



City Clerks Association of California

MUNICIPAL CLERK HANDBOOK

Municipal Clerk Handbook Committee

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April 11, 2023

Greetings!

A Letter from the City Clerks Association of California Board of Directors:

It is our great pleasure to provide an updated Municipal Clerk Handbook. City Clerks Association of California (CCAC) Board of Directors works diligently to ensure we shape the profession's future through the Association. The Board has prioritized providing this handbook as a benefit to CCAC members.

This handbook provides a broad approach to the duties of municipal Clerks throughout the State of California, both statutory and traditional. The Handbook is intended as a guide, not a legal reference document. The statutes of the State of California prescribe the essential functions and duties of Clerks in local agencies. In addition, the Government Code provides that a Clerk shall perform other duties as defined by ordinance. State Codes must be referenced along with the handbook to ensure procedures are applied according to the most recent law. Often, the City Attorney is relied upon for advice and consultation. CCAC cannot render legal, accounting, or other professional advice.

The handbook is made available through the continued efforts of the CCAC Municipal Clerk Handbook Committee, Regional Committee, and the Regional Sub Committee members. Member input and feedback are welcome at any time.

Visit www.californiacityclerks.org to provide recommendations on the handbook.

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CHAPTER 1. PROFESSIONAL DEVELOPMENT

A professional Clerk's Office embraces continuous improvement and learning. New employees should receive one-on-one and team training in the areas for which they are responsible. Individual work plans should be part of a routine evaluation process. These work plans can be used as a basis by which standards of conduct are identified and evaluated. Cross-training, where possible, ensures that customer service will not suffer due to the absence of one employee from the office or a heavy workload for a specific employee. It also increases the employees' skill base and career opportunities. Training sources may include your city's Human Resources Department or Division, local colleges and universities, seminars and workshops, and interdepartmental efforts. In addition, professional organizations such as the Clerks Association of California (CCAC), League of California Cities (LCC), and the International Institute of Municipal Clerks (IIMC) offer recurring workshops and conferences that provide valuable training for new and veteran members of the Clerk's profession. Those sessions include, but are not limited to, the following:

- California Municipal Clerks Institutes (CMCI)
 - Technical Training Track for Clerks (TTC)
 - Master Municipal Clerk Academy (MMCA)
- League of California Cities Annual Conference and New Law and Election Seminar
- CCAC Nuts & Bolts, held three times annually (Virtually, In-Person, both Northern and Southern)
- CCAC and IIMC Annual Conferences
- IIMC Athenian Dialogues
- Fair Political Practices Commission (FPPC) seminars

Training is critical to keep current on new laws, procedures, and technology that affect the duties and responsibilities of the Clerk's Office. Countless volumes are available on hiring, firing, personnel development, team building, technology, motivating employees, and technical aspects of the Clerk's Office.

Section 1. INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

International Institute of Municipal Clerks (IIMC) provides the opportunity to participate in continuing education and professional development to obtain the designation of Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC). California is the only member of IIMC to have two approved education institutes that provide the core education required to achieve these designations.

Certified Municipal Clerk (CMC) Program

The CMC program is designed to enhance the job performance of the Clerk in small and large municipalities. A Municipal Clerk must attend extensive education programs to earn the CMC designation. The CMC designation also requires relevant experience in a municipality. The CMC program prepares the applicants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education.

Master Municipal Clerk (MMC) Program

The MMC program is an advanced continuing education program that prepares participants to perform complex municipal duties. The program has extensive and rigorous educational and professional contribution

components. Therefore, the MMC applicant must demonstrate that they have actively pursued education and professional activities.

Athenian Leadership Society Program

Dialogues are conversations beyond the usual knowledge recall and application process familiar to all municipal clerks in training seminars. They are unique because they explore leadership principles and practice, drawing on the insights from a book all participants have read.

Dialogues are conversations in which clerks share their experience and understanding as it relates to the author's ideas and the relevance of those ideas to their public leadership role.

The premise of the Athenian Dialogue Society is that clerks are leaders in profound yet subtle ways. Leadership here is not the transactional vending machine citizens seem to believe about public management. The participants' interest and involvement, as well as the author's specific focus and emphasis, require that the facilitator move with purpose using language of meaning, feeling, and power. Participants devote a full day (6 hours) to a Dialogue and become intellectually enriched by this communication experience.

Clerk leadership is transformational. The contribution of clerks to municipal leadership changes the perception of colleagues and citizens about the role and purpose of government.

Athenian Dialogues are IIMC programs that IIMC-approved Institutes and State/National/Provincial Clerk Associations may offer. ALL Dialogues must go through a pre-approval process with the Education Department to be recognized by IIMC.

If you love Athenian Dialogues, you are encouraged to join the Athenian Leadership Society as a member. To join the society, you must be an active IIMC member and in good standing. All IIMC membership types (Full Member, Additional Full Member, Associate Member, and Retired Member) may apply for membership in the Athenian Leadership Society.

To become a member of the Society, complete the Athenian Leadership Society Membership Application. There are two ways to complete the Membership Application Form:

- [Athenian Membership Application](#) - Credit Card Payment Only
- [ALS Membership Application](#) - Check Payment Only

Want to see who's already a Member of the Society? [Click here for a list!](#)

For more information on the Athenian Leadership Society, review [IIMC's web page](#).

Section 2. CLERKS ASSOCIATION OF CALIFORNIA

The Clerks Association of California (CCAC) was formed in 1977 to promote the Municipal Clerk profession through education, support, and communication. Professional development is a critical component of the education provided through CCAC. In partnership with the International Institute of Municipal Clerks (IIMC), CCAC offers educational opportunities that provide continuing professional development and assist Municipal Clerks in achieving certification through IIMC. This will help members advance in their careers. The core education programs offered by CCAC are detailed below.

Nuts and Bolts

Nuts and Bolts is the IIMC-approved first training recommended for individuals new to the profession. This training offers an overview of most areas of responsibility and is based on the content of this Handbook. This provides a great introduction to the profession and an opportunity to build a network of peers to lean on as resources and support. The training is conducted by working professionals and offered at least three times annually (Virtually and in person).

Municipal Clerks Institute

The Municipal Clerks Institute is the only IIMC-approved institute in California for those pursuing their Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) designations with the International Institute of Municipal Clerks. The Institute has both a CMC and an MMC program. The Institute is held in the third week of February, June, and October. The February and October sessions will be CMC programs, and the June session will be an MMC program. The Institute provides the required hours to cover 60 CMC/MMC Certification education points. Each session offers 15 CMC/MMC points. All three sessions in 2024 will include one virtual day and four in-person days in response to student requests for hybrid learning. The registration cost for each session in 2024 is \$400 for CCAC members and \$550 for non-members.

Region Workshop Education Events

Region Workshops are a half to a full day of professional development training. They offer an opportunity to network with peers and receive some targeted training related to responsibilities in the municipal clerk profession. These are typically facilitated by CCAC Region Representatives and are held in person and virtually throughout the state. Topics range from Records, Public Information/Transparency, Elections/Political Reform Act/FPPC, Legislative Body Services, Leadership/Management, and Other Duties as Assigned.

Athenian Dialogues

Athenian Dialogues explore leadership principles and practice, drawing on the insights from a book all participants have read. These small group conversations allow Municipal Clerks to share their experience and understanding as it relates to the author's ideas and the relevance of those ideas to their public leadership role. The CCAC Athenian Dialogue Coordinator facilitates dialogues within the guidelines of the IIMC program.

Section 3. MENTOR PROGRAM

CCAC offers a mentor program matching those working on Certified Municipal Clerk status with other CMCs in the state to assist in selecting options for meeting the CMC requirements. These relationships focus on educating and guiding new clerks on why continued education is essential, what seeking certification can do for you, and working on a planned path forward. In addition, many mentor-mentee relationships form a career-long bond of friendship and support, create a valuable resource, and provide mentoring far beyond achieving certification.

Here are some key points to remember as you set out on the certification path:

Certification & Continuing Education:

Why Is Continuing Education Important?

- Keep up with current law.
- Keep up with best practices.

- Remain competitive for promotion, salary, and jobs
- Grow personally and professionally

Why Seek Certification?

- A benchmark others are reaching for - remain competitive!
- Document what you have achieved
- Demonstrates your commitment
- Employers are looking for “professionals.”
- Local government employers KNOW what a CMC and MMC mean!
- It’s the right thing to do for yourself and your City
- It’s not difficult, and you’re already doing it - so why NOT?

What Do I Have to Do?

- Ask IIMC for a CMC Application
- Plan your education path
 - College
 - IIMC Institute
 - Experience/Professional Involvement
- Track what you do
- Achieve Certification - Tell your story!

What To Do?

- Investigate where education is available.
- Check with your resources.
- Apply for scholarships
- Justify and budget

What Are My Resources?

- Organizations - People
- IIMC
- State Professional Association (CCAC)
- Colleagues
- IIMC Education & Personal Growth Committee

- IIMC Program Review and Certification Committee

For more information, visit the [CCAC mentoring program](#) website and contact the Mentor Development Director.

Section 4. SCHOLARSHIP PROGRAM

CCAC Scholarship Programs

CCAC offers several types of scholarships to its members:

- Education Scholarships
- Institute Scholarships
- Annual Conference Scholarship

IIMC Scholarships

The IIMC Foundation offers four types of financial assistance:

- CMC/MMC Scholarships
- Online Learning Scholarships
- IIMC Annual Conference Grants
- IIMC Region Stipends

Section 5. RESOURCES (ARMA, ILG, CSDA, CAL CITIES, ETC.)

The Clerks Association of California (CCAC) and its regional divisions have developed a unique support group to assist fellow Clerks and to encourage networking and mentoring among its membership. All Clerks must realize the value of networking and mentoring others in the Clerk profession and utilizing other available resources in planning and organizing their offices. One vital tool to assist you in seeking assistance in most facets of the responsibilities of the Clerk's Office is the League of California Cities (LCC) private Clerks Listserv, which provides a forum for Clerksseek assistance and share information effectively and efficiently. Visit:

http://lists.cacities.org/mailman/listinfo/city_clerks to subscribe to the Clerk Listserv.

The following list includes several agencies and professional organizations formed to support and promote the Clerk profession or municipal government in general.

Professional Organizations

MUNICIPAL CLERKS

- Clerks Association of California (CCAC) - <http://www.californiacityclerks.org/>
- California Association of Clerks & Elections Officials (CACEO) – <http://www.caceo58.org>
- California Special Districts Association (CSDA) - <http://www.csda.net>
- International Institute of Municipal Clerks (IIMC) - <http://www.iimc.com/>
- League of California Cities - Clerks Department - <https://www.cacities.org/get-involved/professional-departments/city-clerks>
- National Association of Parliamentarians - <http://www.parliamentarians.org/>
- National Notary Association - <http://www.nationalnotary.org/nahome.html>

MUNICIPAL ORGANIZATIONS

- League of California Cities - <http://www.cacities.org/>
- National League of Cities - <http://www.nlc.org/>
- Sister Cities International (SCI) - <https://sistercities.org/>
- U.S. Conference of Mayors - <http://www.usMayors.org/>
- California Association of Councils of Governments- <https://calcog.org/>
 - Agency Members - <https://calcog.org/our-members/>

PROFESSIONAL ORGANIZATIONS – GENERAL MUNICIPAL GOVERNMENT

- American Society of Public Administration - <http://www.aspanet.org/>
- Association for Information and Image Management (AIIM) - <http://www.aiim.org/>
- California Municipal Treasurers Association - www.cmta.org
- California Society of Municipal Finance Officers - <http://www.csmfo.org/>
- International City/County Management Association - <http://www.icma.org/>
- Public Sector HR Association- <https://pshra.org/>
- Municipal Management Association of Southern California - <http://www.mmasc.org/>
- Municipal Management Association of Northern California – <http://www.mmanc.org/>
- California Association of Public Information Officers (CAPIO) – <http://www.capio.org/>

RECORDS AND INFORMATION MANAGEMENT

- Association for Records Managers and Administrators (ARMA) - <http://www.arma.org/>
- Association for Information and Image Management International (AIIM) - <http://www.aiim.org/>
- National Association of Government Archivists and Records Administrators (NAGARA) - <http://www.nagara.org/>

STATE OF CALIFORNIA GOVERNMENT AGENCIES

- State of California website - <http://www.ca.gov/>
- California Secretary of State - <http://www.sos.ca.gov/>
- California State Archives - <http://www.sos.ca.gov/archives/archives.htm>
- Fair Political Practices Commission (FPPC) - <http://www.fppc.ca.gov/>
- County Registrars of Voters - <https://www.sos.ca.gov/elections/voting-resources/county-elections-offices>
- California Emergency Management Agency – <https://www.caloes.ca.gov/>

STATE LAW

- [Ralph M. Brown Act](#)
- [Elections Code](#)
- [Government Code](#)
- [California Public Records Act](#)
- [Political Reform Act](#)

PUBLICATIONS

- CCAC Official Word - <https://www.californiacityclerks.org/news/Default.asp?id=16559>
- CCAC Membership Directory - <https://www.californiacityclerks.org/members/connections.asp>
- League of California Cities Resources - <https://www.calcities.org/home/resources>

- IIMC Library of Publications - <https://www.iimc.com/154/Publications>
- Local Government Records Program (GC Section 12236) – <https://www.sos.ca.gov/new-california-state-archives/government-resources/local-gov-program>
- Robert's Rules of Order - <http://www.robertsrules.com/>
- The California Municipal Law Handbook – <https://store.ceb.com/the-california-municipal-law-handbook>
- The People's Business: A Guide to the California Public Records Act – <https://www.calcities.org/resource/the-people's-business-a-guide-to-the-California-public-records-act>
- Open and Public V: A Guide to the Ralph M. Brown Act – <https://www.calcities.org/resource/open-public-v-a-guide-to-the-ralph-m.-brown-act>

Section 6. JOB INTERVIEW PREPARATION

Always be the most interesting person in the room. Now is the time to refocus on preparing yourself for the next step. When the opportunity comes, will you be ready? Do you have the certifications you need? Do you have the education, training, and experience the employer seeks? Do you know what makes you stand out from the other candidates? Are you ready to tell your story?

So, you went onto governmentjobs.com and filled out the application. You submitted your cover letter, resume, and job attachments and completed all the information they asked for. Pat yourself on the back. That was the hard part. You get an email informing you that you were selected for an interview. Great job! Now what? Leaders have set the culture and are looking for employees who can fit in, make a conscious effort to get the work done, and continue to help develop their team's skills and enhance their knowledge to reach their full potential. Leaders lead by example and seek to establish a trusting rapport with the next person they hire. You already got an interview, and based on the information provided, you know you can do the job, or else you would not have been selected.

Nowadays, the workforce is changing rapidly. With an increase in turnover, leaders are working towards placing staff within their organization into opportunities for growth and development. Whatever your job title is, this opportunity will bring out your best version. A friendly reminder: a job title does not always reflect your work. If you are an Administrative Assistant and want to apply for a Deputy City Clerk or Assistant City Clerk position, apply.

In larger municipalities, some employees are responsible for one job: records management, public records requests, or agenda preparation. In smaller cities, you can be an Administrative Assistant to the City Clerk and do records management, city claims, public records requests, fill in for the clerk when she is on vacation, etc. Remember, if you do the work, make sure to mention it. Now is your time to shine! So, shine.

Part of going into an interview is knowing what the organization is looking for (the agency's needs) and briefly explaining your unique set of skills and experience. Think strategically, research, and come in well-prepared to tell your story and include them. No one likes to listen to a story without being included one way or another. Remind yourself that you are also interviewing them. Are you ready? Let's do this.

Analyze the Job

You applied for the position and have scheduled your interview. Now what? Take the time to review the job posting. Part of the questions in that interview will be on the job posting and job description. Create a list of

your skills, knowledge, and professional and personal qualities required by the employer that are critical for success in the job. Create a list of your strengths in the job posting from that list. How will you stand out from the other candidates? Think of past work experiences to show you have these qualities. Interviewers will always ask you to describe a time when you demonstrated a particular skill or ability, and guess what? You will be well prepared with your response.

Research the Organization

Research is an essential part of interviewing with another organization. Remember, you are also interviewing the organization. You also want to find out if the organization and its culture are a good fit for you. Research the agency's website for general information, staff reports, budgets, organizational charts, etc. Google the media, read new articles, and spend time reaching out to your network and researching their social media platforms, such as Facebook, Instagram, and LinkedIn.

Additionally, consider driving to the agency, attending meetings, and attending an event. Get a feel of the culture. Do you feel comfortable in the community?

Furthermore, research the commute, daycare expenses, traffic, and any other items that may be of interest and importance to you. Check out their website's "About Us" section for a general understanding of the organization.

Practice Interviewing

Interviews can be nerve-wracking, but remember to take the time and practice answering questions the interviewer may ask. Come up with questions from the job posting. Practice will help prepare you and calm those nerves. Practice interviewing with a friend or a family member ahead of time, and it will be much easier when you are in the interview. Nowadays, interviews may be held in person, over the phone, or virtually. Be prepared for the form in which the interview may take place.

The interview panel wants to see you succeed as much as you do. A helpful tip for interviewing is to look at yourself in the mirror doing it or recording yourself as you practice.

Dress to Impress Professionally!

Part of interviewing is the look. Have your interview clothes prepared ahead of time. Regardless of the position you are interviewing for, that first impression should be great. When dressing for an interview, dress accordingly. You can have a style that makes you uniquely you; however, it is also important to be neat, tidy, well-groomed, and present a positive image to the employer.

How you style your hair for a job interview can almost be as important as the interview clothes you wear. You only have seconds to make that first great impression.

What to Bring to a Job Interview

Bring yourself! Be yourself; there is a reason why they asked to interview you. Be the best version of yourself. No one is you. What makes you stand out, and what story will you share? Prepare a 5-minute bio that includes:

Besides you, bring in items, like a portfolio with:

- extra copies of your resume
- list of references
- job application you submitted

- cover letter
- summary of your qualifications and examples

What NOT to bring:

- a cell phone with your sound on
- gum

Practice Interview Etiquette

Proper interview etiquette is essential. Remember to greet the receptionist, interviewer, and everyone you meet politely, pleasantly, and enthusiastically.

During the interview:

- Watch your body language.
- Shake hands firmly.
- Make eye contact as you make your points.
- Pay attention to the questions, and don't be afraid to ask the interviewer to repeat the question.
- Be attentive.
- Look interested.

The more positive of an impression you make, the better you will do during the job interview.

Whether the interview is in-person, over the phone, or held virtually, be conscious of your time and be at least 15 minutes early. Punctuality will help you ease your mind and focus.

If you are driving to a location, check the traffic beforehand. That way, you'll be sure to give yourself extra time. Also, check your email from the interviewer an hour before the interview. Sometimes, things change at the last minute, and you want to be prepared.

Listen and Ask Questions

Listening is just as important as responding to the question. Pay attention so you can provide a solid response. Take the time to compose an appropriate answer. If you need to pause, pause. Be sure to discuss your qualifications in a way that will impress the interviewer. Engage in the conversation and speak to them as if you are building a relationship. If you have questions, be ready to ask them.

Some interview example questions during your interview may be the following:

- Why do you want to work here?
- Can you tell me about yourself?
- Where do you see yourself in five years?
- Can you tell me about a time when you encountered a challenge and how you overcame it?
- Why are you looking for a new job?
- What are your biggest strengths and weaknesses?
- Can you give me an example of when you made a mistake and what you did to fix it?
- What are two examples of how your previous work experience will help you do well in this job?
- What research did you do about the organization before interviewing?

Toward the end of the interview, be sure to have a closing statement prepared. Let the interviewer know why you believe you are an excellent fit and why you are highly interested. Avoid discussing salary or benefits during the first interview.

Follow Up with a Thank You Note

Following your interview, email the interviewer reiterating your interest in the job and thanking them for their time. This gesture also allows you to leave a lasting impression on them.

Good luck, and be you!

Section 7. RESUME AND COVER LETTER BUILDING

This section was sourced from:

Herrity, Jennifer. "How to Write a Cover Letter (with Examples and Tips)." *Indeed*, 23 Mar. 2023, <https://www.indeed.com/career-advice/resumes-cover-letters/how-to-write-a-cover-letter>.

While cover letters are not always required, many hiring managers still rely on them to gauge an applicant's skills, experience, and background. The key to writing an effective cover letter is clearly showing how your professional experience fits the open role's needs and the hiring company's culture.

This section explains how to write a cover letter that makes a great first impression on potential employers.

To see example cover letters for your job and industry, browse Indeed's free [Cover Letter Samples](#).

What is a cover letter?

A cover letter, or an [application letter](#), is a three- to four-paragraph memo to employers explaining your interest in the job and company and your fitness for the role. It is typically submitted along with your resume in a job application. This letter should highlight your skills, experience, and achievements concerning the position you seek. Unlike your resume, cover letters allow you to go into more detail about your professional career and explain why you're a good fit for the role and company.

A well-written cover letter has the potential to impress employers and set you apart from other applicants. To avoid a generic cover letter, you should conduct in-depth [research on the company](#) and role you're applying for before writing your cover letter.

What to consider before you write

Before you craft your cover letter, gather all the information you may need. Here are some things to consider before you write a cover letter:

- Think about your experiences and how you would like to relate these experiences to a hiring employer. What talents, skills, or accomplishments would you like the company to know?
- Think about how you learned about the job opportunity. If it's a personal contact, jot down the person's name and title. If it was an ad or job board, write down where and when you saw it and list any specific instructions noted in the job description.
- Think about the company you're writing to and what drew you to it. Do you admire its culture or brand? Are its reviews positive or negative? Research the company to see if you agree with its mission statement and vision.

- Think about who you are writing to. If it's a specific person, address them by name and title. If not, consider addressing the cover letter to "Dear Hiring Manager" or "Dear Human Resources."

Cover letter format

A cover letter should be [formatted like a business letter](#) with these sections:

- Header with date and contact information
- Salutation or greeting
- Opening paragraph
- Middle paragraph(s)
- Closing paragraph
- Letter ending and signature

Your cover letter should be one page long and use a [simple, professional font](#), such as Arial or Helvetica, 10 to 12 points in size. Your letter should be left-aligned with single spacing and one-inch margins.

Show Transcript

Video: When and Why to Write a Cover Letter - Plus, Top Tips for Formatting

Jenn shares her advice on how and why to write a cover letter.

How to write a cover letter in 6 steps

Here are six simple steps to writing a great cover letter. In the sections below, we'll offer detailed information about what to include in each area with examples.

1. Start with your header.

As with any [standard business letter header](#), you should include personal and role-specific information at the top of your cover letter to make it easier for a hiring manager or recruiter to follow up with you. If you'd like, you can center your name and address at the top of the page, mirroring how it looks on your resume.

Header template:

- Your name
- Your city and ZIP code
- Your phone number
- Your email address
- Date
- Name of recipient
- Title of recipient

- Company name
- Company address

Header example:

Ali
 ali.lang@email.com
 555 Orchard Lane, Las Vegas, NV(555) 888-4000
 May 5, 20XX

Lang

Terry
 Revolve
 123 Vineyard Drive, Las Vegas, NV

Washington
 Inc.

2. **Include a greeting.**

In your research, try to find the name of the person reviewing applications for the job. Address your letter to this person with a standard business greeting, such as "Dear [first and last name]" or "Dear [position title]." Avoid using "To whom it may concern."

Greetings example:

- Dear Hiring Manager,
- Dear Tyler Wallace,

3. **Write an opening paragraph.**

In the first paragraph, mention the job title you're applying for and where you saw the position posting. Explain your interest in the role and company to show you've done your research. The [first section](#) of your cover letter is also the first impression the reader will have of you, so it's essential to appeal to that person quickly and succinctly.

Opening paragraph example:

"I'm excited to apply for the Graphic Designer position at Cloud Clearwater, which I found on Indeed. I understand you're currently adding several new product lines, and I believe my skills in video and animation provide a significant advantage for creating a successful launch. As a longtime fan of your products, I'm thrilled at the opportunity to bring my unique style and passion for beachwear to the company."

4. **Add a second paragraph.**

Your second paragraph should briefly overview your background related to the position. Include critical achievements, skills, and specialties that make you particularly suited to the position. Focus on one or two and provide specific details about your success, including measurable impacts you made.

Pay close attention to [keywords listed in the job description](#) and include those that resonate in the body of your cover letter. You should only include information about your most recent professional experiences.

Second paragraph example:

"As the Director of Human Resources at Wes Morgan Philips, I was a key senior leader in the organization and was responsible for improving the efficiency and performance of the company's 540 employees. Before that, I worked in human resources, equal employment opportunity, and diversity for Jenkins Technology Solutions, Inc. At Jenkins Technology, I developed an employee retention plan involving a wellness program, an internal training program, and a promotions selection process. This led to a 50% reduction in the overall employee turnover rate."

5. Finish with a closing paragraph.

The closing paragraph should focus on another key achievement or skill relevant to the position. Instead of repeating details from your resume, summarize a specific story or anecdote that displays your suitability for the role. If you're changing careers, this is an excellent opportunity to talk about [transferable skills](#) or relatable experiences from your career.

Closing paragraph example:

"Achieving ambitious marketing goals is always a top priority, and I am always looking out for the company's best interests. I enjoy delivering marketing presentations to potential clients and focusing on an organization's strengths. My marketing skills at River Tech helped the company experience new levels of success and a 45% increase in customer engagement. I'm never satisfied with the status quo, and I believe that a company should continually look for ways to improve and reach new clients through innovative campaigns."

6. End with a professional signoff.

You should end your cover letter with a paragraph summarizing why you are applying for the role and why you would be a great fit. Keep the [cover letter conclusion](#) brief and explain that you look forward to the employer's response about possible next steps. End with your signature at the bottom.

Signoff example:

"Thank you for your time and consideration. I look forward to learning more about the sales position and TradeLot. Growth is essential to my continued success, and I'm excited to join TradeLot's industry-leading team. My proven track record and TradeLot's quality products are a winning combination for increasing the company's market share."

*Sincerely,
Malik Rabb*

Cover letter examples

Here are two examples of cover letters: traditional and less traditional versions. Review the job description, then read the cover letter. In the first example, you'll see how specific phrases from the job description are used in the letter. The second example takes a more creative approach, telling a personal story and appealing more abstractly to the attributes called for in the job posting. Both are less than 300 words long.

Example 1: Administrative assistant

Job description

In this role, you will support managers and other senior-level personnel by managing their calendars, arranging travel, filing expense reports, and performing other administrative tasks. Strong interpersonal skills, attention to detail, and problem-solving skills will be critical to success.

Qualifications:

- *5+ years of experience providing high-level admin support to diverse teams in a fast-paced environment*
- *High school diploma or equivalent work experience*
- *Excellent Microsoft Office Skills with an emphasis on Outlook and Excel*
- *Self-motivated and highly organized*
- *Team players who work well with minimal supervision*

Cover letter

Dear Hiring Manager,

I am writing to express my interest in the opening for an administrative assistant at [name of company].

I'm drawn to this opportunity for several reasons. First, I have a proven track record of success in administrative roles, most recently in my current job as an administrative coordinator. A highlight from my time here was when I proactively coordinated a summit for our senior leaders last year. I arranged travel and accommodation for a group of 15 executives from across the company, organized meals and activities, collaborated with our internal events team, and ensured that everything ran according to schedule over the two-day summit. Due to the positive feedback I received, I'm now tasked with doubling attendance for the event this year and leading an internal team to get the job done.

I am attracted to this role because of the growth opportunities that [name of company] provides. The research that I've done on your company culture has shown me that there are ample opportunities for self-motivated individuals like me. A high level of organization and attention to detail is second nature to me, and I'm eager to apply these skills in new and challenging environments.

I look forward to sharing more details of my experience and motivations with you. Thank you for your consideration.

*Sincerely,
[Your name]*

Example 2: Brand Copywriter

Job description

We are looking for an experienced copywriter to join our team. This role is right for you if you have an excellent eye for balance, a quick wit, and can adapt a brand voice for any medium.

Responsibilities:

- *Write for branded communications, including ads, emails, events, landing pages, videos, product marketing and more*
- *Maintain and develop the voice of our brand in collaboration with others*
- *Develop copy for internal communications that generate excitement about our company culture*
- *Work independently and manage your time well*
- *Strong copy-editing skills for your work and others*

Requirements:

- *A portfolio of your work*
- *Minimum five years of copywriting, ideally within an agency*
- *Strong attention to detail*

Cover letter

Hello,

There are at least two less-than-obvious ways to improve your vocabulary (and, by extension, your copywriting skills): studying for the GRE and becoming a crossword puzzle enthusiast. I've done both, but for this job application, I'd like to focus on the latter.

My grandmother was the best writer I've ever known. She wasn't a professional writer, but we shared a love of writing. It wasn't until last year that I also took up her passion for crossword puzzles and immediately saw how the two went hand in hand. Before long, I was solving Monday-Wednesday puzzles in the New York Times, needing to look up words less and less frequently as time passed. Soon, I was able to complete Thursday through Saturday, too. Throughout this process, I could feel my stock of quips, rejoinders, and turns of phrase steadily growing. Eventually, I worked up the courage to attempt the Sunday puzzles.

It was this courage that was the real turning point for me. In my current agency, I'm known as a hard worker and creative spirit; my peer and manager evaluations have made this clear. But while I felt confident in my abilities, I had never seen myself as particularly daring. Considering new challenges and mastering each one along the way gave me a renewed sense of myself and clarity about my chosen profession.

I began a career as a copywriter because I was skilled at finding combinations of words to fit a thought or feeling. I'm continuing down that path as I've realized how to shape and hone that skill to reach new heights. I want "copywriting at [name of company]" to be the next step in my journey.

All the best,

[Your name]

Tips for an effective cover letter

Here are guidelines to keep in mind when writing a cover letter:

Customized Header

If you're writing your cover letter directly within an online job application, there's no need to include your address or other contact information. You've probably already typed that into different areas of the application form. If you include your cover letter as an attachment, you can use the same heading as your resume.

Generic References

Tell meaningful anecdotes that tie your skills to concrete problem-solving activities or tangible business results you've worked on in your career when possible. Any candidate can say they possess a desirable skill. You must show hiring managers examples of your skills to make an impact.

For example, *"my skills would be a great fit for your organization"* is vague. A more specific approach would be, *"As a sales associate, I'm frequently required to provide exceptional customer service on short notice. Exceeding customers' expectations is a point of personal and professional pride for me, and this is a skill I'm eager to continue developing."*

Conciseness

Unless specified in the job description, a cover letter is not required to be extended. When determining [how long a cover letter should be](#), focus on the most important details of the job. Read the job description closely to identify the best opportunities to illustrate your qualifications.

What professional achievements are you the proudest of? Choose one or two and map them directly to the desired experience or qualifications the hiring manager seeks, using just a few detailed but concise sentences. What attributes is the job description calling for in a candidate? Consider using the cover letter itself as a way of demonstrating those traits.

Proofreading

Reread your cover letter several times before submitting it, and check for spelling, grammar, or punctuation errors. Reading it aloud can help you pick out awkward phrasing or sentences that are too long. We all tend to gloss over mistakes, so do a slow, deliberate reading that examines each word. If your salutation includes the hiring manager's name, triple-check the spelling.

Applications that require a cover letter give you a valuable opportunity to demonstrate your capabilities and authentic personality. Use the cover letter to let your most significant strengths shine while showing that you respect the hiring manager's time and attention. You can browse [cover letter samples](#) by job title on Indeed for inspiration.

CHAPTER 2. CLERK – ONE OF THE OLDEST PROFESSIONS

SECTION 1. THE CLERK'S HISTORY AND ROLE

The municipal clerk, along with the tax collector, is the oldest of public servants. The Office of Clerk can be traced back to the year 1272 A.D. in the history of the Corporation of Old London. In the 1500s in England, there was not only the "Towne Clarke" but also the "Clerc Comptroller of the King's Honorable Household." In 1603, there was a "Clarke General of the Armie." King Henry the Eighth had a "Clarke of the Spicery," and King Charles had his "Clerk of the Robes."

During his missionary work in Persia (now Western Turkey), St. Paul and his followers owed their safety to the action of a town clerk. As related in Acts XIX 23-25, the artisans of Ephesus, who made the idols of the time, feared the effect of Paul's missionary work on their trade. They incited a mob to seize two of Paul's followers. However, The town clerk spoke out against this action and insisted that charges laid against these men had to be settled properly and before the appropriate authorities. There was no justification for riotous conduct. With that, he dispersed the crowd.

Ancient Greece had a city secretary who read official documents publicly. At the opening of a meeting, one of his duties was to read a curse upon anyone who should seek to deceive the people.

The early keepers of the archives were often called remembrancers, and before writing came into use, their memory was the public record.

The title as we know it is derived from the Middle Ages. A "Clerk" was any member of a religious order, a "cleric" or "clergyman." Since, for all practical purposes, the scholarship of the Middle Ages was limited to the clergy, the name "clerk" came to be synonymous with "scholar."

When the early colonists came to America, they set up forms of local government to which they had been accustomed, and the Office of Clerk was one of the first established. The colony at Plymouth appointed a person to act as a recorder.

Over the years, Municipal Clerks have become the hub of government, the direct link between the inhabitants of their towns and their government. The Clerk is the community historian, for the entire recorded history of the town and its people are in the Clerk's care. The eminent political scientist Professor William Bennett Munro, writing in one of the first textbooks on municipal administration, stated:

"No other office in municipal service has so many contacts. It serves the Mayor, the City Council, the City Manager (when there is one), and all administrative departments, without exception. Almost daily, they call upon it for some service or information. Its work is not spectacular but demands versatility, alertness, accuracy, and patience. The public does not realize how many loose ends of city administration this office pulls together."

Those words are even more appropriate today. In California, there are two ways to become a Clerk. One is to be elected by the community's voters, and the other is appointed by the City Council or City Administrator/City Manager. This may be the case for either charter or general law cities. Government Code (G.C.) Section 36501 sets forth the governing officers of the city, one of which is a Clerk. For the office to be appointed, the question must be, at some time, put to a vote of the people (GC 36508GC 36508).

The Clerk generally handles a myriad of duties relating to the official business of the City Council, its boards, commissions, and committees. The Clerk is typically responsible for keeping minutes of City Council meetings; compiling the agenda and collecting backup information for each council meeting; processing council agreements; recording official documents; handling legal advertising; coordinating bid openings; conducting municipal elections; maintaining current files on all boards, commissions, and committees; maintaining the city seal (GC 40811); processing claims against the city; and handling all other legal or official documents. Government Code Section 40801 et seq prescribes several of the Clerk's duties.

The typical function of the Clerk includes disseminating information about city activities, programs, improvements, and regulations to the public and the media.

This may be accomplished by developing and preparing website postings, community calendars, brochures, pamphlets, flyers, posters, slide shows, newsletters, press releases, correspondence, etc. The Clerk may also coordinate such activities as special events, workshops, dedications, or groundbreakings.

The Clerk may also serve as principal staff for the City Council and Mayor, providing administrative and, in some cases, clerical support and ensuring they are kept aware of pending activities. It is incumbent on the Clerk to be informed and to keep the City Councilmembers informed.

As each citizen is potentially the next member of the City Council, the Clerk needs to be both responsive and diplomatic in dealing with the general public. The appointed city staff and the elected municipal officials deserve equally respectful and cooperative treatment.

The Clerk has a critical role in the delivery of services. Traditionally, this office has been considered a main communication point between residents and the City Council. This office is where the general public researches public records, requests information, and files complaints.

Whether as Clerk, you are elected or appointed, are a department head or division manager, have a complement of staff or are a single-person office, work in a rural community or urban community, or work in a full service or a contract city; your role is integral in protecting the health, safety, and welfare of the residents of your community and maintaining the integrity of services delivered.

The statutes of the State of California prescribe the essential functions and duties of Clerks in general law cities. Clerks in charter cities customarily have the same responsibilities, but individual charter provisions may provide for variations or additional duties for that specific Clerk and city. The Clerk must accomplish the responsibilities outlined in Government Code Section 40801 et seq, whether appointed or elected.

The Government Code also provides that the Clerk shall perform additional duties as prescribed by ordinance (GC 40812). Thus, the duties and responsibilities of Clerks are not necessarily the same even in general law cities, and the Clerks are subject to the specific exact requirements of their city.

The local determination as to whether the Clerk performs fiscal duties is almost always a function of the size of the city. The trend has been to transfer all or most of these functions to a Director of Finance or another fiscal officer. Each Clerk should ascertain which of these functions still falls under their responsibility.

Specific Clerk functions vary depending on the community; therefore, this handbook is intended to be used as a statutory guide. Always refer to your municipal code, city charter if you have one, and administrative rules and regulations. If you have questions, consult with your City Attorney.

A 2022 survey by the International Institute of Municipal Clerks concluded that approximately 20% of municipal clerks in California are elected.

SECTION 2. THE ELECTED CLERK

The elected Clerk is directly responsible to the voters. Vacancies occurring in the elected office of the Clerk are filled by appointment. If the City Council fails to fill the vacancy within 60 days from the commencement of the vacancy, a special election shall be called. The person appointed or elected to fill the vacancy holds office for the unexpired term of the former incumbent (GC 36512). A “vacancy” is defined in Government Code Section 1770. The Clerk can be removed from office through the procedure outlined in Government Code Section 3060, et seq. Government Code Section 36502 states that a person is not eligible to hold office as a Clerk unless, at the time of assuming such office, the person is an elector of the city and was a registered

voter of the city at the time nomination papers were issued to the candidate as provided in Elections Code Section 10220 et. seq.

A city's charter may differ from the above timelines and requirements in the Government Code.

Compensation for elected Clerks is fixed by ordinance or resolution.

SECTION 3. THE APPOINTED CLERK

The appointed Clerk is responsible to the City Council or the City Manager. Each city is somewhat different from the next in the appointment procedure. Generally, however, the recommendation is made by the City Manager and accepted by the City Council. The appointment powers of the City Council came into action at the adoption of the election results, where the question was decided in favor of appointment (GC 36508-36511).

In making this elective office appointive, general law cities follow Government Code Sections 36508- 36509. In charter cities, this may be a charter provision, or the charter may state that this practice follows general law. Either way, this decision is a result of a vote of the people. If this appointed office was part of the petition to incorporate a city (GC 36511), a separate vote of the people would be unnecessary.

Section 4. THE SPECIAL DISTRICT CLERK

What is a Special District?

Special districts are local governments created by the people of a community to deliver specialized services essential to their health, safety, economy, and well-being. A community forms a special district, a political subdivision authorized through a state's statutes to provide specialized services the local city or county does not offer. More than 30,000 special districts, according to U.S. Census figures, provide a wide array of specialized services to millions of Americans. Some special districts are large; many are very small, serving the country's diverse urban, suburban, rural, and agricultural regions - even within incorporated areas. Scientists, firefighters, engineers, health care professionals, water and environmental experts, and others provide special district services. Their expertise allows districts to respond to a rapidly changing world and new technologies quickly. Due to the specialized nature of their services, special districts must maintain their critical infrastructures and evolve with state-of-the-art tools of their trade – whether it be a new, more effective water delivery system, firefighting equipment, transit system, lighting, sanitation, or other service delivery.

Establishing & Governing Special Districts

Special districts are established under the authority of a state's statutes. In most states, districts are created by public referendum, which includes petitions, hearings, and a vote of the residents within the proposed new district's service area. A board of trustees, directors, or commissioners elected by their constituents to govern the district operations oversees each special district. A city council or county executive board may appoint special district board members in certain circumstances. Special districts are subject to states' sunshine laws that apply to cities, counties, and other forms of local government, as well as audits of district finances and regulatory compliance of its operations.

A History of Special Districts

Although little is recorded on the earliest special districts, the history of these local government entities dates back to the 18th century with the establishment of park districts and expanded to toll roads and irrigation districts in the 19th century. Special districts originated to provide a service that other government entities, such as cities and counties, do not. One example of the transformative power of special districts can be found

in California's Central Valley. By approving the Wright Act in 1887, the California State Legislature empowered local leaders to source and deliver water for agriculture in the historically arid region. Local farmers formed the Turlock Irrigation District that same year, and others soon followed suit. The formation of irrigation districts would contribute to the growth of the nation's single-largest source of food products. Communities across the land turned to form special districts to address a variety of urgent needs. As the country's population boomed in the post-World War II era, it became apparent that growing communities needed more hospitals and health care, water and wastewater, and other community enrichment services. Communities formed special districts to meet these needs.

Special Districts Funding

Special districts in many states operate on a small share of property taxes. Some, like water and electric utility districts, charge customers rates for the services. In most states, special districts do not receive shares of sales taxes. In states where a ballot initiative process is allowed, special districts can ask voters for additional assessments; however, it is a complicated process and usually difficult to win. Communities rely on special districts for critical services, including water, wastewater, and fire protection. Therefore, special districts must sustainably maintain critical infrastructure and continue delivering essential services through economic downturns, natural disasters, and other emergencies. Special districts strategically develop financial reserves to ensure the continuity of vital quality-of-life services. For instance, many maintain pipelines, firefighting equipment, or sanitation plants on relatively small budgets. Districts lean on these funds during a prolonged crisis with long-term fiscal impacts to ensure the community is prepared for the next inevitable emergency, like an earthquake, flood, hurricane, or pandemic.

What are "enterprise" and "non-enterprise" revenues?

Enterprise revenues are essentially service fees. A significant portion of many special district budgets is derived from direct charges, such as utility rates, for services provided. Another vital revenue source for special districts is referred to as non-enterprise revenue. Some services, like fire protection and or open space preservation, are not conducive to service charges and rely on property tax or other taxes or assessments to meet the community's needs. In most cases, a special district will receive a combination of enterprise and non-enterprise revenues to fund its operations effectively. For example, a recreation and park district likely gets a majority of its revenue from property taxes while offsetting the cost of programs like yoga classes and sports leagues through fees.

Examples of enterprise revenues include:

- Water rates
- Sewer rates
- Electric utility rates

Examples of non-enterprise revenues include:

- Ad valorem property taxes
- Parcel taxes
- Benefit assessments

Independent vs. Dependent Special Districts

Special districts are separate and apart from any counties, cities, or other government agencies that may serve the area. However, a critical governance distinction exists between what are known as independent special districts versus dependent special districts. Independent special districts obtain their authority directly from

the community they serve through a governing body that serves independently from other government agencies, providing the board members with a high degree of autonomy to fulfill the district's mission. They are directly accountable to the community they serve. Most independent special districts are governed by a constituent-elected board of directors.

Sometimes, the district board may be appointed by one or more local elected officials, so long as the board members serve fixed terms and none of the board members serve in an ex-officio capacity. On the other hand, dependent special districts are closely tied to another unit of local government. Typically, City Councilmembers, a county's elected executive board members, or their appointees serve as the board of directors for a dependent special district and control their budget, management, and operation. Unlike independent special districts, appointees to the board of a dependent special district may serve in an ex-officio capacity and serve at the pleasure of the appointing body. In this respect, dependent special district governance is subject to other governmental bodies' interests, influence, and authority.

Need more information?

You can find information on required training, best practices, the Board Secretary/Clerk Conference, the California Special District Association (CSDA) Annual Conference, the Special District Leadership Academy Conference, and additional resources on the [CSDA web page](#).

Section 5. OTHER POSITIONS IN THE CLERK'S OFFICE

Position titles and job descriptions can vary significantly from one agency to the next and can include:

- Admin Clerk
- Administrative Analyst
- Administrative Analyst I
- Administrative Assistant
- Administrative Assistant to City Manager
- Administrative City Clerk
- Administrative Clerk
- Administrative Clerk/Technician
- Administrative Coordinator
- Administrative Manager
- Administrative Officer
- Administrative Secretary
- Administrative Service Officer
- Administrative Services Analyst
- Administrative Services Assistant
- Administrative Services Director
- Administrative Services Manager
- Administrative Services Officer
- Administrative Services Supervisor
- Administrative Specialist
- Administrative Technician
- Administrative/Property Services Manager/Clerk
- Administrator
- Administrator's Office Supervisor
- Agency Clerk
- Assistant Administrative Analyst
- Assistant Analyst
- Assistant Authority Clerk
- Assistant Board Clerk
- Assistant Board Secretary
- Assistant City Clerk
- Assistant City Manager
- Assistant Clerk
- Assistant Clerk of the Authority
- Assistant Clerk of the Board
- Assistant Clerk of the Council
- Assistant Deputy City Clerk
- Assistant Deputy Clerk
- Assistant District Secretary
- Assistant Secretary of the Board
- Assistant to the Chancellor
- Assistant to the City Clerk
- Assistant to the City Manager
- Assistant to the City Manager Deputy City Clerk
- Assistant to the Deputy City Clerk
- Assistant to the Director
- Assistant to the General Manager
- Assistant Town Clerk
- Billing & Collection Supervisor
- Board Administrative Officer
- Board Clerk
- Board Secretary
- Budget Analyst
- Business License Specialist
- Business Program Leader
- Candidate Services Division Manager
- Chief City Clerk
- Chief Deputy City Clerk
- City Clerk
- City Clerk Admin Services Officer
- City Clerk Administrator
- City Clerk Analyst
- City Clerk Assistant
- City Clerk Records Technician
- City Clerk Services Director
- City Clerk Services Manager
- City Clerk Services Specialist
- City Clerk Specialist
- City Clerk Technician
- City Clerk Trainee
- City Councilmember
- Clerk of the Council
- Clerk of the Board
- Clerk of the Board of Supervisors
- Clerk of the Board of Trustees
- Clerk of the Board Specialist
- Clerk of the Commission
- Clerk to the Board
- Clerk to the Commission
- Clerk Typist
- Commission Assistant
- Communications Director
- Community Development Administrative Assistant
- Community Development Clerk
- Customer Service Clerk
- DEI Coordinator
- Departmental Assistant
- Deputy City Clerk
- Deputy City Clerk Services Director
- Deputy City Manager
- Deputy Clerk
- Deputy Clerk of the Board
- Deputy Clerk of the Council
- Deputy District Secretary
- Deputy Town Clerk

- Director of Administrative Services
- Director of Corporate & Information Governance
- Director of General Services
- Director of Government Services
- Director of Legislative Services
- Director of Records & Election Services
- Director of Records and Council Services
- Dispatcher
- District Clerk
- District Secretary
- Division Clerk
- Division Manager
- Document Technician
- Executive Administrative Assistant
- Executive Aide
- Executive Assistant
- Executive Assistant of Legislative Affairs
- Executive Assistant to CEO/Board
- Executive Assistant to the City Manager, Mayor, and City Council
- Executive Assistant to the General Manager
- Executive Assistant to the Superintendent
- Executive Clerk
- Executive Secretary
- Executive Services Administrator
- Executive Services Supervisor
- Executive Support Specialist
- Finance & Administration Manager
- Finance and HR Specialist
- Finance Director
- Government Service Director
- HR Analyst
- Human Resources Director
- Human Resources Manager
- Human Resources Technician
- Information Systems Manager
- Information Technology Coordinator
- IT Support Services Manager
- Jr. Deputy City Clerk
- Legal Assistant
- Legal Technician
- Legislative Director
- Legislative Process Manager
- Legislative Secretary
- Management Analyst
- Management Assistant
- Management Fellow
- Municipal Analyst
- Municipal Clerk
- Municipal Clerk Services Specialist
- Municipal Information Officer
- Municipal Records Clerk
- Office Administrator
- Office Aide
- Office Assistant
- Office Coordinator
- Office Manager
- Office Specialist
- Office Technician
- Paralegal
- Passport Acceptance Agent
- Permit Technician
- PIO
- Planning & Community Development Technician
- Planning Commission Clerk
- Principal Management Analyst
- Principal Office Specialist
- Professional Development Coordinator
- Program Assistant
- Program Coordinator
- Program Specialist
- Public Information Officer
- Receptionist
- Recording Secretary
- Records Clerk
- Records Coordinator
- Records Division Coordinator
- Records Management Analyst
- Records Management Assistant
- Records Management Coordinator
- Records Management Supervisor
- Records Manager
- Records Specialist
- Records Supervisor
- Records Technician
- Retirement System Manager
- Secretary
- Secretary to the Board
- Secretary to the Governing Board
- Senior Administrative Analyst
- Senior Administrative Assistant
- Senior Assistant Clerk
- Senior Board Analyst
- Senior Deputy Clerk
- Senior Executive Assistant
- Senior Executive Assistant to the CEO
- Senior Office Assistant
- Special Advisor
- Staff Analyst
- Staff Assistant
- Town Clerk
- Treasurer

Section 6 - Other Duties Performed by Clerks

Many City Clerk's offices perform additional duties not necessarily prescribed by law. These are some of those duties:

Performing Marriages

California Family Code Section 400(c)(3) allows City Clerks to perform marriage ceremonies without being ordained. While the City Clerk may perform marriage ceremonies, the bride and groom must first obtain a marriage license from the County and bring the original marriage license with them on the day of the ceremony so that it can be signed. Both parties must present valid photo identification (i.e., driver's license or passport). The City's fee schedule may include the ceremony and facility use fees, which may also be based on location.

Passport Services

City offices are eligible to become a Passport Acceptance Facility. A Passport Acceptance Facility is a public sector office designated to accept and execute passport applications on behalf of the United States Department of State. Passport Acceptance Facilities verify applicants' information using Form DS-11, which includes all first-time applicants and all minors. These verified applications are sent to the U.S. Department of State, and they process the paperwork and issue the passport if the customer is eligible.

Program Benefits

Generate Revenue

You retain the \$35 execution fee for each passport application.

Provide a Community Service

U.S. citizens traveling internationally need a passport book or passport card. Most customers who apply for a passport prefer to do so in person at a passport acceptance facility near where they live or work.

Increase your Visibility

Your facility is already a hub of community activity. Adding passport acceptance services to your offerings increases your community visibility and helps you to reach more people.

Support from your Regional Passport Agency or Center

Your regional passport agency or center's customer service staff provide you

with email and phone support. They also offer regular training on passport acceptance procedures.

Conduct Outreach in your Community

Hosting a passport fair is a great way to spread the word about your services to your community. Remember, your facility gets to keep the execution fee for each passport application you accept!

Requirements

Your office must be a public sector entity such as:

A federal, state, county, city, or municipal office. Examples include City Clerk's Offices, U.S. Post Offices, public libraries, and public universities.

You are not managed by or directly affiliated with a private entity.

In this case, private entities include non-profit, religious, or commercial organizations.

You have the resources to perform passport acceptance duties.

Employees at your facility are eligible to become passport application agents if they meet all of the following requirements:

- Are at least 18 years of age
- Are U.S. citizens or U.S. nationals
- Are permanent full-time or part-time employees (not temporary, contractual, ad hoc, or volunteer)
- Are not on parole or probation related to any federal, state, or local felony or misdemeanor related to breach of trust or moral turpitude (i.e., embezzlement, document fraud, drug offense, or dishonesty carrying out a responsibility involving public trust)
- Are not presently under indictment for any federal, state, or local felony or misdemeanor related to breach of trust or moral turpitude
- Are free of any federal, state, or local felony convictions or misdemeanor convictions related to breach of trust or moral turpitude

Questions? Ready to Join?

For more information, please email the Acceptance Facility team at:

CA-PPT-AcceptanceFacilityInfo@state.gov.

Youth in Government

A Youth in Government program allows youth to engage in City Government by instilling the importance of civic values and developing civic skills. Programs cultivate 21st-century skills in critical thinking, problem-solving, communication, and collaboration abilities and assist the students in obtaining practical, hands-on work experience. A program like this exemplifies the City's commitment to investing in its future workforce and providing opportunities for students to expand their knowledge and gain experience in public service activity and careers. The program could culminate in the conduct of a Mock City Council meeting and City Council recognition for participating in the program.

Since some school districts require their students to complete community service hours, you could work with the District to allow this to count towards their hours.

Proof of Life Certificates

Foreign governments and institutions use a "Proof of Life" document or "Life Certificate" to qualify pensioners and other beneficiaries living abroad for financial benefits. These forms often include instructions that the document must be presented to a Notary or public official, and sometimes, the Notary or public official certifies that the person named in the document is currently living. Some proof of life documents require the named individual's signature to be notarized with a standard act such as a jurat. If this is the case and you are a notary, you may notarize the signature on the document; however, California prohibits Notaries from affixing their seals and signatures to a document without completing a certificate, so you must attach a certificate to the document. Other proof of life forms may ask for a "signature witnessing," where a public official certifies an identified individual signed the document. In these cases, a Clerk, Assistant Clerk, or Deputy Clerk may sign and affix their City seal after witnessing the identified individual sign the document. It is recommended that the individual also present a valid photo I.D. to assist you in confirming that the person signing is the person named on the document.

Proof of Residency

Sometimes, a court or a business will ask a resident to prove where they live. An Affidavit of Residence is a legal document that can be used to verify residence. An Affidavit is often used in response to a school, financial institution, court, or other entity's request for proof of residency. This Affidavit may also be used to verify where someone lived before their death. Documentation includes a rental or lease agreement with the signature of the owner/landlord and the tenant/resident, a deed or title to residential real property, a mortgage bill, a home utility bill, a cellular phone bill, etc. Additional acceptable proof of residency documents can be found in [Cal. Code Regs. Tit. 13, § 15.01](#). Certain agencies or institutions often ask that the residency of a deceased family member be verified before releasing the family member's accounts or funds. In this case, a copy of a death certificate may be required as an attachment to the Affidavit.

CHAPTER 3. OFFICE STRUCTURE, RESPONSIBILITIES, AND LEADERSHIP

Except for certain functions specific to a Clerk, a clerk's office operates in much the same manner as any well-organized business office. Certain fundamental principles apply to whether the clerk works alone or directs a large staff, the scope of responsibilities, or the degree of automation or technology.

Section 1. PLANNING AND ORGANIZATION

The adage "plan your work and work your plan" was never more relevant than in today's rapidly changing world. The Clerk must have a basic plan of operation to ensure that numerous deadlines are met, work flows smoothly into and out of the office, and the Clerk must be prepared to deal with an emergency or a demand for a particular service or assistance. Time must be reserved solely for planning/reviewing present procedures, studying new methods and technology, and planning for the future.

Work Inventory

The starting point is a complete list of work details, including the time required for each task. The inventory must include all functions, regardless of the degree of importance, and should be prepared by the person performing the work.

