics laws, including conflicts of interest, incompatible offices and governmental transparency requirements that will be relevant to their service if elected <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/CandidatePamphlet 	<ul style="list-style-type: none"> <input type="checkbox"/> A pledge of fair campaign practices is distributed to and signed by all candidates. Available at www.ca-ilg.org/campaigncodes <input type="checkbox"/> Agency supports one or more leadership programs to familiarize potential candidates who are thinking of running for office with local issues and decision-making practices

OFFICIALS AND EMPLOYEES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Officials and employees are advised of prohibitions relating to campaign fundraising directed at agency staff²⁹ <input type="checkbox"/> Officials and employees are advised of restrictions relating to political activities of public employees³⁰ <input type="checkbox"/> Officials and employees are reminded of the proscriptions against political use of public resources including the use of equipment, photocopying, or mailing of campaign related materials at the public’s expense³¹ <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/massmailing • The Fair Political Practices Commission fact sheet on prohibited mass mailings available at www.fppc.ca.gov 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency provides trainings to officials and employees on prohibitions and restrictions on the political activities of public employees

References and Resources

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. A source for case law information is www.findlaw.com/cacases/ (requires registration).

- 1 See Cal. Gov't. Code § 12410.6 (“a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years.”).
- 2 Cal. Gov't Code § 53232.2.
- 3 Cal. Gov't Code § 53232.3.
- 4 Cal. Gov't Code § 89001; 2 Cal. Code Regs §§ 18901-18901.1.
- 5 See Cal. Pub. Cont. Code §§ 20121-20123, 20162-20163.
- 6 See Cal. Gov't Code § 1090.
- 7 See 2 Cal. Code Regs. § 18730.
- 8 Available at www.fppc.ca.gov/forms/805.pdf.
- 9 See 2 Cal. Code Regs. § 18944.1.
- 10 See 2 Cal. Code Regs. § 18705.5.
- 11 Cal. Gov't Code §§ 54970-54973.
- 12 Cal Gov't Code § 54974.
- 13 Cal. Gov't Code § 54950 and following.
- 14 Cal. Gov't Code § 54954.2.
- 15 2 Cal. Code Regs. § 18723.
- 16 See 2 Cal. Code Regs. § 18705.2(a)(11), (A financial effect in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision would consider any decision affecting real property value located within 500 feet of the property line of the official's real property unless the FPPC provides written advice of the determination that there will be no reasonably foreseeable measurable impact on the official's property).
- 17 See Cal. Gov't Code § 1090.
- 18 See Cal. Gov't Code §§ 87300-14.
- 19 Cal. Gov't Code § 12950.1.
- 20 Cal. Gov't Code § 53235 requires ethics training for specified local government officials. For more information see www.ca-ilg.org/ab1234compliance.
- 21 See Cal. Gov't Code § 53235(a), (b).
- 22 See California Attorney General's Guidelines, available at <http://oag.ca.gov/ethics>.
- 23 See Cal. Lab. Code § 1101-06.
- 24 See Cal. Gov't Code § 1126.
- 25 Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown, 1979).
- 26 See generally Cal. Gov't Code §§ 84100 – 84511.
- 27 See Cal. Gov't Code § 81009.5 (Local government agencies that have adopted campaign finance ordinances must submit a copy to the FPPC). Copies or links to these ordinances are posted on the FPPC website at www.fppc.ca.gov/index.php?id=9.
- 28 Cal. Elect. Code §§ 20440-20444.
- 29 See Cal. Gov't Code § 3205.
- 30 See Cal. Penal Code § 424; Cal. Gov't Code § 8314.
- 31 Cal. Penal Code § 424; Cal. Gov't Code §§ 8314, 89001; 2 Cal. Code Regs. § 18901.1.

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.

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.¹

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

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References

¹ 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.

Sources of Law for Local Agencies

The “law” affecting California local agencies can be found in a number of places:

- **California’s Constitution** specifies the relationship among the various levels and branches of government, as well as establishes a number of individual rights. Changing the Constitution requires a vote of the people. Proposals to change the Constitution may be placed on the ballot by either the Legislature or by initiative petition.
- **Charters**, in those counties and cities whose residents have elected to have charters, determine how an agency is organized and gives the agency certain prerogatives even in the face of conflicting state statutes under some circumstances. For more information on the special powers of charter cities, see www.cacities.org/Resources/Charter-Cities. For more information about charter counties, see www.csac.counties.org/general-information/county-structure-0.
- **State Statutes** are typically enacted by the Legislature in a series of “codes.” The California Government Code, for example, contains a number of provisions relating to the organization of local agencies, as well as land use, planning and employee relations matters. Note that voters can amend state statutes through the initiative process.
- **Local Ordinances** represent local agencies’ exercise of law-making powers within their respective jurisdictional boundaries.
- **Federal Constitution and Statutes** apply nationwide and typically act as restrictions on the exercise of power by state and local government.
- **Judicial Decisions** interpret all of the above, frequently resolving the conflicts among them.

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Understanding the Role of Chair

Meetings are central to the local agency decision-making process. Through public meetings, elected and appointed officials come together to receive public input, discuss, deliberate and decide issues on behalf of the public. Such decisions typically require support of a majority of the decision-making body.

All members of the decision-making body usually have the same voting power. The meeting chair, however, plays a special role in helping the group reach wise decisions. The following tip sheet offers suggestions for performing that role well.

Goal of Meeting Discussions

The usual goal of any discussion at a public agency meeting is for decision-makers to:

- Receive and share information, so everyone can make informed choices;
- Share thoughts and perspectives on what decision best serves the public's interests and other community values; and
- Reach a decision on what the best option is.

Another goal is for the group to reach decisions in a way that builds and maintains relationships as well as promotes trust in both decision-makers and the decision-making process.

Everyone's Role

All participants in the decision-making process are responsible for working towards achieving these meeting goals. Moreover, everyone has a shared stake in having an opportunity to be heard and being treated fairly. Thus, all officials have an interest in supporting the chair's efforts to conduct the meeting effectively and fairly

The Chair's Role

The chair's role includes:

- Helping the group determine whether it has all the information necessary and available to make a decision;

- Encouraging decision-makers to share multiple points of view;
- Actively listening to determine potential points of agreement and testing those points for actual agreement;
- Managing any conflicts that may arise during the discussions;
- Keeping the discussion on topic;
- Ensuring that clear decisions are made;
- Sticking to the agenda; and
- Getting through the agenda items in a timely manner.

