



Legislation Text

File #: 22-0320, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn Barrow, City Attorney
Alexandria Latragna, Policy and Management Analyst

SUBJECT:

Consideration of Revising Regulations on Political Activity and the Use of City Facilities for Campaign Activity (City Attorney Barrow).

(Estimated Time: 30 Min.)

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction.

BACKGROUND:

During the Fiscal Year 2019-2020 Work Plan discussion, City Council directed staff to develop an election policy to address concerns regarding the use of public resources, City positions or titles, and City facilities for campaign-related activity.

State law and regulations limit campaign and political activity and the use of public resources. On July 21, 2020, City Council adopted Ordinance No. 20-0006 designed to supplement those laws in a manner consistent with those laws to:

- Assure that individuals and interest groups in our society have a fair and equal opportunity to participate in the governmental process.
- Maintain an equal playing level, so that persons do not use their status as City officials or former City officials in an effort to take advantage of such status.
- Help restore public trust in governmental and electoral institutions and eliminate corruption and the appearance of corruption in City elections.
- Encourage a broader participation in the political process by maintaining limits on the amount any person may contribute or otherwise cause to be available to candidates to City Council or City Treasurer.

The ordinance adopted by City Council prohibited the use of City resources for campaign activity, restricted political activity in and on City facilities within 90 days of an election, adjusted the campaign contribution limit to \$300, and made the campaign finance provisions and definitions consistent with changes in state law.

At the June 21, 2022, meeting, City Council requested that this item be placed on a future agenda to discuss revisiting the City's regulations regarding the use of City facilities during political campaigns.

DISCUSSION:

Staff reviewed MBMC Section 4.120.055 and analyzed how it has functioned over the last two years. Based upon that analysis, staff is making the recommendations detailed below and recommending that Council discuss and provide further direction. Once staff receives direction from Council, staff can return with an urgency ordinance at the next City Council meeting.

Political Activity

Manhattan Beach Municipal Code (MBMC) Section 4.120.055 prohibits "any person from using the City seal, City logo, official City badges or insignias, equipment, vehicles, supplies, or resources, including but not limited to mailing and distribution lists, electronic mail, and electronic data for personal or political purposes, or for campaign advocacy directed at influencing voters to vote for or against any ballot measure or candidate." Additionally, this section places further limits on City officials who may not "engage in political or campaign activity" while on duty for the City, while wearing a City badge, using a City title or position, or in a manner that implies the official is speaking on behalf of the City or communicating a City position. It further limits the City from accepting reservations for the Manhattan Beach City Council Chambers, Police/Fire Conference Room, Joslyn Community Center, Scout House, or Manhattan Beach Art Center, within the 90-day period prior to any election date for an election in which a resident of Manhattan Beach can vote.

There are some elements of this MBMC section that staff recommends streamlining to make it clear what activity this applies to and when.

- Adding a definition of "political activity" to clarify regulated activity.
- Clarifying that this provision does not apply to situations where a City official is conveying the position of the City Council as adopted at an open public meeting in response to a request for information.
- Removing section 4.120.055(D), as it is no longer applicable.

Enforcement

Currently, any violation of this chapter of the MBMC is punishable as a misdemeanor. The code specifies that the City Attorney is not to serve as the investigator or prosecutor of violations, but rather should designate an outside agency to investigate and prosecute. Violations may be referred to the Los Angeles County District Attorney or a city prosecutor of another city.

Staff suggests that in addition to the above referrals, an administrative penalty be added so that the City can issue citations for violations of the chapter.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.