

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. R-96-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON
APPROVING AND ADOPTING CITY POLICY REGARDING USE OF CITY
FACILITIES AND RESOURCES FOR POLITICAL CAMPAIGN ACTIVITIES**

WHEREAS, the City Council of the City of Colton has previously adopted Resolution R-100-94 pursuant to California Government Code Section 3207 which enables cities to enact rules and regulations prohibiting or restricting officers and employees of the City from engaging in political activities during working hours and prohibiting or restricting political activities on City premises; and

WHEREAS, political candidates and political committees are prohibited from using public resources under the City's control to influence voters in an election under *Stanson v. Mott* (1976) 17 Cal.3d 206; and

WHEREAS, the City Council intends to clarify and memorialize the scope of limitations on political activities applicable to the use of City resources, including City facilities, equipment, and staff pursuant to State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON
RESOLVES AS FOLLOWS:**

SECTION I. **INCORPORATION OF RECITALS.** The City Council hereby finds and determines that the recitals of this Resolution are true and correct and are hereby incorporated into this Resolution.

SECTION II. **ADOPTION OF POLICY.** The City hereby adopts the "City Policy Regarding Use of City Facilities and Resources For Political Campaign Activities," ("the Policy") attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION III. **SUPPLEMENT TO RESOLUTION R-100-94.** This Resolution and Policy are intended to supplement and complement those provisions in Resolution R-100-94 and shall not be construed to rescind Resolution R-100-94 in any way.

//

//

//

//

//

//

1 **SECTION IV. EFFECTIVE DATE.** This Resolution shall become effective
2 immediately upon its adoption.

3 **PASSED, APPROVED AND ADOPTED** this 7th day of October, 2014.

4 
5 SARAH S. ZAMORA, Mayor

6 ATTEST:

7 
8 CAROLINA R. PADILLA, City Clerk

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"
CITY POLICY REGARDING USE OF CITY FACILITIES AND
RESOURCES FOR POLITICAL CAMPAIGN PURPOSES

[attached behind this page]

CITY POLICY REGARDING USE OF CITY FACILITIES AND RESOURCES
FOR POLITICAL CAMPAIGN ACTIVITIES

I. Purpose

City staff and facilities have been specifically designated for purposes in service of the public. The purpose of this policy is to prevent the use of the City's facilities and resources for political campaign activities.

II. Limited Use of City Property and Facilities

In addition to conducting the official business of the City, some City facilities may be made available on a space-available basis to non-profit community organizations for educational, civic, and social purposes. Uses must be compatible with the schedule, operating hours, and purpose of the facility, subject to any applicable facility use fee and the approval of the City Manager or the City Manager's designee.

Activities that interfere with or disrupt the primary designated purposes and functions of City facilities, such as soliciting, are prohibited on City property. Further, pursuant to California Government Code, Section 3207, political campaigning and related activities are deemed to be contrary to the designated purposes and functions of City facilities and are, therefore, prohibited on City property.

III. Prohibited Use of Public Facilities and Resources for Influencing Elections

Political candidates and political committees are prohibited from using public resources under the City's control to influence voters in an election. (*Stanson v. Mott* (1976) 17 Cal.3d 206.) Public resources include any City property, including buildings, parks, facilities, funds, equipment, telephones, supplies, computers and vehicles. Public resources also include the time and attention of City staff during their work hours.

City property shall not be used for political campaign activities. For purposes of this Policy, "political campaign activities" shall include the following:

- (A) any activity that relates to the election or defeat of any candidate or potential candidate for public office or of a ballot measure;
- (B) any activity undertaken to influence the passage, defeat or revision of any local, state or federal legislation or policy;
- (C) any activity related to political lobbying;
- (D) any activity related to collecting or soliciting political contributions;
- (E) any activity related to making political speeches, recruiting for political meetings or rallies, posting of campaign signs or depositing or distributing political literature; and

(F) soliciting guests or users of City property, whether directly or indirectly, to work or engage in any of the activities listed above.

Notwithstanding the above, "political campaign activities" shall not include:

(A) incidental wearing of shirts, hats, buttons, or other clothing that advocates for or against a political candidate or measure, provided that the person wearing such clothing engages in none of the campaign activities listed above;

(B) spontaneous personal conversations between individuals about political issues who consent to participate in such a discussion; or

(C) City-sponsored events intended solely to educate (and not advocate to) the public about political issues (e.g.: candidate forums where all candidates are invited to speak; public information meetings about a local measure, etc.);

(D) voter registration efforts which are non-partisan, provided that anyone conducting such efforts engages in none of the campaign activities listed above;

(E) the City Council, or any City board or commission, taking a public position on a federal, state or local measure at a duly agendized meeting of the Council, board or commission, provided members of the public also have the opportunity to express their opinions on the measure during public comment.

City-sponsored events are not to be used for engaging in political campaign activities. City staff are strictly prohibited from using their time during work hours to volunteer, contribute to, coordinate, or otherwise assist any political campaign activity (however, they may do so during off-work hours). City staff are also strictly prohibited from using any City property, facilities, equipment, or communications networks in support of any political campaign.

IV. Non-Applicability to Protected Speech

Except as set forth above, political and commercial speech that is protected by the United States and the California Constitution shall not be prohibited or restrained by this policy.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do
6 hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO.**
7 **R-96-14**, duly adopted by the City Council of said City, and approved by the Mayor of
8 said City, at its Regular Meeting of said City Council held on the **7th day of October,**
9 **2014**, and that it was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Gonzales, Oliva, Bennett,
11 Suchil and Mayor Zamora
12 NOES: COUNCILMEMBER None
13 ABSTAIN: COUNCILMEMBER None
14 ABSENT: COUNCILMEMBER Navarro

15
16 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
17 seal of the City of Colton, California, this _____ day of _____, 20____.

18
19
20
21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
26
27
28