As a result, the role of the chair can be understood as:

- A team captain who leads by example and helps the group function as a team;
- A coach who encourages participants to perform at their best, including as it relates to principles of fair play and sportsmanship; and
- A referee who has authority to stop the action and apply the rules of play.¹

For the chair to play the role of referee effectively, the chair needs the group's trust and respect. To earn this trust and respect, the chair needs to conduct the meeting fairly. This means applying the group's agreed upon standards in an impartial manner. If one's colleagues understand that the chair's goal is to be an impartial facilitator to help the group achieve consensus, the group will be more inclined to act in ways that support the chair's efforts and achieve the meeting's goals.

To achieve both the perception and the reality of impartiality, it can be helpful for the chair to hold off expressing his or her views on a matter and not engage in debate.

Strategies for Success

At the Beginning of the Meeting

- **Welcome and Introductions.** It can be helpful for the public (particularly first-timers) to know who is sitting at the dais, what opportunities there will be to provide input, and how they can understand what is going on (for example, if translation equipment/service is available, where people can pick up the equipment). This can communicate decision-makers' earnest desire to both receive public input and have the public understand what is going on.
- **Agenda Overview.** A brief statement of the major sections of the agenda can remind both decision-makers and the public of the scope of what needs to be accomplished during the meeting.
- **Aspirational Statement on Decorum.** If the body has adopted a guidelines and goals for civility, a brief reminder to that effect can help set the tone for both decision-makers' interactions and encouragement for other meeting participants' conduct.

As the Body Moves to New Agenda Sections/Items

- **Agenda Sections.** Different agenda sections are sometimes subject to different procedures. For example, a consent agenda usually is a group of items that are routine and non-controversial and are taken up as a group.

Conversely, other items are taken up one by one. Sometimes certain items are subject to special procedures (for example, public hearings). It can be helpful for the chair to briefly note these differences, as a reminder to new decision-makers and first time attenders at the meeting.

Example: Chair: “Now we are at the public hearing portion of the agenda. To be respectful of the rights and interests of all involved, there will be three stages to our consideration of each item:

1. *Facts and Evidence:*
 - a. *First staff will summarize their analysis of the issue before us.*
 - b. *Then, the applicant will be given a chance to explain, based on facts and evidence, how the applicant has met standards necessary for us to approve the application.*
 - c. *Next the public will be given an opportunity to offer their thoughts and evidence on the merits of the application. This can include any suggestions or questions that the public thinks we should ask of the applicant.*
 - d. *We will then ask any questions of the applicant.*
2. *Law and Analysis:*
 - a. *After listening to and considering both the applicant’s and the public’s information, it becomes our turn to discuss among ourselves what we have learned based on what has been presented.*
 - b. *Once it appears that a consensus is developing, we may ask questions of staff on what kinds of findings need to be made to explain our decision based on the information we have received.*
3. *Decision:*
 - a. *The chair will entertain a motion to make a decision and adopt findings consistent with that decision.*
 - b. *If the motion receives a second, we’ll vote to see if a majority of us can agree.”*

- **Being Clear on the Issue to Be Resolved.** In addition to calling the agenda item, it can be helpful to identify the issue to be resolved.

Example: Chair: “The issue before us is whether the application to engage in X enterprise meets the standards in our zoning code for such activities.”

When Consensus is not Immediately Forthcoming

If the conversation does not seem to be coalescing into a consensus or even a majority position, one technique for non-time sensitive matters is to refer the matter back to staff for further work. Staff will then have time to craft a decision that endeavors to take into account as many of the concerns expressed as possible.

This reminds staff, decision-makers, the applicant and the public the standard which needs to be focused on. In addition, for complex or divisive items, sometimes participants can lose sight of the issue to be decided. A helpful role the chair can play in getting the discussion to a point of resolution is to remind participants of the issue to be resolved (or ask staff to state the issue to be resolved).

- **Note about Technical Language.** Public agency decisions sometimes involve special terminology, jargon and acronyms. This can lead to confusion and misunderstanding, which in turn, can take the discussion in unproductive directions. Another important role of the chair is to make sure the conversation occurs at a level that everyone can understand. The chair can ask speakers to define unfamiliar terms and explain unfamiliar concepts.

Fostering Discussion and Decision

- **Opening up the Issue for Discussion.** Having stated the issue and heard staff and the public's information on it, ask for decision-makers' thoughts. To enable the chair to be a fair guider of the discussion, the chair will typically refrain from offering their thoughts at the beginning.
- **Who Speaks When and to Whom.** At this point in the meeting, the discussion is among decision-makers and therefore decision-makers should be speaking to each other in an effort to come to a decision, not the public.

Staff can be a Resource

Depending on the nature of the topic under discussion, agency staff and legal counsel can sometimes assist the chair in listening for consensus or clarifying misunderstandings that are impeding the effort to reach consensus.

Where staff sits can determine how helpful they can be in this role. Being able to signal or make eye contact with the chair is one issue. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

An important role of the chair is to make sure only one person speaks at a time, so both the public and decision-makers can understand and follow the discussion. A typical approach is for each decision-maker to offer their thoughts and then listen to other decision-makers' thoughts in turn.

If it appears multiple people want to talk at once, the chair has the option of asking people to raise their hands to be recognized before speaking. The chair can keep a list of who has asked to be heard, to call on each person to speak in sequence. Everyone who wants to speak should know that they are on the list and their turn is coming.

- **Keeping Discussion Participation Balanced.** Some bodies have a norm that each person will take a turn in asking all their questions and sharing their thoughts. Others find that such a restriction interferes with dialogue and the deliberative process. If a person seems to be repeating him or herself or otherwise dominating the discussion to the exclusion of others, one approach is for the chair to acknowledge that the individual's perspective has been heard.

