

COUNCIL MEETING OF
November 20, 2007

SUPPLEMENTAL #1 TO ITEM 12H

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

Members of the Council:

SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 12H

On November 19, 2007 the Mayor and Council received a letter (Attachment A) from AFSCME General Council, Larry Weinberg, concerning Item 12H.

Mr. Weinberg contends that Ordinance 12H before you tonight, which would prohibit the use of City buildings and equipment for political fundraising purposes, is unconstitutionally overbroad and under-inclusive. These alleged constitutional defects are based on the following:

- (A) *The term "Contribution" as defined in the proposed ordinance is unconstitutionally overbroad.*
The City Attorney agrees that the term "Contribution" as presented in the Ordinance should be clarified to protect the Ordinance from a challenge that it is overbroad. Therefore, the City Attorney has attached to this supplemental item for your consideration a "red-lined" version (Attachment B) and "clean" version (Attachment C) of the draft Ordinance. This modification would adopt the definition of "Contribution" that is used in the California Government Code. The City Attorney believes that the use of the State definition resolves all issues raised by AFSCME concerning the definition of "Contribution."
- (B) *"Political organization" is not defined in the Ordinance and unduly burdens the First Amendment.*
General Counsel for AFSCME believes that the term "Political Organization" (which is not defined in the Ordinance) would restrict First Amendment activities of organizations and individuals that the City has no interest in restricting or regulating.
The City Attorney disagrees. However, "political organizations" are actually included in the defined term "Person." The term "Political Organization" is actually surplusage and adds nothing to the Ordinance. Therefore, in the modified version of the Ordinance (Attachment B), the

City Attorney is recommending that the term "Political Organization" be removed. Any political organization would be covered by the term "Person" and prohibited from illegal activity.

- (C) *That the prohibition of the use of City equipment for political fundraising is substantially overbroad.*

Finally, AFSCME's General Counsel contends that by failing to prohibit the use of City equipment for political purposes on *private property*, the Ordinance is "under-inclusive" and therefore unconstitutional.

During the deliberations on the proposed ordinances by the Blue Ribbon Committee it became apparent to the Committee that many areas of conduct concerning elections and political activity were already regulated. In general, the ordinances before you tonight can be characterized as "gap-filling" type ordinances designed to deal with areas of law which are, at least to some extent, presently unregulated.

The Ordinance proposed in Item 12H was recommended by the Committee, at least in part, as the result of a specific incident where an employee organization used a City building for a political fund-raiser. The members of the Committee felt that this could be erroneously construed by the public as some type of City endorsement for the candidacy of the candidate who was benefiting from the use of a City building.

The City Attorney believes that General Counsel's position on the "under-inclusiveness" of this portion of the Ordinance is without merit because the use of City equipment for political purposes on private property is already prohibited by the California Government Code.

The City Attorney believes that with the recommended modifications to the proposed Ordinance, this Ordinance is Constitutional and could successfully withstand legal challenge.

Respectfully submitted,



John L. Fellows III



Gerald W. McEntee
President

William Lucy
Secretary-Treasurer

John C. Dempsey
Larry P. Weinberg
General Counsel

Margaret A. McCann
Paula J. Caura
Nicole R. Pollard
Jessica Robinson
Associate General Counsel

General Counsel's Office

November 19, 2007

By Electronic Mail and Facsimile

Honorable Frank Scotto, Mayor
Honorable Gene Barnett, Council Member
Honorable Tom Brewer, Council Member
Honorable Gene Drevno, Council Member
Honorable Paul M. Nowatka, Council Member
Honorable Bill Sutherland, Council Member
Honorable Hope Witkowsky, Council Member
City of Torrance
3031 Torrance Boulevard
Torrance, California 90503

Re: Blue Ribbon Committee on Ethics and Integrity's Proposed Ordinances

Dear Mr. Mayor and Members of the City Council:

On behalf of the American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local Union 1117 (collectively "AFSCME"), which represents employees of the City of Torrance, I write in regard to the draft ordinances proposed by the Blue Ribbon Committee on Ethics and Integrity (the "Committee").

AFSCME believes the Committee's endeavor of creating an "aspirational plan that will work as a model to elected, appointed and city employees as a guide to ethical behavior" is a worthy one.¹ However, after reviewing each of the implementing ordinances proposed by the Committee at the City Council's November 6, 2007 meeting, we are concerned that both Draft Ordinances 1 and 6 have grave constitutional deficiencies and unconstitutionally restrict the rights of persons to engage in activity protected by the First Amendment. In light of these concerns, some of which are explained below, we strongly urge the City Council to reject Draft Ordinances 1 and 6 when they are considered at the Council's November 20, 2007 meeting.

