

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 1801

**ORDINANCE OF THE CITY OF BURLINGAME ESTABLISHING
CONTRIBUTION AND LOAN REIMBURSEMENT LIMITS IN CAMPAIGNS FOR
ELECTIVE CITY OFFICES**

The CITY COUNCIL of the CITY OF BURLINGAME does hereby ordain as follows:

Section 1. The City of Burlingame is committed to open and fair processes, including election campaigns. The high costs involved in campaigning for public office create the possibility and temptation to accept large contributions that may lead to the perception, if not the actuality, of undue influence over an officeholder. In order to minimize this possibility and to make it possible for all candidates to decline such offers, the City Council has reviewed past spending in City campaigns, considered campaign contribution limits at both the local and State level, and received public testimony and comment from citizens on the appropriate and necessary levels of contribution limits for the City. This ordinance is intended to establish fair contribution limits that will reduce any actual or perceived influence of contributions on elected City officials while ensuring that candidates can raise the money necessary to conduct effective campaigns for office.

Section 2. A new Chapter 2.25 is added as follows:

Chapter 2.25

CAMPAIGN CONTRIBUTION LIMITS

Sections:

- | | |
|----------|--|
| 2.25.010 | Definitions. |
| 2.25.020 | Limits on contributions. |
| 2.25.030 | Limitation on repayment of personal loans. |

2.25.010 Definitions.

(a) The following words have the following meanings when used in or in connection with the provisions of this chapter:

(1) "Candidate" means a candidate for an elective city office.

1 (2) "Controlled committee" means a controlled committee controlled directly or
2 indirectly by a candidate for elective city office or that acts jointly with a candidate for elective
3 city office or another controlled committee in connection with the making of expenditures.

4 (3) "Election period" means the following:

5 (A) Except as further limited by subsections (B), (C), and (D) below, for a candidate or
6 a controlled committee in a general municipal election, "election period" means the period
7 beginning on January 1 after the last general or special municipal election for the affected office
8 seat and ending on December 31 following the next general municipal election for the particular
9 office seat. This election period is normally four (4) years.

10 (B) For a candidate or a controlled committee in a special municipal election held to fill
11 a vacancy in an elective city office, "election period" means the period beginning on the day the
12 vacancy in office began and ending on the December 31 following the special municipal
13 election; provided, however, that for a candidate at the special municipal election who
14 established a controlled committee for the office or accepted contributions before the vacancy
15 occurred, the election period means the period beginning on January 1 following the last general
16 municipal election for the particular office seat affected by the vacancy and ending on the
17 December 31 following the special municipal election.

18 (C) For a candidate or a controlled committee in a special municipal election held to
19 recall an elected city officer, including the elected official who is the subject of the recall
20 election, "election period" means the period beginning on the date that the notice of intention
21 to circulate a recall petition is filed with the city clerk pursuant to the Elections Code and ending
22 on the December 31 following the special municipal election; provided, however, that for any
23 candidate at the special municipal election who established a controlled committee or accepted
24 contributions for the office before the vacancy occurred, the election period means the period
25 beginning on January 1 following the last general municipal election for the particular office
26 affected by the vacancy and ending on the December 31 following the special municipal
27 election.

28 (D) For a candidate who is recalled at a special municipal election or who is not elected

1 at a general or special municipal election and for a controlled committee for such a candidate,
2 "election period" begins again on the January 1 following the election at which the candidate
3 was recalled or not elected and ends on the December 31 following the next general or special
4 municipal election at which the person is a candidate again.

5 (4) "Individual" means a natural person.

6 (5) "Organization" means a partnership, joint venture, syndicate, business trust,
7 company, corporation, limited liability company, association, committee, and any other
8 organization or group of persons acting in concert.

9 (b) Except as more specifically defined above, all words and phrases in this chapter
10 shall have the same meaning and be interpreted according to the definitions contained in the
11 California Political Reform Act of 1974, as amended (Government Code sections 81000 and
12 following), and the definitions and interpretations established in the regulations, resolutions, and
13 opinions of the Fair Political Practices Commission pursuant to the Political Reform Act of
14 1974, as amended.

15
16 2.25.020 Limits on contributions.

17 (a) It is unlawful for any individual to make contributions to any single candidate or to
18 any single controlled committee totaling more than \$500 in an election period.

19 (b) It is unlawful for any organization to make contributions to any single candidate or
20 to any single controlled committee totaling more than \$1,000 in an election period.

21 (c) It is unlawful for any candidate or controlled committee to accept contributions from
22 any individual totaling more than \$500 in an election period.

23 (d) It is unlawful for any candidate or controlled committee to accept contributions from
24 any organization totaling more than \$1,000 in an election period.

25 (e) The maximum amounts specified in this section shall be automatically adjusted by
26 the finance director on March 1 of each even-numbered year to be the product obtained by
27 multiplying the maximum amount specified in this section by a fraction, the numerator of which
28 is the Index as defined below, published for the month of December immediately prior to that

1 March 1, and the denominator of which is the Index published for December, 2006.

2 (1) "Index" means the Consumer Price Index-All Urban Consumers (CPI-U), All Items,
3 for San Francisco-Oakland-San Jose, CA (1982-84=100) published by the U.S. Department of
4 Labor, Bureau of Labor Statistics. Should the Index no longer be published, the finance director
5 shall select a comparable index that the finance director determines measures the increase and
6 decrease in the cost of living in the San Francisco-Oakland-San Jose area.

7 (2) The finance director shall send the revised maximum amounts to the city clerk and
8 the city council and make them available to the public. In no event shall the revised maximum
9 amounts be less than the then-current maximum amounts.

10 (3) The revised amounts shall be applicable to total contributions allowed by this section
11 for the entire election period as applicable to each candidate or controlled committee in which
12 the March 1 adjustment occurs.

13
14 2.25.030 Limitation on repayment of personal loans.

15 Following the date of the election for which a candidate is seeking elective office, it is
16 unlawful for the candidate to repay himself or herself or for any controlled committee to repay
17 the candidate from contributions to the candidate or the controlled committee for any loan
18 amount incurred during that election's election period by the candidate in excess of \$12,000.

19
20 Section 3. This ordinance shall be published according to law.

21  (d)(5)

22
23 _____
Mayor

24 I, DORIS MORTENSEN, City Clerk of the City of Burlingame, do hereby certify that
25 the foregoing ordinance was introduced at a regular meeting of the City Council held on the
26 5th day of February, 2007, and adopted thereafter at a regular meeting of the City Council held
27 on the 5th day of March, 2007, by the following vote:

28 AYES: COUNCILMEMBERS: BAYLOCK, COHEN, KEIGHRAN, NAGEL, O'MAHONY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

(d)(5)

LA

City Clerk