



CITY OF PALM DESERT
CITY MANAGER'S OFFICE
INTEROFFICE MEMORANDUM

Date: September 12, 2024
To: Honorable Mayor and Councilmembers
From: Anthony J. Mejia, City Clerk
Subject: City Council Meeting of September 12, 2024

Below you will find questions received from the Mayor or Councilmembers and answers provided by City staff regarding tonight's City Council meeting:

ITEM 2d: STUDY SESSION: DRAFT POLICY CLRK-002: THREATS OF VIOLENCE DIRECTED TOWARDS COUNCIL MEMBERS AND CANDIDATES, AND CONSIDERATION OF FIREARMS RESTRICTIONS ON CITY PROPERTY

Attached is an updated draft of Policy CLRK-002, which now includes a provision requiring that this policy be distributed to candidates and Council Members during orientation meetings. Additionally, an Incident Response Checklist has been developed to offer comprehensive guidance on responding to threats of violence directed toward these individuals.

ITEM 13a: APPROVAL OF CITY COUNCIL, SUCCESSOR AGENCY, AND HOUSING AUTHORITY MINUTES

Please find attached an update to the City Council meeting minutes from August 22, 2024, for your review and approval (Redline on Pages 13 and 15 of the minutes).

ITEM 14a: DIRECTION ON A RESOLUTION BEING CONSIDERED AT THE LEAGUE OF CALIFORNIA CITIES' GENERAL ASSEMBLY MEETING

Q1: Are there any existing rules or regulations where state legislators currently face more stringent standards than local officials, such that pursuing equal treatment could result in additional restrictions being placed on local officials?

A1: Yes, there are several areas where state legislators currently face more stringent regulations than local officials, which could result in additional restrictions being placed on local officials if equal treatment is pursued:

- 1. Legislative Transparency and Reporting:** The California Legislature is subject to Article IV, Section 7 of the California Constitution, which mandates that the proceedings of the Legislature must be open and public, with limited exceptions. However, there are additional transparency and reporting requirements placed specifically on the Legislature through laws like the Legislative Open Records Act (LORA), which mandates public access to legislative records. While local officials are subject to the Public Records Act (PRA), LORA applies specifically to the Legislature, and certain records, such as those related to public employee salary data or budgeting, may have stricter public disclosure requirements for state officials.

2. **Campaign Contribution Reporting:** Under California's Political Reform Act, state legislators face stricter reporting and disclosure requirements for campaign contributions, including higher penalties for violations compared to local officials. State candidates and officeholders are subject to more frequent and detailed reporting for contributions over certain thresholds, which must be disclosed within shorter timeframes than those required for many local officials.
3. **Conflict of Interest Rules (Form 700):** Both state and local officials are required to file financial disclosures (Form 700), but state legislators are subject to stricter scrutiny under Government Code Section 87100, which prohibits state lawmakers from making or participating in governmental decisions in which they have a financial interest. While local officials also file Form 700s, state officials may face additional investigation or higher penalties for non-compliance due to increased public scrutiny and enforcement mechanisms overseen by the Fair Political Practices Commission (FPPC).
4. **Restrictions on Lobbying:** State legislators are subject to lobbying disclosure laws under the Lobbyist Registration Act, which imposes stricter limitations and reporting requirements for gifts, donations, and contacts made by lobbyists. These rules are generally more detailed and restrictive than those applied to local officials, where lobbying activities are less regulated unless specifically adopted by a city or county ordinance.
5. **Legislative Reform Act of 1990:** This Act imposes term limits on members of the California Legislature. State Senators can serve a maximum of 12 years, whether in the Assembly or the Senate, while local officials in many cities and counties may not have the same term limit restrictions, unless a local law or charter specifies them.

ITEM 14b: APPOINTMENTS TO AN AD HOC CITY COUNCIL SUBCOMMITTEE ON THE UNIFIED DEVELOPMENT CODE

Q1: How will the proposed subcommittee's work align with or differ from the work being done by the downtown zoning subcommittee?

A1: The Ad Hoc Subcommittee on the Unified Development Code (UDC) is focused on reviewing and streamlining procedures while modernizing and ensuring consistency with regulations from multiple areas (such as zoning, landscaping, subdivisions, grading, and environmental issues) into a single cohesive document. While the downtown zoning subcommittee focuses more specifically on zoning-related issues within the downtown area, the UDC subcommittee will cover a broader range of regulations citywide, including zoning, but also other development-related policies and procedures. The two subcommittees may have some overlapping areas of interest, particularly when downtown-specific zoning regulations are integrated into the UDC, but their scope of work differs significantly.

Q2: Considering that three Council members are currently up for re-election, would it be prudent to consider postponing this appointment until after the election?

A2: Given the potential for disruption if members are not re-elected and the relatively short time until the election, it may be prudent to defer the appointment until after the election. This ensures stability in the subcommittee's composition and reduces the need for reappointments, allowing the subcommittee to work more effectively and continuously. Additionally, deferring these appointments will not delay the overall timeline of the project.

ITEM 14c: CONSIDERATION OF A SPONSORSHIP REQUEST FOR THE TOUR DE PALM SPRINGS IN COACHELLA VALLEY

Q1: Do we have specific cost estimates for law enforcement, traffic control plans, barricades, and road closures? Additionally, does the proposed \$30,000 sponsorship fully cover or exceed these anticipated costs?

A1: We do not currently have specific cost estimates for law enforcement, barricades, or road closures. To accurately assess these costs, a traffic control plan for the Palm Desert start needs to be developed. Once this plan is finalized, we will obtain quotes for its implementation and estimate the public safety services required. While it is anticipated that the \$30,000 sponsorship will be sufficient to cover or closely match the projected costs, it's worth noting that Palm Springs incurred \$113,000 for similar services at this year's event, though their start and event area were significantly larger.