

ORDINANCE NO. 1011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE 2 OF THE CITY OF SAN JUAN CAPISTRANO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS IN ANY SINGLE ELECTION FOR ANY MUNICIPAL OFFICE

WHEREAS, the Political Reform Act (Government Code Section 85703) authorizes a local jurisdiction (such as the City of San Juan Capistrano) to adopt "contribution limitations or prohibitions ... that apply to elections for local elective office"; and

WHEREAS, the City of San Juan Capistrano desires to combat corruption and the appearance of corruption through the adoption of a reasonable campaign contribution limit for municipal elections that is narrowly drawn to ensure that the limit is not so low as to prevent the mounting of an effective campaign for municipal office; and

WHEREAS, Section 2-4.103 of Article 1 of Chapter 4 of Title 2 of the City of San Juan Capistrano Municipal Code currently limits campaign contributions in a municipal election to two hundred and fifty dollars (\$250); and

WHEREAS, the City Council now wishes to amend Section 2-4.103 to increase the campaign contribution limit to five hundred dollars (\$500) and to add a provision requiring the limit be reviewed every two (2) years and, if necessary, adjusted for inflation; and

WHEREAS, Section 2-4.102 of Article 1 of Chapter 4 of Title 2 of the City of San Juan Capistrano Municipal Code currently provides a definition of "person," but does not provide any other definitions or otherwise limit the scope of the City's regulations relating to campaign contribution limits; and

WHEREAS, the City Council now wishes to amend Section 2-4.102 to provide additional definitions and to clarify the scope of the City's regulations relating to campaign contribution limits; and

WHEREAS, Section 2-4.102 of Article 1 of Chapter 4 of Title 2 of the City of San Juan Capistrano Municipal Code currently caps the total aggregate amount of anonymous campaign contributions a candidate may accept in a municipal election at five hundred dollars (\$500) and requires candidates to turn over any surplus of anonymous campaign contributions to the City for deposit in a special fund to defray the costs of municipal elections; and

WHEREAS, the City Council now wishes to amend Section 2-4.104 to make it consistent with the Political Reform Act's approach to anonymous contributions (set forth at Section 84304 of the Government Code).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Juan Capistrano, California, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The purpose and intent of this Ordinance is to combat corruption and the appearance of corruption through the adoption of a reasonable campaign contribution limit for municipal elections that is narrowly drawn to ensure that the limit is not so low as to prevent the mounting of an effective campaign for municipal office.

SECTION 3. Sections 2-4.102, 2-4.103 and 2-4.104 of Article 1 of Chapter 4 of Title 2 of the San Juan Capistrano Municipal Code are hereby repealed as follows:

~~Sec. 2-4.102. Person defined.~~

~~For the purposes of this article, "person" shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, committee, or any other organization or group of persons acting in concert; provided, however, the provisions of this section shall not prohibit a campaign committee, acting merely as a conduit, from making, soliciting, or accepting contributions from or to other persons.~~

~~Sec. 2-4.103. Limitations.~~

~~No person shall make to, or solicit or accept from, any other person any contribution, gift, subscription, loan, advance, deposit, pledge, promise of money, or any other thing of value in excess of Two Hundred Fifty and no/100ths (\$250.00) Dollars in the support or defeat of any single candidate in any single election for any municipal office.~~

~~Sec. 2-4.104. Surplus anonymous contributions.~~

~~Total anonymous contributions to any candidate to the extent that they exceed in the aggregate Five Hundred and no/100ths (\$500.00) Dollars, with respect to a single election, shall not be used for the intended purpose but shall be placed in a special fund of the City to be used for the purpose of defraying the costs of printing and handling candidates' statements or otherwise defraying the costs of municipal elections.~~

SECTION 4. Replacement Sections 2-4.102, 2-4.103 and 2-4.104 of Article 1 of Chapter 4 of Title 2 of the San Juan Capistrano Municipal Code are hereby added to read as follows:

Sec. 2-4.102 – Definitions and Scope.

(a) Definitions. The following definitions used in this Article shall have the meanings set forth below. Except as otherwise provided here, the terms and provisions of this Article shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (Government Code Section 81000 *et seq.*) and the regulations of the California Fair Political Practices Commission, as amended.

