

ORDINANCE NO. 2015- 006

AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA AMENDING CHAPTER 3.06 OF TITLE 3  
OF THE CULVER CITY MUNICIPAL CODE  
PERTAINING TO CAMPAIGN FINANCE AND OTHER  
POLITICAL ACTIVITIES

**WHEREAS**, state and federal law have significantly evolved in recent years as such law pertains to campaign contributions and election activities; and,

**WHEREAS**, the Culver City Municipal Code was last amended pertaining to campaign finance and other political activities in 1989; and,

**WHEREAS**, since that last amendment, the campaign contribution limits for City elections for local office have not been raised above the level set in 1989, yet the costs of running for elected office and communicating with voters have risen substantially; and,

**WHEREAS**, the City desires to update the Culver City Municipal Code to reflect the current state of the law with regard to campaign contributions and to ensure candidates have the resources necessary to run for elected office and communicate with voters, while avoiding corruption or the appearance of corruption in City elections.

**NOW, THEREFORE**, the City Council of the City of Culver City, California DOES HEREBY ORDAIN as follows:

**SECTION 1.** Chapter 3.06 of the Culver City Municipal Code is hereby amended to read as follows:

**CHAPTER 3.06 CAMPAIGN FINANCE AND OTHER POLITICAL ACTIVITIES**

- 3.06.005 Intent and purpose
- 3.06.010 Definitions

1	3.06.015	Limitations on contributions
2	3.06.020	Limitations on contractor contributions
3	3.06.025	Aggregation of contributions made by related donors
4	3.06.030	Election campaign accounts and records
5	3.06.035	Mass mailing and political advertising disclosure
6	3.06.040	Enforcement
7	3.06.045	Violations and penalties
8	3.06.050	Political activity - ballot measure on working conditions
9	3.06.055	Political activity of City officers, employees and consultants
10	3.06.060	Application of other laws
11	3.06.065	Effective date

12           **§ 3.06.005. Intent and Purpose.**

13           It is the intent of this Chapter to supplement the requirements of the Political  
14 Reform Act of 1974 (Government Code § 81000 et seq., as amended, hereafter  
15 “Political Reform Act”), with regard to placing realistic and enforceable limits on the  
16 amount individuals, corporations, and committees may contribute to political  
17 campaigns in City elections, to inform the public of the sources of campaign  
18 contributions and expenditures, and to prevent corruption, or the appearance of  
19 corruption, in City government.  
20

21           **§ 3.06.010 Definitions.**

22           Except as specifically provided for herein, the words and phrases in this  
23 Chapter shall have the same meanings as in the Political Reform Act and  
24 regulations adopted thereunder.  
25

26           A.     “Advertisement” has the same meaning as in Government Code §  
27 84501, and includes, but is not limited to, any general or public advertisement which  
28

1 is authorized and paid for by a person or committee for the purpose of supporting or  
2 opposing a candidate for elective office.

3 B. "Candidate" means an individual who is a candidate for elective office  
4 of the City of Culver City and meets the definition set forth in Government Code §  
5 82007. "Candidate" also includes an incumbent who was elected or appointed to an  
6 elective office of the City of Culver City.

7  
8 C. "Committee" has the same meaning as in Government Code § 82013,  
9 and includes, but is not limited to, any person or combination of persons who directly  
10 or indirectly receives contributions totaling one thousand dollars (\$1,000) or more in  
11 a calendar year, or makes independent expenditures totaling one thousand dollars  
12 (\$1,000) or more in a calendar year.

13 D. "Contribution" has the same meaning as in Government Code §  
14 82015, and includes, but is not limited to, a payment, a non-monetary contribution  
15 consisting of donated goods, services or facilities, a forgiveness of a loan, a  
16 payment of a loan by a third party, or an enforceable promise to make a payment,  
17 except to the extent that full and adequate consideration is received, unless it is  
18 clear from the surrounding circumstances that it is not made for political purposes.  
19 A non-monetary contribution shall be valued at the fair market value of the goods,  
20 services, or facilities contributed to the campaign. The fair market value for goods  
21 or services is the price that a person would be required to pay to acquire the same  
22 goods or services in the open market place. "Contribution" does not include the  
23 following:  
24  
25

- 26 1. Volunteer personal services; or
- 27  
28

1           2.     A payment made by an occupant of a home or office for costs  
2 related to any meeting or fundraising event held in the occupant's home or  
3 office, if all costs for the meeting or fundraising event are paid for by the  
4 occupant, and if the total costs for the meeting or fundraising event are five  
5 hundred dollars (\$500) or less, exclusive of the fair rental value of the  
6 premises.

