

REPORT TO THE CITY COUNCIL



DATE: November 19, 2019

TITLE: Recommendation from the "Policy, Rules, and Regulations City Council Sub-Committee" Regarding Adoption of the "City Council and Commission Guidelines and Procedures" ("Guidelines") and Two Ordinances Pertaining to the City Council

Prepared by: Jan Pye, Mayor Pro Tem
Gary Gardner, Council Member

RECOMMENDATION

- 1) Adopt a Resolution of the City Council adopting the Meeting Guidelines and Procedures Policy;
- 2) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.20.125 "Disclosure of Campaign Contributions" of the Desert Hot Springs Municipal Code to provide that all persons accepting and/or providing campaign contributions must comply with all applicable state law and fair political practices commission's regulations; AND
- 3) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.04.040 of the Desert Hot Springs Municipal Code pertaining to vacancies and the appointment of a temporary city councilmember.

BACKGROUND:

On October 1, 2019, the City Council authorized placing this matter on the City Council agenda in accordance with Resolution 2019-004.

DISCUSSION:

Councilmembers Pye and Gardner were appointed by the Mayor as the Sub-Committee on Policy, Rules and Regulations. They were tasked with reviewing the Guidelines and ordinances that pertain to the operation and function of the City Council. The Sub-Committee recommends the following:

Meeting Guidelines and Procedures Policy

The Sub-Committee recommends adoption of a Resolution (Exhibit 1) adopting the "Meeting Guidelines and Procedures Policy" (Exhibit 2).

Disclosure of Campaign Contributions – AB 571

Effective January 1, 2021, AB 571 aims to limit the amount of campaign contributions local government candidates receive from a single contributor. The bill prohibits a candidate for elective county or city office from accepting a contribution totaling more than \$3,000 from an individual person per calendar year – the amount set forth for limitations on contributions to a candidate for elective state office. The new default restriction does not apply to local governments that have their own codified contribution limits for local elective office. Going forward, cities without codified contribution limits may elect to codify their own contribution limitation or they will default to the new \$3,000 restriction on January 1, 2021.

For cities and counties lacking codified limitations, the FPPC will have enforcement authority. Under FPPC authority, a violation of the contribution limit is punishable as a misdemeanor.

Local government agencies with codified contribution limits are not under the FPPC's purview and should adopt enforcement standards for a violation of the codified limitation, including administrative, civil, or criminal penalties.

Therefore, the Committee recommends the adoption of an ordinance (Exhibit 3) amending DHSMC Section 2.20.125 to read as follows:

2.20.125 Disclosure of campaign contributions.

All persons accepting and/or providing campaign contributions must comply with all applicable State law and Fair Political Practices Commission's Regulations.

~~Each City official and/or employee, whether paid or unpaid, who has willfully, voluntarily, or knowingly received, within the term of their office or employment, a cumulative total of \$500 directly, or \$1,000 indirectly via a contribution to a political action committee (or similar organization formed for the purpose of raising and spending money to elect or defeat political candidates), shall publicly disclose said contribution(s) at each public meeting in which he or she is participating as part of the presiding body and during which the contributor appears before the presiding body. If such a contribution has been voluntarily received, the official or employee shall: (1) make the required disclosure; and then (2) recuse him or herself from participating in the subject proceedings, vacating the room of the proceedings until said proceedings have been concluded. This subsection does not apply when the official or employee claims in writing to the City that such contribution was done in a manner as an attempt to manipulate the vote of a non-supportive donor. (Ord. 633 10-17-17; Ord. 580 6-21-16; Ord. 551 9-16-14)~~

Council Member Vacancies

The Committee recommends the adoption of an ordinance (Exhibit 4) amending DHSMC Section 2.04.040(B) to read:

2.04.040 Vacancy—Appointment of temporary City Councilmember.

A. If a vacancy occurs on the City Council, including the office of Mayor, the City Council shall, **fill the vacancy by either appointment of a new councilmember or calling a special election. Any council action must comply with** ~~in accordance with California Government Code Section 36512, as may be amended. (c)(1), immediately call a special election to fill the vacancy which shall be scheduled on the next regularly established election date, but not less than 114 days from the call of the special election. The City Council may thereafter appoint a person to fill the vacancy of the City Council for a term that shall expire upon the date of the special election to fill the seat for the remaining term of the original office holder who initially created the vacancy, as provided by Section 36512(c)(3). This section shall apply to all vacancies occurring on or after January 1, 2006.~~

B. ~~Notwithstanding subsection A of this section, if a vacancy on the City Council occurs for any reason after the adoption of a resolution by the City Council calling for a general municipal election to elect members of the City Council, but not more than 90 days after the date of the general election, the person who received the highest number of votes in said election, but was not elected, shall be appointed by the City Council to fill that vacancy. The person appointed pursuant to this section shall serve the remaining unexpired term of office. (Prior code § 30.04)~~

EXHIBITS:

- 1) Resolution Adopting Meeting Guidelines and Procedures Policy

- 2) Meeting Guidelines and Procedures Policy
- 3) Draft Ordinance – Campaign Contributions
- 4) Draft Ordinance – Council Member Vacancies