

CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: October 15, 2024

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**To:** Honorable Mayor and City Councilmembers  
**From:** Assistant City Manager/City Clerk  
**Subject:** Direction to Voting Delegate and Alternate(s) Voting Delegate for the 2024 League of California Cities Annual Conference on Proposed Resolution Relating to Fair and Equal Treatment of All Governmental Officials at All Levels

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**RECOMMENDATIONS:**

That the City Council Provide Direction to the City of Sebastopol’s voting delegate or alternate delegate to vote in support of a Resolution Relating to Fair and Equal Treatment of All Governmental Officials at All Levels at the 2024 League of California Cities Conference.

**EXECUTIVE SUMMARY:**

The League of California Cities 2024 Annual Conference is scheduled for October 16 – 18, 2024 at the Long Beach Convention Center. At the Annual Conference, the League of California Cities convenes a General Assembly. This is an opportunity for members to consider resolutions that establish Cal Cities policy. In order to vote at the General Assembly, the City Council must designate by resolution a voting delegate and up to two alternate voting delegates. The League of California Cities requires such designation be approved by the City Council and confirmation of the designation to be provided to the League in advance. The City Council at their meeting of August 6, 2024 designated Vice Mayor Zollman as the voting delegate and Councilmember McLewis as the alternate voting delegate. The names of the voting delegates were provided to CAL Cities as required.

**BACKGROUND AND DISCUSSION:**

The City of Sebastopol is a member of the League of California Cities, a nonprofit advocacy organization that represents the interests of over 400 municipalities across the state. The Cal Cities 2024 Annual Conference is scheduled for October 16-18, 2024 at the Long Beach Convention Center and presents an opportunity for city officials to attend informative sessions, learn about the challenges that California’s cities face, collaborate on solutions, and celebrate the accomplishments of Cal Cities and member jurisdictions.

The Annual Business Meeting occurs during the General Assembly on the last day of the conference, where member cities take action on conference resolutions. Resolutions serve as policy guidance for Cal Cities and are meant to improve the quality, responsiveness, and vitality of local government in California. This year, one resolution has been submitted for consideration along with background materials, supporting letters, and analyses (Attachment 1).

Per Cal Cities bylaws, proposed resolutions are referred to an appropriate policy committee for review and recommendation as well as the General Resolutions Committee 1 before being presented to the General Assembly for a vote. This year’s Resolution was referred to the Governance, Transparency, and Labor Relations Policy Committee (Policy Committee). The Policy Committee will meet virtually on October 3, 2024 at 10:00 a.m. to review the Resolution and make a recommendation that will be sent to the Resolutions Committee. The Resolutions Committee will meet on October 17, 2024 at 1:30 p.m. to review the Resolution and the recommendation of the Policy Committee.

The following Resolution was submitted for consideration at the Cal Cities 2024 Annual Conference by the City of Glendora:

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR THE CALIFORNIA LEGISLATURE TO ENACT LAWS THAT ENSURE THAT “WHAT APPLIES TO ONE, APPLIES TO ALL” IN THE FAIR AND EQUAL TREATMENT OF ALL GOVERNMENTAL OFFICIALS AT ALL LEVELS IN THE STATE OF CALIFORNIA

The Resolution is aimed at urging legislators to pass laws that treat lawmakers and city officials equally and received concurrence from the cities of Arcadia, Azusa, La Verne, Lomita, and Rancho Palos Verdes. Over the past several years, the California Legislature has passed and the Governor has signed many laws that apply to local governments and do not apply to the state or the state Legislature.

Examples of rules that apply to other agencies but not the California Legislature include minimum wage, whistleblower protections, public access, and more. Additionally, legislators in California are able to bypass open meeting laws via partisan caucuses that allow them to gather privately.

The Resolution Committee may make changes and/or send the Resolution back to the Policy Committee for further discussion. It appears from the Resolution that it aims to protect local control and advocating for equality in exemptions and applicability of California laws.

**STAFF ANALYSIS:**

The City of Sebastopol is an active member of Cal Cities and should be represented at the Annual Business Meeting and cast a vote on the proposed resolution in accordance with City Council direction. It is recommended that the Council provide direction to the voting delegate or alternate on whether to support the proposed Resolution; abstain; or oppose. Abstaining, opposing, or supporting this resolution will not commit Sebastopol into adopting or implementing any of Cal Cities’ policy positions.

