

1276

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY ADDING CHAPTER 2.86 TO THE FOUNTAIN VALLEY MUNICIPAL CODE PERTAINING TO CAMPAIGN CONTRIBUTION LIMITATIONS

WHEREAS, the City Council in 1986 enacted a campaign contribution limit of \$500 per person per election for City Council elections; and

WHEREAS, in 1996 the voters of the State of California approved Proposition 208 which enacted comprehensive campaign contribution limitations on all State elections; and

WHEREAS, Proposition 208 imposed a \$100 per election per candidate campaign contribution limitation on municipal elections for cities with the population of Fountain Valley's; and

WHEREAS, Proposition 208 thereby superseded Fountain Valley's ordinance and preempted it with state-wide limits; and

WHEREAS, as a result of the passage of Proposition 208, City deleted its campaign contribution limit ordinance; and

WHEREAS, on or about January 6, 1998 the United States District Court for the Eastern District of California issued an order enjoining the enforcement of Proposition 208 and remanding certain matters to the California Supreme Court for further determinations; and

WHEREAS, the order enjoining enforcement of Proposition 208 has left the City without a campaign contribution limitation; and

WHEREAS, the City Council does hereby determine to enact a campaign contribution limit consistent with its prior law to ensure that the City has a campaign contribution limit in effect;

NOW, THEREFORE, The City Council of the City of Fountain Valley does ordain as follows:

1276

Section 1: That chapter 2.86 of the Fountain Valley Municipal Code is hereby added to read:

"2.86 Campaign Contribution Limits

2.86.020. Campaign contribution limitation. (a) No person shall solicit or accept any contribution, gift, payment, subscription, loan, forgiveness of loans, advance, deposit, pledge or promise of payment of money, or anything of material value other than personal professional or nonprofessional services rendered, performed or offered by an individual on a purely voluntary basis, in aid of the nomination or election of a candidate which will cause the total amount contributed by the contributing person with respect to a single election in support of such candidate to exceed five hundred dollars. "Person", for the purposes of this section, includes individuals, corporations, partnerships, foundations, political, religious or social organizations, committees, or associations.

(b) For the purposes of this section a husband or wife shall each be allowed the right to contribute up to five hundred dollars (\$500.00) regardless of the separate or community property nature of the source of the contribution. Each validly formed legal entity shall also have the right to contribute up to five hundred dollars (\$500.00), notwithstanding the fact that any individual partner, member, or shareholder may have also contributed in an individual capacity."

Section 2: The City Clerk shall certify the adoption of this ordinance and cause it to be posted as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

Section 3: If any word, phrase or sentence of this ordinance is deemed to be invalid by a court of competent jurisdiction, the City Council does hereby declare that it would enact such other part of this ordinance that may stand on its own.

PASSED AND ADOPTED THIS 17 DAY OF MARCH, 1998.

ATTEST:

(d)(5)
CITY CLERK

(d)(5)
MAYOR

APPROVED AS TO FORM:

(d)(5)
CITY ATTORNEY

127

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY }

I, Jane Irvin, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was regularly introduced to the Council at its regular meeting held on the 3rd day of March, 1998, and was again introduced at its adjourned meeting held on the 17th day of March, 1998, and was at said meeting regularly passed and adopted by the Council by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: CARROZZO, COLLINS, CONLOSH, PETRIKIN, COOK
NAYES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

(d)(5)

Deputy City Clerk

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY }

I, Jane Irvin, Deputy City Clerk of the City of Fountain Valley, California, do hereby certify that on the 19th day of March, 1998, I did cause to be posted the attached true and correct copy of Ordinance No. 1276 in the following three (3) public places in the City:

F.V. RECREATION CENTER
16400 BROOKHURST STREET
FOUNTAIN VALLEY, CA

F.V. LIBRARY
17635 LOS ALAMOS AVENUE
FOUNTAIN VALLEY, CA

CITY HALL
CITY OF FOUNTAIN VALLEY
10200 SLATER AVENUE
FOUNTAIN VALLEY, CA

WITNESS my hand and seal this 19th day of March, 1998

(d)(5)

Deputy City Clerk