Work Distribution

Distribution includes scheduling of work by priorities, as well as assignment of personnel to specific duties. Certain functions, such as publications and mailings of legal notices, have inherent deadlines and demand higher priority than indexing, filing, miscellaneous correspondence, etc., which, although vital in themselves, may be done during less critical periods. Maintaining flexibility in any work schedule allows for unexpected interruptions or unusual requests. If staff allocation permits, it is desirable to assign definite responsibilities for certain functions to those employees who appear to have aptitudes and interests in specific segments of the operations to promote a sense of identity through specialization and induce pride of position—Cross-train employees so that your team can accomplish duties in the event of illness, vacation, or resignation. Cross-training allows the employee to see the Clerk functions' complexity fully and enhances their skill level.

Workflow

Workstations should be laid out to permit a smooth workflow from person to person with easy access to machines, equipment, files, and work areas for maximum productivity. If space allows, there should be a service counter. The resident coming to the counter must feel free to state their request or problem

without distraction. Employees serving the counter should be located reasonably close to avoid service delays.

Work Simplification

Using the work inventory records as an essential point of reference as to what is being done, by whom, and how much time is required for each operation, always review and access ways to improve. A review of procedures may also disclose some practices that seem to have no real reason for existence other than custom. When considering eliminating any traditional function, evaluate the anticipated time-saving advantages against possible public service repercussions. Some routine notifications can be standardized, such as acknowledging communications to the council, notice of pending action before the legislative body, and subsequent notice of council action. Some matters may be handled by form email, such as the transmittal of requested information or copies of documents. A telephone call instead of a written response offers the further advantage of personal contact with the resident, and it takes less time than preparing a letter or email. Preparation of "handout" material covering the most frequently asked questions is helpful and, including the city's website address on "handout material," stationary, and other standard forms distributed by the Clerk's Office will enhance customer service excellence by providing quick and easy access to public information.

Section 2. BUDGET

Budgeting practices vary from agency to agency. Usually, the clerk is responsible for preparing the budget for municipal elections and general Clerk operations. In some cases, the Clerk also prepares the budget for the City Council. A typical Clerk budget shows REVENUES (if any) -- source and projected amount(s) and EXPENDITURES broken down by type/category and amount. The budget is prepared based on ongoing operational needs and the following year(s) work program needs. Generally, budgets contain the following areas:

Salaries and Benefits: Permanent and temporary employees, including fringe benefits--vacation, sick leave, retirement, health insurance, workers' compensation insurance, etc., as may be applicable under existing personnel policies and Memorandums of Understanding (MOUs) for employees represented by a union.

Office Supplies: Paper supplies and general office needs, software needs or enhancements, office machine supplies, records management supplies, and election supplies. Some cities with central mailing and duplicating operations also include the cost of these services under this category.

Equipment and Capital Outlay: Anticipate replacement or new equipment needs based on current operations and upcoming work plans. Office furniture and furnishings, files, audio/visual recorders, copiers, computers, and updated computer software.

Advertising and Legal Publications: Ordinances, notices to bidders, assessment proceedings, annexations, rezoning, notices of hearings, election notifications/publications.

Utilities & Maintenance: Include costs of utilities within the department such as telephone, electricity, maintenance, contracts for computers, scanners, recording equipment, copiers, projectors, public address system, microphones, software programs, digital imaging, video conferencing, etc.

Membership Dues and Subscriptions: Dues in professional organizations, newspaper and magazine subscriptions, reference, and technical books.

Travel: Attendance at conferences, workshops, business meetings, and seminars. Expense allocations vary considerably from city to city, but customarily, travel allowances include registration fees, transportation, hotels, and meals.

Contracted Services: Outside contracted services might include election services or supplies, municipal code services (codification), records management, website editing, and special printing jobs such as newsletters, forms, and business cards.

This categorization helps prepare budget worksheets to provide a clear picture of needs for the coming fiscal year. It is advisable to check suppliers for current prices on equipment items. Other expenditures may be calculated based on the previous year's expenses, adjusted for price increases.

Section 3. SUPERVISION

Supervisory Responsibilities

A supervisor is a leader – a good leader can create a climate of participation, emphasizing the importance of the individual employee. The goal is to motivate employees to the point where they perform to the limit of their capacity because the organization's goals have become their personal goals. Increasing the participation of employees in "problem-solving" and discussing ways to improve operations, as well as delegating authority and responsibility, are proven methods of increasing employee job interest and dedication. A supervisor is only as effective as the group they supervise.

Flexible Work Arrangements

Job flexibility is increasingly becoming a priority for many professionals and job seekers. Flexible Work Arrangements (FWAs) can be achieved through remote work or flexible work hours. FWAs can help retain and recruit employees and, when managed appropriately, can lead to improved work-life balance, greater employee satisfaction, fewer unscheduled absences, increased retention, enhanced individual performance, and contribute to emission reduction initiatives. It can provide opportunities for employees and Departments to agree upon a flexible arrangement to work remotely for a portion of days per week if their job duties do not require onsite presence or to work alternate schedules if operationally feasible.

Flexible Hours

A flexible schedule could allow employees to choose their particular work hours or change work schedules from one week to another depending on their needs.

Working Remotely

A hybrid telework allows an employee to work a specified number of days per week at a location that is not the regularly assigned place of employment. Minimum eligibility requirements could be set and could include, but are not limited to, the following:

- A specific amount of employment in the employee's current position;
- A requirement to possess abilities to successfully organize, manage time, and work independently and productively with minimal supervision;
- A requirement that the employee must have received satisfactory work performance (e.g., meets expectations) in their most recent performance evaluation;
- Disqualification if an employee is on a Performance Improvement Plan (PIP);

- A requirement that the employee have thorough knowledge and understanding of their job functions;
- Etc.

Section 4. CITY DEPARTMENT FUNCTIONS

The following is a brief statement on *typical* departmental responsibility within a city organization. In some cities, these functions may be combined into one city department (and may serve as a division) or divided among several city departments.

Clerk: The Clerk is considered the hub of city government, the office of the official record, and the foremost point of contact for the public. The Clerk's Office often provides more general information and referral services than any other city department, not only to the public but also to elected and appointed officials and city staff. Therefore, the Clerk and their staff must know all city departments' functions, programs, and events to provide excellent customer service.

City Council: The City Council is the legislative branch of the city government. The Councilmembers formulate all policies and priority objectives of the city and hire a City Manager to carry out their policy decisions. The council is composed of the Mayor, elected at large or appointed by the other council members, and four or more council members, elected at large or in districts or wards for four-year overlapping terms. Sometimes, a directly elected Mayor may be subject to a two-year term. The council selects one of the members to serve as Mayor Pro Tempore or Vice Mayor. The term of Mayor Pro Tempore or Vice Mayor is usually one year. Some cities have imposed term limits upon their directly elected Mayor and Councilmember positions. In some cities, the City Council has a complement of staff members or legislative aides; in other cities, city administration provides council-related services.

City Manager: The City Manager is the Chief Administrative Officer of the city and is responsible to the City Council for the implementation of council policies and directives, the efficient and economical operations of the City, strategic business planning, annual budget preparation, public information programs; and directing all administrative functions efficiently and economically.

The City Manager is usually the appointing authority for all department head positions. Assisting the City Manager with administrative responsibilities are the members of the executive management team -- which may include the Assistant City Manager, Public Information Officer, City Attorney, Director of Finance (or Controller), Director of Public Works (or Public Services), Director of Public Safety (police and fire), Director of Human Resources (or Personnel), Director of Community Development (or Planning), Director of Community Services (or Parks and Recreation), and Clerk. Depending on the size and structure of a city, other various department directors, managers, and chiefs may be employed. Recently, as a means of improving efficiency, various department functions have been combined. For example, the Director of Administrative Services may oversee all financial, risk management, and personnel-related operations under one department and a Community Development Director. The Clerk may or may not be classified as department head and may report directly to the City Manager, Assistant City Manager, or the City Council.

City Attorney: The City Council usually hires a City Attorney to act as the city's legal advisor. They may prepare and approve resolutions, ordinances, and agreements at the request of the City Council, the City Manager, and City departments and handle litigation involving the city. The City Attorney may be an employee of the city or provide services according to the terms of a contract.

Community Development (or Planning): The department is generally responsible for overall city land use and planning functions, including neighborhood improvements, long-range and current planning, redevelopment, and housing programs, building and safety functions, residential and commercial zoning code enforcement, and “green building” and environmental programs. Some cities have divisions focusing on current planning and long-range planning, along with other divisions.

Finance (or Controller): The Finance Director or Controller is the city's chief financial officer. The department is responsible for the budget and regular financial reporting, financial and compliance audits, grant administration, accounts payable, accounts receivable, data processing, accounting, purchasing and bidding, cash management, and investments of funds. The department may also be responsible for city-wide information technology programs and telecommunications. Generally, the Finance Director is also the City Treasurer.

Fire Department: The primary objectives of the Fire Department are fire prevention, fire suppression, and ambulance/paramedic services. The Fire Chief directs the enforcement of fire and related ordinances, rescue work, salvage work, weed abatement, fire safety education, and paramedic service. The Fire Department may be a department of the city, county, state, joint powers authority, or other agency according to the terms of a contract.

Community Services (or Parks and Recreation): This department coordinates existing community resources into people-oriented programs. The director and staff may develop and conduct a wide variety of educational and recreational programs for children and adults; conduct senior and youth employment programs; act as a clearinghouse to refer people to existing community social service organizations; and work closely with existing community organizations to develop significant community cultural events. The department may be responsible for park land acquisition, park planning and construction, and park maintenance.

Human Resources (or Personnel): The Personnel Director and staff coordinate all city employee recruitment, examination, and placement. This office may also be responsible for labor negotiations, staff development, training, and personnel safety programs. Further, the department provides payroll, salary, and benefits programs and often oversees the risk management and liability functions. In some cities, the personnel function falls under the umbrella of the Finance or Administrative Services Department.

Police: The primary purpose of the Police Department is to protect life and property. The secondary objective is to apprehend criminals. In addition to enforcing federal, state, and local laws and ordinances, the Police Chief and departmental staff may also be responsible for traffic control and emergency operations and response. Most police departments provide a variety of field, traffic, investigation, and operations support programs, including community policing and school resource officers. Sometimes, the police and fire functions are combined under one Department of Public Safety.

Public Works (or Public Services): The department is responsible for conducting civil engineering functions and managing the construction and maintenance of all municipal infrastructure – streets, sidewalks, parkways, easements, bridges, channels, and city-owned facilities. Responsibilities usually include ongoing maintenance of streets, parkways, sidewalks, parks, public buildings, street trees, flood control channels, sewer and water systems, traffic signals and signs, and city-owned vehicles and equipment.

Building and Safety: The department issues permits for private construction projects and enforces the construction codes. This function may be a division within the Public Works/Services Department or the Community Development/Planning Department.

Some cities may contract for one or all of the services identified above, in which case the City Manager or the responsible department head will be a contract administrator. There could be a contract with a private company, person, or another agency to perform the work designated for that department. As noted above, a typical contract service is police protection from the County Sheriff or City Attorney services from a group of private attorneys specializing in municipal government.

Section 5. THE TEAM APPROACH

The Mayor, City Council, or City Manager may establish teams, task forces, and standing committees involving various staff members or department heads to solicit the ideas and expertise of all team players. Examples of teams, task forces, and standing committees assigned to a particular project or policy goal of the City Council may be:

- Grants and Intergovernmental Relations Committee
- Neighborhood Improvement Committee; Community Planning Committee
- Economic Development Committee; Capital Improvement Committee
- Transportation Committee
- Police and Fire Committee
- Support Services Committee
- Fiscal Planning and Budget Committee
- Energy Resources Committee
- Organizational Development and Training Committee
- Special Studies Committee

These committees provide an essential link in the information chain for the management group. Employees must know the committee structure and which department provides support services for the committees. This awareness will help direct staff to the correct source of information and circumvent delays in obtaining information.

Most cities also have short-term or ad hoc committees comprised of residents appointed by the City Council to study and formulate recommendations relative to the specific subject areas or new initiatives. The City Council may appoint one or two of its members to also sit on the committee. City staff typically serves as liaisons and provides administrative support to these advisory committees.

Serving on a committee within the organization or the community is an excellent way to market the merits of the professional Clerk. It is an opportunity to promote the services and programs under the supervision of the Clerk Department and promote partnerships with other departments or community organizations. It is also an opportunity to gain some “out of the box” knowledge and experience.

SECTION 6. NAVIGATING POLITICS WITHOUT BEING POLITICAL

A successful Clerk must be aware of and skilled at the art of maneuvering within the politics of the organization. Political aspects vary from the standpoint of residents, elected officials, the City Manager and management team, and the entire city employee workforce. “Office politics” are present in every

organization; therefore, political savvy is a vital competence that can be viewed as an advantage for the organization when applied with the proper ethics.

Political savvy (political competence) identifies the internal and external politics that impact the organization's work, approaches each situation with a clear perception of organizational and political reality, and recognizes the impact of alternative courses of action.

Political competence is the “ability to understand what you can and cannot control, when to take action, who will resist your agenda, and whom you need on your side. It’s about knowing how to map the political terrain, get others on your side, and lead coalitions” (Professor Bacharach).

“Organizational politics are informal, unofficial, and sometimes behind-the-scenes efforts to sell ideas, influence an organization, increase power, or achieve other targeted objectives” (Brandon and Seldman in *Survival of the Savvy*). When political competence is combined with ethics and integrity, positive results can be produced. Denying or ignoring its existence underestimates how political behavior can destroy careers and an organization’s overall reputation.

Six secrets of politically savvy people (Marie G. McIntyre, PhD):

1. Partner with your boss. It’s better to have your boss as a cheerleader than an adversary. Political savvy people know how to “manage up.”
2. Be a 360 team player. A vast network of relationships will give you more information about what’s happening. Politically savvy people develop positive relationships in all directions – with elected officials, management, employees, and the community.
3. Understand the “power map.” Organizations are power hierarchies. Political savvy people always understand the leverage equation and recognize when it may change.
4. Practice subtle self-promotion. Find natural ways to mention achievements and challenges. Many organizations have regular progress reporting requirements – use that to promote what you do.
5. Connect with influential people. Politically savvy people enjoy talking to folks who have power. Get involved in community organizations and citywide committees.
6. Commit to the business. Be interested in and excited about being part of achieving the goals of the organization.

Political competence, particularly as it relates to being an effective Clerk, includes understanding and working within the interests of elected officials and the City Manager. In some instances, ethical dilemmas come into play. Professional ethical laws and rules are created to provide an expected level of cooperation and often result from compromise. Professional and situational ethics likely rely on a given set of facts as a foundation to rationalize and act, and they involve determining right or wrong, depending on the circumstances. Categorical ethics, by contrast, involves what is right or wrong in some absolute sense. Agreeing in advance to resolve conflicts can avoid problems when a dispute arises.

Note: On October 7, 2005, the Governor signed Assembly Bill No. 1234. AB 1234 requires that if a local agency provides any compensation, salary, or stipend to or reimburses the expenses of a member of its legislative body, that local agency’s officials must receive training in ethics. The Fair Political Practices Commission provides [online ethics training](#) that meets AB 1234 requirements. The Institute for Local Government has many publications that assist in ethical considerations, including but not limited to Public Service Ethics and Walking the Line: What to Do if You Suspect an Ethics Problem. www.ca-ilg.org/

CHAPTER 4. COMMUNITY RELATIONS & COMMUNICATIONS

Section 1 - WORKING WITH ELECTED OFFICIALS

The government serves as the basis and means for our democracy. Elected officials rely heavily on the city staff to research and supply the information they need to make sound decisions for the community they serve.

The Clerk must be aware of the elected officials' needs and interests when providing information that the legislative body will use to set policy for city business and operations. It is incumbent on the Clerk and management team to ensure that materials presented to the City Council and the public are organized and concisely in format(s) that are easily accessible. The material must be complete and factual.

Section 2 - COMMUNITY RELATIONS

General George C. Marshall's formula for handling people was:

1. Listen to the other person's story;
2. Listen to the other person's full story and
3. Listen to the other person's whole story first.

One of the most important links between city government and the public it serves is through accurate and prompt verbal or printed communication. The Clerk's Office is often considered the primary source of information the public seeks. As public relations officers for the city, Clerks must foster good public relations and ensure that actions reflect the public's interests. We must remember that whatever we do, whatever action we take, affects someone or something else. As Warren Buffett said, "...it takes 20 years to build a reputation and 5 minutes to ruin it."

In many cases, the Clerk may be the only point of contact a resident may have with their local governing body. Your ability to provide a willing service and the attitude that it is your responsibility to help ensure the resident's understanding of your city, where it is headed, and why it acts as it does is the cornerstone of good public relations for city government. Many years ago, before "public relations" was considered an assignment, Abraham Lincoln was known to have said, "With public sentiment, nothing can fail ... without it, nothing can succeed." The secret of good public relations is knowing what people are talking about and listening while they talk about it.

Every city employee is, in effect, a public relations person. Residents judge the city administration by the people it employs; consequently, employees are the city. Each employee is responsible for providing every assistance possible when dealing with the public.

Section 3 - PUBLIC INFORMATION OFFICE

Assisting the public with obtaining requested public records is an inherent duty of the Clerk. Since constant reference must be made to the records in the custody of the Clerk's Office, an efficient Clerk's Office can significantly assist in facilitating timely and accurate access to information about governmental operations and policies.

[GC7920.005](#) et seq. specifically designate what information is available to the public because the city is performing the public's business. If you are unsure whether a document is a public record, consult the City Attorney. Municipalities can charge a fee to recover some of the costs of providing information. In

some instances, records are not open for public inspection; it is a balancing test between the city's interests and the public's right to know.

Courteous and expeditious treatment in handling inquiries from residents can contribute significantly to creating a positive reaction from the average resident regarding city government.

In some cities, the Clerk also serves as the Public Information Officer (PIO); however, some cities have a dedicated PIO. The PIO is responsible for “pushing” or providing information to the public about various ongoing and upcoming city activities. The PIO may also provide information in response to a local emergency or disaster.

Generally, cities have a protocol for preparing and disseminating press releases or community bulletins. Typically, the elements of messaging are (1) identifying the “what,” (2) explaining the “so what,” and (3) providing information about the “now what.”

Methods of distributing information have significantly increased over the past ten years with the increased use of social media. Depending on the timing of the material to be released, information may be distributed via (1) print media such as newspapers, citywide newsletters, tagging on utility bills, and community organization bulletins; (2) a live broadcast such as TV and radio or local cable; (3) social media outlets which allow for the immediate release of information; (4) the city's website; (5) community forums or speakers bureau and various other methods of physical public outreach.

Section 4 - RESIDENT COMPLAINTS

Proper handling of resident complaints can win a friend for the city no matter how angry the residents may have been when they first contacted the city. Get the complainant's name early in the conversation, then address them by name. Everyone appreciates being called by name.

The Clerk's Office may receive many different types of complaints and can usually handle complaints of a general nature. However, complaints dealing with policy determinations, personnel, and land use may be more appropriately referred to the initiating department as well as the City Manager and City Attorney when appropriate. Many cities have initiated a complaint procedure that allows residents to file written complaints either at various locations throughout the city or online through the city's website. The critical element to a successful complaint process is ensuring that the appropriate department resolves the issue to the best of its ability and responds to the complainant. A successful complaint process generally requires someone within the city to monitor and track complaints.

Every city must regard complaints as a vital source of information for the effectiveness of government. It often takes anger to overcome the resident's inertia and force him to bring his complaints out before the city rather than complaining to his neighbor or family.

There are three rules to remember in handling angry people:

1. Let the person talk out the problem completely.
2. Do not excuse yourself, your actions, or those of the city, but instead, say you are sorry that the person has not received the desired service.
3. Offer to do what you can to solve the situation and assure the person of the city's goodwill. Tell them you appreciate their bringing the matter to the city's attention.

Do not show favoritism to residents, neighborhood groups, or members of the press.

Section 5 - MEDIA RELATIONS

Establishing relationships with the media and sharing interests is essential to maintaining effective community messaging; it benefits the city, its elected officials, and the community in general.

The media plays a critical role in getting information out to the community regarding regular ongoing business and during emergencies. To that end, the Clerk and the media are vital resources to one another. The press is guaranteed certain rights through the Constitution. Most agency records are public records, and the media and any individual have the right to review these documents, which the Clerk usually maintains. The Government Code specifies records not to be made available to the public (GC 79200.005 et seq.), including the press. In addition, the HIPAA Privacy Rule protects individuals' medical records and other personal health information from being released. If in doubt, contact your City Attorney. See also ["The People's Business: A Guide to the California Public Records Act."](#)

Establishing and Maintaining Relationships with the Media:

- Get acquainted – exchange contact information and maintain communication.
- Schedule periodic meetings to check in and talk about upcoming issues, interests, and needs.
- Provide basic information regarding your city, including timelines/dates by which certain information is routinely available and how it is made available.
- Respond to inquiries promptly – respect media deadlines.
- If you need preparation time, keep your promise to return the call by a specific time.
- If you cannot comment on a particular question, say so and use the opportunity to repeat your key message/point.
- Become their "go-to" person - if they don't get the information or quote from you, they will get it elsewhere.
- Don't Play Favorites - and don't change rules in the middle of the game.
- Know how, where, and how often the media delivers their information (print, audio, taped, live) – provide your information to them in the format they need.

General Interview Guidelines:

- Know your story – be prepared and be honest.
- Anticipate questions you will be asked and prepare responses ahead of time.
- Do not answer hypothetical questions – never offer your personal opinion or provide an answer based on subjectivity.
- Never say "no comment" – if you cannot speak about a subject, say so. Instead, use the time to repeat critical messages.
- Never talk "off the record" – if you don't want it repeated or printed, don't say it.
- It's OK to say, "I don't know," – but follow up with the name of someone who does or offer to get back with an answer.
- Only provide information about your agency and stick to the approved script; do not answer questions outside your jurisdiction/authority.
- Repeat critical messages often.
- For on-camera interviews, it's OK to ask for a "do-over."
- Be a facilitator, not a roadblock.

Helpful Hints on Messaging

- For every negative point, add three positive points - For example, Question to Mayor Giuliani after the 9/11 attack – How many people have died from this attack? Answer: The number is ultimately more than we can bear (1 negative), and I believe our great country will grow stronger. More vital economically (1 positive), politically (1 positive), and most importantly, emotionally (1 positive).
- Practice the rule of three to 27 words/deliver in 9 seconds/stick to 3 main points.
- Respond with compassion, conviction, and optimism – Winston Churchill’s “CCO.”
- Be sure your information is timely and accurate.
- Have a plan that creates sustainable communication that generates results.

Section 6 - ELEMENTS OF A NEWS RELEASE

Many cities have guidelines and protocols for preparing news releases. Prepare news releases concisely, accurately, and timely, deliver them in the format needed by that media source, and ensure the information reaches the targeted audience.

- Four steps for compiling messages:
 1. Information gathering – find out about the issue at hand, what are the interests/concerns, misunderstandings/rumors;
 2. Verifying – confirm that the information you have gathered is correct;
 3. Coordinating – establishing key messages to convey;
 4. Disseminating – using multiple methods of delivery.
- Critical components of a message are the date of release (time-released, if applicable), the time frame for release (immediate or date range, if applicable), the agency's name, the author's name, and contact information.
- The first paragraph should contain your key message or the “what” statement – indicating that something has happened or will happen.
- The second paragraph provides the “so what” information, which includes the “when,” “where,” and “why” information that is not in the first paragraph.
- The third paragraph gives the “now what” information, including instructions or a call to action.
- Keep your release brief and concise; keep it to one page. Conclude with sources of information such as websites or other means of obtaining additional information.

Section 7 - SOCIAL MEDIA

“Social media” refers to using web-based and mobile technologies to turn communications into an interactive dialogue. Because of the accessible and scalable communication techniques, social media has substantially changed how we communicate between organizations, communities, and individuals. Social networking has created a major shift in communication; rules have changed now that over 93 % of America is online, and many are wireless. Information is “pulled” and “pushed” – in a compressed, accelerated, amplified, and prolific fashion. Major social networking sites include Twitter, Facebook, Instagram, NextDoor, Google, and LinkedIn (there are too many to mention them all, and more and more are coming online).

Social Media is often the first look at information of a critical nature (disasters). Information can be pushed to smartphones simultaneously in 0-60 seconds. Breaking news can be provided through social media within seconds/minutes vs. longer time constraints for print media and TV. Because of this, social media

may significantly impact print media and TV as a primary news source. Social media is a highly effective avenue for local governments to use to drive traffic to their website. Messages must be prepared and delivered, social media and mobile phones must be ready, and agencies should provide open access to social media where past policies have prohibited access to the internet. Cities are now shaping the conversation by participating in it.

Writing messages for social media differs from traditional print media because of character/space limitations. Agencies must create messages within the confines of the press disseminated. As technology advances, more significant opportunities exist to enhance the information, such as GIS mapping and embedding additional source sites within messages.

Best Practices:

- *Start with a plan, not tactics* - research and build a Social Media Roadmap involving audience, objectives, strategy, tactics, tools/technology, and metrics.
- *"Give to get"* - successful social media marketing programs involve listening and participation.
- *Commit resources & time to be successful* - it is crucial to forecast labor hours, who, what, when, how, and where.
- Be transparent with intentions - state a purpose.
- *Understand that you do not control the message* - once information is available on a social website, people will inevitably mash it up, stretch it, pull it, and reshape it.
- *Welcome participation, feedback, and co-creation* - developing relationships and community within social communities on the web can facilitate buy-in and provide invaluable input and crowdsourcing opportunities.
- *Metrics should align with objectives* - social media marketing is more like public relations than direct marketing.

There are many free social media monitoring tools including Google Alerts (get alerts emailed to you or subscribe to an RSS feed), Technorati (blog monitoring), Addictomatic (personalized tracking that pulls content from all over the Internet), Twazzup (dashboard tracking on keywords), HootSuite or SproutSocial (app that works with Twitter, Facebook, LinkedIn, and WordPress), and Web2express Monitoring (uses open semantic and NLP tools to analyze millions of Twitter conversations and blogs).

Section 8 - MEDIA INTERVIEW PREPARATION

Whether participating in a weekly panel discussion on a local public CATV channel, televising council meetings, being interviewed before an election, or providing Public Service Announcements (PSAs) on local government events, the communication avenues are ever-expanding. Interviews continue to be an essential component of delivering messages.

Interviews via TV or radio media can be an unnerving experience even for those comfortable with public speaking. Fear of being unable to answer a question, of being tripped up or caught in a contradiction, or just the idea of speaking into a microphone or before a camera -- all can be intimidating to even the most experienced public officials -- including Municipal Clerks, who increasingly are becoming involved in Public Relations aspects of local government.

The general principle for success in an interview is -- BE PREPARED! Pre-Interview: Establish ground rules.

- Find out whether the interview will be taped and when and where it will be held.

- Specify topics that are “off limits” or “off the record.” But, beware, few ever are. When in doubt, don’t volunteer remarks gratuitously.
- If possible, ask for questions in advance.
- Brush up on the topic beforehand; collect pertinent facts and figures.
- Role-play the interview with a well-informed partner who acts as “devil’s advocate.” Prepare for controversial questions or being interrupted by the interviewer, even rudeness.
- Provide information within your authority; do not speak on behalf of jurisdictions other than your own.
- There is no such thing as “off the record,” if you don’t want it repeated, don’t say it.
- Invite technical experts to participate in the interview if that would help get your message out.
- It’s OK to say, “I don’t know,” but follow up with how they can get that information or how you will get it to them. Use the time to repeat your key messages.
- Dress for the part. Remember, you are representing your organization.
- Pay attention to what is said and what is implied. There may be times when a question can be rephrased and then answered.

Section 9 - PUBLIC SERVICE ANNOUNCEMENT

Many communities run spots on local television stations as public service announcements or on cable channels devoted to local government. The following steps generally apply to public service-type announcements:

1. What message do you want to communicate?
2. Write the message in six sentences. Prune it.
3. Visualize a scenario.
4. Draw six 3" x 3" blocks on a piece of paper. This format is called a “storyboard.”
5. Insert the six sentences and the visual scenario in each block on the “storyboard.”
6. Contact the cable television manager in your governmental unit for production.

Program Directors usually have established guidelines and can provide examples of how to prepare announcements. Generally, keep in mind that you must:

1. Get your audience’s attention: You can’t sell any idea if nobody is listening or watching.
2. Develop interest: promise a tangible or emotional benefit to show how the listener will gain.
3. Demonstrate: Give facts, information, and reasons why the listener should do what you want.
4. Ask for action: Tell the listener where to go, what to do, and when to do it by saying “write in,” “call in,” or “consider” the information.

When writing copy for radio or television announcements, strictly adhere to word count limitations. A general rule of thumb is: a 10-second spot has approximately 20 words; a 20-second spot has 50 words; a 30-second spot has 75 words; and a 60-second spot has 150 words. Read the composed message aloud against the clock. Limiting your word count not only aids you in eliminating the problem of running overtime, but it also helps identify “tongue-twisters” and complicated sentence structures, which confuse the message.

Section 10 - CABLE TELEVISION

Cable television is an excellent way to inform residents better and publicize special events. Timely information via public service messages, televising council meetings, and regularly scheduled “talk shows” featuring members from all City Hall departments help improve communication between government and residents.

Ensure your municipality’s events are included on a television station’s scheduling channel. Usually, there is a separate channel on your cable television programming listing the weekly schedule. If you have upcoming events, confirm that the station knows about them.

Cable television franchising ordinances often require a studio to be located in the community and that this studio’s facilities be available to residents, the municipality, and local schools. Also, some communities require the franchising agency to provide equipment as part of granting the agreement.

Section 11 - TELEPHONE COMMUNICATIONS

Telephone contacts warrant special consideration since the person calling can’t see you, your smile, or your facial expression. They can only draw their impression from your voice and your manner. If your voice is warm, friendly, courteous, and tactful, people will judge the city by the voice that speaks for it over the telephone.

Five ways to help you have a good telephone voice are:

1. **ALERTNESS** - Show alertness and interest in your tone. Give the person you’re talking with your full attention.
2. **PLEASANTNESS** - Build a pleasant city image with a “Voice with a Smile.” Pleasantness is contagious.
3. **NATURALNESS** - Use simple, straightforward language. Avoid repeating mechanical words or phrases, mainly technical terms or slang.
4. **DISTINCTNESS** - Speak clearly and distinctly. Talk directly into the mouthpiece.
5. **EXPRESSIVENESS** - Use a standard range of tone for your voice; avoid extremes of loudness or softness. A well-modulated voice carries best over the telephone. Talk at a moderate rate, neither too fast nor too slow. Vary your tone of voice. It will add emphasis, help bring out the meaning of sentences, and add color and vitality to your words.

If you cannot take a call and your voicemail answers it, you must return it promptly. If you will be away from the office for a lengthy period, change your message to reflect the date and time you will be returning and an alternate person they can contact if they need immediate assistance.

Section 12 - INCOMING WRITTEN COMMUNICATIONS (CITY MAIL)

There are many ways of handling the incoming written correspondence, depending on custom, practice, or administrative or legislative direction for each city. Depending upon the agency's size, the Clerk’s Office sometimes functions as the central receiving place for all incoming mail; in others, it may only receive its own.

The Clerk’s Office receives many types of communications, which are inquiries of a general nature about the city, its government, past actions of the city council, inquiries as to procedure, etc. Depending upon city policy, these can usually be routinely answered by the Clerk or the Public Information Officer. For

responses requiring technical information, the Clerk or Public Information Officer may refer some communications to the appropriate department for answering. Many cities have tracking software that monitors communications from when it is received to its response and final disposition. The key is to have some monitoring system (automated or not) that keeps track of communications and ensures they are followed through disposition.

Every piece of mail received and opened should be stamped with a year, month, and day in a manner that appears on the communication for future reference. In a city where the Clerk opens and routes all city mail, consider that state and federal laws prohibit the unauthorized opening of mail addressed to another. In such cases, City officers should provide written authorization for the City Clerk to open their mail to avoid problems. The following is authorization language contained in a Council resolution directing the Clerk to handle communications:

“RESOLVED: That the Clerk hereby is authorized, empowered, and directed to refer all petitions, applications, and communications filed with them to the department, office, or board having jurisdiction of the subject matter of any such petition, application, or communication, forthwith upon the filing of the same; and be it,

BE IT FURTHER RESOLVED: Any department, office, or board that has had a petition, application, or communication referred to it shall forthwith make the proper investigation and make a written report to the City Council and file the same with the Clerk.”

Section 13 - COUNCIL MAIL

It is a good practice that mail addressed to the City Council be opened by the Clerk’s Office so that it may be processed for Council action. This process involves routing information to the council and referring to the city manager for direction on departments involved in agenda report preparation and scheduling. Sometimes, mail is given directly to the Councilmember and not routed. In others, it is opened and routed to the Councilmember and appropriate city staff. A policy should be adopted outlining how Council mail is to be handled. When considering such a policy, identify who is responsible for managing the mail, how it will be handled (i.e., action to be taken at the time mail is opened or wait for direction from that Councilmember), as well as who will receive copies (i.e., routed to Councilmember and appropriate department as well as City Manager and City Attorney). Because of its sensitive nature, the policy must be clear to avoid confusion.

Depending upon the time needed to present the communication to the Council, it may be desirable to inform the person/organization of the timeline/status. This information is crucial if a delay occurs due to an investigation or protracted council action. Some cities have a standard postcard acknowledgment, mailed out immediately upon receiving any communication.

Section 14 - COUNCIL MEETING COVERAGE

Many cities stream real-time meetings of the City Council and advisory committees through video/electronic links. The agenda, related reports, and materials may be linked to the video, allowing those watching the meeting to access and view the material. This information also serves as a valuable archive for the community and staff, as it can be accessed through the city’s website in the future. Many vendors can provide these services, and programs can be tailored to the individual needs of each city, from essential services to very robust programs.

Section 15 - RESOLUTIONS OF APPRECIATION/COMMENDATIONS

It is customary to present resolutions of appreciation and commendations recognizing community individuals for actions that are out of the ordinary or considered exemplary. Examples include Certificate of Appreciation, Key to the City, Proclamations, or Resolution of Condolence. Some are given at meetings, and others are delivered at a public ceremony by an elected official.

CHAPTER 5. LEGISLATIVE PROCEDURES

www.legislature.ca.gov/

Section 1 - LEGISLATIVE FUNCTIONS

State and local law prescribe certain legislative functions to be performed by the Clerk. Those functions include maintaining the official record of proceedings of the legislative body and preparing/filing certain documents to ensure the continued operation of the city.

References to the [California Government Code](#) apply to general law cities. The charter has priority for charter cities unless expressly or implicitly preempted by state law. Provisions may be in place of or in addition to state law. In addition, local law may also prescribe certain functions to be performed by the Clerk.

Section 2 - CITY ATTORNEY PROCEDURES

The City Council may appoint a City Attorney (GC 36505). The City Attorney's duties include drafting ordinances and regulations and providing legal advice to elected officials and staff. Controlling law vests wide latitude in the City Council to define and control the duties of their City Attorney. City Attorneys may be regular city employees or contracted by the city through a law firm. The City Attorney and Clerk must maintain a close working and cooperative relationship.

An essential function of the City Attorney is to interpret statutory and decisional law and provide advice and direction on legal matters. Written confirmation of the City Attorney's advice and opinions should be obtained and maintained. This documentation becomes part of the administrative record used to guide what determination will be made and subsequent action taken.

The City Attorney generally has a process by which formal and informal opinions are issued in response to an elected official or staff request. Opinions usually involve a written response from the City Attorney (it may be numbered similarly to the views offered by the Attorney General). Keep all opinions with related attachments on file. Often, opinions issued by a City Attorney will remain valid for subsequent inquiries of the same nature as long as the law governing that subject has not changed.

Generally, the City Attorney is part of the workflow established to routinely review resolutions, ordinances, and agreements before presentation to the council. In some cases, the City Attorney prepares many of these documents. Conditions for approval attached by the City Council, such as insurance certificates, labor and materials bonds, specifications, or contract completion, may require City Attorney approval. The workflow process (automated or not) includes obtaining and documenting the approval of those departments involved, including the City Attorney.

Handle communications that may be confidential with the City Attorney appropriately. The City Attorney generally has a process for identifying and handling confidential information, including adding "Attorney-

Client Privilege" in the subject line for future identification. Restrict access to confidential records to avoid unwarranted or accidental disclosures.

The League of California Cities prepared a document titled "[City Attorney Relationships: City Manager, City Clerk, Councilmembers](#)," in which the following perfectly explains the relationship between the City Attorney and City Clerk: "In a certain respect, the City Clerk and the City Attorney have a similar role in city hall. While the city council sets policy and the city manager implements it, the city clerk and the city attorney concern themselves with the process by which the decisions are made and make certain that the decision-makers are aware of the boundaries in which they exercise their discretion. With all this overlap, questions still require a legal opinion and plenty of judgment calls that fall within the city clerk's area of authority. One of the best ways for this particular city hall relationship to thrive is to spend time building bureaucratic infrastructure that anticipates potential issues. Forms and templates can help sort out the well-traveled ground from uncharted waters. There are numerous repetitive tasks that the city clerk's office and the city attorney's office can work together to both routinize and troubleshoot. Agenda preparation and posting (meeting adjournments, special meetings, item continuances, amended agendas); Public works bid openings; Processing subpoenas and Public Records Act requests; Election procedures (ballot designations, managing ballot arguments, training poll workers, recount procedures, etc.); Processing claims and service of lawsuits; and staff training. City hall is best served when the city clerk and the city attorney work as a team."

Section 3 - ORDINANCES

In the absence of statutory or charter provisions to the contrary, a legislative act may be either by resolution or ordinance. Ordinances are the laws of a municipality. Ordinances prescribe a rule of conduct prospective in operation, applicable generally to persons and things subject to the city's jurisdiction. A resolution denotes something less formal. It is the mere expression of the opinion of the legislative body concerning some administrative matter for the disposition of which it provides. City Councils have the power to pass ordinances by [GC 37100](#) as long as those ordinances do not conflict with the Constitution and laws of the State of California or the United States. Certain types of resolutions also have the force and effect of law.

Violation of a city ordinance is a misdemeanor unless, by ordinance, it is made an infraction, which may be prosecuted by city authorities ([GC 36900](#)).

The ordinance form is required in cases where an existing ordinance is to be amended or repealed, when the law will impose a penalty by fine, imprisonment, or forfeiture, and when the charter or statutory authority expressly requires one. Approval of an ordinance requires a first and second reading, with at least five days between the same ([GC 36934](#)), except in the case of urgency ordinances. With few exceptions, ordinances take effect on the 30th day after adoption ([GC 36937](#)). Ordinances relating to an election or that contain urgency conditions for the immediate preservation of the public peace, health, or safety take effect immediately ([GC 65858](#)). Urgency ordinances must contain an urgency clause stating valid, constitutional, and persuasive facts to justify such a determination and must be passed by a four-fifths vote of the City Council

All ordinances, except initiative ordinances, must begin with the clause "The City Council of the City of _____ does ordain as follows:" ([GC 36931](#)). Ordinances are not required to have a title; however, for ease of reference and to allow for waiver of reading of the entire ordinance for adoption, ordinances

should be given a title. The Mayor must sign, and the Clerk must attest all Ordinances ([GC 36932](#)). Some cities may also include the City Attorney's signature in their content review.

Ordinances must be read in their entirety at the time of introduction or at the time of passage unless a majority of all Councilmembers present adopts a regular motion waiving further reading. This reading can be achieved by including a standard agenda item in the Consent items that will waive the reading of the text at each meeting and allow only the reading of the title. Ordinances may only be passed at a regular meeting or an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting ([GC 36934](#)).

Vote. All ordinances, resolutions, and orders for payment of money require a recorded majority vote of the total membership (not just those members present) for passage ([GC 36936](#)). Urgency Ordinances, adopted immediately upon introduction at a regular or special meeting, are passed by a four-fifths vote of the City Council ([GC 36937](#)). Reference the Government Code or Charter for special vote requirements on specific issues.

Attest. Following the City Council meeting, the Clerk should prepare the proper attestation for the adopted ordinances and resolutions. The last page of each document should include the vote of the City Council and the introduction and adoption date. Placing the city's official seal over the Clerk's signature is good practice. The Clerk is the custodian of the city seal ([GC 40811](#)). The Clerk should carefully check the attestation page of any ordinance or resolution before signing to ensure that a vote has not been recorded incorrectly or any Councilmember's name is overlooked or misspelled. Ordinances shall be signed by the Mayor and attested by the Clerk ([GC 36932](#)). The Mayor may sign resolutions, and the Clerk must attest.

Publishing/Posting. Ordinances must be published or posted as required by statute or charter ([GC 36933](#)) within 15 days following adoption: (1) in a newspaper of general circulation published and circulated in the city, or if there is none, (2) posted in at least three public places in the city, or (3) published in a newspaper of general circulation printed and published in the county and circulated in the city. The Clerk's Office is responsible for posting ordinances in public places or seeing that such material is published with the proper newspaper for publication within the time allowed. Unless otherwise provided by charter, an ordinance must be published or posted within 15 days following its adoption ([GC 36933](#)) to be valid and take effect. Proofs should be requested from the newspaper before publication for proofreading by the Clerk's Office for accuracy. The Clerk must ensure that the proper publication certification is obtained from the newspaper for each legal publication (called a Proof of Publication) and that such certifications are on file for possible future reference and use.

An alternative to publishing the complete ordinance is publishing a summary. Summaries must be prepared by an official designated by the City Council. A certified copy of the full text of the ordinance must be posted in the Clerk's office. The summary must be published five days before the meeting at which the Ordinance will be adopted and within 15 days following the adoption. The summary published following adoption must include the council's vote and date of adoption ([GC 36933](#)).

If the official designated by the City Council determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance, at least a 1/4-page display advertisement is to be published five days before the meeting at which the ordinance is to be adopted and within 15 days following second reading/adoption. The notice must include general information about the proposed

ordinance, where the public can obtain copies of the complete text, and the names of Councilmembers voting for and against the ordinance.

Ordinances take effect on the 30th day after adoption unless they relate to an election, are necessary for the immediate preservation of public peace, health, or safety, relate to street improvement proceedings, relate to taxes, or are otherwise prescribed by law ([GC 36937](#)).

The council also has the power to amend or modify an ordinance, and such legislative authority may not be delegated. If an amendment is unconstitutional, then the ordinance stands in its original form. Ordinances adopted by initiative may only be amended or repealed by a vote of the people unless the initiative grants the City Council that authority ([EC 9217](#))/

Record. As part of records management procedures, the Clerk should set up a system to keep track of adopted ordinances and resolutions and of their distribution, if required. This system should also include a tickler for ordinances and resolutions with an expiration date (frequently referred to as a "sunset clause") or a specific time to accomplish something. See also "Municipal Code" within this chapter.

Some cities may distribute copies of ordinances and resolutions to departments and officials involved with the subject matter and the City Attorney, Mayor, City Manager, or others as requested. Some cities may scan their vital records, making the electronic version more accessible and efficient. Copies of the resolutions and ordinances should also be available in the Clerk's Office for requests from the public. Cities may charge a reasonable fee for distributing resolutions to the public, just as any other public record ([GC 7920](#)).

The Government Code requires that the Clerk keep a book of ordinances with certificates stating that each ordinance is a true and correct copy, contains the ordinance number, and has been published or posted according to law ([GC 40806](#)).

Section 4 - RESOLUTIONS

Some subjects are specifically authorized by statute as being appropriately addressed by resolution. A resolution constitutes a written action or decision. However, it usually does not demand the legal processing required for an ordinance. Payment of money by a city may be approved by resolution or minute order (GC 36935). Tax rates to be levied or the amount of revenue required to be raised by taxation must be fixed by resolution or ordinance ([GC 36936.1](#)). Any decision within the city's police power may be evidenced by resolution unless a statutory or other requirement provides otherwise. The procedures for adopting resolutions are not as strict as those for adopting ordinances. A resolution is generally introduced and adopted at the same meeting; it does not need to be read in full or by title. It is effective immediately unless otherwise stipulated or constitutes a legislative act subject to referendum. Resolutions, like ordinances, require a recorded majority vote of the total membership of the City Council ([GC 36936](#)). The effective clause of a resolution should be "Resolved that..." Most resolutions do not require publishing or posting, as do ordinances unless a specific charter provision, statute, or local custom makes this mandatory. For further information, consult the Government Code index under "Municipalities" and the particular type of resolution.

Depending on procedures set out by individual cities, resolutions may be prepared by various offices, with guidance and review by the City Attorney.

Section 5 - MINUTE ORDERS

A minute order or motion is appropriate when (1) the action is not penal or intended to be a local law; (2) an ordinance or resolution is not explicitly required; or (3) a formal document reflecting the City Council's action is not necessary. The only record of such action is in the form of minutes taken at the meeting at which the action was taken.

Section 6 - PUBLIC HEARINGS

Generally, a public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, public testimony or comment is heard as part of the record for the subject under consideration. When a public hearing is continued, noticing of the adjourned item is required as per [Government Code \(GC\) 54955.1](#).

Public hearings may be required by state or local law, i.e., public hearings are required for zoning changes, some annexations, weed abatement liens, etc. Many of these hearings require specific noticing requirements; refer to the particular subject in the California Codes. In some cases, public hearings may require publication within one newspaper of general circulation within the jurisdiction conducting the proceeding at least ten days before the hearing. If there is no paper of general circulation within the city, postings may be an alternative to this requirement (GC [6061](#), [65090](#)). In some cases, an additional notice of the public hearing is required. For instance, zoning changes require property owners within a 300-foot radius of the project property to be notified of the date, time, place, and reason for the public hearing. These requirements are also included in procedures within the California Codes.

Public hearings may also be held before a hearing officer or board designated by the City Council, such as a Zoning Administrator.

Section 7 - MUNICIPAL CODE

The Municipal Code compiles a municipality's applicable ordinances (rules, regulations, or standards) (GC [50022.1](#)). The Municipal Code is the primary code of the municipality, while any other codes adopted by reference are considered secondary codes (i.e., building, fire safety, electrical codes, etc.). Adopting by reference means adopting a code previously written and adopted by another agency, such as the county or state.

Ordinances are codified into the municipal code following their second reading and adoption by the City Council and have reached the required 30-day period to take effect. The codification is generally done under the supervision of the City Attorney or the Clerk. Municipal Codes and their updates (supplements) may be composed and printed by a commercial publisher or the city itself.

Code Books are generally kept by various staff members, the City Council, City Attorney, City Manager, Clerk, and Code Enforcement. It is recommended that extra copies be made available at the Clerk's Office and designated public places (library) for public perusal (GC [50110](#)). Some cities sell copies of their code book to the public (usually, local attorneys and contractors want copies of the Code). However, most municipalities have online access to their municipal code, which provides more accessible and cost-effective access.

The most frequently used process for keeping the code current is the supplemental procedure. Generally, the Clerk's Office will either forward all applicable new ordinances to the code publisher (codifier) or

complete the codification in-house. The publisher will add, delete, or change the code sections as prescribed by the ordinances. The supplement should be provided for all internal copies and required codes and at least offered to all outside persons with a copy of the code. For this reason, keeping an accurate list of all people who maintain a code is essential. Supplements may be done annually, semi-annually, quarterly, or as ordinances are adopted.

Between the preparation and distribution of supplements to the code, it is also recommended that ordinances amending the code be distributed to internal code bookholders as they are adopted and executed. Timely distribution helps to ensure that the code is as up-to-date as possible at all times. These ordinances should be annotated in code books until the supplement is received. If this is too cumbersome for some cities, an alternative is to post a label inside the code stating the location of the online version.

Example: "This Municipal Code is updated quarterly. To access the most current updates of this code, please visit the website www.municode.com. The online code is continuously updated following the ordinance effective date." Some clerks are responsible for annotating books and inserting supplements into the code book holder; other clerks gather the books, make the necessary changes, and then return the books.

Section 8 - COUNTY RECORDER

The recorder shall, upon payment of proper fees and taxes, accept for recordation any instrument, paper, or notice which is authorized or required by law to be recorded if such instrument, paper, or notice contains sufficient information to be indexed as provided by statute and is photographically reproducible. The county recorder shall not refuse to record any instrument, paper, or notice authorized or required by law to be recorded based on its lack of legal sufficiency ([GC 27201](#)).

In addition to the requirements listed for each document, basic requirements apply to all documents. Each document presented for recording must include or comply with the following:

1. Return address and name(s) of the person(s) requesting recording ([GC 27361.6](#)). The upper left-hand corner of each document is intended for the public's use to show the name and address to which the document should be returned and the person(s) requesting the recording.
2. Legibility/Photographic ability ([GC 27361.7](#)). Whenever a document or portion is not sufficiently legible to produce a readable photographic record, a legible copy may be attached and certified by the party creating the copy to be a true copy of the original. Legible copy also pertains to notary seals, certificates, and other appendages.
3. English language translation ([GC 27293](#); [Atty Gen Op 82-1209](#)). Whenever a document or portion is in a foreign language, a certified English translation must be attached and subsequently recorded.
4. Name(s) of the party(ies) to be indexed ([GC 27280.5](#)). Names of parties to be indexed shall be legibly signed, typed, or printed.
5. Signatures ([GC 27280.5](#); [CC -1213](#), [1218](#)). Signatures must be original unless the document is a certified copy issued by the appropriate custodian of the public record.
6. Acceptances ([GC 27281](#)). Grants to a public entity must be accepted.

For further information on documents to be recorded, see Government Code Section [27280](#) et seq. A city is exempt from payment of recording fees ([GC 27383](#)). Clerks typically acknowledge and forward documents for recordation.

Electronic Recording

Electronic recording is the process of submitting, receiving, and processing official documents electronically rather than through traditional paper-based methods. In the context of municipal clerks, electronic recording typically applies to documents such as deeds, liens, and other public records that require official filing with the county recorder's office or other government agencies. This technology enables municipal clerks to handle records more efficiently, reduce processing times, minimize paper use, and provide more accessible services to the public.

The use of electronic recording systems has become increasingly common as more government agencies adopt digital solutions to streamline operations and enhance transparency. For clerks, this shift not only modernizes the record-keeping process but also ensures greater accuracy and security of public documents.

Requirements for Electronic Recording

Legal Authorization

Municipal clerks must ensure that electronic recording is legally authorized within their jurisdiction and often involves compliance with state laws, such as the Uniform Electronic Transactions Act (UETA) or other electronic recording statutes. Clerks should consult with legal counsel or county recording offices to confirm that electronic submissions are valid for specific document types.

Approved Vendors or Platforms

Many counties or states require the use of certified electronic recording vendors or platforms. Municipal clerks should verify which systems are approved for use and ensure that the electronic documents they submit are compatible with the recorder's office software. Approved vendors typically provide secure electronic portals for uploading documents and tracking the status of submissions.

Digital Signatures

Documents submitted through electronic recording systems must include valid digital or electronic signatures. These signatures must meet legal standards, often requiring certification from trusted providers, to ensure authenticity and prevent tampering. Digital signature certificates may need to be renewed periodically.

Document Formatting

Documents submitted electronically must adhere to specific formatting requirements, including file type, size, and resolution. Most recording offices accept PDF files, but they may also have guidelines for acceptable page layouts, margins, and other document features. Municipal clerks should ensure that documents are scanned or generated in compliance with these standards to avoid rejections.

Data Security and Privacy

Municipal clerks are responsible for safeguarding sensitive information contained in public records. Electronic recording systems must comply with security protocols, such as encryption and secure login systems, to protect the integrity and confidentiality of the documents. Clerks should regularly review system security policies and ensure their office follows best practices in data protection.

Payment and Fees

As with traditional recordings, electronic recordings often require the payment of applicable fees. These fees can be paid electronically through the recording platform, and clerks must ensure they are calculated

accurately based on the type and number of documents submitted. It's essential to verify the payment process and maintain records for financial audits.

Benefits of Electronic Recording

- **Efficiency:** Reduces the time required to process and record documents, as submissions can be completed instantly rather than by mail or in-person visits.
- **Accuracy:** Minimizes the risk of human error by automating some processes and allowing for real-time validation of documents.
- **Cost Savings:** Reduces paper usage, mailing costs, staff and travel time, and storage space requirements.
- **Improved Access:** Increases the speed at which documents are available to the public, enhancing transparency and convenience.

By following these requirements and embracing electronic recording, municipal clerks can ensure a smooth and secure transition to digital record-keeping, helping their offices serve the public more efficiently.

Section 9 - ACKNOWLEDGEMENTS (OATHS)

The Clerk and Deputies may administer oaths or affirmations and take and certify affidavits and depositions regarding city affairs and business, which may be used in any court or proceedings in the state. The acknowledgments of an instrument may be made before the Clerk and deputies within the city in which they were elected or appointed by affixing the city seal (GC 40814). Civil Code Section 1181 states that the Clerk has the authority to acknowledge instruments. This type of acknowledgment is similar to the acknowledgment performed by a Notary Public. On an acknowledgment, the Notary or Clerk certifies to the signer's identity, that the signer personally appeared before them on the date indicated and in the County indicated, and the city in the case of the Clerk, and that the signer acknowledges signing the document. The Certificate of Acknowledgment must be filled out when the Notary or Clerk's signature and seal are affixed.

Section 10 - NOTARY PUBLIC

A Notary Public is an official of integrity appointed by the state government — typically by the secretary of state — to serve the public as an impartial witness in performing various official fraud-deterrent acts related to signing important documents. These official acts are called notarizations or notarial acts. Notaries are publicly commissioned as "ministerial" officials, meaning they are expected to follow written rules without exercising significant personal discretion, as would otherwise be the case with a "judicial" official.

A Notary's duty is to screen the signers of important documents for their true identity, their willingness to sign without duress or intimidation, and their awareness of the document's contents or transaction. Some notarizations also require the Notary to put the signer under an oath, declaring under penalty of perjury that the information in a document is true and correct. Property deeds, wills, and powers of attorney are examples of documents that commonly require a Notary.

Impartiality is the foundation of the Notary's public trust. They are duty-bound not to act in situations where they have a personal interest. The public trusts that the Notary's screening tasks have not been

corrupted by self-interest. And impartiality dictates that a Notary never refuses to serve a person due to race, nationality, religion, politics, sexual orientation, or status as a non-customer.

As official representatives of the state, Notaries Public certify the proper execution of many of the life-changing documents of private citizens — whether those diverse transactions convey real estate, grant powers of attorney, establish a prenuptial agreement, or perform the multitude of other activities that enable our civil society to function.

Through notarization, Notaries deter fraud and establish that the signer knows what document they're signing and that they're a willing participant in the transaction.

Generally, a Notary will ask to see a current ID with a photo, physical description, and signature. Acceptable IDs usually include a driver's license or passport.

Unlike Notaries in foreign countries, a U.S. Notary Public is not an attorney, judge, or high-ranking official. A U.S. Notary is not the same as a Notario Publico, and these differences can confuse immigrants when they approach Notaries in this country. Notaries in the United States should be clear about what they can or cannot do to serve immigrants correctly and steer clear of notarial issues.

You can become a Notary in your state if you meet the eligibility requirements and follow all of the steps in the commissioning process. California residents can become a Notary by completing the following steps:

1. Make sure you meet all of the requirements.
 - ☐ Be at least 18 years old.
 - ☐ Be a legal resident of the state of California.
 - ☐ Not be convicted of a felony, a lesser crime involving moral turpitude, or a lesser offense incompatible with the duties of a Notary.
2. Take a six-hour training course from a [California state-approved vendor](#).
3. Complete the [CA Notary Public application form](#).
4. Pass a state-administered exam. Bring your photo ID, completed application, 2" x 2" color passport photo, Proof of Completion certificate for the course, registration confirmation letter, and \$40 fee to the testing site.
5. Submit the [Request for LiveScan Service](#) form with your fingerprints for your background check. The Department of Justice has a list of [Live Scan locations](#).
6. Receive your commission certificate from the state in the mail.
7. Get a \$15,000 [surety bond](#).
8. File your bond and oath of office with the county clerk within 30 days.
9. Buy your [Notary journal](#) and [Notary stamp](#) from a designated vendor.
10. Get E&O insurance (optional but [strongly recommended](#)).

The Different Notarial Acts

Acknowledgments

An acknowledgment is typically performed on documents controlling or conveying ownership of valuable assets. Such documents include real property deeds, powers of attorney, and trusts. For an acknowledgment, the signer must appear in person at the time of notarization to be positively identified and to declare ("acknowledge") that the signature on the document is their own, that it was willingly made, and that the provisions in the document are intended to take effect exactly as written.

Jurats

A jurat is typically performed on evidentiary documents that are critical to the operation of our civil and criminal justice system. Such documents include affidavits, depositions, and interrogatories. For a jurat, the signer must appear in person at the time of notarization to sign the document and to speak aloud an oath or affirmation promising that the statements in the document are true. (An oath is a solemn pledge to a Supreme Being; an affirmation is an equally solemn pledge on one's honor.) A person who takes an oath or affirmation in connection with an official proceeding may be prosecuted for perjury should they fail to be truthful.

Certified Copies

A copy certification is performed to confirm that a reproduction of an original document is true, exact, and complete. Such originals might include college degrees, passports, and other important one-and-only personal papers that cannot be copy-certified by a public record office such as a Bureau of Vital Statistics and which the holder must submit for some purpose but does not want to part with for fear of loss. This type of notarization is not an authorized notarial act in every state and, in the jurisdictions where it is authorized, may be executed only with certain kinds of original documents.

Each state and U.S. territorial jurisdiction adopts laws governing the performance of notarial acts. While these different notarial laws are largely congruent regarding the most common notarizations, namely acknowledgments and jurats, several states have unusual laws. In the state of Washington, for example, certification of the occurrence of an act or event is an authorized notarization. In Maine, Florida, and South Carolina, performing a marriage rite is an allowed notarial act.

The Parts of a Notarization

The Notary's screening of the signer for identity, volition, and awareness is the first part of a notarization.

The second part involves entering key details of the notarization in the Notary's "journal of notarial acts." Keeping such a chronological journal is a widely endorsed best practice if not a legal requirement. Some states even require document signers to leave a signature and a thumbprint in the Notary's journal.

The third part is completing a "notarial certificate" that states exactly what facts are being certified by the Notary in the notarization. Affixation of the Notary's signature and seal of office on the certificate climaxes the notarization. The seal is the universally recognized symbol of the Notary office. Its presence gives a notarized document considerable weight in legal matters and renders it genuine on its face (i.e., *prima facie* evidence) in a court of law.

Section 11 - FRANCHISES

A franchise is the right to use public streets or other publicly owned property for facilities owned by a private business. Franchises are granted for the construction of public utilities, the laying of railroad tracks and the running of cars on those tracks, and the laying of gas and water pipes in public streets (GC 39732).

Telephone companies are exempt from municipal franchising. The municipal code should contain references to franchising and the procedures required to establish a franchise. A municipality may grant a franchise agreement to officially grant a corporation or business certain rights or privileges within the city's corporate boundaries, such as selling goods, services, or certain rights and powers.

Section 12 - AFFIDAVITS

Code of Civil Procedure Section 2010 requires that proof of publication of a notice shall be made by affidavit. This type of affidavit is generally a form filled out by the newspaper with a copy of the publication affixed to it. Publication requiring an affidavit usually applies to notices of public hearings, ordinances, and certain resolutions. Proof of posting of a notice is made by an affidavit of the person posting it, reciting the facts of the posting, i.e., where, date, and time, and who posted the notice. This type of notice is generally caused to be posted by the Clerk and recited in the affidavit as such.

Affidavits of posting are generally applicable to meeting notices and some ordinances. The ordinances requiring such action are called out in the Government Code and the individual city's municipal code. An affidavit may also be necessary when a notice is required to be mailed to property owners, such as in a change of zone public hearing. Sample affidavits, or "Sample Proof of Publication," are included in the appendix.

Section 13 - STREET NAME CHANGE PROCEDURE

Street names are ordinarily adopted or changed through procedures established in an individual city's municipal code. The Government Code states that when the name of any street is adopted, established, or changed, or any house numbers have been changed on any street, the Clerk must forward a copy of the resolution or order to the County Board of Supervisors (GC 34092). Such a resolution may also be recorded in the County Recorder's Office. Other agencies that need this information include school districts, transit districts/agencies, utility districts, police and fire, or other special districts. Refer to the [Streets and Highways Code](#) for additional information on streets (abandonments, etc.).

Section 14 - CALIFORNIA CODES

The California Codes incorporate all general and permanent legislative laws of the State of California. There are 29 codes; however, the two most pertinent to the Clerk's duties are the Elections Code and the Government Code. The most commonly used versions are annotated and frequently updated through pocket supplements. Codes can be obtained from commercial vendors such as West's Annotated Codes and Deerings California Codes.

In research, it is best to begin with the General Index and then go to the individual code indexes. The sections within each code are arranged in numerical order. The supplement (also known as a pocket supplement) is completed annually and includes changes made since the books were last published. One book, such as the Elections Code, may have many supplements to the bound book before the book is recodified and republished. Always check the supplement portion first for the most current law. All of these codes can be found online at www.leginfo.ca.gov.

As well as the code section, these annotated codes will generally include litigation/case notes, cross-references, historical notes, law reviews, library references, opinions of the Attorney General, and other pertinent data.

Section 15 - POLITICAL REFORM ACT OF 1974

Conflict of Interest Code & Statement of Economic Interests

See www.fppc.ca.gov.

The Political Reform Act of 1974 provides that certain municipal officials must disclose their "economic interests" periodically on forms provided by the State Fair Political Practices Commission (FPPC). These municipal officials are members of the City Council (including the Mayor), members of the City Planning Commission, the Chief Administrative Officer (City Manager or City Administrator), the City Attorney, the City Treasurer (Finance Director), and other city officials who manage public investments and to any candidates for any of these offices (GC 87200).

The FPPC is the "filing officer" for statements of economic interests filed by officials in Government Code Section 87200. The FPPC implemented an electronic filing system for 87200 filers whose statements are forwarded to the FPPC. eDisclosure™ allows filers to submit Form 700 electronically while allowing filing officials to add, transfer, and deactivate filers. Statements of economic interests may also be filed via paper with a handwritten signature or with a "secure electronic signature," which may be submitted in two ways. The first form of a "secure electronic signature" is an electronic signature included in an electronic filing system such as NetFile or DisclosureDocs. The second form of a "secure electronic signature" is a "digital signature," which may be used to sign documents electronically if the filing official permits. If a filer files on paper, forward the original wet signature statement to the Fair Political Practices Commission in Sacramento within five days of the due date. There are specific filing deadlines as per FPPC Regulation 18115.

In addition, filing officials are required to notify the Fair Political Practices Commission within ten days when an 87200 filer whose statement is forwarded to the Commission assumes or leaves a designated position at any time during the year.

The FPPC typically sends a notice to agency filing officials reminding them of their duties and asking them to notify filers 30 days before the annual deadline. FPPC Regulation 18115(a)(2) provides specifics regarding how to review the submitted forms. Statement of Economic Interest forms are frequently updated annually online. Therefore, ensuring that the proper versions are being supplied and used is good practice. The FPPC requires that agency filing officials compile and maintain a current list of all statements filed with the office, Regulation 18115(7).

Every agency shall adopt a "Conflict of Interest Code," according to Government Code Section 87300, designating employees involved in making or participating in a decision that may foreseeably affect their financial interest (GC 87302). The persons required by that local conflict of interest code to disclose their economic interests are called "designated employees," even though some of them may be unpaid volunteers performing some municipal function as a donated public service such as Board/Commission/Committee Members, or a paid consultant providing specified services for the city.

Each Conflict of Interest Code shall contain the following provisions: (a) designation of the positions within the agency, other than those specified in Section 87200, which involve the making or participating in the

making of decisions that may foreseeably have a material effect on any financial interest and for each such designated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of their position.

Government Code Section 87306.5 requires every local agency's code reviewing body (City Council) to review their Conflict of Interest Code no later than July 1 of every even-numbered year and either amend the code if necessary or report that no amendment is needed. This report must be submitted to the City Council no later than October 1 of each even-numbered year.

A public official or designated employee participates in the making of a governmental decision when acting within the authority of their position:

1. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decisions or
2. Advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review, by:
 - a. Conducting research or making any investigation which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision; or,
 - b. Preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of the official or designated employee, and the purpose of which is to influence the decision. "Making or participating in the making of a governmental decision shall not include:
 - i. Actions of public officials that are solely ministerial, secretarial, manual, or clerical;
 - ii. Appearance by a public official as a member of the general public before an agency in the course of its prescribed governmental function to represent themselves on matters related solely to their interests or
 - iii. Actions by public officials, employees, or employee representatives relating to their compensation or the terms or conditions of their employment or contract."

[2Cal. Adm. Code SS 18700(c),(d)]

Each agency or department must determine the relevant duties of individual officers and employees.

The Conflict of Interest Code must require that each designated employee file an assuming office statement, an annual statement, and a leaving office statement disclosing reportable financial interests. Assuming and leaving office statements must be filed within 30 days of the date of the action.

The Act requires that each Conflict-of-Interest Code set forth the specific circumstances under which designated officials or employees must disqualify themselves from making or participating in the making of decisions which foreseeably may materially affect any of their financial interests. Satisfying the specific requirement will require disqualification of an official only where one of their reportable financial interests may be materially financially affected by a decision.

Once the city has determined the general language of its code, which employees should be designated, and what disclosure will be required of each designated employee, the agency must hold a hearing. After that, the City Council adopts the local code by Resolution. Usually, the Clerk is named as the filing officer for Statements of Economic Interests required by local conflict of interest codes.

The FPPC provides a Standard Form Conflict of Interest Code and adoption procedure, simplifying future amendments.

As the city's filing official, the Clerk reviews statements for designated employees for compliance. The FPPC conducts periodic workshops on how to review statements. The filing official may elect to review all statements filed within their purview or do a prima facie review with a sampling from those statements filed. For reviewing purposes, the nine most common mistakes in completing Statements of Economic Interests are:

- ☐ Filers fail to state the period covered by the statement correctly. In addition, filers frequently fail to enter the date they assumed a designated position or left the agency.
- ☐ Filers fail to state the name of their agency and designated positions.
- ☐ Statements are not typed or legibly completed in ink.
- ☐ Persons who file statements late fail to attach the reason for their late filing.
- ☐ Statements filed by designated employees are forwarded to the Commission.
- ☐ Agencies fail to stamp the date of receipt on statements.
- ☐ Agencies fail to maintain current and organized files of all statements filed with them.
- ☐ Filers are not notified that a statement must be filed within 30 days of leaving the agency.
- ☐ Filers forget to sign.

Section 16 - STATE LEGISLATIVE PROCESS

Legislative Process

California's legislative process is very complex. The following resources have been compiled to help city officials understand how bills become laws.

Legislative Process 101

- [Navigating the Legislative Process](#)
- [The Life Cycle of Legislation: From Idea to Law Flowchart](#)
- [Basic Overview of Legislative Process](#)
- [Legislative Terms](#)
- [How to Analyze a Bill](#)

Lobbying

- [Top 10 Tips for Lobbying the Legislature](#)
- [Tips for Building and Maintaining Relationships in a Term-Limited Legislature](#)
- [Committee Services - Quick Reference Sheet](#)

Regulatory Process

- [Basic Overview of the Regulatory Process](#)
- [Regular Rulemaking Flowchart](#)
- [Basic Overview of the Emergency Regulatory Process](#)

- [Emergency Rulemaking Flowchart](#)

Researching and Tracking Legislation

Finding Legislation

Finding current California legislation is generally straightforward, thanks to several helpful print and electronic sources. Bills can easily be located by bill number, subject, name of the legislator who introduced the bill, or by reference to existing sections of the California Constitution, codes, and uncodified laws affected by measures introduced. Several examples of searching for legislation in these various ways are provided as follows.

1. Finding Legislation by Bill Number or Author

The bills from each house are numbered sequentially as they are introduced during the legislative session. The prefix "AB" is assigned to Assembly bill numbers, and the prefix "SB" is assigned to Senate bill numbers. Other standard designations for legislation include ACA or SCA for constitutional amendments and AJR or SJR for joint resolutions.

- Official California Legislation Information Inquiry System** (<http://leginfo.legislature.ca.gov/>). Searching by bill number or author in the Official California Legislation Information Inquiry System ("Leginfo website") is as simple as entering the desired number or name into the search box that appears on the "[Bill Information](#)" page of the site. Researchers may use the drop-down lists at the top of the page to narrow a search to a specific house.
- Westlaw.** Westlaw's California Bill Tracking--Full Text database ([CA-BILLTEXT](#)) contains full text of current California legislation. The database is updated daily. Searches for legislation by bill number or author are best performed via the database's simple search template.
- Lexis.** Lexis' Full-Text Bills database (Statutes and Legislation > CA Full-Text Bills) contains the full text of current California legislation. The database is updated within one day of publication. Searches for legislation by bill number or author are best performed via the database's document segments.

2. Finding Legislation by Subject or by Sections Affected

- Official California Legislation Information Inquiry System** (<http://leginfo.legislature.ca.gov/>). Searching for legislation by subject or sections affected on the Leginfo website is equally straightforward, thanks to a basic keyword search box on the site's "[Bill Information](#)" page. Although exact phrase searching is possible with double quotation marks, the system does not recognize Boolean search logic. Researchers may use the drop-down lists at the top of the page to narrow a search to a specific house. Before clicking "Search" to run a query, toggle the "Keyword" button above the search box.
- Westlaw.** Westlaw's California Bill Tracking--Full Text database ([CA-BILLTEXT](#)) contains full text of current California legislation. The database is updated daily. Searches for legislation by subject or sections affected are best performed using terms and connectors to construct an effective search statement.
- Lexis.** Lexis' Full-Text Bills database (Statutes and Legislation > CA Full-Text Bills) contains the full text of current California legislation. The database is updated within one day of publication.

Searches for legislation by subject or sections affected are best performed using terms and connectors to construct an effective search statement.

- d. Legislative Index. The [Legislative Index](#) is published electronically and in print by the Legislative Counsel. The Index provides a subject matter index of all legislative measures for the current legislative session. It indicates the subject of each bill, constitutional amendment, and concurrent or joint resolution as introduced and amended. The Index is available electronically in searchable HTML and PDF formats. The Index is also held in the collection of the UCLA Law Library, together with the Table of Affected sections, at [KFC14 .L43i](#).

Suggested Resources

Last updated in January 2009 by the Legislative Counsel, [A Guide for Accessing California Legislative Information on the Internet](#) provides a brief overview of sources of bill information and California law on the Internet, as well as a summary of the legislative process. Appendix B of the guide provides a helpful glossary of legislative terms.

[Legislative Index](#)

The Legislative Index provides a subject matter index of all legislative measures for the current legislative session. The Index indicates the subject of each bill, constitutional amendment, and concurrent or joint resolution as introduced and as amended. Entries are not removed from the index when the subject matter is deleted from the measure in the course of the passage. The Index is available electronically via the link provided here and in print (Call No. KFC14 .L43i).

[Table of Sections Affected](#)

The Table provides an index of each section of the California Constitution, codes, and uncodified laws affected by measures introduced. The PDF and HTML documents referenced here include the measure and chapter number links. Though the table is updated regularly, it may not contain all legislative actions as of the date indicated on the title page of the document. The Table is cumulative and published by the Legislative Counsel. The Table is available in print as well (KFC14 .L43i).

League of California Cities

The [League of California Cities](#) advocates tirelessly on the issues that matter most to California's 482 towns and cities. Its advocacy team works with regional field staff and lawmakers to sponsor, draft, and support legislative and regulatory measures that promote local decision-making and lobby against policies that erode local control. They also form coalitions with other local government associations, including the City Clerks Association of California and its Director of Legislative Affairs, and stakeholders to advocate for common goals.

Cal Cities takes positions on hundreds of bills annually. With over 400 city officials serving on Cal Cities' seven policy committees, cities directly influence the direction of Cal Cities' overall advocacy efforts.

[Tracking Legislation](#)

Once you have identified the proposed bills that relate to your issue, you will want to ensure that you remain informed of all hearings, amendments, and actions taken on those bills as they make their way through the legislative process. There are several services available online that assist researchers with

tracking proposed legislation in California. Several are linked below. Guidance on using the services mentioned is presented as follows:

1. Official California Legislation Information Inquiry System (<http://leginfo.legislature.ca.gov>)

To track legislation on the California Leginfo system, creating an account using the online registration form is first necessary. To do so, first go to <http://leginfo.legislature.ca.gov>. Once on the site, click the link in the top right corner that reads "login".



On the new page that will open, click on the link that reads "Registration":



Enter the required information and click "Submit." Once you do so, it will process your registration and redirect you to the login page for the Leginfo website. You will need to check the email account used in your registration for an email from the website, which will provide a temporary password to validate your account. You can copy (Ctrl+C) and paste (Ctrl+V) that password to log into the Leginfo login page and then click "Login," which will prompt you to create a new password. Once you do this, you will be logged into the Leginfo site.

To then proceed to subscribe to updates on proposed legislation, click the third link in the blue menu under the California Legislative Information logo that reads "My Subscriptions":



Then select the house from the first drop-down box and enter the bill number (if known). Once you have done so, click "Submit":



California
LEGISLATIVE INFORMATION

[Skip to Content](#) [Home](#) [Accessibility](#) [15](#)

Quick Search:
Bill Number

[Bill Information](#) [California Law](#) [My Subscriptions](#)

My Subscriptions

ADD A NEW BILL TO TRACK: Measure Number Session Type

BILLS TRACKED: 0

NOTE: All subscriptions will be deleted at the end of their respective two-year session.

You then will be prompted to select the notifications you want to receive. You can choose that box if you are only interested in when the bill is enrolled with the governor and when it's approved or vetoed. If you want to receive all notifications, click the top box that reads "Select all." Once you've made your selections, click the button that reads "Add Notifications." – These steps are highlighted below:

BILL: AB-937 - CONSERVATORS AND GUARDIANS: PERSONAL RIGHTS OF CONSERVATEES.

SELECT BILL TRACKING NOTIFICATION POINTS:

Notification Point	Description	Select All <input type="checkbox"/>
Across the Desk	A notification of when the committee recommendation crosses the desk. Includes committee recommendations that re-refer the measure to another committee.	<input type="checkbox"/>
To Committee	A notification of when each measure is originally referred to either a Senate or Assembly committee as well as any subsequent re-referrals from the floor. A notification will be sent if the action is later rescinded or reconsidered.	<input type="checkbox"/>
Amended	A notification of when a measure is amended on second or third reading as well as measures amended by author's amendments. A notification will be sent if the action is later rescinded or reconsidered.	<input type="checkbox"/>
Floor Results	A notification of how a measure performs on the Senate or Assembly floor: pass; fail; moved to the inactive file or special consent calendar; or if the measure is returned to the other house. A notification will be sent if the action is later rescinded or reconsidered.	<input type="checkbox"/>
Enrolled and Governor's Response	A notification of when a measure is enrolled with the Governor, if it's approved or vetoed, or if the bill was returned by the Governor at the request of either house.	<input checked="" type="checkbox"/>
Final Results	A notification indicating the final action of a measure: its chapter number; if it failed or died in committee; or died pursuant to the Constitution.	<input type="checkbox"/>

Once you click "Add Notifications," you are done! If you ever wish to delete a subscription, revisit the **My Subscriptions** link and click the option for "delete."

The status and history of a bill may also be determined on the Leginfo website by clicking on the "Status" and "History" links at the top of every Bill Document. The "Status" of a bill reflects its last historical action date and any scheduled hearings. The "History" of a bill reflects all associated legislative activity, including its introduction, dates of amendment, and voting record.

The screenshot shows the California Legislative Information website. At the top, there is a navigation bar with links for "skip to content", "home", "accessibility", "feedback", and "login". Below this is a "Quick Search:" box with a "Bill Number" dropdown and a "GO" button. The main navigation bar includes "Bill Information", "California Law", and "My Subscriptions". A breadcrumb trail reads "Bill Information >> Bill Search >> Text". The bill being tracked is "AB-76 State government. (2013-2014)". A "Track Bill" link and a version dropdown (06/14/13 - Enrolled) with a "Go" button are visible. Below the bill title is a tabbed interface with tabs for "Text", "Votes", "History", "Bill Analysis", "Today's Law As Amended", "Status", and "Comments To Author". The "History" and "Status" tabs are highlighted with red boxes.

2. WestlawNext California Bill Tracking (Law School Only)

WestlawNext's California Bill Tracking database ([CA-BILLTRK](#)) contains summaries and status information on current California legislation. The database is updated daily, and legislation is tracked from the introduction to the end of the biennial session (or to the date the bill dies, if sooner). Searches may be performed using natural language or terms and connectors, as well as by use of a simple search template. Subscribers to WestlawNext can use the system's WestClip feature to subscribe to alerts for proposed legislation, as illustrated below (the example provided is for an alert using a citation to a known bill). There are five steps in creating a WestClip Alert for proposed legislation:

Basics: Create a name for your alert and provide a description (if desired). Click the blue **Continue** button to move to the next step;

Select Content: To track legislation proposed in California, from the list of options, select **State Materials > California > California Proposed & Enacted Legislation > California Proposed Legislation (Bills)**;

Enter Search Terms: You can add keywords or bill number information using the initial search box, though it is recommended that you take advantage of the advanced search feature (link is found next to the orange search button in WestlawNext). Suppose you want to create a WestClip to a specific bill number introduced in a particular year. In that case, the search will look as follows, using applicable terms and connectors: advanced: **CI("s.b. 128") & YE(2015)** (this searches for Senate Bill 128 introduced in 2015). You can preview your results by clicking **Enter** or the orange **Search** button near the top of the screen.

Date	All
Preliminary	
Caption	
Citation	"s.b. 128"
Text	
Summary	
Year	2015

[All Content](#) | [California Proposed Legislation \(Bills\)](#) | [STEINER VICKI](#) | [Folders](#) | [History](#) | [Alerts](#) | [Vicki Steiner](#)

advanced: CI("s.b. 128") & YE(2015) SEARCH advanced Vick's Research (7)

[Back to California Proposed Legislation \(Bills\)](#)

California Proposed Legislation (Bills) (1)

1 - 1 Sort by: Relevance

☒ Select all items | 1 item selected [clear selected](#)

<input checked="" type="checkbox"/>	1. 2015 CA S.B. 128 (NS) 2015 California Senate Bill No. 128, California 2015-2016 Regular Session January 20, 2015 TITLE: End of life. VERSION: Introduced
-------------------------------------	---

Select Content: Since you have already entered your search terms, you need not specify additional information in this field. **California Proposed Legislation (Bills)** is already included at this point. As such, click the blue **Continue** button to proceed;

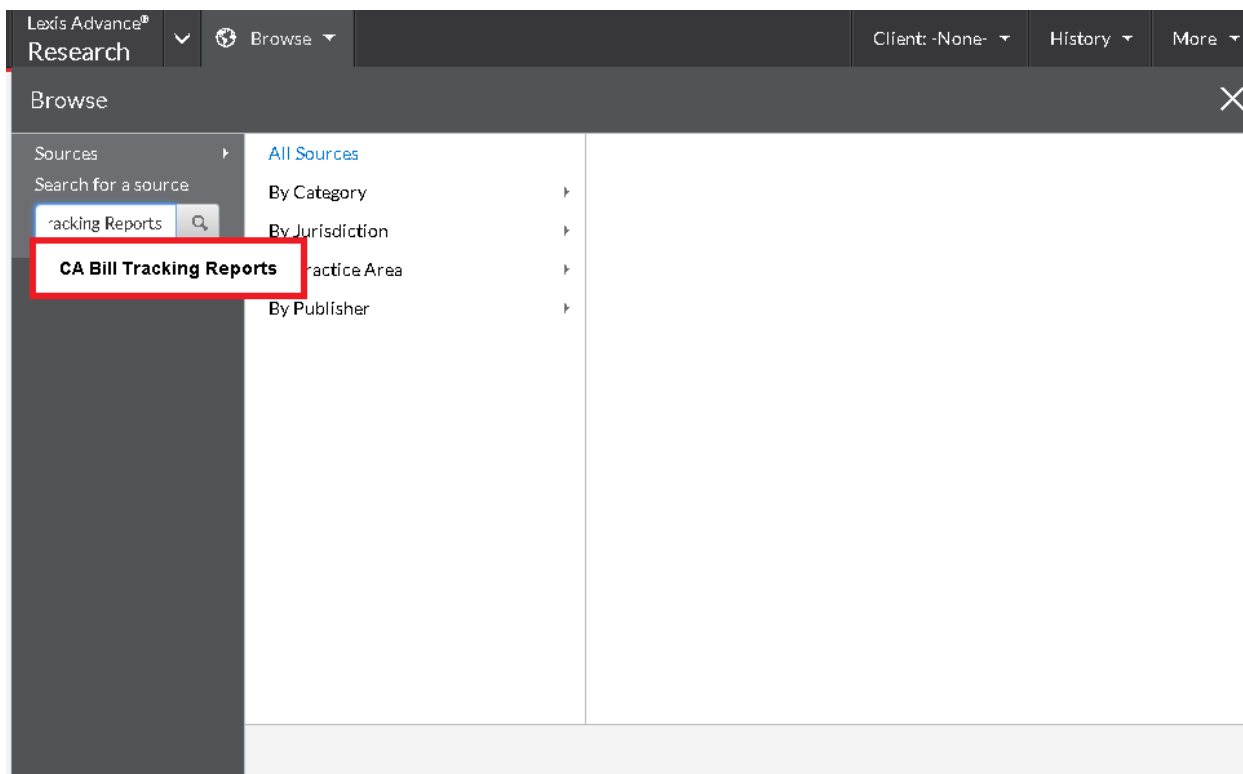
Enter Search Terms: again, since you have already performed your search, you need not specify additional information. As such, click the blue **Continue** button to proceed;

Customize Delivery: At this point, you can set your preferences for the delivery of your alert, such as email settings, formatting, and the level of detail you want included in your alert. When you have selected your preferences, click the blue **Continue** button to proceed;

Schedule Alert: Once you have completed the steps mentioned above, the final step is to designate the frequency of which alerts will be sent, the end date for receipt of alerts (if desired), and the time at which alerts should be transmitted. Select the blue **Save Alert** button to save and schedule your alert, and then you are done!


3. Lexis Advance CA Bill Tracking Reports (Law School Only)

Lexis Advance has a legislative tracking feature that is similar to WestlawNext's. Select Browse from the top of the home page to get to the relevant database. Then, in the **Search for a source** box, type **CA Bill Tracking Reports**, hit enter, and select **Add source as a search filter** to select the database for searching.



The Lexis Advance CA Bill Tracking Reports database contains summaries and status information on current California legislation. The database is updated within two days of publication, and legislation is tracked from introduction to the end of the biennial session (or to the date the bill dies, if sooner). Searches may be performed using natural language or terms and connectors. Subscribers to Lexis can use the system's **Alert** feature to subscribe to alerts for proposed legislation. When viewing a bill you want to track, click the alarm clock icon to create an alert. Then, proceed to specify your delivery options.

Lexis Advance® Research ▼ 🌐 Browse ▼ "assembly bill 1965" AND 2013 1 Filter 🔍 Client: -None- ▼ History ▼ More ▼

Document: 2013 Bill Tracking CA A.B. 1965 

Add to 📁 🖨 📧 📧 📧 Jump to ▼ [Results list](#) ◀ Previous document | Next document ▶

2013 Bill Tracking CA A.B. 1965

[Copy Citation](#)

Introduced February 19, 2014

Reporter
2013 Bill Tracking CA A.B. 1965

CALIFORNIA BILL TRACKING > CALIFORNIA 2013-14 REGULAR SESSION > ASSEMBLY BILL 1965 > 2013 Bill Tracking CA A.B. 1965

Last Action: August 21, 2014; Chaptered by Secretary of State. Chapter No. 234

Synopsis

Authorizes a food facility to allow a person to bring a pet dog in outdoor dining areas under certain circumstances. Provides for control measures. Authorizes a city, county, or city and county to prohibit that conduct by ordinance.

About This Document

Related Legislative Materials

[Full text version](#) (1)

[Legislative Histories](#) (1)

League of California Cities

Cal Cities' online bill search makes it easy for city officials and others to track Cal Cities' position on different measures, view letters that Cal Cities has sent to legislators, download sample letters, or see which lobbyists are working on which measures. You can also search by policy area or position on its [Bill Search](#) web page.

Legislative Platforms and Writing Letters of Support & Opposition

Legislative Platform

A Legislative Platform is a tool to protect and promote a City's interests on priority issues and legislative/regulatory matters that may impact the City at the state and federal levels. The guiding principles and policy statements allow City staff and legislative advocates to address legislative and regulatory issues promptly and directedly without precluding City Council consideration of additional legislative matters arising throughout the year. The platform supplements existing City Council-established goals and policies in various documents, including the City's General Plan and other governing documents such as Specific Plans, a Quality of Life Master Plan, a Trails and Bikeways Master Plan, a Youth Master Plan, etc.

Writing Letters of Support & Opposition

California State Assembly

The California State Assembly Committee on Communications and Conveyance provides specific requirements for submitting letters of support or opposition to the State Assembly:

- a. Letter Deadline. Letters communicating a formal position on a bill (support, opposition, concerns, etc.) must be received by the Committee by noon on the Friday of the week preceding the bill's scheduled hearing for the position to be referenced in some form in the analysis. Letters received after that time may be referenced at the discretion of the Committee Consultant.
- b. Letter Requirements. Position letters must be signed on organizational letterhead, where possible, and include the organization's or individual's name and mailing address expressing the position. Letters may be submitted to the Committee electronically via the Advocates Portal or using the "Submit Position Button" on the Committee's website.
- c. Updated Letters. Position letters must reference the most current version of the bill being heard before the Committee. Individuals and organizations wishing to withdraw or revise a previous position letter must communicate that information to the Committee in writing before the release of the analyses. Letters in the possession of the Committee that are not addressed to the Committee or which reference a prior version of a bill and have not been otherwise withdrawn may be included at the discretion of the Committee Consultant if it deems the letter to have continuing relevance.
- d. Letters for Assembly Oversight Hearings: Email your letters to elizabeth.delgado@asm.ca.gov and emilio.perez@asm.ca.gov by noon the day before the hearing.

Cal Cities frequently provides sample letters to support or oppose legislation on its "[Bills with Positions](#)" page.

CHAPTER 6. BOARDS, COMMISSIONS, AND COMMITTEES

SECTION 1 - DEFINITIONS, ROLES, AND RESPONSIBILITIES

A Board or Commission is an independent body authorized by ordinance, resolution, or statute to perform a particular function or advise or oversee specific departments. Examples include Planning and Zoning Commissions/Boards and Library Boards.

An advisory Committee is a structured way for individual community members to share opinions and perspectives, study issues, and develop recommendations. Examples include Districting or Redistricting Committees, Specific Plan Advisory Committees, or Teen Advisory Committees. Committees may also be called task forces.

The most clearly distinguishable feature is that a Committee typically fulfills a more discrete and time-defined role. At the same time, a Board or Commission is not time-bound and may have many responsibilities. Committees are often comprised of community members and may include council members or staff. Boards and Commissions are typically made up exclusively of community members.

Term Length, Term Limits, Member Requirements, and Resources

The requirements (and length of terms) can vary depending on the advisory body. Still, in general, all applicants must be residents (specific exceptions exist for certain advisory bodies) and, in many

jurisdictions, be at least 18 years old. (As adapted by the City of Menlo Park <https://bit.ly/MenloParklanguage>).

Additional requirements may apply to specific Boards/Commissions/Committees such as specific professional backgrounds such as architectural background or artistic experience, representative of a particular type of business or community group, or other criteria the governing board (city council) feels would assist with the Board/Commission/Committee's work. Note that requiring members to be registered voters is no longer allowed in General Law cities per [Senate Bill 174](#). If a Charter City's Charter includes this requirement, the requirement is likely still enforceable.

Individuals appointed to a city advisory body must fulfill several training and filing requirements established by the governing body. Requirements can include the following:

- Oath of Office (upon appointment)
 - Required before participating in a meeting as an appointed member
- Orientation and Handbook Training
 - Training required within 30 days of appointment for new members
- Annual live training after full-term appointments, which can be recorded for viewing throughout the year by partial-term appointments.
- Submission of an Orientation & Member Handbook Acknowledgement Form
- Sexual Harassment Prevention Training (within 30 days)
- AB1234 Ethics Training (within 30 days)
 - Two-hour [online training](#) within 30 days of appointment, then every two years for the duration of service
- Statement of Economic Interests Statement ([FPPC Form 700](#))
 - Filing required for Planning Commissioners and those advisory bodies identified in the agency's Conflict-of-Interest Code
 - Due within 30 days of appointment and annually after that for the duration of service

(As adopted by the city of El Cerrito: <https://bit.ly/ElCerritolanguage>)

Formation/Enabling Legislation, Number of Members, Authority

Boards, Commissions, and Committees are authorized by ordinance, resolution, or statute to perform a particular function or advise or oversee specific departments. Once applications are received, the governing body determines which applicants to interview. In some agencies, the full governing board interviews applicants. In others, a subcommittee of the governing board or the Mayor conducts the interviews.

The governing body will then vote to appoint members to serve on a Board, Commission, or Committee during a public meeting. New appointments for complete terms are typically made on an annual basis. Any needed replacement appointments for partial terms are made as necessary. Different agencies have different methodologies; for example, in Berkeley, several Board/Commission/Committee interviews and appointments are made by individual Councilmembers from residents of the Councilmember's Council District.

If a seat on a Board, Commission, or Committee is vacated before a term has expired, the member must submit a resignation letter to the Staff Liaison and City/County/Board Clerk. Each letter of resignation

must be addressed to the governing body. Each Board, Commission, or Committee meets according to its established schedule. (As adopted by the City of Palo Alto: <https://bit.ly/CityofPaloAltolanguage>).

The efficiency of a Board, Commission, or Committee will be influenced by its size. It is generally recommended that Boards, Commissions, or Committees have between five and seven members. Having an uneven number of members helps mitigate the likelihood of tie votes.

Advisory to City Council, Final Decision-Making Authority, Quasi-Judicial

Boards and Commissions are directly responsible to the governing body and fill advisory and/or quasi-judicial roles. Commissions are comprised of residents, while board members are selected for their particular expertise. Committees sponsored by the governing body are intended to be working groups and do not fill quasi-judicial roles. (As adopted by the city of El Cerrito: <https://bit.ly/ElCerritolanguage>)

Staff Liaisons

Staff liaisons are assigned to each advisory body. They are responsible for several areas, including generating meeting materials, managing advisory body records, facilitating meetings, advising members, and ensuring compliance with the Brown Act and Parliamentary Procedure. (As adopted by the city of El Cerrito: <https://bit.ly/ElCerritolanguage>)

Section 2 - MADDY ACT - COMMISSION APPOINTMENTS

The Maddy Act considers a vast and largely untapped reservoir of talent among the community members who are frequently unaware of the opportunities for participation on local regulatory and advisory Boards, Commissions, and Committees. Therefore, the Maddy Act was enacted to increase public awareness of appointments made by the Governor, the City Council, or other legislative bodies ([Government Code \(GC\) 54970](#)).

Per this provision, on or before December 31 of each year, the legislative body or City Council must prepare and post a list of appointments of all ongoing Boards, Commissions, and Committees that the City Council appoints. This list must include which terms will expire during the next calendar year with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position ([GC 54972](#)). The public library with the largest service population within its jurisdiction shall receive a copy of the list ([GC 54973](#)). City of Sunnyvale example: [Local Appointments List - Maddy Act](#)

Whenever an unscheduled vacancy occurs on one of these Boards, Commissions, or Committees due to resignation, death, termination, or other reason, a special vacancy notice shall be posted in the Office of the Clerk, the library designated according to [GC 54973](#), and in different places designated by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. The notice is suggested to be posted on the agency's website to reach more potential applicants. Appointment to that vacancy must not be made for at least ten working days after posting the special notice. The Council may find an emergency and fill the unscheduled vacancy immediately. A person appointed in this instance shall only serve until the final appointment is made ([GC 54974](#)).

An accurate roster of all Commissions, Boards, and Committees must be maintained to meet all requirements within the prescribed time frames. This task is usually delegated to the Clerk, who posts and publishes appropriate notices.

Section 3 - APPOINTMENT VOTING PROCESSES

Recruitment Strategies

- Meaningful recruitment should run for at least eight weeks
- Online advertising platforms: City website, Facebook, Instagram, LinkedIn, online newsletters of local community groups (Chamber of Commerce, service clubs, school districts)
- Email blast to local community groups
- Annual recruitment fair or Open House to accept applications for all Commissions, regardless of whether there is an upcoming scheduled vacancy. Have staff liaisons on hand to answer questions about their commission
- Attend meetings (in-person or remotely) of local community groups and ask for time to announce your recruitment (public comment!)
- Tables at Farmers' Market or other City hosted events
- Flyers at City facilities and local businesses (coffee shops, etc.), college and high school campuses
- Start an interest list on your City website, accept applications year-round, and review when there is an upcoming vacancy
- A weekly blog highlighting a different Commission each week during the recruitment
- Recruitment video reels (one minute or less) to post on the City website, social media, and in email blasts; feature current commission members' soundbites on why a resident should apply to a Commission or what they enjoy most about serving on a Commission
- Press release
- Announcement in City Activity Guide or other City news publications
- Downtown banner
- Announcements during City Council and Commission meetings
- Recruitment slides on Government Channel and TVs in City facilities

Questions/Requirements to Consider

- Are you a registered voter/eligible to vote? Some Cities require a commission member to be *registered* to vote, and some only require that they be *an eligible elector*. Include this question only if the City's Charter requires it. [GC 1020\(b\)](#) Note: requiring members to be registered voters is no longer allowed in General Law cities per [Senate Bill 174](#).
- What is your *residential* address? Some cities may allow applicants from the unincorporated parts of their town. But if not, you want to ensure the applicant is providing their home address in the City and not a business (or other) address in town to qualify to apply.
- What is your *business* address? Include if your City allows applicants who work in the City but reside outside the City.
- What Council District do you reside in? This information is valuable to ensure representation across the City, and some cities may select members based on District.
- What skills or experience would you bring to the Commission? Do you have a particular talent or lifestyle that would be helpful? – design or architect background; avid bicyclist, etc.
- What is the most interesting initiative/project of the Commission you wish to serve on?
- How did you hear about the Commission vacancy? This information can be helpful for future recruitments.

- If your agency has an anti-nepotism policy, include a question asking whether the applicant has a relative who works there. Their response may not necessarily exclude the applicant, but knowing if there could be conflicts of interest is helpful.
- Use gender-neutral language.
- Review application questions to remove implicit bias (such as Education, College Degree, etc.)
- Consider including an optional demographic survey that can be separated from the application and filed separately to gather demographic data to ensure and measure diversity and inclusion goals.
- If applicable, include language informing applicants they will be required to file a Statement of Economic Interests ([FPPC Form 700](#)).
- If applicable, include language informing applicants they will be required to take Ethics, Anti-Harassment training, etc.
- Include language informing the applicant that their application is a public record and will be provided upon request.

Interviewing Options

- City Council holds a special meeting to interview all applicants; pro - Council meets everyone individually; con - It takes a long time, especially if you have many applicants.
- City Council subcommittee interviews and makes recommendations to the full Council.
- Each Council member interviews applicants from their respective Council District.
- Allow applicants to submit a video interview responding to questions provided in advance; upload and provide a link to the full Council for review.
- Choose not to interview and base appointments on the application alone.

Appointment Process Options

- The Council discusses applicants and provides their first, second, and third choice (in the case of three vacancies). A Councilmember makes a motion on the top picks.
- Council submits blind voting (to remain anonymous); Clerk tallies and reports out the majority vote - can be difficult if there are many applicants and not much consensus.
- Roll call vote: Ex. If there are three vacancies to fill on the Planning Commission, the Clerk calls each Councilmember's name and asks them to say the names of the three applicants they wish to appoint. The clerk keeps a tally. Applicants that receive a majority of votes are appointed. If there is a tie or no applicant receives a majority of votes, go to a second round of voting.
- Some cities allow each Council member a direct appointment.
- Rank choice voting as defined by Council policy or Municipal Code.

Section 4 - CLERK'S ROLE

Delegation to Staff Liaisons

Depending on the number of Boards, Commissions, or Committees within the jurisdiction, the Clerk may delegate their responsibilities to other staff members or staff liaisons.

The Clerk may deputize staff members to act as Clerk on their behalf, including issuing Oaths of Office to new Board, Commission, or Committee Members and clerking the meetings. Often, the Clerk is responsible for ensuring all staff liaisons act per State and Federal Law, along with the jurisdiction's policies and procedures.

Training for staff liaisons

Orientation. It is best practice to conduct a meeting with staff liaisons at least once annually and as often as quarterly to review and introduce the rules, responsibilities, and best practices for the role of staff liaison.

Staff Liaison Handbook. A best practice is to prepare, maintain, and review a staff liaison handbook at least once annually, which may contain answers to common staff liaison questions, concise how-tos, and reference material. A staff liaison handbook may have sections on:

- A description of the types of Committees (such as Standing and Ad Hoc)
- A description of each Board, Commission, and Committee, including term limits
- Which departments are responsible for each Board, Commission, and Committee
- How each Board, Commission, and Committee is formed and where to locate the enabling documents, including the Time and Place Resolution for meetings
- How the Clerk's Office fills vacancies
- Oath of Office Procedures
- New Board/Commission/Committee Member Orientation Requirements
- Ethics Training and Form 700 Requirements, in brief
- Commissioner Resignation Requirements
- Meeting Materials such as Affidavits of Agenda Postings, Meeting Agenda preparation and posting, Notice of Cancellation, and Notice of Adjournment
- Staff Report Process
- Meeting Minutes Policy/Procedure
- Meeting Facilitation Procedures, establishing a quorum, roll call, public speakers, announcements, meeting room technology
- Commission Records, such as attendance reports
- Membership Rosters
- The Brown Act
- Your jurisdiction's parliamentary procedure (such as [Robert's Rules of Order](#), [Rosenberg's Rules of Order](#), or the [Standard Code of Parliamentary Procedure](#))
- Boards, Commissions, and Committees Attendance Policy
- Disciplinary Procedures

Section 5 - PROVIDING STIPENDS

In many jurisdictions, Board/Commission/Committee Members serve without receiving a stipend or payment associated with their service on the respective Board/Commission/Committee. In jurisdictions where stipends are provided, they may be supplied to a subset of Boards/Commissions/Committees or all Boards/Commissions/Committees. Other jurisdictions offer stipends to members who meet specific needs-based criteria instead of to all members.

Need-based Stipends

The goal of providing financial need-based stipends to those who serve on the various Boards, Commissions, and Committees is to reduce financial barriers to participation by broadly supporting personal expenses required to conduct Board/Commission/Committee business, such as attending meetings. The stipend would not be directly compensated for time spent working on

Board/Commission/Committee business. The intended outcome is that more residents throughout the (city/jurisdiction) - particularly those from under-resourced or low-income neighborhoods, as well as residents who identify as Latina/o/x, Asian, Black/African Ancestry, Indigenous, LGBTQ+, and people with disabilities - will have the opportunity to inform and shape the policies, programs, and budgets of their government. Stipends can be recommended for members of a low-income household, as defined by the U.S. Department of Housing and Urban Development as at or below eighty percent (80%) of the area median income according to [24 Code of Federal Regulations 92.2](#), shall be eligible to be paid a sum of money per month if they have attended a monthly Board, Commission or Committee meeting. Such members shall be eligible to be paid the stipend even if the monthly Board, Commission, or Committee meeting is canceled.

Stipends for all Members

The goal of providing stipends to those who serve on the various Boards, Commissions, and Committees is to reduce financial barriers to participation by broadly supporting personal expenses required to conduct Board/Commission/Committee business, such as attending meetings. These stipends may be provided on a per-month or per-meeting basis.

Section 6 - ABSENCES

Board, Commission, and Committee Members must attend their respective advisory body meetings. If less than a quorum of the body is not present, the meeting cannot take place. If that happens, the actions that could have been taken must be postponed to another meeting (possibly a regular or special meeting), thereby stalling the City's business. Your City Council may adopt an attendance policy to address absences to ensure Board, Commission, and Committee Members understand the expectations and ramifications of missing a certain number of meetings.

Is your City a Charter City?

If it is a Charter City, consider checking to see if it has an attendance policy for advisory bodies. For example, the City of Gilroy is a charter city with a specific provision that the office shall become vacant if members miss three consecutive regular meetings. At the same time, Gilroy adopted another policy on top of the Charter to ensure equity and fairness for Board, Commission, and Committee Members' attendance.

Attendance Policy Based on Types of Absences

This policy requires members to attend all meetings except in cases of emergency or prior approval from the Board, Commission, or Committee. Before 2022, Gilroy had a policy allowing members of a Board/Commission/Committee to miss two excused absences. Excused absences are defined as an absence that is reported to the staff liaison of the Body no less than 72 hours before the regular meeting. The policy allowed two excused absences and one emergency absence, in which case it was defined as a sudden emergency, including, but not limited to, illness, hospitalization, or accident of the Member, member's parent, spouse, domestic partner, or dependent. Unexcused absences were not permitted.

The pros: leniency.

The cons: More administrative work. More logging of information and determining if an absence is considered excused, emergency, or unexcused.

Attendance Policy Based on Percentage

Certain cities may decide to track the types of absences for every advisory body member and elect to implement a percentage policy for absences. For example, in Gilroy, any member who is absent from more than 33% of the total Regular Meetings scheduled to be held in the calendar year will be subject to potential termination of membership from the Body upon action of the City Council. Where applying a 33% calculation creates other than a whole number, the percentage is rounded to the nearest whole number.

The Pros: Simple to administer. There is no such thing as excused, unexcused, or emergency absences. It is simple for the advisory body secretary and the Clerk to manage.

Cons: Math. You must confirm the total number of regular meetings for that calendar year. There is no flexibility for emergency absences. Life happens, and sometimes Board/Commission/Committee Members cannot make it in due to an emergency. This policy does not account for that.

Section 7 - BOARD/COMMISSION/COMMITTEE MEMBER TRAINING

Brown Act

The [Brown Act](#) or California's "Open Meetings Law" is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. 1. The Brown Act was enacted in 1953 to guarantee the public's right to attend and participate in meetings of local legislative bodies and as a response to growing concerns about local government officials' practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act is pivotal in making public officials accountable for their actions and allowing the public to participate in decision-making. (source: [City of Santa Cruz](#))

Training for Board/Commission/Committee Members should provide an overview of staff's actions in preparing meeting agendas to support the Board/Commission/Committee in compliance with the Brown Act. In-depth training on Board/Commission/Committee Member interactions and behavior should be provided to Members to help them avoid taking actions not permitted under the Brown Act.

AB 1234 Ethics Training

Board/Commission/Committee Members who receive compensation, salary, stipend, or reimbursement of expenses are required to complete state-mandated ethics training. The training must be attended for a minimum of two hours, and completion certificates must be filed with the Office of the Clerk (managed by Human Resources or another department in some agencies) within 90 days of appointment. Such training must be completed every two years. The Fair Political Practices Commission (FPPC) provides online training that satisfies the requirements. The link to the online training is <http://localethics.fppc.ca.gov/login.aspx>.

Statement of Economic Interests FPPC Form 700

Also, refer to Handbook Section 5.15

Any Board/Commission/Committee Member making or influencing governmental decisions must submit a Statement of Economic Interests, also known as the Form 700. The Form 700 is a statement disclosing the investments, interests in real property, and income of a designated filer for a specified period. This form provides transparency and ensures accountability in two ways:

1. It provides the necessary information to the public about an official's personal financial interests to ensure that officials are making decisions in the public's best interest and not enhancing their personal finances.
2. It 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 deemed conflicts of interest.

Each agency addresses this requirement differently; some jurisdictions require all Board/Commission/Committee Members to file, and others only require those Board/Commission/Committee members who make final governmental decisions to file. The Planning Commission is identified as a government body that is required to file a Form 700 per [Government Code 87200](#).

Each agency has a Conflict of Interest Code that designates the Boards/Commissions/Committees whose Members must file a Form 700. The Conflict of Interest Code includes information regarding disclosure categories and sets the type of financial interests that must be reported by each Board/Commission/Committee Member. Each agency defines its own disclosure categories based on the type and scope of work performed. When a new Board/Commission/Committee is created, it is essential to consider if a Form 700 will be required of Members and, if so, what level of disclosure will be appropriate based on the new body's role and responsibilities.

The Conflict of Interest is reviewed biennially, and any amendments to include or remove a Board/Commission/Committee from the list should be done in consultation with the City/Town Attorney.

The [Fair Political Practices Commission](#) (FPPC) is available to answer any questions you may have, and they also offer workshops and webinars on Conflict of Interest Codes. The topics they cover include a review of the current code, an analysis of disclosure categories, how to designate positions, and how to assign categories to those positions.

CHAPTER 7. MEETINGS, AGENDAS, MINUTES, FOLLOW-UP

See Ralph M. Brown Act at <http://www.brownact.org/> or Open & Public IV at www.cacities.org

Section 1 - MEETINGS

The Ralph M. Brown Act ([GC 54950-54963](#)) requires meetings of “legislative bodies” of local public agencies to be open and public. [Government Code Section 54953\(a\)](#) states, “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” The Brown Act is not limited to City Council meetings. It also applies to various committees and advisory boards determined to be legislative bodies under the Brown Act. Such entities include certain bodies created by a City Council or over which a City Council retains authority. The determination as to whether a committee is subject to the Brown Act requirements should be made at the time the committee is created.

The term legislative body expressly excludes less than quorum advisory committees composed solely of members of the legislative body, provided they are not standing committees that have continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body ([GC 54952\(b\)](#)).

An elected official who has not yet assumed office must conform to the Brown Act ([GC 54952.1](#)).

A “meeting” means any congregation of a majority of the members of a legislative body at the same time and location (including permitted teleconference locations) to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body to which it pertains ([GC 54952.2\(a\)](#)). A majority of the members of the legislative body must not, outside an open and noticed meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take any action on any item of business that is within the subject matter jurisdiction of the legislative body ([GC 54952.2\(b\)\(1\)](#)).

Statutory exemptions include (see Note below – applies to exemptions):

- Individual Contacts (Lobbying) – Individual contacts or conversations between a member of a legislative body and any other person are permitted so long as the personal contacts do not result in a serial meeting (serial communication) ([GC 54952.2\(b\)\(1\)](#)).
- Conferences and Seminars – Attendance of a majority of the members of a legislative body at a conference or similar gathering is not a meeting subject to the Brown Act provided that: (1) the gathering is open to the public; (2) involves a discussion of issues of general interest; and (3) a majority of the members do not discuss among themselves, other than as a part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the local agency ([GC 54952.2\(c\)\(2\)](#)).
- Open Community Meetings – The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency ([GC 54952.2\(c\)\(3\)](#)).
- Other Bodies of the Agency and Other Agencies – The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency or an open and noticed meeting of the legislative body of another local agency ([GC 54952.2\(c\)\(4\)](#)).

- Social and Ceremonial Gatherings – The attendance of a majority of the members at a purely social or ceremonial occasion ([GC 54952.2\(c\)\(5\)](#)).
- Meeting of Standing Committees – The attendance of a majority of the members of a parent legislative body at an open and notice meeting of a standing committee of the parent body, provided that the members of the legislative body who are not members of the standing committee attend only as observers ([GC 54952.2\(c\)\(6\)](#)).

Note: A congregation of a majority of the members of a legislative body outside a properly noticed and duly convened meeting during which they discuss, deliberate, or take action on a matter within their subject matter jurisdiction is prohibited ([GC 54952.2\(a\)-\(b\)](#)). The Brown Act also prohibits the use of a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body (serial or seriatim meetings – [GC 54952.2\(b\)\(1\)](#)).

The Clerk is customarily the "Clerk of the Council" and is expected to attend all regular, adjourned regular, and special City Council meetings. Government Code Section 36804 provides that the Deputy Clerk shall act in the absence of the Clerk. If there is no Deputy, the Mayor shall appoint one of the City council members as Clerk Pro Tempore.

Types, Time, and Location of Meetings

Regular Meetings

Each legislative body, except advisory bodies and standing committees, must formally act to establish a time and place for regular meetings. Meetings of advisory committees or standing committees for which an agenda is posted 72 hours before the meeting are considered regular meetings for all purposes under the Brown Act, even if the committee does not have a regular meeting schedule ([GC 54954\(a\)](#)).

Special Meetings

A special meeting may be called by the presiding officer of the legislative body (Mayor or Mayor Pro Tem) or by a majority of the legislative body members after proper delivery or required written notice ([GC 54956](#)).