Example: Chair *“We have heard that Supervisor Nasirian feels strongly that fixing our roads is an urgent priority. What are others’ thoughts?”* or *“Is there anyone who hasn’t spoken yet who would like to share their thoughts?”*

The chair can also give preference to those who haven’t spoken.

Example: Chair *“I see your hand up Council Member Cooke and we’ll get to you in a moment; I am going to recognize Council Member Suarez first since she hasn’t yet spoken.”*

- **Avoiding Interrupting one Another.** When people are passionate or otherwise convinced of the correctness of their position or information, they will sometimes jump in to respond to what a colleague is saying. A chair’s role is to intervene to protect the person’s ability to finish their thought. (*“Let’s let Director Feliciano finish his thought; you’ll have an opportunity to share your perspectives.”*)
- **Dealing with Conflict.** Differing perspectives is inherent in a group decision-making process and healthy. However, if the discussion gets particularly heated among two or more decision-makers, a helpful device is to have people address their remarks to the chair. Another is to summarize the points of disagreement and then move the discussion away from those who are in conflict by asking others how they see the issue. If the conversation turns personal, the chair can ask the group to keep the discussion focused on the problem at hand, not underlying motivations or personalities. If these techniques are unsuccessful, calling a recess can be helpful to enable people to step away from the conflict and reflect on how to move the discussion forward. *See also Dealing with Emotional Audiences (www.ca-ilg.org/dealing-emotional-audiences).*
- **Actively Listening for Signs of Consensus.** The chair’s role is to listen for points of agreement and possible consensus and then test the chair’s sense of where people are leaning. Tools the chair has to help the group get to a decision point include:
 - *“It sounds like Supervisor Rodriguez and Supervisor Ifill are both concerned about the impact of the proposed use, even with the proposed conditions on the permit, on surrounding neighbors. Am I understanding your concerns? Would either of you like to move that the application be denied?”*
 - *Thank you Council Member Chen for sharing that view; would you like to make a motion to that effect?”*
 - *“It sounds that there are two views on the board: [state the two views]. Which strikes people as having more advantages for our community? “What’s the group’s pleasure? The question before us is [restate the issue before the group].”*
- **Motion and Second.** Once a motion is made, the chair asks for a second. A second to the motion indicates that at least one other person agrees with the maker of the motion.
 - If no one seconds the motion, the chair can note that the motion is appearing to die for lack of a second. The chair can ask if someone else wants to make a different motion.
 - If the group seems ambivalent, the chair can ask if someone wants to second the motion for purposes of discussion. Through that discussion, an approach at least a majority can agree on may emerge, in which case the chair may want to ask whether there’s a friendly amendment to the original motion or a substitute motion.

- **Vote.** It's helpful for the chair to re-state the motion on which the group is voting.

At the End of the Meeting

- **End on an Upbeat Note.** If at all possible, end the meeting on a positive note and thank everyone for their contributions to the meeting and their participation.
- **Explain Next Steps.** Note that the actions taken at the meeting are being recorded through meeting minutes, which will be reviewed at the next meeting. Note when the next meeting will be.

If at First You Don't Succeed

People can take a while to get used to the norms associated with group decision-making. If an approach doesn't work perfectly the first time, don't give up. Think about what worked and what didn't and consider whether persistence might help get the group to a better place. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

More Resources

Dealing with Emotional Audiences

www.ca-ilg.org/EmotionalAudiences

Codes of Conduct for Elected Boards

www.ca-ilg.org/CodesOfConduct

ILG's Meeting Resource Center

www.ca-ilg.org/meeting-resource-center

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References

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. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ See Vermont Institute for Government, *Born to Chair: An Introduction to the Science and Art of Chairing a Board Meeting* (1998), available at www.sec.state.vt.us/municipal/pubs/chair.pdf and <http://crs.uvm.edu/citizens/chair.pdf>.

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.¹ 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.²

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.³ 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.⁴ 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.⁵ 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.⁶ 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.

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.⁷

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).⁸

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.⁹

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.¹⁰ More specifically, the Legislature may not delegate to private

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

The Legislature also may not single out a particular city or county for special legislation.¹² 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.¹³ One way of classifying counties and cities is by population.¹⁴

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.¹⁵ 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.¹⁶

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.¹⁷

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.

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

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,²² workers compensation,²³ alcoholic beverage regulation,²⁴ public housing projects²⁵ and the non-partisan nature of municipal government.²⁶

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

California School Boards Association Handbook

www.csba.org/~media/51E3FBB839504700825CB16B7265F3C4.ashx

California's Department of Education: School District Governance History

www.cde.ca.gov/re/lr/do/

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References

¹ Cal. Const., art. XI, § 7.

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

³ *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).

⁴ *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).

⁵ See generally Cal. Const., art. XI, § 5.

⁶ 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).

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

⁸ Cal. Const., art. XI, § 4.

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

¹⁰ Cal. Const., art. XI, § 11.

¹¹ Cal. Const., art. XI, § 11.

¹² Cal. Const., art. IV, § 16.

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

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

¹⁵ Cal. Const., art. XI, § 9(a).

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

¹⁷ *Id.*

¹⁸ U.S. Const. amend. I.

¹⁹ U.S. Const. amend. IV.

²⁰ U.S. Const. amend. V.

²¹ U.S. Const. amend. XIV, § 1.

²² See Cal. Const., art. X.

²³ See Cal. Const., art. XIV, § 4.

²⁴ See Cal. Const., art. XX, § 22.

²⁵ See Cal. Const., art. XXXIV.

²⁶ See Cal. Const., art. II, § 6.

Types and Responsibilities of Local Agencies

Counties

Counties play a dual role in California's system of government. California is divided into 58 counties.

- **Countywide Services.** Counties provide a variety of important county-wide welfare and social services that serve all residents within a county. Those include services relating to health and welfare, as well as the criminal justice system. In these respects, counties are part of a statewide system that delivers certain kinds of programs and services to Californians.

Counties' district attorneys work with county sheriffs and city police departments to prosecute crimes.

- **Municipal Services and Regulations.** For those areas that are not within a city (often referred to as the "unincorporated areas" of a county), counties provide law enforcement services through the sheriff's office. For these areas, counties may also provide such services as fire protection, animal control, parks, recreation, public works, planning and land use, water, waste water, solid waste, and library—services that are similar to those cities provide within their boundaries (known as the incorporated areas). Sometimes counties and cities provide these services collaboratively. These services may also be provided by a private company or by a special district.

