



# *City Council Agenda*

City of Campbell, 70 N. First St., Campbell, California

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## **SPECIAL MEETING OF THE CAMPBELL CITY COUNCIL**

Tuesday, January 14 , 2020 – 1:00 p.m.

Campbell Community Center

Room E-42

One W. Campbell Ave., Campbell, CA 95008

### **CALL TO ORDER, ROLL CALL**

### **PUBLIC COMMENT**

### **AGENDA ITEMS**

1. **Discussion on City Council/City Manager Government Roles, Responsibilities, and Protections**

Recommended Action: That the City Council discuss the City Council/City Manager roles, responsibilities, and protections.

### **ADJOURN**

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk's Office, (408) 866-2117, at least one week in advance of the meeting.

# MEMORANDUM

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**City Clerk's Office**

**To:** Honorable Mayor and City Councilmembers **Date:** January 13, 2020  
**From:** Wendy Wood, City Clerk  
**Via:** Brian Loventhal, City Manager  
**Subject:** **Outline on City Council/City Manager Government Roles, Responsibilities, and Protections**

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Attached is an outline provided by Liebert Casissy Whitmore discussing the City Council/City Manager Government Roles, Responsibilities, and Protections.

# **Overview of Council/Manager Government: Roles, Responsibilities and Projections City of Campbell**

*Presented by: Richard C. Bolanos, Partner  
Liebert Cassidy Whitmore*

## **1. City Council's Powers**

- City Municipal Code Sec. 2.04.010

## **2. City Manager's Role**

- Council-Manager Relations, Municipal Code Sec. 2.12.030
- The City Manager is the Chief Administrative Officer of the City
- Appointed by a majority of the City Council and serves at the pleasure of Council (subject to the employment contract)
- Responsible to the City Council for the proper administration of all affairs of the City

## **3. City Manager's Powers and Responsibilities**

- Appoint and may promote, demote, suspend or remove all department heads, officers and employees of the City except elective officers and those whose appointment is vested in the City Council
- Shall first review the appointment or removal of any department head with the City Council and obtain its approval

## **4. Staff**

- Performs the day to day duties, e.g., accounting, billing, maintenance, payroll
- Interacts with the public, performs all public services, etc.
- Carries out the Council's directions through the City Manager
- Reports to the City Manager through supervisors

## **5. Public**

- The public consists of residents or commercial businesses within the City
- The residents of the City elect the members who serve on the Council
- The public established the Council/Manager form of government

## **6. Relationship Between the Council, City Manager and Staff**

- The Council's job is to further the purpose or mission of the City by setting and achieving goals
- City Manager and Staff are responsible for carrying out the Council's plans in order to achieve goals

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- Thus, all 3 branches are working together towards one common purpose which is to further the mission of the City and serve the public

### **7. What is Proper City Councilmember Conduct?**

- Demonstrate loyalty to the mission of the City that is free from loyalties to others, including each individual member's personal interest as a consumer or resident
- Avoid conflicts of interest
- Act ethically
  - Government Code 1090, 87100, etc.

### **8. What is Proper City Councilmember Conduct?**

- Respect confidentiality when appropriate
  - Closed session items
- "Act" in a unified manner
- Treat differences of opinion in a respectful manner

### **9. Proper City Councilmember Conduct Results in the Following:**

- Prevents division among the Council which may cause the staff to "choose sides"
- Sets an example of how the Staff should conduct themselves
- Provides leadership for the Staff

### **10. Effect of the Public on the Relationship Between the Council, City Manager and Staff**

#### **11. The Public's Perception of the Council**

- The Council is typically held accountable by the public for any problems they encounter within the City
- The public views the Council as the "ultimate boss"
- The public expects the Council to redress their grievances

#### **12. Conflict Created by Public's Perception of the Council**

- It is not the Council's responsibility or authority to address the public's everyday concerns
- Council should look to the City Manager/Staff for answers
- Council pressures the City Manager who may, in turn, pressure the staff

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- Managers/supervisors may feel that they are being blamed or put in the position of having to accept blame

### **13. Legal Restrictions**

- What ethical laws must you know about?
  - Government Code § 1090
  - Political Reform Act
  - Limitations on Receipt of Gifts (GC §§ 89503, 89506)
  - Honoraria Bans (GC § 89501-89502)
  - Misuse of Public Funds (GC § 8314)
  - Gifts of Public Funds (Cal. Const. Art. XVI, Sect. 6)
  - Prohibition on Free/Discounted Travel (Cal. Const. Art. XII, Sect. 7)

### **14. Legal Restrictions**

- Transparent Government
  - Economic Interest Disclosures (GC §87200)
    - Know who covered officials are and what obligations are
  - Brown Act
    - Follow Posting Requirements
    - Avoid Serial Meetings
    - Closed Sessions for authorized purposes only
  - Public Records Act
    - Know time obligations
    - Be aware that exceptions are seldom absolute

### **15. Responsibility of Councilmembers**

- Responsibility
  - Do not disclose confidential information
  - Monitor ethics of employees/Councilmembers
  - Prepare for meetings and decisions
  - Do not blame others for your own actions

### **16. Responsibility of Councilmembers**

- Respect
  - Treat disagreement with dignity
  - Do not make it personal
  - Listen and seek other points of view
  - Understand that others have different styles, personalities, decision-making processes

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### **17. Responsibility of Councilmembers**

- Fairness
  - Act without bias or personal motivation
  - Recuse/excuse yourself when necessary
  - Treat people, including City Staff, fairly and without discrimination
  - Treat public with dignity and empathy

### **18. Responsibility of Councilmembers**

- What if a member is not complying with values?
  - Are you acting for good of all or your own?
    - Avoid "vigilante" ethics
  - Is the person violating law/policy/your own sense?
  - Speak to others
  - Speak to individual
  - Investigation? Authorities?
  - Follow-up

### **19. Tips for Improving Communication**

- The Council's conduct is the foundation of good communication
- Follow the well-defined roles for the Council, City Manager and each employee
- Define expectations
- Create an environment of trust and candor
- Create an environment of mutual respect, which should apply to all levels of employees
- Create an environment of inclusiveness
- Role Model Good Communication!

### **20. Reasons Council Should Limit Communications With Staff**

- Councilmembers are meant to act as part of the Council, not individually
- Council-Manager Relations, Municipal Code Sec. 2.12.040
- Legislative immunity is limited
- Potential liability for ...
  - Invasion of privacy
  - Unfair labor practice
  - Retaliation
  - Violating Staff's free speech rights

### **21. Reasons Council Should Limit Communications With Staff**

- Undermine Council neutrality
- Inadvertent admissions

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- Misquotation of comments
- Inefficient use of Council time
- It is not the Council's job

**22. City Council Liability Issues**

- If you are acting *within the scope of your employment*, you may create liability for the City
- If you are not acting within the scope of your employment, then you may create liability for yourself. You may be personally liable See, CA Government Code Sections 925 and 925.2

**23. "Hostile Work Environment"**

- Protected Classification
- Verbal, Visual or Physical Conduct
- Objectively and Subjectively Offensive (Unwelcome)
- Severe or Pervasive
- Unreasonably Interferes with Work
- No Intent to Harass Necessary

**24. Retaliation**

- Protected activity - Broad standard
  - Reporting discrimination or harassment
  - Participating in an investigation
  - Refusing to follow order reasonably believed to be discriminatory
- Adverse action -- Broad standard
- Causal connection

**25. RESPECT is the key to effective communications and minimizing City liability.  
Apply the Golden Rule.**

**26. Thank You!**



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