¹ See "Report and Recommendations to the City Council on Specific Committee Actions," City of Torrance Blue Ribbon Committee on Ethics and Integrity (Council Meeting of Nov. 6, 2007).

American Federation of State, County and Municipal Employees, AFL-CIO

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In addition, we would like the opportunity to have a representative appear before the City Council at the November 20 meeting to address the Committee's draft ordinances. In addition, we respectfully request that, pursuant to the authority granted him under § 6.4 of the City Council Rules of Order, the Mayor extend the time allotted for AFSCME's representative to speak from three (3) minutes to fifteen (15).

I. Draft Ordinance 1 Unconstitutionally Burdens the Freedom of Political Association.

Draft Ordinance 1 proposes to do what neither the Federal government nor any State government has done – prohibit all persons from associating to support candidates for public office by combining their funds for the purpose of making contributions to candidates. Instead, only an individual, or a "natural person" as the Draft Ordinance terms an individual, may contribute to candidates for City of Torrance elective office.

"[C]ontributions made to a common fund for the purpose of forwarding a particular candidacy is a function of rights of association which are protected by the First Amendment." *Service Employees Intern. Union v. Fair Political Practices Comm'n.*, 747 F.Supp. 580, 588-589 (E.D. Cal. 1990), citing *FEC v. National Conservative PAC*, 470 U.S. 480, 495 (1985). Draft Ordinance 1 burdens this protected First Amendment right by prohibiting persons from contributing to a common fund, such as a political committee, for the purpose of using those combined funds to make contributions to candidates. For this reason, the ordinance must be at least closely drawn to match a sufficiently important governmental interest.² See *Randall v. Sorrell*, 126 S.Ct. 2479,

² This heightened level of scrutiny is applied to *limits* on political contributions, which, unlike expenditure limits, "involve[e] little direct restraint on' the contributor's speech," but "do restrict 'one aspect of the contributor's freedom of political association,' namely the contributor's right to support a favored candidate...." *Randall*, 126 S.Ct. at 2491 (internal citations omitted). Because *limits* on contributions nonetheless allow contributors to make some "symbolic expression of support evidenced by a contribution," and do not infringe on a contributor's right to discuss candidates and issues, the courts have applied this heightened level of scrutiny to those burdens, rather than the strict scrutiny normally applicable to First Amendment burdens. See *Id.* However, because Draft Ordinance 1 is not a mere *limit* on contributions to candidates from persons other than individuals, but is, rather a strict *prohibition* on contributions from those persons, the courts would likely strictly scrutinize such a burden on the freedom of political association rather than apply the form of heightened scrutiny applicable to contribution limits. But, we leave aside the discussion of which level of constitutional scrutiny is applicable to the burdens imposed by Ordinance 1 and apply the less severe heightened scrutiny, treating the absolute bar to contributions from persons other than individuals as if it were simply a contribution limit.

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2491 (2006). However, because Draft Ordinance 1 burdens protected interests in a manner disproportionate to the public purposes it is intended to advance, it is not closely drawn to match a sufficiently important interest and is an unconstitutional burden on the First Amendment rights of contributors and candidates.

The courts have recognized that preventing actual or apparent corruption is a sufficient justification for imposing limits on contributions to candidates. See *Buckley v. Valeo*, 424 U.S. 1, 23-38 (1976). Even presuming that the purpose of Draft Ordinance 1 is to further this interest, the prohibition on contributions to candidates from persons other than individuals is not closely drawn to match this interest.

First, it is no more corrupting for a political committee to contribute \$10, \$50, or \$1,000 to a candidate than it is for an individual business owner to contribute \$1,000 to that same candidate. Indeed, allowing less affluent individuals to pool their funds in a political committee or a political party for the purpose of contributing to their favored candidate permits candidates to raise funds without relying solely on individuals who can afford to contribute the maximum amount to a candidate, and, thus, lessens the likelihood that officeholders will favor the interests of wealthy individuals over the less affluent in exchange for campaign contributions.

Second, while the Supreme Court acknowledges that limits on campaign contributions may prevent corruption and its appearance, it has also recognized that "contribution limits might *sometimes* work more harm to protected First Amendment interests than their anticorruption objectives could justify." *Randall*, 126 S.Ct at 2491-2492, citing *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377, 395-397 (2000); *Buckley*, 424 U.S. at 21. Such a situation would arise when contribution limits are so low or so strict as to prevent candidates from raising sufficient funds necessary for effective campaign advocacy or they "magnify the advantages of incumbency to the point where they put challengers to a significant disadvantage..." *Randall*, 126 S.Ct. at 2492.

In *Randall*, the Supreme Court struck down the contribution limits imposed by Vermont's Act 64. Act 64 permitted individuals, political committees and political parties to each contribute up to \$400 per 2-year election cycle to statewide candidates. See *generally, Id.* The Court found evidence in the record of the case to suggest that such low contribution limits "significantly restrict the amount of funding available for challengers to run competitive campaigns." *Id.* at 2495. In addition, the Court determined that

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the low limits on other organizations, particularly political parties, threatened the right to associate, and would "severely inhibit collective political activity" by preventing those organizations from using small contributions from donors to assist individual candidates. *See id.* at 2497.

After taking these effects into consideration and weighing them against Vermont's justifications for the limits, the Court determined that Act 64's limits "burden[ed] First Amendment interests in a manner that [was] disproportionate to the public purpose they were enacted to advance." *Id.* at 2500. For this reason, the Court concluded that the limits violated the First Amendment.

Under Draft Ordinance 1, individuals may contribute up to \$1,000 to a candidate for a City of Torrance elective office. AFSCME does not take issue with that individual contribution limit. We do, though, assert that the prohibition on a city candidate's acceptance of contributions from any other source or combination of individuals prevents certain candidates, particularly challengers, from amassing funds necessary to run effective campaigns and "severely inhibits collective political activity" by preventing small donors from pooling their funds to assist individual candidates. Because these burdens disproportionately outweigh any governmental interest advanced by the Ordinance, it unconstitutionally restricts the freedom of political association protected by the First Amendment.

Accordingly, we respectfully urge all Members of the City Council to vote against Draft Ordinance 1.

II. Draft Ordinance 6 Is Both Unconstitutionally Overbroad and Underinclusive.

The Committee's Draft Ordinance 6 proposes a Chapter 8 to be added to Division 1 of Torrance Municipal Code. As stated in § 18.1.1 of the Draft Ordinance, the purpose of the Chapter is to prohibit "the use of City Buildings and equipment for political fundraising." The manner in which it attempts to do so is so overbroad as to prohibit a substantial amount of protected speech "judged in relation to the statute's plainly legitimate sweep," *Broadrick v. Oklahoma*, 413 U.S. 601, 615 (1973) as to be unconstitutional.

Proposed § 18.1.3 provides, that "[n]o 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."

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a. “Contribution”

Proposed § 18.1.2.d defines “contribution” to include “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.”

This definition does not limit the scope of the term “contribution” based on the purpose for which the loan or transfer is made or used. The Draft Ordinance prohibits any “person” (defined broadly to include, in essence, any individual, organization or group of persons acting in concert) from giving any “thing of value” to a candidate on or in “Property of the City.” For instance, under Draft Ordinance 6, a candidate’s spouse or child is prohibited from giving them a birthday gift on City property, a group of constituents may not present an officeholder who is a candidate with an award for community service, and an employer, such as the City of Torrance, may not give an employee who is a candidate the salary, wages and benefits to which they are entitled. As these examples illustrate, the broad range of activity prohibited by the ordinance is unconstitutionally overbroad, and prohibits activities which the City has no legitimate interest in restricting, much less deterring.

b. “Political Organization”

The proposed ordinance prohibits a “political organization” from engaging in certain activities on or in City Property – namely, transferring any thing of value to a candidate, soliciting or accepting any thing of value or engaging in “prohibited fundraising.” However, Draft Ordinance 6 fails to define “political organization,” leaving every organization to guess whether or not it will be deemed an organization prohibited from soliciting or accepting any thing of value while on or in City Property.

This may prohibit charitable organizations which conduct nonpartisan voter registration activities or social welfare organizations which engage in grassroots lobbying activities from soliciting volunteer services – a thing of value – while on or in City Property. Indeed, it may prohibit AFSCME from soliciting people to become members of the union. Under such uncertain circumstances, organizations may, rather than seeking to vindicate their rights, “choose simply to abstain from protected speech – harming not only themselves but society as a whole, which is deprived of an uninhibited marketplace of ideas.” *Virginia v. Hicks*, 539 U.S. 113, 119 (2003).

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In the area of First Amendment freedoms, the government may regulate only with narrow specificity. See *NAACP v. Button*, 371 U.S. 415, 433 (1963). Draft Ordinance 6 does not do so. Instead, it sweeps broadly, with a dearth of specificity. The effect of the proposed ordinance is to restrict core First Amendment activities of organizations and individuals which the City neither intends to restrict, nor has any legitimate, let alone compelling, interest in regulating.

c. Prohibited Fundraising

Proposed § 18.1.3 prohibits a candidate or political organization from engaging in "prohibited fundraising while on or in the Property of the City." The draft ordinance provides eight (8) examples of "prohibited forms of fundraising" and states that prohibited forms of fundraising "are not limited to" those eight (8) examples, but (lacking the "narrow specificity" required for government regulation of First Amendment freedoms, *id.*) fails to provide guidance as to the precise limits of prohibited forms of fundraising. Thus, especially in light of the proposed ordinance's broad definition of "contribution" and failure to define "political organization," this prohibition on "engaging in prohibited fundraising while on or in the Property of the City" creates a vast potential to chill protected First Amendment expressive activities, and, as compared to the narrow range of activity at which the ordinance purports to be directed, is substantially overbroad.

