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Attachments: 1. FPPC Compliant Templates for Citywide and District Mass Mailings, 2. Recommended Policies

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, May 18, 2021

Discussion

SUBJECT:

CONSIDER GOVERNANCE POLICIES RELATED TO DISTRICTS (CITY COUNCIL)

I. SUMMARY

The City of Carson retained Jerome Horton as a consultant to identify governance policy areas impacted by the City’s transition from an at-large election to district election city. The policy areas identified are meant to guide both individual district and citywide governance in the City.

Mr. Horton first gave a presentation on this item on March 4, 2021 at which time he advised the City Council on best district governance practices utilized by different government bodies, including Federal, State, and local government entities.

Mr. Horton gave a second presentation on May 5, 2021, which included policy discussions on appointments to commissions by District City Councilmembers, citywide and district events, constituent services, and general core values.

This item introduces the principles, protocols, core values, and policies discussed on March 4 and May 5 for further discussion, direction, and possible adoption by the City Council.

Staff can prepare materials for further discussion and adoption at a future meeting at the

direction of the City Council.

II. RECOMMENDATION

1. DISCUSS and provide guidance and direction whether to require District City Councilmembers to appoint individuals only from their respective districts to serve on Commissions, Committees, and Boards (“CCBs”) of the City while allowing City Councilmembers not elected to a particular district to make citywide appointments to CCBs.
2. DISCUSS and provide guidance and direction regarding the FPPC-compliant templates for both Citywide and District mass mailings that are included as exhibits to the staff report and whether to update CCP 1.1.02 and Municipal Code 2419.
3. DISCUSS and provide guidance and direction regarding whether to appoint members of the City Council to represent City Council Districts that currently do not have district-elected City Councilmember representation.
4. DISCUSS and provide guidance and direction regarding the various governance policies related to district-election cities for (1) Citywide and District Events, (2) Common Areas and District Areas, and (3) Core Values.

III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council and consistent with applicable law.

IV. BACKGROUND

The policies recommended by Mr. Horton are provided below for City Council discussion and consideration:

Appointments to Commissions, Committees, and Boards

Mr. Horton recommended the City Council consider whether it will require District City Councilmembers to appoint individuals only from their respective districts to serve on Commissions, Committees, and Boards (the “CCBs”) of the City. The purpose of making such district-specific appointments would be to ensure the CCBs consist of members who come from all areas of the City so that all districts are included in formulating policy recommendations to the City Council and also to ensure that no CCB is dominated by the interests of one particular district.

The City Council is asked to discuss whether it wants to adopt this restriction for District City Councilmembers while allowing City Councilmembers not elected to a particular

district to make citywide appointments to CCBs.

Communications by District City Councilmembers

During the governance policies presentation on May 5, 2021, the City Council asked staff to bring back information that would allow it to consider removing any local restrictions preventing District City Councilmembers from distributing materials to their District constituents using public funds.

Currently, City Council Policy (“CCP”) 1.1.02 prohibits City staff from preparing and distributing written materials (under 199) that do not include the names and photographs of all City Councilmembers. The City Council adopted the current version of CCP 1.1.02 on April 17, 2018. It may want to consider revising this City Council Policy to give District City Councilmembers the ability to send Town Hall flyers and invitations to residents in their District using only their name in a form that would comply with Fair Political Practices Commission of California (the “FPPC”) rules. It is also recommended that CCP 1.1.02 be modified to clarify that photographs of Councilmembers may be included only where the materials number 200 or less in a single calendar month, in compliance with the FPPC rules.

Municipal Code Section 2419 prohibits members of the City Council from using City resources to have any type of mailer created and sent without prior approval of the City Council. The City Council may want to consider amending Section 2419 to be more consistent with the practices typically followed in a District election form of city government and allow an individual City Councilmember to send Town Hall flyers and invitations using only their name consistent with FPPC rules.

The FPPC further prohibits elected officials from using public funds to send more than 200 substantially similar items that (1) feature an elected officer or (2) includes the elected officer’s name, office, photograph, or other reference to an elected officer; however, meeting or event announcements are exceptions to such prohibitions so as long they include only a single mention of the elected officer and contain no photographs. Other exceptions exist, including an exception for letterhead where the elected officer’s name, either singularly or as part of a roster listing containing the names of all elected officers, may appear only in the letterhead. Here, photographs may not be included.

Staff in consultation with the City Attorney’s Office has prepared FPPC-compliant templates for both Citywide and District mass mailings that are included as Attachment 1 for City Council consideration.

City Council District Representation

One of the items discussed during the governance policies presentation was ensuring that each district in the City would have a representative on the City Council. The purpose of providing this representation is to ensure equal representation for all residents on the City Council and to help ensure continuity of governance for each district while Carson is transitioning to a city where City Councilmembers are elected by district. There are currently two districts (Districts 1 and 3) that have City Councilmembers that were elected by residents of those specific districts and two districts (2 and 4) that currently do not have

direct representation. Both the Mayor and the Mayor Pro-Tem were elected at-large.

Mr. Horton recommended that the City Council consider appointing members of the City Council to represent City Council Districts that currently do not have City Councilmember representation, and failing that, recommended that the Mayor serve in such capacity as the head of the City for all ceremonial government purposes, per Section 302(B) of the City Charter. The City Attorney notes that the Charter was adopted in 2018 contemplating City as an at-large election city, pre-dating any district election status of the City. However, Section 302(B) of the Charter does indeed designate the Mayor as the head of the City for ceremonial purposes. Therefore, to the extent any there are vacant districts, the Mayor can serve as a representative of a vacant district. With respect to budgeting for this issue, however, the City Council will need to determine how to address this issue via a vote.