Emergency Meetings

Emergency meetings may be called in "emergency situations." An emergency exists when a majority of the members of the legislative body determines a "work stoppage, crippling activity or other activity" or a "crippling disaster, mass destruction, terrorist act, or threatened terrorist activity" has occurred that severely impairs or threatens to impair the public health or safety. Notice of an emergency meeting is required but may be waived in certain instances ([GC 54956.5](#)).

Location of Meetings

Regular and special meetings are generally held within the local agency's jurisdiction boundary but may be held outside a local agency's jurisdiction boundaries only to:

- Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the local agency is a party ([GC 54954\(b\)\(1\)](#)).
- Inspect real or personal property that cannot be conveniently brought within the boundaries of the local agency's boundaries ([GC 54954\(b\)\(2\)](#)).

- Participate in meetings or discussions of multi-agency significance that are outside the local agency's boundaries ([GC 54954\(b\)\(3\)](#)).
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries ([GC 54954\(b\)\(4\)](#)).
- Meet with elected or appointed officials of the United States or the State of California when a local meeting would be impractical ([GC 54954\(b\)\(5\)](#)).
- Meet outside their immediate jurisdiction if the meeting takes place in or near a facility owned by the local agency ([GC 54954\(b\)\(6\)](#)).
- Visit the office of a local agency's legal counsel for a closed session on pending litigation when doing so would reduce costs ([GC 54954\(b\)\(7\)](#)).

Section 2 - Preparation for City Council Meetings

Preparation of the City Council Chambers for City Council meetings

The Clerk or their designee usually prepares the City Council Chambers for City Council meetings. Sufficient time should be allowed to ensure that the chamber is fully ready before the commencement of the City Council meeting. A checklist is helpful to expedite the process and ensure nothing is forgotten. The checklist may contain the following items:

- ☐ Verify City Council quorum.
- ☐ Verify speakers/materials for special presentations.
- ☐ Check nameplates.
- ☐ Check that the gavel and timing device are in the appropriate location(s).
- ☐ Check for supplies at Council Members' places.
- ☐ Check water pitchers and glasses at Council Members' places (if applicable).
- ☐ Check the microphone at each Council Member's location in the chamber to ensure it works.
- ☐ Set up the public address system and auxiliary speakers if an overflow crowd is expected.
- ☐ Set up and test the recording system.
- ☐ Ensure ample copies of the agenda are available and provide an agenda packet for public review.
- ☐ Check the position of the flags (the United States flag to the right of the Mayor if they are raised above the level of the audience and to the right of the audience if the Mayor is on the same level). If other flags are displayed, they should be placed to the left of the American flag in the order of state, county, and city (as you face the dais, the flags would be placed from left to right).
- ☐ Check the calendar or individual calendars.
- ☐ Assemble Clerk materials (including proclamations, presentations, and meeting day handouts).
- ☐ Check the supply of speaker cards and pencils.
- ☐ Place agenda material on the press table or area provided for the press (unless previously provided to them).

NOTE: When City Council meetings are held at a location other than the council chambers, the Clerk should supervise arrangements and provide the same equipment and materials as if the meeting were to be held in the council chamber.

Clerk Duties During Meetings

During a City Council meeting, the Clerk may be called upon to perform some or all of the following tasks:

- ☐ Call the roll. Record the arrival time if a Council Member is not present at the roll call but arrives later.
- ☐ Handle City Council correspondence (see note below).
- ☐ Read titles of resolutions and ordinances.
- ☐ Repeat motions upon request.
- ☐ Call roll for roll call votes.
- ☐ Summarize votes for the audience (if a voting board is used).
- ☐ Open bids when necessary (usually done at a separate time and place).
- ☐ Note for the record when individual Council Members leave or return to the meeting.
- ☐ Record names and addresses of members of the public who speak at the meeting (some cities have a sign-in sheet at the podium or use speaker cards).
- ☐ Maintain the future schedule of public hearings or presentations before the City Council.
- ☐ Present reports to the City Council.
- ☐ Adjourn the meeting if a quorum is lacking ([GC Section 54955](#)).

Note: Most cities have eliminated the custom of reading correspondence aloud at a City Council meeting. Various substitute procedures have been developed to ensure City Council Members are aware of correspondence. Many cities make copies of all correspondence for each City Council Member and list each letter sender and subject name. In some cities, the City Council can discuss each item of correspondence and take action if desired.

As a matter of procedure on correspondence requiring City Council action, some cities have adopted the policy that a copy of the correspondence is sent to the appropriate department with a request for a report for the City Council agenda or that the responding correspondence be forwarded to the City Council. The report is then listed on the agenda and is duplicated, along with correspondence, for inclusion in the agenda packet.

Assistance at City Council Meetings

The Clerk generally takes background material and files on agenda items to the meetings. The Clerk may use recording devices or computers. An assistant may accompany the Clerk to City Council meetings to record the discussions and actions. If someone accompanies the Clerk to the City Council meeting, it is helpful for that person to sit close to the Clerk should the two need to confer during the meeting or should the Clerk need to send for records or have copies made during the meeting.

Section 3 - AGENDAS (REQUIREMENTS AND PROCEDURES)

Agenda requirements and procedures are outlined in [Government Code Section 54950 et. seq.](#), or the Ralph M. Brown Act (or simply “Brown Act”). The Brown Act is California’s “sunshine” law for local government. Local government business must be conducted at open and public meetings, except in certain limited situations. The Brown Act is based on state policy that the people must be informed to keep control over their government.

The purpose of an agenda is to provide a framework within which a meeting can be conducted. The agenda outlines the items of business to be introduced, discussed, and acted upon at the meeting. The agenda provides the framework for the official minutes of a meeting conducted and action taken.

Notice and Agenda Requirements

Two key provisions of the Brown Act that ensure that the public's business is conducted openly are the requirements that legislative bodies post agendas before their meetings (Sections 54954.2, 54955, and 54956) and that no action or discussion may occur on items or subjects not listed on the posted agenda (Section 54954.2(a)(2)). Limited exceptions to the rule against discussing or acting on an item not on a posted agenda are discussed below.

Legislative bodies, except advisory bodies and standing committees, must establish a time and place for holding regular meetings ([Section 54954\(a\)](#)). Meeting agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting ([Section 54954.2\(a\)](#)). The description need not exceed 20 words.

Each agenda must be posted in a place that is freely accessible to the public and must be posted on the agency's website if it has one. After January 1, 2019, additional online posting requirements apply. Agenda posting requirements differ depending on the type of meeting to be conducted.

Suppose the meeting is a "regular meeting" of the legislative body (i.e., it occurs on its regular meeting day, without a special meeting call). In that case, the agenda must be posted 72 hours before the meeting ([Section 54954.2\(a\)](#)). For "special meetings," the "call" of the meeting and the agenda (which are typically the same) must be posted at least 24 hours before the meeting ([Section 54956](#)). Each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as fax, electronic mail, or U.S. mail) at least 24 hours before the time of the special meeting unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings. If they have, that notice must be given at the same time as notice is provided to legislative body members. A special meeting may not be held to discuss salaries, salary schedules, or compensation paid in the form of a local agency "executive" fringe benefits as defined in [Government Code section 3511.1\(d\)](#). However, the budget may be discussed in a special meeting. [Section 54956\(b\)](#).

Both regular and special meetings may be adjourned to another time. Notices of adjourned meetings must be posted on the door of the meeting chambers where the meeting occurred within 24 hours after the meeting is adjourned (Section 54955). If the adjourned meeting occurs more than five days after the prior meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of the adjourned meeting ([Section 54954.2\(b\)\(3\)](#)).

The Brown Act requires the local agency to mail the agenda or the whole agenda packet to any person making a written request no later than the time the agenda is posted or delivered to the body members, whichever is earlier. The agency may charge a fee to recover the costs of copying and mailing. Any person may make a standing request to receive these materials, in which event the request must be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting ([Section 54954.1](#)).

If materials for a meeting are distributed less than 72 hours before the meeting, they must be made available to the public as soon as they are distributed to the members of the legislative body. Further, the agenda for every legislative body meeting must state where a person may obtain copies of materials for an agenda item delivered to the legislative body within 72 hours of the meeting. ([Section 54957.5](#)).

A legislative body that has convened a meeting and whose membership is a quorum of another legislative body (for example, a city council that also serves as the governing board of a housing authority) may convene a meeting of that other legislative body, concurrently or in serial order, only after an oral announcement of the amount of compensation or stipend, if any, that each member will receive as a result of convening the second body. No announcement needs to be made if the compensation is set by statute or if no additional compensation is paid to the members. ([Section 54952.3\(a\)](#)).

Application of the Brown Act to “Legislative Bodies”

The requirements of the Brown Act apply to “legislative bodies” of local governmental agencies. The term “legislative body” is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board, or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body ([Section 54952](#)).

Standing committees of a legislative body, which consist solely of less than a quorum of the body, are subject to the requirements of the Act. Some common examples include the finance, personnel, or similar policy subcommittees of the city council or other city legislative bodies that have either some “continuing subject matter jurisdiction” or a meeting schedule fixed by formal action of the legislative body. Standing committees exist to make routine and regular recommendations on a specific subject matter. They survive the resolution of any issue or concern and are a regular part of the governmental structure.

The Brown Act does not apply to *ad hoc* committees consisting solely of less than a quorum of the legislative body, provided they are composed exclusively of members of the legislative body and provided that these ad hoc committees do not have some “continuing subject matter jurisdiction,” and do not have a meeting schedule fixed by formal action of a legislative body. Thus, ad hoc committees would generally serve only a limited or single purpose; they are not perpetual and are dissolved when their specific task is completed.

Standing committees may have regular meeting schedules but are not required to. Even if such a committee has no regular meeting schedule, its agendas should be posted at least 72 hours before the meeting ([Section 54954.2](#)). If this is done, the meeting is considered regular for all purposes. If not, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply.

The governing boards of private entities are subject to the Brown Act if either of the following applies: (i) the private entity is created by an elected legislative body to exercise lawfully delegated authority of the public agency, or (ii) the private entity receives funds from the local agency and the private entity's governing body includes a member of the legislative body who was appointed by the legislative body ([Section 54952](#)).

The Brown Act also applies to persons elected to serve as members of a legislative body of a local agency who have not yet assumed the duties of office ([Section 54952.1](#)). Under this provision, the Brown Act applies to newly elected but not-yet-sworn-in Councilmembers.

Emergency Meetings

Limited media notice and subsequent posting are required. No written notice or posting is required for an emergency meeting in an emergency ([GC 54956.5\(b\)\(1\)](#)). Each newspaper and radio or television station requesting notice of special meetings must be given telephone notice at least 1 hour before the

meeting. In the case of a dire emergency with consequences so immediate and significant that providing the 1-hour notice may endanger the public health or safety, or both, as determined by the legislative body, the notification need not be provided until at or near the time that the presiding officer or designee notified members of the legislative body. The notice must contain the facts of the holding of the emergency meeting, the purpose of the meeting, and the action taken at the meeting ([GC 54956.5\(b\)\(2\)](#)). All special meeting requirements other than the 24-hour notice apply (GC 54956.5(d)). As soon as possible after the meeting, the local agency must post, in a public place for ten days, a copy of the minutes, a list of persons notified or attempted to be notified, a copy of the roll call vote, and any actions taken at the meeting ([GC 54956.5\(e\)](#)).

Closed sessions. During an emergency, the members must agree to a closed session by a two-thirds vote of those present, or if less than two-thirds are present, then by a unanimous vote of the members present (GC 54956.5). The legislative body may meet in closed session regarding matters threatening the security of public buildings or essential public services ([GC 54957\(a\)](#)).

Teleconferenced Meetings

“Teleconferencing” may be used as a method for conducting meetings whereby members of the body may be counted towards a quorum and participate fully in the meeting from remote locations (Section 54953(b)). The following requirements apply:

- The remote locations may be connected to the primary meeting location by telephone, video, or both;
- The notice and agenda of the meeting must identify the remote locations;
- The remote locations must be posted and accessible to the public;
- All votes must be by roll call, and
- In all respects, the meeting must comply with the Act, including participation by members of the public present in remote locations.

A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. No person can compel the legislative body to allow remote participation. The teleconferencing rules only apply to legislative body members; they do not apply to staff members, attorneys, or consultants who can participate remotely without following the posting and public access requirements.

New Rules Governing Remote Participation in City Council Meetings (AB 2449)

In addition to the traditional Brown Act teleconferencing requirements, [Assembly Bill 2449](#) amends the Brown Act to allow City Councilmembers to participate in public meetings remotely in specific and limited circumstances. AB 2449 amended, repealed, and added Sections [54953](#) and [54954.2](#) to the Government Code.

Until January 1, 2024, remote participation by a Councilmember is permissible only if at least a quorum of the members of the City Council participates in person from a single physical location (i.e., Council Chambers) which is open to the public and the Councilmember participating remotely satisfies “just cause” or “emergency circumstances” under the following:

- 1) “**Just Cause**” - Councilmembers participating remotely must give notice of the need to participate remotely for “just cause” subject to the following:

- a. “just cause” means any of the following:
 - i. childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Councilmember to participate remotely;
 - ii. contagious illness that prevents a Councilmember from attending in person;
 - iii. need relating to a physical or mental disability or
 - iv. travel while on official business of the legislative body or another state or local agency.
 - b. Notice must be given at the “earliest opportunity,” which may be the start of the City Council meeting;
 - c. Councilmember’s notification must include a general description of the circumstances relating to the need to participate remotely;
 - d. The Councilmember cannot participate remotely under the just cause provisions more than two meetings per calendar year.
- 2) **“Emergency Circumstances”** - Councilmembers must request and receive permission by a majority vote of the City Council to participate remotely due to “emergency circumstances” subject to the following:
- a. “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person;
 - b. A general description of the emergency circumstances relating to the need to appear remotely must be submitted to the City Council at the earliest possible time:
 - i. Generally, the description need not exceed 20 words
 - ii. description shall not require disclosure of a medical diagnosis or disability or any personal medical information that is already exempt from disclosure under applicable laws;
 - c. a separate request for each meeting in which a member seeks to participate remotely is required, and
 - d. City Council may take action on a request to participate remotely at the earliest opportunity by placing it on the agenda or, if sufficient time does not permit posting on the agenda, at the beginning of the meeting.

Councilmembers participating remotely for just cause or emergency circumstances must participate through both audio and visual technology. Audio-only participation is not permitted.

In addition, a Councilmember participating remotely must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the

remote location with the member and the general nature of the member's relationship with any such individuals.

In addition to the limitation of a maximum of two remote meetings per calendar year for "just cause," AB 2449 imposes a catchall limit for remote participation to a maximum of three consecutive months or 20% of the regular meetings within a calendar year.

AB 2449 also includes provisions to allow remote participation between January 1, 2024 and January 1, 2026.

Serial Meetings

In addition to regulating all gatherings of a majority of members of a legislative body, the Brown Act also addresses some contacts between individual members of legislative bodies. On the one hand, the Brown Act states explicitly that nothing in the Act is intended to impose Brown Act requirements on individual contacts or conversations between a member of a legislative body and any other person ([Section 54952.2\(c\)\(1\)](#)). However, the Brown Act also prohibits a series of such individual contacts if they result in a "serial meeting" ([Section 54952.2\(b\)](#)).

[Section 54952.2\(b\)\(1\)](#) prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate, or take action on any business item within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three Councilmembers) through either one or more persons acting as intermediaries or through the use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways: either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority ("I've talked to Councilmembers A and B and they will vote 'yes.' Will you?") or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

Follow these guidelines to avoid negligent violation of the serial meeting rule. These rules of conduct apply only when a majority of a legislative body is involved in a series of contacts or communications. The types of contacts considered include contacts with local agency staff members, constituents, developers, lobbyists, and other legislative body members.

1. Contacts with staff

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To avoid an illegal serial meeting through a staff briefing:

- a. Individual briefings of a majority of legislative body members should be "unidirectional" in that information should flow from staff to the member, and the member's participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction, thereby causing staff to shape or modify its ultimate

recommendations to reconcile the views of the various members, resulting in an action outside a meeting.

- b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.
- c. Staff may present their viewpoint to the member but should not ask for the member's views, and the member should avoid providing their opinions unless it is clear that the staff member is not discussing the matter with a quorum of the legislative body.

2. *Contacts with constituents, developers, and lobbyists*

As with staff, a constituent or lobbyist can inadvertently become an intermediary who causes an illegal serial meeting. Constituents' unfamiliarity with the requirements of the Act aggravates this potential problem because they may expect a legislative body member to be willing to commit to a position in a private conversation before a meeting. To avoid serial meetings via constituent conversations:

- a. First, state the ground rules "up front." Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.
- b. Explain to the constituent that you will not make a final decision on a matter before the meeting. For example:

"State law prevents me from giving you a commitment outside a meeting. I will listen to what you say and consider it as I decide."

- b. Listen more and ask questions rather than express opinions.
- c. If you disclose your thoughts about a matter, counsel the constituent not to share them with other legislative body members.

3. *Contacts with fellow members of the same legislative body*

Direct contact with fellow members of the same legislative body concerning local agency business, whether through face-to-face or telephonic conversations, notes or letters, electronic mail, or staff members, is the most apparent means of an illegal serial meeting. This is not to say that a legislative body member is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no "meeting" has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating an illegal serial meeting. Therefore, we recommend you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

These suggested rules of conduct may seem unduly restrictive and impractical, making acquiring important information more difficult or time-consuming. Nevertheless, following them will help ensure that your conduct meets the Brown Act's goal of achieving open government. Please ask for advice if you have questions about compliance with the Act in any given situation.

Closed Sessions

Regular meeting agendas and special meeting notices must describe the matters to be discussed in closed session ([GC 54954.2](#), [54956](#)). Closed session agenda descriptions may follow a prescribed statutory

format; substantial compliance with the format creates a “safe harbor” against challenges to the adequacy of the notice ([GC 54954.5](#)).

Before or after holding any Closed Session, the legislative body shall disclose, in an open meeting, the item or items to be discussed in the Closed Session ([GC 54957](#)). Action is taken in closed session, and the vote(s) shall be reported in public session.

Section 4 - CONDUCT OF MEETINGS

How legislative meetings are conducted is generally stipulated in statutory requirements. A local agency also has the authority to establish rules of conduct regarding how meetings are arranged, participation in meetings, and acceptable behaviors during meetings.

Quorum and Voting Requirements

A majority of the City Council constitutes a quorum for the transaction of business ([GC 36810](#)). Resolutions, orders for payment of money, and all ordinances require a recorded majority vote of the total membership of the City Council ([GC 36936](#)). Some actions, such as the passage of an urgency ordinance or the adoption of a resolution of necessity, require a super-majority vote ([GC 36937](#), [65858](#)). Absent those provisions, a specific charter provision, or some other local law, rule, or regulation dictating otherwise, a majority of the quorum may act on behalf of the city. Under the Political Reform Act, a member with a financial conflict of interest regarding a matter before the legislative body must leave the room while that matter is being discussed, heard, or acted on so that that member cannot be counted towards the quorum for that matter ([GC 87105](#)).

Adjourned and Continued Meetings

Adjournment procedures. Any regular or special meeting of a legislative body may be adjourned, and an adjournment may be ordered if less than a quorum attends. If no members attend, the clerk may declare the meeting adjourned to a stated time and place. In that case, written notice of the adjournment must be given in the same manner as notice of special meetings ([GC 54956](#)). In all cases, notice of adjournment must be posted on or near the meeting room door within 24 hours of the adjournment ([GC 54955](#)).

Continuance procedures. If a hearing is continued, the time and place when the hearing will resume must be announced at the time of the continuance. Written notice of the continuance must be given in the same manner as notice of adjourned meetings ([GC 54955](#)) unless the hearing is continued to a time less than 24 hours after the order of continuance, in which case notice of the continuance must be posted immediately following the meeting at which the order of continuance was made ([GC 54955.1](#)). If a hearing is continued, it is recommended that the minutes reflect whether it was opened and continued to a specific date.

Study Sessions. Study sessions, often called "work sessions," are sometimes held just before or after regular meetings. They can also be scheduled on any other day and time. These sessions are usually informal, though public, and many City Councils prefer to hold the sessions in a place other than the formal setting of the council chamber.

Regular meetings may be adjourned to study sessions if the study session is noticed. Like any other public meeting where a City Council quorum is present, they must be open to the public and held under the provisions of the Brown Act ([GC Section 54953](#)).

Recesses

Recesses are generally called by the Mayor or sometimes at the request of a City Councilmember. Usually, the Mayor will state the expected time of the recess. The Clerk should record the time of the recess, the time the meeting reconvened, and the City Councilmembers present.

Section 5 - CITY COUNCIL'S AUTHORITY TO ADOPT RULES OF PROCEDURE

The City Council may establish rules for the conduct of its proceedings ([GC 36813](#)). These rules may be enacted by ordinance or resolution. To conduct more efficient City Council meetings, many cities include an agenda "Consent Calendar," which permits routine matters or non-controversial issues (e.g., resolutions, proclamations of appreciation, commendations, second reading of ordinances, contracts, orders for payment, etc.) to be handled by one motion. The City Council should authorize using the Consent Calendar by adopting an ordinance or resolution.

Order of Business for Regular Meetings

The order of business generally is divided into three parts: the opening, the business, and the closing:

- **Opening the meeting.** At the opening of a meeting, the presiding officer calls the meeting to order. Some cities also include the national anthem, pledge of allegiance, or other cultural ceremonies.
- **Business.** The "business" involves approving the minutes of past meeting(s), proclamations, Councilmember reports, committee reports, staff reports, public hearings, audience communications, specifically scheduled business, unfinished business, and new business.
- **Closing.** Meetings may close by a motion to adjourn or by order of the chair. A regular City Council meeting continues until an order of final adjournment, loss of quorum, or by operation of the law terminates it.

Presiding Officer

The Mayor is the presiding officer of all City Council meetings. If the Mayor is absent or unable to act, the Mayor Pro Tem serves until the Mayor returns or can act and has all the powers and duties of the Mayor during the Mayor's absence ([GC 36802](#)).

Parliamentary Rules of Procedure

The purpose of parliamentary rules of procedure is to expedite the transaction of city business in an orderly fashion. Parliamentary law refers to organizations' rules, laws, or regulations governing the orderly, expeditious, and efficient transaction of business at meetings. A City Council may adopt and change its own procedural rules. Many cities use Robert's Rules of Order, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century, or the Standard Code of Parliamentary Procedures.

Rules of Decorum

Councilmembers. Councilmembers should preserve order and decorum while the council is in session. The council may punish a member for disorderly behavior at a meeting (GC 36813). However, California law provides little guidance on such punishment; warnings from the chair and other Councilmembers usually suffice. A Councilmember who addresses the council or engages in debate with it is exercising a right of "pure speech" under the First Amendment. A Councilmember may not be suspended for the content of their speech absent a showing that their statements create a clear and present danger to society.

Exclusion of Audience Members for Disorderly Conduct. The City Council may exclude or expel all persons from a meeting in which a disturbance has been created that will not allow the meeting to continue unimpeded (GC [36813](#), [54957.9](#)). If the meeting is willfully interrupted by groups of persons to render the orderly conduct of such meeting unfeasible and the order cannot be restored by removing the disruptive individuals, the members may order the meeting room cleared and continue with the meeting. The press may remain unless it participates in the disruption. If the room is cleared, the council cannot consider anything not on the agenda ([GC 54957.9](#)). Any person who willfully disturbs or breaks up any assembly or meeting is guilty of a misdemeanor.

Exception for Journalists. In a disruptive situation, journalists not involved in the disturbance must be permitted to attend the continued session ([GC 54957.9](#)).

Readmission. The council may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting ([GC 54957.9](#)).

Due Process

City Council action on matters implicating constitutionally protected property and liberty interests may invoke quasi-judicial fair hearing requirements. Under the Fourteenth Amendment to the United States Constitution, people with an interest in the decision must be accorded due process before a decision is rendered. This typically takes the form of a properly noticed and fairly conducted hearing. Ordinarily, these due process requirements do not apply to purely legislative actions. City Attorneys can provide guidance and direction on matters of due process.

Section 6 - PUBLIC COMMENT

Public Comments at Regular Meetings

The Brown Act mandates that agendas for regular meetings allow for two types of public comment periods. The first is a general audience comment period, which is the part of the meeting where the public can comment on any item of interest within the local agency's subject matter jurisdiction. This general audience comment period may occur at any time during a meeting ([Section 54954.3](#)).

The second type of public comment period is the specific comment period for items on the agenda. The Brown Act requires the legislative body to allow these particular comment periods on agenda items to occur before or during the City Council's consideration of that item ([Section 54954.3](#)).

Some public entities accomplish both requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on agenda and non-agenda items. Other public entities provide public comment periods as each item or group of items comes up on the agenda and then leave the general public comment period until the end of the agenda. Either method is permissible, though public comment on *public hearing* items must be taken during the hearing. Caution should also be taken with consent calendars. The body should have a public comment period for consent calendar items before the body acts on the consent calendar unless it permits audience members to “pull” items from the calendar.

The Brown Act allows a body to preclude public comments on an agenda item in one situation where the item was considered by a committee of the body that held a meeting where public comments on that item were allowed. So, if the body has standing committees (which are required to have agendaized and open meetings with an opportunity for the public to comment on items on that committee's agenda) and

the committee has previously considered an item. When the item comes before the whole body, the body may choose not to take additional public comments on that item.

However, if the version presented to the body differs from the version presented to and considered by the committee, the public must be allowed to speak on that item at the whole body meeting ([Section 54954.3](#)).

Public Comments at Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the body concerning any item listed on the agenda before the body considers that item ([Section 54954.3](#)). Unlike regular meetings, the body does not have to allow public comment on non-agenda matters in a special meeting.

Limitations on the Length and Content of the Public's Comments

A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. For example, typical time limits restrict speakers to three or five minutes. A legislative body may also adopt reasonable regulations limiting the total amount of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance ([Section 54954.3\(b\)](#)). However, we do not recommend setting total time limits per item for any quasi-judicial matter such as a land use application, business license, or permit application hearing. Application of a total time limit to a quasi-judicial matter could violate the due process rights of those who could not speak to the body during the time allotted.

The Act precludes the body from prohibiting public criticism of the agency's policies, procedures, programs, or services or the acts or omissions of the city council ([Section 54954.3 \(c\)](#)). This does not mean that a member of the public may say anything. If the topic of the public's comments is not within the subject matter jurisdiction of the agency, the member of the public can be cut off.

The body also may adopt reasonable rules of decorum for its meetings, which preclude a speaker from disrupting, disturbing, or otherwise impeding the orderly conduct of public meetings. Also, the right to publicly criticize a public official does not include the right to slander that official. However, the line between criticism and slander is often challenging to determine in the heat of the moment. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the body's business.

The use of profanity may be a basis for stopping a speaker. However, it will depend upon what profane words or comments are made and the context of those comments to determine whether they impede the orderly conduct of a meeting. While terms such as “damn” and “hell” may have been disrupting words thirty years ago, today's standards seem to accept a more substantial range of foul language. Therefore, if the chair rules someone out of order for profanity, the chair should make sure the language is truly objectionable *and* that it causes a disturbance or disruption in the proceeding before the chair cuts off the speaker.

Discussion of Non-Agenda Items

A body may not *take action or discuss* any item not appearing on the posted agenda ([Section 54954.2](#)).

There are two exceptions to this rule. The first is if the body determines by a majority vote that an emergency exists. The term “emergency” is limited to work stoppages or crippling disasters ([Section](#)

[54956.5](#)). The second exception is if the body finds by a two-thirds vote of those present, or if less than two-thirds of the body is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency after the posting of the agenda ([Section 54954.2 \(b\)](#)). This means that if four members of a five-member body are present, three votes are required to add the item; if only three are present, a unanimous vote is required.

In addition to these exceptions, there are several *limited* exceptions to the rule that there is no discussion on non-agenda items. Those exceptions are:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members or staff may ask questions for clarification and provide a reference to staff or other resources for factual information;
- Members or staff may make a brief announcement, ask a question, or make a short report on their activities;
- Members may be subject to the procedural rules of the legislative body, request staff to report back to the legislative body at a subsequent meeting concerning any matter, and
- The legislative body may itself be a body, subject to the rules and procedures of the legislative body, that takes action to direct staff to place a matter of business on a future agenda.

The body may not discuss non-agenda items to any significant degree under these exceptions. The comments *must* be brief. These exceptions do not allow long or wide-ranging question-and-answer sessions between the public and city council or between the legislative body and staff.

When the body is considering whether to direct staff to add an item to a subsequent agenda, these exceptions do not allow the body to discuss the merits of the matter or to engage in a debate about the underlying issue.

To protect the body from problems in this area, legislative bodies may wish to adopt a rule that any member may request an item to be placed on a subsequent agenda so that discussion of the issue's merits can be easily avoided. If the legislative body does not wish to adopt this rule, then the body's consideration and vote on the matter must take place with virtually no discussion.

It is essential to follow these exceptions carefully and interpret them narrowly because the city would not want to have an important and complex action tainted by a non-agendized discussion of the item.

The public's right to photograph, videotape, tape-record, and broadcast open meetings

The public has the right to videotape or broadcast a public meeting or to make a motion picture or still camera record of such meeting ([Section 54953.5](#)). However, a body may prohibit or limit the recording of a meeting if the body finds that the recording cannot continue without noise, illumination, or obstruction of a view that constitutes, or would constitute, a disruption of the proceedings ([Section 54953.5](#)). These grounds would appear to preclude a finding based on nonphysical grounds such as breach of decorum or mental disturbance.

Any audio or video tape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the city is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. The city must not destroy the tape or film record of the open and public meeting for at least 30 days following the date of the taping or recording. Inspection of the

audiotape or videotape must be made available to the public for free on equipment provided by the city ([Section 54953.5](#)).

If a member of the public requests a duplicate of the audio or videotape, the city must provide such a copy. If the city has an audiotape or videotape duplication machine, it must provide the copy on its machine. If the city does not have such a machine, it must send it to a business that can make a copy. The municipality may charge a fee to cover the cost of duplication.

The Brown Act requires written material distributed to a majority of the body by *any person* to be provided to the public without delay. If the material is distributed during the meeting and prepared by the local agency, it must be available for public inspection at the meeting. If it is distributed during the meeting by a member of the public, it must be made available for public inspection after the meeting ([Section 54957.5](#)).

One problem in applying this rule arises when written materials are distributed directly to a majority of the body without City staff or members knowing that a majority has received it. The law still requires these materials to be treated as public records. Thus, it is a good idea for at least one member to ensure that staff gets a copy of the document to enter into the record and make it available for members of the public who request a copy.

Section 7 - MOTIONS

Types of Motions

Refer to your agency's adopted parliamentary rules (i.e., Robert's Rules of Order, Rosenberg's Rules of Order, Standard Code of Parliamentary Procedure, etc.) for specific motion requirements.

- Motions out of order. The Mayor may, at any time, by majority consent of the members, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order of business. The item must be on the regular agenda or added to the agenda as an emergency item or as an item that came up after the regular agenda was posted and must be approved by a two-thirds vote of the City Council.
- Division of question. If the question contains two or more divisible propositions, the Mayor may, and upon request of a member shall (unless appealed), divide the question and require a vote on each portion of the question.
- Motion to adjourn (not debatable). A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and

(d) while a vote is being taken. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is to be adjourned.
- Motion to fix the hour of adjournment. The purpose is to set a definite time at which to adjourn. Undebatable and unamendable except for the time set, which shall not be beyond the time and date of the next regular meeting.

- Motion to table. The purpose is to bypass the subject temporarily. A motion to "lay on the table" is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" before the end of the next regular meeting.
- Motion for the previous question. The purpose is to close the debate on the main motion, which is undebatable. Just indicating "question" does not accomplish the same thing. If the motion fails, the discussion is reopened; if the motion passes, a vote on the main motion is in order.
- Motion to amend (debatable only as to amendment). A motion to amend an amendment is in order, but a motion to amend an amendment to an amendment is not. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter shall not be in order. (A substitute motion on the same subject is acceptable). Amendments are voted on first, followed by the main motion as amended.
- Motion to postpone. A motion to postpone indefinitely is debatable, and if the same is adopted, the principal question shall be declared lost. Motions to postpone to a definite time are amendable and disputable regarding the propriety of postponement and time set. Motions to "refer" are similarly not debatable except for the propriety of referring.

Processing of Motions

When a motion is made and seconded, it shall be restated by the presiding officer before debate (the Clerk may be requested to read the motion). Once stated by the presiding officer, a motion may not be withdrawn by the mover without the consent of the City Council.

Precedence of Motion

When a motion is before the City Council, no motion shall be entertained except (a) to adjourn, (b) to fix the hour of adjournment, (c) to lay on the table, (d) for the previous question, (e) to postpone to a specific day, (f) to refer, (g) to amend; and (h) to postpone indefinitely. These motions shall have precedence in the order indicated.

Section 8 - VOTING

Types of voting

- Roll Call. Upon request of any member, made before the negative has been put, the roll call vote shall be called upon any question before the City Council. Members should not explain their vote during the roll call. Any member may change their vote before the next order of business.
- Failure to vote. Every member should vote unless disqualified for cause accepted by vote of the City Council or by opinion of the City Attorney. Self-disqualification, with approval resulting in a tie vote, should be avoided as thwarting City Council action.
- The abstainer, in effect, "consents" that a majority of the quorum may act for them. While one viewpoint says that silence (by express abstention or otherwise) constitutes an affirmative vote, the far safer rule is to assume that the "votes" of Councilmembers who are present but do not vote may not be counted for any purpose. Under this rule, only the audible ayes and noes may be counted. When Councilmembers are disqualified from voting due to a conflict of interest, they are no longer counted as part of the quorum.

- Tie votes are "failed" motions and may be reconsidered later, but a failed motion does not imply the converse--thus, a failed motion to grant is not tantamount to a denial.

Methods of Recording Vote

Although other voting methods may be acceptable, a common practice in voting on motions is for the Mayor to call for "all those in favor?" and then call for "those opposed?" and declare the motion carried or rejected. Generally, the words "ayes" for those in favor and "noes" for those opposed are used. When a Councilmember is silent, they are recorded as abstaining (check with your City Attorney). Some City Councils require a vote granting permission for a City Councilmember to abstain. Where a difference of opinion is sensed, or the majority vote is unclear, and a City Councilmember requests a roll call vote, the Mayor will call for a roll call vote by the Clerk or, in some cities, by the City Manager or City Administrator. A roll call vote may be necessary to adopt a resolution or the passage of an ordinance. The Clerk shall enter the vote upon the record.

When calling the roll-on motions, some possible sequences of calling include:

- Alphabetically, with Mayor last.
- In order of seating, left to right, with the Mayor last.
- Maker and seconder of motion first, then alphabetically, with Mayor last.

Many council chambers include electronic voting devices where a City Councilmember records their vote by pressing a button at their place. A tally board visible to the Clerk indicates when all votes have been cast, and then the results are made visible to all by clicking a button.

Reconsideration

Any member who voted with the majority may move a reconsideration of any action at the same meeting (or "have entered on the minutes" for a vote at the next succeeding meeting), providing no legal rights have intervened to create an estoppel. After a motion for reconsideration has been acted on, no other motion for reconsideration shall be made without unanimous consent.

Section 9 - CITY COUNCIL MINUTES

Clerks in general law cities are specifically required to keep a record, journal of proceedings, or minutes of council meetings (GC Sections 36814 and 40801). Most charter cities have this requirement contained in their charter. Each agency determines the form in which this record is to be maintained.

Minutes are the official record of a meeting and provide a historical record of the body's decisions and actions. A sufficient record must be kept to furnish evidence that the City Council has complied with the law or rules by which it is governed, thus pointing to the need for accurate and clear City Council proceedings. The facts written in the minutes are also treated as evidence in a court of law. Minutes inform the public of the decision and can be used as a follow-up tool to generate the next agenda.

Minutes are considered a historical record and, therefore, should be retained in official minute books and stored in a manner that protects the documents from the environment—retaining minutes in an electronic records management system that complies with the California Secretary of State's Trustworthy Electronic Document or Record Preservation Regulations. Copies of minutes can be made available and

accessed through a wide variety of platforms available today, such as web pages, email, video streaming software, etc.

The Clerk may be designated (by ordinance or resolution) to attend closed sessions and keep and enter in a minute book a record of topics discussed and decisions made. The minute book is not a public record and shall be kept confidential. The minute book shall be available only to legislative body members or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. A minute book may, but need not, consist of a closed session recording ([GC 54957.2](#)).

Form and Content of City Council Meeting Minutes

Minutes can be action, summary, verbatim, or a combination. Whatever the format, minutes should be accurate and concise. They should also be objective and consistent, include professional language, be easy to read, and have a logical flow.

Action Minutes: Very little, if any, narrative is included, and only motions and votes are shown in the record.

Sense (synopsis) Minutes: Provide limited City Council/staff comments, as well as note the members of the public in support/opposition to an issue.

Verbatim or Semi-Verbatim Minutes: May include details of each agenda item listed and a discussion summary.

Standard Format

A standardized format is recommended to develop uniformity of minute entries and save time composing the record. Many cities now use software designed to document the meeting record, from creating the agenda to conducting the meeting and recording the official action. Much of this process is accomplished through automated software or video streaming programs. Standardization of format and content is part of the design of these platforms. Macros can be set up for standardized items or repetitive language, such as adopting resolutions and ordinances, awarding contracts, denying claims, etc. Completing the minutes requires that you input only specifics, such as titles of resolutions and ordinances, project numbers, names of claimants, etc.

Jurisdictional Matters

To establish proof that jurisdictional requirements have been complied with, minutes must contain the following:

Date, hour, and place of meeting.

Whether it is a regular, adjourned regular, special, or emergency meeting.

That proper notice has been given if it is a special or emergency meeting.

The names of City Councilmembers in attendance.

Adjournment time.

Approval of Previous Minutes

Although there is no legal requirement for the City Council to approve minutes, most cities place them on the agenda for approval, as it lends further weight to the accuracy and completeness of the record. The minutes are provided to City Councilmembers and the public in sufficient time before a City Council meeting. The minutes become an official record when they are approved as written or amended by the City Council.

Record of Action Taken

A written report or written communication presented at a City Council meeting may be referenced in the minutes with the author's name and title, the report's date or communication, the subject of the communication or title of the report, and the action taken on the matter. For those cities using electronic platforms for streaming meetings, these reports become part of the written record (agenda packet) of that meeting and, therefore, may not be referenced.

Oral reports or communications may or may not be referenced in the minutes by name of person, address (if desired), and subject matter.

In the adoption of a resolution or introduction or second reading (adoption) of an ordinance, the minutes should include the title of the resolution or ordinance. If the ordinance is not going to be read in full, the motion should consist of and the minutes should show, that full reading was waived by unanimous approval of the members present. When the full reading is waived, but there is a split decision on introduction or adoption, the minutes show the two separate actions and the vote on each (check with your City Attorney regarding the appropriate process).

Oral Debates, Arguments, and Discussions

Some Clerks, as a matter of course, do not note City Councilmembers' remarks, except where a City Councilmember specifically requests that their comments be included in the minutes. Cities that follow this concept use, as their basis, the principle that minutes should only record the "actions" taken by the City Council and were never meant to include the reasons for taking such actions. Some minute policies require that minutes include a summary of individual Councilmember comments, particularly when voting opposite the majority on an action.

Hearings

Minutes of public hearings should include:

Jurisdictional Facts

To prove that a hearing was held in compliance with the statute or ordinance governing the same, the minutes should record the fact that the required notice was given accordingly and that the hearing was officially opened, conducted, and closed at the time and place specified in the notice.

Evidence Produced at Hearings

- **Written Evidence:** Minutes should appropriately reference any written evidence in statements, affidavits, reports, photographs, maps, correspondence, or other objects filed at the hearing and included as part of the record.
- **Oral Testimony:** The record should show the name of the person speaking, their address, and whether their testimony was in support of, opposed to, or neutral regarding the hearing subject.

Some Clerks briefly refer to the content of testimony in the minutes; however, there is no requirement that this must be done.

Findings of City Council

Usually, the findings made by City Councils for public hearings are incorporated in the ordinance, resolution, or staff report adopted/approved as a result of the hearing. When this is done, the minutes need not record these findings in the body of the minutes but should refer to the resolution or ordinance voted upon by the City Council. Some City Councils prefer, however, to have their comments regarding public hearing findings included in the record.

Arguments and Debates at Hearings

The inclusion of arguments and debates occurring at public hearings is a matter of personal preference of the individual Clerk or City Council. There is no requirement for inclusion in the record, but some cities, as a matter of procedure, briefly note arguments/debates.

Continued Hearings

If a hearing is continued to a future meeting, post a notice of the continuance within 24 hours at the location of the initial meeting.

Adjournment

In recording adjournment, the minutes should show whether it was adjourned to another time before the next regular meeting or merely adjourned. Some legislative bodies adjourn by motion, while others may allow its presiding officer to declare the meeting adjourned.

Use of Tape Recordings and Retention Thereof

There is no statutory requirement that City Council meetings be video or audio-recorded. Where a Clerk makes an authorized recording of a City Council meeting to facilitate the preparation of the minutes, any person has a right to inspect the recording and to review the recording on equipment provided by the city. Any person also has the right to receive a copy of the recording by purchasing a copy from the agency or making a duplicate copy on their equipment. This does not include the right to have a written transcript prepared by the city.

The recording may be destroyed at any time if the sole purpose of making the recording is to facilitate the preparation of the meeting minutes. However, if the recording was made or retained for the additional purpose of preserving its informational contents, it may not be lawfully destroyed except as expressly authorized by state law and the agency's Records Retention Schedule (check with your City Attorney regarding the appropriate process).

Distribution

Copies of minutes should be included in the agenda packet of the meeting at which they appear for approval. After approval by the City Council, copies of the official minutes should be provided to each department and those organizations and members of the public requesting them. This can be done online and by email rather than paper distribution.

Indexing/Legislative History

The Clerk is required to maintain a comprehensive general index of the official minutes ([GC Section 40801](#)). The indexing may be done manually or electronically.

Section 10 - SUMMARY/ANNOTATED AGENDA

A Summary or Annotated Agenda following a City Council meeting is sometimes used to transmit information to city staff and members of the press in those cities. Notes are annotated on the meeting agenda indicating members present, the action taken by the City Council, roll call vote, and direction given to staff for follow-up. With new technology and the implementation of streaming video, many cities have discontinued preparing an annotated agenda and rely on the meeting's video recording since the action is annotated during the meeting and available to the public soon after the meeting adjourns.

Section 11 - CITY COUNCIL FOLLOW-UP/TICKLER SYSTEM

The Clerk may be responsible for preparing the outgoing communications as a result of a council meeting. These communications generally fall into one of two categories: (1) letters that must be written to residents advising of the result of items on the council agenda and (2) directives to various city departments as a result of council actions. In some cities, the City Manager delegates this type of follow-up in an administrative staff meeting after each Council meeting. In any event, it is recommended that a standardized approach be adopted so all departments respond similarly.

A vital function of the Clerk's Office is to maintain a system or procedure for notifying persons of the due dates of reports and expiration dates on various matters. One method is to implement a follow-up or tickler procedure.

City Council Pending Items

A list of pending items (sometimes referred to as tentative future items) should be maintained for all matters requiring the attention of the City Council. The system may be used for follow-up on City Council agenda items, ensuring that public hearings are advertised, obtaining the affidavit of publishing, etc. It also allows for a departmental reminder early on, so less last-minute work has to be done. This list is also helpful in preparing upcoming agendas and managing agenda schedules.

Tickler System

An effective tickler system tracks items requiring follow-up, such as agreements with termination dates, insurance certificates, leases, contracts, board/commission/committee term expirations, special events, documents sent for recordation, etc. This system can be computerized or manual using a file card system set up by month or by month with a daily section.

Calendars

1. Community Calendar. In some cities, the Clerk maintains a community calendar as a public service. This type of calendar could have all meetings and events of community-wide interest, including City Council meetings, Board of Education meetings, Chamber of Commerce meetings, and any event of interest to the general public. Posting the community calendar on the webpage can be helpful and easy to access.
2. Internal Calendar. In many cities, the Clerk maintains an internal calendar primarily for City Councilmembers and city departments. The calendar should list all City Council, Board/Commission/Committee, and outside meetings that City Council members or department

heads might be interested in attending. The calendar should also include special events and other citywide events of possible interest to City Councilmembers and others. The calendar may or may not be disseminated to the public. The calendar should be prepared with an understanding that its contents are likely subject to public review under the California Public Records Act.

CHAPTER 8. ELECTIONS

California State Elections Code:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

California State Government Code:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov&codebody=&hits=20>

Section 1 - ADVANCE PLANNING & RESOURCES

This chapter provides “general guidance” to Clerks in supervising and conducting municipal elections. Election requirements are contained in ordinances adopted by the local municipality, city charter for a charter city, and State Elections and Government Codes. Each municipality adopts an ordinance establishing the date of general municipal elections and the process by which the election is conducted. Charter cities may establish requirements in addition to what is stipulated in the State Elections and Government Codes. Clerks are the “elections officers” for municipal elections and work closely with the County Registrar of Voters and City Attorney.

Municipal elections are held to:

1. Elect city officials and officers (depending on the organization of the city; this could include City Councilmembers, Mayor, City Attorney, City Treasurer, Police or Fire Chief, and/or the Clerk.
2. Submit measures to the voters that may include charter amendments and bond issues.
3. Consider a referendum, initiative action, or recall.
4. Annex or de-annex (detach) inhabited territory.

Municipal elections are conducted either as a “stand-alone” or “consolidated.” In a stand-alone election, the city is responsible for most, if not all, of the election proceedings, and the election is held on a date independent of any other election. A consolidated municipal election is conducted with another election, such as the Statewide Primary or General Election or a school or special district election. In either type of election, some or all election services are contracted with the county elections department.

[Elections Code Section 1301](#) mandates that a general municipal election shall be held on an established election date under [Elections Code Section 1000](#). [Government Code Section 36503](#) permits a City Council to enact an ordinance setting its general municipal election date to be consolidated with a State or special district election.

Election Code Requirements

The Clerk must establish an election calendar outlining actions before, during, and after an election. This calendar outlines the action and cites the appropriate State code governing the same. A critical step in establishing action items is to review State code requirements to be sure that any changes to State law are noted and that the effective date of the changes is ascertained and followed as appropriate. Requirements for the conduct of elections are generally contained in the State Elections and Government Codes. These codes are available online and in paper book form. As the city’s elections official, it is the responsibility of the Clerk to be familiar with the current code requirements for each election.

Resources

- League of California Cities (www.cacities.org)
- Clerks Association of California (www.californiaclerkks.org)
- Secretary of State (www.ss.ca.gov)

- International Institute of Municipal Clerks (www.iimc.com)
- Local county Registrar of Voters.

The League of California Cities prepares summaries of legislative actions each year. The League also joins the Clerks Association of California (CCAC) to sponsor the Annual New Law and Elections Seminar. The CCAC Legislative Director provides helpful information on pending legislation in the “Official Word” newsletter. Publications are available from the Secretary of State Website and election vendors. Election forms provide information and serve as checklists for coordinating the election. Samples of election forms may be obtained from the League of California Cities or an election vendor. Upon request, the League can provide samples of election-related forms sent in from other cities to the League Library through the Clerks Listserve. The Listserve is also a valuable resource to post election-related questions. Clerks receive notice of these posts and respond directly to questions/inquiries. This is most helpful in cases where time is of the essence.

Clerks serving as election officials must maintain a high degree of competency in this area; attending seminars related to elections is essential. It is customary for the League of California Cities and some election vendors to sponsor election law seminars well before municipal elections to review new code requirements and their effect on the forthcoming election. Clerks are highly encouraged to attend such training.

Fair Political Practices Commission

The Fair Political Practices Commission (FPPC) regulates financial disclosures on spending and receiving contributions. The FPPC conducts seminars for candidates, filing officers, and treasurers throughout the year and more frequently during the election cycle. Since the regulations are often amended, clerks and candidates must know the most current laws. The FPPC website at www.fppc.ca.gov contains updated information, opinions, regulations, forms, and meeting announcements. Filing deadlines for campaign expense reporting should be included in the election calendar (GC 83100 et seq.).

Federal Tax Filings

Although the Clerk is not responsible for its oversight, it is essential to inform potential candidates to seek the advice of a tax consultant if that candidate has a campaign committee that anticipates gross receipts of \$25,000 or more in any taxable year. In that case, notification must be given to the Secretary of Treasury that it is a “Section 527 Organization” to exempt certain income, including campaign contributions, from income taxation.

Federal Election and Voting Laws

The Voting Rights Act of 1965 guarantees the right to vote and prevents states from enforcing discriminatory tactics aimed at preventing African Americans from having fair opportunities to participate in the voting process. The Act was extended in 1970, 1975, and 1982 to codify the 15th Amendment’s permanent guarantee that no person shall be denied the right to vote based on race or color throughout the nation. The amendments mandated bilingual ballots and oral assistance to those who spoke identified languages other than English.

The National Voter Registration Act (NVRA) of 1993, also known as “The Motor Voter Act,” required state governments to allow for voter registration when qualifying voters who applied for or renewed their driver’s license or social security services.

The Help America Vote Act (HAVA) of 2002 required the replacement of the punch card and lever-based voting systems with electronic and technological devices, created the Election Assistance Commission to assist in administering the new requirements and Federal elections, and established minimum election administration standards. Almost two million ballots were disqualified in the 2000 election because they registered multiple votes or no vote when run through vote-counting machines. HAVA mandates that all states and localities upgrade aspects of election procedures, including voting machines, registration processes, and poll worker training, and provides grants to help meet the new requirements. HAVA also requires state-wide voter registration databases, assurance of voting rights for military members and overseas citizens, improvement of accessibility for voters with disabilities, and establishment of a college student poll worker program. See the Federal Election Commission website at www.fec.gov and educational links at www.electionline.org and www.constitutionproject.org.

Under the new law, a county is required to provide bilingual election materials if five percent or more of the citizens of voting age are members of a single language minority and are limited-English proficient, or more than 10,000 of the citizens of voting age are members of a single language minority and are limited-English proficient, and the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

The law requires that all information provided in English about voter registration, elections, and voting, including information disseminated in the polling places and the voting booths, must be translated to the extent it is needed to allow persons to participate effectively in the electoral process and all voting-related activities. This requirement applies to information that is communicated orally and in writing. The same duty also applies to all municipalities, school districts, and other governmental units within a county covered by minority language provisions.

The City Attorney or county elections department can help determine bilingual requirements. The Department of Justice has issued guidelines stating that the objective of the Act is to make the total voting process for the language minority group comparable to the voting process in English. The Justice Department has also declared that the requirements they set forth should be considered minimum. They are not intended to prevent an affected jurisdiction from taking additional steps to further the purposes of the Act. Justice Department guidelines recognize that alternatives to the total distribution of bilingual election materials may be acceptable. Any distribution method, however, must ensure that minority language materials are as readily and easily obtainable as English materials.

The guidelines require each jurisdiction to take appropriate steps to publicize the availability of written materials and assistance in the minority language. Such steps shall include displaying appropriate notices in the minority languages at voter registration offices and polling places. The local jurisdiction also must provide oral minority language assistance at all stages of the electoral process, including voter registration and voting. Using the most widely spoken and most effective dialect is required where language dialects exist.

Elections Code Section 12303 also contains specific language requirements for precinct board members. While it is not mandated that oral assistance for the covered minority language be offered at each precinct, the election official must determine the number of persons necessary to provide oral assistance. Consider such factors as the total number of election workers, the number of voters in a precinct who are members of the language minority group, and the number of persons who are unable to use English. The

Department of Justice guidelines indicate that effectiveness is the standard to be used in complying with these requirements.

California Voting Rights Act

Many cities conduct “at-large” municipal elections. “At-large” refers to an election where the method to elect all of the offices for that election is voted on a citywide basis. There are combinations of these, such as when Councilmembers are voted by district, but the Mayor is voted at-large, or when candidates must live in the designated districts but are voted on by all voters in that city. The “district-based” method occurs when the city is divided into districts. The candidates must reside within that district, and only the voters in that district can vote for those candidates. The California Voters Rights Act of 2001 was enacted as a tool for protected minority class voters to elect a candidate of that race, color, or language as defined in the Federal Voting Rights Act. It would be necessary to prove that racially polarized voting exists and, if proven, could eliminate the at-large method of voting and impose a district-based election.

Section 2 - ELECTION CALENDAR

An election calendar is essential to outline the timeline for actions necessary to conduct elections. Election vendors provide calendars for specific elections, including dates and code references. These calendars can be provided to candidates and generally outline steps in the election process; a precise and detailed calendar outlining steps is essential for the Clerk. The calendar serves as a chronological reminder of what needs to be completed.

An election calendar may be used as a planning tool and should be revised to meet your municipality’s requirements, i.e., modified to include any charter and municipal code requirements. In any event, the election calendar is meant to be a “working tool” for the Clerk and should be personalized. Except for the preliminary procedures, the calendar for a special municipal election substantially follows the same timeline as for a regular or general municipal election.

Section 3 - GENERAL ADMINISTRATION

Budget

Detailed costs for each election should be maintained for historical purposes and assistance in estimating budgets for future elections. Include a comprehensive list of all costs associated with the election and a list of the number of registered voters at the time and the number of votes cast. This data establishes a cost-per-voter amount that can also be used for budgeting purposes. When developing a budget, consider the following:

- Consolidated vs. stand-alone election
- Change in the number of registered voters
- Change in the number of precincts
- Increase in the use of mail ballots
- Precinct official compensation and polling place rental fees
- Costs for materials and printing
- Vendor fees
- Costs incurred from County Election services - the Registrar of Voters should provide an estimated cost for a specific election upon request from the clerk.
- New State law requirements

- Voting equipment and electronic communications
- Number of candidates and measures
- Postage
- Petition signature verification (if applicable)
- Additional staffing is needed if conducting a stand-alone election

Cities conducting stand-alone elections incur additional costs relative to staffing needs (administrative and polling places), precincts, processing ballots, and election vendor services.

