


OFFICE OF THE CITY ATTORNEY
CITY OF MADERA

MEMORANDUM

DATE: October 2, 2018
TO: Mayor and Council Members
FROM: Brent Richardson, City Attorney 
SUBJECT: Item E-2, October 3, 2018 City Council Meeting;

Please be advised that the report to the City Council pertaining to the above item was just completed, as it was a last-minute addition to the agenda for October 3, 2018. The memo is therefore, being provided to you less than 72 hours before the meeting. I apologize for the inconvenience.

Copy: Steve Frazier

REPORT TO CITY COUNCIL

Approved By:

Council Meeting of October 3, 2018



Agenda Item Number E-2

Department Director



City Administrator

SUBJECT: Discussion and Action by Council as to the Use of City Facilities for Candidate or Political Forums

RECOMMENDATION: That Council discuss the issue of opening city facilities up as a political speech forum and if desired take action to allow same.

DISCUSSION:

For some time, the City has received inquiries about using facilities such as the Bergon center for the purpose of having candidate forums or debates during the time leading up to elections. Traditionally, such city facilities are not open speech forums and the City has not allowed such activities to take place in city facilities. Parks, streets and sidewalks are traditionally open speech forums where such political speech would be permissible. Council chambers also fall into the list of facilities which are considered limited forum facilities and political speech would not be allowed.

This item is being brought before the Council to discuss whether they wish to open certain city facilities to allow political speech and debate. If the Council desires to do this there are a couple of considerations to be mindful of. Opening city facilities in such a manner would mean opening them up for anyone in the same fashion regardless of their position because the City could not restrict such use based in any way on content of speech. Additionally, the City would have to charge full rental price for the facility so as to avoid the use of city resources for campaigns.

If the Council decides that it would like to open these facilities to allow this activity, I would recommend that this be exclusive of the Council Chambers.

FISCAL IMPACT:

No real impact other than possible rental revenue for city facilities.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The activity described in this report is not specifically incorporated in the strategies contained in the action plans of the Vision Madera 2025 and is not in conflict with any of the action or goals contained in the plan.