



City of Culver City

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Staff Report

File #: 24-1159, Version: 1

Item #: C-5.

CC - CONSENT ITEM: Adoption of a Resolution Adopting City Council Policy Statement No 3005 (Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees).

Meeting Date: July 8, 2024

Contact Person/Dept: Heather Baker/City Attorney

Phone Number: (310) 253-5660

Fiscal Impact: Yes No

General Fund: Yes No

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/02/2024);

Department Approval: Heather Baker, City Attorney (06/27/2024)

RECOMMENDATION

Staff recommends the City Council adopt a resolution adopting City Council Policy Statement No. 3005 (Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees).

BACKGROUND

Recent campaign-related public comments, and subsequent questions from the public about the appropriateness of such comments, prompted a reexamination of the City's past practice of disallowing campaign activity in the City Council Chambers.

This City Council considered this matter at its May 28, 2024 meeting. The following background is paraphrased from the May 28, 2024 staff report:

Historically, speakers who have "campaigned" from the podium (i.e., supporting/opposing ballot measures and council candidates at upcoming elections) have been admonished that campaigning is prohibited in the Council Chambers. This limitation originated from the old City Charter Section 902, which 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 was carried over to the current

Charter Section 1404 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.”

A city council meeting is a limited-purpose public forum and content restrictions, provided they are viewpoint neutral, to protect the scope of the forum are permissible, which is consistent with the Brown Act’s limitation of off-agenda public comment to be matters within a legislative body’s jurisdiction.

Further, 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.”

After discussing and considering this matter, the City Council unanimously directed the City Attorney to return with a City Council policy prohibiting campaign activity during public meetings of the City Council, Commissions, Board and Committees.

DISCUSSION

The purpose of the proposed City Council Policy Statement No. 3005 (Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees), attached as Exhibit A to the proposed Resolution (Attachment 1 to this staff report), is 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. The regulations set forth in the proposed Policy 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.

Pursuant to Charter Section 1404 and CCMC Section 3.06.055.B, it is the intent 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 the proposed Policy.

The proposed Policy prohibits campaign activity during public City Council, Commission, Board and Committee meetings.

“Campaign activity” is defined in the Policy to mean advocating for or against a candidate or measure in any national, state or local election.

The definition of “campaign activity” does 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.

FISCAL ANALYSIS

There is no fiscal impact associated with the adoption of the proposed Policy.

ATTACHMENTS

2024-07-08_ATT_Resolution Adopting City Council Policy Statement No. 3005 (including Exhibit A - Policy No. 3005)

MOTION

That the City Council:

Adopt a resolution adopting City Council Policy Statement No. 3005 (Prohibition on Campaign Activity During Public Meetings of City Council, Commissions, Boards and Committees).