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Neighborhood Association

A [A 501 (c) (3) Public Benefit and Social Welfare (www.IRS.gov "publication 78" listed) Nonprofit Corporation]

IRS Policies and Guidelines on Political Activities/Campaigns

PREAMBLE:

In order to form a better Nonprofit Organization and to **EDUCATE** and best **SERVE** the people and citizens of Fox Canyon living within the Association's service area and to best comply and conform with governing Federal Laws, the Association's President and the Board of Directors, with a motion and/or by resolution adopt and institute the following Policies and Guidelines on Political Activities.

STATEMENT:

To best improve the community, the residents and citizens within this neighborhood are always engaged in a continuous dialogue [*with all those who do now, and those planning to represent us in the future*] about the problem/resolution of issues and matters most important to this neighborhood.

Within Fox Canyon, the people are always looking to match the best qualified person [*candidate*] to best perform the available job [*office*] in an equal opportunity scrutiny. The under-lying and constant question is how can job applicants [*candidates*] ask us to hire them into office [*through our vote*] and claim to represent us, if they **don't** make the effort to **meet** our people, **know** our issues and **experience** the needs of this community? If they don't do all these, at the end, how can they claim to represent and legislate for us and with us in mind? However, the answers to these questions are the direct domain of the citizens and for this organization to provide the vehicle for issue, resolution and voter education, and voter education guides, previous to an election, only, under strict adherence to the law.

RALPH M. BROWN ACT COMPLIANT

<http://www.neighborhoodlink.com/pdf/nhextra/196204817/822929152/203938680.pdf>

This Nonprofit Organization is legislated by a **BOARD** of Directors and managed by a President with executive powers [*strong Board, strong President System*]. All of these representatives are elected by the Fox Canyon residents in publicly announced and held neighborhood-wide elections, as per approved and registered **BYLAWS**.

<http://www.neighborhoodlink.com/sandiego/foxcan/genpage/271646448.html>

Since the people of Fox Canyon have created this organization, the people have requested for this organization to be **Ralph M. Brown Act** compliant.

Brown Act §54950: "In enacting this chapter, the Legislature finds and declares that the public commissions, **boards** and councils and the other public agencies in this State exist to aid in the conduct of the **people's business**. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. **The people of this State do not yield their sovereignty to the agencies which serve them.** The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed so that they may retain control over the instruments they have created.**

ARTICLES OF INCORPORATION

<http://www.neighborhoodlink.com/sandiego/foxcan/genpage/68921200.html>

The funding articles of this Corporation are:

ARTICLE II

This corporation is a nonprofit **PUBLIC BENEFIT** and **SOCIAL WELFARE** corporation and is **NOT** organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law and for public benefit purposes.

ARTICLE III

The specific purpose of this corporation is to achieve its **MISSION** and **VISION** through the instruction and education of the neighborhood residents on subjects useful to individuals of the Fox Canyon community, such as activities related to lessen neighborhood tensions, canyon habitat preservation and conservation issues and efforts; and on City, County, State and Federal Ordinances, Laws and Regulations to combat urban decay, blight, crime and environmental deterioration, as well as, nuisance property abatement; and to set forth physical and social improvements; in addition, to *organizing the residents of the neighborhood [service area] into an organization that will advance their civil, social rights and self governance* with the partnership of all forms of government to bring forth improvement to Fox Canyon. Furthermore, to do neighborhood maintenance such as clean ups, Graffiti Paint-over, property face-lifts, tree plantings and front lawn improvements. In addition, to encourage the neighbors to work side-by-side in improving the neighborhood in general, in a friendly and peaceful way to lessen neighborhood tensions.

