

## California Supreme Court

- Granted review to clarify what is the correct standard – “express advocacy” or that standard set forth in *Stanson v. Mott* (style, tenor and timing test).



## The California Supreme Court Decides *Vargas v. City of Salinas* in Favor of the City – What Does It All Mean?

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## The Court Clarifies What Can Be Done With Public Funds

- ***Cities can produce and distribute informational materials that provide a “fair presentation of the facts” using traditional methods of communication***
- ***Cities can:***
  - Conduct an initial study of a measure’s impact
  - Continue studying the measure even after it is on the ballot
  - Present at public meeting staff recommendations on steps to be taken if measure passes/fails
  - Post that report on the City website
  - Allow public comment pro and con
  - Allow measure’s proponents/opponents to present alternative recommendations
  - Take a formal vote on the recommendations
  - Take a formal vote to support/oppose the measure
  - Produce a leaflet describing the initiative and council vote and listing the City’s formally approved plan of action should it pass or fail
  - Publish in the City’s regular newsletter, mailed to all residents, informational articles about the initiative, including how the City will respond if it passes/fails

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## The Court Clarifies What Can’t Be Done With Public Funds

- ***Public Funds can’t be spent on “campaign materials or activities”***
  - Bumper stickers
  - Radio, TV or other mass media ads, including newspaper
  - Billboards
  - Door-to-door canvassing
  - Posters
  - Advertising “floats”
  - Distribution of campaign materials prepared by the measure’s proponents or opponents
  - Production or distribution of “promotional” materials – not impartial, with primary purpose to assist in election campaign

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## ***Stanson v. Mott* test applies to anything in between**

- *If it's not clearly informational or clearly campaigning, then look to the "style, tenor and timing of the publication"; no hard and fast rules apply"*
  - Both the content and the means of communication are important
  - Helpful factors:
    - Convey information about past and present facts (rather than conjecture about the future)
    - Avoid argumentative or inflammatory rhetoric
    - Don't urge voters to take action
    - Use a method of communication consistent with the City's past practices

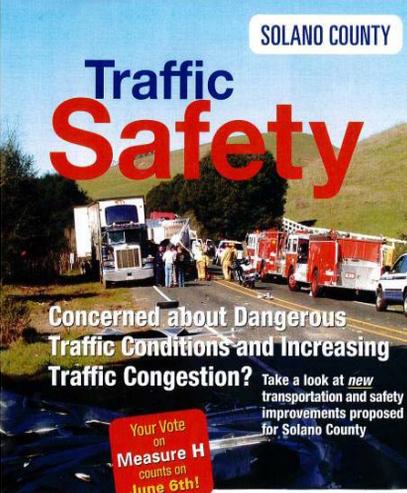
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**If In Doubt, Mimic the Materials Prepared By the City of Salinas - And Don't Send Something That Looks Like This:**

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**SOLANO COUNTY**

# Traffic Safety



**Concerned about Dangerous Traffic Conditions and Increasing Traffic Congestion?** Take a look at *new* transportation and safety improvements proposed for Solano County

**Your Vote on Measure H counts on June 6th!**

SOLANO TRANSPORTATION IMPROVEMENT AUTHORITY  
One Harbor Center, Suite 130  
Suisun City, CA 94585

PAPER STD. US POSTAGE PAID, OCCASION

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THEL FAMILY  
C. BEACH ST  
VALLEJO, CA 94592-7081

# Safeguards

**The New Measure H Plan for Solano County Includes Key Taxpayer Safeguards**

The proposed plan includes legal restrictions to ensure that taxpayer funding is spent **only** on transportation projects and services needed for competition relief, road repairs and safety protections.

It will create an "Independent Taxpayer Watchdog Committee" to audit and monitor all voter-approved taxpayer funds and mandates.

These funds cannot be spent on other public programs without voter approval.

The plan contains additional safeguards to protect local taxpayers:

- 1 Only approved transportation and safety improvements from the plan will be eligible to receive sales tax funds.
- 2 Each year, there will be an independent financial and performance audit supervised by an Independent Taxpayer Watchdog Committee. All recommendations of the Independent Taxpayer Watchdog Committee shall be made public and presented to the Solano Transportation Improvement Authority (STIA) so that all performance in delivering needed improvements.
- 3 The plan must be updated every 10 years to meet changing local transportation needs, as well as technological and demographic changes, with all major changes approved by the voters.
- 4 Ninety-nine percent of the funds raised by the proposed sales tax will go directly to needed project and program improvements. No more than one percent can be used for STIA employees salaries and benefits.
- 5 The sales tax will automatically expire in 30 years, unless extended by voters by another 2/3 vote.

**LOOK INSIDE for PROPOSED NEW TRANSPORTATION IMPROVEMENTS!**

**STIA** Solano Transportation Improvement Authority

One Harbor Center, Suite 130  
Suisun City, CA 94585  
office: (707)424-6070  
fax: (707)424-6074

**For more information about Measure H:**  
Go to [www.stia.ca.gov](http://www.stia.ca.gov) or call us at (707)424-6075 or email your questions to [expenditureplan@stia-snci.com](mailto:expenditureplan@stia-snci.com)

The STIA was created to administer the sales tax program described in this brochure. The STIA Board of Directors is made up of elected representatives of the cities of Benicia, Dixon, Fairfield, Ho Valley, Suisun City, Vallejo, Vallejo and the County of Solano.

## TRAFFIC DEPARTMENT & SAFETY

- Replacing deteriorating bridge structures and other critically-needed local maintenance needs
- Local safety projects

**More Services for Seniors and the Disabled**

To accommodate increases in our senior population:

- Fare discounts on fixed route bus and rail transit services
- Expansion of special transit services for seniors and disabled citizens who can't drive or use regular transit services
- New and expanded affordable evening and weekend taxi services

**Funding for Local Safety and Safe Routes to Schools**

- Improved safety for walking and biking routes to schools
- Improvements to dangerous streets and intersections
- Improve key bottlenecks for emergency vehicles driving during peak commute times
- Emergency repairs to transportation facilities due to natural or manmade disasters

**Commuter Rail Service**

Three new Amtrak commuter trains on the Capitol Corridor during peak commute hours connecting Solano County from Benicia, Dixon, Fairfield/Vallejo and Suisun City to:

- BART
- Bay Area
- Sacramento

**Express Bus Service to the Bay Area Along Corridors & Vallejo Baylink Ferry Service**

- Expanded express bus service to the Bay Area and Sacramento, with connections to BART, Amtrak Capitol Corridor rail services, and the Vallejo Baylink ferry
- Expanded express bus service on I-801-6801-780 corridors and new service on HWY 12 corridor (with connections to all Solano County cities)
- Vallejo Baylink ferry service will be expanded by adding one additional ferry, increasing the frequency of operation, and starting new proposed service to Benicia

**Improving travel safety is our number one priority.**

To improve safety, our plan will improve dangerous intersections and roads, install new traffic lights, improve safe routes to schools and improve fire and emergency personnel response time.

**REPORTER**

1889 2005

**Deaths mo**

**As mom pushes stroller, child is struck by car**  
11-22-2005, *The Reporter* (Vacaville)

**Crash kills three on I-80**  
07-19-2005, *Daily Republic* (Fairfield)

**Roadways in disarray**  
07-01-2005, *The Reporter*

**Crash closes highway**  
11-26-2005, *The Reporter*

**Readers list dangerous**  
11-20-2005, *C*

**Deaths moun**  
in the county  
07-01-2005, *T*

**estrian struck**

## Did the FPPC Create Greater Uncertainty Than the Court?

- FPPC Regulations prohibit spending public funds on mailings that *either*:
  - Expressly advocate the passage or defeat of a clearly identified ballot measure, *or*
  - When taken as a whole and in context, unambiguously urge a particular result in an election
- To determine whether the mailing “unambiguously urges” a result, the FPPC will look at whether it:
  - Uses inflammatory or argumentative language
  - Is funded from a special appropriation
  - Is not consistent with the agency’s normal communications patterns
  - Is not consistent with the style of the agency’s other communications
- Direct or indirect expenditures of public funds on activities that “expressly advocate” or “unambiguously urge a particular result” can also trigger reporting requirements

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## *Advising Cities Regarding Participation in Ballot Measure Elections and Avoiding Potential Litigation*

Sky Woodruff

Principal, Meyers Nave