

Legislation Text

File #: 20-514, **Version:** 1

Presenter/Contact
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SUBJECT:

Approval of a second and final reading of an ordinance amending the Code of Ordinances, Ch. 2, by repealing Section 2-5, relating to employees, and amending Section 2-7(d) and (e), relating to political activities and social media guidelines for City Council.

BACKGROUND / RATIONALE:

This item was presented to City Council on July 13, 2020, and subsequently approved at its first reading on July 27, 2020, with one minor amendment to language in Section 2-7(e)(5). The words “should immediately” were replaced with the word “may” by a unanimous vote.

(5) Referral to City. If a social media user posts a comment to the councilmember’s page that should be addressed to the City, the councilmember ~~should immediately~~ may forward the message to the Director of Communications and Community Engagement.

On June 30, 2020, the Ethics Commission approved the following recommendations. The first recommendation is a repeal of Section 2.5 of the Code of Ordinances, related to employee political activities and outside/future employment. These provisions will be updated and relocated to the City’s employee policy library which is maintained by the Human Resources Director, under the purview of the City Manager. The Human Resources is responsible for maintaining, updating, and training employees on the city’s employment policies. Copies of the proposed amended employee policies are attached to this agenda item. Once updated, all employee policies are posted on the city’s website under the Human Resources Department. This ordinance also proposed to amend Section 2.7(d) related to City Council political activities, by expanding the councilmembers’ political speech rights in accordance with longstanding U.S. Supreme Court legal precedent. This is the most significant change in that it removes a provision that significantly restricts a councilmember’s involvement in a candidate’s municipal election campaign. Of course, there are limits to a councilmember’s political speech rights but those relate to violations of existing state law. Examples of unprotected speech include hate speech, fighting words, terroristic threats, defamation, fraud, and obscenity. Finally, Section 2-7(e) of this amendment is a new section that provides guidance to council members on their use of social media, as requested by City Council.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Ethics Commission met on June 30, 2020 and voted in favor of the changes by a vote of 6-0, with one member absent.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.