(1) "Candidate" shall mean an individual who:

(A) Is listed on the ballot; or

(B) Has qualified to have write-in votes on his or her behalf counted by election officials for nomination or election to any elective city office; or

(C) Has given his or her consent for any other person to receive a contribution or make an expenditure with the intention of bringing about his or her nomination for or election to any elective city office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy; or

(D) Has filed a form "statement of intention" to be a candidate with the City Clerk.

(2) "City" shall mean City of San Juan Capistrano.

(3) "Committee" shall have the same meaning as the term is defined in Section 82013 of the Government Code, as amended.

(4) "Contribution" shall have the same meaning as the term is defined in Section 82015 of the Government Code, as amended.

(5) "Controlled committee" shall have the same meaning as the term is defined in Section 82016 of the Government Code, as amended.

(6) "Election" shall mean any regular municipal or special municipal election in the City.

(7) "Expenditure" shall have the same meaning as the term is defined in Section 82025 of the Government Code, as amended.

(8) "Independent committee" shall mean all committees, other than controlled committees, who make "independent expenditures" as defined herein.

(9) "Independent expenditure" shall have the same meaning as the term is defined in Section 82031 of the Government Code, as amended.

(10) "Person," for purposes of this Article, shall include an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

(11) "Political Reform Act" shall mean the California Political Reform Act of 1974 (Government Code Sections 81000 *et seq.*, as amended).

(12) "Statement of intention" shall mean the written statement, filed with the City Clerk in accordance with Government Code Section 85200 and regulations thereunder, declaring intention to be a candidate for a specific elective city office.

(b) Scope.

(1) **Ballot Measures.** This Article shall not prohibit any person from soliciting or accepting contributions from other persons for the purpose of supporting, opposing or otherwise providing information about a ballot measure.

(2) **Independent Committees.** This Article shall not prohibit an independent committee from soliciting or accepting contributions from persons for the purpose of making independent expenditures.

(3) **Candidate's Personal Funds.** This Article shall not prohibit a candidate from contributing his or her own money or property, including a loan, to his or her own campaign in aid of him or herself, provided however, no candidate shall make loans to his or her own campaign or his or her own controlled committee where the outstanding total, at any one point in time, is more than twenty thousand dollars (\$20,000).

(4) **Membership Communications.** This Article shall not apply to or prohibit "membership communications," as that term is defined in Section 85703 of the Government Code, as amended.

(5) **Commercial Loans.** The provisions of this Article regarding loans and extensions of credit shall not apply to loans or extensions of credit made by a commercial lending institution in the lender's regular course of business on terms available to members of the general public and for which the loan recipient is personally liable.

Sec. 2-4.103. – Contribution Limitations.

(a) **Contributions.** The total campaign contribution made by any person to any candidate and any controlled committee of that candidate may not exceed five hundred dollars (\$500) for any municipal election. The limit set forth in this subsection shall be adjusted every two (2) years by resolution of the City Council pursuant to subsection (d), herein.

(b) **Loans.** The total loan(s) made by any person to any candidate and any controlled committee of that candidate may not exceed five hundred dollars (\$500) for any municipal election. The limit set forth in this subsection shall be adjusted every two (2) years by resolution of the City Council pursuant to subsection (d), herein.

(c) Extension of Credit. No person shall extend credit, and no candidate or controlled committee of that candidate shall solicit or accept any extension of credit which will extend beyond ninety (90) days from the date upon which the debt is incurred by the candidate or controlled committee.

(d) Adjusting for Cost of Living Changes. The campaign contribution and loan limits set forth in subsections (a) and (b), respectively, shall be reviewed and, if necessary, adjusted in January at two (2) year intervals beginning in 2016 by the City Clerk to reflect annual changes in the Consumer Price Index (CPI) over the previous two (2) year period. The City Clerk shall use the annual percent change in the Consumer Price Index for All Urban Consumers (CPI-U) in the selected local area of Los Angeles – Riverside – Orange County, CA, to determine the appropriate rate of increase, if any. The City Clerk shall compute the adjustment for each year separately, adding the adjustment for each year to the prior year's limit and then rounding the total adjusted amount to the nearest ten dollar (\$10) increment for the two (2) year period. The new proposed limit representing the rounded total adjustments for the previous two (2) year period shall be presented to the City Council for approval by resolution.

