

RESOLUTION NO. 2024-R\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ADOPTING CITY COUNCIL POLICY STATEMENT 3005 (PROHIBITION ON CAMPAIGN ACTIVITY DURING PUBLIC MEETINGS OF CITY COUNCIL, COMMISSIONS, BOARDS AND COMMITTEES).

WHEREAS, Culver City Charter Section 1404 states: “The officers and employees of the City shall not engage in, nor shall the facilities of the City be used for, improper political activities. The City Council shall have the authority to establish rules and regulations to implement this policy”; and

WHEREAS, consistent with Charter Section 1404, at its meeting of May 28, 2024, the City Council directed the City Attorney to prepare a City Council policy prohibiting campaign activity during public meetings of the City Council, Commissions, Board and Committees; and

WHEREAS, City Council Policy Statement No. 3005 (Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees) is supported by the Findings set forth in Section III of the Policy.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES RESOLVE as follows:

1. The City Council hereby adopts City Council Policy Statement No. 3005 entitled “Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees,” which Policy and its Findings are attached hereto as Exhibit “A” to this Resolution and incorporated herein by this reference as though fully set forth.

1                   2. The City Clerk is hereby authorized to format the attached City Council  
2 Policy in a format consistent with other City Council adopted policies and shall include the  
3 final version of this adopted Policy with other adopted policies.

4                   3. The City Clerk shall distribute the attached City Council Policy to  
5 interested parties, including City Council, Commissions, Boards, Committees and City  
6 Staff.

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9                   APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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12                   \_\_\_\_\_  
YASMINE IMANI MCMORRIN, Mayor  
City of Culver City, California

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14 ATTEST:

15                   APPROVED AS TO FORM:

16                   

17                   \_\_\_\_\_  
JEREMY BOCCHINO, City Clerk

18                   \_\_\_\_\_  
HEATHER BAKER, City Attorney

# Exhibit A

## CITY OF CULVER CITY COUNCIL POLICY STATEMENT

**Policy Number: 3005**

General Subject: City Council and Administration

Date Issued: 07/08/2024

Specific Subject: Prohibition on Campaign Activity  
During Public Meetings of City Council,  
Commissions, Boards and Committees

Effective Date: 07/08/2024

Resolution No: 2024-R\_\_\_\_

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### I. PURPOSE:

To establish reasonable and viewpoint neutral time, place and manner restrictions on the subject matter of public comments at public meetings of the City Council, Commissions, Boards and Committees in order to ensure the efficient and orderly conduct of the City's business, based on the findings set forth in Section III of this Policy. The regulations set forth herein are designed to help ensure that the City can proceed through the public business of its public meetings, including public comment, so that the City can discuss, carefully consider and act on City matters.

### II. BACKGROUND:

Section 902 of the former Culver City Charter (April 9, 1982) stated, in pertinent part: "No person shall engage in political activities within facilities used by the City for the conduct of government business."

This language, but modified, was carried over to Section 1404 of the current Culver City Charter (approved by the voters April 11, 2006; effective July 1, 2026) as follows:

"The officers and employees of the City shall not engage in, nor shall the facilities of the City be used for, improper political activities. The City Council shall have the authority to establish rules and regulations to implement this policy."

Culver City Municipal Code ("CCMC") section 3.06.055.B states:

"No City officer, employee or consultant shall use or permit others to use public resources for a campaign activity. For purposes of this section, "campaign activity" means an activity constituting a contribution or an expenditure as defined in § 3.06.010 of this Chapter, but does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited

political mail, telephone calls, and visitors to private political entities. "Public resources" means any property or asset owned or operated by the City, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and City-compensated time."

Pursuant to Charter Section 1404 and CCMC Section 3.06.055.B, it is the intent of the City Council to establish this Policy with respect to the conduct of public speakers during public meetings of the City Council, Commissions, Boards and Committees, based on the findings set forth in Section III of this Policy.

For purposes of this Policy, (1) City Council, Commissions, Boards and Committees collectively shall be referred to as "City Council"; and (2) public meetings of the City Council, Commissions, Boards and Committees collectively shall be referred to as "Council Meetings" in the plural and "Council Meeting" in the singular.