Supplies

Campaign report forms and manuals can be downloaded from the Fair Political Practices Commission website and purchased from an election vendor for candidate nomination materials. Some supplies from previous elections may remain valid and can be used. For a consolidated election, the county elections official may order supplies for all jurisdictions involved. In any event, order supplies well in advance of the opening of the nomination period. See Elections Code Sections 13000 – 13006 for purchasing procedures. Supplies may include:

- Precinct kits
- Vote by mail applications/envelopes
- Candidate forms, including nomination documents, campaign expenditure forms, financial disclosure forms, candidate statement forms, Code of Fair Campaign Practices, and ballot designation worksheets
- Precinct officer manuals (Elections Officers Digest) and oaths
- Ballots and sample ballot pamphlets
- Voting equipment, including booths, ballot boxes, and canvassing materials

Assistance from County Elections

Whether consolidating the election or not, it is essential that planning includes consulting and meeting with the county elections department to determine roles and responsibilities related to the election (i.e., who will handle what). The level of assistance varies from county to county; in most counties, this will include maintenance of voter registration lists/indexes, the provision of precinct maps, and other services as requested by the jurisdiction (see EC 10400-10418).

Section 4 - INFORMING THE PUBLIC

Keeping the public informed is essential to the election official's responsibilities, as many timelines and actions occur leading up to and including election day. Use social media to get information out to the voters, post-election calendars, and information on the city's website and any other venue utilized by the municipality (Facebook, Twitter, LinkedIn, etc.). Election information posted on the city's website may be linked to other community websites, such as the local chamber of commerce and the county elections department. Keep the information timely – such as a post to Facebook about an upcoming deadline on one aspect (candidate filing deadline)—schedule meetings with local media to discuss the election timeline and answer any questions they may have. The media is a valuable resource in delivering messages to the public. Ensure the media is aware of deadlines for candidates to file, voter registration, vote-by-mail voting, and the time the polls open and close: follow agency press release procedures. If a cable television system is available, periodic election announcements can be placed on the scrolling bulletin board.

The Federal Voting Rights Act requires that this information be provided in languages other than English and available to persons with special needs. Include this in your public information program. Target notices to the population you are attempting to reach. In addition to electronic postings, printed materials can be left at various community organizations or meeting areas. Special notes can be included in utility bills under the city's jurisdiction and city newsletters. Voter outreach can also include speaking at various local community organization meetings.

Section 5 - STAFF RESPONSIBILITIES

Staff responsibilities will vary and are dependent to a large degree on the size of department staff. In larger cities, specific functions or phases of the election process may be assigned to designated personnel. In comparison, in smaller agencies, each Clerk staff member may be involved in all phases of the election.

Staff members should understand how to perform the work items listed on the calendar. Instructions for each phase should be written and available to appropriate staff members. Instructions should outline procedures and list code sections, where applicable, to be followed. Instructions should be prepared for (but not limited to) the following:

- Recruitment and training of election workers
- Issuance of nomination papers
- Filing of nomination papers, candidate statements, and financial disclosure forms
- Legal publications
- Knowledge of campaign disclosure statements
- Filing of City Attorney's analyses, arguments, and rebuttals for or against measures
- Issuance, voting, and return of vote-by-mail ballots
- Filing of declaration of a write-in candidate
- Training on setting up and use of voting devices and electronic voting systems
- Updates to the website and other online functions
- Any other steps the Clerk deems necessary to effectuate the process

For elections that are not consolidated, it may be possible to obtain clerical personnel from other city departments to assist with recruiting precinct officers, securing polling place locations, processing vote-by-mail ballots, working election night, and conducting the election canvass. City/community volunteers, police cadets, or community service officers may be able to assist. Following an Election Checklist may be helpful to ensure steps are not missed or forgotten.

Section 6 - CANDIDATES

Eligibility for Office

A person is not eligible to hold office unless he/she resides in the geographical area making up the district from which he/she is to be elected and is a registered voter at the time nomination papers are issued (GC 34882, EC 201, 309). Charter cities may have additional requirements.

Candidate Information and Nomination Binder

The Candidate Information and Nomination Packet should be issued to the candidate when nomination papers are taken out. This packet should include information such as:

- ☐ List of offices to be filled by the election.

- ☐ Council district boundaries.
- ☐ Terms of offices to be filled.
- ☐ Organizational chart of city and other general departmental information.
- ☐ Names of incumbents who presently occupy offices to be filled.
- ☐ Compensation for the offices to be filled.
- ☐ Qualifications for filing as a candidate.
- ☐ Fees, if any, or cost of printing candidate statements if paid by the candidate. The Registrar of Voters provides estimates of this cost for each office before each election. The final cost is determined after the election and may require a follow-up payment by the candidate or a refund from the city.
- ☐ Dates and procedure for taking out, circulating, and filing nomination papers.
- ☐ Dates and procedures for filing candidate statements, ballot designation worksheets, campaign expenditure forms, financial disclosure statements, etc., and required forms.
- ☐ Procedure for filing arguments either for or against measures.
- ☐ Provide a copy of Government Code Section 84305 relating to mass mailings (EC 16).
- ☐ Code of Fair Campaign Practices.
- ☐ Lists of polling places and addresses, showing the number of registered voters in each precinct or consolidated precinct.
- ☐ Municipal regulations affecting campaign procedures, such as political signs, handbills, posting on public property, operating sound trucks, etc.
- ☐ Miscellaneous sections from the Elections Code relating to electioneering, poll watching, voting for disabled voters, use of precinct indexes posted at polling places, penalties for violating any provision of the Elections Code, etc.
- ☐ Government Code sections related to mass mailings, candidate forums, etc.
- ☐ Helpful website addresses for election information, such as the Smart Voter Project and FPPC.
- ☐ The ordinance, if any, related to expenditure and contributions limits.
- ☐ The procedure by which ballot order of candidates' names will be determined.
- ☐ Final date for registration of voters.
- ☐ Vote by mail voter procedures and requirements.
- ☐ Where lists of registered voters and precinct maps may be obtained and the estimated cost.
- ☐ Information on City Council meetings and a list of Advisory Boards / Committees / Commissions.
- ☐ References to resources available from the Registrar of Voters.

It is recommended that either the candidate or their representative sign an acknowledgment that the material was provided to them by the Clerk's Office. Information provided to individuals or groups should include a statement such as "this is not intended to be all-inclusive" and "any persons having questions should contact the Clerk, review the Elections and Government Codes, and/or consult legal counsel." The Clerk should review all informational handbooks with the City Attorney before release.

Code of Fair Campaign Practices

Elections Code Section 20400 et. seq. provides for voluntary subscription to a Code of Fair Campaign Practices to encourage candidates and committees to conduct campaigns honestly and truthfully. The Clerk shall make this form available when nomination papers are issued. It can be downloaded from the California Codes website: www.leginfo.ca.gov.

Smart Voter Website

The League of Women Voters offers candidates an opportunity to promote their campaign using the free service “Smart Voter, a comprehensive online election guide.” This tool allows candidates to share information about themselves with voters (see www.smartvotger.org).

Issuing Nomination Papers

The first day anyone may obtain, circulate, and file nomination papers is the 113th day before a general municipal election (See [EC 10220-10230](#) for cities with stand-alone elections or [EC 10407](#) for consolidated elections). The nomination papers shall be substantially in the form provided in [Elections Code Section 10226](#). The City Election Official (generally Clerk or Deputy) is the only person authorized to furnish the nomination papers for election to any office within their agency’s jurisdiction. The nomination paper shall contain an imprint that reads “Official Filing Form.” When nomination papers are issued, the Clerk or Deputy shall type in the form the name of the candidate and the office for which the person is a candidate. The Clerk or Deputy signs and dates the nomination paper when it is issued ([EC 10227](#)).

Filing Nomination Papers

Nomination papers shall be filed with the Clerk during regular business hours not later than the 88th day before the election. A candidate may withdraw their nomination paper after it has been filed with the Clerk until 5 p.m. on the 88th day before the election ([EC 10224](#)). It may not be withdrawn after that date unless the nomination period is extended because an incumbent does not file. If the nomination period is extended, any candidate may withdraw their nomination papers during the extended period ([EC 10225](#)). Any eligible person other than the incumbent may take out, circulate, and file nomination papers for that office during this extended time.

A nomination paper may be circulated by the candidate or any other person registered to vote in California ([EC 102](#)). The circulator must indicate by affidavit, in their handwriting, the circulator’s name, residence address, and the dates between which all signatures were obtained. The circulator shall certify its truth and correctness under penalty of perjury. See Elections Code Sections [100](#) and [104](#) for nomination paper signer and circulator requirements.

A candidate shall not file nomination papers for more than one municipal office for the same municipality in the same election ([EC 10220.5](#)).

A filing fee not to exceed \$25 may be imposed by the legislative body for the filing of nomination papers. This is optional and must be set by ordinance if the legislative body desires ([EC 10228](#)). California [Elections Code Section 8106](#) allows for the submission of a petition containing signatures of registered voters in lieu of a filing fee. If the number of registered voters in the district in which a candidate seeks nomination is 2,000 or more, the candidate may submit a petition containing three signatures of registered voters for each dollar of the filing fee, or 7 percent of the total of registered voters in the district in which the candidate seeks nomination, whichever is less ([E.C. 8106\(a\)\(4\)](#)). If the number of registered voters in the district in which a candidate seeks nomination is less than 2,000, the candidate may submit a petition containing three signatures of registered voters for each dollar of the filing fee, or 14 percent of the total of registered voters in the district in which the candidate seeks nomination, whichever is less ([E.C. 8106\(a\)\(5\)](#)). A voter may sign both a candidate's nomination papers and in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and

the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents ([E.C. 8106\(a\)\(6\)](#)).

Verification of Signatures

The nomination paper must contain an affidavit of the person who circulated it stating that they circulated it, saw written all the signatures, and know they are the signatures of the persons they purport to be. Not less than 20 or more than 30 signatures are required for nomination in a city of 1,000 registered voters or more. In a municipality of less than 1,000 registered voters, 5 to 10 signatures are required ([EC 104](#), [10220](#), [10222](#)). Charter city requirements may vary.

Each person signing a nomination paper must be a registered voter in the jurisdiction. No voter may sign more than one nomination paper for the same office. If a voter signs multiple nomination papers for a single office, their signature shall count only on the first paper filed for that seat. Each seat on the governing body is considered a separate office ([EC 10220](#)). Each signer shall personally affix their printed name and place of residence and their written signature on the nomination paper ([EC 106](#), [10221](#)).

Any person registered to vote at the election and qualified to vote for the elective office of the city for which the nomination is made may circulate a nomination paper. Only one person may circulate each nomination paper ([EC 10220](#)).

After a nomination paper has been filed, the Clerk is responsible for checking the signatures to determine whether or not a sufficient number of the persons who signed the paper are registered voters within the city or in the district. Each signature must be compared with the signature on that person's original affidavit of registration on file in the county elections department or as viewed if there is electronic access. It is important to verify signatures as they are filed so that each candidate can rectify any insufficiency that may preclude candidacy ([EC 10224](#)).

Once a nomination paper is filed with the elections official, the nomination paper may not be returned to the candidate to obtain additional signatures. Suppose the nomination paper is determined to be insufficient, or the candidate fails to get the correct number of valid signatures on their nomination paper. In that case, the elections official shall retain the original nomination paper, provide a copy to the candidate with an indication of which signatures are valid, and issue one supplemental petition to the candidate on which the candidate may collect additional signatures. The supplemental petition shall be filed not later than the last day for filing for that office. The form of the supplemental petition shall be the same as the nomination paper, except that the word "Supplemental" shall be inserted above the phrase "Nomination Paper" ([EC 10221](#)).

The county elections department may verify the signatures on nomination papers if requested. Some cities have utilized the Internet to access voter records during the election process and to issue early voting ballots.

Candidate Ballot Designations

The nomination paper shall be accompanied by a verified statement that the candidate will accept the nomination and will accept the office in the event of election. Such a statement shall include the candidate's name as the candidate wishes it to appear on the ballot and the ballot designation ([EC 13107](#)). Each candidate who submits a ballot designation shall file, in addition to the nomination documents filed, a ballot designation worksheet that supports the candidate's use of that ballot designation in a format

prescribed by the Secretary of State. If a candidate fails to file a ballot designation worksheet, no designation shall appear under the candidate's name on the ballot. Guidelines for accepting or rejecting ballot designations submitted by candidates are available from the Secretary of State and the Registrar of Voters. Elections officials may not accept a designation that violates [Elections Code Section 13107](#).

No Candidate or Only One Candidate

[Elections Code Section 10229](#) establishes procedures for appointing persons to an elective office rather than proceeding with the election when there is no nominee or only as many nominees as vacancies for an office. For instance, if you have three at-large council positions to be filled at an election, no other positions or measures are on the ballot, and there are not more than three nominees, the council may appoint the nominees (or other persons if there are fewer than three nominees), rather than conduct the election. This can be done by canceling the election, and it must be declared by the legislative body by the seventy-fifth day before the actual election. If there is a ballot measure or a jurisdiction-wide office on the same ballot, the election cannot be canceled, according to [EC 10229](#).

Section 7 - CANDIDATE STATEMENTS

Definition and General Information

The California Elections Code allows each candidate for a nonpartisan elective office in a city to prepare a statement to be included with the sample ballot and mailed to each registered voter. The law requires the council to adopt a policy no later than seven days before the nomination period opens regarding the obligation of candidates to pay for their statements. The policy may also include the city's position regarding Voter Information Guides ([EC 13307](#)).

Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement. This decision shall not be revoked or modified after the seventh day before the opening of the nominating period. A written statement of the regulations concerning charges shall be provided to each candidate or their representative when they pick up the nomination papers ([EC 13307\(e\)](#)).

If a candidate alleges to be indigent, they may file a Statement of Financial Worth with the Clerk. The form may be obtained from the election vendor. This form should be obtained before the opening of the nomination period to be available if requested. See [Elections Code Section 13309](#) for form, time, and manner.

The heading of a printed candidate statement will formally identify the candidate to the voter. It includes the candidate's name and gives the office's official title, i.e., Mayor, Member of the City Council (including long or short-term and district number, if needed), Clerk, or City Treasurer. The candidate enters the name, age, and occupation and has no legal tie to the wording on the ballot. Candidates frequently omit their age and expand their occupation description beyond the three-word limit for their ballot designation.

[Elections Code Section 13307](#) prohibits wording that includes "...the party affiliation of the candidate or membership or activity in partisan political organizations." [Elections Code Section 13308](#) states that a candidate statement shall be limited to a recitation of the candidate's background and qualifications and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.

Candidate statements are filed at the time nomination papers are filed. Once filed, they may be withdrawn but not changed until 5 p.m. of the next working day after the close of the nomination period ([EC 13307](#)). Candidate statements must be forwarded for translation and printing as soon as possible to meet mailing deadlines.

The Clerk is required to print the candidate statements in a uniform size and darkness and with uniform spacing, regardless of the form of the statement submitted by the candidate. A strict interpretation would preclude the use of underlining or other methods of emphasis, such as asterisks or stars. It would allow for the uniform use of capital and lowercase letters rather than all capital letters and uniform paragraph indentations for all statements. The Clerk should order the printing of statements so that no candidate receives an undue advantage due to the appearance of their statement.

Since candidate statements are optional, some candidates may choose not to file one. For this reason, [Elections Code Section 13312](#) requires the heading of the first page of the voter's pamphlet to include a statement to this effect.

Candidate statements filed according to [Elections Code Section 13307](#) shall remain confidential until the expiration of the filing period ([EC 13311](#)).

Not less than ten calendar days before the clerk submits the official voter's pamphlet for printing, the clerk shall make a copy of the contents available for public examination. Refer to [Elections Code Sections 13312-13314](#) for details regarding the public examination requirement.

Payment

The cost of the candidate statement can be estimated, and each candidate filing a statement can be required to pay the city their pro rata share in advance as a condition of having their statement included in the ballot pamphlet. The code requires the Clerk to refund any unused deposit within 30 days of the election. The cost of the candidate statement may be borne by the city, the candidate, or the cost shared between them.

Word Limit

The council may authorize increasing the word limit for the statement from 200 to 400 words. Word count guidelines are available in addition to computer programs to assist in the word count ([EC 13307](#)).

Section 8 - CAMPAIGN FINANCES AND ECONOMIC INTERESTS

The Political Reform Act of 1974 ([GC 81000 et seq.](#)) applies to general law and charter cities and governs the disclosure of campaign finances and economic interests. Specific duties assigned can be found in Government Code Sections [81010](#), [82027](#), [84215\(e\)](#), and [87500\(f\)](#). The Fair Political Practices Commission (FPPC) administers and enforces the Act. The FPPC publishes informational manuals on the provisions regulating the disclosure of campaign finances and economic interests, as well as campaign disclosure forms to be used by candidates and campaign committees. FPPC conducts seminars throughout the state to assist filing officers and filers, provides telephone technical assistance, and disseminates information on its website at www.fppc.org.

The FPPC also adopts regulations that have the force of law and implement various provisions. It also adopts formal opinions and issues advisory letters on questions submitted to it regarding the interpretation and implementation of the Act. In most cities, the City Attorney is designated to keep track of the changes and to maintain a current version of the law, regulations, and opinions.

Campaign Disclosure

Every candidate for any elective office and every committee (i.e., person or persons receiving or expending \$2,000 or more to influence a campaign either for a candidate or a ballot measure) must file campaign statements ([GC 84200](#)). Any person or committee who receives \$2,000 or more must file a Statement of Organization with the Secretary of State ([GC 84101](#)). While there are different forms for filing, Form 470 (short form) can be used by candidates who will neither raise nor spend \$2,000 or on whose behalf not more than \$2,000 has been raised or spent ([GC 84206](#)). This statement must be filed no later than the due date of the first pre-election statement discussed below.

Candidates and committees must file two pre-election campaign statements, the first not later than 40 days before the election and the second not later than 12 days before the election. City general purpose committees that make contributions or independent expenditures of \$500 or more during the pre-election period must also file pre-election statements ([GC 84200.5](#), [84200.8](#)).

Elected officers, candidates, and committees must file semiannual statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31 ([GC 84200](#)). Special filing periods apply to runoff or general elections held after a primary ([GC 84200.8\(c\)](#)). Late contribution reports, supplemental pre-election statements, independent expenditure reports, and late independent expenditure reports may also be required ([GC 84203](#), [84204](#)).

While not part of the election process, the Clerk should also be aware that some officeholders, candidates, and committees must file semiannual campaign statements in non-election years ([GC 84200\(a\)\(b\)](#)).

One original and one copy of each campaign statement for candidates and committees for city offices and ballot measures must be filed with the Clerk ([GC 84215\(e\)](#)).

Local Campaign Ordinances

AB571 - Contribution Limits: City and County Candidates

[Assembly Bill 571](#), approved and filed in October 2019, amended the Political Reform Act regarding contribution limits. A local jurisdiction may enact a campaign ordinance that provides for additional or different campaign requirements for committees active exclusively in its jurisdiction as long as the provisions are stricter than those in the Act. Beginning January 1, 2021, a state campaign contribution limit will apply to city and county candidates by default when the city or county has not already enacted a contribution limit on such candidates. Along with the new campaign contribution limit, other related provisions formerly applied only to state-level candidates will now apply to city and county candidates.

While the FPPC may neither interpret nor comment on a local ordinance's viability, enforceability, or constitutionality, they are not constrained from identifying those provisions that may conflict with or impede a person's compliance with the Act.

Cities and counties that have adopted a campaign finance ordinance must submit to the FPPC either a link to their website where the ordinance can be found or a PDF copy of the ordinance. Links to local jurisdictions ordinances can be found on the [FPPC website](#).

Under [Assembly Bill 571](#) (Stats. 2019, Ch. 556, AB 571 Mullin), beginning January 1, 2021, a state campaign contribution limit will, by default, apply to city and county candidates when the city or county has not already enacted a contribution limit on such candidates. Along with the new campaign contribution limit,

other related provisions formerly applied only to state-level candidates will now apply to city and county candidates. Please note that none of the provisions of AB 571 discussed in this fact sheet apply to candidates in cities or counties for which the city or county has enacted campaign contribution limits.

The contribution limit that now applies to city and county candidates under AB 571 is updated biennially for inflation. Contribution limits can be found in Regulation 18545(a)2 and on the FPPC website's FPPC Regulations page. The default limit for contributions to city and county candidates subject to AB 571 for 2023-2024 is \$5,500 per election.

Several other provisions also now apply to city and county candidates in jurisdictions that have not enacted campaign contribution limits, including the following:

- A candidate may not make a contribution over the AB 571 limit to another candidate in jurisdictions subject to the AB 571 limit, with limited exceptions related to recall elections, legal defense funds, and candidate-controlled ballot measure committees. (See Regulation 18535 for more information.)
- A candidate who has qualified as a committee must establish a separate controlled committee and campaign bank account for each specific office. Candidates may not redesignate a committee for one election for another election.
- Candidates may transfer non-surplus campaign funds from one candidate-controlled committee to another committee controlled by the same candidate for a different office if the committee receiving the transfer is for an elective state, county, or city office. However, contributions transferred must be attributed and transferred using the "last in, first out," or "first in, first out" accounting method. They shall not exceed the applicable contribution limit per contributor. If a candidate is seeking to transfer campaign funds from one controlled committee to another for the same office, a candidate may carry over non-surplus campaign funds raised in connection with one election to pay for campaign expenditures incurred in connection with a subsequent election for the same office without attributing or using the "last in, first out" or "first in, first out" accounting method. (See Regulation 18536 for more information on the transfer and attribution of contributions, and See Regulation 18537.1 for more information on carryover of contributions.)
- Candidates may not personally loan to a candidate's campaign an amount for which the outstanding balance exceeds \$100,000. "Campaign" includes both the primary and general, or special and special runoff, elections. However, a candidate may loan each committee for a different office or term of office up to \$100,000. A candidate may not charge interest on any such loan the candidate made to the candidate's campaign. (See Regulation 18530.8 for more information.)
- Candidates may establish a committee to oppose the qualification of a recall measure and the recall election when the candidate receives a notice of intent to recall. Campaign funds raised to oppose the qualification of a recall measure and/or the recall election would not be subject to any campaign contribution limit under the Act. (See Regulation 18531.5 for more information.)
- A candidate for local office may open a candidate-controlled general-purpose ballot measure committee to oppose or support a measure being voted on. The committee must identify on its campaign statements and report each measure for which an expenditure of \$100 or more is made. (See Regulations 18421.8 and 18521.5 for more information.)
- Contributions after the date of the election may be accepted to the extent contributions do not exceed net debts outstanding from the election and contributions do not otherwise exceed applicable contribution limits for that election. (See Regulation 18531.64 for more information.)

- Candidates are permitted to raise contributions for a general election before the primary election. They may establish separate campaign contribution accounts for the primary and general so long as candidates set aside contributions and use them for the general or special general election as raised. If the candidate is defeated in the primary election or otherwise withdraws from the general election, the general election funds must be refunded to contributors on a pro-rata basis, less any expenses associated with the raising and administration of the general election contributions. (See Regulation 18531.2 for more information.)
- Candidates who are currently in office and are running for reelection to the same seat in an election after January 1, 2021, may carry over campaign funds without attribution, as mentioned above. Candidates running for a different office also do not need to do LIFO FIFO or attribution for the election immediately after the election before 2021 for which the money was raised.
- Candidates must disclose cumulative totals of contributions received or made for each election on campaign statements. (See Regulation 18421.4 for more information.)

Candidates Running for Re-Election

Incumbents in agencies with their contribution limits must file a Form 501 and, if using an existing committee, amend their Form 410 to indicate the next election and change their committee name.

Incumbents in agencies following State contribution limits must file a Form 501, terminate their existing committee (by filing a Termination Form 410 and Form 460 Termination Statement) and bank account, and file a new Form 410 to establish a new committee indicating the next election and updating their committee name.

AB 2151 – Local Campaign Filings

All campaign reports and statements filed in paper format with a local government agency must be made available online on the local agency's website within 72 hours after the filing deadline of the statement or report. Links to local agency campaign reporting websites from several City and County agencies can be found on the [FPPC website](#). The posted links are the latest provided to the FPPC.

Statements of Economic Interests

Candidates for a city office must also file statements of economic interests (FPPC Form 700), which disclose the specific financial interests of the candidate. These statements are exclusive and do not include campaign finances.

Candidates, including incumbents, must file a statement of economic interests at the time nomination papers are filed disclosing certain investments, interests in real property, and income received in the preceding 12 months unless such a statement was filed within 60 days before the date of filing a declaration of candidacy ([GC 87201](#)).

All newly elected officeholders must also file statements of economic interests within 30 days after assuming office unless such a statement was filed with the same jurisdiction within 60 days before assuming office ([GC 87202](#), [87203](#)).

Mayors and Councilmembers who complete one term of office and on the same day begin a new term of the same office (i.e., a re-elected incumbent) or another such office in the same city do not have to file since incumbents are not deemed to have assumed or left office ([GC 87205](#)). Persons leaving office must also file a statement of economic interests within 30 days of leaving office ([GC 87204](#)).

The Clerk is not the official “filing officer” for statements of economic interests from candidates or officeholders. For instance, candidates and officeholders must file one original form with the Clerk, who must make and retain a copy of the statement and forward the original to the FPPC, which serves as the filing officer ([GC 87500](#)).

Duties of the Clerk

The Clerk is responsible for the following: (1) to supply necessary forms and manuals; (2) determine whether the required documents have been filed and, if so, whether they conform on their face with the requirements of the Act; (3) notify promptly all persons and known committees who have failed to file a report or statement in the form or at the time required by the Act; (4) report apparent violations of the Act to the appropriate agencies, including the City Attorney; and (5) compile and maintain a current list of all reports and statements filed ([GC 81010](#)).

A person filing an original of a statement or report after any deadline imposed by the Act is liable to the Clerk for \$10 per day until the statement or report is filed. The Clerk may use discretion in enforcing a penalty if, on an impartial basis, it is determined that the late filing was not willful and that enforcement of the liability will not further the purposes of the Act. However, the penalty may not be waived if a statement or report is not filed within 30 days for a statement of economic interests, within five days if it is the second pre-election campaign statement required to be filed 12 days before an election, or within ten days for all other statements and reports after the Clerk has sent specific written notice of the filing requirement. If a copy is filed late, a fine of \$10 per day begins ten days after the written notice has been sent or *five* days if it is the second pre-election campaign statement. No penalty may exceed the cumulative amount indicated in the late statement or report, or \$100, whichever is greater ([GC 91013](#)).

Section 9 - MUNICIPAL BALLOT MEASURES – INITIATIVES, REFERENDA AND RECALL

In 1911, the California Legislature placed 23 Constitutional amendments on the ballot for voter approval. Three of these became powerful tools in the hands of the voters: the recall of elected officials, the referendum to repeal legislative actions, and the initiative to propose and enact ordinances by a direct vote of the electorate. One of the rights reserved to the citizen is the right to initiate legislative action through a petition. See <http://www.sos.ca.gov/elections/ballot-measures/how-to-qualify-an-initiative.htm>.

Measures that may be included on a municipal ballot include ordinances, referendums, advisory measures, some annexation measures, and charter amendments. The legislative body may submit a proposition for the repeal, amendment, or enactment of any ordinance to the voters without a petition ([EC 9222](#)).

Recall

The voters enacted Article XXIII of the State of California Constitution in 1911. California voters have initiated 32 gubernatorial recall attempts since 1911, but the 2003 recall is the first to reach the ballot. In 2003, a successful recall process resulted in the historic special election for the highest office in the State. Recall is used much more often at the local level of government than at the state level. The electors of any city may exercise the right of recall regarding the elective officers thereof. Specific rules governing the conduct of recall elections in cities are contained in [Elections Code Section 11000 et seq.](#)

Recall proceedings may not be commenced until the officer has held office for more than 90 days and only if the officer has more than six months remaining in the term of office. Proponents begin the recall

process by serving, either by personal delivery or certified mail, a copy of the notice of intention on each officer sought to be recalled ([EC 11021](#), [11020](#)). Within seven days of the service of the notice of intention on the officer, the recall proponent must file the original with the Clerk ([EC 11021](#)). The proponents must publish the notice of intention and provide proof of publication to the Clerk ([EC 11022](#), [11042](#)). Within seven days after filing the notice of intention with the Clerk, the officer sought to be recalled may file an answer with the Clerk ([EC 11023](#)).

The next step in this process is the circulation of a recall petition by the proponents. The petition must comply with the form and content of Elections Code Sections [11041](#) and [11043.5](#). The proponents must file two blank copies of the recall petition form with the Clerk within ten days after the officer sought to be recalled files the answer. Within ten days of this filing, the Clerk must notify the proponent whether the form and wording of the petition are sufficient ([EC 11042](#)).

Recall movements are traditionally among the most bitterly contested of election activities. The Clerk must review the legal requirements with the City Attorney.

The circulation period for recall petitions varies according to the number of registered voters in the jurisdiction ([EC 11220](#)).

All sections of the recall petition are simultaneously presented for filing with the Clerk ([EC 11222](#)). After conducting a prima facie examination and accepting the petition for filing, the Clerk has 30 days from the filing date to examine the petition and determine if there are a sufficient number of valid signatures ([EC 11223](#), [11224](#), [11225](#)). If the petition is insufficient, no action shall be taken, and it shall remain on file. This does not preclude the later filing of an entirely new petition to the same effect ([EC 11226](#), [11300](#)). If the clerk finds the petition signatures sufficient, a certificate must be presented to the legislative body at its next regular meeting ([EC 11224](#), [11227](#)).

Within 14 days after the meeting at which the council receives the certificate, the council must order a recall election to be held not less than 88 or more than 125 days after the date of the order. If a special or regular election is to be held throughout the city during this time, the recall election must be consolidated with that election ([EC 11240](#), [11241](#), [11242](#)).

Initiative

The initiative process is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them ([California Constitution Article II, Section 8](#)). The statutory procedures for city initiatives are found in [Elections Code Sections 9200 - 9226](#). Any proposed ordinance may be submitted to the legislative body through a petition ([EC 9201](#)).

The initiative process begins with filing a notice of intention to circulate a petition with the Clerk together with the initiative's text ([EC 9202](#)). The Clerk must reject a notice of intent that does not contain the name(s) of the proponents(s) of the initiative. The filers must request a ballot title and summary. The City Attorney must provide an impartial ballot title and summary within 15 days of the filing of the notice of intent ([EC 9203](#)). The notice of intention and title and summary of the proposed initiative must be published, and proof of publication must be submitted to the Clerk by the proponents ([EC 9205](#)).

After the notice of intention and the title and summary of the proposed measure are published or posted, the proponents may circulate the petition ([EC 9207](#)). Each section of the petition must have a declaration of the person soliciting the signatures attached ([EC 9022](#), [9209](#)). Any voter who has signed a petition may

withdraw their signature by filing a written request with the Clerk before the date that the petition is filed ([EC 9602](#)). All sections of the petition must be filed at one time by the proponents within 180 days of the receipt of the title and summary ([EC 9208](#), [9210](#)).

When the petition is presented for filing, the Clerk shall examine it to determine whether it qualifies for filing using the steps outlined in [Elections Code Section 9210](#). The first step is to determine “if the number of signatures, prima facie, equals or is more than the minimum number of signatures required” ([EC 9210\(b\)](#)). (Prima facie means at first sight; before closer inspection.) If the number is equal to or greater than the number of signatures required, you shall deem the petition filed and retain the petition for verification.

Obtain written confirmation from the county election department of the number of registered voters in your city last reported to the Secretary of State and written confirmation regarding the calculation used to determine the number of signatures required ([EC 9237](#), [9210](#)) and a copy of [Government Code Section 84305](#) mass mailing, to proponents. If the number of signatures is less, the petition is returned to the proponents ([EC 9210](#)).

The petition is deemed filed as of the date of the Clerk’s determination that it qualified for filing ([EC 100-104](#)). Once filed, no petition shall be amended except by a court. Such petitions are not public documents and are not available for public scrutiny ([GC 7924.110](#)). Keep petitions confidential. It is recommended that the Clerk prepare a receipt of filing indicating who filed, what was filed, and when it was filed and that both the Clerk and proponents sign this receipt.

After the petition has been filed, the Clerk shall examine it to determine if it contains sufficient valid signatures to meet requirements ([EC 9211](#), [9114-9115](#), and [9211](#)). If the petition contains more than 500 signatures, a random sampling technique may be used for signature verification. For lengthy petitions, this can reduce the workload dramatically ([EC 9115](#)). The Clerk or the county election department may do signature verification.

This determination must be completed within 30 days of the petition’s filing date, excluding weekends and holidays ([EC 9211](#), [9114](#)). The Clerk prepares a certificate showing the results of the examination of the petition for presentation to the City Council at its next regular meeting. The Clerk shall notify the petition’s proponents as to the sufficiency or insufficiency of the petition ([EC 9114](#), [9115](#)).

If the petition fails, no further action shall be taken; the proponents are permitted to examine petition sections to determine which signatures were disqualified and why ([GC 7924.110\(b\)\(2\)](#)). Any petition not accepted for filing shall be returned to the proponents ([EC 9210](#)).

For cities with more than 1,000 registered voters, if the initiative petition is signed by not less than 15 percent of the voters; or for cities with 1,000 or fewer registered voters, by 25 percent of the voters or 100 voters of the municipality, whichever is the lesser number, according to the county election officials last official report of registration to the Secretary of State in effect at the time the notice of intent to circulate was published, the legislative body shall (a) adopt the ordinance without alteration, (b) immediately order a special election to be held not less than 88 nor more than 103 days after the date of the order, if the petition contains a request that the ordinance be submitted immediately to a vote of the people at a special election, or (c) order a report under the provisions of [Elections Code Section 9212](#). When that report is received, the council shall do either (a) or (b) ([EC 9215](#)).

If the initiative petition is signed by not less than 10 percent of the voters of the city and the ordinance is not required to be, or for any reason is not submitted to the voters at a special election and is not adopted by the council, it shall be submitted to the voters at the next regular municipal election occurring not less than 88 days after the council's order ([EC 9214](#), [9215](#)).

The Clerk shall preserve initiative or referendum petitions for eight months after the canvass of the election, and then, under certain conditions, they may be destroyed ([EC 17200](#)). Such petitions are not public documents and are not available for public scrutiny ([GC 7924.110](#)).

An initiative ordinance is considered adopted upon the date the City Council declares the vote and shall go into effect ten days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people unless provision is otherwise made in the original ordinance ([EC 9217](#)).

Referendum

The referendum applies to newly enacted legislation; sections on referendums usually use the word "ordinance." However, the referendum power applies to all legislative acts regardless of form (i.e., ordinance or resolution). The statutory authority for referendum is found in [Elections Code Sections 9235–9247](#). Because of the referenda provisions, with very few exceptions, ordinances shall not become effective until the 31st day after adoption. If a petition protesting the adoption of an ordinance is submitted to the Clerk within 30 days after adoption and is signed by the requisite number of registered voters of the city, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance. In a city of more than 1,000 registered voters, the petition must be signed by at least 10 percent of the city's registered voters, according to the county election official's last official report of registration to the state. In a municipality with 1,000 or fewer registered voters, the petition must be signed by 25 percent of the voters or 100 voters of the municipality, whichever is the lesser number ([EC 9237](#)).

If the petition on its face (prima facie count) is signed by the requisite number of voters ([EC 9239](#), [9240](#)), the Clerk then has thirty (30) days to examine the validity of all or a random sample of the signatures on the petition ([EC 9240](#)). Procedures to be followed to examine the petition to ascertain whether it qualifies for filing and examination of petitions after filing are the same as the requirements for initiative petitions outlined in [Elections Code Section 9210](#). Each section of the petition must also contain the identifying number or title of the ordinance in question, along with the complete text of the ordinance ([EC 9238\(b\)](#)).

The Clerk's examination must be completed within 30 days from the date the petition is filed, excluding weekends and holidays. To assist in this task:

Meet with the City Attorney to ensure the legislative act is subject to referendum and confirm the effective date ([EC 9235](#) and [9236](#) for exceptions).

Determine the number of signatures required on the petition ([EC 9237](#)).

To determine the number of signatures required, contact the registrar of voters or County Clerk to ascertain the number of registered voters submitted to the Secretary of State on the last official report of registration for your city (recommended that this be done in writing). If the number is over 1,000 registered voters, the number of signatures required is 10% of the registered voters.

EXAMPLE: Total registered voters is 28,978.

Ten percent (10%) of 28,978 is 2,897.8

Check with the City Attorney to determine if the number is to be rounded up.

If the number of registered voters is less than 1,000, the number of signatures required is 25% of the registered voters or 100 voters, whichever is lesser.

EXAMPLE 1: Total registered voters is 1,000 registered voters

Twenty-five (25%) is 250, the number required would be 100

EXAMPLE 2: 200 registered voters

Twenty-five (25%) is 50, the number required would be 50

Once completed, a determination has been made on the following: (1) the ordinance (legislative act) is subject to referendum; (2) the exact number of signatures required to qualify the petition; and (3) the last date the petition can be filed. Petitions can only be filed during regular office hours ([EC 9237](#)). The Clerk submits a certificate showing the results of the examination of the petition to the City Council at its next regular meeting ([EC 9240](#)) certifying the results of that examination.

If the city council does not entirely repeal the ordinance, the council must submit the ordinance to the voters either at a regular municipal election or a special election occurring not less than 88 days after the order. The ordinance does not take effect unless a majority of the voters vote in favor of it ([EC 9241](#)). Election procedures are the same as those for initiatives ([EC 9217-9225](#), [9243](#)).

If the council repeals the ordinance, or if the voters reject it, the ordinance cannot be enacted again by the council for one year after the date of its repeal or defeat ([EC 9241](#)).

Referenda power does not extend to any of the following: (1) urgency statutes under Government Code Sections [36934](#), [36937](#), [65858](#) (interim land use ordinances; (2) statutes calling elections; and (3) statutes providing for tax levies or appropriations for usual current state expenses).

Charter Amendment

Charter amendments may be introduced by action of a charter commission, the local legislative body, or by petition action of the electors. The methods for charter amendments are found in [Government Code Sections 34450-34465](#) and [Elections Code Sections 9255-9269](#) as follows:

1. By Action of a Charter Commission. A charter commission may propose amendments to a city charter. Check with the City Attorney to determine whether [Government Code Section 34457](#) requires the proposed amendment to be submitted to the voters at a regular or special municipal election scheduled not less than 88 days in the future.
2. By Action of Governing Body. The City Council may, by its motion, order charter amendments submitted to the voters. These proposed amendments may be submitted to the voters at a special or regular election held not less than 88 days in the future ([GC 34458](#)). A charter amendment proposed by a charter commission or the City Council must be printed in not less than 10-point type and may be mailed to voters. Differences from existing law may be shown by the use of distinguishing type styles ([GC 34456](#)). A synopsis of the measure must be published.

3. By Petition Action. Charter amendments may be proposed by petition action, provided petitions are signed by 15 percent of the city's registered voters. Once a petition proposing a charter amendment is presented to the Clerk, the process is the same as other petition actions.

Following a successful election, if the voters approve an amendment to the Charter, it is deemed approved but shall not take effect until chaptered by the Secretary of State ([GC 34460](#)). One copy of the approved charter amendment must be filed with the county recorder, one in the city archives, and one with the Secretary of State. The Clerk shall also submit the following documents to the Secretary of State:

(a) certified copies of all publications and city and state notices required in conjunction with an election to propose, revise, amend, or repeal a city charter; (b) certified copies of any arguments for or against the charter measure which were mailed to voters ([EC 9281](#)); and (c) a certified abstract of the vote.

Petition Action

As used in the Government Code, the term “petition” refers to a petition prescribed by statute or city charter necessary to institute proceedings by the city. The term includes but is not limited to initiative, referendum, recall petitions, petitions to annex territory, consolidation of cities, dissolution of a city, and the institution of proceedings under an improvement act. General provisions that cover the basic requirements of all election-related petitions, including the requirements for format and specifications for circulator’s declarations, are found in [Elections Code Sections 100-108](#).

When proponents of a local initiative or referendum file their petitions, the clerk shall provide them with a copy of Government Code Section 84305 relating to mass mailings ([EC 16](#)).

Any measure in the categories mentioned above, except the referendum, may be placed on the ballot by the City Council on its order. The law gives the City Council greater leeway in setting an election date when no petition is involved. Initiative measures, whether by petition or council order, and referendum measures are exempt from the requirement that they be held on a specified election day. [Elections Code Section 13119](#) defines the wording of the ballot measure for an initiative ordinance, and [Elections Code Section 9603](#) requires that any advisory measure be identified as “Advisory Vote Only.”

The Elections Code allows proponents and Councilmembers to submit arguments regarding initiative and referendum measures submitted by petition ([EC 9282](#)) and for voters to submit arguments regarding other measures ([EC 306](#), [9280-9287](#), [9600-9601](#)).

Elections Code Section [9285](#) allows the City Council to adopt provisions to permit rebuttal arguments to be filed. The resolution must adopt these provisions at the same meeting at which the measure is placed on the ballot.

[Elections Code Section 9286](#) states, “Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with [EC 9295](#)) for the particular election, the municipal election official shall fix and determine a reasonable date...” as a deadline for submitting arguments. A notice of the deadlines should be posted at an accessible location, and copies should be sent to interested parties. Most proponents and opponents of measures can file arguments within 7-10 days of the call of the election.

[Elections Code Section 9295](#) provides that the Clerk shall allow a 10-calendar-day public examination period for specified official election materials (i.e., arguments, rebuttals, analyses). During that 10-

calendar-day period, any voter of the jurisdiction or the Clerk may seek court action to require that any or all such materials be amended or deleted.

The council may direct the Clerk to transmit a copy of the measure to the City Attorney to prepare an impartial analysis. The analysis shall not exceed 500 words in length. This analysis becomes part of the material subject to the 10-day public review above.

The details of who may file an argument, the length of such arguments, the printing requirements, and the schedule for submitting arguments are found in Elections Code Sections [306](#), [9280-9287](#), [9290](#), [9295](#), [9600-9603](#).

[Elections Code Section 9287](#) sets up priorities for selecting the argument to be printed if two or more are submitted in favor of or against a measure. [Elections Code Section 9282](#) states, “The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure.” For the Councilmembers to have priority in submitting arguments, the City Council must take formal action, such as adopting a resolution to that effect.

No argument shall exceed 300 words in length, and the title of the argument specified ([EC 9282](#)). At least one, but not more than five (5) persons, may sign the argument ([EC 9283](#)). Arguments may be withdrawn ([EC 9286](#), [9601](#)). Authors of an argument must submit a written statement that it is true and correct ([EC 9600](#)).

If rebuttals have been authorized, the Clerk shall give copies of the “Argument in Favor” and the “Argument Against” to the opposing authors as soon as the initial argument filing period is closed. Rebuttal arguments, not exceeding 250 words, are due no more than ten days after the initial arguments. Ensure that the deadline for rebuttal arguments does not fall on a weekend or holiday.

The law specifies the order in which items will be printed in the sample ballot pamphlet mailed to the voters ([EC 13109](#)).

The process of submitting bonds to the electorate is a complex one. In this case, the Clerk works closely with the City Attorney, Bond Counsel, and election vendor to ensure compliance with applicable laws ([EC 9400-9405](#)).

Section 10 - PRECINCTS AND POLLING PLACES

Precincts

The voting precincts may consist of either regular election precincts established for state or county elections or a consolidation of not more than six (6) contiguous county precincts. The county elections department may obtain registered voters' lists by precinct. Although the Elections Code permits the consolidation of precincts for a municipal election, when a municipal election is consolidated with a regular state or county election, the municipal election precincts are to be the same as those established for the regular election ([EC 12241](#)).

Precinct Maps

Precinct maps may be obtained from the county elections department. In cities with council districts, a map delineating the council district boundaries and main streets is essential in administering the election

process. Be sure to verify your jurisdiction and District boundaries with the County's services. If there are any discrepancies, review the boundaries approved by the legislative body and work with your GIS/IT Department or demographer to provide the correct shapefiles to the County.

Designating Polling Places

Polling places used in previous elections should be considered first since they have already been inspected and voters are familiar with the location. The governing body having jurisdiction over schools or other public buildings may authorize using such buildings without cost. If the Clerk specifically requests the use of a school building, the governing body must allow its use as a polling place ([EC 12283](#)).

Similarly, if a Clerk requests the use of a state-owned building or other facility, it shall be made available free of charge. However, the Department of General Services may exempt certain locations if confidential materials cannot be adequately safeguarded, the location is not accessible to the public, or if its use as a polling site would disrupt state business ([EC 12284](#)). Voters are familiar with the location of such buildings as churches, district centers, and schools. Mobile homes may be used as polling places if the county elections department determines no other facilities are available for convenient use of mobile home park residents. No rental agreement shall prohibit using a mobile home as a polling place ([EC 12285](#)).

Special Needs Accessibility

There are many ways voters with disabilities can cast their ballots.

Vote-by-mail

All voters in California receive a vote-by-mail ballot, which can be returned by mail or at a Vote Center or Ballot Drop-off Location.

Remote Accessible Vote-by-Mail

The Remote Accessible Vote-By-Mail (RAVBM) system allows voters to mark their selections using their own compatible technology to vote independently and privately in the comfort of their own home. To use a RAVBM system, a voter must:

- Download the application
- Mark their selections
- Print their selections
- Sign the envelope (using the envelope provided with the vote-by-mail ballot or the voter's own envelope)
- Return the printed and signed selections either by mail or by dropping them off at a voting location. The selections **cannot** be returned electronically.

A voter can request an RAVBM when they review their information on [My Voter Status](#) or by contacting their [County Elections Office](#) by phone, mail, or email or by going to their County Elections Office website for more information.

For more information on how to use this option, [click here](#).

Curbside Voting

Curbside Voting allows you to park as close as possible to the voting area. Election officials will bring you any necessary voting materials to cast your ballot on the curb or in your car. Check if curbside voting is available at your polling or vote center by contacting your county elections office.

Accessible Voting Machines

Contact your county elections office for details about accessible voting machines in your area.

For more information, you can utilize the American Association of People With Disabilities (AAPD) resource.

Rental Agreements

After arrangements have been made for the use of the polling places, rental agreements may be prepared. These agreements should address adequate light, heat, furniture, sanitary facilities, and a telephone. Property exempt from taxation must provide use free of charge for use as a polling place ([EC 12282](#)).

Last Minute Change in Polling Place

It sometimes happens that a scheduled polling place may not be available on Election Day. If this occurs after the sample ballots are mailed and if there is sufficient time, the Clerk must designate another location and notify each voter in that precinct of the change of address. If there is not sufficient time to notify, on Election Day, arrangements should be made to post a notice in a prominent place, in bilingual form if applicable, at the original address directing voters to the new location ([EC 12281](#)).

Section 11 - ELECTION BOARDS

Recruitment of Election Workers

The Clerk appoints Precinct Boards for municipal elections; regulations governing appointments of precinct boards are found in [Elections Code Sections 12300-12327](#).

The Clerk should maintain a list of election officers from prior elections and add the names of new applicants to it. The county elections department may also have a list to share. Cities may also publicize through a press release the fact that precinct officers are being recruited. Some election officials use blank pages or spaces in sample ballots to advertise the recruitment of personnel.

A notice of appointment for the inspector should contain, in addition to instructions regarding precinct assignment and the time polls open and close, the names, addresses, and telephone numbers of the persons appointed to serve in that precinct and the penalties for failure to serve ([EC 12319](#)). The notice of appointment for the other election officers specifies the position to which the individual has been appointed, the name and telephone number of the Inspector, the penalty for failure to serve, basic information as to precinct location; and voting hours and other information the clerk considers pertinent ([EC 12307](#)). Election vendors provide standard forms for this purpose, one for inspectors and a second for judges and clerks.

According to [Elections Code Section 12303\(d\)](#), at least 14 days before an election, the elections official shall prepare and make available to the public a list of the precincts to which officials were appointed and the language or languages other than English in which they will assist. The elections official shall also mail or deliver a copy of this list to the county central committee of each qualified political party. The elections official shall make a copy of this list available to any person requesting a copy ([EC 12318\(b\)](#)).

Training

Training must be provided to the inspectors of precinct boards ([EC 12309](#)). Training may be included when contracting for election supplies with the county elections department or an elections vendor. This instruction should include a detailed review of all aspects of the voting procedures. Some cities provide additional compensation to inspectors who attend the training sessions. Areas covered in the training should include:

- Rights of voters
- Duties of an inspector before election day
- Duties of the election board before opening the polls
- Opening the polls
- Voting (absentee, provisional, and “fail-safe voting” procedures)
- Closing the polls
- Canvassing the vote
- General provisions addressing persons with special needs

If these instructions are printed, they may be used in addition to the Election Officers Digest prepared by the Secretary of State and required by State law to be furnished to all election officers ([EC 14101](#)).

Duties of Precinct Boards

On the day of the election and before entering upon the performance of duties, each officer shall sign a declaration of intention to faithfully discharge their duties ([EC 12321](#)). Duties depend upon the voting method used, i.e., paper ballot or automated voting systems. It may be helpful to provide a checklist for the workers to follow. Lists of this type may be available from the election vendor. Members of each Precinct Board shall distribute duties in such manner as they deem most advantageous ([EC 14210](#)).

Compensation

Cities may set compensation for services. This amount is usually no higher than the amount paid by the county ([EC 12310](#) for allowable compensation).

Delivery to Inspectors

A list of inspectors should be prepared, including name, address, telephone number, and where supplies may be delivered. The recipient must sign for the supplies. Included in the supplies are official ballots, the necessary roster, tally sheets, challenge list, assisted voter list, declarations, instructions, containers in which to enclose returns, payroll forms, three copies of the index, voting booths, voting devices, if used, or ballot box and other necessary supplies ([EC 14105 et seq.](#) & [10240](#)). As an alternative to delivery, arrange for the inspectors to pick up supplies at City Hall on the same day as the training.

Section 12 - BALLOTS

The Clerk shall provide one official ballot for each voter in the precinct and, for absentee and emergency purposes, shall provide such additional number of ballots as may be necessary. All voting shall be by ballot ([EC 13102](#)). Local jurisdictions may purchase computer card ballots from vendors or manufacturers after obtaining a release from the Secretary of State ([EC 13000-13006](#)).

Every ballot shall contain all of the following ([EC 12102](#)):

- The title of each office

- The names of all qualified candidates
- The titles and summaries of measures submitted to the voters

Mock-Up Ballot

Once all candidates and measures are known, the Clerk may prepare a mock-up of the ballot. The Clerk may furnish a listing of offices, candidates, and measures to the printer, who will return a proof. Be sure to use the order of candidates' names on the ballot as determined by the random drawing by the Secretary of State ([EC 13112](#)). A thorough proof must be obtained of all ballot material before it is released for printing. Note: Charter cities may also be governed by Elections Code Sections [13112](#) and [13113](#).

~~If the number of offices and measures to be voted upon at an election cannot be accommodated on one ballot card, the elections official may place part of the ballot upon more than one ballot card. They may also place part of the ballot upon the ballot card or ballot cards and the remainder upon paper provided that a single ballot measure or the candidates for a single office may not be so split (EC 13265).~~

~~The ballot shall contain the same material as to candidates and measures and shall be printed in the same order as provided for paper ballots and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures. If there are a greater number of candidates for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates (EC 13262). These Sections were repealed by Stats 2023 ch 676 (AB 1219), s 40, eff. 1/1/2024.~~

Ballot Ordering/Delivery

A list is prepared that shows registration by precinct (or combined registration, if consolidated) in one column and the number of ballots to be delivered to each precinct in a second column. Most printers supply ballots individually wrapped for each precinct and the consecutive ballot numbers noted. Order an additional supply for vote-by-mail voters. This schedule may then be used to prepare delivery receipts.

Before the opening of the polls at any election, the elections official shall cause to be delivered to the precinct board in each precinct in which the election is to be held, the proper number of ballots of the kinds to be used in that precinct. The ballots shall be delivered in sealed packages with marks on the outside designating the precinct or polling place for which they are intended and the number of ballots enclosed ([EC 14103](#))

The elections official shall prepare a receipt for each polling place, enumerating the packages and stating the date of delivery to the precinct board member. The precinct board member shall sign the receipt upon receipt of the packages. The signed receipt shall be returned to the elections official. Messengers may be employed to ensure the safe and expeditious delivery of the ballots. The elections official shall fix a reasonable compensation for the services of these messengers, to be paid in the same manner as other election expenses ([EC 14104](#)).

Voting Systems

In 2007, the Secretary of State conducted a top-to-bottom review of many voting systems certified in California. The review, led by computer scientists from the University of California, was designed to restore the public's confidence in the integrity of the electoral process and to ensure that California voters cast their ballots on machines that are secure, accurate, reliable, and accessible. Following this review, the Secretary of State strengthened certain systems' security requirements and use conditions.

Elections Code Section 19201 provides that no voting system, in whole or in part, shall be used unless it has received the approval of the Secretary of State before any election at which it is to be first used. In addition, no jurisdiction may purchase or contract for a voting system, in whole or in part, unless it has received the approval of the Secretary of State.

Translations

In jurisdictions covered by the minority language provisions of the Federal Voting Rights Act, ballots are to be printed in identified languages other than English. Jurisdictions not covered by the minority language provisions of the Federal Voting Rights Act are required to post facsimile ballots in Spanish and any other languages for which a request has been made ([EC 14201](#), [14219](#)).

Sample Ballots and Voter Pamphlet

By at least 29 days before the election, the elections official shall cause to be printed a sample ballot indicating the title of each office, the names of all candidates for whom nomination papers have been duly filed, and questions to be submitted to the voters. The sample ballot shall be identical to the official ballots and shall be printed on paper of a different texture from the paper to be used for the official ballot ([EC 13300-13317](#)).

Most jurisdictions print a “self-mailer” pamphlet containing the sample ballot, voter information, candidate statements, vote-by-mail ballot application, polling place notice, and information about measures. The number of sample ballot pamphlets printed shall be at least as many as there are voters in the precinct, as well as an additional quantity to place in the polls and insert with vote-by-mail ballots, if necessary.

If sample ballot pamphlets are mailed under a post office permit, arrangements can be made to have the same permit number. The permit must be renewed annually.

Sample ballots and the remainder of the information in the booklet must be translated and available to voters in jurisdictions covered by the minority language provisions of the Federal Voting Rights Act. Consult the county elections department and local community groups to determine the most effective method of providing this information so that the needs of minority language voters are met.

Charter Amendment

The full text of a proposed charter amendment must be printed in not less than 10-point type ([GC 34456](#)). The charter amendment may be included in the sample ballot. The sample ballot may include a phone number to call, printed in a type not less than 10-point, to obtain a copy of the proposal. This statement shall appear following the impartial analysis prepared by the City Attorney ([EC 9280](#)).