7  
8     E.     "Election" means any general, special or recall election for an elective  
9 office of the City of Culver City.

10     F.     "Expenditure" has the same meaning as in Government Code §  
11 82025, and includes, but is not limited to, a payment, a forgiveness of a loan, a  
12 payment of a loan by a third party, or an enforceable promise to make a payment,  
13 unless it is clear from the surrounding circumstances that it is not made for political  
14 purposes. An expenditure is made on the date the payment is made or on the date  
15 consideration, if any, is received, whichever is earlier.

16  
17     G.     "Independent expenditure" has the same meaning as in Government  
18 Code § 82031, and includes an expenditure made by any person in connection with  
19 a communication that expressly advocates the election or defeat of a clearly  
20 identified candidate, or taken as a whole and in context, unambiguously urges a  
21 particular result in an election, but which is not made to or at the behest of the  
22 affected candidate.

23  
24     H.     "Mass mailing" has the same meaning as in Government Code §  
25 82041.5, and includes two hundred (200) or more substantially similar pieces of  
26 mail.

1 I. "Person" has the same meaning as in Government Code § 82047, and  
2 includes, but is not limited to, an individual, proprietorship, firm, partnership, joint  
3 venture, syndicate, business trust, company, corporation, limited liability company,  
4 association, committee, and any other organization or group of persons acting in  
5 concert.

6 J. "Services" includes labor, professional services, consulting services, or  
7 a combination of services and materials, supplies, commodities, and equipment.  
8

9 K. "Small Contributor Committee" means any committee that meets all of  
10 the following criteria:

11 1. The committee has been in existence for at least three (3)  
12 months;

13 2. The committee receives contributions from twenty (20) or more  
14 persons;

15 3. No one person has contributed to the committee more than two-  
16 hundred dollars (\$200) per calendar year; and,

17 4. The committee makes contributions to two (2) or more  
18 candidates for elected City office.  
19

20 **§ 3.06.015 Limitations on Contributions.**

21 A. Except as provided for a Small Contributor Committee, no person,  
22 other than a candidate in aid of himself or herself, shall make, and no person,  
23 including a candidate, shall solicit or accept any contribution which will cause the  
24 total amount contributed by such person to a candidate to exceed one thousand  
25 dollars (\$1,000) with respect to a single election.  
26  
27  
28

1 B. No Small Contributor Committee shall make, and no candidate shall  
2 solicit or accept from any Small Contributor Committee, any contribution which will  
3 cause the total amount contributed by such committee to exceed two thousand  
4 dollars (\$2,000) with respect to a single election.

5 C. The amounts identified in subsections (A) and (B) above shall be  
6 adjusted in February (or as soon thereafter as practicable) of each odd numbered  
7 year commencing in 2017 for any increase in the consumer price index for the  
8 preceding calendar year (January – December) for the Los Angeles-Riverside-  
9 Orange County CPI-U (LA-R-OC CPI-U) as published by the United States  
10 Department of Labor, Bureau of Labor Statistics rounded to the nearest ten dollars  
11 (\$10). In the event the Bureau of Labor Statistics discontinues the publication of the  
12 LA-R-OC CPI-U, then a comparable statistic shall be used as determined by the  
13 City's Chief Financial Officer. The City Clerk, no later than 30 days after the LA-R-  
14 OC CPI-U (or comparable statistic) is published, shall issue a public notice  
15 establishing the amounts as adjusted in accordance with this subsection.  
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18 **§ 3.06.020 Limitations on Contractor Contributions.**

19 A. No person who contracts with the City, other than a candidate in aid of  
20 herself or himself, shall make a contribution exceeding two-hundred and fifty dollars  
21 (\$250) to any candidate at any time between the commencement of negotiations  
22 and either a final determination by the City to reject the award of contract or one (1)  
23 year after approval of the contract or termination of negotiations for the contract,  
24 where that person has received, is owed or would be owed twenty-five thousand  
25 dollars (\$25,000) or more for such contract. Such contracts shall include, but are  
26 not limited to, contracts for the rendition of services, for the furnishing of any  
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1 material, supplies, commodities or equipment to the City, for selling any land or  
2 building to the City, or for purchasing any land or building from the City. For  
3 purposes of this section, commencement of negotiations begins on the earlier of :

4 1. The date on which a request for proposals or notice inviting bids  
5 is released by the City; or

6 2. As otherwise reasonably determined by the City Manager that  
7 negotiations have commenced.  
8

