



Redwood
Public Law



City of South San Francisco
Citizens' Academy

Sky Woodruff, City Attorney

City Attorney's Office



Role of the City Attorney's Office

- Assist and advise the City Council and Successor Agency in implementing their policies
- Assist and advise the City Manager and her staff as they administer programs to implement the City Council's goals and to serve the residents
- Serve as counsel to the City Council, Successor Agency, and Planning Commission at their meetings



City Attorney Functions

- Assist in preparation of all agendas, resolutions, and ordinances
- Negotiate, draft, and prepare contracts on behalf of the City
- Provide legal opinions related to the policies under consideration by the City Council and staff
- Represent the City in litigation and manage outside counsel



Open Government

Underlying Philosophy

- Public agency processes should be as transparent as possible

- Transparency is vital in promoting public trust and government
- Two key laws to ensure transparency
 - Ralph M. Brown Act
 - California Public Records Act



Brown Act: Purpose and Intent

- All meetings of the legislative body of the local agency
 - shall be open and public
 - and all persons shall be permitted to attend any meeting of the legislative body of a local agency
 - except as otherwise provided in this chapter



Meetings

- Majority discuss or act on agency business
- Serial meetings

Exceptions:

- Individual contacts
- Conferences*
- Open community meetings*
- Another body of the agency*
- Social or ceremonial events*
- Standing committee meetings*

**Provided that a majority of members don't discuss among themselves, other than as part of the scheduled program, agency business*



Public Records Act

Purpose

- To provide the public with access to information in the hands of government

Rule

- The public has the right to inspect all non-exempt, state and local government agency records



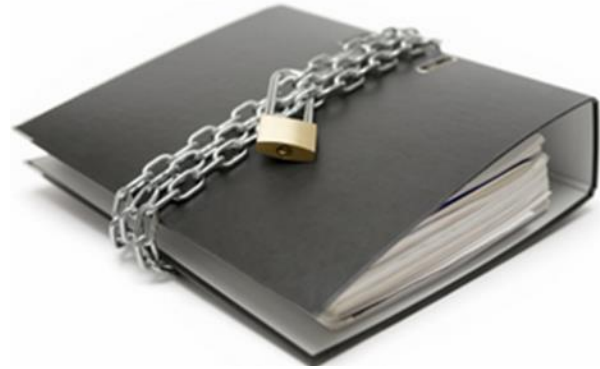
Public Records Act

- What are agencies **required** to do?
 - Agencies must make non-exempt records available to the public, upon request.
- What are agencies **NOT required** to do?
 - Agencies are not required to *create* records in response to a request; only to provide records that already exist.



Public Records Act

- What types of records are **EXEMPT** from disclosure?
 - Drafts
 - Law enforcement investigation records (except certain circumstances)
 - Documents protected by attorney-client privilege
 - Pending litigation
 - Closed session materials
 - Personnel files
 - Medical records

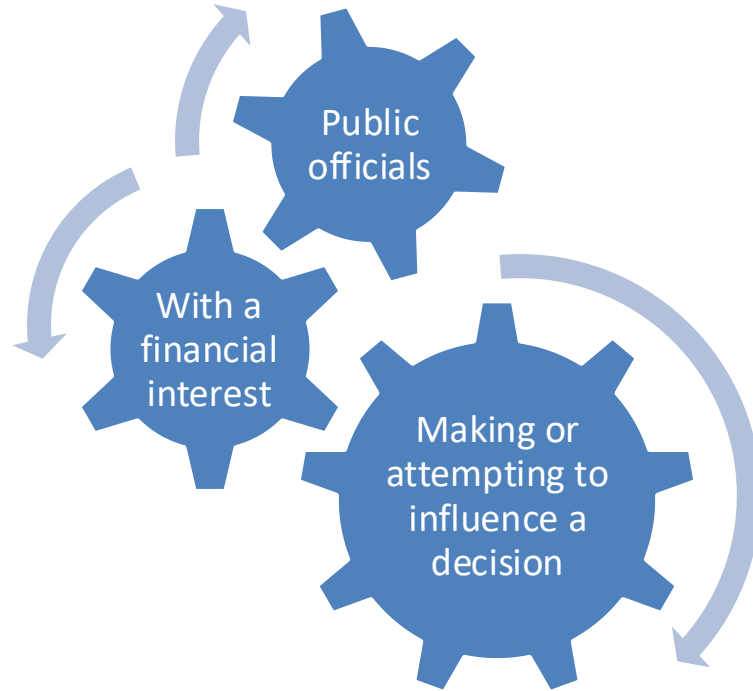


Part II



Political Reform Act of 1974

The Political Reform Act applies to



Political Reform Act of 1974

4 Steps to Determine Conflict of Interest

1. Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's *financial interests*?
2. Will the reasonably foreseeable financial effect be *material*?
3. Can the public official demonstrate that the material financial effect on the public official's financial interest is *indistinguishable from its effect on the public generally*?

If yes to all three, absent an exception, he or she *may not make, participate in making, or in any way attempt to use his or her official position to influence the governmental decision.*



What constitutes an economic interest?

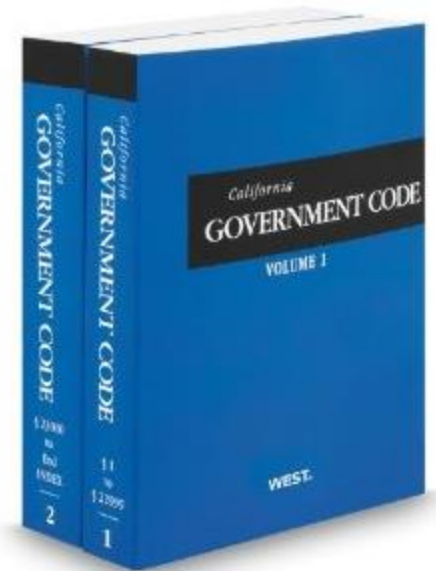
6 Types of economic interests

- Business investments (\$2000 or more)
- Business management positions (in position of management)
- Real property (\$2000 or more)
- Sources of income (\$500 or more)
- Sources of gifts
- Personal financial effects (expenses, income, assets, liabilities)



Gov. Code § 1090

- Public officials may not be financially interested in any contract made by them in their official capacities.
 - Contracts are defined broadly
 - Includes renewal, extension, or renegotiation of existing contract
- Legislative bodies are prevented from making contracts in which any member of the body has an interest.



Gift and Travel Restrictions

- No gifts from a single source aggregating in excess of \$630 in 12 months.
- Gifts aggregating \$50 or more must be disclosed on a Form 700.



Exceptions to Gift Limitations

Many exceptions to gift restrictions exist:

- Gifts returned or donated to charity (without claiming a deduction)
- Gifts from family members
- Informational material (books, papers)
- Birthday presents of equal value
- Bequest or inheritance



Why Ethics Regulations are Good for Government

- Promote transparency and fair-dealing
- Inspire public confidence
- Ensure public officials represent the interests of the public

3 GOOD
REASONS

Questions?