Measures

Ordinances, the text of bond issues and other measures, arguments for and against, rebuttals, and City Attorney analyses must be printed for inclusion with the sample ballot. On bond issues, a tax statement is also required ([EC 9400-9405](#)).

Section 13 - VOTING BY MAIL

To provide voters more options for when and where to cast their ballots, Assembly Bill 37 was signed, making California the eighth state in the nation with a law on the books requiring every voter to be mailed a ballot. AB 37 extends the mail ballot requirement to all elections and mandates a vote-by-mail tracking system that notifies voters when ballots are mailed, received, and counted. In expanding the mail ballot election format, AB 37 also extended various features of that format:

- **Mail Ballot Tracking System:** Officials were required to implement a tracking system made available by the Secretary of State for vote-by-mail ballots for elections before January 1, 2022—they must use that system moving forward.
- **Disabled and Military/Overseas Voting System:** Officials were required to permit voters with disabilities and military or overseas voters to cast a mail ballot using a certified remotely accessible vote-by-mail ballot system for the November 2020 statewide election—they must do so moving forward.
- **Extends Voting Time Cushion:** A mail ballot is now timely cast if it is voted on or before election day and, if returned by mail, received no later than seven—not three—days after election day. Officials can look to any information from USPS or a private mail delivery service to determine if the ballot was timely cast.
- **Expands Ballot Dropoff Location Requirements:** Now, counties that don't conduct all-mail elections must provide at least two mail ballot drop-boxes or at least one for every 30,000 registered voters, whichever results in more drop boxes. If the County has fewer than 30,000 registered voters, at least one drop-box is required. Drop box locations must meet the existing standards in [Elections Code section 3025](#).
- **Authorizes Early Ballot Processing:** To ensure ballots are counted in a timely manner, a jurisdiction with the necessary computer capability may start processing vote-by-mail ballots on the 29th day before any election.

Mail Elections

A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply ([EC 4000](#)):

- (a) The governing body of the local agency authorizes the use of mailed ballots for the election.
- (b) The election is held on an established mailed ballot election date according to Section 1500.
- (c) The election is one of the following:
 - (1) An election in which no more than 1,000 registered voters are eligible to participate.
 - (2) An election on a measure or measures restricted to (A) the imposition of special taxes, (B) expenditure limitation overrides, or (C) both (A) and (B) in a city, county, or special district with

5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.

- (3) An election on the issuance of a general obligation water bond per Section 12944.5 of the Water Code.
- (4) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.
- (5) An election of the Aliso Water Management Agency or its affected member agencies, according to Sections 13416 and 13417 of the Water Code.
- (6) An election of the San Jacinto Mountain Area Water Study Agency according to Sections 13416 and 13417 of the Water Code.
- (7) An election of the San Lorenzo Valley Water District according to Sections 13416 and 13417 of the Water Code.
- (8) An election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. However, when an assessment ballot proceeding is conducted by mail according to this section, the following rules apply:
 - (A) The proceeding shall be denominated an “assessment ballot proceeding” rather than an election.
 - (B) Ballots shall be denominated “assessment ballots.”

A special district may conduct its elections by mail following Sections [1500](#), [4104](#), [4105](#), and [4108](#).

Precincts with 250 or fewer registered voters as of 88 days before the election may be required to vote by mail, provided the clerk notifies voters of the two nearest polling places if the voter chooses to return the ballot on Election Day ([EC 3005](#)).

Processing Mail Ballots

Processing of mail ballots is outlined in [Elections Code Sections 3000-3503](#) and is detailed in the suggested Election Calendar within this chapter.

Basic Guidelines:

The Application Process

~~In most cases, a voter who arrives in the election official's office to apply for a vote by mail ballot may apply for and receive only their ballot. However, a voter's spouse or parent (if the applicant is unmarried) may submit the voter's application (filled out and signed by the voter) to the clerk. The vote by mail ballot may be given to the spouse or parent if they complete a sworn statement as outlined in EC 3009(b). Similarly, during the period after the closing date for mailing vote by mail ballots (E-6) a third party may pick up a voter's vote by mail ballot by filing a sworn statement according to the provisions of EC 3021.~~

~~Check the signature of the voter on the application using voter registration files in the county elections department (EC 3009).~~

~~If the application does not contain all the required information or is otherwise defective, within one working day of receipt, mail the voter a vote by mail ballot together with a notice that the ballot will not be counted unless the missing information is provided or the defect is corrected (EC 3009(c)).~~

~~If an affidavit for the voter cannot be found, send a form letter indicating the request cannot be processed because the requestor is not a registered voter. Hold the request in a separate file in the Clerk's office.~~

~~Enter the ballot type, number, and date mailed on the request form.~~

~~When mailing, be sure to include the following: Ballot and secrecy envelope.~~

This section was repealed by Stats 2022 ch 161 (AB 2608), s 11, eff. 8/22/2022.

Voter Information Guides

For each measure placed on the ballot, the State and County Voter Information Guides contain a wealth of helpful information for voters.

The State Voter Information Guide contains information about federal and statewide candidates and statewide ballot measures. The State Voter Information Guide is only mailed before a statewide election. Each measure in the guide is accompanied by an impartial analysis of the proposal and the potential costs to taxpayers as prepared by the Legislative Analyst's Office, arguments in favor and against it prepared by proponents and opponents, the text and a summary prepared by the Attorney General or the Legislature, as well as other information.

The County Voter Information Guide (previously known as a "sample ballot") contains a sample of your ballot, information about local candidates and ballot measures, and, for some counties, the location of your polling place. A County Voter Information Guide is sent before statewide and local elections.

SB 151, approved by the Governor on October 8, 2019, deleted the prohibition against sending Voter Information Guides to voters earlier than 40 days before a primary election or election and amended [Elections Code Section 13300](#) as follows:

(a) By at least 29 days before the partisan primary, each county elections official shall prepare a separate county voter information guide for each political party and a separate nonpartisan county voter information guide. The county elections official shall place in each guide, as applicable, in the order provided in Chapter 2 (commencing with [Section 13100](#)) and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with the county elections official or have been certified to the county elections official by the Secretary of State, to be voted for in the county elections official's county at the partisan primary election.

(b) The county voter information guides shall include a substantial facsimile of the official ballots, except as otherwise provided by law. The county voter information guides shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One county voter information guide of the party for which the voter has disclosed a preference, as evidenced by the voter's registration, shall be mailed no later than ten days before the election to each voter entitled to vote at the primary who registered at least 29 days before the election. A nonpartisan county voter information guide shall be so mailed to each voter who is not registered as preferring any of

the parties participating in the primary election. On election day, the voter may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

Vote by Mail Voting after Deadline

~~This procedure permits the Clerk to deliver the ballot to a second party, providing certain basic rules are followed (EC 3021).~~

This Section was repealed by Stats 2022 ch 161 (AB 2608), s 15, eff. 8/22/2022.

Lost Ballots

Should a ballot be lost, it is possible to send a second ballot if the voter provides a statement under penalty of perjury that the ballot was not received, lost, or destroyed. The second ballot must have a warning on it that voting twice constitutes a felony ([EC 3014](#)).

Return to Precinct

If a voter receives a vote-by-mail ballot and returns to the precinct on Election Day, they may vote in the precinct if the unused mail voter's ballot is surrendered to the inspector ([EC 3015](#)). If the voter cannot surrender the mail ballot, the voter must vote a provisional ballot, which is counted only after the clerk determines that the voter has not voted the mail ballot or otherwise attempted to vote twice ([EC 3016](#)).

Appointment of Canvassing Board

The Clerk shall appoint one or more special canvassing boards to count mail ballots ([EC 15001](#)). Be sure to administer the Oath of Office to the official canvass board.

Canvass

See Elections Code Sections [10260 et. seq.](#), [15000 et seq.](#), and [15270 et. seq.](#) for processing voted mail ballots.

The actual process for counting and handling any challenge is contained in [Elections Code Section 15000 et seq.](#)

The canvassing board shall tabulate the results of the count, which shall then be added to the total of the votes cast under the heading "vote by mail vote" ([EC 15000](#), [15273](#)).

Section 14 - ELECTION DAY

Plan! Detailed plans must be made in advance to avoid chaos on Election Day.

Organization. When planning the work, the entire day's activities and procedures should be envisioned step by step so that nothing will be overlooked. Detailed plans should be formulated, specific assignments should be given, and every step should be carefully explained to each staff member. In this way, the Clerk's Office will be able to handle all problems that arise on Election Day and calmly meet each situation as it occurs.

1. Plan to have staff available on election day to handle the following tasks:
 - a. Regular business occurring regardless of the election.
 - b. Telephone calls that begin coming in from the time the polls open until the last returns are in that night. During the hours the polls are open, telephone calls will deal primarily with locating voters in the precinct registers, locating polling precincts, checking precinct

voting progress, answering questions concerning electioneering practices, etc. After the polls close, most calls will relate to election results.

- c. The canvass of vote-by-mail ballots.
 - d. Sorting election material as it is brought in from the precincts. This will entail sorting the returns and placing similar envelopes and miscellaneous materials in separate storage boxes. After the conduct of the canvass and subsequent report to the council, the supplies required by law to be retained are stored for six months (EC 17000 et seq.).
 - e. Picking up ballot materials at precincts where no transportation is available. This may be done by the Clerk's staff or police officers. The Clerk should make the necessary arrangements for this service.
 - f. Refreshments. Many Clerks serve light refreshments to interested voters and election workers who come to City Hall while waiting for election results—plan for additional personnel for such services.
2. Equipment and Supplies. Another essential phase in organizing the Clerk's office for election day is arranging for the following:
- a. Projecting election results on a large blackboard, bulletin board, or screen.
 - b. Providing summary sheets for recording the results for each precinct. Direct telephone lines to the Clerk's office, central counting place, or council chambers for handling election inquiries.

Troubleshooting issues and problems

Personnel answering questions and complaints should be thoroughly familiar with the following:

1. Reading precinct maps and locating names in the index of registered voters.
2. Provisions of city and state codes relative to any devices or methods used in electioneering activities.
3. Provisions of the Elections Code on voting procedures at the polls, such as electioneering or poll watching.
4. Provisions of the Elections Code relative to eligibility to vote and provisional voting for voters who moved within the same county (sometimes known as "fail-safe voting") (EC 14311).
5. Checking with the county elections department about voter eligibility.

Section 15 - ELECTION NIGHT

Depending on logistics, election night activities may be held at City Hall or the County Elections Department. In any event, typically, a place is designated as "election night central," where people can wait for and see election results as they are received. As totals become available, they are posted for those in attendance. It should be noted that all totals are listed as "unofficial" until the official canvass is made following the election. Arrangements should be made ahead of time for telephone lines to remain open in the Clerk's Office, City Council Chambers, or another central counting place throughout the evening on election night.

For standalone elections, the Clerk's Office remains open until all precincts have reported and all eligible ballots are counted. The semi-official results are then entered on the bulletin board, and the information is given to the media.

After completing the above, personnel may be dismissed, and the office may be closed.

Section 16 - OFFICIAL CANVASS

The election is complete when the “unofficial results” have been canvassed and ratified by the governing body ([EC 10260-10266](#), [15300-15306](#), [15374](#)).

The canvass shall be conducted by the elections official ([EC 10262](#)). Upon the completion of the canvass, the elections official shall certify the results to the governing body. The canvass shall be completed by the elections official no later than the fourth Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the governing body, which shall, no later than the fourth Friday after the election, comply with the applicable provisions of [Section 10263](#). For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the governing body, which shall, no later than the next regularly scheduled city council meeting following the presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, comply with the applicable provisions of [Section 10263](#).

Upon the completion of the canvass and before installing the new officers, the governing body shall adopt a resolution reciting the facts of the election ([EC 10264](#)). The governing body shall declare elected the persons for whom the highest numbers of votes were cast for each office. The governing body shall meet at its usual place of meeting no later than the fourth Friday after the election to declare the results and to install the newly elected officers. For a consolidated election, the governing body shall meet at its usual place of meeting no later than the next regularly scheduled City Council meeting following the presentation of the 28-day canvass of the returns or at a special meeting called for this purpose, to declare the results and to install the newly elected officers ([EC 10263](#)).

During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote-by-mail voters' ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official ([EC 15360](#)).

The following items should be checked during the canvass:

- ☐ All pages of the tally books should be completed. The following certificates in the roster/index must be completed and signed by members of the precinct board: Declaration of Election Officers, Loyalty Oath and Claim for Compensation, and Certification of Precinct Board ([EC 15302-15304](#)).
- ☐ The number of names in the Roster of Voters must be reconciled with the total number of ballots reported on the Ballot Statement, the record of the number of ballots in the ballot box, and the Result of Votes Cast ([EC 15302\(b\)](#)).
- ☐ Both tally sheets must agree. From the tally sheets, determine the vote for each candidate and the vote for and against each measure. If the ballots were counted by machine, the canvass is made by determining the number of voters who voted from each Roster of Voters and comparing that with the number of ballots counted for each precinct.
- ☐ All totals on the tally sheets must be written in full and in figures and initialed by the precinct officer who completed the tally. Any incomplete certificates, pages, or any other discrepancies should be noted ([EC 15302\(c\)](#)).
- ☐ Provisional ballots, vote-by-mail ballots, and correction envelopes (as necessary) returned on election day are taken to the County for signature verification.

- ☐ Reconcile the number of ballots counted, spoiled, canceled, or invalidated with the number of votes recorded by the counting system, including provisional and absentee ballots and the information on the box of Unused Ballots. ([EC 15302\(d\)](#)).
- ☐ Process (reproduce damaged ballots as necessary) and count valid ballots and provisional ballots not included in the semi-final official canvass.
- ☐ Complete the Certificate of Canvass.
- ☐ Manually count one precinct selected at random. A four-member team will count the votes with one member reading the votes on each ballot, while another member verifies the accuracy of the votes called by the reader, and the other two members record the votes on tally sheets. After all the votes are read, the totals on the two tally sheets will be compared. If they disagree, the votes for the office(s) not in agreement shall be re-read. After the totals on the tally sheets agree, the total votes cast for each candidate shall be compared to the results produced by the automated counting system.
- ☐ Seal ballot containers and sign out.
- ☐ Post official results.

Section 17 - CITY COUNCIL RATIFICATION

The City Council shall adopt a resolution reciting the facts of the election and the following statement, which the Clerk shall also enter into the minutes. This statement shall show (a) the whole number of votes cast in the city; (b) the names of the persons voted for; (c) the measures voted upon; (d) for what office each person was voted for; (e) the number of votes given at each precinct to each person and for and against each measure; and (f) the number of votes given in the city to each person and for and against each measure ([EC 10264](#)).

The Clerk shall then immediately sign and deliver a Certificate of Election to each person elected. The Clerk shall administer the oath of office to those elected under the California Constitution. Charter cities may set forth other dates for swearing in newly elected officials.

When the Mayor is not directly elected, the outgoing Mayor turns the meeting over to the Clerk, who presides over the selection of the new Mayor. The Clerk declares the offices of Mayor and Mayor Pro Tem or Vice Mayor vacant. The voting may be by roll call or voice vote, as the City Council desires. The newly designated Mayor assumes the Chair and calls for Mayor Pro Tem or Vice Mayor nominations.

After each election, a statistical report should be compiled for the city's permanent records. This compilation could include voter turnout percentages, mail ballot percentages, and election costs, a separate figure for costs attributed to vote-by-mail ballots (for state mandate reimbursement purposes), the final results, and other pertinent data.

The Clerk usually arranges the Oath of Office ceremony. The Clerk administers the Oath of Office and presents a Certificate of Election to the newly elected officials. The ceremony may also include musical presentations with the flag salute, invocation, welcoming address by the Mayor, introductions of and brief comments by officials and dignitaries.

Section 18 - TIE VOTES

Tie votes may be resolved by lot or by a special runoff election, provided, however, that a runoff election may only be called before the City Council adopts the election results according to the provisions of

[Elections Code Section 15651](#). It is recommended that a resolution of the City Council adopt these provisions. Those in charter cities should review their charters in this regard.

Section 19 - RECOUNT

The authority to request and conduct a recount is found in [Elections Code Sections 15600–15649](#), either voter-initiated or court-ordered.

Within five days following the completion of the canvass of the votes, any voter may file a request for a recount ([EC 15620](#)). The request may specify the order in which the precincts shall be counted ([EC 15622](#)). The voter requesting the recount shall, before the recount is commenced and on each day of the recount, deposit an amount as required by the elections official to cover the costs of the recount ([EC 15624](#)).

Not less than one day before the recount, the elections official shall post a notice as to the date and place of the recount ([EC 15628](#)). The recount shall commence not more than seven days following receipt of the request for a recount ([EC 15626](#)).

In cities using automated voting systems, the recount requestor may select whether the recount shall be done manually, using the original voting system, or both ([EC 15627](#)). The recount shall be conducted publicly ([EC 15629](#)). The elections official shall conspicuously post the results of the recount ([EC 15633](#)).

All ballots, whether voted on or not, and any other relevant material may be examined as part of any recount if the voter requesting the recount so requests ([EC 15630](#)).

Section 20 - SPECIAL ELECTIONS

Special municipal elections may be called to present the following to the voters:

- Initiative, referendum, and recall measures
- Bond issues
- Charter adoption and amendments
- Questions of annexation or exclusion of territory
- Enacting or increasing the rate of a special tax
- Advisory measures
- Miscellaneous questions, including direct election of the Mayor, establishing councilmanic districts, appointment of Clerk or City Treasurer, low-cost housing, etc.

The City Council may call special municipal elections in the same manner as regular elections are called. This may be done by adopting an ordinance or a resolution, depending upon the purpose of the election. While these instruments may vary in form, they must contain the following:

- A statement of the object of the election
- The date of the election
- A time for opening and closing the polls
- Salaries to be paid to the election officers
- Establishment of polling places

The procedures followed in special elections are essentially the same as those for general municipal elections. However, specific preliminary procedures, which may vary according to the type of election called, must occur before the election is called.

Except for the preliminary procedures, the calendar for a special municipal election substantially follows the general municipal election timetable.

Section 21 - CONSOLIDATING ELECTIONS

The Elections Code establishes procedures and requirements for conducting an election that is to be consolidated with that of another jurisdiction, which are different from those governing an election run entirely by the city (EC 10400-10418). The procedure allows the City Council to request consolidation by resolution adopted at the same time the resolution calling the election is adopted. These resolutions authorize the agency conducting the election (usually the county) to conduct the election on the city's behalf and canvass the result. The City Council may wish to take the following action at this time:

1. Adopt a resolution establishing the policy for candidate statements.
2. Adopt a resolution authorizing City Councilmembers to file arguments.
3. Adopt a resolution authorizing rebuttal arguments.
4. Direct the City Attorney to prepare an impartial analysis.

The request for consolidation must be filed with the Board of Supervisors at least 88 days before the date of the election. If the request for consolidation is for an election to fill a vacancy, the nomination period opens on the 113th day before the election and closes at 5 p.m. on the 88th day before the election. The names of the candidates to appear on the ballot shall be filed with the county elections department no later than 81 days before the election.

The "Declaration of Result" process when an election has been consolidated differs significantly from the procedure set forth for an election run entirely by the city. Elections Code Section 10411 enables the city to allow the Board of Supervisors to conduct the canvass. This section says, in part, "... If this authority is given:

1. The election shall be held in all respects as if there were only one election.
2. Only one form of ballot shall be used.
3. The legislative body of the authorizing city, district, or other political subdivision need not canvass the election returns. ([EC 10412](#))

Section 22 - ANNEXATION ELECTIONS

Local governments have the primary responsibility for planning and regulating land use. State law requires each city and county to prepare and adopt a "comprehensive, long-term general plan for the physical development" of the community. This general plan must cover all incorporated territory and should go beyond the city limits to include "any land outside its boundaries which ...bears relation to its planning" ([GC 65300](#)).

A city's general plan is an essential statement of the city's future intent. It allows city officials to indicate their concerns to state agencies, local governments, and the public about the future of surrounding unincorporated lands. Since the general plan is a policy document with a long-term perspective, it may logically include adjacent territory the city ultimately expects to annex or serve, as well as any area of particular interest to the city. The city's Sphere of Influence ("SOI," established by the LAFCO) describes its probable physical boundaries and service area. It can, therefore, be used as a benchmark for the maximum extent of its future service area. The city may choose to plan for land uses beyond its SOI when coordinating plans with those of other jurisdictions ([2017 General Plan Guidelines](#)).

Through legislation and case law, the general plan has assumed the status of the “constitution for all future development” ([Citizens of Goleta Valley v. Board of Supervisors of the County of Santa Barbara \(1990\) 52 Cal.3d 553](#)). As a result, most local land use decision-making now requires consistency with the general plan. The same is true of public works projects ([Friends of B Street v. City of Hayward \(1980\) 106 Cal. App.3d 988](#)) and, in several cases, voter zoning initiatives ([Leshar Communications, Inc. v. City of Walnut Creek \(1990\) 52 Cal.3d 531](#) and [Goleta, supra](#)).

[Senate Bill 244 \(Chapter 514, Statutes 2011, Wolk\)](#) amended general plan statutes to include planning for unincorporated disadvantaged communities. Cities, on or before the due date for the subsequent adoption of its housing element, must review and update the land use element of their general plans to include the identification of unincorporated island or fringe communities within the city’s SOI and to analyze for each identified community: (1) “water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies”; and (2) “benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible” ([Section 65302.10](#)).

For a more detailed account of a calendar of procedures for annexation elections, contact the Local Agency Formation Commission (LAFCO) and the City Attorney.

Section 23 - ADVISORY, COMMUNITY OR POVERTY ELECTIONS

Advisory Election

It is possible to hold advisory elections if they are consolidated with scheduled elections ([EC 9603](#)). Advisory election results are not binding on the sponsoring legislative body. An advisory election is not permitted to be consolidated with an election if it will result in exceeding the ballot’s capacity.

Community or Poverty Elections

Clerks in some communities are now being asked to conduct elections for certain community groups. These community groups are often poverty-program oriented—for example, an election for the Model Cities Board of Directors. At times, the Clerk is called upon to conduct an election for employees to unionize.

Efforts should be made to conduct the above elections similarly to official elections to ensure the credibility of the election process and the results. The Clerk should require nominees for office to officially file for office and require community sponsors. The Clerk might also allow a candidate statement to be made available to every qualified voter in a community election. Clerks often develop forms to meet the needs of a particular election.

The Clerk might suggest that the particular group appoint an elections committee and that community members be involved in every step of the election process, including serving on the tally boards. The Clerk or their designee could supervise the vote-counting process. It is vital to avoid any appearance of impropriety.

Following the election, the results should be transmitted to the governing board. A certificate of election may be provided to those elected. Sometimes, the Clerk is asked to present the certificates and administer the oath of office to the newly elected officials.

CHAPTER 9. ESTABLISHING DISTRICTS AND REDISTRICTING

Section 1 - INTRODUCTION

Local representatives can be elected through at-large elections or district-based elections. In at-large elections, Members can reside anywhere in the city, and all members serve the same constituency – the jurisdiction’s population. Municipalities may choose or be required to elect Members from a geographical section of the agency, typically called a district or a ward (for purposes of this section, they are referred to as “districts”). The constituents of Members elected using a district-based system consist of the population of their geographical district.

At-Large Elections

At-large election proponents favor having Members elected by the entire jurisdiction for reasons including:

- Members in an at-large system can be more impartial, rise above the limited perspective of a single district, and concern themselves with the needs of the whole community
- Vote trading between Members may be minimized.
- The number of candidates available for election tends to be larger.

However, at-large elections can weaken the representation of particular groups, such as people of color, especially if the group does not have a jurisdiction-wide base of operations or is an ethnic or racial group concentrated in a particular portion of the jurisdiction.

District-Based Elections

Through district elections, a single Member is elected from each of the geographical districts of the jurisdiction. Members can be elected “by” district, meaning the candidates reside in the district and are voted on by voters who also reside in the district. Or, they can be elected “from” districts, meaning the candidates live in the district and are voted on by all voters of the jurisdiction.

Proponents of district elections favor district-based elections for reasons including:

- District elections give all legitimate groups, especially those with a geographical base, a better chance of being represented on the legislative body, especially communities of color.
- District Members are more attuned to the unique concerns of their constituents, such as crime levels, small lot development, trash pick-up, potholes, and programs.
- District elections may improve resident participation because Members representing a specific district may be more responsive to their constituency.

However, Members elected by district elections may experience more infighting and be less likely to prioritize the good of the jurisdiction over the good of their district.

Section 2 - ESTABLISHING DISTRICTS

Cities can change from Councilmembers being elected at large to members being elected by district by the City Council adopting an ordinance¹ or by a vote of the electorate², with the ordinance either proposed by the agency or through the initiative process. For charter cities, the charter may establish the

¹ Cal Gov Code § 34886

² Cal Gov Code § 34870 et seq

structure for at-large or district elections and should always be consulted for any variations from state law.

District Variations

The election of Councilmembers may be in one of the following variations:

- Five, seven, or nine districts; or
- Four, six, or eight districts with an elective Mayor

AND

- “By districts,” which means the election of the members by voters of the district; or
- “From districts,” which means the election of members who are residents of the district from which they are elected by the voters of the entire city³

When submitting such a measure to the voters, specific language must be printed on the ballot.⁴

The term of office of City Councilmembers is required to be four years unless otherwise expressly provided.⁵

Maps and Public Hearing Requirements

After the voters pass the ordinance, or if the City Council adopts the ordinance, the City Council must prepare a proposed map that depicts the boundaries and numbers of the districts⁶. The preparation of the proposed map is the same as that for the initial establishment of districts and redistricting. The “Preparing Maps” section below covers the map preparation process.

Public hearing requirements are specified in Elections Code § 10010.

Matters Related to Transitioning from At-Large to District-Based Elections

When transitioning from at-large to district-based elections, the members transition at the expiration of their terms unless otherwise provided in the ordinance.⁷

The effective date of the new districts can be confusing, as seats typically expire staggered. As a result, some districts may be in effect two or more years before other districts, which can present questions about who represents which constituents, which geographical area is used to fill a mid-term vacancy, and who would vote in a recall election. See the “New District Effective Date and Related Matters” section for more information.

Section 3 - REDISTRICTING

Redistricting is the process used by governments to redraw political district boundaries. It applies to all levels of government, including the U.S. House of Representatives, state legislatures, City Councils, school

³ Cal Gov Code § 34871

⁴ Cal Gov Code § 34877

⁵ Cal Gov Code § 34878

⁶ Cal Gov Code § 34877.5(a)

⁷ Cal Gov Code § 34878

boards, etc. Redistricting occurs every ten years and is based on the census. The new maps are drawn to account for population changes.

Fair Maps Act

The Fair Maps Act (Elections Code section 21000 et seq) prescribes the districting process. Requirements include:

- Conduct certain outreach
- Maintenance of website
- Hold at least four public hearings on the issue

Charter cities should consult with legal counsel as some parts of the Fair Maps Act apply to charter cities while others do not.

Redistricting Commissions

Traditionally, the City Council has carried out the duties necessary to conduct redistricting and adopt new district maps. However, increasingly, agencies are instead engaging in redistricting commissions, which vary in composition. Variations of redistricting commissions include⁸:

- **Advisory Redistricting Commission.** An advisory redistricting commission recommends to a legislative body (e.g., City Council) the placement of district boundaries for that legislative body.
- **Hybrid Redistricting Commission.** A hybrid redistricting commission recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of the maps without modification unless modifications are required to comply with state or federal law.
- **Independent Redistricting Commission.** An independent redistricting commission is empowered to adopt the district boundaries of a legislative body.

Redistricting Website⁹

Website Required. A website dedicated to local redistricting must be created and maintained for at least ten years after adopting the new maps.

Explanation of Process. Post and explain the redistricting process for giving public comments in all legally required languages. For the 2020 redistricting, the California Secretary of State provided templates in 10 languages to assist cities in meeting this requirement.

Specific Information for the Public is Required. The website must include information, or a link to information, about the procedures for someone to testify during a public hearing or submit written testimony, a calendar of all public hearings and workshops, the notice and agenda for each public hearing and workshop, the recording or written summary of each public hearing or workshop, each draft map considered at a public hearing, the adopted final map of council district boundaries.

Steps in Redistricting

The basic steps in redistricting are:

⁸ Cal Elec Code § 23000

⁹ Cal Elec Code § 21608(g), 21628(g)

1. Initial organization. Redistricting is often completed with the support of a demographer to assist in reviewing the census data and creating draft maps that meet the legal requirements. Agencies may also contract with a company to assist with outreach.
2. Review the census data.
3. Receive public input, prepare draft maps, and conduct required public hearings.
4. Approve a new map. If the population hasn't changed substantially, the map may not change.

See the Step-by-Step Guide for Local Redistricting for detailed steps applicable to the redistricting process for general law cities that followed the 2020 Census. In addition, Charter cities should consult their charter and legal counsel for any variations from state law.

Section 4 - CANDIDATE AND NOMINEE QUALIFICATIONS

In district-based elections, candidates must reside in the district to which they are seeking election and be a registered voter of the city when nomination papers are issued, in addition to meeting any other qualification requirements.¹⁰

The candidate nomination papers must be signed by registered voters in the district.¹¹ It is crucial to alert candidates to this requirement, especially after a city has recently transitioned from at-large to district elections.

Section 5 - PREPARING MAPS

Cities often secure the services of a professional demographer to assist in preparing maps. The district maps require adherence to the law, which can be complex and challenging to navigate without the assistance of an experienced professional.

The Elections Code provides requirements for district maps. For general law cities, maps must meet and use the following criteria¹²:

- Council districts shall be substantially equal in population, as the U.S. Constitution requires.
- Population equality is based on the total population of residents of the city as determined by the most recent federal decennial census.
- An incarcerated person cannot be counted towards a city's population unless their last known place of residence is included in a state database, and they can then be assigned to a census block.
- District boundaries must comply with the U.S. Constitution, the California Constitution, and the federal Voting Rights Act.
- The City Council shall adopt boundaries using the below criteria in the following order of priority (note that this section does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter¹³):
 - To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

¹⁰ Cal Gov Code § 34882

¹¹ Cal Gov Code § 34883

¹² Cal Elec Code § 21601

¹³ Cal Elec Code § 21621

- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected to minimize its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district to be effective and represented fairly. Communities of interest do not include relationships with political parties, incumbents, or candidates.
- Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness so that nearby population areas are not bypassed in favor of more distant populations.

City Council districts may not be adopted to favor or discriminate against a political party.

Section 6 - NEW DISTRICT EFFECTIVE DATE AND RELATED MATTERS

The effective date of the new districts can be confusing unless the City Council does not have staggered terms. Many City Councils have staggered terms, meaning Council members are not all elected in the same year. For example, a city may have four Councilmembers serving staggered, four-year terms. In that example, two of the Councilmembers’ terms are 2020 – 2024, and the other two members’ terms are 2022 – 2026.

Staggered terms can be confusing when district lines are drawn or every ten years when they are redrawn. The new districts take effect in the next regular election for each district. In the example above, if a new map were adopted following the 2020 Census, two districts would use the new map for their elections in 2022, while the other two districts wouldn’t use the new map until 2024.

This scenario can be confusing when considering which map applies for mid-term vacancies, recalls, and constituent services. For voters whose districts changed, this could result in the voter having no Councilmember in their district or, the opposite, having two Council members until the next regular election for their new district.

Effective Date for Election, Appointment, or Recalls

New districts become effective in the next regular election following the adoption of a map or a new map. The next regular election could be one or more years after action is taken to adopt the maps. In the meantime, the “old” districts will continue to apply in occurrences such as mid-term vacancies, where a new member is appointed or elected to fill an unexpired term and recalls.

For example, the City of Chula Vista formed its first districts in 2015 and adopted a new district map in December 2021, following the 2020 Census. Following the adoption of the new map, the next regular elections for Districts 1 and 2 occurred in 2022, and the next regular elections for Districts 3 and 4 were in 2024. The District 3 Councilmember was elected to the State Senate in November 2020, resulting in the member resigning, creating a mid-term vacancy. The City Council decided to fill the vacancy by appointment, and applicants were required to reside within the District 3 boundaries adopted in 2015. Although the “new” District 3 boundaries were known, they did not become effective until 2024.

Similarly, if a recall effort were to proceed, the voters in the district boundaries that were in place when a member was elected would be the same voters who could vote in a recall election. In the example above,

if a recall effort took place in 2023 for District 3 or 4, voters in the district boundaries established in 2015 would be eligible to sign the petition and vote in a recall election.

Deferral and Acceleration

Deferral and acceleration are terms used to describe issues related to the transition to new district maps.

Deferred Voters. A deferral occurs when a voter's district changes, resulting in them waiting an extra election cycle until their chance to elect a Councilmember.

Example: A voter lives in District 2 and voted most recently to elect their Councilmember in 2018 for a four-year term expiring in 2022. As a result of redistricting following the 2020 census, the voter now lives in District 3. The current term for District 3 does not expire until 2024. Because the voter is now in this new district, they will not get a chance to elect a Councilmember until the 2024 election in their new district, meaning they will go for six years without voting on a Councilmember.

Accelerated Voters. Acceleration is the opposite of a deferral. Accelerated voters are those whose districts changed, allowing them to elect a Council member sooner than if their district had stayed the same.

Effective Date for Constituent Services

If all districts have elections in the same year, then constituent services typically begin using the "new" district once the Council member elected to the district takes office.

In cities with staggered terms, the transition is more complex and left up to the City Council to decide.

Deferred voters (see explanation above) end up in a geographical area of the city that is not covered by either their old district or their new district for some time until the regular election for their new district takes place and the newly elected Councilmember takes office. City Councils may resolve this situation in a variety of ways, including:

- Making the effective date of the new districts for constituent services take effect when the first officials are elected and take office in the new districts.
- Assigning the geographical pockets of the city that are not covered by any district for that period to the Mayor.
- Assigning a Councilmember to provide constituent services to the deferred voters.

This is a normal consequence of the redistricting process and is handled differently by different agencies. Although district assignments can be made for constituent services, that assignment would not afford a deferred voter to participate in determining whether a new Council member should replace or recall them.

Section 7 - LEGAL ISSUES

Legal Challenges to At-Large Elections

The California Voting Rights Act (CVRA) allows legal challenges to at-large elections. Several cities in California have faced CVRA lawsuits since it was adopted in 2001. In those lawsuits, plaintiffs seek to prove that at-large elections dilute the voting strength of a protected class, which has been a low bar to cross. Public entities that are unsuccessful in defending a legal challenge to their voting system have been

required to pay hundreds of thousands of dollars in legal costs.¹⁴ This situation has resulted in many other agencies voluntarily transitioning to district-based elections.

Gerrymandering

Gerrymandering is when district boundaries are manipulated or drawn to favor a particular political outcome. The two typical ways this is done are:

- Packing. Packing concentrates blocs of voters to limit their power to as few districts as possible.
- Cracking. Cracking spreads like-minded voters among several districts so that their influence is diluted

Section 8 - SECRETARY OF STATE REQUIREMENTS

Elections Code section 21508(j) of the FAIR MAPS Act requires the Secretary of State to:

- Publish templates explaining the county and city redistricting processes on the internet.
- The templates must be in all languages into which ballots are required to be translated in the state according to Section 203 of the Federal Voting Rights Act (VRA).
- The templates shall be published in a conspicuous location on the Secretary of State's website.

The Secretary of State has created four templates:

1. City Council Redistricting Template
2. City Redistricting Commission Template
3. County Board of Sups Redistricting Template
4. County Redistricting Commission Template

These templates, available in English, Spanish, Chinese, Hindi, Japanese, Korean, Khmer, Tagalog, Thai, and Vietnamese, can be found on the [Secretary of State's website](#).

Languages Based on City

Elections Code section 21608(h) of the FAIR MAPS Act requires the Secretary of State to:

- Before January 1, 2021, and before January 1 every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's Internet website.
 - To determine the applicable languages for each city, in 2020 and each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

¹⁴ <https://www.meyersnave.com/event/large-vs-district-based-elections-legal-challenges-financial-risks-compliance-procedures/>

- For purposes of this section, “applicable language” means any language spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined.

Language requirements can be found on the [Secretary of State’s website](#).

Section 9 - STEP-BY-STEP GUIDE

The following is a step-by-step guide provided by National Demographics Corporation that may be used when you are redistricting. Doug Johnson/NDC Research permitted the City Clerks Association of California to include the “Step-By-Step Guide for Local Redistricting,” created by Shalice Tilton, as part of the Municipal Clerks Handbook, so long as it is provided as-is, including the sourcing information in the footer.

STEP-BY-STEP GUIDE FOR LOCAL REDISTRICTING

Steps	Detail	Statutes / Notes
Step 1 Initial Governing Board discussion <ul style="list-style-type: none"> • Confirm statutory and Registrar of Voters' deadlines to submit adopted map. • Decide whether to hire legal counsel who specializes in districting. • Authorize professional services agreement for demographer. • Decide whether to handle outreach in-house or to hire outreach firm. • Decide whether to provide mapping tools for the residents to use. • Decide whether to use a commission. • Decide on project timeline. 	<p>Using a commission is a new option for general law jurisdictions. The Election Code authorizes three types of commissions: advisory, hybrid, and independent.</p> <p>If using a commission, below is the recommended process. These are optional:</p> <ul style="list-style-type: none"> • Governing Board meeting to provide direction on commission setup (advisory, hybrid, independent). • Governing Board meeting to adopt resolution establishing commission and appointment process. (The elected board must set the selection process for hybrid and independent commissions but cannot directly appoint those commissioners.) • Begin commission recruitment. • Commissioner appointment, onboarding and training. • Key deadlines for timeline: <ul style="list-style-type: none"> ○ Cities & Counties have map posting requirements (see Steps 6 and 8 below). ○ All jurisdictions have varying deadlines for when the process must be complete see Steps 10 and 11 below). 	<p>Elec. Code §§ 23000 – 23004 Applicable to those jurisdictions using commissions.</p>
Step 2 Create a website & public outreach plan <ul style="list-style-type: none"> • Mandatory for Cities and Counties. • Highly recommended for Special Districts & School Districts. 	<p>A redistricting website is mandatory for Cities and Counties. Below are the required elements of the website. The Secretary of State (SOS) will provide templates and translations by January 1, 2021:</p> <ul style="list-style-type: none"> • An explanation of the redistricting process • Procedures for testifying or submitting written testimony • Calendar of all hearings and workshops • Notice and agenda for each hearing and workshop • Recording or written summary of each hearing and workshop • All draft maps & adopted map • Translations in applicable language (SOS to post applicable languages for each city.) (Any language that is spoken by a group of city residents with limited English proficiency who constitute 3% of total population.) • Optional: Public participation tools, such as paper maps and online drawing tools. 	<p>Elec. Code §§ 21508, 21608, 21628 Prepare and maintain website for ten years in applicable languages.</p>

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	<p>It is mandatory that Cities and Counties take specific steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting the process. These steps include:</p> <ul style="list-style-type: none"> • Provide information to media; good government, civil rights, civic engagement, and active community groups; language minority communities; and those who have requested notification. • Arrange for live translation at hearings and workshops. 	<p>Practice tip: Keep a log or documentation on all action taken to encourage public engagement.</p>
<p>Step 3</p> <p>Census Bureau population data</p> <ul style="list-style-type: none"> • Federal Census Bureau delivers population counts. • State adjusts counts for prison inmates. • Demographer adds in local data, Citizen Voting Age Population data, and American Community Survey data. • Demographer prepares data for current district boundaries. • Optional: Demographer prepares public participation tools. 	<p>After the State receives the Census Bureau counts, the California Statewide Database adjusts the counts for the last known place of residency for State inmates. Cities and counties are required to use these prison-adjusted counts. For Special Districts, it is optional to use prison-adjusted counts. The Statewide Database says updating the Census data with the prisoner adjustments could take up to four weeks.</p> <p>School Districts must use population data “validated” by the Department of Finance (currently unknown what dataset that will be).</p> <p>Demographer prepares data for current districts using 2020 Census Bureau and American Community Survey Citizen Voting Age Population (CVAP) data. This assists the public in identifying which existing areas are population balanced.</p> <p>Optional: Demographer prepares public participation online & paper toolkits (usually takes two to three weeks).</p>	<p>Elec. Code §§ 21003, 21500(a)(2), 21601(a)(2), 21621(a)(2) Ed. Code §§ 5019.5</p> <p>Existing law requires the Census Bureau deliver redistricting counts to the State by April 1, 2021. The Census Bureau is requesting the date be extended to July 31, 2021. Congress is expected to act in September regarding extending the date.</p> <p>The time needed for the demographer to prepare data for current districts varies depending on how well the 2010 and 2020 Census Bureau geography match up.</p> <p>Toolkit prep time depends on workload.</p>

<p>Step 4</p> <p>Public forums and public hearings</p> <ul style="list-style-type: none"> • Mandatory four public hearings for Cities and Counties. • Mandatory one public hearing for Special Districts prior to the public hearing to adopt. • No specific public hearing requirements for School Districts, but highly recommended. • Optional: Public forums held prior to public hearing to discuss using mapping tools. 	<p>Public hearing requirements for Cities and Counties:</p> <ul style="list-style-type: none"> • Four hearings Elec. Code §§ 21507.1, 21607.1, 21627.1, including at least one hearing before maps drawn and at least two after draft maps are drawn. At least one after 6 p.m. or Sat/Sun. • Arrange for live translation w/ advance notice. Elec. Code §§ 21508(b), 21608(b), 21628(b) • Publish hearing date 5 days in advance Elec. Code §§ 21508(c), 21608(c), 21628(c). The website calendar satisfies publishing Elec. Code §§ 21508(g)(3), 21608(g)(3), 21628(g)(3). Publishing notice reduced to 3 days if within 28 days of deadline to adopt • Hearing to be held at a fixed time (not the more common “no earlier than time”). Elec. Code §§ 21507.1(d), 21607.1(d), 21627.1(d) • Allow public testimony or maps in writing and electronically. Elec. Code §§ 21508(e), 21608(e), 21628(e) • Make recording or written summary available in two weeks. Elec. Code §§ 21508(f), 21608(f), 21628(f) <p>Public hearing requirements for Special Districts:</p> <ul style="list-style-type: none"> • At least one hearing held prior to the public hearing to adopt. <p>School Districts have no specific public hearing requirements.</p>	<p>Cities and Counties: Elec. Code §§ 21507.1, 21607.1, 21627.1 *</p> <p>Special Districts: Elec. Code § 22001</p> <p>School Districts: Ed. Code § 5019.5</p> <p>*It is unclear if the four-hearing process is still required if existing districts are population-balanced.</p>
<p>Step 5</p> <p>Draft maps</p> <ul style="list-style-type: none"> • Maps submitted by the public are professionally produced by the demographer with CVAP and demographic data. • The demographer may also draw maps for consideration. 	<p>All maps must meet Federal requirements:</p> <ul style="list-style-type: none"> • Equal population • Federal Voting Rights Act • No racial gerrymandering <p>California requirements for Cities and Counties:</p> <ul style="list-style-type: none"> • Maps must meet prioritized criteria in Elec. Code §§ 21500(c), 21601(c), 21621(c) <ol style="list-style-type: none"> 1. Geographically contiguous 2. Undivided neighborhoods and “communities of interest” (socio-economic geographic areas that should be kept together) 3. Easily identifiable boundaries 4. Compact (do not bypass one group of people to get to a more distant group of people) 5. Shall not favor or discriminate against a political party 	

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	<ul style="list-style-type: none"> • Maps must be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population. Elec. Code §§ 21508(d)(2), 21608(d)(2), 21628(d)(2) • Maps cannot be released earlier than three weeks after State redistricting database is available; this period is shortened if less than 90 days before map adoption deadline. (AB 1276) Elec. Code §§ 21508(d)(3), 21608(d)(3), 21628(d)(3) <p>California requirements for Special Districts & County BOE:</p> <ul style="list-style-type: none"> • Trustee areas to be nearly equal in population and may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division. Elec Code § 22000(a); Ed Code § 1002(a) <p>California requirements for School Districts:</p> <ul style="list-style-type: none"> • Trustee areas to be nearly equal in population. Ed Code § 5019.5 	
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<p>Step 6</p> <p>Publish draft maps</p> <ul style="list-style-type: none"> Publish maps on website in advance of Governing Board hearing. 	<p>Cities and counties publishing requirements:</p> <ul style="list-style-type: none"> Each draft map published on website. Maps cannot be released earlier than three weeks after State redistricting database is available; this period is shortened if less than 90 days before map adoption deadline. 	<p>Elec. Code §§ 21508(g)(6); 21608(g)(6); 21628(g)(6)</p> <p>Elec. Code §§ 21508(d)(3), 21608(d)(3), 21628(d)(3)</p>
<p>Step 7</p> <p>Public hearing(s) on draft maps</p> <ul style="list-style-type: none"> The Governing Board may ask for revisions to published maps or request a new map. 	<p>See the detail under Step 4.</p> <p>Election sequencing (assigning an election year to each district/trustee area) is usually reviewed in conjunction with the draft maps.</p>	
<p>Step 8</p> <p>Publish revised map(s)</p> <ul style="list-style-type: none"> Demographer produces any new or revised maps after each Governing Board hearing. Publish revised and new maps on website in advance of adoption. 	<p>Cities and counties publishing requirement:</p> <ul style="list-style-type: none"> Final map must be published on internet seven days prior to adoption. May be reduced to three days if within 28 days of map adoption deadline. 	<p>Elec. Code §§ 21508(d)(1), 21608(d)(1), 21628(d)(1)</p>
<p>Step 9</p> <p>Final hearing and adoption</p> <ul style="list-style-type: none"> Cities and Counties adopt map by ordinance (first and second readings held 5 days apart). School Districts & most Special Districts adopt map by resolution. Election sequencing (assigning an election year to each district/trustee area) is approved with the final map adoption. 	<p>See the detail under Step 4.</p> <p>Cities and counties publishing requirement:</p> <ul style="list-style-type: none"> Final map must be published on internet seven days prior to adoption. May be reduced to three days if within 28 days of deadline. 	<p>Elec. Code §§ 21508(d)(1), 21608(d)(1), 21628(d)(1)</p>

CHAPTER 10. CITY BOUNDARIES AND OTHER JURISDICTIONAL CHANGES

SECTION 1 - CHANGE OF ORGANIZATION OR RE-ORGANIZATION

The Cortese/Knox/Hertzberg Local Government Reorganization Act ([GC 56000–57550](#)), adopted in 2000, is the state's policy to encourage orderly growth and development, which are essential to the state's social, fiscal, and economic well-being. It recognizes that the logical formation and determination of local agency boundaries are critical in promoting orderly development and balancing that development with sometimes competing interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.

The County Local Agency Formation Commission governs the reorganization (annexation) process; LAFCO assists local municipalities in the application and adoption process.

Preliminary Proceedings and Application Process

Commission proceedings for a change of organization or re-organization may be initiated by petition or by resolution of application ([GC 56650](#)).

Resolution of Application

Each application shall be in the form as the commission may prescribe and shall contain all of the following information ([GC 56652](#)):

- A petition or resolution of application initiating the proposal
- A statement of the nature of each proposal
- A map and description, acceptable to the executive officer, of the boundaries of the subject territory for each proposed change of organization or reorganization
- Any data and information as may be required by any regulation of the commission
- Any additional data and information, as may be required by the executive officer, regarding any of the matters or factors which the commission may consider
- The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report by the executive officer and who are to be given mailed notice of the hearing.

At least 21 days before the adoption of the resolution, the legislative body may give mailed notice of its intention to adopt a resolution of application to the commission and each interested agency. The notice shall generally describe the proposal and the affected territory ([GC 56654](#)).

Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall mail notice to each interested agency that the application has been received. The notice shall generally describe the proposal and the affected territory ([GC 56658](#)).

When an application is accepted for filing, the executive officer shall immediately issue a certificate of filing to the applicant; the certificate shall specify the date upon which the commission shall hear the proposal.

After the certificate of filing has been issued, the executive officer shall proceed to set the proposal for hearing and give published notice. The date of the hearing shall be not more than 90 days after issuance

of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier ([GC 56658\(i\)](#)).

If a petition for annexation or detachment is signed, a reorganization is signed by all of the owners of land within the affected territory of the proposed change of organization or reorganization, or if a resolution of application by a legislative body of an affected area is accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to that change of organization or reorganization; the commission may approve or disapprove the change of organization or reorganization, without notice and hearing by the commission. In those cases, the commission may also approve and conduct proceedings for the change of organization or reorganization under any of the following conditions:

1. Without notice and hearing
2. Without an election
3. Without notice, hearing, or an election

The executive officer shall give any affected agency mailed notice of the petition filing or resolution of the application initiating proceedings by the commission. Without the written consent of the subject agency, the commission shall not take any further action on the petition or resolution of the application for ten days following that mailing. By written consent, which may be filed with the executive officer at any time, a subject agency may do any of the following:

1. Waive the requirement of a mailed notice,
2. Give consent to the commission to make determinations without notice and hearing, or
3. Waive the requirement of mailed notice and consent to the commission making determinations without notice and hearing.

In the case of uninhabited territory, the commission may waive protest proceedings entirely if both of the following apply:

1. All the owners of land within the affected territory have given their written consent to the change of organization or reorganization, and
2. No subject agency has submitted written opposition to a waiver of protest proceedings.

In the case of inhabited city and district annexations or detachments, the commission may waive protest proceedings entirely if both of the following conditions apply:

1. The commission has provided written notice of commission proceedings to all registered voters and landowners within the affected territory, and no written opposition is received before the conclusion of the commission hearing, and
2. No subject agency has submitted written opposition to a waiver of protest proceedings.

Petition

A proposal for a change of organization or reorganization may be made by petition. The petition shall do all of the following ([GC 56700](#)):

1. State that the proposal is made according to Government Code requirements.
2. State the nature of the proposal and list all proposed organizational changes.
3. Set forth a description of the boundaries accompanied by a map showing the boundaries.

4. Set forth any proposed terms and conditions.
5. State the reason or reasons for the proposal.
6. State whether the petition is signed by registered voters or landowners.
7. Designate up to three persons as chief petitioners and include names and mailing addresses.
8. Request that proceedings be taken for the proposal.
9. State whether the proposal is consistent with the sphere of influence of any affected city or affected district.

Before circulating any petition for a change of organization, the proponent shall file with the executive officer a notice of intention that shall include the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. Once the notice of intention has been filed, the petition may be circulated for signatures. Upon receiving the notice, the executive officer shall notify affected local agencies.

Within 30 days after the date of receiving a petition, the executive officer shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the requisite number of signers signs the petition. If the petition is found to be insufficient, the executive officer shall give mailed notice to the chief petitioners.

[56764.](#) Either of the following shall sign a petition for the incorporation of a city:

- (a) Not less than 25 percent of the registered voters residing in the area to be incorporated, as determined by the commission pursuant to subdivision (f) of Section 56375.
- (b) Not less than 25 percent of the number of owners of land within the territory proposed to be incorporated who also own not less than 25 percent of the assessed value of land within the territory proposed to be incorporated, as shown on the last equalized assessment roll of the county.

[56765.](#) A petition for the disincorporation of a city shall be signed by not less than 25 percent of the registered voters residing in the city proposed to be disincorporated as shown on the county register of voters.

[56766.](#) A petition for the consolidation of two or more cities shall be signed by not less than 5 percent of the registered voters of each affected city as shown on the county register of voters.

[56767.](#) Either of the following shall sign a petition for annexation of territory to a city:

- (a) Not less than 5 percent of the number of registered voters residing within the territory proposed to be annexed as shown on the county register of voters.
- (b) Not less than 5 percent of the number of owners of land within the territory proposed to be annexed who also own 5 percent of the assessed value of land within the territory as shown on the last equalized assessment roll.

[56768.](#) Either of the following shall sign a petition for detachment of territory from a city:

- (a) Not less than 25 percent of the registered voters residing within the territory proposed to be detached, as shown on the county register of voters.
- (b) No less than 25 percent of the number of land owners within the territory proposed to be detached who also own 25 percent of the assessed value of land within the territory, as shown on the last equalized assessment roll.

[56770](#). The commission shall not approve or conditionally approve any proposal that includes a disincorporation, unless, based on the entire record, the commission makes all of the following determinations:

- (a) The proposed disincorporation is consistent with the intent of this division to provide for a sustainable system for the delivery of services.
- (b) The commission has considered the service reviews of municipal services and spheres of influence of the affected local agencies, and the disincorporation will address the necessary changes to those spheres of influence, if any.
- (c) It has reviewed the comprehensive fiscal analysis prepared pursuant to Section [56804](#).
- (d) It has reviewed the executive officer's report and recommendation prepared pursuant to Section [56665](#), and the oral or written testimony presented at its public hearing.
- (e) The service responsibilities of the city proposed for disincorporation have been assigned through terms and conditions authorized by Sections [56885.5](#), [56886](#), and [57302](#), and [Chapter 5 \(commencing with Section 57400\)](#) of [Part 5](#).

LAFCO Determination Hearing

The commission shall hold the hearing, which may be continued from time to time, not to exceed 70 days from the date specified in the original notice. At the hearing, the commission shall hear and receive any oral or written protests, objections, or evidence that shall be made, presented, or filed and consider the executive officer's report and the plan for providing services to the territory ([GC 56666](#)).

Factors to be considered in the review of a proposal include such things as:

- Population and population density; land area and land use; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next ten years
- The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls
- The effect of the proposed action and alternative actions on adjacent areas, on mutual social and economic interests, and the local governmental structure of the county
- The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands
- The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, and the creation of islands or corridors of unincorporated territory
- A regional transportation plan and its consistency with city or county general and specific plans
- The sphere of influence of any local agency which may apply to the proposal being reviewed
- The comments of any affected local agency or other public agency
- The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change
- Timely availability of water supplies adequate for projected needs
- The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs

General Processing for Protest Hearing

The proposal shall be set for hearing within 35 days following the LAFCO determination hearing and adoption of the commission's resolution making determinations ([GC 57002](#)). Notice of the hearing shall be made by mailing, publication, and posting. The hearing date shall not be less than 21 days or more than 60 days after the notice is given ([GC 57025](#)).

The notice must include the name of the proposal, how proceedings were initiated (i.e., petition or resolution), a description of the exterior boundaries, a description of the nature of the changes of organizations, reasons for the proposal, date, place, and time of the public hearing (GC 57026). This hearing may be continued but not to exceed 60 days from the date specified for the hearing in the notice ([GC 57050](#)).