**COMMUNITY OUTREACH:**

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the recommended action tonight. Funding in the amount of \$3000 has been allocated for registration and travel expenses to the Conference. Both attendees have agreed to share the \$3000 and pay for expenses above and beyond that out of their personal funds.

**RESTATED RECOMMENDATION:**

That the City Council Provide Direction to the City of Sebastopol’s voting delegate or alternate delegate to vote in support of a Resolution Relating to Fair and Equal Treatment of All Governmental Officials at All Levels at the 2024 League of California Cities Conference.

Options Include: Supporting; Opposing or Abstaining

**ATTACHMENTS:**

Resolution Packet

APPROVALS:

Department Head Approval:

Approval Date: 10-9-2024

CEQA Determination (Planning):

Approval Date: 10-9-2024

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines.

Administrative Services (Financial) Approval Date: 10-9-2024

Costs authorized in City Approved Budget:  Yes  No  N/A

Account Code (f applicable) 100-10-01-4515

City Attorney Approval: Approval Date: 10-9-2024

City Manager Approval: Approval Date: 10-9-2024



**2023-2024  
CAL CITIES OFFICERS**

**President**

Daniel T. Parra  
Mayor  
Fowler

**First Vice President**

Lynne Kennedy  
Mayor Pro Tem,  
Rancho Cucamonga

**Second Vice President**

Gabe Quinto  
Council Member,  
El Cerrito

**Immediate Past President**

Ali Sajjad Taj  
Mayor Pro Tem,  
Artesia

**Executive Director  
and CEO**

Carolyn M. Coleman

**August 28, 2024**

TO: Mayors, Council Members, City Managers, and City Clerks

RE: Cal Cities 2024 Resolution Packet

Sixty days before the Cal Cities [Annual Conference and Expo](#), Cal Cities members may submit resolutions on issues of importance to cities. This year, Cal Cities received one resolution by the Aug. 17 deadline.

The attached packet contains the proposed resolution, supporting letters from city officials, and an analysis of the resolution by Cal Cities. The packet includes detailed information on the resolution process.

We encourage each city council to consider the resolution and determine a city position so your voting delegate can represent your city's position on the resolution.

**Voting Delegates:** City councils must appoint a voting delegate to vote during the General Assembly. Each city may also appoint up to two alternate delegates. If your city has not already done so, please appoint your voting delegate by Sept. 25. [The voting delegate packet](#) contains more information.

The Cal Cities 2024 General Assembly will be held Oct. 18 at 8:30 a.m. in the Long Beach Convention Center during the [Annual Conference and Expo](#).

For questions about resolutions, voting delegates, or the General Assembly, please contact [Zach Seals](#).



# 2024 Resolutions Packet



# 2024 Resolutions Packet

## Information on 2024 Resolutions Process

### **Consideration by Policy Committee (pre-conference)**

Per the Cal Cities bylaws, the Cal Cities President has referred the submitted resolution to the [Governance, Transparency, and Labor Relations Policy Committee](#). The committee will meet on Oct. 3 at 10 a.m. via Zoom to review the resolution and make a recommendation that will be sent to the Resolutions Committee. A public comment period will be held during the meeting. Register for the meeting [here](#).

A list of recommendations the policy committee may make during its meeting are on page three of this packet.

### **Consideration by Resolutions Committee (during conference)**

On Oct. 17 at 1:30 p.m. the Resolutions Committee will meet to review the resolution and the recommendation of the policy committee.

The Resolutions Committee consists of one representative from each of Cal Cities caucuses, departments, divisions, and policy committees, as well as up to ten additional appointments made by the Cal Cities President. A public comment period will be held during the meeting. Refer to the onsite conference program for the location.

A list of recommendations the Resolutions Committee may make during its meeting are on page three of this packet.

### **Consideration by the General Assembly (during conference)**

The General Assembly will convene on Oct. 18 at 8:30 a.m. to consider any qualified resolutions. To vote during the General Assembly, voting delegates must have checked-in at the voting delegate booth.

Conference attendees will receive materials for the General Assembly on the evening of Oct. 17. For more information on voting and discussion procedures during the General Assembly, see page four of this packet.

