

REPORT TO THE HONORABLE

MAYOR AND CITY COUNCIL

ITEM S421 FROM COUNCIL DOCKET OF MONDAY, AUGUST 8, 1988
TAKEN TUESDAY, AUGUST 9, 1988

This is in response to City Clerk Route Slip dated August 15, 1988, regarding action taken on August 9, 1988 relative to the calling of a Special Municipal Election to be held on November 8, 1988 (Item S421 on Council Docket of August 8). Specifically, the Council directed the City Attorney to report to the City Council on how Councilmembers may inform the public about upcoming public hearings on the Growth Management Element proposition on the November 8 ballot given the legal restrictions placed on mass mailings. It is anticipated that 200 or more persons will be attending the hearings.

In the City Attorney's Report to the Honorable Mayor and City Council of August 3, 1988, we reported the terms of the emergency regulation adopted by the Fair Political Practices Commission (FPPC) on July 26 interpreting the "mass mailing" provisions of Proposition 73, which was adopted by vote of the people on June 7, 1988. Copies of that report and the emergency regulation are attached for your convenience.

Essentially, under the emergency regulation, the Council may continue to send notices of public hearings, including notices of hearings on the Growth Management Element ballot proposition. However, the notices may not contain the name or signature of individual Councilmembers. As an alternative, the City Clerk may send the notice on behalf of the Mayor and all members of the City Council. Or, the City on standard city stationery (showing names of all the elected Councilmembers and Mayor) may send a letter to the public inviting them to hearings on the Growth Management Element ballot proposition. The letter must, however, be signed by someone other than the Mayor or any individual Councilmember or members. The City Manager, City Clerk, Planning Department Director or other appropriate non-elected official could sign it.

In short, it is still possible to send notices of public hearings under Proposition 73. The proposition as interpreted by the FPPC prohibits individual elected officials' names from being featured or singled out in the notice such as would occur if a single Councilmember signed it or a single Councilmember's letterhead or stationery were used.

Respectfully submitted,

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City Attorney

CCM:mb:930.62:600.3(043.1)

Attachments

RC-88-43