

Council Meeting of  
November 20, 2007

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: City Manager – Adopt ORDINANCE prohibiting the use of City buildings and equipment for political fundraising.**

**RECOMMENDATION**

The City Manager recommends that City Council:

- 1) Adopt an **ORDINANCE** of the City Council of the City of Torrance adding Chapter 8 to Division 1 of the Torrance Municipal Code prohibiting the use of City buildings and equipment for political fundraising; and
- 2) Approve an ordinance summary for publication.

**FUNDING**

Funding is not required for this item.

**BACKGROUND/ ANALYSIS**

The Blue Ribbon Committee on Ethics and Integrity brought an item before Your Honorable Body on November 6, 2007 recommending the adoption of the attached ordinance.

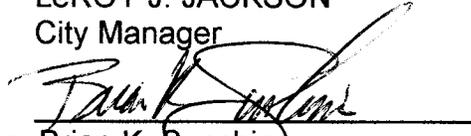
The proposed ordinance adds a new section to the municipal code prohibiting the use of City buildings and equipment for political fundraising. This ordinance ensures that taxpayer supported facilities (other than First Amendment protected forums such as parks and sidewalks) and equipment are not used for political fundraising.

The City Council engaged in considerable discussion on this proposed Ordinance. The clarification requested was as to whether the Ordinance would affect the use of specific park areas, such as picnic benches and barbeques. Staff clarified that these areas were not

included in the ordinance. With that clarification, the Council voted 7- 0 to bring the Ordinance back for adoption.

Respectfully submitted,

LeROY J. JACKSON  
City Manager



By: Brian K. Sunshine  
Assistant to the City Manager

CONCUR:



LeRoy J. Jackson  
City Manager

Attachments:

- A. **ORDINANCE**
- B. Ordinance Summary

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING CHAPTER 8 TO DIVISION 1 OF THE TORRANCE MUNICIPAL CODE PROHIBITING THE USE OF CITY BUILDINGS AND EQUIPMENT FOR POLITICAL FUNDRAISING**

The City Council of the City of Torrance does ordain as follows:

**SECTION 1**

That a new Chapter 8 be added to Division 1 of the Torrance Municipal Code to read in its entirety as follows:

**"CHAPTER 8 – USE OF CITY BUILDINGS AND EQUIPMENT**

**ARTICLE 1 – GENERAL PROVISIONS**

**Section 18.1.1 PURPOSE**

This Chapter prohibits the use of City Buildings and equipment for political fundraising.

**Section 18.1.2 DEFINITIONS**

- a) Candidate – Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.
- b) City – This municipality and any officer, department, board, commission, or agency thereof.
- c) City official, employee and appointee – Any person holding elective municipal office or holding an appointed position in the City, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated: and any employee of the City or in any agency, commission, board, or office thereof, whether the position is full time or part time.
- d) Contribution – Includes all loans and transfers of money or other thing of value to or by any candidate, elected official or political organization and all pledges or other commitments or assumptions of liability to make any such transfer. Contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.
- e) "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

- f) Property of the City – Buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies and other real or personal property owned, leased or controlled by the municipality, except for public roads, sidewalks, and open park land.
- g) Solicit – To seek by oral or written communication a Contribution.

### **SECTION 18.1.3 PROHIBITIONS**

- A. No person or political organization shall make a contribution to a candidate and no candidate, or political organization shall solicit or accept a contribution or engage in prohibited fundraising while on or in the Property of the City. Prohibited forms of fundraising include but are not limited to:
  - (1) Rental of City rooms or facilities to solicit or accept contributions.
  - (2) Soliciting or accepting contributions using publicly-owned telephones, fax machines or computers.
  - (3) Soliciting or accepting contributions using personal telephones while on the Property of the City.
  - (4) Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the City.
  - (5) Using City letterhead to solicit or accept contributions.
  - (6) Sending written correspondence from Property of the City or by the use of City services, equipment or postage.
  - (7) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the City.
  - (8) Use of automobiles owned or leased by the City to solicit or accept contributions.
- B. Reporting requirements. It shall be the responsibility of every City official, employee, or appointee who observes any prohibited form of fund-raising to promptly report such conduct to their supervisor, City Manager, City Attorney or a law enforcement agency.
- C. Whistleblower provision. It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with these reporting requirements mandated by this chapter.

**SECTION 2**

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

**SECTION 3**

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

**SECTION 4**

This ordinance will take effect thirty days after the date of this adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_ 2007.

ADOPTED AND PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:

John L. Fellows III

City Attorney

By: \_\_\_\_\_

Ronald T. Pohl,  
Assistant City Attorney



ORDINANCE NO. \_\_\_\_\_

## SUMMARY

On \_\_\_\_\_, 2007, the City Council of the City of Torrance adopted Ordinance No. \_\_\_\_\_. This ordinance adds a new section to the City's municipal code prohibiting the use of City buildings and equipment for political fundraising.

\*\*\*\*\*City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.\*\*\*\*\*