### **Petitioned Resolutions (during conference)**

The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. To initiate a petitioned resolution, voting delegates from 10% of member cities must sign the petition. The resolution and signatures are due at least 24 hours before the beginning of the General Assembly. Voting delegates who have checked-in at the voting delegate booth can receive more information on petitioned resolutions at the booth onsite.



# How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

## Prior to the Annual Conference and Expo

### General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance

to cities. The resolution must have the concurrence of at least five additional member cities or individual members.



### Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members

review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.



## During the Annual Conference and Expo

### Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during

the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.



### Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved<sup>1</sup> by either a policy committee

or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.<sup>2</sup>



### General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

## Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

**Voting delegates** are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates—one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

<sup>1</sup> The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

<sup>2</sup> Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI, Sec. 5(f).

For more information visit [www.calcities.org/general-assembly](http://www.calcities.org/general-assembly)



# 2024 Resolutions Packet

## Policy Committee and Resolutions Committee Actions

The submitted resolution will be heard by the policy committee to which it was assigned, and the Resolutions Committee. The below table shows what recommendations these bodies may make on the resolution.

<b>Policy Committee Actions</b>	<b>Resolutions Committee Actions</b>
Approve	Approve
Disapprove*	Disapprove*
No Action	No Action
Amend and approve	Amend and approve
Refer to appropriate policy committee for further study*	Approve as amended
Refer as amended to appropriate policy committee for further study*	Refer to appropriate policy committee for further study*
	Refer as amended to appropriate policy committee for further study*
	Approve with additional amendment(s)
	Additional amendments and refer to appropriate policy committee for further study*

*\*If a resolution is disapproved or referred for further study by all policy committees to which it is assigned and the Resolutions Committee, it will not proceed to the General Assembly.*





# 2024 Resolutions Packet

## General Assembly Voting and Discussion Procedures

### Discussion Procedures:

Discussion procedures during the General Assembly are guided by two calendars: the Consent Calendar and the Regular Calendar. As seen below, resolutions are calendared by the recommendations they receive from policy committees and the Resolutions Committee.

For General Resolutions:

Policy Committee Recommendation	Resolutions Committee Recommendation	Calendar
Approve	Approve	Consent Calendar
Approve	Disapprove or refer	Regular Calendar
Disapprove or refer	Approve	Regular Calendar
Disapprove or refer	Disapprove or refer	Does not proceed to General Assembly

For Petitioned Resolutions:

Policy Committee Recommendation	Resolutions Committee Action	Calendar
N/A	Approve	Regular Calendar
	Disapprove or Refer	Regular Calendar
	Disqualified	Does not proceed to General Assembly

Items on the Consent Calendar will be presented as one motion during the General Assembly from the Resolutions Committee chair. Unless an item on the Consent Calendar is set aside by the majority of the General Assembly, a vote will be taken on the whole calendar. If an item is set aside, it will be opened for discussion, followed by a vote.

Items on the Regular Calendar will be presented individually by the Resolutions Committee chair. After a recommendation is presented by the Resolutions Committee chair, the resolution will be opened for discussion by the General Assembly. A vote will take place following discussion.

### Voting Procedures:

Per Cal Cities Bylaws Article XII, Sec. 2, all votes will be conducted by voice vote first. If the presiding official cannot determine the outcome a vote will be taken by an alternative method, typically a raise of voting cards by voting delegates. A roll call vote may be called for by delegates of ten percent or more of the General Assembly.



# 2024 Resolutions Packet

## 2024 Resolution

1. Resolution on Fair and Equal Treatment of All Governmental Officials at All Levels submitted by City of Glendora
  - Letters of concurrence submitted by:
    - i. April A. Verlato, Mayor, City of Arcadia
    - ii. Robert Gonzales, Mayor, City of Azusa
    - iii. Tim Hepburn, Mayor, City of La Verne
    - iv. Bill Uphoff, Mayor, City of Lomita
    - v. John M. Cruikshank, Mayor, City of Rancho Palos Verdes
  - Referred to Governance, Transparency, and Labor Relations Policy Committee
  - Policy Committee Recommendation:
  - Resolutions Committee Recommendation:



# 2024 Resolutions Packet

## **Resolution No. 1: *Fair and Equal Treatment of All Governmental Officials at All Levels* submitted by City of Glendora**



# 2024 Resolutions Packet

## 1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR THE CALIFORNIA LEGISLATURE TO ENACT LAWS THAT ENSURE THAT “WHAT APPLIES TO ONE, APPLIES TO ALL” IN THE FAIR AND EQUAL TREATMENT OF ALL GOVERNMENTAL OFFICIALS AT ALL LEVELS IN THE STATE OF CALIFORNIA

Source: City of Glendora

Concurrence of five or more cities/city officials

City Officials: April A. Verlato, Mayor, City of Arcadia; Robert Gonzales, Mayor, City of Azusa; Tim Hepburn, Mayor, City of La Verne; Bill Uphoff, Mayor, City of Lomita; John M. Cruikshank, Mayor, City of Rancho Palos Verdes

Referred to: Governance, Transparency and Labor Relations Policy Committee

**WHEREAS**, the General Assembly of the League of California Cities objects to the practice of the California Legislature of imposing rules limiting authority or regulating the conduct of local municipal officials that do not also apply to elected officials of the State of California; and

**WHEREAS**, examples of such rules or regulations that apply to local city elected officials that do not otherwise apply to the elected officials of the State of California include, but are not limited to:

California’s open meeting rules, codified in the Ralph M. Brown Act, Government Code, Chapter 9, §§ 54950 *et seq.*, which purport to “declare[] that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly,” but which limits its application to “local agencies,” but not including elected officials of the State of California;

Creating “one-off” exemptions, in the form of Senate Bill No. 174, from the California Environmental Quality Act (“CEQA”) which purportedly requires all government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project in order to demolish and then rebuild State offices for the Governor and other State officials;



## 2024 Resolutions Packet

Adopting rules, in the form of Senate Bill No. 1439, amending the Political Reform Act (the "Act"), by removing the exception for local elected officers from contribution limits requiring disqualification on development project decisions," but not including elected officials of the State of California;

Adopting rules, in the form of Assembly Bill No. 571, that apply to city and county candidates for local elected office, but not to candidates for state-wide office, including, but not limited to: prohibiting the making a contribution over the AB 571 limit to another candidate in jurisdictions subject to the AB 571; requiring a candidate that has qualified as a committee to establish a separate controlled committee and campaign bank account for each specific office; prohibiting a candidate from redesignating a committee for one election for another election.

**WHEREAS**, the General Assembly of the League of California Cities now calls upon the Governor and the California Legislature to adopt a policy, practice, and procedure requiring, in their legislative activities, that "what applies to one applies to all."

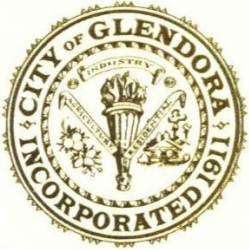
**NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 18, 2024 in Long Beach, California, that the League calls upon the Governor of the State of California and the elected members of the California Legislature, including all members of the Senate and Assembly to adopt the following policy:

***"The California State Legislature shall not enact, and the Governor shall not sign into law, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution."***



# 2024 Resolutions Packet

## Resolution No. 1: Letters of Concurrence



CITY OF GLENDORA CITY HALL

(626) 914-8201

116 East Foothill Blvd., Glendora, California 91741

FAX (626) 914-8221

www.ci.glendora.ca.us

July 10, 2024

The City Council of Glendora  
is proposing the following resolution for consideration at the  
California League of Cities annual conference  
on  
October 18, 2024

Proposed Resolution: (“To ensure fairness and equal treatment for all government officials in  
California”)

*“The California State Legislature shall not enact, and the Governor shall not  
approve, any law or regulation that applies solely to elected officials of California  
cities and counties, unless such law or regulation also applies equally to members  
of the California State Assembly and Senate. This prohibition shall not apply to  
laws or regulations affecting the inherent powers of the legislative branch under  
the California Constitution.”*

The following five city council members are in concurrence with their letters of  
support (attached):

- ✓ Mayor John Cruikshank, City of Rancho Palos Verdes
- ✓ Mayor Bill Uphoff, City of Lomita
- ✓ Mayor Robert Gonzales, City of Azusa
- ✓ Mayor April Verlato, City of Arcadia
- ✓ Mayor Tim Hepburn, City of La Verne

Please confirm receipt of this request.

