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FORMER MEMBER LEVIES ACCUSATION AGAINST P.G. CITY COUNCIL

By KELLY NIX

THE DECISION by the Pacific Grove City Council last month to pay a consultant to find ways to collect more taxpayer money is facing a complaint from a resident who alleges the decision could have violated state law.

On Nov. 19, the council voted unanimously to hire Props & Measures to help the city determine what P.G. residents' highest priorities for use of their money are, their "tax tolerance," and how the "projects the council is interested in funding — public safety, council stipends, infrastructure, etc. — stack up versus residents' priorities."

This week, though, former city councilman Luke Coletti filed a complaint with the Fair Political Practices Commission alleging that the council's hiring of Props & Measures potentially amounted to an improper use of campaign funds because taxpayer funds would be spent on "council compensation and ballot measure advocacy."

"The Props & Measures proposal expressly includes council stipends as a subject of taxpayer-funded evaluation," Coletti told the agency. "Because any increase in council stipends would provide a direct financial benefit to the elected officials who approved the contract, this raises concerns under Government Code 8314, which prohibits the use of public resources for personal or financial benefit."

Key messages

Councilmembers' plans to give themselves a 130 percent stipend raise failed earlier this year when Coletti's group, Transparent Pacific Grove, led a successful citizen referendum to challenge the raise. Councilmembers in May also discussed giving themselves medical benefits, an idea that was eventually put off for discussion later.

Coletti said the council's hiring of the consultant could have also violated Government Code 54964, which essentially prohibits spending taxpayer money to support or oppose ballot measures and candidates.

"The Props & Measures proposal

describes messaging, positioning, packaging and outreach activities directed at increasing voter support for one or more future city revenue measures," he told the commission. "These activities include 'developing key messages voters need to hear,' positioning measure 'for success,' and producing professionally designed outreach materials. Such activities raise concerns regarding the use of public funds for ballot-measure advocacy."

Deficit

Coletti lists Mayor Nick Smith and councilmembers Joe Amelio, Cynthia Garfield, Lori McDonnell, Chaps Poduri, Tina Rau and Paul Walkingstick as respondents, or the individuals he said might have violated the law when they approved the contract.

He requested that the Fair Political Practices Commission review the consultant contract, its scope of work, and related expenditures to "determine whether public funds are being used, or are authorized to be used, in a manner inconsistent with the Political Reform Act's treatment of campaign expenditures and FPPC enforcement standards."

The contract could, Coletti said, also have run afoul of the Political Reform Act's campaign expenditure and communication provisions. The commission is tasked with administering and enforcing the PRA.

The council wants to raise revenue and reduce expenses due to what city staffers say are lower-than-expected revenues and projected deficit spending. A ballot measure is one of the tools the city is considering to do that.

The consultant promised to survey residents and conduct a feasibility study on their wants and needs.

"Once we know what a viable, winnable ballot measure looks like, Props & Measures will work with you to develop a revenue measure and qualify for the ballot," the company said.

A city staffer's report to the council in November said that similar public outreach in 2007 and 2016 was "very valuable" in finding what residents' wants and needs.

A message to the city seeking comment was not answered.

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