Citywide and District Events

A copy of all 25 special event policy recommendations proposed by Mr. Horton is included as Exhibit 2 for reference. Below are definitions for Citywide Events and District Events and 12 of the proposed policies that Staff recommends for further discussion by the City Council in conjunction with the other policy items in this staff report. We recommend that the remaining 13 be introduced at a future meeting should City Council desire.

The definitions and some of the policy recommendations provided below have been slightly edited by staff to help enhance their practical application while still maintaining the meaning intended by Mr. Horton. The general goal of these policies is to ensure that all residents are treated equally regardless of their District, that District City Councilmembers are provided neutral and equal access to City resources to engage with their District constituents, and to clearly define the roles of the City Manager and staff related to events.

Mr. Horton recommended the City Council adopt the following definitions and policies regarding Citywide and District Events:

Definitions

- Citywide events: include topics or activities impacting all City residents.
- District events: include topics or activities that impact only district residents or address Citywide topics and policy.

Policy Recommendations

1. All Carson residents shall have equal representation and equal access to their City government, elected officials, and government resources;
2. All City events shall have the governmental purpose of improving community relations, advancing goodwill, or enhancing the quality of life of Carson residents;
3. Events in Carson shall fall into the category of (1) a public education event including town halls, educational conferences including the annual Women's Conference; (2) an event with a financial support purpose including food giveaways, COVID-19 testing, or other public assistance; or (3) an entertainment event that has

- a historical, cultural, or educational agenda such as the jazz festival;
4. District Representatives must be copied on all communication sent specifically to their district constituents;
 5. The Mayor shall have the right to participate in all Citywide and District Events as the head of the City;
 6. Educational events should be Citywide to provide every Carson resident with equal access to services, information, and other resources (the specific meaning of “educational” in this context is difficult to discern. Staff recommends City Council consider a more specific definition if desired);
 7. City staff shall support District Representatives in planning, promoting, & presenting all district events;
 8. The City Manager under the direction of the Mayor and City Council shall manage the City’s outreach and education budget;
 9. All district & citywide events shall be identified in the “Annual Event Plan” (AEP) and approved by the Mayor and City Council during the budget process for the fiscal year in which the event will be held;
 10. The District City Council Member shall have the opportunity to view all communication into their respective district (duplicative of #4);
 11. District events can be held at city, public, private nonresidential facilities in or out of the district (first priority would be to use City facilities or City-partner facilities within Carson); and
 12. The Mayor and City Council affirm that a violation of any of the governance policies to intentionally seek to influence the citizens in the District of another City Councilmember shall be considered a violation of the City’s Code of Ethics and can result in a public sanction by the City Council.

Staff also recommends the City Council provide direction on whether to adopt formal restrictions on the number of Citywide and District Events produced annually including an event approval and budgeting process. As part of this, the City Council could consider defining the goals and purpose of each event and how many Citywide and District Events to budget for including whether to allocate any discretionary funds.

Staff asks the City Council to provide direction on whether to adopt these recommendations or bring them back at a future meeting.

Common Areas and District Areas

Mr. Horton recommended that the City Manager develop a list of Common Areas and District Areas to be approved annually by the City Council. He proposed that Common Areas fall under the jurisdiction of the Mayor and the entire City Council and that the Mayor shall serve as the primary but not exclusive spokesperson for the City on Citywide constituent issues. He proposed that District Areas fall under the jurisdiction of District

Representatives and that they shall serve as the primary spokesperson for district constituent issues.

Staff asks the City Council to consider adopting the definitions listed below.

- Common Areas and Citywide Issues: physical places, initiatives, or projects within the City that benefit, influence, or impact all City residents including but not limited to roads, parks, the South Bay Pavilion mall, refineries, economic development projects, California State University Dominguez Hills, and Dignity Health Sports Park.
- District Areas and District Issues: physical places, initiatives, or projects with a location unique to the district and that only impact district residents, including but not limited to commercial/residential development or other kinds of construction projects and specific public safety issues that primarily impact a certain geographic area.

Mr. Horton did not offer a specific list of proposed District Areas and recommended the City further define or distinguish District issues on a case-by-case basis as they arise.

Governance Policies Core Values

Mr. Horton recommended seven Core Values for the City's Governance Policies for City Council consideration, which are included in Exhibit 2. Below are the five Core Values we recommend for discussion as part of this staff report, including slight edits by staff to enhance clarity while still maintaining the meaning intended by Mr. Horton. The remaining two go beyond the policies needed for district governance and can be introduced at a future meeting should City Council desire.

1. Every Carson resident and business shall have equal representation irrespective of their district location;
2. The Mayor and City Council affirm their collective mission is to position all Carson residents to improve their health, wealth, and welfare regardless of the district location;
3. Taxpayer dollars shall be allocated according to citywide assessments including need-based assessments and capital needs studies, cost-benefit analysis, comprehensive infrastructure assessment, common necessity, best practices, or another analytical or empirical approach recommended by the City Manager and under the guidance of the City Council;
4. The Mayor and Members of the City Council share the governance of all public, private, and governmental entities, facilities, and infrastructure that benefit, impact or influence all Carson residents; and
5. The Mayor and Members of the Carson City Council share the governance of nonprofits and community and religious-based organizations regardless of their geographical location in a district.

V. FISCAL IMPACT

There are potential fiscal impacts associated with this item. Staff will present items for future City Council review and approval that may arise from this discussion as appropriate.

VI. EXHIBITS

1. FPPC Compliant Templates for Citywide and District Mass Mailings (pgs. 8 - 10)
2. Recommended Policies (pgs. 11 - 13)

Prepared by: Sharon Landers, City Manager and Michael George, Assistant to the City Manager