Sincerely,

Michael Allawos  
Council Member  
City of Glendora

PRIDE OF THE FOOTHILLS



April A. Verlato  
Mayor

July 9, 2024

Honorary Mike Allawos  
Glendora City Councilmember  
116 E. Foothill Blvd.  
Glendora, CA 91741

**RE: Support for "Glendora CalCities Resolution"**

Dear Councilmember Allawos:

I would like to be a voice of support for Glendora's timely and needed resolution below for the upcoming CalCities annual conference this coming October 18, 2024.

**"The California State Legislature shall not enact, and the Governor shall not approve, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution."**

I am an elected representative for our respective city, county, and state governance to do the people's work and be their collective voices. We should all have the same rules to be governed by.

Sincerely,

April A. Verlato  
City of Arcadia Mayor

240 West Huntington Drive  
Post Office Box 60021  
Arcadia, CA 91066-6021  
(626) 574-5403 City Hall  
averlato@ArcadiaCA.gov  
www.ArcadiaCA.gov



July 8, 2024

Hon. Michael Allawos  
Glendora City Councilmember  
116 E. Foothill Blvd.  
Glendora, CA 91741

Re: Support for "Glendora's CalCities Resolution"

Councilmember Allawos:

I would like to support Glendora's timely and needed resolution below for the upcoming CalCities annual conference this coming October 18, 2024:

"The California State Legislature shall not enact, and the Governor shall not approve, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution "

I am an elected representative for the City of Azusa . We should all have the same rules to be governed by.

Sincerely,



Mayor Robert Gonzales

\*The views or opinions expressed in this letter are intended to be interpreted as the individual work product of the author They do not necessarily reflect an official position of the City Council, staff or other entities



# CITY OF LAVERNE CITY HALL

3660 "D" Street, La Verne, California 91750-3599  
www.cityoflaverne.org

July 8, 2024

Ms. Kathleen Sessman  
Glendora City Clerk  
116 E. Foothill Blvd.  
Glendora, California 91741

Re: Item 14 – Cal Cities Annual Conference Resolution

Dear Ms. Sessman:

As the Mayor of the City of La Verne, I would like to voice support for Glendora's timely and needed resolution, within agenda item #14, for the upcoming League of California Cities (Cal Cities) annual conference this coming October 18, 2024.

In its simplistic form, the proposed Resolution states what we all believe should be true for each and every elected official: We should all have the same rules to be governed by. No matter what level of government an official is elected to, we are here to do the people's work and be their collective voices. The Resolution simply states:

*"The California State Legislature shall not enact, and the Governor shall not approve, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution."*

Whether the State Legislature or Governor heed our collective voices, we at the local level, through our Cal Cities membership, will have demonstrated our resolve that the basic leadership characteristic of leadership by example is the best approach to holding elective office.

Sincerely,

Tim Hepburn  
Mayor

General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Community Services 909/596-8700  
Public Works 909/596-8741 • Finance 909/596-8716 • Community Development 909/596-8706 • Building 909/596-8713  
Police Department 909/596-1913 • Fire Department 909/596-5991 • General Fax 909/596-8737

Bill Uphoff  
Lomita, CA

July 8, 2024

Hon. Mike Allawos  
Glendora City Councilmember  
116 E. Foothill Blvd.  
Glendora, CA 91741

**Re: Support for “Glendora’s CalCities Resolution”**

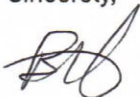
Dear Councilmember Allawos:

I would like to be a voice of support for Glendora’s timely and needed resolution below for the upcoming CalCities annual conference this coming October 18, 2024.

***“The California State Legislature shall not enact, and the Governor shall not approve, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution.”***

I am an elected representative for our respective city, county, and state governance to do the people’s work and be their collective voices. We should all have the same rules to be governed by.

Sincerely,



Bill Uphoff, Mayor  
City of Lomita

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John M. Cruikshank  
Rancho Palos Verdes, CA

July 6, 2024

Hon. Mike Allawos  
Glendora City Councilmember  
116 E. Foothill Blvd.  
Glendora, CA 91741

**Re: Support for “Glendora’s CalCities Resolution”**

Dear Councilmember Allawos:

I would like to be a voice of support for Glendora’s timely and needed resolution below for the upcoming CalCities annual conference this coming October 18, 2024.

***“The California State Legislature shall not enact, and the Governor shall not approve, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution.”***

I am an elected representative for our respective city, county, and state governance to do the people’s work and be their collective voices. We should all have the same rules to be governed by.

Sincerely,



John M. Cruikshank, Mayor  
City of Rancho Palos Verdes

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# 2024 Resolutions Packet

## Resolution No. 1: Staff Analysis

**League of California Cities Staff Analysis on Resolution No. 1**

Staff: Johnnie Pina, Legislative Affairs, Lobbyist  
Committee: Governance, Transparency, and Labor Relations

**Summary:**

This Resolution states that the League of California Cities shall call upon the Governor of the State of California and the elected members of the California Legislature, including all members of the Senate and Assembly to adopt the following policy:

“The California State Legislature shall not enact, and the Governor shall not sign into law, any law or regulation that applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate. This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution.”

**Background:**

This resolution states that examples of the California Legislature imposing rules limiting authority or regulating the conduct of local municipal officials that do not also apply to elected officials of the State of California include, but are not limited to:

- California’s open meeting rules, codified in the **Ralph M. Brown Act**, Government Code, Chapter 9, §§ 54950 *et seq.*;
- “One-off” exemptions, in the form of Senate Bill No. 174, from the **California Environmental Quality Act (“CEQA”)**;
- Rules, in the form of **Senate Bill No. 1439**, amending the **Political Reform Act** (the “Act”); and
- Rules, in the form of **Assembly Bill No. 571**, that apply to city and county candidates for local elected office, but not to candidates for state-wide office.

**Ralph M. Brown Act**

[The California Attorney General’s \(AG\) Office](#) defines [The Ralph M. Brown Act](#) (Brown Act) as what governs meetings conducted by local legislative bodies, such as boards of supervisors, city councils and school boards. The AG’s office states the Act represents the Legislature’s determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information gathering on the other.

[The Ralph M. Brown Act](#) governs local agencies, the [Bagley-Keene Open Meeting Act](#) covers all state boards and commissions, and [Government code](#)

[9027](#) governs the state Legislature. The California Constitution also mandates open meetings for state agencies, boards, and commissions. Specifically, the Constitution requires that each local agency comply with the Brown Act (Article I, section 3(b)(7)): and that the proceedings of each house of the Legislature be open and public (with exceptions for employment matters; matters affecting security; confer with legal counsel; and to meet as a caucus (Article IV, section 7)).

Although fairly detailed requirements apply to state agencies and other state bodies, they do not apply to the Legislature. The Legislature has Constitutional authority to adopt rules for its proceedings that are consistent with the requirement that the proceedings of each house and the committees be open and public.

Another notable difference between the Legislature and a city council is the ability for Legislators to have a caucus to discuss a bill, express how they will vote, and to count votes. This is not allowed under the Brown Act. One other difference is that the laws governing teleconferencing for members of the state Legislature is far less flexible than it is for local bodies. However, state agencies have more flexibility than locals in that regard.

### **California Environmental Quality Act (“CEQA”)**

The Resolution cites the Legislature's action in exempting from CEQA the reconstruction of the State Capitol Annex building. The State Legislature enacted the [California Environmental Quality Act \(CEQA\)](#) in 1970, establishing it as a public disclosure law for the environmental review of discretionary projects and a process for mitigating or avoiding potential environmental impacts.

[SB 174 \(Committee on Budget and Fiscal Review\)](#) Chaptered by Secretary of State. Chapter 74, Statutes of 2024 was signed into law July 2, 2024. This bill exempts the work performed under the State Capitol Building Annex Act of 2016 from the California Environmental Quality Act (CEQA). In this example the Legislature exempted themselves as not being considered a “public agency,” “state agency,” or “lead agency” under CEQA. A lead agency under CEQA is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA.

Over the years, the Legislature has also created many CEQA exceptions and exemptions for local projects involving local agencies as well.