Counties also have regulatory authority within the unincorporated areas (such as land use planning authority and building code enforcement). This includes the power to adopt regulations to promote the public good within those areas.

Cities

California has nearly 500 cities. Within city boundaries, cities have responsibility for such services as police and fire, animal control, parks, public works, water, waste water, solid waste, and library. Sometimes these services may be provided by the city itself or by the county, a special district or a private company.

Cities also have authority to adopt regulations that promote the public good within city limits. These include regulations relating to land use and building code enforcement.

Schools

School districts are responsible for educating children from kindergarten through high school. Some school districts also provide pre-school services. Unlike some other states, in California public schools and cities/counties have separately elected governing bodies.

California's public education system also includes community college districts, the California State University system and the University of California system.

This is perhaps the most important thing to understand about California's public education system—it is indeed a multi-leveled, complex system. There are many state laws that determine how schools operate. The availability of funding for schools is also largely determined by the state, through the budget process. Locally elected school boards are a part of this system, as are county offices of education.

In 2013, California adopted legislation to change how K-12 public education is funded. The Local Control Funding Formula (LCFF), based on principles of equity, flexibility and transparency, allows educators and partners to be more responsive to the needs of students in their community. Along with this increase in flexibility and local control, local educational agencies (LEAs) are required to prepare Local Control and Accountability Plans (LCAP), which describe how agencies intend to meet annual goals for all pupils. The LCAP is a three-year plan that must be updated annually, and requires the school district to engage parents, students and community members.

“Charter” Agencies

Some public agencies are “charter” agencies. This means that they have special powers.

- **Charter Cities.** The residents of a city can vote to have their city become a charter city. That means, among other things, that the city's organization and manner of operation is determined by a charter, as opposed to certain state laws, which apply to “general law cities.”

The charter is a “mini-constitution” for the city and determines how the city is organized, operated and authorized to provide for municipal functions. It also includes limitations that the residents of that city may legally choose to place on the city. Generally, charter cities have an extra measure of independence from certain kinds of state requirements, such as establishing their own election dates, rules and procedures that would otherwise apply as a general law city.

- **Charter Counties.** Like charter cities, charter counties operate according to a charter adopted by county voters. Charter counties have authority relating to the election, compensation, terms, removal and salary of the governing board; for the election or appointment (except the sheriff, district attorney, and assessor who must be elected), compensation, terms and removal of all county officers; for the powers and duties of all officers; and for consolidation and segregation of county offices.
- **Charter Schools.** Charter schools are governed by the terms of their charters and by certain state laws, as well as the federal laws that govern public school districts. Charter schools' governance structures vary widely, with some being under the authority of the district's governing board (or the County Office of Education or the State Board of Education), and others operating autonomously. The entity that approved the charter is responsible for certain oversight functions, and has authority to revoke the charter under certain circumstances, but is otherwise not responsible for the charter school's operations.

Special Districts

Special districts are public agencies created to provide one or more specific services to a community, such as water service, sewer service, parks, fire protection and others. California has nearly 3,300 special districts.

- **Dependent Special Districts.** Sometimes the governing board of either a city or county will also serve as decision-makers for a special district. These kinds of special districts are called “dependent special districts.” About one third of special districts are dependent.
- **Independent Special Districts.** Other special districts operate under a locally elected, independent board of directors, which oversees district functions. These kinds of special districts are called “independent special districts.” About two thirds of special districts are independent.

Most special districts perform a single function, such as water service, parks and recreation, fire protection, pest abatement or cemetery management. Other districts have multiple functions, such as community service districts. Some special districts provide services for residents in both cities and counties, while others provide services only for residents who live outside city boundaries in the unincorporated areas.

In California, cities must be located in one county, and city boundaries may not cross county lines. On the other hand, special districts may cross city and county boundaries. For example, the Metropolitan Water District of Southern California serves residents in six different counties and most of the cities within those counties.

Special districts generate revenue from several sources including property taxes, special assessments, and fees. “Enterprise” special districts provide more specific services and are primarily funded by fees for those services. “Non-Enterprise” special districts provide more general governmental services and are funded primarily from property taxes.

Other Kinds of Local Agencies

- **Joint Powers Authorities.** (JPAs) Local agencies will sometimes enter into agreements to exercise shared powers to provide more effective or efficient government services or to solve a service delivery problem. One common form of joint powers authority is one that serves as a form of insurance company for local agencies.

Through the joint powers agreement, these agencies pool their resources to promote activities to reduce risk and pool their assets to pay claims against member entities (for example, workers compensation claims).

Joint powers authorities typically have their own board of directors (typically public officials appointed by each participating public entity), their own policy development system, and their own management structure.

- **Councils of Government.** A council of government is a particular form of joint powers authority created to engage in certain policy-making activities. The exact combination of duties varies from region to region.

The two most prevalent duties are:

1. Planning-related activities relating to affordable housing and
2. Transportation on a regional level.

Some councils of government cover one county; others cover multiple counties. Some councils of governments cover such a large area (as in the Southern California area) that local agencies also participate in sub-regional council of government activities as well.

- **Local Agency Formation Commissions (LAFCOs).** A 1963 law created local agency formation commissions with three purposes:
 - To encourage the orderly formation of local government agencies,
 - To preserve agricultural land resources, and
 - To discourage urban sprawl.

Each county has a local agency formation commission. The composition of each commission varies, but at a minimum each has two representatives from the county board of supervisors, two representatives who serve as city council member from cities within the county, and one representative from the public. Local agency formation commissions make important boundary decisions that affect resident services.

In addition, local agencies will sometimes create nonprofit corporations to perform certain functions for the community. These nonprofits are governed by a board of directors according to an adopted set of bylaws. As with public agencies, there are certain transparency requirements for nonprofit corporations because of their special status.

More Resources

California State Association of Counties

www.csac.counties.org

League of California Cities

www.cacities.org

California Association of School Boards

www.csba.org

California Special Districts Association

www.csda.net

California Association of Joint Powers Authorities

www.cajpa.org

Senate Local Government Committee Publication

[“A Citizen’s Guide to JPAs”](#)

California Association of Councils of Governments

www.calcog.org

California Association of Local Agency Formation Commissions

www.calafco.org

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Providing Language Access

TIPS FOR LOCAL OFFICIALS !



Did you know...

6.9 Million Californians have
Limited English
Proficiency (LEP)

68% are Spanish speakers followed by Chinese, Vietnamese, Tagalog and Korean.



- ▶ **The California Civil Rights Act** prohibits discrimination by agencies that receive state funds and requires them to provide equal access to benefits.
- ▶ **The Bilingual Services Act** requires local agencies to provide language access services to limited English-proficient speakers. Providing language access in some circumstances may be the only way to facilitate public participation in California's communities.

 **INSTITUTE FOR LOCAL GOVERNMENT**SM
Promoting Good Government at the Local Level

Tips for Providing Language Access Services

- 1** **Connect language access efforts to the larger mission and goals** of the local agency.
- 2** **Develop policies that clarify your local agency's responsibilities** for providing bilingual services and ensure that local officials understand these policies, responsibilities and existing language access services and resources.
- 3** **Partner with community-based organizations and ethnic media** to better identify language access priorities, ensure accurate and culturally appropriate interpretation and translation and more fully assess the effectiveness of language access plans.
- 4** **Translate print and online materials explaining services** into languages spoken by a substantial number of LEP residents. Minimize the use of bureaucratic or legal jargon when creating all new documents.
- 5** **Create web pages that are easy to navigate and use.** Web pages may ease fears of immigrant residents who may not feel comfortable seeking services in person.
- 6** **Encourage local departments to consider using California Multiple Award Schedules (CMAS) contracts** to obtain bilingual services whenever cost-effective.
- 7** **Use bilingual employees effectively and appropriately.** Avoid assumptions about competence and willingness of bilingual staff to provide language services.

Resources to learn more:

Language Access Laws and Legal Issues A Local Official's Guide | www.ca-ilg.org/language-access-laws-and-legal-issues

Ten Ideas to Encourage Immigrant Engagement | www.ca-ilg.org/ten-ideas-immigrant-engagement

Increasing Outreach | www.ca-ilg.org/increasing-outreach

ca-ilg.org

Shaping the Future Together: TIERSSM Framework for Practical Public Engagement at the Local Level



The Institute for Local Government (ILG) has developed a framework to support and assist any local government with planning and executing public engagement efforts. The Framework consists of five pillars for successful community engagement: Think, Initiate, Engage, Review and Shift.

Why TIERS? The TIERS Public Engagement Framework has been developed in direct response to what we have heard from local elected officials and staff across California. In 2015, ILG conducted a statewide survey and found that 69 percent of respondents said they do not have the sufficient staff, knowledge and financial resources for public engagement. These findings mirrored the results of a 2013 ILG & Public Agenda survey which found that 69 percent of respondents thought a lack of resources and staff could stand in the way of a deliberative [public engagement] approach.

Further, there is a lack of standard best practices for authentic and effective public engagement, which leads to a lack of common understanding of what public engagement is and how to approach it. The TIERS Public Engagement Framework and its companion program, the TIERS Learning Lab, provide a step-by-step approach to public engagement.

How Can Your Agency Benefit from Public Engagement?

Local governments will benefit from public engagement in the following ways:

- Improved local agency decision making and actions, with better impacts and outcomes
- More community buy-in and support, with less contentiousness
- Better identification of the public's values, ideas and recommendations
- More informed residents
- More constructive discussion and decision making
- Faster project implementation with less need to revisit again
- More trust in each other and in local government
- Higher rates of community participation and leadership development



THINK

Step 1: Self-Assessment

- Public Engagement Project Assessment
 - Quick Assessment (1-4 hours)
 - Deeper Assessment (8 hours to 6 weeks)
 - *Template Provided*
- Agency Assessment
 - Davenport Institute's "How are WE Doing?" assessment tool

Step 2: Consider Public Engagement Approach

- Draft Public Engagement Approach for your Specific Effort
 - *Template Provided*
- Draft Public Engagement Approach for Agency Wide Application
 - Review your agency's public engagement policies and practices, including current staffing
 - Conduct an analysis of the public engagement functions and needs across your agency

Step 3: Contemplate Community Landscape

- Create or update a list of local community based organizations (CBOs) and others to inform outreach efforts
- Identify diverse locations to hold meetings with target audiences in mind
- *Template Provided*



INITIATE

Step 1: Draft Public Engagement Approach

- Choose a mix of in-person and online activities
 - Consider the timeline, budget, staff time implications (your department and other departments as applicable)
 - Who will facilitate events? Who/ how will data gathered be input, analyzed, summarized?
 - What might go wrong? How might your approach mitigate for challenges?
 - *Template Provided*

Step 2: Develop Outreach Plan

- Create an Outreach Plan
 - Consider what you know from your 'community landscape' listing; who you are trying to reach, how much time and money available
 - *Template Provided*

Step 3: 'Reality Check'

- Are there local, state or federal laws or regulations you need to consider?
- Are there internal organizational 'politics' or challenges to take into consideration?
- Are there larger 'Political' issues to keep in mind?
 - For example: Is there an upcoming election? A significant recent incident?

"Society is strongest when we all have a voice. Engaged communities are often more vibrant and healthier."

- The James Irvine Foundation



ENGAGE

Step 1: Implement Outreach Plan

- Implement your plan, prioritizing outreach
- Ensure targeted audiences are represented (authentically) within your plan
 - Double check with local leaders to ensure authentic voices are reached

Step 2: Implement Public Engagement Approach

- Execute your plan; ensure roles are clear; adjust as appropriate
- *Template Provided*

Step 3: 'Reality Check'

- Are there internal organizational 'politics' or challenges that have changed and need to be considered?
- Check in with key community leaders on a regular basis to understand new or coming issues; mitigate accordingly



REVIEW

Step 1: Evaluate Public Engagement Approach

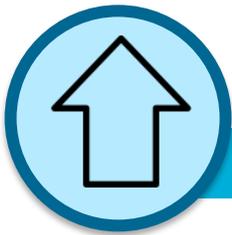
- What worked? What could have gone better? See ILG resources like Rapid Review Worksheets
- Is training needed for any staffers in order to execute more effectively in the future? (e.g. facilitation skills; graphic design; survey question construction; meeting design)

Step 2: Evaluate Outreach Plan

- What worked? What could have gone better?
- Is training needed for any staffers in order to execute more effectively in the future? (e.g. challenging people; communications skills; small group facilitation)
- Are there community leaders with whom the agency should build stronger ties?