ARTICLE VI

NO SUBSTANTIAL part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

POLICIES AND GUIDELINES

1. **Prospective Candidates** - (previous to declaring candidacy) are always **welcome to request agenda minutes** and/or use the “**Public Comment**” section of the agenda *[from any of this organization’s publicly noticed, announced and run meetings]* to discuss any issue pertinent to the improvement and benefit of the Fox Canyon community and as voter education. However, statements such as: “*I’m thinking*”, “*I’m exploring the possibility*”, “*If I run, will you vote for me?*” and/or alike, will **NOT** be allowed to be included in the discussion, in any statement, at anytime, at all. If a prospective candidate uses such statements, she/he will be asked to immediately stop and respectfully withdraw from the dialogue. Prospective Candidates First Amendment Rights **under-ride** the rights of this organization to comply with the Law and protect its status.
2. **Declared Candidates** – Once a prospective candidate has officially declared candidacy, such person will **NOT** be allowed the use of Public Comment and/or to request agenda minutes to discuss prevalent issues. However, such person will be **allowed** and strongly **encourage**, by right, to request the Board to organize a **DEBATE in a public forum** as voter education to which **all other** candidates *[proponents/opponents]* will be invited to participate; and to vacate a meeting to schedule such debate. A **neutral** *[a non-partisan-associated person (association/campaign camp)]* moderator will be appointed. If all other available candidates decline, or do **NOT attend** the debate *[show up]*, the only declared candidate will be allowed to proceed all alone, by him/herself. After the debate and as closing comment, the candidate(s) can ask the audience to vote for him/her. Is strongly suggested that the Association is to keep such invitation emails/letters on record, for inspection, and/or if requested, at anytime, for no more than a year after such campaign, or election.

3. **Candidates Running for Re-election** – All Elected Representatives, while in office, have the right to request agenda minutes and/or be invited to participate in any meeting in which Fox Canyon issues are discussed. However, as candidates running for re-election all such persons need to comply and abide with number 2.
4. **Campaigning** – The President and all Board Members are forbidden to campaign on behalf of any candidate using the umbrella, using the connection, and using the name and on behalf of this “Fox Canyon Neighborhood Association”. However, as individuals, within the domain of their private lives, any citizen will **NOT** be forbidden to use his/her right to campaign for any candidate of her/his choice.
5. **Actions** – The following actions will not be condoned, and are out of the domain of this organization’s elected officials acting in the official disposition of their duties:
 - a. **Endorsing** or officially opposing either directly or indirectly any candidate for public office on behalf or using the official name of this organization, and/or using its media outlet.
 - b. **Donating** or contributing money, facilities and/or services to a candidate’s campaign fund on behalf of, or using the official name of this organization is forbidden.
 - c. **Participating** or engaging in political fundraising events or otherwise soliciting contributions to a candidate’s campaign fund on behalf of, or using the official name of this organization.
 - d. **Distributing** for or against a particular candidate on behalf of, or using the official name of this organization and/or using its media outlets, the **Fox Canyon VOICE Newsletter** or its website at www.FoxCanyon.Org .
 - e. **Engaging** in any other activity that may favor or oppose a candidate.
6. **Voter Education, Voter Education Guides, Voter Registration and Get-out-to Vote Drives** -- Section 501(c) (3) organizations **ARE permitted** to conduct certain voter education activities (including the presentation of public forums and the publication of voter education guides), if they are carried out in a non-partisan manner. In addition, section 501(c) (3) organizations may encourage people to participate in the electoral process through voter registration and get-out-the-vote drives, conducted in a **non-partisan** manner. On the other hand, voter education or registration activities conducted in a biased manner that favors (or opposes) one or more candidates is prohibited.
7. **Notwithstanding** – This organization will follow the guidance provided [*and adopt as its own the provisions and examples*] in **Fact Sheet 2006-17, Election Year Activities and the Prohibition on Political Campaign Intervention for Section 501 (c) (3) organizations**. The Fox Canyon Neighborhood Association strongly encourages all of its officers and members, the public in general and all prospective and declared candidates, as well as those candidates for re-election to read Fact Sheet 2006-17, click on this hot link: <http://www.irs.gov/newsroom/article/0,,id=154712,00.html> .
8. **In addition** – Everyone is also encouraged to read: **Publication 4221, Compliance Guide for 501 (c) (3) Tax-Exempt Organizations** at <http://www.irs.gov/pub/irs-pdf/p4221.pdf> and **Publication 557, Tax Exempt Status of Your Organization** at <http://www.irs.gov/pub/irs-pdf/p557.pdf> .

First Reading of February 27, 2007, at the Board of Directors meeting; motion to voluntarily accept and institute the IRS Political Campaign Guidelines, Shetter/Torgerson, passed 6/0/0.

Mercedes Martinez Shetter, Vice-Chair and Interim Secretary

Jose Lopez, President