### **The Political Reform Act (PRA) - Senate Bill No. 1439**

[SB 1439 \(Glazer\)](#) Chaptered by Secretary of State. Chapter 848, Statutes of 2022 amends section 84308 and is aimed at preventing "pay-to-play" practices, in part by prohibiting parties, participants, and their respective agents in a

proceeding involving a license, permit, or other entitlement for use from contributing more than \$250 to an officer of an agency during a 12 month period. When the Levine Act was first enacted in 1982, Section 84308 applied to appointed members of boards and commissions who were running for elective office. SB 1439 expended this law to now apply to local elected officials. Since it is focused on permits and licenses, it now applies to State agencies and local agencies that approve permits and licenses. Section 84308 does not apply to the Legislature or the Courts. It is important to note that unlike local governments, neither issue permits and licenses.

**The Political Reform Act (PRA) - Assembly Bill No. 571**

[AB 571 \(Mullin\)](#) Chaptered by Secretary of State. Chapter 556, Statutes of 2019 established default campaign contribution limits for county and city office at the same level as the limit on contributions from individuals to candidates for Senate and Assembly, effective January 1, 2021. This bill permitted a county or city to establish its own contribution limits, which would prevail over these default limits.

The Resolution cites AB 571 as an example of treating cities differently than the State. The Fair Political Practices Commission clarifies in their [AB 571 fact sheet](#) that under AB 571 a city may elect to have "no" contribution limit in which case the state contribution limit will not apply as a default for that jurisdiction. A city or county can set contribution limits higher than the default state limit, AB 571 sets a default in line with contributions Assembly Members and Senators if a city or county is silent on contribution limits.

**Fiscal Impact:**

Unknown.

**Existing Cal Cities Policy:**

**Mission Statement**

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

We Believe:

- Local self-governance is the cornerstone of democracy.
- In the involvement of all stakeholders in establishing goals and in solving problems.
- In conducting the business of government with transparency, openness, respect, and civility. The spirit of honest public service is what builds communities.
- Open decision-making that is of the highest ethical standards honors the public trust.
- The vitality of cities is dependent upon their fiscal stability and local autonomy. The active participation of all city officials increases Cal Cities' effectiveness.



- Partnerships and collaborations are essential elements of focused advocacy and lobbying.
- Ethical and well-informed city officials are essential for responsive, visionary leadership and effective and efficient city operations.

**Comments:**

**Additional Examples**

The Legislature has passed and the Governor has signed many laws that apply to local governments and do not apply to the state or the state Legislature. This year [AB 2561 \(McKinnor\)](#) was introduced, which requires local governments to present in a public meeting a detailed report about their vacancy rates and detailed information about their hiring practices. This is an attempt to address public sector vacancy rates. This bill does not apply to the state in a time when they are also dealing with high vacancy rates.

Additionally, there were several bills that aim to amend the Levine Act, which now applies to local elected officials, to make changes to SB 1439, referenced previously in the analysis. None of the bills would amend the law to be applicable to Assembly Members or Senators.

[AB 817 \(Pacheco\)](#), co-sponsored by Cal Cities tried to bring parity to the Brown Act by making the teleconference rules for state advisory bodies the same for local advisory bodies but the Legislature struck the bill down.

**Applying to elected officials or to the legislative body? Legislature or the State?**

The resolution also states, "... applies solely to elected officials of California cities and counties, unless such law or regulation also applies equally to members of the California State Assembly and Senate."

This portion of the resolve clause is specifically speaking to local elected officials and State Assembly Members and Senators. However, many of the "where as" clauses are in reference to laws that apply to cities, the state and the Legislature as government agencies and not specifically to the elected officials on the governing bodies. For example, the Brown Act applies rules to the Legislative body and not the individual council member. Additionally, the city council as a whole is the lead agency under CEQA and not the individual council members.

**Inherent Powers of the Legislative Branch**

The resolution also states, "This prohibition shall not apply to laws or regulations affecting the inherent powers of the legislative branch under the California Constitution."

It is unclear what inherent powers of the legislative branch under the California Constitution means in this context. The legislative branch does have the power

of preemption over cities and can state that a change in law is a matter of state wide concern. This allows the legislative branch to apply new laws or amend existing laws to apply to general law and charter cities. It seems like the last sentence of the resolve clause could negate the rest of the resolve clause if not clarified.

**Support:**

The following letters of concurrence were received:

April A. Verlato, Mayor, City of Arcadia

Robert Gonzales, Mayor, City of Azusa

Tim Hepburn, Mayor, City of La Verne

Bill Uphoff, Mayor, City of Lomita

John M. Cruikshank, Mayor, City of Rancho Palos Verdes