Step 3: What Barriers Did You Overcome?

- What internal organizational barriers did you overcome?
- What other political barriers did you overcome?



SHIFT

Step 1: Internal Organizational

- Consider beneficial organizational shifts
 - For example: public engagement assigned within job description(s); commitment to train electeds and staff in public engagement policy and/or skills; ongoing communication strategies that go beyond traditional methods such as ethnic media
 - Send out periodic surveys to understand satisfaction with public engagement related efforts and policies
 - Ask for help when needed from organizations like ILG, Davenport Institute and/or consultants

Step 2: External |Your Community

- Consider beneficial shifts in external relations
 - For example: set and track metrics related to in-person and phone meetings with diverse and underrepresented community members, choose time bound goals; engage with local leadership programs

Step 3: Policy Change

- Consider policy review/ change/ adoption
 - Commitment to review public engagement related policies if they have not been systematically reviewed in the last ten years; Adopt a resolution demonstrating commitment to public engagement

TIERSSM Public Engagement Learning Lab

The TIERS Public Engagement Learning Lab is an interactive, results-oriented 6 month program led by ILG that provides participants in California local government with hands-on instructions, exclusive TIERS public engagement tools, individualized support of your public engagement project, follow up private consulting, and peer-to-peer learning.

Program Benefits + Takeaways:

- 1 Reframe your public engagement from a necessary burden to a beneficial and productive process
- 2 Learn new tactics and tools to manage and respond to diverse viewpoints and navigate contentious stakeholders
- 3 Learn how to drive higher turnout for your big events
- 4 Gain new ideas and digital strategies to move your public engagement 'Beyond the Usuals' and reach new residents and stakeholders
- 5 Increase your organization's internal buy-in for your public engagement work
- 6 Connect with others in your region to share real-world case studies and provide mutual support for successful public engagement work

To learn more about the TIERS Learning Lab and other training opportunities in your region, please contact ILG's Public Engagement Program at publicengagement@ca-ilg.org

About the Institute for Local Government

The Institute for Local Government's (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, the California State Association of Counties and the California Special Districts Association.

To access the Institute's resources on public engagement, visit www.ca-ilg.org/engagement

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The TIERS Framework was developed with a generous grant from The James Irvine Foundation.

Beyond the Usuals

Ideas to Encourage Broader Public Engagement in Community Decision Making

Given the challenges facing cities and counties in California, local officials are increasingly asking residents to participate in public engagement efforts whose outcomes will help shape the future of their communities. These discussions are about land use, budgeting, affordable housing, climate change, transportation, public safety and many other local and regional issues.

However even with the best of intentions to encourage broad participation, local officials often find that only a relatively small number of community members actually take part in public conversations and forums.

A failure to involve a cross-section of residents limits the effectiveness of these public engagement efforts and negatively impacts the breadth and quality of ideas contributed. It can also reduce community support for the final decisions.

Most California communities have diverse populations and some have experienced rapid demographic changes. Residents vary by age, gender, ethnicity, immigrant status and income level. Some own homes and some rent. Community members may be long-time residents or new arrivals. People read and speak English with different degrees of proficiency. Some have disabilities. Individual residents, as well as whole communities, may have more or less experience, confidence, or capacity to participate.

Based on the ideas of many individuals and organizations, and on the experiences of communities throughout California, here are a number of ideas for achieving broader representation in local public engagement efforts.

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DEVELOP RELATIONSHIPS

Less engaged communities are often critical of the public engagement process. Developing personal relationships with the community can lead to a more inclusive process and community buy-in.

BUILD COMMUNITY CAPACITY TO PARTICIPATE

Community members have varying degrees of familiarity with local government processes and functions. Providing educational materials or process at the beginning of the public engagement process will allow more meaningful participation from the broad community.

FIT YOUR PROCESS TO THE PARTICIPANTS

Once you determine the *purpose* of a public engagement process, think about the range of *participants* you hope to involve *before* selecting your approach or *process(es)* for that involvement. This will help you create opportunities for participation that will be more appropriate and welcoming for participants and reach the diversity community.

GET HELP

Identify and consult community-based and intermediary organizations, including neighborhood and grassroots leadership groups, local clergy, faith-based organizations, community and ethnic media, and others that can as provide two-way conduits for communication between local officials and community residents on specific issues and policies.

COMMUNICATE EFFECTIVELY AND RESPECTFULLY

Stay current with your communities changing demographics, and develop culturally and linguistically appropriate communications material and strategies. Recognize the importance of communicating with residents in their first language to ensure their maximum understanding of issues. As appropriate, promote public engagement through ethnic media and other intermediary organizations that already serve and work with the communities you wish to reach. Plan ahead for translation services. Transportation assistance and childcare (perhaps through respected intermediary organizations) can often be helpful.

BE FLEXIBLE

Hold public meetings or other public engagement processes in community settings that are known and accessible to the communities you wish to reach. Explore what engagement tools and processes will best meet the needs and conditions of specific populations.

HAVE SPECIFIC GOALS

Take the time to create targeted goals for harder to reach communities. In general, encourage attention and learning about inclusive engagement throughout your agency, and include public information officers in these discussions. Individual departments can develop their own outreach plans to reach specific less-engaged communities or populations.



STAY IN TOUCH

As appropriate, keep current lists of organizations and groups concerned about given issues and keep them informed of opportunities to participate.



SAY THANK YOU & FOLLOW-UP

Express your appreciation for those who do become involved. Let participants know how their input was considered and impacted decisions.



KEEP LEARNING

Follow up after specific engagement efforts to determine what worked and what could be improved.



BUILD IT IN

Explore the integration of diverse community voices as a part of your overall strategy to inform and support the goals and programs of local government.

