

ORDINANCE NO. 23-2302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REPEALING SECTION 2419 (PROHIBITED MASS MAILINGS BY COUNCILMEMBERS) OF CHAPTER 4 (CITY OFFICES – COUNCIL CHAMBERS – MEETINGS) OF ARTICLE II (ADMINISTRATION) OF THE CARSON MUNICIPAL CODE

WHEREAS, Carson Municipal Code (“CMC”) Section 2419 (Prohibited Mass Mailings by Councilmembers) provides as follows: “(a) No member of the City Council nor Mayor shall cause to be designed, produced, printed, copied, or distributed, by any means, to any person’s residence, place of employment or business, or post office box, any newsletter, brochure, flyer, letter, or other mailing at City expense, excluding any single letter sent in response to an unsolicited request, without the prior approval of the City Council. (b) City expense shall be defined as any expenditure of City funds, any use of City staff time or City facilities or equipment to design, produce, print, or copy any newsletter, brochure, flyer, poster, letter, or other mailing”; and

WHEREAS, CMC Section 2419 was enacted in 2018 in connection with revision of Council Policy 1.1.02 (formerly SMP No. 1.56), which provided the pre-approval of the City Council to the Mayor and each of the Councilmembers to make mailings pursuant to CMC Section 2419 without approval of the full Council on a mailing-by-mailing basis provided the mailings utilized the applicable required stationary specified in the revised policy; and

WHEREAS, CMC Section 2419 and Council Policy 1.1.02, even with the pre-approval it provides, operate to unnecessarily restrict the City in a manner that goes beyond the State Political Reform Act and the FPPC Regulations promulgated thereunder, including with respect to the mass mailing prohibitions contained therein, by preventing the City from availing itself of any of the exceptions to the mass mailing prohibition that are set forth in the Political Reform Act; and

WHEREAS, the additional City restrictions create confusion, are not mandated by state law, are not necessary to ensure compliance with state law, are administratively overburdensome and inefficient, and are not conducive to the City’s switch to Council districts which has occurred since 2018, including the need for the Mayor and Councilmembers to hold and advertise numerous town-hall style meetings to discuss matters of City governance with their District (on the in case of the Mayor, citywide) constituents; and

WHEREAS, the City Council has recently determined that it is necessary and appropriate to rescind Council Policy 1.1.02; and

WHEREAS, absent the pre-approval provided by Council Policy 1.1.02 or another similar pre-approval, CMC Section 2419 would require Council approval on a mailing-by-mailing basis even for mailings of fewer than 200 items and that otherwise would not constitute a prohibited mass mailing under state law. The City Council can adopt a required stationary separate and apart from, and without the need for the administratively burdensome requirement of, CMC Section 2419; and

WHEREAS, based on the foregoing, the City now sees fit and intends to repeal CMC Section 2419 in its entirety.

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NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. Section 2419 (Prohibited Mass Mailings by Councilmembers) of Chapter 4 (City Offices - Council Chambers - Meetings) of Article II (Administration) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ____ day of _____, 2023.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney