



## Staff Report

**TO:** City Council  
**FROM:** John Pinkney, City Attorney  
Elizabeth Gibbs, City Manager  
**DATE** February 18, 2025  
**SUBJECT:** Inquiry of City Hosted Candidate Forum

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**Description** At the request of Council Member White, the City Attorney's Office researched the parameters of a City-hosted candidate forum.

### **Background and Analysis:**

At the request of Council Member White, this item is being brought forward for City Council discussion. Research was conducted on the parameters of a city-hosted candidate forum. Both the Ralph M. Brown Act (Brown Act) and the Political Reform Act (Act) were referred to when conducting this research. The Ralph M. Brown Act is a Chapter within the California Government Code section 59450 and governs public meetings of local public agencies. The purpose behind the creation of the Brown Act is to ensure transparency and public access to meetings of governing bodies. The Political Reform Act governs the disclosure of political campaign contributions, spending by candidates, and ballot measure committees.

While neither act exclusively regulates candidate forums, the California League of Cities and the Fair Political Practices Commission have provided the following opinions.

### **Opinion of the League of California Cities (Cal Cities)**

In the Cal Cities Guide to the Ralph M. Brown Act (Attachment A), a question is posed as to whether all three candidates up for election could answer questions about a controversial project at a chamber of commerce-sponsored candidate debate. The answer provided was "Yes, *because the chamber of commerce, not the city is organizing the debate. **The city should not sponsor the event or assign staff to help organize or run the event.***"

### **Opinion of the Fair Political Practices Commission (FPPC)**

In a published opinion letter from the FPPC (Attachment B), where they reference the Political Reform Act (Act) a question was posed as to whether a city could televise a candidate forum or debate at a city-owned facility hosted by a third-party organization, in which the city would pay for the cost for the broadcast. The answer provided was *“The Act does not prohibit the City from conducting a candidate forum or debate at a City-owned facility hosted by a third-party organization to be televised on Pinole TV provided that all candidates have equal time and opportunity to participate.”* Then later speaks to the in-kind contribution of televising the forum as follows. *“Generally, we have advised that providing a forum to a candidate, without charging the candidate for the cost of the event, is considered an in-kind contribution. However, where a forum is made available to all candidates for the same office, we have advised no contribution results.”* Then, it further clarifies the emphasis on providing the opportunity to participate and equal debate time to all candidates for the same office.

In a supplemental letter (Attachment C), the FPPC further clarifies that an invitation to both the proponent and opponent alone is not sufficient in the case of a ballot measure. *“...the City must ensure a fair and balanced approach for each side; otherwise, the broadcast could potentially become reportable campaign expenditure.”*

**Fiscal Impact:**

Staff estimates the cost to prepare this report to be \$225.00.

**Recommended Action:**

Provide direction on whether the Council wishes to pursue a public candidate forum on City premises.

**Attachments:**

- A. Cal Cities Guide to the Ralph M. Brown Act
- B. FPPC Opinion Letter A-18-187
- C. FPPC Opinion Letter A-18-187(a)