

**TOWN OF SAN ANSELMO**  
**STAFF REPORT**  
**June 7, 2008**

For the Meeting of June 10, 2008

TO: Town Council

FROM: Debra Stutsman, Town Manager

SUBJECT: Policy Items

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**RECOMMENDATION**

That Council provide direction to staff regarding requests for consideration of policy items.

**BACKGROUND**

Recently Councilmembers have requested that several policy matters be brought back to the Council for consideration, including:

- Voluntary Code of Fair Campaign Practices (House)
- Agenda Policy Regarding Public Participation in Official, Noticed, Public Meetings of the Town Council (Greene)
- Agenda Policy to encourage consideration of public issues of regional, state, national and international concern (Greene)

**DISCUSSION**

Draft policies are attached as submitted or envisioned by the Councilmembers, reflecting their intent on each of the above items. After receiving Council's input, staff plans to return with resolutions for approval as directed.

Respectfully submitted,

*Debra Stutsman*

Debra Stutsman,  
Town Manager

## **VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES.**

### **Findings.**

The Town Council finds as follows:

A. There are basic principles of honesty, fairness, responsibility and respect to which every candidate for public office should adhere in order to be worthy of the public office that that candidate seeks.

B. Campaign communications should present only information that is fair, relevant and truthful to the voters for their consideration.

C. Candidates who fall short of adhering to such principles alienate the public from the electoral process and erode the public's trust and confidence in the offices that those candidates seek.

D. Electoral campaigns are subject to unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine elected officials' ability to serve in the public interest.

E. Negative, attack-oriented campaigns are a major factor in the growing cynicism, alienation and nonparticipation among American voters, striking at the heart of the American system of government.

F. Candidates have a responsibility to conduct civil, issue-oriented debates with fellow candidates and provide opponents with a meaningful opportunity to respond to any claims concerning their positions or qualifications to hold office.

G. Candidates for public office should have the ability to conduct clean and ethical campaigns.

### **Purpose.**

The Town Council enacts this chapter to accomplish the following purposes:

A. To promote the principles of honesty, fairness, responsibility and respect in campaigning for public office.

B. To promote campaign communications to the public that are fair, relevant and truthful.

C. To induce candidates to adhere to principles which enhance the electoral process and build the public's trust and confidence.

D. To eliminate unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine an elected official's ability to serve the public interest.

E. To promote responsible civil conduct and issue-oriented debates.

F. To encourage candidates for public office to conduct clean and ethical campaigns.

### **Qualification for Compliance.**

A candidate (or controlled committees of such candidates running for office or a committee formed for the purpose of a recall) qualifies as a participating candidate for an election campaign period if the following requirements are met:

A. The candidate voluntarily endorses, subscribes to, and solemnly pledges to conduct his or her campaign in accordance with the current version of the San Anselmo Code of Fair Campaign Practices.

B. The candidate will immediately and publicly repudiate those who take actions that either help a candidate's candidacy or hurt an opponent's candidacy, which are inconsistent with the San Anselmo Code of Fair Campaign Practices.

C. At the time an individual files his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the San Anselmo Code of Fair Campaign Practices and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

D. If the candidate agrees to voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the San Anselmo Code of Fair Campaign Practices:

1. The cost for setup and printing of each candidate's statement will be borne by the town; and

2. The cost of printing the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the town.

E. Candidates for public office who do not voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the San Anselmo Code of Fair Campaign Practices will be responsible for any and all cost for the setup and printing of each candidate's statement and the printing of the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers.

**AGENDA POLICY REGARDING PUBLIC PARTICIPATION IN OFFICIAL,  
NOTICED, PUBLIC MEETINGS OF THE TOWN COUNCIL**

The Town Council of the Town of San Anselmo does ordain as follows:

A. The Town Council recognizes acknowledges that it is a public, representative, deliberative and decision-making body given authority by Government Code section 50022.2 and the Council's adoption of the San Anselmo Municipal Code, the members of which are elected by the voters of San Anselmo, or if appointed, must stand for election by the voters at the expiration of the appointed term.

B. The Town Council recognizes and acknowledges that it is the local representative and democratic mechanism and place for the expression of the popular will of the citizens of San Anselmo.

C. The Town Council recognizes and acknowledges that public participation, including discussion of public issues, ought to be encouraged as a practical principle of American government and that the opportunity to discuss freely supposed grievances and proposed remedies encourages the exercise of reasoned, public, decision-making.

D. The Town Council recognizes and acknowledges that without both a deadline for the submission of written materials and a time limit on public expression, it cannot efficiently and effectively discharge its on-going duty of public decision-making.

