



Legislation Details (With Text)

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On agenda: 9/20/2022 **Final action:** 9/20/2022

Title: Approve plan to effectuate three recommendations provided in the Richards, Watson, & Gershon (RWG) independent review of the City's handling of the Moore-Field litigation

Attachments: 1. PPT RWG Report - 2022-09-20

Date	Ver.	Action By	Action	Result
9/20/2022	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Al Zelinka, City Manager

PREPARED BY: Al Zelinka, City Manager
Michael Gates, City Attorney

Subject:

Approve plan to effectuate three recommendations provided in the Richards, Watson, & Gershon (RWG) independent review of the City's handling of the Moore-Field litigation

Statement of Issue:

On July 5, 2022, City Council accepted the Legal Issues ad hoc subcommittee's recommendation to waive Attorney-Client privilege and release limited information in Richards, Watson, & Gershon's (RWG) report pertaining to the City's overall handling of the Moore-Field litigation. Within the report, RWG made several recommendations. City Council on August 2, 2022 requested staff to review three of those recommendations and provide guidance, within the next 60 days, on their implementation.

Financial Impact:

Funding will be provided within the City Attorney Office approved Fiscal Year 2022/23 budget.

Recommended Action:

Approve plan to implement three recommendations provided in RWG's independent review of the City's handling of the Moore-Field Litigation.

Alternative Action(s):

Do not approve the recommended action, and direct staff accordingly.

Analysis:

In July 2022, RWG presented an independent review of the City's handling of the Moore-Field litigation and whether there may have been alternate approaches that would have reduced the City's expenses and improved transparency between the parties involved. On August 2, 2022, City Council requested staff to assess and present a plan to implement three of those recommendations:

***Recommendation #1:** The City Attorney's Office should provide training to City Council regarding their respective roles as attorney and client, as well as the resources of the City Attorney's Office. There should also be an extensive dialogue with City Council Members on ways to improve these relationships and access to resources. This training and dialogue should also be available to staff.*

- **Implementation Plan:** All required training will be provided by the City Attorney's Office and supplemented by additional training from the City Manager, City Clerk, and City Treasurer on their respective roles and resources. A proposed list of required and supplemental trainings is attached for consideration. The first of the required trainings would begin in January 2023 and continue throughout the year. Trainings will recur biennially after newly elected officials are seated to ensure they receive a strong working knowledge of the City at the beginning of their terms.

REQUIRED TRAININGS	TIMELINE
Charter Office Roles and Responsibilities vis-vis Council • City Attorney • City Clerk • City Treasurer • City Manager	January
City Charter	January
Brown Act	January
Municipal Code	February
California Public Records Act	February
Code of Ethics	February
Administrative Regulations <i>(ARs that are directly applicable to City Council business)</i>	March
Political Reform Act (FPPC, Form 700)	March
Collective Bargaining	March
Election Activities Guidelines	June
Sexual Harassment Prevention	Within 3 months of taking office & every 2 years thereafter
AB 1234	Within 3 months of taking office; every 2 years thereafter
SUPPLEMENTAL TRAININGS	TIMELINE
Rosenberg's or Robert's Rules of Order	December
Onboarding for Newly Elected Officials <i>(led by the City Manager's Office with support from the CAO)</i>	December
City Council Rules of Order and Procedure <i>(led by the City Manager's Office with support from the CAO)</i>	December

Common Legal Matters Brought to Council (e.g. workers compensation, civil litigation, etc)	February
Administrative Regulations (all others) <i>(led by the City Manager's Office with support from the CAO)</i>	March
Incident Command System (ICS) Training <i>(led by the Fire Department)</i>	April
Cybersecurity <i>(led by Administrative Services - IS Division)</i>	May

Recommendation #2: Determine whether the City should take any additional actions concerning potential violations of California Government Code sections 87407 and 1090 by former employee Brian Williams. As recommended in the RWG report, this determination should be made using independent outside counsel to remove any conflict of interest concerns.

- **Implementation Plan:** The City Attorney will commission independent counsel from the City Attorney's Office's newly procured panel of law firms to provide analysis and recommendations for potential violations of California Government Code sections 87407 and 1090 by former employee Brian Williams. The independent counsel will work with the City Attorney and the City Manager to implement this recommendation.

Recommendation #3: The City Attorney and City Council should evaluate the possibility that some or all of the payments the City made to the Greenberg Gross law firm following Mr. Williams' employment by that firm could be determined to be void by a court. Additionally, fees charged by Greenberg Gross to the City for researching conflict of interest and for hotel accommodations should be questioned. This evaluation should be made using independent outside counsel as appropriate.

- **Implementation Plan:** The City Attorney will commission independent counsel from the newly procured panel of law firms to review the appropriateness of fees charged by Greenberg Gross, as well as the payments made by the City to the firm, and make recommendations for recourse if any such payments were inappropriate. The independent counsel will work with the City Attorney and the City Manager to implement this recommendation. In the event that independent counsel recommends legal action, there will be direct consultation with the City Attorney, City Manager, and City Council in a Closed Session.

Environmental Status:

Not applicable

Strategic Plan Goal:

Non Applicable - Administrative Item