At any time before the conclusion of the hearing by the conducting authority in the notice given to the officer, but not thereafter, any owner of land or any registered voter within the inhabited territory proposed to be annexed or detached, or any owner of land within the uninhabited territory proposed to be annexed or detached, may file a written protest against the annexation or detachment. Each written protest shall state whether it is made by a landowner or registered voter, the name and address of the owner of the land affected, the street address or other description sufficient to identify the location of the land, or the name and address of the registered voter as it appears on the affidavit of registration.

Each written protest shall show the date each signature was affixed to the protest. All signatures without a date or bearing a date before the notice's publication date shall be disregarded when ascertaining the value of any written protests ([GC 57051](#)).

Not more than 30 days after the conclusion of the protest hearing, the commission shall make a finding regarding the value of written protests filed and not withdrawn. The value of written protests shall be determined in the same manner prescribed in Government Code Sections [56704](#), [56707](#), [56708](#), and [56710](#) for determining the sufficiency of petitions filed with the commission (GC [57052](#), [57075](#)). The commission must take one of the following actions:

Inhabited Territory

1. Terminate proceedings if a majority protest exists, 50% or more of the voters residing in the territory or 50% or more of the voting power of the voters entitled to vote due to owning land within the district ([GC 57078](#)).
2. Order the change of organization or reorganization subject to confirmation of the registered voters residing within the affected territory if written protests have been filed and not withdrawn for either of the following: (a) at least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory; (b) at least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
3. Order the change of organization or re-organization without an election if written protests have been filed and not withdrawn by less than 25% of the registered voters or less than 25% of the number of landowners owning less than 25% of the assessed value of land within the affected territory ([GC 57075](#)).

Uninhabited Territory

1. Terminate proceedings if a majority protest exists per [GC 57078](#).

2. Order the change of organization or re-organization if written protests have been filed and not withdrawn by owners of land who own less than 50% of the total assessed land value within the affected territory ([GC 57075](#)).

Election

When the commission makes a determination that will require an election, the City Council shall direct the elections official to conduct the necessary election ([GC 57000\(d\)](#)). The election on the question of the change of organization or reorganization shall be called according to [Government Code Section 57000](#) and held on the next established election date according to Elections Code [Section 100](#), or [Section 1500](#) in the case of an election conducted solely by mailed ballot, occurring at least 88 days after the date upon which the resolution calling the election was adopted ([GC 57132](#)).

The question or questions to be submitted at any special election or elections called shall be in substantially the following form: "Shall the order adopted on _____, 20__, by the (insert Local Agency Formation Commission) ordering the annexation to (insert city or district) of the territory described in that order and designated as (insert the short form designation previously assigned by the commission) be confirmed?" ([GC 57133](#)).

Within five days after a special election is called, the executive officer shall submit to the commission, for its approval or modification, an impartial analysis of the proposed incorporation or change of organization. The commission shall approve or modify the analysis and submit the analysis to the election official no later than the last day to submit rebuttal arguments ([GC 57144](#)).

The elections official shall cause notice of the election to be given ([GC 57130](#), [57131](#)) and provide for a canvass of votes following balloting. The elections official shall immediately, upon completion of any canvass, report the results to the executive officer of the local agency formation commission ([GC 57149](#)).

The commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or re-organization if a majority of votes cast upon the question are in favor of the change ([GC 57176](#)). If a majority of the votes cast are against the change of organization or re-organization, the commission shall execute a certificate of termination proceedings ([GC 57179](#)).

Completion

Immediately after completion of proceedings ordering a change of organization or re-organization without an election or confirming the order for a change of organization or re-organization after confirmation by the voters, the executive officer shall prepare and execute a certificate of completion and shall make the filing required ([GC 57200](#)).

The effective date of the annexation is the date the certificate was recorded with the county recorder unless otherwise fixed in the terms and conditions of the resolution ([GC 57202](#)). The executive officer shall record, no later than 90 days after the election, a certified copy of the certificate of completion with the county recorder and shall file a certified copy of the certificate of completion with the clerk of the legislative body. The recorder shall file a copy of the boundary description with the county surveyor ([GC 57203](#)).

The executive officer shall file the statement of boundary change or creation with the Board of Equalization, the county assessor, and the county auditor. The Board of Equalization shall distribute

relevant information to the Department of Finance, the Controller, and the Secretary of State as appropriate ([GC 57204](#)). A designated municipal officer from another department (i.e., Public Works/Community Development) or the Clerk should notify all affected agencies not notified by the executive officer such as the police and fire departments, U.S. Postal Service, school district, water, sewer, telephone, gas and electric utility providers, cable television company, trash hauler, animal control services provider, ambulance service provider, Thomas Bors, Map Co., Registrar of Voters, County and State Departments (i.e., Caltrans).

Section 2 - STREET, ALLEY, OR PUBLIC EASEMENT VACATIONS

Vacation of public streets, highways, and service easements is governed by the Public Streets, Highways, and Service Easements Vacation Law ([SHC 8300-8363](#)). A vacation is the abandonment of public streets, alleys, or any public easements and the closing of the same to public use. Vacation proceedings may be conducted by a designated municipal officer from another (i.e., Public Works/Community Development) or the Clerk.

Non-Summary Vacation Procedure

The legislative body may initiate a proceeding on its initiative or upon a petition or request of an interested person. Before vacating a street, the City Council must consider the city's general plan and submit the matter of the proposed vacation to the planning commission ([GC 65402](#), [SHC 8313](#)). The planning commission must make a report as to the conformity of the proposed street vacation with the city's general plan within 40 days or some other period designated by the Council ([GC 65402](#)). The City Council may initiate vacation proceedings by setting a hearing on the proposed vacation ([SHC 8320](#)).

The clerk shall administratively set a public hearing date and give notice of the time and place of the hearing. The notice shall contain a description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan that shows the portion or area to be vacated that includes a statement that the vacation proceeding is conducted per Street & Highways Code, and the date, hour and place for hearing all persons interested in the proposed vacation.

Notice of the hearing on the proposed vacation shall be published for at least two successive weeks before the hearing in a newspaper published and circulated in the city. If no newspaper is published and circulated in the city, the notice shall be published in a newspaper published in the county where the city is located. If the proposal was initiated by petition, the clerk shall mail this notice to each petitioner at the address outlined in the petition ([SHC 8322](#)).

At least two weeks before the hearing, the legislative body shall conspicuously post notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. ([SHC 8323](#)).

At the public hearing, the City Council shall hear the evidence offered by persons interested. If the City Council finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation may only occur after conditions required by the legislative body have been satisfied, and it may instruct the clerk that the resolution of vacation should not be recorded until the conditions have been satisfied.

The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the County Recorder's Office where the property is located. No fee shall be charged for recordation. Upon such recordation, the vacation is complete ([SHC 8324-8325](#)).

Summary Vacation Procedure

Under certain circumstances, a city may use a summary procedure for vacating a portion of a street ([SHC 8300-8363](#)). Summary vacation procedures are unavailable if public utility facilities are in use that would be affected. A summary vacation may occur when:

- It is superseded by relocation – unless such vacation would cut off access to a person's property or terminate a public service easement.
- Impassability and non-maintenance - impassible for vehicular travel for five years.
- Surplus - not required for street or highway purposes.
- Dead ends - a portion of a street or highway that lies within property under one ownership and does not continue through such ownership or end touching another property.
- Offers of dedication on subdivision maps – offers to dedicate on a final map are irrevocable by the grantor and can be terminated only by a statutory process by the city.
- Public service easements – the easement has not been used for the purpose for which it was created for five consecutive years preceding the vacation, the date of dedication is less than five years and more than one year immediately preceding the proposed vacation, and the easement has been superseded by relocation.

The City Council summarily vacates the street by adopting a vacation resolution after submission to the planning commission ([GC 65402](#)). The planning commission does not need to review the summary vacation of public service easements. The Clerk causes the vacation resolution to be recorded in the county recorder's office. From the date of such recording, the vacation is complete, and the street will no longer constitute a street.

CHAPTER 11. ASSESSMENTS, LICENSES, AND OTHER FINANCIAL DUTIES

Section 1 - INTRODUCTION

Municipal clerks in California play a pivotal role in the financial administration of local governments, as outlined in various sections of the California Government Code. Their responsibilities extend beyond administrative tasks, including managing financial processes essential for municipal operations. These duties require adherence to financial regulations, organizational skills, and a commitment to transparency and accountability.

Section 2 - DEFINITIONS

“Permit,” “Fee,” “excess payment to a revolving fund,” and “erroneous or excessive payment” are defined in [Government Code Section 13140](#).

Permit - Includes application, license, certificate, or authorization.

Fee - Includes any monetary exaction imposed or collected for or as a condition precedent to the issuing, making, taking, or securing of any permit, filing, examination, or inspection.

Payment - The discharge of a debt or an obligation (as in fees for licenses and permits).

Refund - A return of money in restitution, repayment, or balancing of accounts, as in the case of overpayment.

Permits such as building permits are generally issued and approved administratively by the department directly involved. For example, permits, such as parade or block party permits, typically require council action since they affect a large group of people/residents rather than an individual homeowner. The application and approval process for various local permits is generally contained in the city’s municipal code. Some cities delegate the authority to issue local permits to the City Manager.

Section 3 - FINANCIAL DUTIES

[Government Code Section 40802](#) states that the Clerk is the accounting officer of the city and shall maintain records readily reflecting the city's financial condition. [Government Code Section 40805.5](#) allows transferring these duties to the Director of Finance. There are certain areas of which the Clerk should still be aware.

Budget Preparation

The municipal clerk often assists in preparing the annual budget, working closely with department heads, and presenting the budget for approval. The process includes facilitating public hearings, as required by California [Government Code §54954.6](#), ensuring community members have the opportunity to provide input.

Financial Reporting

Accurate financial reporting is essential for transparency. The municipal clerk may be responsible for preparing and submitting various financial reports, including monthly financial statements and annual reports, in compliance with California [Government Code §53891 - §53897](#).

Compliance and Auditing

Ensuring compliance with financial regulations and facilitating audits are crucial aspects of the municipal clerk's duties, governed by various sections of the California Government Code.

Auditing Procedures

Audits evaluate the municipality's financial health and identify areas for improvement. The municipal clerk facilitates audits by providing access to records and responding to inquiries, as required by California [Government Code §12410 - §12411](#). The clerk also implements audit recommendations to improve financial practices.

Compliance with Financial Regulations

Municipal clerks must ensure compliance with financial regulations, implement internal controls, and manage public funds according to California [Government Code §53901](#). This includes staying informed about regulatory changes and updating practices as needed.

Section 4 - ASSESSMENTS

Assessments are a crucial revenue source for municipalities to fund public services and infrastructure projects. The California Government Code provides specific assessment guidelines that municipal clerks must follow.

Property Assessments

Property assessments are conducted to determine the value of real property for taxation. The role of the municipal clerk in property assessments includes coordinating with the county assessor and managing notifications and collections, as per California [Government Code Sections §53750 - §53758](#). Clerks must be knowledgeable about timelines, appeal processes, and regulations to manage these assessments effectively.

Special Assessments

Special assessments, or Assessment Districts, governed by the California Streets and Highways Code [§5180 - 5182](#) and [§36500 - §36551](#), are levied on properties that benefit from specific public improvements. The municipal clerk administers these assessments, which involves preparing assessment rolls, notifying property owners, and ensuring accurate and timely collection. Understanding the legal framework is essential for compliance.

Assessment Districts generally affect only a small portion of the city and cover such functions as street lighting, park maintenance, median maintenance, water systems, street improvements, etc.

Community Facilities Districts (CFD's)

Community Facilities Districts (CFDs) are special tax districts that finance infrastructure and public services. The formation and administration of CFDs are governed by the Mello-Roos Community Facilities Act of 1982 (California [Government Code §53311 - §53368.3](#)).

CFDs are established to fund projects like roads, schools, and parks, with the costs repaid by property owners within the district. The municipal clerk plays a crucial role in CFD administration, ensuring legal and financial obligations are met.

Formation of CFDs

Forming a CFD involves several steps, including defining the district boundaries, preparing a financing plan, and obtaining property owner approval. The municipal clerk facilitates this process by coordinating public meetings, preparing and distributing notices, and maintaining records, as per California [Government Code §53320 - §53329.6](#).

Administration and Financing

After a CFD is established, the municipal clerk administers the district's finances, including collecting special taxes, managing bond issues, and overseeing expenditures, in accordance with California [Government Code §53340 - §53344.4](#). The clerk must also prepare annual reports and respond to inquiries from property owners.

Section 5 - LICENSES AND PERMITS

Cities are authorized to issue licenses or permits for revenue and regulation and may collect a fee for each license ([GC 37101](#)). Any such license may be revoked, suspended, limited, or conditioned through the public hearing process. The Clerk doesn't need to control the issuance of licenses and permits. This is generally a function of the Finance Officer or Controller.

Licenses and permits regulate various municipality activities, ensuring local law compliance and generating revenue.

Business Licenses

Business licenses are typically required for most commercial activities, with procedures outlined in the California Business and Professions Code [§16000 - §16004](#) and [§16110-16112](#). A municipal clerk may oversee these licenses' issuance, renewal, and revocation, ensuring compliance with legal requirements, maintaining records, and monitoring local regulations. The clerk's role may also involve coordinating enforcement actions with other departments.

Building Permits

Building permits are required for construction and renovation projects within a municipality. California [Government Code §65850](#) gives local governments the authority to regulate these activities. The municipal clerk may be responsible for processing applications, providing documentation, maintaining accurate records of issued permits, and ensuring compliance with zoning and building codes.

Section 6 - FINANCIAL DUTIES

In some municipalities, the Clerk is also the Finance Officer ([GC 40802](#)). These duties may be transferred to the Director of Finance, Controller, or another city official by an ordinance of the City Council ([GC 37209](#)).

As the Finance Officer, the Clerk may be required to countersign all warrants drawn by the Mayor on city funds ([GC 37203](#)). However, the council may provide an alternative method of handling this by resolution or ordinance.

Following the distribution of warrants/checks for payment of city expenses, the City Council should approve a warrant listing showing the warrant number, payee, amount of warrant, and a brief description of expenses at their next regularly scheduled meeting ([GC 37208](#)). A similar list should be submitted for payroll warrants/checks.

All bonds issued by a municipality must be signed by the Mayor and countersigned by the Clerk ([GC 43623](#)) upon adoption of a resolution authorizing them to do so. Bonds may be destroyed upon council direction if they were to be issued for municipal purposes, were executed but not sold or disposed of, and the sale and disposal are deemed to have become inexpedient, and destruction is desirable. Before destruction, however, a notice of intention must be published for four (4) successive weeks in a newspaper of general

circulation. The Clerk must receive and file all written objections submitted at least three (3) days before the public destruction date. Should a majority of the city voters file objections, the bonds must be retained and not destroyed ([GC 43903](#)).

The Clerk must cause a summary of the Annual Financial Statement to be published no later than 120 days after the end of the fiscal year. This must be published in a newspaper of general circulation. Should no such newspaper exist, the Clerk must cause copies of the summary to be posted in three (3) places designated by the City Council (GC [40804](#), [53891](#)).

CHAPTER 12. PROJECTS, GRANTS, CAPITAL IMPROVEMENTS

The following is a general overview of capital improvement projects, also referred to as public works projects. These provisions may differ based on local regulations in the agency's municipal code or city charter, as applicable. The Clerk's role in this area varies from city to city, but there are specific requirements for filing notices and monitoring contracts, which the Clerk generally handles.

Section 1 - PUBLIC WORKS PROJECTS

A public project may include the erection, improvement, painting, or repair of public buildings and works; work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; street or sewer work except for maintenance or repair; and furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers (CA Public Contract Code Section 20161).

The Council has the ultimate authority for project plans and specifications and to enforce any regulations it deems necessary for the administration and execution of the project. Chapter Eleven outlines the bid and award process that follows the City Council's approval of the bid specifications. In addition to detailing work to be performed and performance schedules, contract documents also stipulate specific insurance requirements that the contractor must meet. Insurance requirements may include but are not limited to workers' compensation, general liability and automobile insurance, and special insurance requirements to respond to unique project needs. Performance bonds, for example, are typically required to guarantee the project.

At any time during the construction, changes may be requested by the city or the contractor for various reasons. This type of change generally requires a "change order," which may require the City Council's approval depending on how change orders are addressed in the initial contract. The initial contract will also address how progress payments will be made during construction at designated intervals.

Upon completion of the public project, the Clerk or the engineering/construction division, if so designated, shall file a "Notice of Completion" with the county recorder, stating that all project and contract requirements have been met (CA Civil Code 3093). At this time, a letter may be sent to the bonding company backing the contractor, in compliance with the state lien law, to notify them that the project is complete.

The City should maintain a copy of the prevailing rate of per diem wages in its "principal office," which shall be made available to any interested party on request. A copy of the director's determination of the prevailing rate of per diem wages shall be posted at each job site. (CA Labor Code 1773.2) Prevailing Wage Determinations and Apprentice Schedules are now available online at www.dir.ca.gov.

Section 2 - CAPITAL IMPROVEMENTS

Public works projects typically are included in the city's multi-year capital improvement budget. Capital improvements are significant expenditures for additions to the city's fixed assets, which may include the construction of streets or buildings.

Conflict of Interest (COI) checks for Councilmembers are required before voting to add certain projects to the CIP. Except for projects that qualify as repairs, replacement, or maintenance of existing streets, water, sewer, storm drainage, or similar facilities, a COI check should be performed for each CIP project within 500 feet of their residence. (However, excluding Councilmembers from a vote to add a project to the CIP

plan based on their residence does not preclude a Councilmember with a conflict from subsequently voting to approve funding the project or allow a Councilmember with a COI to participate when the financial effect on the public official's economic interest is indistinguishable from its impact on the public generally.) Whether a project is a repair that does not require disqualification from voting or an improvement that does require recusal is a fact-specific determination. Note: A Councilmember may have COI unrelated to a personal residence or even when a personal residence is beyond 500 feet from a CIP project.

**Govt Code section 87100 prohibits a public official from making, participating, or in any way using the public official's position to influence a governmental decision in which the official knows or has reason to know that the official has a financial interest (including an interest in a business, real estate, income, gifts, and personal finances).

Section 3 - GRANTS

Grant applications are generally made to supplement funds for additional services, equipment, or projects that would otherwise not be financially feasible. Grants to municipalities are usually monetary in form; however, some involve land, property, or in-kind grants such as time or materials. Many grant stipulations require the city to conduct a public hearing and/or adopt resolutions authorizing the submittal of applications.

Grants may be obtained from Federal, State, and county agencies, as well as from charitable, non-profit, or other organizations. The city and grantee usually enter into an agreement that regulates the use of grant funds (refer to Chapter Fourteen, Agreements and Contracts.)

CHAPTER 13. DEEDS AND DEED PROCESSING

Section 1 - GENERAL

A political corporation or governmental agency, by resolution, may authorize one or more officers or agents to accept and consent to deeds or grants. Deeds or grants conveying any interest in, or easement upon, real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to, or printed on, the deed or grant.

Section 2 - DEFINITIONS

Conveyance is the transfer of title to land from one person, or class of persons, to another by deed.

A *deed* is a conveyance of realty, a writing signed by a grantor, whereby title to realty is transferred from one to another.

Realty is a brief term for real property or real estate.

A *Grantor* is a person or entity that transfers ownership of a property to a grantee or buyer.

A *Grantee* is a person who buys or rents a property or acquires ownership or possession of land from the grantor.

A *Lessor* is a person or entity that owns a property and grants a lease to another party, known as the lessee, to use the property for a set period of time (landlord).

A *Lessee* is a person or entity that is granted the right to use a property through a lease agreement (tenant).

The types of deeds which the Clerk most commonly handles are described as follows:

Quitclaim Deed — a deed of conveyance operating by way of release; that is, intended to pass any title, interest, or claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warrants or covenants for title.

Easement Deed — a deed by which the grantor conveys only the right to use all or part of his property, usually for a driveway, storm drain, public road, or similar facility.

Grant Deed — a deed by which the grantor conveys fee title (full ownership) of his property.

Section 3 - Certificate of Acceptance

In the deed processing procedure, the City Clerk plays a crucial role when the agency is the grantor, certifying and attesting the deed to ensure its validity. Additionally, the legislative body has the authority to delegate the acceptance of real property, streamlining the process and enabling more efficient handling of property transfers. In instances where notarization is required for outside parties, the Clerk may also provide notarization services, further supporting the legal framework of property transactions. Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee, evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. If a certificate of acceptance is used, it shall be in substantially the following form ([GC Section 27281](#)):

This is to certify that the interest in real property conveyed by the deed or grant dated (date) from (Grantor) to (Grantee), a political corporation and/or governmental agency is hereby accepted by order of the (legislative body) on (date), (or by the undersigned officer or agent on behalf of the (legislative body) pursuant to authority conferred by resolution (number) of the (legislative body) adopted on (date), and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____ By _____

Section 4 - Notarization

In general, most deeds used to transfer real estate, such as **grant deeds**, **deeds of trust**, and **quitclaim deeds**, are required to be notarized to be legally binding and eligible for recording with the county recorder's office ([CIV §1180-1207](#), [GC §27287](#), [CIV §1213](#)). Notarization ensures that the signer's identity is verified and that the document was signed voluntarily. A notary public serves as an impartial witness, adding an extra layer of authentication to the transaction. However, some deeds, such as **deeds of reconveyance** (used by trustees to transfer property back to the borrower after a loan is repaid) or **certificates of acceptance**, typically do not require notarization but still need to meet other statutory requirements before being recorded. It's essential to verify specific state or local regulations, as laws may vary depending on the type of deed and jurisdiction. The notarization of most deeds involving real property provides legal validity and facilitates the recording process with the county. Local variations may exist, so municipal clerks and other officials handling property records should always verify current state and county requirements.

Section 5 - Recording Documents

How to Record Documents

When recording documents, it's essential to follow specific guidelines to ensure accuracy and compliance with legal requirements. Each document must include a **Required Header** at the top, specifying the nature of the document and any pertinent information. Additionally, always provide the **Mailing Address** of the party to whom the document should be returned once recorded. For government-related recordings, be sure to include the statement "**Fee exempt per Government Code §6103**" if the document qualifies for fee exemption.

As the Clerk is the custodian of the city's records, it is suggested that the address to which the recorded document is to be mailed be the Clerk's address rather than the initiating city department. However, if the document is granting property or interest to another party, the original deed should be returned to that party after recordation. In this case, the Clerk should retain a copy of the signed deed for the city's record before recordation, as the deed will not be returned to the city after recordation.

Typically, the Clerk is responsible for the processing and recordation of deeds. It is common practice to maintain a log/index of all documents sent and returned for recordation, along with a copy of the document. It is recommended that the deed include a street address as well as the Assessor Parcel Number whenever possible to facilitate records retrieval, as Assessor Parcel Numbers may change. The County Recorder is required to keep an index of deeds, grants, and transfers labeled "Grantors," "Names of Grantees," and "Where Recorded" (GC 27232).

After a real property has been conveyed by a city or to a city, if an error is noticed in the content of the deed, the city may, by resolution, cite the facts of the error and approve the correction. A corrective deed is then executed.

For information on recording documents electronically, see [Chapter 5, Section 8](#) of this Handbook.

Recorded Documents Log

It is also important to **maintain a log of all recorded documents**, detailing the document type, date, and any relevant reference numbers.

Storage

Always keep the **original** document in a secure location, such as a **safety deposit box** or **vault**, and retain a **copy** in office records for quick access and reference in case it's needed for future transactions or audits.

Section 6 - Assessor Parcel Numbers (APNs)

An Assessor's Parcel Number (APN) is a unique identifier used to inventory or identify property in official records. While related to property identification, it's important to note that APNs, which are used in many counties, serve a different purpose. APNs are primarily for tax roll purposes and vary by county, meaning they do not necessarily correspond to the actual physical location of a property. Although APNs are helpful for administrative and tax assessments, they should not be relied upon as definitive markers for property boundaries or precise locations. Municipal clerks and other officials must understand this distinction when managing property records.

CHAPTER 14. PROCUREMENT PROCESS

Section 1 - GENERAL

For general law cities (GC 34000), all public works contracts for public projects over \$5,000 shall be contracted for and let to the lowest responsible bidder after notice. A project may not be split into smaller portions to avoid the competitive bidding requirements; violation is a misdemeanor (PCC 2-162, 20163).

(Exceptions: 1) Charter cities may have different requirements regarding bids and bid openings. 2) If a city has elected to be subject to the Uniform Public Construction Cost Accounting Act, certain less formal procedures may be available for contracts for maintenance work or any other work that does not fall within the definition of “public project” as defined in PCC 22000 et seq.

A public project is defined as (PCC 20161):

- A project for the erection, improvement, painting, or repair of public buildings and works.
- Work in or about streams, bays, waterfronts, embankments, or other works for the protection of overflow.
- Street or sewer work, except maintenance or repair.
- Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.
- Generally, public works projects are part of the Capital Improvement Project Program and, as such, are identified and approved through the city’s budget process.

Section 2 - BID PROCESS

The typical bid process for public projects is as follows:

1. The City Council approves plans and specifications.
2. The city publishes a notice inviting bids, which sets a date and time for the bid opening. The first publication or posting of the notice shall be at least ten days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three public places in the city that have been designated by ordinance as the places for posting public notices. The notice shall distinctly state the project to be done (PCC 4104.5, 20164, GC 53068).
3. Bids may be received at the Clerk’s Office (or in the designated department) at a designated date and time published in the notice inviting bids. Upon receipt of bids, date and time stamp the envelope to show the bid was received per the notice. Any bids received after the time specified in the notice shall be returned unopened (GC 53068).

(Practice tip: Before the time of the bid opening, designate a phone (can be a wall clock or cell phone) as the official phone and check to be sure the time is accurate; this will be the time used to determine if bids are timely filed. By designating this before the bid opening, it avoids discrepancies.)

4. All bids must be presented under sealed cover and accompanied by one of the following forms of bidder’s security in an amount equal to at least 10 percent of the bid (PCC 20170, 20171). If a bid does not have one of these forms of security, then the bid shall not be considered:
 - a. Cash.

- b. The cashier's check was made payable to the city.
 - c. A certified check made payable to the city.
- 5. A bidder's bond executed by an admitted surety insurer made payable to the city. The bidder's security is kept until the successful bidder is awarded the contract, has posted contract bonds (i.e., labor and material bonds), and has executed the contract documents. Upon award of the contract, the unsuccessful bidders need to be notified of non-acceptance, and their bidder's security returned. (It is optional as to whether or not to return the bidder's bond; however, cash, cashier's checks, and certified checks must be returned.)
- 6. The Clerk generally opens bids, but they may be opened by any city employee designated in the bid notice. The bids must be opened within public view in a public place. At the beginning of the bid opening, the Clerk will clearly announce that "This is the time and place designated for opening bids for (project name and number)." The Clerk opens each bid, checks for the bidder's security, and reads the name of the contractor and bid amount. Generally, a second staff person records the information that is used to handle telephone inquiries regarding bid results. The apparent low bidder is determined to be the bidder submitting the bid with the lowest total dollar value.
- 7. After the bids are opened, they are released to the department responsible for evaluation and recommendation to the City Council concerning the awarding of the bid.
- 8. Once a bid is opened, the bidder may not change the bid (PCC 5101).

Bid Addenda

If the city issues a bid addendum that results in a "material change," the date and time for submitting bids shall be extended by no less than 72 hours (PCC 4104.5).

Rejecting Bids/Identical Bids/Absence of Bids

The legislative body may reject all bids without having to give a reason and re-advertise. If two or more bids are the same and the lowest, the legislative body may accept the one it chooses. If no bids are received, the legislative body may have the project done without further complying with the Public Contract Code bid procedures (PCC 20166).

Section 3 - AGREEMENTS AND CONTRACTS

General

Like all businesses, municipal government contracts for many different types of goods and services. These contracts are usually written agreements that are legally binding upon the parties. Typically, agreements are entered into with the approval of the City Council or, if legally authorized, the City Manager. To be legally binding, all parties to the agreement must sign it. Depending on local requirements, the City Attorney and Finance Director may also be signatories to the agreement. The Clerk usually attests to the signature of the city official authorized to execute the agreement and affixes the city seal to it.

Municipalities may enter into agreements with private parties and companies. These agreements may provide for a wide range of goods and services. Examples include equipment purchases, professional services, and other services. Some agreements require a public bidding process. Consult your local ordinances and state regulations to determine whether public bidding is required before entering into an agreement. Examples of agreements that typically require public bidding are street improvements and construction projects.

Municipalities may also enter into agreements with other public agencies. These are commonly known as joint powers agreements. These agreements are authorized under Government Code Section 6500 et seq. A joint powers agreement requires that the parties may jointly exercise any power common to the entities that are parties to the agreement in order to be valid. The joint powers agreement may also be used to create a separate public entity, often referred to as a Joint Powers Authority or Joint Powers Agency.

Municipal contracts must comply with the Public Records Act, in particular Government Code Sections 6253.3 and 6253.31. Contracts should require compliance with the Public Records Act in that local agencies may not allow another party to control the disclosure of information that is otherwise subject to disclosure.

Once agreements are fully executed with all attachments and conditions required by the City Council, the City Manager, or otherwise required by law, the Clerk is responsible for maintaining the agreements in the city's records. Responsibility for ensuring the agreement is performed may be assigned to a member of the city staff; however, the Clerk should coordinate with city staff to ensure requirements of the agreement are fulfilled, such as termination or milestone dates, bond, and insurance requirements. Many cities maintain a tracking system to ensure that the agreement components are completed and insurance documents are up to date.

One department is generally designated as the department responsible for tracking the agreements for (1) processing/approval, including ensuring that all required attachments are complete and included (2) signatures and execution following approval; and (3) ongoing review to ensure that the required materials, including insurance certificates, are up to date. Automated tracking is the most efficient way to monitor agreements/contracts. This allows others access to view the progress and location of an agreement. There are software programs designed to track agreements.

Agreements should be retained in compliance with the city's adopted records retention schedule. Some agreements may require recordation with the County Recorder's Office. These generally relate to real property.

City officers and employees must not be financially interested in any agreement made by them in their official capacity or by any legislative body or board of which they are members. (GC 1090). They may not participate in or influence the making of any agreement in which they may have a disqualifying financial interest (GC 87100 et. seq).

Emergency Contracts

A contract may be awarded without competitive bidding if the legislative body adopts a resolution making findings by a four-fifths vote that an emergency exists (PCC 20168 and 22050). An emergency is defined as a sudden, unexpected occurrence that poses a clear and eminent danger, such as in the case of a disaster (PCC 1102).

Supplies and Equipment

Cities must adopt an ordinance establishing policies and procedures for purchasing supplies and equipment. The ordinance must include bidding regulations (GC 54202, 54203).

Professional Services Agreement

Contracts for professional services are not subject to competitive bidding requirements. Procedures for selection may be adopted by ordinance (GC 4526).

Contracting for Publication of Legal Notices

Annually, before the beginning of the fiscal year, in cities where there is more than one newspaper of general circulation printed and published, the City Council shall publish a notice inviting bids and contract out for the publication of legal notices (PCC 20169).

CHAPTER 15. Administrative and Legal Filings

Section 1 - CLAIMS AGAINST THE CITY

Under the Government Claims Act (Tort Claims Act), most actions seeking money or damages against a public entity must be preceded by a proper administrative claim (GC 810-998.3). Many cities have a risk manager on staff to review all claims and make recommendations, either to a claims board or to the City Council. The primary role may be assigned to the city's risk manager, insurance broker or agent, liability insurance carrier, claims adjustor, or City Attorney. Therefore, the Clerk's role in claims administration varies from city to city.

The types of actions that require administrative claims are personal injury, contract actions, real and personal property damage actions, statutory actions, class actions, subrogation actions, indemnification actions, actions against public employees, actions brought by minors or incompetents, and other actions for money damages. Certain types of actions are exempted from claim requirements (GC 905).

Contents of Claim

1. Claims must contain all of the following (GC 910):
 - a. The name and post office address of the claimant;
 - b. The post office address to which notices should be sent;
 - c. The date, place, and other circumstances of the occurrence or transaction giving rise to the claim;
 - d. A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim;
 - e. The name(s) of any public employee(s) causing the injury, damage, or loss, if known; and
 - f. The amount claimed and basis of computation if the claim is under \$10,000 (if the amount exceeds \$10,000, no amount is to be included, but the claim must indicate whether the claim would be a limited civil case, i.e., \$25,000 or less), including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time the claim is presented.
2. The claimant or their representative must sign the claim. Claims for supplies, materials, equipment, or services need not be signed if presented on a billhead or invoice regularly used in the conduct of the claimant's business (GC 910.2).
3. Many cities provide forms to assist claimants with meeting the requirements of the Government Code and obtaining additional information that the city deems useful. The claimant need not, however, use the form when presenting the claims if the claim is presented in conformity with Government Code Sections 910 and 910.2.
4. The claim may be amended at any time before the claim period expires or before final action is taken, whichever is later (GC 910.6).
5. If, in the opinion of the claims administrator, a claim fails to comply substantially with the requirements for filing, the Council or the claims administrator may, at any time within twenty

(20) days after the claim is presented, give written notice of its insufficiency stating the defects or omission. The claimant then has fifteen (15) days to respond (GC 910.8).

6. A claim for wrongful death or personal injury or damage to personal property or growing crops must be presented not later than six (6) months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action (GC 911.2).
7. Should the claimant fail to file a claim within the prescribed time, the claimant may make a written application to the City Council for authorization to present the claim. The application must be presented within one year after the accrual of the cause of action, shall state the reason for the delay in presenting the claim, and the proposed claim shall be attached to the application. (GC 911.4).

The City Council has forty-five (45) days within which to grant or deny the application for a late claim. This period may be extended by a written agreement made before the expiration of the forty-five (45) day period. (GC 911.6)

Generally, the application must be granted if the failure to file the claim was due to:

- a. Mistake, inadvertence, surprise, or excusable neglect
- b. Status as a minor
- c. Physical or mental incapacitation
- d. Death

If the city fails or refuses to act on the application within the prescribed time, the application is deemed to be denied on the forty-fifth (45th) day or, if the period within which the city is required to act is extended by agreement according to this section, the last day of the period specified in the agreement. Written notice must be given as to the city's action. If the action is one of denial, the following warning must be included:

"WARNING – if you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately. Your only recourse at this time is to apply without delay for leave to present a late claim (See Government Code Sections 911.2 – 912.1 and 946.6). Under some circumstances, leave to present a claim will be granted." See Government Code Section 911.6.

8. If a claim is presented after the six-month time limit outlined in Government Code Section 911.2 without making an application as provided in Section 911.4, the City Council or its designee may,

at any time within forty-five (45) days after the claim is presented, give written notice to the person presenting the claim that the claim was not filed timely and that it is being returned without further action.

9. The city has forty-five (45) days within which to act on a claim after its submission. If a claim is amended, then the city shall act on the amended claim within 45 days after the amended claim has been presented (GC 912.4). If no action is taken on the claim within 45 days or by the last day of the period specified in an agreement extending the time to act, the claim shall be deemed to have been rejected (GC 912.4(c)).
10. If the claim against the city is allowed in whole or in part, or a compromise of the claim is reached, it may require the claimant, if the claimant accepts the amount allowed or offers to settle the claim, to accept it in settlement of the entire claim.

Subject to the proceeding, the city shall pay the amount allowed on the claim or in compromise of the claim in the same manner as if the claimant had obtained a final judgment against the city for that amount, but the claim may be paid in not exceeding ten (10) equal annual installments as provided in GC 970.6, only if agreed to by the claimant (GC 912.6).

11. If the city rejects the claim, a written notice of the action taken or inaction, which deemed the claim rejected, shall be given and should contain the following notice GC 913):

“Notice is hereby given that the claim which you presented to the (insert title of City Council or officer) on (indicate date) was (indicate whether rejected, allowed, allowed in the amount of \$ and rejected as to the balance, rejected by operation of law, or other appropriate language, whichever is applicable) on (indicate the date of action or rejection by operation of law).”

If the claim is rejected in whole or in part, the notice required above shall include a warning as follows (GC 913.2):

“Warning – Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim (See Government Code Section 945.6). This notice does not apply to any claim you may have under federal law, and your time for filing an action on any federal claim may be less than six months.

Please also be advised that according to California Code of Civil Procedures Section 128.5 and 1038, the city will seek to recover all costs of defense in the event an action is filed in the matter and it is determined that the action was not brought in good faith and with reasonable cause.

You may seek the advice of an attorney of your choice in connection with the matter. If you desire to consult an attorney, you should do so immediately.”

Presentation of Claim

1. A claim, any amendment, or an application to the public entity for leave to present a late claim shall be presented to the public entity by any of the following means:
 - a. Delivering to the clerk, secretary, or auditor thereof; or
 - b. Mailing to clerk/secretary/auditor/governing body at its principal office

- c. If expressly authorized by an ordinance or resolution of the public entity, submitting it electronically to the public entity in the manner specified in the ordinance or resolution. (GC 915(a)(3)).
2. The claim, amendment, or application is deemed to have been presented even though it is not delivered or mailed as mentioned above if it is received by the clerk, secretary, auditor, or City Council within the time prescribed for presentation.

A claim, amendment, or application is deemed to have been presented if it was delivered or mailed within the time prescribed to the address listed in the Roster of Public Agencies (GC 915).

If a claim, amendment, or application is presented or sent by mail, or if any notice under this chapter is given by mail, the claim, amendment, application, or notice shall be mailed by depositing the information in the United States Post Office or a mailbox, sub-post office or other like facility regularly maintained by the government, in a sealed envelope, properly addressed with postage paid. The claim, amendment, application, or notice shall be deemed to have been presented and received at the time of the deposit (GC 915.2).

Administration of Claim

A summons is an order served or delivered by a sheriff, an officer of a court, or a licensed process server. The summons notifies the person named in it that a complaint has been made and that the person named must respond to the complaint within a timeframe (most commonly 30 days), or a default judgment can be entered against the person named.

The Clerk is often served with notices to appear for other city personnel. If the summons is for a person and the city is not named, the Clerk should not accept service. If the summons is issued to the city with others named, the Clerk can accept service on behalf of the city.

Service can be made within or outside the State of California by ordinary, first-class mail or airmail and need not be made personally. When served by mail, a Notice of Acknowledgment, receipt, and a self-addressed stamped envelope will be provided. When served in this manner, the Notice of Acknowledgment and receipt must be signed and returned to the serving party within twenty (20) days. Check with the City Attorney or risk manager regarding proper handling. Some cities may prefer to use the full allowable time for the return of the Acknowledgment, which starts the time running for response to the complaint (CCP 415.30).

In processing a summons, be sure to provide a copy immediately to the City Attorney and the department head that might be affected by the summons. If, for instance, the summons indicated that other city officials (such as a police officer) were served, check with the department to see if the person was also served. It is important to note the following information for future reference: 1) who received the summons; 2) date received; 3) date action taken by the city resulting in the summons (such as denial of the claim for damages); 4) whether other officials of the city were served. This information should be available to the City Attorney along with a copy of the actual document as soon as possible.

The majority of summonses generally received by a city are those resulting from a claim that has been denied, from action on a land use (zoning) matter, or from some regulatory action of the city.

Section 2 - SUMMONS

A summons is an order served or delivered by a sheriff, an officer of a court, or a licensed process server. The summons notifies the person named in it that a complaint has been made and that the person named must respond to the complaint within a timeframe (most commonly 30 days), or a default judgment can be entered against the person named.

The Clerk is often served with notices to appear for other city personnel. If the summons is for an individual and the city is not named, the Clerk should not accept service. If the summons is issued to the city with others named, the Clerk can accept service on behalf of the city.

Service can be made within or outside the State of California by ordinary, first class mail or air mail and need not be made personally. When served by mail, a notice of acknowledgment and receipt, as well as a self-addressed stamped envelope, will be provided. When served in this manner, the Notice of Acknowledgment and receipt must be signed and returned to the serving party. Check with the City Attorney or risk manager as to proper handling. Some cities may prefer to use the full allowable time for the return of the Acknowledgment, which starts the time running for response to the complaint (CCP 415.3).

In processing a summons, be sure to provide a copy immediately to the City Attorney and the department head that might be affected by the summons. If, for instance, the summons indicated that other city officials (such as a police officer) were served, check with the department to see if the person was also served. It is important to note the following information for future reference: 1) who received the summons; 2) the date received; 3) the date action taken by the city resulting in the summons (such as denial of claim for damages); 4) whether other officials of the city were served. This information should be available to the City Attorney along with a copy of the actual document as soon as possible.

The majority of summonses generally received by a city are those resulting from a claim that has been denied, from action on a land use (zoning) matter, or from some regulatory action of the city.

Section 3 - SUBPOENAS

A subpoena is a court order that requires an individual to testify at a hearing or trial. A subpoena duces tecum is a court order that requires a witness to produce records. The subpoena will indicate a date, time, and location of personal appearance. The Clerk most commonly receives subpoenas as the city's custodian of record. The subpoena will indicate a date, time, and location of personal appearance when applicable.

A subpoena duces tecum may be issued for attendance at a hearing and production of documents at any reasonable time and place or a hearing. The custodian of documents that are the subject of a subpoena duces tecum may satisfy the subpoena by delivery of the documents or a copy of the documents or by making the records available for inspection or copying, together with an affidavit in compliance with Section 1561 of the Evidence Code. (GC 11450.10)

The city is entitled to the fees provided by law for appearances and bringing forth the requested documents. Upon receipt of a subpoena, before acceptance by the Clerk or Deputy, be sure to ask for fees. If you receive the fees, they should be forwarded to the Finance Department. (CPC 1328(c) and 1329, GC 68093, 68097.1 (a), 68097.2 (b), and 68097.55, CEC 1563)

A person who receives a subpoena must obey it under penalty of being held in contempt of court. When processing a subpoena, be sure to provide a copy immediately to the City Attorney.

Section 4 - FINANCING BONDS AND BONDING

Financing Bonds

Municipal bonds are typically categorized according to the source of the funds for repayment and generally fall into one of two categories:

1. *General Obligation Bonds* pledge a city's general funds as security for payment of principal and interest to bondholders. The general framework for issuing such bonds is the Municipal Improvement Bond Act ([GC 43600-43638](#)). Two-thirds voter approval is required for the issuance of general obligation bonds and they may only be used to fund the acquisition or improvement of real property ([GC 43614](#)). General obligation bonds are payable from additional ad valorem property taxes explicitly levied for debt service and from the city's general fund.
2. *Limited Obligation Bonds* pledge a specified dollar amount from a specified source or combination of sources of revenue as security for payment of principal and interest to bondholders ([GC 50665.1 – 50670.4](#)). A local agency may also restrict the pledge to revenues received by the local agency from a specified geographical area that is within the local agency's exterior boundaries ([GC 50665.5\(f\)\(2\)](#)). The following are examples of limited obligation bonds:

Revenue Bonds pledge a specific source of revenue (e.g., water or sewer user charges) that is related to the facilities to be financed. This revenue is pledged as security for the bonds, and the bonds are payable only from the pledged source of revenue. A city does not obligate other funds or revenues to pay the bonds. However, a municipality may make payments from different sources.

Assessment Bonds are issued to finance the acquisition or construction of various improvements benefiting a specific area. Dozens of statutes authorize assessments for various purposes. These assessment laws govern the procedures for establishing each kind of assessment and govern how assessment proceeds may be spent.

Special Tax Bonds are issued by the Mello-Roos Community Facilities Act of 1982 ([GC 53311- 53368.3](#)). Cities form community facilities districts to fund public improvements and facilities. Community facilities districts may issue bonds secured by special taxes levied on property in the district.

Certificates of Participation (COPs) are securities that represent fractional interests in payments to be made by a city to a second party (usually a joint power agency or a special purpose nonprofit corporation) under a lease or installment sale. COPs use a lease or an installment sale transaction to finance the construction of public facilities or improvements. A lease transaction is used if repayment of the COPs is to be secured by a pledge of any legally available funds of the city, i.e., its general fund. Because COPs using a lease transaction often rely on an annual appropriation from the city's general fund, the interest rate and the cost of financing frequently depend on whether the improvements to be financed and the property that is the basis for the underlying lease are essential to the functioning of the city. An installment sale transaction is frequently used if repayment of the COPs is to be secured solely from enterprise revenues. COPs using either a lease or an installment sale transaction do not require an election.

Bonding

Bonding is a method of protecting city government or individual persons from loss through the dishonesty of others or the failure of others to fulfill contracts or obligations authorized by law. Surety companies

and insurance companies issue such bonds for several purposes. The most common types of bonding include:

Fidelity Bonds or Surety Bonds are required by local governments for financial guarantees, such as License Bonds and Permit Bonds, and for employees who handle money or property to guarantee the financial responsibility of the person who is engaged in a particular type of business or activity. The persons who are required to have this type of bond are usually named in the municipal code and may include the City Manager, City Controller, City Treasurer, Clerk, Manager of Fiscal Services, Computer Programmers, or anyone having access to city checks. The amounts of the bonds required are also up to the individual City Council and may be prescribed in the municipal code. Fidelity Bonds state that if an employee steals money or commits any other dishonest act that causes financial loss to his employer, the bonding company must pay the amount of the loss as provided by the terms of the bond.

Public Official Bonds are usually required of persons holding positions of public trust, such as elected officials. They provide surety for persons responsible for public money and guarantee, in effect, that the official will carry out the duties as prescribed by law.

Bid Bonds are most often required of bidders on public construction projects to ensure that the low bidder enters a contract with the city.

Construction Contract Bonds usually include a performance bond to secure the performance of the contract and a labor and materials bond to secure payment of subcontractors, laborers, and material providers. The performance bond may convert to a warranty bond for a specific timeframe or a separate warranty bond may be required. Warranty bonds are also called maintenance bonds and serve to protect the city against defects that arise after a project's completion. In connection with subdivisions, there will also usually be a bond to secure the installation of the public infrastructure (roads, waterlines, etc.) and often a bond to warrant the proper condition of the improvements for a period, typically one year.

Section 5 - RISK MANAGEMENT AND INSURANCE

Risk management deals primarily with the evaluation, identification, measurement, and elimination of significant risks and methods of transferring risk or financing potential losses, including insurance, self-insurance, and budgeting. The primary role may be assigned to the city's risk manager or city attorney; therefore, the Clerk's role in risk management varies from city to city. An additional benefit of risk management is re-evaluating the city's existing property, liability, and workers' compensation coverage, as well as the city's safety organization and operation, which may result in improved methods to reduce or eliminate loss exposures. To ensure proper coverage and documentation of those coverages, the city's risk manager and city attorney should be consulted.

With the high cost and general unavailability of liability insurance, many cities are self-insuring some or all of their risk. Self-insurance pools are also a popular alternative to commercial insurance or total self-insurance.

Self-insurance pools have evolved in California to provide a variety of services. The early pools were created when private liability insurance was generally obtainable. Their purpose was to combine the purchasing power of several cities or agencies to reduce the overall cost of acquiring private liability insurance. In the mid-1980s, when private insurance became virtually unobtainable, pools began to offer

full self-insurance to their members. As the insurance market becomes softer, some pools acquire excess layers of private insurance coverage for their members in combination with pooled layers.

Pools often exist for the single purpose of providing liability coverage. Alternatively, they may offer a full range of services for their members, including investigation and adjusting of claims, providing health and workers' compensation coverage, long-term disability insurance, dental insurance, property, fire, and risk insurance, risk management and safety services, and even "employee wellness" programs.

General Liability Insurance

Sometimes called "public liability," general liability insurance covers injuries to, or death of, persons or damage to their property caused by some act or omission of the city. With the city having considerable ownership of streets, parks, and other public areas and assets, it is imperative that the city be protected against losses from accidents that may occur.

Automobile Liability Insurance

Auto liability insurance covers injuries to, or death of, persons or damage to their property caused by the operation of city vehicles.

Contractors or Consultants

Contractors or consultants doing business with the city are typically requested to carry:

- Commercial general liability insurance to protect against injury and damage claims arising from the operations of the contractors;
- Automobile liability insurance to cover claims arising from contractor's use of automobiles;
- Workers' compensation and employer's liability coverage;
- Builder's risk insurance or all-risk property insurance to cover construction projects in progress;
- Professional liability insurance to cover claims arising from a consultant's error or omissions.

Workers' Compensation Insurance

Workers' compensation insurance enables the city to provide certain statutory benefits to workers injured in industrial accidents. The city usually buys workers' compensation policies that pay the benefits required by law. The State sets the minimum amount of benefits that must be paid. An increasing number of cities are self-insuring for workers' compensation.

Liability Coverage

Liability coverage covers common law claims to injured employees made instead of or in addition to workers' compensation claims.

Errors and Omission Insurance

Errors and omission insurance protects the city and others against losses from lawsuits claiming negligence or error. This type of insurance is particularly important for the elected officials and those mentioned in the bonding section previously.

Title Insurance

When a building and land (or land alone) are sold, a deed is drawn. The deed describes the new owner's title to the property, and the deed is then recorded by filing it with the recorder's office in the county

where the land is located. Title insurance protects the new owner (whether it is the city or the city giving title to a private party) against claims and lawsuits due to errors in the deed or title to the property.

Property Insurance

Property insurance protects the insured against the destruction of property from insured perils such as fire, water used to put out fire, and lightning. Extended coverage may be included in the policy to cover other losses.

Health Insurance

Health insurance is generally provided as a benefit to the employee and to aid the city in maintaining the health of the employee and, thus, the quality of work of its employees. The city usually has group insurance that allows employees and their family members to be insured. This type of insurance usually covers major medical expenses such as surgery and prolonged illness. There may or may not be a deductible amount to be paid by the employee. The city may offer additional health insurance benefits separately, such as vision and dental coverage.

Life Insurance

The city may offer life insurance to employees as a benefit. This type of insurance usually pays a death benefit to the deceased employee's insured beneficiaries. Employees may also be offered the option to purchase supplemental life insurance for additional coverage beyond what is provided by the city.

Disability Insurance

The city may also provide disability insurance to replace income lost from the inability to work because of an accident or sickness, which is not otherwise covered by worker's compensation. This type of insurance provides benefits for a specified number of weeks, months, or indefinitely, depending on the coverage paid for by the city.

CHAPTER 16. RECORDS MANAGEMENT

[Secretary of State Local Government Records Management Guidelines](#)

[The People's Business: A Guide to the California Public Records Act](#) is available from the League of California Cities.

[The National Archives Federal Records Management Resources](#)

[Association of Records Managers and Administrators](#)

[Association of Information and Image Management](#)

[California Code of Regulations](#)

[Code of Federal Regulations](#)

Section 1 - RECORDS MANAGEMENT GENERAL

Records management is the systematic control over the creation, acquisition, processing, use, protection, storage, and final disposition of all recorded information required by a municipal government to conduct its business effectively. It involves assembling and managing the correct information: (1) in the proper form, (2) at the right time and place, and (3) available for use by the appropriate persons. Thus, it is a dynamic system for managing records in an efficient and least costly manner.

The primary concern is the efficient, effective, and economical management of information. Records management is more than retention schedules and the disposition of records; records management also encompasses all the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations. Records management seeks to control and manage records through the entirety of their life cycle, from creation to final disposition. In today's litigious society, records management is more important than ever, but unfortunately, it is still overlooked and underfunded at all levels of government. In court, an astute attorney can discredit an agency in the eyes of a judge or jury by attacking the way the agency handles its records. The fact that the records may refute or support a particular position is obscured by the attack on how the agency accounts for and handles those records. The agency's legal position in the litigation may be influenced by how well or how poorly they comply with accepted records management practices.

A sound records management program improves customer service, increases staff efficiency, better allocates scarce resources, and provides a legal foundation for how an agency conducts its daily mission. It helps identify and justify opportunities for new technology. Microfilm, optical disk, workflow, e-mail, bar code, data imaging, and other related technologies cannot be adequately evaluated and cost-justified without a reliable records management program. Other benefits of effective records management include:

- Space Savings.
- Reduced expenditures for new filing equipment.
- Increased efficiency in information retrieval.
- Compliance with legal, administrative, and fiscal retention requirements.
- Identification and protection of vital records.
- Control over the creation of new records.

- Identification of records with research value.
- Identification of records with historical value.

Records serve as administrative and legal tools and are created in the course of, and as a byproduct of, the public officer's performance of duty. Records are not created for historical purposes but create history through their existence.

In California, the Clerk is designated as "the keeper of the record." Whether the records are maintained centrally or de-centrally in departments, the records management program should be under either direct or indirect supervision of the Clerk. An effective records management program is well-defined and organized; it ensures consistency in records maintenance, regardless of the storage media. Most people think records are "papers" or "documents." However, as defined here, "records" include a variety of physical forms.

Definition of Record

California Government Code Section 14741 defines "records" as all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned, or used by an agency, regardless of physical form or characteristics.

California Government Code Section 6252 defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics and defines "writing" as handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures sounds, or symbols, or combinations thereof, and any record thereby created, regardless of how the record has been stored.

Certain materials, generally termed transitory records, will be present in almost every record collection. These are records whose value is comparatively short-lived and should be discarded when they have fulfilled the purpose for which they were created. Examples of transitory records:

- Copies of reproduced or printed materials of general informational value, such as in-house newsletters, employment bulletins, administrative communications sent to all departments, and meeting notices for other agencies.
- Original and copies of communications of acknowledgment.
- Copies of preliminary work materials used in the preparation of reports, studies, and similar documents, such as drafts, notices, and tape recordings.
- Extra copies of publications, reports, correspondence, or other records.
- Certain materials generated outside of the city that serve solely as informational items and have no significant ongoing value to the city can be designed as non-records. These items should be promptly disposed of when they have fulfilled their informational purpose. Examples of these include magazines, publications from other cities or companies used for reference, brochures for consultants, products, sales or services, advertisements, and other items generally termed "junk mail."
- Library reference and exhibit materials.

Transitory and non-records should not be listed on records retention schedules. Still, departments should be notified as to the handling of such non-records through the records management manual, an administrative procedure, or another similar process.

Section 2 - FEDERAL FREEDOM OF INFORMATION ACT (FOIA)

The Federal Freedom of Information Act (FOIA), on which the California Public Records Act (CPRA) was modeled, gives the public the right to access information held by federal agencies (5 USC Sections 552-559).

Congress intended that “any person” should have the right of transparent access to agency records without having to state a reason for wanting the information, and the burden of proof for withholding information rests with the government agency. FOIA requires all federal agencies to publish rules, regulations, and appeal procedures that govern the release of information from their respective agencies.

There are nine types of records exempt from the Act:

1. National security matters;
2. Matters related to internal personnel rules and practices of the agency;
3. Matters explicitly exempted by statutes;
4. Trade secrets and commercial or financial information which is privileged and confidential;
5. Inter- or intra-agency memoranda or letters unavailable by law unless the party is in litigation with the agency;
6. Personnel or medical files, disclosure of which would be an invasion of privacy;
7. Investigatory files of law enforcement agencies;
8. Information filed with an agency responsible for the regulation or supervision of financial institutions;
9. Geological and geophysical information concerning wells.

Section 3 - CALIFORNIA PUBLIC RECORDS ACT (CPRA)

California Constitution, Article 1 states, “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Moreover, statutes, court rules, and other authorities must be broadly construed if they further the people’s right to access and narrowly construed if they limit the right of access. Furthermore, the government has the burden of proof to show that a record should not be disclosed.

The [California Public Records Act \(CPRA\) \(Government Code Sections 7920 et. Seq.\)](#) was passed by the California Legislature in 1968 (and recodified in 2022 by the AB473, also known as the CPRA Recodification Act of 2021) for government agencies and requires that government records be disclosed to the public, upon request, unless there are privacy or public safety exemptions which would prevent doing so.

[Government Code §7920.530](#) defines a public record as “any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.”

The Public's Right to Inspect

Combined with the California Constitution, the CPRA ensures the public's right to inspect public records, except as otherwise provided ([GC 7922.525\(a\)](#)). When it adopted the Act, the legislature found and declared that access to information about the conduct of the people's business is a fundamental and necessary right of every person in the State ([GC 7921.000](#)). The general policy of the CPRA favors disclosure, and a refusal to disclose information must be justified by the specific exemptions enumerated in the Act. The subject of the records sought does not, because they are personally affected, have any greater right than any other person to examine the records. Likewise, a subject person ordinarily has no right under the CPRA absent specific legal authority to the contrary to prevent disclosure of the record to any other person. News organizations do not have any greater right than other individual residents to inspect or receive copies of public records. A public agency is authorized to seek disclosure of public records in the possession of another public agency.

Inspection Rights Under CPRA: Under the California Public Records Act, public records are ordinarily open to inspection at all times during the office hours of the state or local agency in which they are kept ([GC 7922.525\(a\)](#)).

Records Subject to Inspection Under CPRA: "Public records" that are subject generally to inspection and copying include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics ([GC 7920.530 \(a\)](#)).

Note: Ballot Measure Information Generally Not Subject to Inspection: Initiative, referendum, and recall petitions, and all memoranda prepared by the election officials when examining such petitions indicating which registered voters signed particular petitions are not considered public records and cannot be inspected except by the public officer or public employees who have the duty of receiving, examining, or preserving such petitions, or who are responsible for the preparation of such memoranda. However, if such a petition is found to be insufficient, then the petition is subject to inspection by the proponents of the petition and their designated representatives to determine which signatures were disqualified and the reasons for such disqualification. With court approval, city attorneys and the Fair Political Practice Commission are permitted to examine these materials ([GC 7924.110\(a\)](#)).

Recordings of Public Meetings are Subject to Inspection: Any tape or film record of a meeting made by or at the direction of a local agency is a public record that must be retained and made available to the public for at least 30 days. The agency must provide to the public, without charge, equipment to review the record ([GC 54953.5\(b\)](#)).

Electronic Records, Including E-mails, Photographs, Photocopies, and Faxes, May be Subject to Inspection: The manner or medium in which a record is stored is irrelevant for purposes of defining the public record under the CPRA. If the information is an e-mail that would be retained and used if it were in a non-electronic format, the e-mail should be similarly treated. Electronic records, including e-mail, photographs, photocopies, and facsimile transmissions, are public records if (1) they contain information relating to the conduct of the public's business and (2) they are prepared, owned, used, or retained by the agency. A "writing" is now defined as any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words,

pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of how the record has been stored ([GC 7920.545](#)).

Agreements and Contracts are Subject to Inspection: Contracts entered into by a local agency that require a private entity to review, audit, or report on any aspect of the city are public to the extent otherwise subject to disclosure by the CPRA ([GC 7928.700](#)). Likewise, employment contracts with public officials or employees must be disclosed ([GC 7928.400](#)). Although legal service agreements between a local agency and its attorneys are public records, they may also constitute confidential communications that fall within the attorney-client privilege (BPC [6068\(e\)](#), [6149](#), EVID [952](#), [954](#)). Only the agency's legislative body may waive the privilege ([EVID 912](#), [GC 7921.505\(b\)](#)).

Records Distributed During a Public Meeting or for an Agenda Item: Non-exempt writings that are distributed to call or a majority of all members of a legislative body in connection with a matter subject to discussion or consideration at a public meeting of the body are public records and must be made available on request without delay ([GC 54957.5\(a\)](#)). They must be made available at the meeting if they are prepared by the agency or a member of the legislative body but need not be made available until after the meeting if they are prepared by another person ([GC 54957.5\(c\)](#)). The agency may charge a fee for a copy of the record, but it cannot impose a surcharge to make it available in alternative formats for persons with disabilities ([GC 54957.5\(d\)](#)).

Officials of a local agency may access public records of their agency that are otherwise exempt when authorized to do so as part of their official duties. When the members of a legislative body are authorized to access an agency writing in the administration of their duties, the agency is not permitted to discriminate between or among members as to which writing, or portion thereof, is made available or when it is made available ([GC 7920.515](#), [54957.2](#)).

A city may not allow another party to control the disclosure of information that is otherwise subject to inspection under the CPRA ([GC 7921.005](#)). Moreover, a local agency may not provide public records subject to disclosure under the CPRA to a private entity in a way that prevents the agency from providing the records directly under the Act ([GC 7921.010\(a\)](#)).

The right to inspect public records is not necessarily the same as the right of a litigant to obtain documents through discovery. Exemptions in the CPRA do not determine whether records are privileged in pending litigation to defeat a party's right to discovery.

Public's Right to Request Copies – Public Records Request

Right to Exact Copy of an Identifiable Record: Unless an exemption applies, a state or local agency must comply with requests for copies of public records that reasonably describe an identifiable record by promptly making the record available for inspection and by providing a copy ([GC 7922.530\(a\)](#)). The state or local agency may charge a fee for copies, which covers only the direct costs of duplication. An exact copy of the record must be provided unless it is impracticable to do so ([GC 7922.530\(a\)](#)).

Public's Right to Assistance from Agency: Agencies must provide reasonable assistance to persons in locating public records ([GC 7922.600 \(a\)\(2\)](#)). First, agencies must assist in identifying records responsive to the request or its purpose ([GC 7922.600 \(a\)\(1\)](#)). Second, agencies must describe the information technology and the physical location in which the records exist ([GC 7922.600 \(a\)\(2\)](#)). Third, agencies must provide suggestions for overcoming any practical basis for the denial of records access ([GC](#)

[7922.600\(a\)\(3\)](#)). The obligation to assist a requestor does not apply if the city makes the requested records available according to Article 1 (commencing with [Section 7922.500](#)) and Article 2 (commencing with [Section 7922.525](#)) ([GC 7922.605\(a\)](#)), makes available an index of its records ([GC 7922.605\(b\)](#)), or determines that the request should be denied and bases that determination solely on an exemption listed in [Section 7920.505](#) ([GC 7922.605\(c\)](#)). A city is also relieved of its obligation to assist the requestor if the requestor fails to provide additional clarifying information in response to the city's reasonable efforts to identify the requested information ([GC 7922.600 \(b\)](#)). Cities are not required to create new records in response to a request.

Request Must Be Focused and Specific: The request for public records must be focused and specific. However, requestors do not need to identify the record sought precisely. Also, requests do not need to be in writing.

Fees: Direct Cost of Duplication: An agency must promptly make copies of requested records available on payment of fees reimbursing the agency for the direct costs of duplication or a statutory fee, if applicable ([GC 7922.530\(a\)](#)). The cost of copying may not include personnel time retrieving, inspecting, or handling the file from which the copy is extracted; it only covers "the cost of running the copy machine and conceivable also the expense of the person operating it." Some statutes specify a precise reproduction cost. For example, charges for reproducing disclosure statements required by the Political Reform Act cannot exceed 10 cents per page, except that an agency may charge an additional \$5 fee for retrieving records that are 5 or more years old ([GC 81008](#)).

Time Limits: 10-Day Rule; 14-Day Extension: Within 10 days after receiving a request for copies of records, an agency must determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency. The agency must determine whether the records are disclosable. If records are partially or wholly non-disclosable, the agency must notify the person requesting the determination, the decision-maker's identity, and the reasons for the determination. An agency must also inform the persons seeking records when any wholly or partially disclosable records will be made available. The 10-day time limit may be extended if "unusual circumstances," as described in [Government Code Section 7922.535\(c\)](#), are found to exist. The agency executive or designee must give written notice to the person making the request, providing the reasons for the extension and the date on which a determination is expected to be made. The extension must not be more than 14 days ([GC 7922.535\(b\)](#)).

Notification of Denial: Any notification of denial of any request for records must, in addition to the reasons for the denial, state the names and titles of positions of each person responsible for the denial ([GC 7922.540\(b\)](#)). An agency may not delay or obstruct the inspection or copying of public records ([GC 7922.500](#)).

Segregated Records Must Be Made Available: Any reasonably separable portion of a record must be available for inspection by any person requesting the record after deletion (redaction) of the portions that are exempted by law ([GC 7922.525 \(b\)](#)). The [Political Reform Act \(GC 81000-91014\)](#) does not require the agency to create a "privilege log" or list that identifies specific records being withheld.

Electronic Format Information: Information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format must be made available in an electronic format when requested ([GC 7922.570 \(a\)](#)). Under certain circumstances, the requestor may be required to bear the cost of programming and computer services necessary to produce a record not otherwise readily

produced ([GC 7922.570 \(a\)](#)). The information does not need to be released in the electronic form in which it is held if its release would jeopardize or compromise the security or integrity of the original record or any proprietary software in which it is maintained ([GC 7922.580\(c\)](#)). When requested, a city must also provide the record in an alternative electronic format used by the city ([GC 7922.580 \(b\)](#)).

Computer software developed by local agencies, including computer mapping systems, computer programs, and computer graphic systems, is not a public record subject to the CPRA and may be sold, leased, or licensed by the agency ([GC 7922.585](#)). However, the exception for agency-developed software does not affect the public record status of information merely because it is stored electronically ([GC 7922.585\(c\)](#)).

Faster or Greater Access Requirements Possible: Except as provided by law, an agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards created by the CPRA ([GC 7922.505](#)).

Non-Disclosure of Records - Exemptions

General Exemption Under California Public Records Act: An agency must justify withholding any record by demonstrating the record is expressly exempt under the CPRA or that, on the facts of the particular case, the public interest in nondisclosure clearly outweighs the public interest served by disclosure ([GC 7922.000](#)). The public interest in disclosure will be balanced against the public interest in maintaining the confidentiality of the record. To justify nondisclosure, the agency must “demonstrate a clear overbalance on the side of confidentiality.” ([GC 7923.750\(b\)](#))

The burden of proof is on the public agency. The motive or interest of the records requestor is “generally” irrelevant under the balancing test.

Deliberative Process Privilege Under California Public Records Act: The deliberative process privilege is essentially a product of cases interpreting the federal Freedom of Information Act. The deliberative process privilege applies to requests for records made under the CPRA; it protects materials reflecting deliberative or decision-making processes. The question of whether an official may invoke the deliberative process privilege depends on whether disclosure of the requested materials would expose the agency’s decision-making process in such a way as to discourage candid discussion within an agency and thus undermine the agency’s ability to perform its functions. The privilege is not absolute; it applies only if the public interest in nondisclosure clearly outweighs the public interest in disclosure.

Specific Record Exemption: Certain records are expressly declared exempt from the disclosure requirements of the CPRA. These exemptions are detailed in Government Code Sections [7930.000-7930.215](#). The most commonly raised exemptions are discussed below.

Election Documents Exempted: Referendum, initiative, and recall petitions may not be reviewed by anyone other than the Clerk and the proponents (not even the city attorney) in the absence of a court order ([GC 7924.110\(c\)](#)). Government Code Section [7924.000](#) prohibits the disclosure of voter registration information such as an address, telephone number, e-mail address, precinct number, and voter identification number except to specified individuals identified in Elections Code [Section 2194](#). Nomination papers must be made available for inspection, but they cannot be copied by the public ([EC 17100](#)).

Preliminary Drafts, Notes, and Inter-Agency or Intra-Agency Memoranda May Be Exempted: If the agency does not retain preliminary drafts, notes, and inter-agency or intra-agency memoranda in the ordinary course of business and if the public interest in nondisclosure outweighs the interest in disclosure, these documents are exempt from disclosure ([GC 7927.500](#)). This is not an absolute, unqualified exemption.

Litigation Records Exempted: Records related to pending litigation until the litigation is finally adjudicated or settled are exempt from disclosure ([GC 7927.200](#)). This exemption applies only if the document was specifically prepared for use in litigation; it does not permit the retroactive classification of documents that are generally disclosable under the CPRA simply because litigation has been initiated. Once litigation is concluded, the pending litigation exemption ceases to apply.

Personnel, Medical, Or Similar Records May Be Exempted: Personnel, medical, or similar personal records are exempt from disclosure only if disclosure would constitute an unwarranted invasion of privacy ([GC 7927.700](#)). The California Supreme Court has determined that the names and salaries of public employees, including peace officers who earn \$100,000 or more per year, are subject to public disclosure under the PRA. Likewise, employment contracts with public officials or employees are not exempt from production ([GC 7928.400](#), [53262\(b\)](#)). Note: See [GC 7927.705](#) for other state and federal medical privacy laws that may apply to records of local agencies, such as the Health Insurance Portability and Accountability Act (HIPPA) and physician-patient privilege.

Peace Officer and Citizen Complaints Exempted: Peace officer personnel records and records of citizens' complaints against law enforcement personnel are made confidential ([PEN 832.7](#)) and are not subject to disclosure except by discovery under [Evidence Code Sections 1041 and 1047](#).

Personal Financial Data Required of Licensees Exempted: Personal financial data required by a licensing agency from its licensees is exempt from disclosure ([GC 7925.005](#)). This exemption does not include financial data supplied by a city's franchisee to justify a rate increase.

Arrest Records Exempted: Government Code [Section 7923.615](#) prevents commercial exploitation of arrest records and limits access to addresses of arrestees and most crime victims by making it a crime to use them for commercial purposes. These addresses are private unless they are requested by a private investigator or for scholarly, journalistic, political, or governmental purposes ([GC 7923.620](#)).

Other Personal Information Subject to Balancing Test: Questions often arise on whether a city must disclose personal information obtained from citizens in the course of regulatory activities ([GC 7922.000](#)). Examples include addresses and telephone numbers of permit parkers and tenants in rent-controlled units. The public agency bears the burden of proving the release of this information constitutes an unwarranted invasion of privacy, and that disclosure serves no valid purpose.

Criminal Investigation Records Exempted: Investigation records of state and local police and other law enforcement agencies are exempt from disclosure under Government Code [Sections 7923.600–.625](#). The courts have distinguished between the exemption that applies to “investigatory records” and the exemption for “investigatory files. The exemption for “investigatory records” applies to records of investigations undertaken to determine whether a violation of law may occur or has occurred. The exemption for “investigatory files” applies to records contained in investigation files once the prospect of enforcement proceedings becomes concrete and definite.

Utility Customer Records May Be Exempted: The disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies generally is not required under Government Code [Section 7927.410](#). Nevertheless, Government Code [Section 7927.410](#) does indicate when this information may be disclosed, such as when requested by a law enforcement agency, when a misuse of services has been determined, or when the public interest in disclosure outweighs the public interest in nondisclosure.

Concealed Weapon Permits Generally Not Exempted: Applications for concealed weapons permits and the permits themselves are public records and must be provided to a requestor. However, certain portions, such as home addresses and telephone numbers of peace officers, judges, and others as identified, are exempt from disclosure ([GC 7923.805](#)).

Additional Statutory Exemptions and Privileges: Additional exemptions, including privileged communications under the Evidence Code, are found in other statutes. These exemptions are referred to in Government Code [Section 7927.705](#).

Trade Secrets May Be Exempted: Provisions exempting the disclosure of specific trade secrets are found in the list of statutory exemptions in Government Code [Section 7930.205](#).

- Trade secrets, [Section 1060](#), Evidence Code.
- Trade secrets, confidentiality of occupational safety and health inspections, [Section 6322](#), Labor Code.
- Trade secrets, disclosure of public records, [Section 3426.7](#), Civil Code.
- Trade secrets, food, drugs, cosmetics, nondisclosure, Sections [110165](#) and [110370](#), Health and Safety Code.
- Trade secrets, protection by Director of Pesticide Regulation, Sections [7924.300](#) to [7924.335](#), inclusive, Government Code.
- Trade secrets and proprietary information relating to pesticides, as well as the confidentiality of [Sections 14022 and 14023](#), Food and Agricultural Code.
- Trade secrets, protection by Director of Industrial Relations, [Section 6396](#), Labor Code.
- Trade secrets relating to hazardous substances, disclosure of, Sections [25358.2](#) and [25358.7](#), Health and Safety Code.

Architectural and Engineering Plans Generally Exempted: Architectural plans are copyrighted under Civil Code [Section 980](#), and the compulsory filing of them as required by an ordinance does not give others the right to use them ([HSC 19850-19853](#)). The city building department is required to maintain building plans for every building in the city, and with certain exceptions, these records are open for inspection as a public record. However, copying of the plans is prohibited unless written permission is requested and obtained from the professional who prepared them and the current building owner ([HSC 19851\(c\)](#)).

Residents' Names, Addresses, and Phone Numbers Generally Exempted: The CPRA has been amended over time to protect the names, addresses, and phone numbers of residents under certain circumstances. See Government Code [Section 7924.000](#) (personal information contained in voter registration information), [Section 7923.805](#) (peace officers and judges who apply for concealed weapon permits), [Section 7927.410](#) (utility customers), and [Section 7928.215](#) (posting information about public officials on the internet).

Attorney-Client Privilege and Attorney Work-Product Doctrine: The attorney-client privilege protects from disclosure the entirety of confidential communications between attorney and client, including factual and other information that would not in itself be privileged outside of attorney-client communications. ([EVID 954](#))

Information Technology Systems Security Records: An information security record is exempt from disclosure if, on the facts of a particular case, disclosure would reveal vulnerabilities to attack or would otherwise increase the potential for an attack on a public agency's information technology system that is not otherwise exempt under the law do not fall within this exemption (GC [7929.210](#), [7927.500](#)).

Contractor Payroll Records: The names, addresses, and social security numbers of contractor employees must be redacted from certified payroll copies provided to the public ([LAB 1776\(e\)](#)).

Library Patron Use Records: Library circulation records kept identifying the borrowers, and library and museum materials presented solely for reference or exhibition purposes are exempt from disclosure (GC [7927.100](#)).

Section 4 - ELEMENTS OF A RECORDS MANAGEMENT PROGRAM

1. Conduct an initial assessment of overall citywide records practices and prepare an overview of results. This overview will be used as justification when obtaining approval from the City Manager/City Council to proceed. Areas to take into consideration include but are not limited to:
 - a. Protection of vital records and disaster recovery planning.
 - b. The need for central control.
 - c. Consistency of operations and standardization of equipment and supplies.
 - d. Elimination of the duplication of records.
 - e. Managing active files.
 - f. Centralized or decentralized active and inactive records storage.
 - g. Current method(s) for storing and maintaining records.
2. Meet with the City Manager, City Attorney, and department managers to get approval to proceed with a citywide records program. This step may or may not require City Council approval to proceed or obtain any necessary funds to proceed.
3. Establish a citywide Records Coordinator Team group by working with department managers to identify one person from each department. This group will assist the Project Manager in the steps necessary to create and maintain the program. Project Manager is either the Clerk or a Records Manager within the Clerk Department.
4. Identify and outline each component and related timeline of the program and those responsible for participating in the same. This outline is presented to the City Manager, department managers, and the Records Coordinator Team.
5. Meet with each department to assess records (how they were created, how and where they are maintained, and how they can be accessed). Prepare Records Management Manual and distribute/educate departments on the functions of records management programs and practices.
6. Develop or review records retention schedule with records coordinators. If no retention schedule has been established, conduct a records series inventory at the department level. An approved records retention schedule is essential to a records management program. This schedule

identifies the records series, the length of time the records are retained, and the manner in which records are created and maintained.

7. After the records retention schedule has been adopted/reviewed, meet with records coordinators, and based on the retention schedule, complete any time appropriate records destruction. Assess remaining records storage needs and methods.
8. Conduct meetings with records coordinators to keep them informed about the progress of the program and changes in the law. Monitor and document the performance of the program. Keep the City Manager, City Attorney, and City Council informed.

Records coordinators have an ongoing and integral role in determining how current and future records will be created and managed.

Section 5 - E-FILES (Electronic Data)

Electronic data imaging systems are set up to create, store, record, and reproduce permanent and nonpermanent records. Many documents or records created today are digitally born, meaning they originated in electronic format; therefore, it is conceivable that the intent is for that record to be considered the official record, which is supported by the “going paperless” trend. Some cities store electronic records for convenience and quick access but rely on paper as the official record.

The use of various electronic data imaging systems has multiplied significantly in the past several years, and there is an intent to rely on records created by those systems as “official records.” In response to this, Government Code Section 12168.7 was amended to give the Secretary of State authority to adopt regulations, in consultation with the Department of General Services, approving and adopting appropriate standards established by the American National Standards Institute (ANSI) or Association for Information and Image Management (AIIM). It further requires the standards specified to include a requirement that a “trusted system” be utilized and that until standards are adopted (which, as of this writing, they have not), any “recording/imaging” of records must be done in compliance with ANSI or AIIM standards/guidelines. This requirement applies to jurisdictions that intend to rely on the electronic record as the official record. Those cities relying on the paper as the official record are not required to comply.

Government Code Section 12168.7 provides that, in order to ensure that appropriate policies and procedures associated with the creation, management, and storage of electronic documents or records are in writing, a document management policy shall be prepared prior to system implementation and updated at regular intervals. The published version of AIIM recommended practice can be downloaded from the Association of Information and Image Management at www.aiim.org/standards or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

E-File Program Elements

Elements of electronic content management program include:

1. Institute Naming Conventions
 - a. Consistency in naming folders/files
 - i. Assist in providing maintenance
 - ii. Assists in locating files
 - iii. Assists in determining ownership
 - b. Controlled vocabulary

- i. Clear mnemonic file names
 - ii. Eliminates the use of synonyms
 - iii. Restricts use of personal names
 - iv. Keep short
 - v. Relates to organizations' paper records indexes
 - c. Document procedure, policy
- 2. Control Versions
 - a. Naming suffixes (DFT, FNL)
 - b. Numbering suffixes (001, 002)
 - c. Benefits
 - i. Indicates versions that can be deleted
 - ii. Identifies final documents
- 3. Maintenance and Change Management
 - a. Maintenance doesn't mean status-quo gatekeeping
 - b. Actively oversee the life of the e-files
 - i. Maintain relevant documents
 - ii. Delete documents that no longer have a useful life
 - iii. Maintain an updated E-File Program
 - iv. Train and engage the cooperation of new staff
 - v. Add new folders for new program mission areas
 - vi. Go with the paper flow in electronic form

Implement an E-File Program by completing the basic steps:

1. A written plan and schematic for a system.
2. A written agreement on procedures and protocols among users.
3. The vocal support of management.
4. Cooperation with IT Department.
5. Include E-document management within the purview of the agency-wide records committee.
6. Maintain, update, and change E policies as new changes occur/are implemented.

Section 6 - SELECTING A VENDOR

To select the appropriate electronic document system, the needs of the organization need to be identified. A consultant or in-house records manager can facilitate this through the Records Coordinator Team. The City Attorney and Information Technology Director should participate in this process. Generally, the steps to proceed with the selection of an electronic document system include:

1. Once the agency records have been identified and a Records Disposition and Retention Schedule is adopted, an assessment is made with respect to how the records are created, what access is required, and by whom.
2. This information becomes the guide in the preparation of a request for proposals that is sent to vendors. Include a requirement that the vendor submit references from at least three agencies currently using their system. Prior to the deadline to submit proposals, invite vendors to the agency for an open discussion about the agency's uses and needs.
3. Once proposals are received, carefully review each to narrow down to preferred vendor proposals that will be included in the following steps. This review can be facilitated through the use of a

rating sheet to rate how each vendor meets the needs of the organization and records program. Require that the vendor provide references where their system is currently installed.

4. Establish a sub-committee (including IT) and proceed with site visits to agencies referenced in the preferred vendor proposals.
5. Using an evaluation form, have each sub-committee member evaluate the systems and customer satisfaction observed at the site visits.
6. Invite the preferred vendors to demonstrate their system to the sub-committee and other interested personnel at your agency. Each member attending should complete an evaluation of the system.
7. Determine which preferred vendor, based on system, that best meets the needs of the agency.
8. Prepare purchase contract and implementation schedule.
9. Implement initial roll out to internal staff for testing followed by final roll out to the community with a public outreach campaign.

Many cities are implementing Electronic Content Management Programs and, most recently, Enterprise Content Management Programs. These programs can be tailored to the city's abilities/needs. A robust program encompasses all records created by a municipality. It dictates how the record is created, in what medium/format, and how the record will be handled until final disposition. These programs can be tailored somewhat to fit the city's abilities/needs.

Section 7 - ENTERPRISE CONTENT MANAGEMENT DEFINED

The latest definition of “Enterprise Content Management” (ECM) encompasses areas that have traditionally been addressed by records management and document management systems. It also includes the conversion of data between various digital and traditional forms, including paper and microfilm.

ECM is an umbrella term covering document management, web content management, search, collaboration, records management, digital asset management (DAM), workflow management, capture, and scanning. ECM is primarily aimed at managing the life cycle of information from initial publication or creation all the way through archival and eventually disposal. ECM applications are delivered in three ways: on-premise software (installed on the organization’s own network), Software as a Service (SaaS) (web access to information that is stored on the software manufacturer’s system), or a hybrid solution composed of both on-premise and SaaS components.

ECM aims to make the management of corporate information easier by simplifying storage, security, version control, process routing, and retention. The benefits to an organization include improved efficiency, better control, and reduced costs. For example, many banks have converted to storing copies of old checks within ECM systems versus the older method of keeping physical checks in massive paper warehouses. Under the old system, a customer request for a copy of a check might take weeks, as the bank employees had to contact the warehouse to have someone locate the correct box, file and check, pull the check, make a copy, and then mail it to the bank that would eventually mail it to the customer. With an ECM system in place, the bank employee searches the system for the customer’s account number and the number of the requested check. When the image of the check appears on the screen, they are able to immediately mail it to the customer—usually while the customer is still on the phone.

Before a system is moved into full production, a business practices or policy document should be approved. This document further enables the organization to authenticate or certify that the information contained within the digital system is accurate, reliable, and trustworthy. Information should include, but is not limited to, a description of how:

- The system will be secured from unauthorized access.
- Documents will be secured from unauthorized modification or alteration.
- Authorized modification of documents will be managed, including audit trail information and the ability to retrieve any previous document version required to be maintained.
- Notes and annotations (if any) will be stored and managed if they are a part of the business record.
- Policies and procedures will be followed.
- The system will adhere to the published records retention schedule.

All personnel using the system should follow the procedure. As changes to the system are implemented, the document should also be updated to reflect system modifications. Changes to the document should be clearly marked to denote when the change took effect and what areas were affected.

Section 8 - TECHNIQUES FOR CONTROLLING INFORMATION

Apparent authority and responsibility for records system maintenance should be assigned to appropriate personnel. It is imperative to have one person in charge when many people use filing systems jointly.

- Mark records with the proper identification (letter, number, subject, location) showing where the document is to be filed. This “coding” corresponds to the classification system in use and can be accomplished by writing, stamping, underlining, or circling the proper file code on the document. Coding assists with re-filing.
- Develop a manual or automated index to help control the records. An index is the key to how the records are arranged and assists in retrieval. The index should be flexible to permit needed changes to be made quickly. Determine what should be included in the index to facilitate the use of the system – title, date, and file code? What cross-referencing is required?
- Cross-reference when the document covers more than one subject or when several indicators help locate the record. A cross-reference form can be used, or a duplicate of the document can be filed. Avoid numerous cross-references to simplify filing.
- Only authorized records personnel, if possible, should file and retrieve documents. Allowing other personnel to access the files may result in lost or misplaced records.
- Records should be filed as soon after receipt as possible for maximum control. Records that accumulate prior to filing can be lost, damaged, or misplaced, and an employee faced with too much filing may become careless. In addition, if the record is needed prior to filing, retrieval time usually increases.
- One method of controlling the volume of paper retained in files is to create a separate folder under a subject name for those documents that are considered “Permanent” or “Historical” for that subject. This eliminates the need to retain entire file folders for the sake of one or two historical documents, allowing other documents of less value and retention to be destroyed.
- Authorization should be required before retrieval of a record to protect information and to control its use.

- An “out” guide should be used to indicate that the record is checked out. The “out” guide should show who has the record and the date it was taken out.
- A tickler file should be used to control the return of borrowed documents.
- An audit should be performed periodically to ensure compliance with all records management policies and procedures.

Section 9 - VITAL RECORDS AND DISASTER RECOVERY PLANNING

Vital records are those records needed for the city to continue to operate in the event of a disaster. They are records that cannot be replaced or would be too expensive to recreate. An essential component of a records management program is vital records protection, including identification of vital records, method of protection and preservation, and disaster recovery planning.

Vital records can be identified during the inventory process, and their protection is considered when appraisal and records retention occurs. Another method to identify vital records is to ask each department to prepare a list of those records they consider vital and then review the lists.

Records that could be considered vital include minutes, ordinances, and resolutions of the legislative body and its boards, commissions, and committees; the city charter (if applicable); deeds; contracts; franchise agreements; capital and property records; accounts receivable; personnel and payroll records; maps; and engineering drawings. Vital records protection should be viewed as a form of insurance. Weigh the cost of protection against the potential loss.

After identifying the vital records, choose the most cost-efficient means to protect the records. One way to preserve vital records is to duplicate the records and store the duplicates (or originals) at a location and in an environment that provides extraordinary protection from natural and manufactured disasters. Other means of protecting vital records are to store them in a fire-resistant vault on-site or microfilm them and store the film at an offsite facility. In any event, records should be protected from water, fire, insects, mildew, and deterioration caused by extreme changes in humidity and temperature.

Finally, vital records protections should include the development of a disaster recovery plan. At a minimum, prepare a list of phone numbers to use in case of a disaster and have it and the vital records list stored off-site but accessible. The phone numbers could include employees’ home numbers, emergency numbers, and numbers for sources of supplies and services. In addition, someone in each department should be designated to remove the department’s vital records in the event of a disaster. Of course, this only applies if safety and time permits.

Section 10 - RECORDS INVENTORY AND APPRAISAL

The development and implementation of an effective records management program should be designed to reduce the number of records retained and allow for the efficient management of the records created.

Records Inventory

The first step in the development of a records management program is the physical inventory of the agency’s records. This inventory becomes the basis for the Records Retention and Disposition Schedule. The inventory identifies information about each record series.

A record series is the basic unit for organizing and controlling files for retention and disposition purposes. Series are those file units or documents kept together because they relate to a particular subject or

function, result from the same activity, document a specific type of transaction, take a certain physical form, or have some other relationship arising out of their creation or use. The series concept is flexible, and records programs should be careful to create series by organizing their documents in ways that facilitate the management of the records throughout their life cycle. Record file series could include (1) employees, (2) accounts payable, (3) contracts, (4) deeds, and (5) development files. Some cities have file series contained in very broad series, and some cities are very specific. Outside the fundamental approach to records management programs, records are also organized to meet the needs and use of the organization.

The inventory should be supervised by professional records management staff such as the Clerk, a Records Manager, or other member of staff well versed in records management. The inventory can be conducted by members of the Records Coordinator Team or by a consultant working with the Clerk.

The inventory is completed with a records inventory worksheet. A well-designed worksheet is easy to use and understand, and one results in effective use of time as well as consistency in the process (particularly if more than one person is conducting the inventory citywide). The worksheet should include the department, division, date of inventory, person conducting the inventory, the record series title, description of the record series (contents and purpose of files), dates covered by records, location of the records, format (i.e., paper or electronic), filing arrangement, and retention period.

Paper Inventory

For paper records, include the space occupied by the record series in cubic feet only – do not use square feet. To calculate cubic feet, use the following standards:

- 1 letter size drawer – 1.6 cu ft 1 legal size drawer – 2.0 cu ft
- ½ letter size drawer – 0.8 cu ft
- ½ legal size drawer – 1.0 cu ft

Describe the file arrangement of the record series, such as alphabetic by vendor name, numeric by invoice number, or alphabetic by subject. In the case of subject files, list the subject headings on the reverse side of the worksheet.

Indicate whether the documents in the series are originals or duplicates. If the series contains both, check both boxes. If the documents in the series originate or are issued from the office being inventoried, they are considered official or record copies, and the office is known as the Office Record. Example: Purchase orders issued by the Purchasing Department, the Office of Record.

Enter whether file users are those personnel in the department only (intra-departmental) or if they include personnel from other departments (inter-departmental) and list departments.

Enter the years in the series most often requested by file users. Enter any available data on the frequency of reference to the files: daily, weekly, monthly, quarterly, annually, etc.

Enter if and when files are closed and new ones opened: daily, weekly, monthly, quarterly, annually, etc. If files are transferred to storage areas, indicate when and where they are sent: quarterly, semi-annual, etc.

Enter whether, in the opinion of the department manager, the series is considered vital or has historical value. Also note whether or not it is stored in any other type of medium (i.e., microfilm or image), and if it is, the frequency of filming.

Electronic Inventory

Conducting an inventory of electronic records can be accomplished through the implementation of an electronic document content management program. A program can be purchased as part of the agency's overall comprehensive records management program or can be built by the individual agency. The purpose is to manage not only paper records but records that are created and maintained electronically as well. The steps are the same except for identifying physical locations. Most cities have a combination of paper and electronic records.

Appraisal of Records

Once the inventory is completed, appraisal of the records and the development of the records retention schedule can begin if none exists. Disposition of records is based on administrative, legal, fiscal, research, and historical value:

Administrative Value of a record is determined by the period during which an organization uses a record to perform its primary function and the need to carry on the daily business of the organization.

Legal Value of a record is determined by the records required to be kept by law or those that may be required in case of litigation or government investigation. Four factors usually determine legal value:

1. Statutes or regulations stating specific periods.
2. Those that state no specific period is required.
3. Limitations of actions.
4. Pending litigation.

Other considerations include legal opinions, letter opinions, federal, state, and local municipal regulations, interpretative bulletins, professional literature, etc. Determining which legal value should apply is done via research by legal counsel or by the Records Manager, who completes the research with review by legal counsel.

Failure to meet legal requirements can mean loss of time, penalties for obstruction of justice (destruction of evidence), penalties for contempt of court, or adverse consequences in trial decisions.

Both Administrative Value and Legal Value require:

- Research procedures with counsel.
- Identify the basis for research, including specialty areas covered.
- Produce full text of all legal requirements.
- Prepared index.
- Relate legal requirements to specific records.
- Submit for legal review.
- Retain legal research.

Fiscal Value of a record determines which records relate to the financial transactions of the organization, especially those required for audit or tax purposes.

Research and Historical Value of a record pertains to those records with long-term value and includes organizational and administrative history, policies, and general social, economic, or other conditions. An archivist should identify these records.

Vital Records are irreplaceable records an agency needs to perform its primary mission. They contain the information required to continue or re-establish city operations following a disaster. They are irreplaceable and would be too expensive to replace. According to California code, some records may need to be kept in their original form (or microfilmed) and stored off-site to be admissible as legal evidence.

After the inventory and appraisal of records are completed, records retention schedules should be updated for each department. Establishing a records retention schedule should be a joint undertaking between the individual department personnel and the Records Manager.

Generally, the agency adopts one retention schedule that incorporates all departmental records. See the link to the California Secretary of State Guidelines on Records Retention at the beginning of this chapter.

Section 11 - RECORDS RETENTION

A properly prepared and approved records retention schedule is an agency's legal authority to do whatever needs to be done with records and documents entrusted to the agency's care. It certifies the life, care, and disposition of all agency records. If subpoenaed records have been destroyed, agency schedules (*and evidence of compliance with those schedules*) will defend the agency's actions. However, to prove there was no adverse intent when records were destroyed, schedules must be specific and consistently used. Adverse intent (to keep records out of court) is both a civil and criminal offense. Additional information regarding records retention will be discussed later in this chapter.

Retention of public records is governed by the provisions of Government Code Sections 34090–34090.8. Destruction of records is prohibited unless in compliance with these sections. Generally, records must be retained for a minimum of 2 years (GC 34090). Some records are retained indefinitely (GC 34090), such as records affecting title to real property, records required to be kept by the state, court records, and the minutes, ordinances, and resolutions of any city legislative body.

For records retention, there is no statutory definition of a “record” as in the case of the CPRA in Government Code Section 6252(e). However, the California Attorney General defines a record as any writing or recording of an event or information that is kept in the custody of a public officer, either because the law requires it to be kept or because it is necessary or convenient to the discharge of the public officer's duties and was made or retained to preserve its information content for future reference.

Various federal laws require the retention of documents, mainly dealing with labor and personnel. See Fair Labor Standards Act, Federal Unemployment Tax Act, Employee Retirement Income Security Act, Civil Rights Act, and Age Discrimination in Employment Act. In some instances, these statutes require retention of records for as long as four years.

The Secretary of State, along with members of the Clerks Association of California, has developed a Guideline for Records Retention (see link at the beginning of this chapter). This guideline can be used as a basis for records retention statutes.

Records Classification

Classification refers to the method of arranging the documents. There are four basic arrangements for storing records in files: 1) alphabetic, 2) numeric, 3) subject, and 4) geographical. An organization may use one or more arrangements or a combination of arrangements depending on its needs. The arrangement selected depends mainly on the nature and use of the record and on the technical expertise of those who design and maintain the systems. Each system has advantages and disadvantages that should be investigated before deciding on classification. A solid classification system should provide quick access to more “useful” information.

Section 12 - STORING RECORDS

Records may be maintained in centralized or decentralized files/locations or a combination of the two. The decision as to which structure to follow should be made on an individual basis, dependent on factors unique to the organization.

If centralized, paper records for the organization are maintained in a records center. Centralized files (1) prevent unnecessary duplication; (2) provide economy of records personnel, equipment, and supplies; (3) contribute to the completeness of files; (4) simplify processing and retrieving functions; and (5) end confusion as to the whereabouts of documents.

If decentralized, paper records are maintained in the offices of each department. Decentralized files (1) maintain the confidentiality of the records in the department; (2) allow copies of the duplicate records to be filed differently according to how each department uses the record; and (3) provide fast, immediate reference to records.

Note: With the increased use of electronic records, paper records are needed less and less. The extent to which your jurisdiction uses electronic records (rather than paper) should be a factor in determining how paper records will be maintained.

Records Center

Using the retention schedule as a guide, records can be transferred to a low-cost storage area (i.e., records center) where they are retained until destruction. A records center is an area for the housing and servicing of inactive or semi-active records whose reference rate does not justify retention in prime office space and equipment. The effectiveness of a records center is based upon its use of low-cost equipment that maximizes the utilization of space, its ability to provide orderly arrangement and control of records, and its ability to provide economical, prompt, and efficient handling of records.

Physically, a records center can be any size, shape, and arrangement. It should be built of fire-resistant materials, preferably on one floor, aboveground with adequate floor load capacity to support the weight of shelving and records, well-lit, and atmospherically controlled. The center should protect the records from dirt, dust, moisture, insects, fire, and theft.

Steel open shelving and cardboard storage boxes are the most efficient and least expensive means of housing inactive and semi-active records. Shelving should be planned to maximize floor-to-ceiling space. In office areas, the ratio of records to office space is one cubic foot per one square foot; however, in the records center, the minimum ratio is three to one. Service equipment can include ladders, dollies, hand trucks, and shredders.

Once records are received in the center, staff must verify contents, index, maintain, service, and provide for the ultimate disposition of the records. Proper authorization, transfer, and retrieval forms should be designed and used. Statistics should be maintained to substantiate the cost-effectiveness of the Records Program, e.g., the volume of boxes transferred, number of reference requests, and quantity of records destroyed.

It is up to each city to determine if it is cost-effective and efficient to establish a records center or to use a commercial storage facility.

Supplies for Storing Records

Manufacturers offer almost every type, size, price, and design of equipment and supplies for housing and managing records. Because labor costs are the most significant filing expense, equipment and supplies that increase workers' productivity and efficiency should be given special consideration.

Records personnel should be familiar with the various types of records equipment on the market, from the standard vertical and lateral file cabinets, rotary files, open-shelf files, and motorized (automated) filing systems to the more specialized filing equipment designed for the storage of magnetic media, drawings, photographs, cards, etc. When selecting filing equipment, consider the type of records involved, reference ratio, storage needs, security requirements, maintenance problems, budget, personal preference, and office décor.

Appropriate supplies – folders, guides, dividers, and labels – can also affect efficiency. With the variety and quality of supplies available, finding the best item for the job is essential. Some factors to consider when selecting supplies are need, cost, durability, appropriateness, and quality.

Section 13 - MUNICIPAL ARCHIVES

Records management and archives management are two distinct fields. However, the Records Manager should understand archival principles and practices so that archival material can be recognized and preserved. This is especially important if the city does not have an Archivist, and the Records Manager must function in both roles.

Archival records are those records that have permanent historical (research), legal, or social value. They are records that document the history and development of the city and its departments and provide information for research. Archival records might include:

- Records on the development of the city and its departments, programs, and policies.
- Reports, studies, and publications.
- Records of significant developments in the city.
- Random samples of routine records from different periods.
- Photographs and maps.

With the development and implementation of the records retention schedule, those records assigned permanent retention are retained automatically, e.g., minutes, ordinances, and resolutions of the legislative body and its boards, commissions, and committees. However, if the records retention schedule were implemented without consideration for the information or research value of the record, important archival records could be destroyed. Therefore, before the destruction of records, the historical value of

the individual records should be considered, and those records with archival value should be retained in an archive.

The archives can be a designated section of the records center or a separate location. However, a city doesn't need to establish its archives. Regional repositories, joint city-county repositories, historical societies, local colleges and universities, and city libraries are all possible archives for city records and should be considered. It is advisable to check with your City Attorney or legal counsel before releasing the records to outside organizations.

Section 14 - BACK-UP AND COPIES OF RECORDS

Electronic Data Storage/Back-Up

Although there is no legal requirement to “back up” data for disaster recovery purposes, most cities back up electronic records on a systematic basis as a normal course of business.

In some instances, this backup is scheduled to occur at specified intervals (some daily after hours) and is managed by the Information Technology Department. In many cases, a “weekly” backup is taken off-site for storage and recovery purposes. This offsite storage is best if out of the city limits and out of a geographical hazard zone (e.g., flood, earthquake, etc.) using a commercial vendor who comes on-site once a week and “swaps” out backup tapes. This ensures the recordings would be accessible to any employee in the agency in the event of a disaster. This method is for backup only; it is separate from relying on electronic data as “original” records.

Data Imaging

Government Code Section 34090.5 addresses the procedures for reproducing records on film, optical disk, or any other trusted medium and then destroying public records. The procedures of that section should be followed strictly and include: (1) two copies must be made, one to be kept in a safe place; (2) originals may be destroyed after reproduction; and (3) a suitable reading device must be provided to the public for access and disclosure.

Micro Graphics

Micro graphics is the process of making miniature copies of records on film. Microforms include roll film, microfiche, aperture cards, and jackets. The choice of which microfilm to use depends on the application. The microimage can be viewed on a microfilm reader that enlarges the image on a screen. Often, readers and printers are combined into one machine, providing a paper copy of the micro image. A selective micro graphics program can be an effective records management tool. However, a records management program is still the first step in analyzing the need for microfilming. Micro graphics should be used to ensure the preservation of records of continuing use.

In determining the need for microfilm, the volume of records and their reference rate must also be evaluated. The comparative costs of storing paper versus microfilming records should be studied. It is recommended that records less than twelve years old be transferred to low-cost storage, i.e., a records center, and records retained longer than twelve years be considered for microfilming.

Filming can be done in-house or by an outside vendor. In either case, safeguards must be in place to ensure that the film produced meets ANSI standards established for “permanent” microfilm copy.

Once microfilming is completed, the microfilm should be stored in a safe location away from the original records. If the paper records are being destroyed after microfilming, a copy of the microfilm should be made to use for reference. A microfilm reader/printer is required if you intend to destroy the original records and retain only microfilm (GC 34090.5).

Section 15 - RECORDS RETENTION SCHEDULE

A properly prepared and approved records retention schedule is an agency's legal authority to do whatever needs to be done with records and documents entrusted to the agency's care. It certifies the life, care, and disposition of all agency records. If subpoenaed records have been destroyed, agency schedules (*and evidence of compliance with those schedules*) will defend the agency's actions. However, to prove there was no adverse intent when records were destroyed, schedules must be specific and consistently used. Adverse intent (to keep records out of court) is both a civil and criminal offense.

A records retention schedule is a document issued by the legislative body establishing retention periods for governmental records. A records retention schedule is necessary because:

- It reduces the need for active/inactive space and equipment.
- It improves operational efficiency and consistent administration.
- It increases savings: operational and legal (discovery and litigation).
- It decreases liability.
- It provides consistency in disposition.
- It reduces the risk of inconsistent or reckless disposal.
- It ensures compliance with legal and statutory requirements (i.e., California Public Records Act) or their equivalent.

Records retention scheduling:

- Identifies the records of an organization.
- Identifies their value to the organization.
- Defines a period of time in which records must be maintained in the office and records center (inactive storage).
- Defines when a record may be transferred to inactive storage.
- Determines destruction date.
- Outlines procedures for destruction.
- Identifies the method of destruction.
- Identifies whether the information is confidential.
- Identifies the relationship between the information and the media.

Note: GC 34090.7 allows local agencies to develop procedures for the destruction of duplicate records.

Electronic or digitized records are informational or data files that are created and stored in a digitized form through the use of computers and applications software. This record format must be taken into account and included in the records retention schedule.

The ability of governments to control records has not kept pace with the ability of technology to create records. It is estimated that since 1990, over 90% of the records being created today are electronic. With e-mail, social media, and the explosion of data imaging, along with multi-function copiers and all the

customary office equipment, information is created and disseminated at an increasingly fast pace. Information is one of the most important assets of any agency or business organization, and it should receive the utmost care. Electronic information can be the most difficult to manage without careful handling.

Elements of a Retention Schedule

OPR - This identifies the “Office of Primary Responsibility.” Since many departments maintain similar files, an OPR is recommended to avoid duplication. The department(s) shown in the OPR is responsible for preserving original records within the records series until retention requirements have been met. These may include other agencies or city departments such as Building or Community Services. Designating an OPR allows copies of records held by different departments to be disposed of when no longer needed.

Records Description – A description of the various record series, i.e., administrative; health, safety, and welfare; fire prevention equipment and operations; finance/fiscal; equipment service and maintenance; legal and legislative; personnel; planning and community development; public facility and grounds (i.e., city property); building and engineering; recreation and education; communications; and utilities.

Retention/Disposition – This indicates how long records are kept at various stages, i.e., office area, inactive area, whether or not to microfilm, and total retention. Many cities, as part of adopted records retention policies, microfilm all permanent records and records retained for a specific length of time (i.e., 8, 9, 10 years). The balance of the records is retained until the destruction date.

Explanation/Comments – special instructions can be included here. For example, if a particular department head or other action recommends that a record be retained longer than required by law, this information can be listed here (i.e., “City Attorney decision to retain seven years”; “destroy when no longer relevant”; “not a public record”; or “until superseded”).

The most common records schedules include traditional and functional. The traditional schedule is organized by department/unit listing, whereas the functional schedule is organized citywide or by department, then by function and the records that support/document the function.

The functional schedule has several advantages over the traditional schedule:

- Easy to develop.
- Minimal inventorying is necessary.
- May contain only 50 to 60 functional categories.
- More consistent since records are grouped, and different titles do not get repeated.
- Generally, there is only one category for related records.
- Operates independently of organizational structure.
- Identifies who maintains the official set of records.
- Easily maintained.

Section 16 - RECORDS DESTRUCTION

Once records have fulfilled their administrative, fiscal, or legal function, they should be disposed of as soon as possible per their records retention schedule (procedure described in GC 34090). A properly completed schedule provides an agency with the legal authority to dispose of records entrusted to its care. Disposition may include sending appropriate records to an archival facility, recycling unneeded

records, or destroying unneeded confidential records. Note: In the event of litigation, the agency will be required to demonstrate how records are handled in the ordinary course of doing business, including whether or not it adheres to the records retention schedule. The agency's records retention schedule spells out the ordinary course of business for how the agency handles and disposes of its records. Some agencies keep records well beyond the record's administrative, fiscal, or legal value "just in case" the records may be desired for future purposes. This practice puts the agency in jeopardy concerning liability. A court cannot demand an agency produce documents that have been destroyed per accepted and documented industry practices.

When the life span of a record series expires per the retention schedule, the records are ready to be destroyed. Destruction must be approved by the City Attorney and, in many cases, by a resolution adopted by the City Council as well. Before destruction, it should be verified that the records are not involved in litigation or audit proceedings. Destruction may require approval by the City Clerk, City Attorney, and/or the City Council.

A variety of methods may be used to destroy records, including dumping, shredding, burying, recycling, and burning. A city may elect to purchase equipment for destroying records or to use the services of a commercial records disposal firm. Note: (1) Destruction of confidential records may require special handling; (2) A certificate of destruction should be obtained for election ballots.

Many agencies are turning to electronic storage for data creation and disposition and, therefore, destroying any original paper record copies. In this instance, the electronic record is considered the "original" record. To be able to destroy the paper version of a record and rely on the image as the agency's "original" record, the following basic requirements must be met:

- Written policies and procedures must be developed and approved.
- Images must be quality-checked.
- Indexes must be quality-checked.
- Images must be stored on media that does not permit additions, deletions, or changes to the original document (EVC 1550 requires "optical media.")
- Media must be stored in a safe and separate location.

The above does not apply to an agency's imaged records when keeping the paper versions as the original.

Most cities rely on DVD-R, WORM, CD-R, or WORM Tape (LDO or UDO) as the medium for data imaging.

CHAPTER 17. RESOURCES & SAMPLES

SECTION 1 - LIST OF ACRONYMS

Acronym	Full Name
AIIM	Association for Information and Image Management International
ARMA	Association of Records Managers and Administrators
CACEO	California Association of Clerks and Elections Officials
CAPIO	California Association of Public Information Officers
CCAC	City Clerk's Association of California
CMC	Certified Municipal Clerk
CPMC	California Professional Municipal Clerk

FPPC	Fair Political Practices Commission
IIMC	International Institute of Municipal Clerks
IIMC	International Institute of Municipal Clerks
LCC	League of California Cities
MMC	Master Municipal Clerk
NAGARA	National Association of Government Archivists and Records Administrators
NAP	National Association of Parliamentarians
NNA	National Notary Association
SOS	California Secretary of State
AB	Assembly Bill
SB	Senate Bill
ADA	Americans with Disabilities Act
AFSCME	American Federal, State, County, and Municipal Employees
AG	Attorney General
APN	Assessor's Parcel Number
CALAFCO	CALIFORNIA Local Agency Formation Commission
CalPERS	California Personnel Retirement System
CSDA	California Special Districts Association
ICMA	International City/County Management Association
ILG	Institute for Local Government
JPA	Joint Powers Authority
PAC	Political Action Committee

Additionally, the League of California Cities produces this [Glossary of Acronyms in Local Government](#).

Section 2 - LINKS TO RESOURCES

[Association of Records Managers and Administrators](#)

[Association for Information and Image Management International](#)

[California Association of Clerks and Elections Officials](#)

[California Association of Public Information Officers](#)

[California Secretary of State](#) [California State Archives](#)

[City Clerks Association of California Bylaws](#)

[City Clerks Association of California Policies](#)

[Fair Political Practices Commission](#)

[FPPC Regulations](#)

[Guidelines for Preparing Minutes for Governmental Agencies](#)

[Political Reform Act](#)

[International Institute of Municipal Clerks](#)

[League of California Cities](#)

[Listing of California Municipalities](#)

[National Association of Government Archivists and Records Administrators](#)

[National Association of Parliamentarians](#)

[National Notary Association](#)

Section 3 - SAMPLE DOCUMENTS

1. Agendas
 - a. Regular Meeting
 - b. Special Meeting
 - c. Emergency Meeting
 - d. Annotated Agenda
2. Clerk in a Box Checklist
3. Elections
 - a. Election Calendar
 - b. Candidate Guidelines
 - c. Candidate Orientation
 - d. Campaign Statement Log
 - e. Voluntary Campaign Limit
 - f. Receipt for Petition
 - g. Signature Verification Guidelines
 - h. Recall Procedure
 - i. Resolution Calling Recall Election
 - j. Resolution Ratifying Results
 - k. Recount Instructions
 - l. Resolution Calling Stand Alone Election/Mail
 - m. Resolution Calling Consolidated Election
4. Maddy Act Posting
5. Minutes
6. Notices
 - a. Special Meeting
 - b. Adjournment
 - c. Board/Commission/Committee Vacancy
7. Ordinance
8. Policies
 - a. Flexible Work Arrangement Policy
9. Press/Media Release
10. Public Hearing Notice
11. Records Management
 - a. Comprehensive Records Management Manual
 - b. What is a Record
 - c. Public Record Request Policy
 - d. Declaration of Custodian
 - e. RFP for Imaging System

12. Requests for Proposals/Quotes (RFPs/RFPs)

- a. Agenda Management Program
- b. Records Scanning
- c. Electronic Management System
- d. Redistricting

13. Resolution

14. Speaker Card/Request to Speak

15. Urgency Ordinance

- a. Social Media Policy
- b. Rules of Decorum
- c. Rules of Procedure
- d. Contracts/Agreements