E. The Town Council recognizes and acknowledges there is a tension between limitless public discussion on one hand and an efficient and effective decision-making process on the other.

F. The Town Council recognizes and acknowledges that it should provide notice to the public of any such limits.

G. In conformity with the above values, the Town Council hereby imposes following deadlines and limits:

1. Deadlines for Written Submissions. With respect to any agenda item on which a vote by the Town Council will be required, and in order to be considered at the next regularly noticed and schedule Town Council Meeting, all comments, plans, criticisms, objections and written submissions of any form or description must be submitted by Noon the day before the regularly scheduled and publicly noticed meeting. All written submissions conveyed after the aforementioned Noon deadline shall not be considered at the next said meeting.

2. Parties' Oral Argument on Appeal and Citizen Comments Thereon.

The parties to any appeal before the Town Council may have a total of 20 minutes per side to make any presentation, oral, videographic, or otherwise. Such presentation may include an opportunity for rebuttal provided that such rebuttal does not extend the 20 minute limit.

3. Consideration of Agenda Items Other Than Appeals

With respect to any agenda item that is not an appeal, the time limit for comments by citizens on such agenda item shall be 3 to 5 minutes per person, at the discretion of the Mayor or whomever is responsible for the conduct of the meeting, provided that said Mayor or person responsible for the conduct of the meeting announces at the outset what the limit will be. With respect to agenda items that by nature are informational, no such presentation shall exceed 20 minutes in total exclusive of Council questions and public comments.

4. Open Time

No comment at open time shall exceed three minutes per person.

5. Contraction or Expansion of Deadline and Limits

The deadline and/or limits set forth herein may be contracted or expanded at any time according to a seconded motion and majority vote of a regularly convened quorum of the Town Council.

## **AGENDA POLICY TO ENCOURAGE CONSIDERATION OF PUBLIC ISSUES OF REGIONAL, STATE, NATIONAL AND INTERNATIONAL CONCERN**

### **Council Public Issue Agenda Policy**

(A) The Council shall have all legislative power of a city granted by the California Constitution and applicable California Supreme Court decisions which recognize that “as representatives of local communities, boards of supervisors and city councils have traditionally made declarations of policy on matters of concern to the community whether or not they had the power to effectuate such declarations by binding legislation. Indeed one of the purposes of local government is to represent its citizens before the Congress, the Legislature, and administrative agencies in matters over which the local government has no power.” (*Farley v. Healey* (1967) 67 Cal 2d 325, 329.) In accordance with these principles, the Town Council hereby adopts an agenda policy that encourages consideration of a broad range of public issues.

(B) The Town Council, recognizing that the health and welfare of the Town of San Anselmo is inextricably and increasingly intertwined with that of regional, state, national and international governments, economies, and people, hereby adopts an agenda policy which encourages discussion of a broad range of proposed resolutions on public issues, including those of regional, state, national and international concern. Such resolutions may be transmitted to County, State or Federal elected or administrative officials as determined by the Council in the exercise of its discretion. The Council may hear such items on its regular agenda or consent calendar, or set a duly noticed special meeting to hear the item.

(C) In conformity with the procedural rules and substantive authority granted to the Council by state law and the Town Code, the Council may place on the agenda during a duly noticed meeting the discussion and consideration of any issues of public concern, including those of regional, state, national or international concern presented to it by the usual methods (including but not limited to a resident's request at open time, by a letter to the council, or other means). In addition, the Council shall place on the agenda during a duly noticed meeting the public discussion and consideration of any such issue of public concern if presented with a residents' petition signed by thirty-five (35) residents of the Town of San Anselmo urging consideration of the issue. If a residents' petition is timely presented, the issue shall be placed on the agenda of the next regular meeting of the Council. If such residents' petition is not presented in time to be placed on the agenda for the next regular meeting, it shall be placed on the next upcoming regular or special meeting agenda. The Council is authorized to transmit resolutions passed under this section to the President, members of Congress, the Governor, the California State Legislature, the Marin County Board of Supervisors and other governing bodies and administrative agencies, as the Council deems appropriate in the exercise of its discretion.

(D) In setting an issue on an agenda for consideration under this section, the Council shall place the item after public hearings and agenda items of exclusively local concern to San Anselmo residents. This requirement does not, however, diminish the authority of the Council to amend an agenda at a meeting to advance, for public discussion, an issue of concern under this section.

Section 2. Severability.

If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Town Council of the Town of San Anselmo hereby declares that it would have adopted each article, section, and sentence thereof, irrespective of the fact that any one or more of said provision be declared unconstitutional or invalid.