

Memorandum

August 30, 2018

To: City Employees
From: Scott Chadwick, City Manager
Re: Employee Participation in Political Activities

A handwritten signature in blue ink, appearing to be 'SC', is written over the 'From' and 'Re' lines of the memorandum header.

As you are all aware, political campaigns are underway throughout the region, state and country. I wanted to take this opportunity to remind everyone of the City's regulations regarding employees' participation in political activities.

Employees have the right to participate in political activities on their own time but not during or in the course of their work. In addition, employees may not use City resources (i.e. email, office supplies, copiers, employee time, etc.) for or in support or opposition of political activities, including supporting a candidate or advocating for a ballot measure.

Certain regulations have been adopted to assure that the City's resources are applied appropriately and to ensure that employees do not feel compelled to participate in political activities.

Attached for your reference, you will find:

- Carlsbad Municipal Code Section 2.44.100 through 2.44.130 describing the regulations pertaining to employee political activity
- "Do's and Don'ts for City Officials and Employees" prepared by the League of California Cities. Although this document was prepared regarding a ballot measure the League was proposing, the regulations are also relevant to our local political activities
- The city's rules for campaign signs.

City Clerk Services Manager Sheila Cobian is happy to answer questions related to this information. She can be reached at 760-434-2808.

SC/mf

Attachments:

CMC Sections 2.44.100 – 2.44.130
"Do's and Don'ts for City Officials and Employees"
Rules for Temporary Noncommercial Signs during Campaign Periods

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 2.44 PERSONNEL

2.44.100 Political activity.

Any person holding an office or employed in the city will conform to the pertinent provisions of state law. (Ord. NS-793 §§ 5, 16, 2006; Ord. 1120 § 11, 1970)

2.44.110 Political activities not affected.

This chapter does not prevent any officer or employee from:

- A. Becoming or continuing to be a member of a political club or organization;
- B. Attending a political meeting;
- C. Enjoying entire freedom from all interference in casting his or her vote;
- D. Seeking signatures to any initiative or referendum petition directly affecting his or her rates of pay, hours of work, retirement, or other working conditions;
- E. Distributing badges, pamphlets, dodgers, or handbills, or other participation in any campaign in connection with such petition, provided such activities are not carried on during hours of work or when dressed in the uniform required in any department of the city government. The violation of this provision constitutes grounds for discharge. (Ord. NS-793 § 18, 2006; Ord. 1120 § 12, 1970)

2.44.120 Discrimination.

All employees and applicants for employment in the city will not be subject to discrimination or harassment on any basis protected by state or federal law. (Ord. NS-793 §§ 5, 6, 19, 2006; Ord. 1120 § 13, 1970)

2.44.130 Solicitation of contributions.

No officer, agent, or employee, under the government of the city, and no candidate for any city office will, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment lists or holding any position under the provisions of this chapter.

No officer or employee in the city service will, directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution, whether voluntary or involuntary, for any purpose affecting his or her working conditions, from any person other than an officer or employee in the city service. (Ord. NS-793 §§ 5, 7, 2006; Ord. 1120 § 14, 1970)

DO'S AND DON'TS

FOR CITY OFFICIALS AND CITY EMPLOYEES

THE DON'TS: City officials and city employees may NOT:

- DON'T**• Distribute campaign literature through the city's internal mail system.
- DON'T**• Place campaign literature on employee bulletin boards, on the city's web page, or elsewhere on city government premises.
- DON'T**• Make public appearances speaking in favor of the ballot measure during compensated work hours.
- DON'T**• Make telephone calls about the campaign during compensated work hours.
- DON'T**• Walk precincts, draft campaign ads, or perform other campaign tasks during compensated work hours, or assign subordinates to do same.
- DON'T**• Add a link from the city website to a campaign website.
- DON'T**• Send or receive campaign-related emails on city computers.
- DON'T**• Urge other city employees to vote for the measure during compensated work hours.
- DON'T**• Use city copy machines, telephones, fax machines, computers, stationery, etc. for campaign purposes.

THE DO'S: City officials and city employees MAY:

- Work on the campaign during their personal time, including lunch hours, coffee breaks, vacations, etc.
- Make a campaign contribution to a ballot measure campaign committee using personal funds, and/or attend a campaign fundraiser during personal time.
- Make public appearances during personal time advocating the ballot measure.
- Have the city council adopt a resolution that officially endorses the ballot measure and confirms the prohibition on using government funds for political purposes at a public meeting.

"City officials interested in working for the League ballot measure, including participating in CITIPAC fundraising, should start by contacting their League Regional Representative."

There are two simple, but very important rules city officials and employees should follow if they want to get involved in campaign activities in support of the League's ballot measure to strengthen constitutional protections for local revenues.

DON'T USE PUBLIC FUNDS

All contributions to the ballot measure of your time and resources must be made with non-public funds. This means no public facilities or equipment (phones, computers, email accounts, vehicles, copy machines or any other equipment) may be used to plan or promote ballot measure activities, including fundraising. No public funds may be used in support of your campaign activities.

CAMPAIGN ON YOUR OWN TIME

Keep good records. Track your time and your use of private equipment used in ballot measure activities, so you are able to document that no public funds were used.

City officials interested in working for the League ballot measure, including participating in CITIPAC fundraising, should start by contacting their League Regional Representative.

Rules for Temporary Noncommercial Signs During Campaign Periods



The table below summarizes Carlsbad Municipal Code Chapter 11.44 (Private Party Signs on City Property) and Carlsbad Municipal Code 21.41 (Sign Ordinance). Please refer to the code for exact language and requirements.

	Residential Property	Nonresidential Property	City Street Right-of-Way (10 feet beyond curb)
Permit Required	No Need permission of owner	No Need permission of owner	Yes \$65
When	30 days prior to election 5 days after the election	30 days prior to election 5 days after the election	30 days prior to election 5 days after the election
Where	5 feet from property line	5 feet from property line	City right-of-way in “commercial/industrial” zones and “major” roads (see map)
Size	10 sq. ft. total signage per dwelling unit (increases from 8 sq. ft.)*	10 sq. ft. total signage per property (increases from 8 sq. ft.)*	6 sq. ft. per sign
Height	Not more than 3.5 ft. above average grade in front yard Not more than 6 ft. above average grade elsewhere	Not more than 3.5 ft. above average grade in front of property Not more than 6 ft. above average grade elsewhere	Not less than 1 ft. above grade and not more than 6 ft. above grade

General Rules

- Year-round, 8 sq. ft. of total noncommercial signage is allowed per residential and nonresidential property. Thirty (30) days prior to election and 5 days after the election an additional 2 square feet is allowed per residential and nonresidential property, bringing the total allowable signage to 10 sq. ft. during the campaign period.*
- May not attach to utility poles or boxes, traffic control signs or device supports, trees, other signs or bus benches
- May not place in the road, on a sidewalk or in a median strip
- May not block any other permitted sign or obstruct public access, such as sidewalks, or vehicle visibility
- A noncommercial message of any type may be substituted on an existing permitted sign without getting a new permit

For More Information

For clarification of campaign sign rules or to report a violation, please call Code Compliance, **760-602-2703**.