Sec. 2-4.104. – Anonymous Contributions.


No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in any municipal election. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Director of Finance for deposit in a special fund of the City to be used to defray the costs of municipal elections.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Juan Capistrano hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

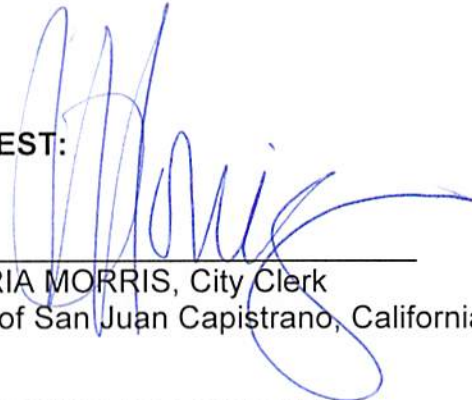
SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of San Juan Capistrano.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on this 1st day of April, 2014.



SAM ALLEVATO, Mayor
City of San Juan Capistrano, California

ATTEST:



MARIA MORRIS, City Clerk
City of San Juan Capistrano, California

APPROVED AS TO FORM:

HANS VAN LIGTEN, City Attorney
City of San Juan Capistrano, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS
CITY OF SAN JUAN CAPISTRANO)

I, MARIA MORRIS, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1011** which was regularly introduced and placed upon its first reading at the Regular Meeting of the City Council on the 18th day of March 2014, and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 1st day of April 2014, by the following vote, to wit:

AYES: COUNCIL MEMBERS: Byrnes, Reeve, Taylor, Kramer and Mayor Allevato
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None



MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF SAN JUAN CAPISTRANO)

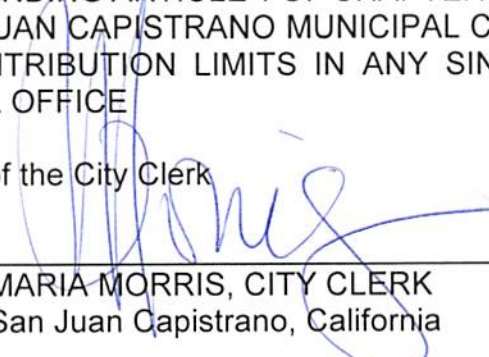
AFFIDAVIT OF POSTING

I, MARIA MORRIS, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California, on the 20th day of March 2014, at least 5 days prior to the adoption of the ordinance, I caused to be posted a certified copy of the proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE 2 OF THE CITY OF SAN JUAN CAPISTRANO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS IN ANY SINGLE ELECTION FOR ANY MUNICIPAL OFFICE

This document was posted in the Office of the City Clerk



MARIA MORRIS, CITY CLERK
San Juan Capistrano, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF SAN JUAN CAPISTRANO)

AFFIDAVIT OF POSTING

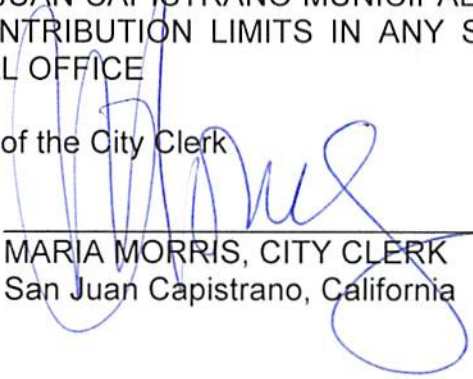
I, **MARIA MORRIS**, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; that in compliance with State laws, Government Code section 36933(1) of the State of California.

On the 3rd day of April 2014, I caused to be posted a certified copy of **Ordinance No. 1011**, adopted by the City Council on April 1, 2014, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE 2 OF THE CITY OF SAN JUAN CAPISTRANO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS IN ANY SINGLE ELECTION FOR ANY MUNICIPAL OFFICE

This document was posted in the Office of the City Clerk



MARIA MORRIS, CITY CLERK
San Juan Capistrano, California