### **III. FINDINGS:**

In establishing this Policy, the City has considered and determined the following:

- A. A City Council Meeting is a limited public forum during which members of the public have a significant right and interest in addressing the City Council on matters within the City Council's jurisdiction and participating in local government decision making. The limited nature of this public forum has been expressly provided for in the Ralph M. Brown Act open meetings law (Brown Act) (specifically, Government Code Section 54954.3(a)), as a City Council Meeting is first and foremost a governmental process with a governmental purpose.
- B. The City Council has an agenda to be addressed and specific business that must be transacted. As a result, the City Council has a legitimate interest in conducting efficient, orderly meetings. In order for the City Council to effectively transact City business it needs to be able to proceed through the public business of the City Council Meetings. The City Council considers important agenda items such as budget items, policy items, resolutions and ordinances and requires time to carefully consider and act on these items and also to allow for public comment on agenda items. In addition, the City Council issues recognitions, commendations and proclamations, receives presentations, and hears from City Council Members regarding requests for future agenda items. In order to ensure the City Council can transact this important business, it may enact reasonable and viewpoint neutral regulations for City Council Meetings.
- C. City Council Meetings are broadcast on the City's YouTube channel, the City's website, and Culver City's Webex conferencing system, Cable channels 35 (Spectrum), 37 (Frontier), and 99 (AT&T U-Verse subscribers), using City funds and equipment. Broadcasting campaign speech would impermissibly use City

resources to advocate for or against a candidate or measure in a manner inconsistent with the California Supreme Court's guidance in *Stanson v. Mott*, 17 Cal.3d 206, 209-210 (1976) ("in the absence of clear and explicit legislative authorization, a public agency may not expend public funds to promote a partisan position in an election campaign") and *Vargas v. City of Salinas*, 46 Cal.4th 1, 29-30 (2009) (explaining that state statute does not authorize local agencies to expend public funds for campaign activities).

- D. In developing this Policy, the City is mindful of the legal principles relating to the regulation of public speech, and in particular for regulating public comment in the limited public fora of Council Meetings. The City does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States Constitution or the Liberty of Speech Clause of the California Constitution. This Policy sets forth limits that are both reasonable and viewpoint neutral in compliance with the constitutional requirements for a limited public fora of the Council Meetings. See *Norse v. City of Santa Cruz*, 629 F.3d 966, 976 (9th Cir. 2010); see also *White v. City of Norwalk*, 629 F.2d 1421, 1425 (9th Cir. 1990). This Policy regulates speech at public meetings to ensure the efficient and orderly conduct of City business and to ensure that public funds are not used for campaign activities.
- E. The provisions set forth in this Policy are both reasonable and viewpoint neutral. Specifically, the provisions do not discriminate based on the viewpoint of speakers. Moreover, the provisions in the Policy are reasonable and serve the legitimate governmental interest of providing for the management of City Council Meetings to ensure the efficient and orderly conduct of City business. There also exist ample avenues for speech activities and expressive conduct, as this Policy does not prohibit such speech activities and expressive conduct from other locations immediately outside of the Council Meeting venues. Examples of alternative avenues of communication include, but are not limited to: the immediate exterior of the City Council Chambers building; immediately adjacent City Hall courtyard areas; immediately adjacent public sidewalk on three sides of City Hall; and written correspondence addressed to City Council members. Similar alternative locations are found at other City Council Meeting venues.
- F. The provisions set forth in this Policy are not targeted at restricting the viewpoint of any speaker and any impact on expressive activity is incidental to the City's legitimate governmental interest of facilitating the efficient and orderly conduct of City business at City Council Meetings.
- G. In adopting this Policy, the City does hereby take legislative notice of the various decisions regarding forum analysis, restrictions for city council meetings, viewpoint neutrality, and reasonableness for limitations in the context of public meetings, including but not limited to the following: *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990) (holding that city council meetings are limited public fora); *Norse v. City of Santa Cruz*, 629 F.3d 966, 975 (9th Cir. 2010) (explaining that

“council can regulate not only the time, place and manner of speech in a limited public forum, but also the content of speech—as long as content-based regulations are viewpoint neutral”); *Ribakoff v. City of Long Beach*, 27 Cal. App. 5th 150, 173 (2018) (explaining that the rules for a public fora do not apply to board meetings which are limited public fora); *City of Madison v. Wisconsin Employment Relations Commission*, 429 U.S. 167, 175 n. 8 (1976) (noting that “public bodies may confine their meetings to specified subject matter”).

#### **IV. STATEMENT OF POLICY:**

During public Council Meetings, campaign activity shall be prohibited.

For purposes of this Policy, “campaign activity” shall mean advocating for or against a candidate or measure in any national, state or local election.

“Campaign activity” shall not include:

- A. Comments on a specific City Council Meeting agenda item to discuss and consider (i) whether to place a measure on a municipal election ballot, (ii) an ordinance in response to a valid citizen initiative measure, or (iii) whether the City will take a position on national and state measures.
- B. Comments during the *Joint Public Comment – Items NOT on the Agenda* period or the *Member Requests to Agendize Future Items* period relating to a request by a member of the public or a member of the City Council to place on a future agenda discussion and consideration of (i) whether to place a measure on a municipal election ballot, (ii) an ordinance in response to a valid citizen initiative measure, or (iii) whether the City will take a position on national and state measures.