

Use of Neighborhood Council Funds for Lobbying

Neighborhood Councils must be concerned spending public funds and lobbying members of the public to adopt a specific point of view because this practice infringes on the public's free speech rights.

In *League of Women Voters v. Countywide Criminal Justice Coordination Committee* (1988) 203 Cal. App. 3d 529, 549, the court explained that while the government has legitimate rights in informing and educating the public, it may not use its public funds as an advantage over the free speech rights of the public. In *Miller v. Miller* (1978) 87 Cal. App. 3d 762, 772, the court disapproved of the grass roots efforts by the California Commission on the Status of Women in using public funds to promote the ratification of the Equal Rights Amendment.

Neighborhood Councils should be cautious when sending out letters, flyers, or posting comments on its website. While the Neighborhood Council may advocate its position to the City decision makers, it may not advocate to the public that a specific point of view be adopted. For example, the Neighborhood Council may hold a public hearing on an issue, have both sides present their views on a particular topic and the Neighborhood Council may take a position on the issue to convey to the City decision-makers. However, the Neighborhood Council may not use public funds to urge members of the public to adopt the Neighborhood Council's position or a specific point of view. While the Neighborhood Council may provide general information to the public, e.g., there will be a public hearing on a certain topic, it may not tell the public what position to adopt, e.g., vote "yes" or "no" or support the Neighborhood Council's adopted position.

If your board has further questions regarding this matter, please contact the Office of the City Attorney, Neighborhood Council Advise Division, at (213) 978-8132.