



Legislation Details (With Text)

File #: 2020-636 **Version:** 1 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 9/8/2020 **In control:** City Council
On agenda: 9/15/2020 **Final action:**
Title: LETTER FROM CITY ATTORNEY IN RESPONSE TO THE HOWARD JARVIS TAXPAYERS FOUNDATION REGARDING CARSON'S PLANNED SALES TAX EDUCATIONAL EFFORT (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Minutes on Item 22 of 8.18.20 City Council Meeting, 2. Letter from Howard Jarvis Taxpayers Foundation, 3. Letter to Jon Coupal (HJTA) re 8-24-2020 letter on Sales Tax Informational Activities

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Report to Mayor and City Council

Tuesday, September 15, 2020

Discussion

SUBJECT:

LETTER FROM CITY ATTORNEY IN RESPONSE TO THE HOWARD JARVIS TAXPAYERS FOUNDATION REGARDING CARSON'S PLANNED SALES TAX EDUCATIONAL EFFORT (CITY COUNCIL)

I. SUMMARY

On August 18, 2020, Carson City Council voted in favor of an educational campaign to provide information to Carson residents on the sales tax measure, with an allocation of up to \$40,000 to cover such costs, including for an outside consultant, to assist in educating voters, within all legal constraints, on the City's financial condition, service needs and infrastructure needs (Exhibit No. 1). A letter was subsequently received from the Howard Jarvis Taxpayers Foundation asking about the educational campaign to provide information. To ensure legal compliance, Mayor Albert Robles asked to have this item on the agenda.

II. RECOMMENDATION

RECEIVE and FILE

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On August 18, 2020, an educational campaign was approved by the City Council on a 3-2 vote (with Mayor Robles and Councilmember Hilton casting the dissenting votes) that staff would undertake, including possibly securing outside resources, to provide communication and outreach efforts to Carson residents on the sales tax measure. Staff recommended an allocation of up to \$40,000 for an outside consultant to assist in educating voters, within all legal constraints, on the City's financial condition, service needs and infrastructure needs.

On August 24, 2020 a letter was received from the Howard Jarvis Taxpayers Foundation (Exhibit No. 2) advising that the use of public funds for political advocacy (a misimpression that might have resulted from remarks inadvertently made during the discussion) is absolutely prohibited under the Political Reform Act of 1974 and the California Supreme Court's decision in *Stanson v. Mott* (1976) 17 Cal.3d206.

It should be noted that restrictions that apply to ballot measures are not to be confused with the allocation of City resources to advocate for Carson residents to complete the U.S. Census forms. The use of City resources on the Complete Count advocacy campaign is permissible under the law.

On August 31, 2020, a letter prepared by the City Attorney was sent in response to the letter from the Howard Jarvis Taxpayer Foundation (Exhibit No. 3).

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Disposition Sheet, Item No. 22, August 18, 2020 (Pg. 3)
2. August 24, 2020 Letter from Howard Jarvis Taxpayers Foundation (Pgs. 4-5)
3. Response letter to Howard Jarvis Taxpayers Foundation (Pgs. 6-7)

1.

Prepared by: City Manager's Office