

ORDINANCE NO. 208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTER 2.44 (CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE CITY OFFICES) TO THE WILDOMAR MUNICIPAL CODE

WHEREAS, Assembly Bill No. 571 was approved by the Governor on October 8, 2019; and

WHEREAS, absent a local resolution or ordinance, Assembly Bill No. 571 amends the Political Reform Act so as to impose identical campaign contribution limits for candidates to county or city offices as those limits imposed on certain elective state office candidates effective January 1, 2021; and

WHEREAS, like the vast majority of cities and counties throughout the state, the City of Wildomar ("City") did not have campaign contribution limits prior to the passage of Assembly Bill No. 571 or this ordinance; and

WHEREAS, the City Council finds it necessary to adopt campaign limits for City elective offices so as to provide greater transparency for City elective offices and to allow everyone the right to participate and support the candidates of their choice without any one person or entity having undue influence in a city election; and

WHEREAS, it is the intent of the City Council that this ordinance limiting campaign contributions complies with the free speech clauses of the United States and California Constitutions and the decisional law by the federal and state courts.

NOW, THEREFORE, the City Council of the City of Wildomar ordains as follows:

SECTION 1. GENERAL PLAN CONSISTENCY

The City Council has reviewed and analyzed the proposed amendments to the Municipal Code and finds and determines that the ordinance is in compliance with the goals and policies of the City of Wildomar General Plan, that the ordinance will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and that it is internally consistent with other applicable provisions of the Wildomar Municipal Code.

SECTION 2. CEQA

The City Council hereby finds and determines that the proposed amendments to the Wildomar Municipal Code are exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14 Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

SECTION 3. ADDITION OF CHAPTER 2.44

The City Council approves the addition Chapter 2.44 (Campaign Contribution Limits For Elective City Offices), attached hereto as Exhibit A and incorporated herein, to the Wildomar Municipal Code.

SECTION 4. SEVERABILITY

If any section, subsection, subdivision, 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 hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.


SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from its passage by the City Council.

SECTION 6. PUBLICATION


The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

PASSED, APPROVED AND ADOPTED this 15th day of December, 2021



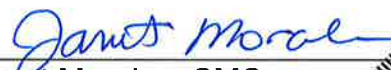
Dustin Nigg
Mayor

APPROVED AS TO FORM:



Thomas D. Jex
City Attorney

ATTEST:



Janet Morales, CMC
City Clerk



Exhibit "A"

CHAPTER 2.44 - CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE CITY OFFICES

2.44.010 - Authority.

This chapter is adopted pursuant to the provisions of Government Code Sections 85301, 85305, 85306, 85307, 85315, 85316, 85317, 85318, and 85702.5, as amended.

2.44.020 - Definitions.

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

"Candidate." As defined in the Political Reform Act provided that that the term shall be limited to candidates for city elective office for the purpose of this chapter.

"Committee." As defined in Government Code section 82013 of the Political Reform Act, as amended. A committee includes but is not limited to "controlled committee" and "independent committee".

"Contribution." As defined in Government Code section 82015 of the Political Reform Act, as amended.

"Controlled committee." Any committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee such candidate controls has a significant influence on the actions or decisions of the committee.

"City elective office." The office of city council.

"Election." Unless otherwise specified in this chapter, any primary, general, special or recall election held in this state. The primary, general, special or recall elections are all separate elections for the purpose of this chapter.

"Independent committee." All committees other than controlled committees.

"Independent expenditure." An expenditure made by any person including a payment of public moneys by a state or local governmental agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

"Person." 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.

"Political Reform Act." The California Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended).

2.44.030 - Campaign contribution limits.

- A. No person shall make to a candidate for city elective office, or to a controlled committee of that candidate, a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.
- B. No candidate for city elective office, nor a controlled committee of that candidate, shall accept from a person a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.
- C. A candidate for city elective office may transfer campaign funds totaling no more than twenty thousand dollars (\$20,000.00) per election from one controlled committee or campaign fund account to another controlled committee or campaign fund account for elective state, county or city office of the same candidate.
- D. The limitations of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.
- E. The limitations of this section do not apply to independent expenditures.
- F. In the event that a candidate for city elective office contributes more than twenty thousand dollars (\$20,000.00) of the candidate's personal funds to the candidate's own campaign, is the beneficiary of an independent expenditure of more than twenty thousand dollars (\$20,000.00), or transfers campaign funds totaling more than twenty thousand dollars (\$20,000.00) from one controlled committee or campaign fund account to another controlled committee or campaign fund account for city elective office, all other candidates running in the election for that same city elective office are exempted from the campaign contribution limits of this section 2.44.030 for that election as well.
- G. Beginning in January 2023, the campaign contribution limits in subsections A., B., C., and F. of this section shall be increased by three percent on January 1 of every odd-numbered year. The City Clerk shall maintain a record of any increased contribution limits pursuant to this subsection and shall make such record available to the public and all candidates for city elective office.

2.44.040 - Contribution limits to other candidates.

A candidate for city elective office or a controlled committee of that candidate shall not make a campaign contribution to any other candidate for city elective office in excess of the limits set forth in section 2.44.030 of this chapter.

2.44.050 - Loans.

A candidate for city elective office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000.00). A candidate for city elective office shall not charge interest on any loan the candidate made to the candidate's campaign.

2.44.060 - Recall campaigns.

An elected officer of a city elective office may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected officer receives a notice of intent to recall pursuant to Elections Code Section 11021. An elected officer of a city elective office may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this chapter. After the failure of a recall petition or after the recall election, the committee formed by the elected officer of a city elective office shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within thirty (30) days after the failure of the recall petition or after the recall election for a purpose specified in Government Code Section 89519, Subdivision (b).

2.44.070 - Contributions after election.

A contribution for an election may be accepted by a candidate for city elective office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limits for that election as set forth in section 2.44.030 of this chapter.

2.44.080 - Carry over contributions.

Notwithstanding section 2.44.030, subsection C. of this chapter, a candidate for city elective office may carry over contributions raised in connection with one election for city elective office to pay campaign expenditures incurred in connection with a subsequent election for the same city elective office.

2.44.090 - Violations and penalties.

Violations of this chapter are subject to administrative citations in accordance with Chapter 1.16 of this code.

2.44.100 - Electronic campaign finance disclosure.

Nothing in this chapter alters the requirements for electronic filing of campaign statements and the required online reporting of contributions and independent expenditures, which shall continue to be complied with by all candidates for city elective office.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)


I, Janet Morales, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 208 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on November 10, 2021, and was duly adopted at an adjourned regular meeting held on December 15, 2021, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

NOES: None

ABSTAIN: None

ABSENT: None



Janet Morales, CMC
City Clerk
City of Wildomar