9 B. For purposes of this section, if the person contracting with the City is a  
10 corporation, firm, partnership, association, or other entity, a contribution from a  
11 board member, officer or employee of that entity shall not be deemed a contribution  
12 from the person contracting with the City, unless the entity is majority owned by the  
13 board member, officer or employee making the contribution.  
14

15 **§ 3.06.025 Aggregation of Contributions Made by Related Donors.**

16 For purposes of the contribution limits of this chapter, and as provided in  
17 Government Code § 85311(b):

18 A. The contributions of an entity whose contributions are directed and  
19 controlled by any individual shall be aggregated with contributions made by that  
20 individual and any other entity whose contributions are directed and controlled by  
21 the same individual.  
22

23 B. If two or more entities make contributions that are directed and  
24 controlled by a majority of the same persons, the contributions of those entities shall  
25 be aggregated.

26 C. Contributions made by entities that are majority owned by any person  
27 shall be aggregated with the contributions of that majority owner and all other  
28

1 entities majority owned by that person, unless those entities act independently in  
2 their decisions to make contributions.

3 **§3.06.030 Election Campaign Accounts and Records.**

4 A. As provided in Government Code § 85201, upon the filing of a  
5 statement of intention to be a candidate, the individual who intends to be a  
6 candidate for an elective office in Culver City shall establish one campaign bank  
7 account at an office of a financial institution located in the state. The account shall  
8 be identified as the "election campaign account."  
9

10 B. As provided in Government Code § 85201(c), all campaign  
11 contributions or loans made to the candidate, to a person on behalf of the  
12 candidate, or to the candidate's committee shall be deposited into the account  
13 identified in subsection (A).  
14

15 C. In addition to filing with the state Fair Political Practices Commission,  
16 the campaign treasurer shall file with the City Clerk the name and address of the  
17 financial institution in which the account has been established, and the account  
18 number.  
19

20 D. The City Clerk, the City Attorney, a special prosecutor or other  
21 investigating official appointed by the City Attorney, shall have full access at all  
22 reasonable hours to the records concerning the election campaign account.

23 E. For the campaign committee, the candidate, treasurer, and principal  
24 officer shall maintain detailed accounts, records, bills, and receipts necessary to  
25 prepare campaign statements, to establish that campaign statements were properly  
26 filed, and to otherwise comply with the requirements of Chapter 4 of the Political  
27



1 Reform Act. The detailed accounts, records, bills, and receipts shall be retained by  
2 the filer for a period of four (4) years after the election for which they were used.

3 **§ 3.06.035 Mass Mailing and Political Advertising Disclosure.**

4 A. As required in Government Code § 84305, and except as provided in  
5 subsection (B), no candidate or committee shall send a mass mailing unless the  
6 name, street address, and city of the candidate or committee are shown on the  
7 outside of each piece of mail in the mass mailing and on at least one of the inserts  
8 included within each piece of mail in no less than 6-point type which shall be in a  
9 color or print which contrasts with the background so as to be easily legible. A post  
10 office box may be listed in lieu of a street address if the organization's address is a  
11 matter of public record with the Secretary of State.  
12

13 B. If the sender of the mass mailing is a single candidate or committee,  
14 the name, street address, and city of the candidate or committee need only be  
15 shown on the outside of each piece of mail.  
16

17 C. As required by Government Code § 84506.5, an advertisement  
18 supporting or opposing a candidate that is paid for as an independent expenditure  
19 must include a statement that it was not authorized by a candidate or a committee  
20 controlled by a candidate. That statement must substantially conform to the  
21 following: "This political advertisement was not authorized by [the candidate's  
22 name]."  
23

24 **§ 3.06.040 Enforcement.**

25 A. **City Clerk.** The City Clerk may monitor all campaign forms and  
26 statements filed by any person and shall notify the person pursuant to this Chapter  
27 of any of the following apparent violations:  
28

1           1.     The non-filing or late filing of any required forms or statements  
2 under this Chapter.

3           2.     A statement that does not conform on its face with the  
4 requirements of this Chapter.

5           3.     Any reported contributions that exceed the allowable maximums  
6 established by this Chapter.

7  
8           **B.     City Attorney.** The City Attorney may commence an investigation  
9 regarding an alleged violation of this Chapter. If the City Attorney determines that  
10 such investigation warrants further action, the City Attorney may utilize  
11 administrative remedies pursuant to Chapter 1.02 of this Code, file a civil action for  
12 injunctive or other relief, or file a criminal action. Further, the City Attorney may  
13 appoint a special prosecutor who may perform further investigation and/or pursue  
14 any or all of these remedies; or, if permitted under state law, refer the matter to the  
15 Fair Political Practices Commission, to further pursue enforcement of §§ 3.06.015  
16 through 3.06.035.

