

ORDINANCE NO. 973

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 2.65 "CAMPAIGN CONTRIBUTION REGULATIONS" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MORENO VALLEY MUNICIPAL CODE TO ESTABLISH REGULATIONS AND LIMITATIONS ON CAMPAIGN CONTRIBUTIONS FOR CITY ELECTED OFFICIALS

WHEREAS, the City has authority to establish campaign contribution limits for elected positions within its jurisdiction under longstanding California law; and

WHEREAS, on October 8, 2019, the Governor signed Assembly Bill 571 which sets default campaign contribution limits for any local jurisdiction which does not specifically address campaign contributions in its own code; and

WHEREAS, AB 571 authorizes the City to set its own limits, either higher or lower than the default limits set forth in AB 571, and the City's ordinance will take precedence over the default limits.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AMENDMENT TO TITLE 2 OF THE MORENO VALLEY MUNICIPAL CODE

That Title 2 (Administration and Personnel) of the Moreno Valley Municipal Code is hereby amended to add a new Chapter 2.65 (Campaign Contribution Regulations) to read as follows:

2.65.010 Purpose and Intent.

- A. It is the purpose and intent of this chapter to ensure a level of discussion of public issues adequate for a viable campaign by providing voters with the information necessary to make an assessment of each candidate before voting.

B. By enacting this chapter, the city council does not intend to deprive or restrict any person of the exercise of rights guaranteed under the United States Constitution or the California Constitution.

2.65.020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

1. "City" means city of Moreno Valley, California.
2. "City candidate" means any person who is a candidate for an elected city office or who is an elected city official and who is the subject of a recall election.
3. "City official" includes:
  - (a) Any elected or appointed city officeholder, including any city officeholder elected but not yet sworn in; and
  - (b) Any "public official" of the city as the term "public official" is defined under Government Code section 82048.
4. "Campaign committee" means any person or combination of persons formed for the purpose of promoting or opposing the election or reelection of a person to city elected office who directly or indirectly,
  - (a) Receives contributions;
  - (b) Makes independent expenditures; or
  - (c) Makes contributions at the behest of any city candidate.

A campaign committee includes any "controlled committee" within the meaning of Government Code section 82016, any "general purpose committee" within the meaning of Government Code section 82027.5, any "primarily formed committee" within the meaning of Government Code section 82047.5, any "sponsored committee" within the meaning of Government Code section 82048.7, or political action committee.

5. "Contribution" shall have the same meaning as set forth under Government Code section 82015.
6. "Gift" shall have the same meaning as set forth under Government Code section 82028.
7. "Person" means any natural person; any corporation of any variety; any

limited liability company; any partnership of any variety; any sole proprietorship; any joint venture or like commercial venture or partnership; any trust; any independent contractor; or any organization or association of persons of any variety and formed for any purpose, including, but not limited to, any collective bargaining group or labor association.

2.65.030 Campaign contribution limitations.

- A. Any funds received by any elected city official, candidate, or committee controlled by an elected city official or candidate shall be considered either a campaign contribution, income or a gift. All campaign contributions received by such persons shall be subject to the provisions of this chapter unless such campaign contributions are used exclusively for elections held outside the jurisdiction. All income and gifts shall be subject to the disqualification provisions of the California Political Reform Act.
- B. There shall be no limit on the campaign contributions a person may make to a city candidate, or his or her campaign committee.

2.65.040 City clerk responsibilities.

In addition to other duties required by law, the city clerk shall:

1. Furnish a copy of this chapter to all qualified city candidates during the nomination period for city office.
2. Determine whether required statements and declarations have been filed timely and, if so, whether they conform on their face with the requirements of this chapter.
3. Promptly notify city candidates, or his or her campaign committee, of any errors in their statements or of failure to file.
4. Report, in writing, apparent violations of this chapter to the city attorney.

2.65.050 Construction of provisions.

This chapter shall be in addition to all other city and state laws applicable to municipal elections. Unless the contrary is stated or clearly appears from the context, the definitions and terms set forth in the Government Code shall govern the interpretations of terms used in this chapter. This chapter shall be construed liberally in order to effectuate its purpose.

Section 3. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 5. CEQA

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.


Section 6. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 7. CERTIFICATION

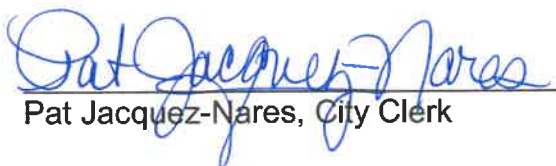
That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

INTRODUCED at a regular meeting of the City Council on December 1, 2020 and PASSED, APPROVED, and ADOPTED by the City Council on December 15, 2020, by the following roll call vote, to wit:

  
Dr. Cristian A. Gutierrez  
Mayor  
City of Moreno Valley

ATTEST:

APPROVED AS TO FORM:

  
Pat Jacquez-Nares, City Clerk

  
Steven B. Quintanilla, Interim City Attorney

**ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 973 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 15th day of December, 2020, by the following vote:

AYES: Council Member Thornton, Council Member Cabrera, Council Member Marquez, Mayor Pro Tem Baca and Mayor Gutierrez

NOES: None

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)

  
PAT JACQUEZ-NARES, CITY CLERK

(SEAL)