

ORDINANCE NO. 1871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING CHAPTER 2.03 OF TITLE 2 OF THE UPLAND MUNICIPAL CODE REGARDING CAMPAIGN CONTRIBUTION AND SPENDING LIMITS

THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

A. Recitals.

The City Council of the City of Upland finds and declares as follows:

1. The City Council previously adopted Chapter 2.03 of Title 2 establishing campaign contribution and spending limits to ensure the integrity of the legislative process and public confidence in elected municipal officials, and to reduce the perception that overly generous donors seek to improperly influence or control elected officials as well as the perception that, as a result of high campaign contributions a select few individuals or entities have undue influence in municipal policymaking activities.

2. The provisions of Chapter 2.03 were recently reviewed by the Council to determine whether modifications should be made to them to make them clear and easy to enforce. The City Council sought input from the City Council Advisory Committee as to their original intent in establishing the time period for contribution limitations.

3. The City finds that some changes should be made to the Chapter to make it easier to ensure compliance and to require correction of any violations.

B. Ordinance.

Section 1. Section 2.03.050 of Chapter 2.03 of Title 2 of the Upland Municipal Code, is hereby amended to read, in its entirety, as follows:

Sec. 2.03.050 Contribution Limitations.

1. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a person or related entity to the candidate or to the candidate's controlled committee, to exceed one thousand dollars (\$,1000.00) in connection with any one (1) election.
2. No candidate for the office of Mayor or City Council, or a controlled committee of such controlled committee, or person or related entity acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution which would cause the total amount contributed to a political committee to the candidate, or to the candidate's controlled committee, to exceed one thousand dollars (\$1,000.00) in any one (1) election.
3. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a group, organization, corporation, or related entity thereof to

the candidate or to the candidate's controlled committee, to exceed one thousand dollars (\$1,000.00).

Section 2. Section 2.03.070 of Chapter 2.03 of Title 2 of the Upland Municipal Code, is hereby amended to read, in its entirety, as follows:

Sec. 2.03.070 Enforcement.

Except as provided otherwise in this article, any person or related entity that willfully or knowingly violates any provision of this chapter is guilty of a campaign violation.

Any candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall, within thirty (30) days of discovery of receipt of contributions in cash or in kind worth more than one thousand dollars (\$1,000.00) by a person or related entity in connection with any one election, repay or return any and all amounts in excess of one thousand dollars (\$1,000.00). Failure to repay or return excess contributions shall constitute a campaign violation.

Section 3. Except as modified herein, the remaining provisions of Chapter 2.03 of Title 2 of the Upland Municipal Code shall remain in full force and effect.

Section 4. The terms of this Ordinance shall supersede any previous resolution of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

Section 5. The City Clerk of the City of Upland shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 6. If any section, subsection, sentence, clause or word of this Ordinance is for any reason held to be invalid by a 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 Upland hereby declares that it would have passed and adopted this Ordinance, and each and all provisions thereof, irrespective of the fact that one or more of said provisions may be declared to be invalid.

Section 7. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) as it can be seen with certainty that this Ordinance's enactment will not have a significant effect on the environment.

PASSED, APPROVED, AND ADOPTED this 13th day of May, 2013.

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Debbie Stone, Mayor Pro Tem

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 22nd day of April, 2013, and was adopted at a regular meeting of the City Council of the City of Upland on the 13th day of May, 2013, by the following roll call vote:

AYES: Mayor Pro Tem Stone, Councilmembers Bozar, Brandt, Filippi
NOES: None
ABSENT: Mayor Musser
ABSTAINED: None

ATTEST:

Stephanie A. Mendenhall, City Clerk