



MEASURE Z

ELEVATE LAKE ELSINORE

CITIZEN COMMITTEE ORIENTATION

Thursday, May 13, 2021

MEASURE Z CITIZEN COMMITTEE

Ordinance No. 2020-1439 establishing Chapter 3.30 of the Lake Elsinore Municipal Code – Transaction & Use Tax

- Five members and the City Treasurer serving as an ex-officio member.
- Member serve a two-year term at the pleasure of the City Council. However, two committee members initially serve a one-year term.
- Meet at least twice each calendar year with meetings held in accordance with Ralph M. Brown Act.
- Three members of the Committee constitute a quorum to conduct business.
- Committee established by Ordinance to independently advise the City Council regarding the expenditure of revenues generated by Measure Z.
- Ensure transparency and accountability for the community.

COMMITTEE MEMBERS ARE PUBLIC OFFICIALS

- Public service is a public trust, requiring officials and employees to place loyalty to the citizens, the laws, and ethical principles above private gain.
- To help accomplish this goal, City Council policies and state laws exist to aid public officials in avoiding conflicts between an official's public duties and the official's personal interests.

GOVERNING POLICIES

- City Council Policies:
 - 200-5A – City Appointments
 - 100-2 – Code of Ethics
 - 100-3 – Anti-Discrimination
 - 200-2 – Open Meetings/Brown Act

RALPH M. BROWN ACT

California's Open Meeting Law

California Gov't Code
Section 54950 *et seq*

THE KEY

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils ... 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.”

TRANSPARENCY

- As public officials, Committee Members should think of themselves as living in glass houses
 - All meetings must be noticed and open to the public
 - All votes are open; no secret ballots
 - “The legislative body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”
- Curtains to the glass house may be drawn only when it is in the public interest to preserve confidentiality as specified by the Act and noticed on the Agenda
 - Closed Session – Exception to Open Meeting
 - Authorized Closed Sessions include: pending or anticipated litigation, personnel matters, labor negotiations, and real estate negotiations

WHAT IS A MEETING?

- The Brown Act applies to all meetings of local legislative bodies, including elected or appointed, decision-making or advisory
- A meeting of a legislative body occurs whenever a majority of members gather to discuss business within their charge.
- Meetings subject to the Brown Act are not limited to face-to-face gatherings.
- Meetings include any communication medium or device through which a majority of a legislative body discusses, deliberates or takes action on an item of business, including meetings held from remote locations by teleconference.
- Exceptions - A majority can meet in some settings provided they do not discuss among themselves any official business:
 - an open meeting of some other group (i.e. City Council meeting)
 - social gatherings

SERIAL MEETINGS

- Serial meetings are not allowed because they deprive the public of an opportunity for meaningful participation in legislative body's decision-making.
- Serial meetings occur when a majority of the members of the legislative body have communicated about an issue and have developed a collective concurrence.
- Communication can be a series of in-person meetings, phone calls, emails or texts, directly or through intermediaries in a “daisy-chain” or a “hub-and-spoke” sequence.
- A collective concurrence is developed when members have either directly or indirectly heard each others opinion on a topic enough to collectively develop or begin to develop an agreement on an issue.

NEW CONSIDERATIONS – BROWN ACT

- **COVID-19** - Executive Order N-29-20
 - Suspends certain Brown Act requirements to allow teleconference meetings without in-person public participation and with no posted physical location
- **Social Media** - Assembly Bill 992 (Effective January 1, 2021)
 - Public officials can communicate with members of the public on social media, including the following permitted communications:
 - Answering questions from the public
 - Providing information to the public
 - Soliciting information from the public
 - However, a majority of the legislative body cannot use social media to discuss agency business among themselves and cannot directly respond or react to anything posted or shared on social media regarding City business by another member of the same legislative body, including commenting, replying, sharing, reacting or using digital icons such as emojis or GIFs.
 - Although a single contact on City business between two City Council Members is typically permitted, AB 992 prohibits any direct response on social media.

AGENDAS

- Post agenda 72 hours before regular meeting; 24 hours before special meetings
- Include all action items on the agenda, with a brief description of each item of business to be transacted or discussed.
- Allow public comments before or during discussion of agenda items prior to taking action
- No deliberation or action allowed on items not included on the agenda, including issues raised during public comments
- All items distributed to a legislative body before or during meetings must be available to the public.

POLITICAL REFORM ACT

California's Open Meeting Law

California Gov't Code (Section 81000 et seq)

Fair Political Practices Commission (FPPC)
Regulations (2 CCR Sections 18109 et seq)

DISCLOSURE

- Political Reform Act requires state and local officials to file Statements of Economic Interests (Form 700).
- Officials who are required to complete these statements may be required to disclose investments and positions in business entities, interests in real property and sources of income and gifts.
- Form 700 provides transparency and ensures accountability:
 - Provides necessary information to the public about an official's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances.
 - Serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflict of interest.
 - Must be completed within 30 days of assuming office

DISQUALIFICATION

- A public official may not participate in a governmental decision in which the official has a disqualifying conflict of interest.
- A conflict of interest exists if it is reasonably foreseeable that the decision will have a material financial effect on one or more of the official's economic interests.
- An official's conflict of interest is disqualifying if the financial effect on his or her financial interest is distinguishable from the financial effect of the decision on the public generally.
- Consult the City Attorney or seek advice from the FPPC if you recognize that one or more of your financial interests may be involved in a government decision
- If you violate conflict of interest provisions, you may be subject to monetary fines and/or misdemeanor penalties.

CONGRATULATIONS!

Your service to the City of Lake Elsinore is appreciated.

We are here to help.

QUESTIONS?