

From: [rekb@](#)
To: [Peggy Flynn](#); [Dennis Pocekay](#); [Janice Cader-Thompson](#); [John Shribbs](#); [Karen Nau](#); [Kevin McDonnell](#); [Mike Healy](#); [Barnacle, Brian](#); -- [City Clerk](#)
Subject: Item 3 on Agenda for April 15, 2024
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Reference: City Agenda Packet for Monday April 15, 2024, Item 3 on the “Public Hearings and Matters for Consideration.” Introduction of of an Ordinance... Amending 3.04 of Municipal Code.

Whoa. Council may want to re-read what is in this. The City Manager should do the same. Surely the City Manager is opposed. This proposal separates responsibility from authority. This stuff ties the hands of the City Manager and leaves the public out of the loop.

You may have heard that more than half of the country is opposed what is euphemistically called the “deep state”. It is not some malign cabal. It is a collection of laws that gave authority to government employees so they can override those elected.

What is being proposed here is precisely what built the public perception of a “deep state”.

Superficially the cover story in this document is that it seeks to avoid liabilities accruing to the City. “Design immunity, codified in Government Code Section 830.6, is an affirmative legal defense that protects public entities, such as cities, from liability for injuries allegedly caused by the design of public facilities...”.

Well, that is only a smidgin of the whole situation.

If you agree to this, then you folks are legally turning over your jobs to the city staff. With this City Council will be saying, you folks (city employees) decide everything.... so as to avoid liability. HUH? Give up your sovereign responsibility?

Staff has the responsibility to ensure all affected will be consulted. Staff works for the community, not City Council but for us. Council supervises and that does not mean “works for”. If staff worked for Council, then the City Manager could end up as a butler in the Mayor’s house.

What is needed is for Council to state without equivocation that the public has a right to review all work done by city employees and except for minor issues, this must be done before work is initiated and any impediments to public rights must be justified and concurred in by Counsel.

We the residents have the right to bring anything to City Council before it happens and get it adjudicated without City Council having been caught in a spiderweb of ordinances like this is proposing.

Think this through. The decision is made by a low staff member or a director. It commits city funds... and it also legally commits City Council. This Ordinance states that the City Council automatically approves/rubber stamps what is being done without review and without public input. Read it again. All it takes to negate public input is job position, and some sort of training.

Of course, the authority that is delegated to an employee should be defined. No business or supervisor ever gives blanket authority let alone putting it into law. It is granted pursuant to a specific set of responsibilities. In any endeavor, authority and responsibility must exist in the same person.

This brings up the issue of adequate job descriptions. But that is another issue for another day.

Richard Brawn

[REDACTED]

Petaluma CA [REDACTED]