

RESOLUTION NO. 2020-53

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS AND PENALTIES

WHEREAS, the City of Cathedral City ("City") currently does not have campaign contribution limits or regulations; and

WHEREAS, Assembly Bill No. 571 ("AB 571") imposes a default campaign contribution limit upon cities and counties without campaign contribution limits beginning January 1, 2021. The default contribution limit amount is set at the same amount as for State elected officials as that amount is adjusted by the Fair Political Practices Commission ("FPPC") pursuant to Government Code Sections 85301 and 83124, which is currently \$4,700 per election; and

WHEREAS, Elections Code Section 10202 (automatically repealed on January 1, 2021) and Government Code Section 85702.5 (effective on January 1, 2021) further permits the City to establish its own campaign contribution limits that are different from what is established by Government Code Sections 85301 and 83124 by resolution or ordinance; and

WHEREAS, inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials; and

WHEREAS, it is the purpose and intent of the City Council in enacting this Resolution to preserve an orderly political forum in which individuals and groups may express themselves effectively; to minimize the improper influence, real or potential, of campaign contributors over the City's elected officials; to place realistic enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections for City offices; and to provide full and fair enforcement of all the provisions of this Resolution; and

WHEREAS, based upon the forgoing, the City Council desires to establish a campaign contribution limit as provided in this Resolution; and

NOW, THEREFORE, the City Council of the City of Cathedral City does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and incorporated herein by reference as if set forth in full.

Section 2. Definitions. As used in this Resolution, "person" shall have the same definition as "person" in California Government Code Section 82047, as it may be amended from time to time, and which currently provides as follows: "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."

Section 3. Campaign Contribution Limit. A person shall not make to a candidate for elective city office for the City of Cathedral City, and a candidate for elective city office for the City of Cathedral City shall not accept from a person, a contribution totaling more than two thousand five hundred dollars (\$2,500) per election. The provisions of this Resolution do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.

Section 4. Biennial Adjustment to Contribution Limit. The contribution limitation set in this Resolution shall be automatically adjusted biennially by the City Clerk to reflect changes in the California Consumer Price Index (CPI). Beginning January 1, 2023, on January 1 of every odd numbered year thereafter, the adjustment shall be made using the following formula: the contribution limit amount in effect January 1, 2021, multiplied by the CPI immediately preceding the year in which the adjustment is to take effect, divided by the CPI from 2020, rounded to the nearest one hundred dollars (\$100). The resulting figure shall be the adjusted contribution limitation in effect for all candidates for elective city office for the City of Cathedral City until the next odd numbered year.

The adjustments shall be based upon the California Department of Finance CPI, August revised, for All Urban Consumers, for the calendar year immediately preceding the year in which the adjustment is to take effect.

Section 5. Enforcement and Penalties for Violation.

Any violation of this Resolution shall be enforced by the City as a misdemeanor, infraction, or by administrative citation in accordance with Title 13 of the City of Cathedral City Municipal Code. The penalty for any violation of this Resolution shall be a fine in an amount not to exceed five hundred dollars (\$500).

Section 6. Effect on AB 571.

By this Resolution, the City is adopting a campaign contribution limit in accordance with Elections Code Section 10202 and Government Code Section 85702.5. By operation of law, the provisions of the following Government Code Sections no longer apply within the jurisdiction of the City to candidates for elective city office for the City of Cathedral City: Government Code Sections 85305; 85306; 85307; 85315; 85316; 85317; and 85318.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution or the application thereof to any person, 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 remainder of this Resolution. The City Council hereby declares that it would have adopted this Resolution, and each and every 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.

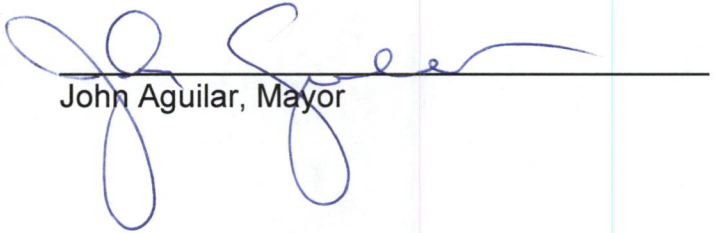
APPROVED AND ADOPTED by the City Council of the City of Cathedral City, California, at a regular meeting held on this 14th day of October, 2020 by the following vote:

AYES: Councilmembers Lamb, Gutierrez and Carnevale; Mayor Pro Tem Gregory

NOES: Mayor Aguilar

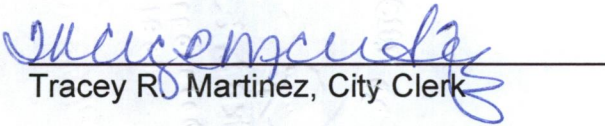
ABSENT: None

ABSTAIN: None



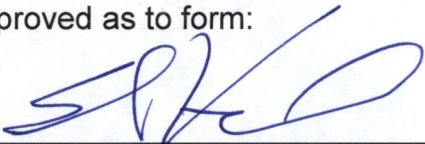
John Aguilar, Mayor

Attest:



Tracey R. Martinez, City Clerk

Approved as to form:



Eric S. Vail, City Attorney