In addition to its over breadth problems, Draft Ordinance 6's prohibition on "prohibited fundraising while on or in the Property of the City" is underinclusive. The proposed ordinance prohibits the use of City property for fundraising "on or in the Property of the City," but does not likewise restrict the use of City property for fundraising on private property. For instance, a candidate is prohibited from soliciting or accepting contributions using City letterhead while on the Property of the City," but the proposed ordinance does not prohibit the same candidate from using City letterhead to solicit or accept contributions while on private property.

Indeed, an officer of a political organization may be prohibited from soliciting or accepting a contribution – any thing of value – on behalf of that political organization while waiting in line to pay a City parking ticket and using a personal telephone or computer. But, Draft Ordinance 6 does not prohibit that same political organization from soliciting or accepting a contribution using a City-owned telephone or computer while on private property. The stated purpose of the ordinance is to "prohibit the use of City Buildings and equipment for political purposes" but it only prohibits the use of City property

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for "prohibited forms of fundraising" conducted "on or in the Property of the City." Because the proposed ordinance does not apply equally to prohibit the use of that property for fundraising conducted on private property, the proposed ordinance is underinclusive.

Consequently, Draft Ordinance 6 is constitutionally overbroad and underinclusive, and we respectfully urge all Members of the City Council to vote against its enactment.

III. Summary

Draft Ordinance 1's prohibition on contributions to candidates for City of Torrance elective offices from persons other than individuals is not closely drawn to meet the only sufficiently important governmental interest for which it could be offered – to prevent real or apparent corruption. Instead, the prohibition on contributions from non-individuals prevents certain candidates, particularly challengers, from amassing the funds needed to run effective campaigns and otherwise prohibits the collective political activity that occurs when contributors pool their funds to support a candidate. These burdens disproportionately outweigh any governmental interest advanced by Draft Ordinance 1. It therefore unconstitutionally restricts the freedom of political association protected by the First Amendment.

Draft Ordinance 6 is unconstitutionally overbroad. The breadth of its language sweeps within its scope substantial amounts of protected First Amendment activity that the City of Torrance has no authority to restrict and likely does not wish to regulate.

In addition, Draft Ordinance 6 is underinclusive. It fails to restrict the use of City property for fundraising activity conducted on private property to the same extent that it regulates the use of City property for those activities conducted on City property.

For the reasons set forth above, the City Council should oppose the adoption of the Committee's Draft Ordinances 1 and 6.

Thank you for your careful consideration of this important matter. We have little doubt that the City Council respects the rights of all persons to participate fully in the civic life of our communities and that you share AFSCME's strong interest in protecting the rights afforded to each of us by the Constitution of the United States. We look forward to working with you on this and other matters of mutual concern.

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If you have any questions, please contact me at your convenience.

Sincerely,



Larry P. Weinberg
General Counsel

cc: Honorable Sue Herbers, City Clerk
Honorable Linda M. Barnett, City Treasurer
John Fellows, Esq., City Attorney
Ron Pohl, Esq., Assistant City Attorney
Willie Pelote, AFSCME International
Cheryl Parisi, AFSCME Council 36
Jeannie Moorman, AFSCME Local 1117
Frederic Woocher, Esq.
Aimee Dudovitz, Esq.

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,

Inserted: means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

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:~~

Inserted: person

- (1) Rental of City rooms or facilities to accept or solicit contributions.
- (2) Rental of City rooms or facilities to solicit or accept contributions.
- (3) Soliciting or accepting contributions using publicly-owned telephones, fax machines or computers.
- (4) Soliciting or accepting contributions using personal telephones while on the Property of the City.
- (5) Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the City.
- (6) Using City letterhead to solicit or accept contributions.
- (7) Sending written correspondence from Property of the City or by the use of City services, equipment or postage.
- (8) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the City.
- (9) 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. _____**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**

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- d) Contribution – means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
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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 shall make a contribution to a candidate and no person 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 accept or solicit contributions.
 - (2) Rental of City rooms or facilities to solicit or accept contributions.
 - (3) Soliciting or accepting contributions using publicly-owned telephones, fax machines or computers.
 - (4) Soliciting or accepting contributions using personal telephones while on the Property of the City.
 - (5) Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the City.
 - (6) Using City letterhead to solicit or accept contributions.
 - (7) Sending written correspondence from Property of the City or by the use of City services, equipment or postage.
 - (8) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the City.
 - (9) 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.

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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