

ORDINANCE NO. 21 - 2112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 2419 (PROHIBITED MASS MAILINGS BY COUNCILMEMBERS) OF CHAPTER 4 (CITY OFFICES – COUNCIL CHAMBERS – MEETINGS) OF ARTICLE II (ADMINISTRATION) OF THE CARSON MUNICIPAL CODE TO ALLOW MASS MAILINGS FOR DISTRICT TOWN HALLS

WHEREAS, Section 2419 of the City of Carson (“City”) Municipal Code (“CMC”) generally prohibits members of the City Council from using City resources to have any type of newsletter, brochure, flyer, letter, or other mailing, created and sent without prior approval of the City Council; and

WHEREAS, the City is a charter city, has transitioned from an at-large election to district election city, and the City Council has been studying best practices for district governance; and

WHEREAS, the City Council now seeks to amend Section 2419 of the CMC to better align the City’s practices with those that are typically followed in a district election form of city government by allowing individual Councilmembers to create and send Town Hall flyers and invitations using only their names and photographs, at the City’s expense, without requiring that Councilmember to first obtain City Council approval. All such expenses shall be subject to budgetary constraints established by the City Council.

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 amended to read in its entirety as follows:

“2419 Prohibited Mass Mailings by Councilmembers.

(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 *and excluding instances where individual City Councilmembers promote, subject to budgetary constraints separately established by the City Council, District Town Hall meetings within their City Council Districts using flyers and invitations featuring their images and names*, 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.”

SECTION 3. CEQA. The City Council has determined that the adoption of this Ordinance is not a "project" subject to the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code Section §§ 21000 et seq.). CEQA Guidelines Section 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

SECTION 4. 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. 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.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of _____, 2021.

ATTEST:

Lula Davis-Holmes, Mayor

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney