CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Kevin Burke, City Manager
Date: April 26, 2012
Meeting Date: May 1, 2012

TITLE: Consideration of Citizens United Resolution

RECOMMENDED ACTION: Consideration of Resolution 2012-xx calling upon the Congress of the Unites States to approve an amendment to the Constitution to affirm the authority of Congress and the states to regulate corporations and set limits on all election contributions and expenditures.

ACTION SUMMARY:
- Policy Decision or Reason for Action:
  - A citizens group asked the City Council to consider passing the attached resolution. After Council discussion as a Section 15 item, a majority agreed to move the resolution to the regular agenda for consideration of adoption.
    - Decision Points:
      - Council may amend the language prior to the decision to adopt the resolution.
  - Financial Impact:
    - This resolution by itself has no discernable financial impacts to the City. Subsequent decisions associated with the implementation of the resolution would have an underterminable financial impact on the City.
  - Connection to Council Goal: A sustainable community through economic vitality, environmental protection and social inclusion
    - The concern expressed by the citizen presentors addressed social inclusion concerns associated with campaign finance laws.
  - Options:
    - Council could adopt as presented;
    - Council could amend then adopt;
    - Council could reject or take no action.
  - Has there been a previous Council decision on this topic?: Council discussed this item at its April 17, 2012 Regular Council Meeting.

Division Director (Acknowledgment that all reviews have been completed and required approvals initiated below.)
RESOLUTION NO. 2012-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, CALLING UPON THE CONGRESS OF THE UNITED STATES TO APPROVE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO AFFIRM THE AUTHORITY OF CONGRESS AND THE STATES TO REGULATE CORPORATIONS AND TO REGULATE AND SET LIMITS ON ALL ELECTION CONTRIBUTIONS AND EXPENDITURES

WHEREAS, free and fair elections are essential to American democracy and effective self-governance, and

WHEREAS, the United States Supreme Court in the case of Citizens United v. the Federal Election Commission, January 21, 2010, has determined that corporations and unions have the same political speech rights as individuals under the First Amendment, thereby negating over a century of precedent prohibiting corporate contributions to federal election campaigns dating to the Tillman Act of 1907 and allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, which threatens the free and fair elections which are the foundation of democracy; and

WHEREAS, the rights protected by the Constitution of the United States are the rights of natural persons and do not extend to for-profit corporations, limited liability companies, or other private entities established for business purposes or to promote business interests under the laws of any state, the United States, or any foreign state; and

WHEREAS, such corporate and other private entities established under law are subject to regulation by the people through the legislative process so long as such regulations are consistent with the powers of Congress and the States and do not limit the freedom of the press; and

WHEREAS, Congress and the States should have the power to regulate and set limits on all election contributions and expenditures, including a candidate’s own spending, and to authorize the establishment of political committees to receive, spend, and publicly disclose the sources of those contributions and expenditures;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the Council of the City of Flagstaff, Arizona, urges Congress to propose an amendment to the United States Constitution for the states’ consideration to affirm the authority of Congress and the states to regulate corporations and to regulate and set limits on all election
contributions and expenditures and which provides that for-profit corporations, limited liability companies, or other private entities established for business purposes are not persons under the laws of the United States or any of its jurisdictional subdivisions.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of ________________________, 2012.

____________________________________
MAYOR

ATTEST:

____________________________________
CITY CLERK

APPROVED AS TO FORM:

____________________________________
CITY ATTORNEY