17  
18           **C.     Citizen Complaint.** Upon receipt of a written complaint from a  
19 resident of Culver City, which shall include a statement of the grounds for the belief  
20 that a violation of this Chapter has occurred, the City Attorney shall review the  
21 complaint and determine whether it requires further action. The City Attorney's  
22 written determination shall be made within fifteen (15) calendar days after receipt of  
23 the written complaint. If the City Attorney determines that such complaint or  
24 investigation warrants further action, the City Attorney may utilize administrative  
25 remedies pursuant to Chapter 1.02 of this Code, file a civil action for injunctive or  
26 other relief, or file a criminal action. Further the City Attorney may appoint a special  
27  
28

1 prosecutor who may perform further investigation and/or pursue any or all of these  
2 remedies; or, if permitted under state law, refer the matter to the Fair Political  
3 Practices Commission, to further pursue enforcement of §§ 3.06.015 through  
4 3.06.035. Further, the City Attorney may send notice to the person accused, with  
5 copies available to the public, of any other allegation(s) of violation, or take any  
6 other action available under law.

7  
8 **D. Special Prosecutor.** The City Attorney, after consultation with the  
9 City Manager, shall have the authority to withdraw the appointment of a special  
10 prosecutor at any time when he or she determines doing so is in the best interest of  
11 the City.

12 **E. Injunctive Relief.** If a resident of Culver City files a complaint with the  
13 City Attorney and receives a written determination by the City Attorney indicating  
14 that no further action shall be taken, such resident may sue for injunctive relief to  
15 enjoin violations or to compel compliance with this Chapter; provided that, any  
16 request for temporary or preliminary relief may be obtained only upon a showing by  
17 a preponderance of evidence that a violation or non-compliance occurred.

18  
19 **F. Statute of Limitations.** An action for violation of this Chapter must be  
20 commenced within two (2) years of the time the alleged violation occurred.

21  
22 **G. Attorney's Fees.** In a civil action, the court may award to the  
23 prevailing party the cost of litigation, including reasonable attorney's fees. If the City  
24 establishes an agreement with the Fair Political Practices Commission, attorney's  
25 fees shall be allocated as determined by such agreement.

26 **H. Referral to Fair Political Practices Commission.** The City Attorney  
27 may refer to the Fair Political Practices Commission any complaint alleging, or  
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1 providing evidence of, a violation of this Chapter and/or a violation of the Political  
2 Reform Act or, after consultation with the City Manager, may terminate any  
3 agreement made with the Fair Political Practices Commission at any time when he  
4 or she determines ~~it~~ doing so is in the best interest of the City.

5 **§ 3.06.045 Violations and Penalties.**

6 A. Any person who violates a provision of this Chapter shall be guilty of  
7 an infraction, punishable pursuant to §§ 1.01.035 through 1.01.055 of this Code;  
8 provided that such person shall be guilty of a misdemeanor if he or she has been  
9 convicted of three or more violations of this Chapter within the twelve (12) month  
10 period immediately preceding the violation.  
11

12 B. Any person who knowingly or intentionally violates a provision of this  
13 Chapter, shall be guilty of a misdemeanor, punishable pursuant to §§ 1.01.035  
14 through 1.01.055 of this Code; provided that a minimum fine of five hundred dollars  
15 (\$500.00) shall be imposed.  
16

17 C. For purposes of this section, a bail forfeiture, plea of guilty, or plea of  
18 no contest shall be deemed a conviction.

19 D. If, after election, a candidate is convicted of a misdemeanor for  
20 knowingly or intentionally violating any provision of this Chapter, that candidate's  
21 election to office shall be void and such office shall immediately become vacant  
22 effective on the date of sentencing. In such event, the vacancy shall be filled in  
23 accordance with the City Charter. If a candidate is convicted of a misdemeanor for  
24 a knowing or intentional violation of any of the provisions of this Chapter, at any time  
25 prior to election, his or her candidacy shall be terminated immediately, and he or she  
26 shall no longer be eligible for election or appointment to office in that election,  
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1 unless the court at the time of sentencing specifically determines, in the interest of  
2 justice, that this provision should not be applicable.

