

URGENCY ORDINANCE NO. 20-0006-U

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 4.120 TO LIMIT THE USE OF CITY RESOURCES IN CAMPAIGNS AND PROVIDE FOR ADJUSTMENTS ON THE LIMITS FOR CAMPAIGN CONTRIBUTIONS IN MUNICIPAL ELECTIONS AND DECLARING THE URGENCY THEREOF

RECITALS

- A. To assure that individuals and interest groups in our society have a fair and equal opportunity to participate in the governmental process;
- B. To help restore public trust in governmental and electoral institutions and eliminate corruption and the appearance of corruption in City elections;
- C. To encourage a broader participation in the political process by increasing limits on the amount any person may contribute or otherwise cause to be available to candidates for election to City Council or City Treasurer of Manhattan Beach; and
- D. This ordinance is intended to supplement the Political Reform Act of 1974, including amendments thereto, and shall not prevent any person, candidate or committee from complying therewith.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. Manhattan Beach Municipal Code Section 4.120.020 is hereby amended to read as follows:

“4.120.020 - Definitions.

- A. The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 8200 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.
- B. The term elected City office, as used herein, shall mean the offices of City Council and City Treasurer.
- C. For the purpose of this Article, the term City official shall mean any City elected or appointed official, commissioner, board member, employee, and any City volunteer when acting in the capacity of a City official or working at a City-sponsored event.”

SECTION 2. Manhattan Beach Municipal Code Section 4.120.030A is hereby amended to read as follows:

“4.120.030 – Campaign contribution limits.

- A. No person shall contribute a total of more than \$300 to any candidate for elected City office and to their controlled committee for a single election. No candidate for elected City office and their controlled committee shall accept any contribution or contributions totaling more than \$300 from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her own campaign for elected City office from the candidate’s own personal funds.”

SECTION 3. Section 4.120.055 is hereby added to the Manhattan Beach Municipal Code to read as follows:

“4.120.055 – Campaign and Political Activity

A. It shall be unlawful for any person to use 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. This does not prohibit the use of City resources to provide information to the public about the possible effects of a bond issue or ballot measure on City activities, services, operations, or policies, to communicate the official position of the City Council on a ballot measure, or when the use of public resources is otherwise legally authorized.

B. City officials shall not engage in political or campaign activity in any of the following scenarios:

1. While on duty for the City.

2. In any manner that states or implies the City official is speaking on behalf of the City or communicating a City position, unless the official is conveying the position of the City Council as adopted at an open public meeting in response to a request for information. This may include but is not limited to engaging in political activity in the following scenarios:

a. While wearing a City uniform or official City badge, insignia or logo;

b. Using a City title or position; or

c. While in a room or building that is owned by the City or primarily paid for or used by the City. This does not include a City room or building that is available to the public for organized political activities outside the time limits proscribed in Subsection C provided the City official does not attend the activity during the official’s city working hours and does not use other City resources for the activity.

C. The City will not accept 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.

D. Notwithstanding Subsection C, the City will continue to honor reservations for the Joslyn Community Center, Scout House and the Manhattan Beach Art Center within the 90-day period prior to any election date that have been accepted by the City prior to July 21, 2020.”

SECTION 4. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 5. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 6. URGENCY. The City’s regulations regulating campaign activity have not been changed since 1996. The next municipal election is scheduled for November 3, 2020. Therefore, the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code section 36934, and its urgency is hereby declared.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

ADOPTED on July 21, 2020.

- AYES: Hersman, Napolitano, Stern, Hadley and Mayor Montgomery.
- NOES: None.
- ABSENT: None.
- ABSTAIN: None.

/s/ Richard Montgomery
 RICHARD MONTGOMERY
 Mayor

ATTEST:

/s/ Liza Tamura
 LIZA TAMURA
 City Clerk