



**CITY OF HUNTINGTON BEACH**  
**CITY COUNCIL MEETING – COUNCIL MEMBER ITEMS REPORT**

TO: THE HONORABLE MAYOR PRO TEM AND CITY COUNCIL MEMBERS

FROM: LYN SEMETA, MAYOR 

DATE: JULY 20, 2020

SUBJECT: **CONSIDERATION OF A PROHIBITION ON THE CITY'S USE OF PUBLIC FUNDS FOR ANY TAX MEASURE ADVOCACY**

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**BACKGROUND:**

Current State law prohibits public agencies from using public funds to advocate for or against ballot measures including local tax measures, due to concerns that these efforts will unduly influence voters and undermine the democratic electoral process. In April 2009, the California Supreme Court in *Vargas v. City of Salinas* reaffirmed the law that public agencies may educate or provide information to voters, so long as public agencies did not authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure.

Some have expressed concern that public agencies may misinterpret the law and spend public funds to hire consultants who may say they are providing information or education to the voters but are really portraying tax measures in a way to obtain voter approval. Whether the consultant is conducting early polling to understand voter opinion, or developing marketing campaigns, disguised as informational or factual analysis, there are concerns that consultants or staff blur the line between education and advocacy.

In March 2018, the City of Newport Beach approved a Prohibition on Tax Measure Advocacy that prevents the use of public funds for “*public education, public opinion polling, studies, or written or verbal communications regarding tax measures.*” The measure does permit staff to respond to questions about the fiscal impact of any type of measure.

**RECOMMENDED ACTION:**

After assessing the situation, I believe that Huntington Beach should enact safeguards to prevent the use of public funds to advocate for a tax measure under the guise of information or education. I am requesting that the City Council vote to direct the City Attorney to prepare a resolution to prohibit the City's use of public funds for informational or educational campaigns regarding any local tax measure. The resolution should be placed on a future City Council meeting agenda for consideration within 30 days.