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Partnering with Community-Based Organizations for More Broad-Based Public Engagement

This publication is for local government officials interested in collaborating with local community-based organizations to enhance the breadth and depth of participation by community residents in local decision-making. Interviews with both local officials and community leaders throughout California were used to generate guidance for those who are getting started or want to enhance their relationships with more of their community.

Why Partner?

Many local officials report that the residents they see participating in their public meetings are a narrow slice of the whole community.¹ To address this challenge, many local agencies use a strategy of nurturing relationships with community-based organizations (CBO) to better reach and engage a broader cross section of residents. The important benefits they cite from these partnerships include the ability to:

- Extend the agency's education and outreach capacities so more residents are aware and informed
- Balance the most involved advocates with perspectives representing more of the community
- Reduce misperceptions and mistrust, and reduce contentiousness
- Identify broader community-based resources and recommendations
- Develop communication channels for keeping people informed over time
- Enhance the cultural competency of engagement plans, and increase the ability to translate issues into relevant questions/framing and accessible language
- Reach people emotionally as well as physically

Local government agencies using this approach have learned that being very intentional about the purposes and parameters of their partnerships can make a dramatic difference in their effectiveness.

Types of Community-Based Organizations

All jurisdictions have non-profit organizations committed to improving the quality of life in their community. Examples include parent-teacher organizations, congregations, sports leagues, adult education programs

¹ 76 percent of city and county officials say that public meetings are dominated by people with narrow agendas. [Testing the Waters](http://www.ca-ilg.org/research-public-engagement-local-government-decision-making), May 2013 report with findings from 900 California local officials, available at: www.ca-ilg.org/research-public-engagement-local-government-decision-making. The link has a companion report of research conducted among 500 leaders of civic organizations.

and service clubs such as Rotary or Kiwanis. These kinds of organizations can complement those that may already participate actively in public meetings, such as the chamber of commerce and neighborhood associations.

Partnerships are often sought as a way to elicit unheard perspectives on how an issue or problem is experienced, which can enhance specific policy directions or recommendations. Some agencies have a practice of sharing lists and information about community-based organizations across departments as a way to leverage past investments in these relationships. Instead of developing a new outreach effort and list for each new issue and decision process, they have a ready cross section of the greater community already oriented to some aspect of local decision making. It is also helpful to investigate and acknowledge existing collaborations and networks between organizations to understand how information flows in the community.

Clarifying Purpose and Alignment

The desired demographic and geographic audiences are often the starting point for deciding which community organization(s) will be the most effective partners.



It is also important to identify the purpose and what type of public education and public input is desired. Many officials find this continuum from the International Association for Public Participation (IAP2) a useful way to summarize different types of engagement:

The best way to determine the right fit is by having an exploratory discussion to assess how the group's focus matches the audiences, topics and activities the local public agency is contemplating for engagement. If after meeting with a community organization, it turns out that there is not an immediate fit for a partnership, valuable information about that part of the community's perspective will still have been gained. At times, it may be important for a period of relationship building, both organizational and personal, to take place before a new partnership is launched. The local agency may financially support some of the staff work or other costs involved in the CBO's partnership activities. If a grant is sought to help pay for the outreach and engagement efforts, the CBO should be involved in the planning and budgeting for its activities.

Types of Partnerships

Planning departments, health and human service departments, metropolitan planning organizations, public information officers and many other local agency offices are employing CBO partnerships. Frequently, local agency staff have limited time to be present in multiple communities

Sample Roles in a Partnership

The Community-Based

Organization: Help get desired sector(s) of the community to attend and actively participate in community conversations, possibly serving as a co-hosting partner.

The Local Government Agency:

Design public conversations in such a way that the invited input is meaningful and will be used in decision-making.

Together:

Ensure that communications, information and accommodations support the intended audience and that outcomes are shared with the community.

often enough to build the kind of rapport that invites engagement, so they connect and partner with a range of CBOs in various ways. Common examples of CBO partner tasks include:

- Expand awareness of upcoming public engagement processes
- Co-host public input sessions in locations more familiar to community members
- Help agency staff understand the community's current level of understanding about an issue so materials can provide helpful background context
- Help adapt information about the issue into language and a format that make sense to nontechnical experts and people with varying levels of education
- Translate information and provide bilingual facilitation if appropriate
- Recruit attendees and provide any needed support such as transportation and child care
- Help with reporting back to the community about how their input was used in the final decision and ways that they can stay involved and informed

Depending on the extent of the work involved, many agencies provide some kind of compensation to the community organization for their efforts. Sometimes a local community foundation or other funder may help underwrite such costs.

Creating the Right Conditions

When forming a working partnership, as with developing any relationship, no single “formula” exists for developing effective plans, communications and trust. Instead, both local officials and community leaders shared that the following conditions were an important starting point:

- There is adequate advance dialogue between the agency and the CBO to determine the *mutual* interests of the partnership. The desired community engagement needs to be positioned so that it aligns with the community organization's as well the local agency's priorities.
- The local government agency's decision-makers are on board and committed to the intended outcome of the partnership. They are making an authentic request for community input that will be seriously considered in the decision-making process.
- The partnership is based on mutual respect for what each party brings. For example, the CBO can provide insight into which attitudinal barriers different sectors of the community may have about interacting with local government. If there is a history of mistrust, it helps to bring it out in the open.
- The local agency and CBO(s) have clearly defined roles and expectations for each other.
- The agency is prepared to support the information and communication needs of the broader cross section of the public who tend to know far less than more experienced advocates and local government enthusiasts.

“Are you thinking about these community groups as constituents to be managed or placated — or as genuine partners collaborating with you on a shared goal of expanding participation?” — City official

Local officials' experience suggests that the most effective partnerships were used for the whole decision-making cycle: the front-end public introduction of the issue, the community input and dialogue, and the reporting out of how public input was used in the final decision. Another helpful practice when entering into the relationship with the CBO is to set up periodic checkpoints to review milestones and correct

course on the outreach as needed. Include an explicit debrief of what worked well and what can be improved for the next time. In summary, local officials and CBO leaders should honestly share their respective goals and needs and then work out a mutually accepted plan for tasks and task completion, for meetings and other communications, for CBO partner compensation (where appropriate), for how decisions will be made in relationship to shared work, and whether and how they plan to assess the work done once completed.