3 E. In addition to subsections (B) and (D) above, no person convicted of a  
4 misdemeanor for knowingly or intentionally violating a provision of this Chapter shall  
5 be qualified to be a candidate for elective City office for a period of four (4) years  
6 following the date of conviction, unless the court at the time of sentencing  
7 specifically determines, in the interest of justice, that this provision should not be  
8 applicable.  
9

10 **§ 3.06.050 Political Activity - Ballot Measure on Working Conditions.**

11 No officer or employee of the City shall be prevented from soliciting or  
12 receiving contributions to promote the passage or defeat of a ballot measure which  
13 would affect the rate of pay, hours of work, retirement, civil service, or other working  
14 conditions in the City; provided that such activities shall not be conducted during  
15 working hours nor on any premises owned or operated by the City during working  
16 hours.  
17

18 **§3.06.055. Political Activity of City Officers, Employees and**  
19 **Consultants.**

20  
21 A. No City officer, employee or consultant shall participate in political  
22 activities of any kind while in uniform.

23 B. No City officer, employee or consultant shall use or permit others to  
24 use public resources for a campaign activity. For purposes of this section,  
25 "campaign activity" means an activity constituting a contribution or an expenditure as  
26 defined in §3.06.010 of this Chapter, but does not include the incidental and minimal  
27 use of public resources, such as equipment or office space, for campaign purposes,  
28

1 including the referral of unsolicited political mail, telephone calls, and visitors to  
2 private political entities. "Public resources" means any property or asset owned or  
3 operated by the City, including, but not limited to, land, buildings, facilities, funds,  
4 equipment, supplies, telephones, computers, vehicles, travel, and City-compensated  
5 time.

6 C. No officer, employee or contractor of the City shall coerce political  
7 action for any City elective office by directly or indirectly using, promising,  
8 threatening or attempting to use any official action, authority or influence, whether  
9 then possessed or merely anticipated.

11 D. No City officer, employee or contractor shall knowingly solicit  
12 contributions to be used for any campaign for a City elective office from any  
13 employee or contractor of the City. This provision does not prohibit solicitations  
14 made to a significant segment of the public.

16 E. Nothing in this section shall prohibit the use of public resources for  
17 providing information to the public about the possible effects of any bond issue or  
18 other ballot measure on City activities, operations, or policies, provided that (1) the  
19 informational activities are otherwise authorized by the constitution or laws of this  
20 City and the state, and (2) the information provided constitutes a fair and impartial  
21 presentation of relevant facts to aid the electorate in reaching an informed judgment  
22 regarding the bond issue or ballot measure.

24 F. In addition to the provisions of § 1.01.035 of the Code, a violation of  
25 this section shall be grounds for disciplinary action, including termination of position  
26 or employment of any employee.

27 ///

1           **§ 3.06.060 Application of Other Laws.**

2           Nothing in this Chapter shall exempt any person or committee from  
3 applicable provisions of any other laws of this State.

4           **§ 3.06.065 Effective Date.**

5           The provisions of this Chapter shall become effective on October 15, 2015.  
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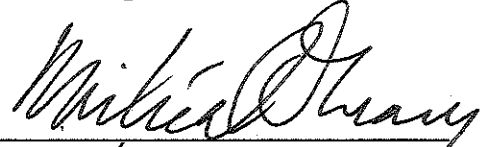
7                           **SECTION 2:** Nothing in this Ordinance shall be construed to affect  
8 any suit or proceeding impending in any court, or any rights acquired, or liability  
9 incurred, or any cause or causes of action acquired or existing, under any act or  
10 Ordinance hereby repealed or amended as cited in this Ordinance; nor shall any just  
11 or legal right or remedy of any character be lost, impaired or affected by this  
12 Ordinance.  
13

14                           **SECTION 3:** Pursuant to Section 619 of the City Charter, this  
15 Ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section  
16 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the  
17 adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be  
18 published in the Culver City News and shall post this Ordinance or a summary  
19 thereof in at least three (3) places within the City.  
20

21                           **SECTION 4:** The City Council hereby declares that, if any provision,  
22 section, subsection, paragraph, sentence, phrase or word of this Ordinance is  
23 rendered or declared invalid or unconstitutional by any final action in a court of  
24 competent jurisdiction or by reason or any preemptive legislation, then the City  
25 Council would have independently adopted the remaining provisions, sections,  
26  
27  
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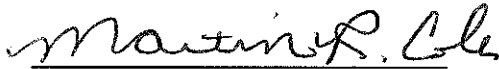
1 subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as  
2 such they shall remain in full force and effect.

3  
4 APPROVED and ADOPTED this 15 day of September, 2015.

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7 MICHEAL O'LEARY, MAYOR  
8 City of Culver City, California

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10  
11 ATTEST:

12 

13 MARTIN R. COLE  
14 City Clerk

15  
16  
17 APPROVED AS TO FORM:

18 

19 CAROL A. SCHWAB  
20 City Attorney