*“I get a call asking: ‘Can you get 50 parents to the meeting?’
First I want to talk about what people in the community care about.”
— Leader of a large nonprofit organization*

Navigating Around Common Pitfalls

Partnerships tend to work well if they are based on mutual goals, clear communication and trusting relationships. But many times the partnership between a local agency and community-based organizations hits trouble spots. Here are some of the most commonly reported pitfalls and helpful practices to enhance the likelihood of success.

Common Pitfalls	Helpful Practices
Treating the CBO as a “supplier” for one-way communication to the community, especially to enlist support for an existing recommendation.	Develop processes for two-way communications about mutually defined concerns — without assuming what the final policy recommendation will be.
Unrealistic expectations for the CBO partner — not enough time or resources allocated for robust engagement.	Start early, establish shared understanding about what is feasible, and consider using a network of multiple CBOs.
Selecting organizations that already have a fixed point of view that limits discovery of common ground.	Look beyond the most visible groups engaged in public dialogue, and find those interested in general quality of life in the community.
The recruitment worked but the meeting process and/or information did not match the audience.	Partner with the CBOs to develop materials and questions that make sense to the broader community.
There is a perception that decision-makers do not treat the new community voices brought in through the partnership with equal respect.	Involve decision-makers in the goals for the community engagement and what kinds of input they will be receiving and can listen for.
Partnership agreement is too vague. It’s unclear who has responsibility for which part of the process.	Create an explicit set of responsibilities for the CBO and the local public agency, and revisit as needed.
The community feels “used” spending time providing input with no information about outcome.	Explain decisions and next steps. Continue to invest in opportunities for two-way communication.

Busy local officials are often encouraged to focus their activities on concrete short-term deliverables with high likelihood for success. Because it takes time to nurture and sustain partnerships with community organizations, some tend to make this practice a lower priority. Others may have had past experiences where some aspects of the partnership worked well but other aspects did not, and they are reluctant to re-engage in something that was not an unqualified success. However, elected local officials and staff may choose to recognize the longer-term value of such partnerships and the more informed, inclusive decision-making — and public trust — that can result from these efforts. They can embrace a learning-oriented mindset and work with community partners to reflect on and improve public engagement processes.

Resources to Learn More

Why Engage the Public? - www.ca-ilg.org/document/why-engage-public

Beyond the Usuals - www.ca-ilg.org/BeyondUsuals

Expand Your Community Connections - www.ca-ilg.org/expanding-your-agencys-community-networks

Planning Public Engagement: Key Questions for Local Officials - www.cailg.org/PublicEngagementKeyQuestions

Clergy and Congregations - www.ca-ilg.org/document/local-officials-guide-working-clergy-and-congregations

Immigrant Engagement Guide - www.ca-ilg.org/local-officials-guide-immigrant-civic-engagement

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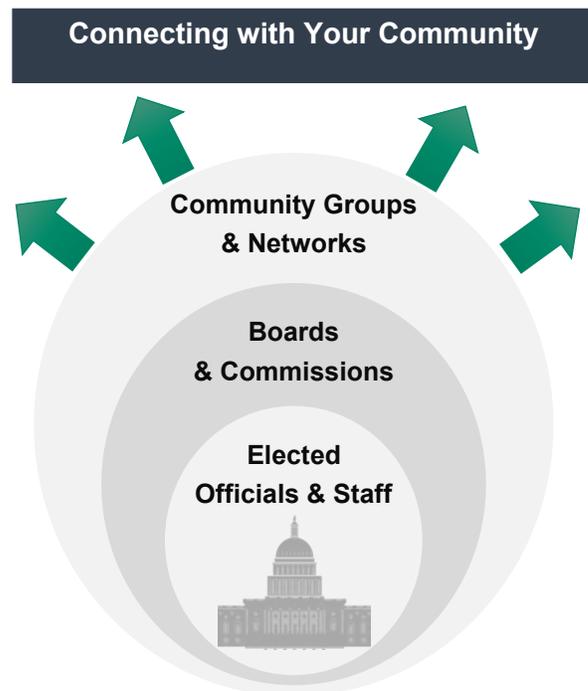
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Expand Your Agency's Community Connections

Many public officials have a wide variety of relationships in their communities, often related to specific projects and initiatives. Examples include interactions with schools, groups serving specific populations, business associations, faith-based organizations and more. Yet these groups and networks may not come to mind when an agency is planning and announcing public meetings.

Use the following list to identify different partners, network contacts and “key connectors” in your agency’s jurisdiction. The next time the agency wants to reach out beyond the small slice of the public that most frequently attends public meetings, consider reaching out to the community through some of the types of organizations listed here. Add these contacts to the agency’s outreach list, so this wider range of contacts is ready whenever needed.



Groups Close to Local Government Decision-Making and Operations

- Board and commission members in the jurisdiction
- Past and present members of community task forces and working groups
- Public agency-sponsored citizen academies and resident leadership programs
- Local multi-sector leadership groups and business roundtables
- Advocates and service providers whose work relates to the issue under review

Networks Where Community Members Affiliate by Interest

- Parent-teacher associations/ organizations, school support organizations
- Youth: groups not tied to schools (Boys' and Girls' Clubs, youth sports leagues, scouts, YMCA, youth centers, etc.); parent groups/mother's clubs
- Business: chambers of commerce, ethnic chambers; small business associations and incubators
- Labor associations
- Community-oriented and ethnic media
- Internet-based groups and blogs
- Neighborhood organizations and homeowners' associations
- Civic membership groups: Rotary, Elks, Kiwanis, etc.
- Friends of the Library
- Good government groups, League of Women Voters
- Adult education: community colleges, adult schools, English as a second language programs
- Safety: Community Emergency Response Teams (CERT), Neighborhood Watch
- Community health and wellness groups
- Sports leagues
- Seniors' groups
- Early childhood groups: First 5 Commission, child care councils
- Social equity/social justice
- Environmental groups and outdoor recreation
- Arts groups: music, visual, dance, theater, ethnic culture

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