

Adopted pursuant to Proposition 208 and rendered unenforceable by the courts.

ORDINANCE NO. 97-2685

AN ORDINANCE ESTABLISHING A VOLUNTARY CAMPAIGN
EXPENDITURE CEILING FOR ELECTIONS TO CITY OFFICES

WHEREAS, AThe California Political Reform Act of 1996, which took effect on January 1, 1997, adds ' 85400 to the Government Code which permits cities to establish a voluntary campaign expenditure limits; and

WHEREAS, such a limit may be established in any amount not to exceed one dollar (\$1) per resident of a particular jurisdiction.

THE CITY COUNCIL OF THE CITY OF LA MESA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: A new Chapter 1.04 is hereby added to the La Mesa Municipal Code to read as follows:

AELECTION CAMPAIGNS - VOLUNTARY EXPENDITURE CEILING

1.04.010 Voluntary expenditure ceiling.

Pursuant to Government Code ' 85400(c), a voluntary expenditure ceiling not to exceed one dollar (\$1) per resident of the City of La Mesa is established for each election to City elective office. As used in this Chapter, the term ACity elective office@ shall mean the offices of Mayor, City Councilmember, City Clerk, and City Treasurer. For purposes of this Chapter, the City Council shall determine the number of residents in the City by resolution adopted not less than seven (7) months prior to each regular City election.

1.04.020 Acceptance or rejection - Filing.

Prior to accepting any contributions, each candidate for City elective office shall file with the City Clerk a statement of acceptance or rejection of the voluntary expenditure ceiling established pursuant to this Chapter.

1.04.030 Acceptance - Exceeding voluntary expenditure ceiling prohibited.

No candidate for City elective office who accepts the voluntary expenditure ceiling established pursuant to this Chapter and no controlled campaign committee of such a candidate shall make campaign expenditures cumulatively in excess of the voluntary expenditure ceiling.

1.04.040 Rejection - Application of law.

Each candidate who rejects the voluntary expenditure ceiling established pursuant to this Chapter shall be subject to the contribution limit set forth in Government Code ' 85301, as the same

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may be amended from time to time.

1.040.050 Acceptance - Application of law - Procedure.

Each candidate who accepts the voluntary expenditure ceiling established herein shall be subject to the contribution limit set forth in Government Code ' 85402, and not the contribution limit set forth in Government Code ' 85301, as either section may be amended from time to time. Additionally, as to each such candidate, the City Clerk shall:

a. Cause to be printed in the City sample ballot materials, at the option of the candidate, a candidate=s statement at no charge to the candidate, including one translation thereof.

b. Provide notification to voters that the candidate has accepted the voluntary expenditure ceiling established herein, as required by Government Code ' 85602 and any applicable regulations.

1.040.060 Interpretation and application.

Except as provided herein, the provisions of the California Political Reform Acts of 1974 and 1996, Government Code ' ' 81000-91014 (collectively the Acts), and applicable regulations adopted pursuant thereto, as the same may be amended from time to time, shall govern the interpretation and application of this Chapter.

1.040.070 Penalty for violation.

The penalties and remedies for violations of this Chapter shall be those set forth in the Acts and the La Mesa Municipal Code.

1.040.080 Nonliability of public employees or agents for campaign advice.

To the greatest extent permitted by law, Government Code ' 83116.5 shall not be applied to any person employed by or under contract with the City of La Mesa and who gives advice interpreting the campaign, disclosure, or conflict of interest provisions of the Political Reform Act of 1974 or this Chapter as part of that person=s government contract or employment.

1.040.090 Intent and purpose.

In adopting voluntary campaign expenditure limits, the City Council intends to implement reasonable and enforceable contribution and expenditure limitations on political campaigns for local municipal office and to supplement State law. These limitations are intended to avoid the potentially corrupting influence and appearance of corruption caused by excessive campaign expenditures. The expenditure limit set forth herein is found by the City Council to dispel that appearance without infringement of any person=s right to spend a reasonable amount of money for such local election office. It is the City Council=s intent that the enactment of a voluntary expenditure ceiling be interpreted in a manner consistent with Constitutional requirements. Should any provision be

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SECTION 2. This Ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published at least once in the La Mesa Forum within 15 days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of La Mesa, California, held the 23rd day of September, 1997, and thereafter PASSED AND ADOPTED at a regular meeting of said City Council held the 14th day of October, 1997, by the following vote, to wit:

AYES: Councilmembers Alm, Jantz, La Suer, Sterling and Mayor Madrid

NOES: None

ABSENT: None

APPROVED:

ARTHUR E. MADRID, Mayor

ATTEST:

SUSAN BIGELOW, CMC, City Clerk
of the City of La Mesa

CERTIFICATE OF CITY CLERK

I, SUSAN BIGELOW, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 97-2685, duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

SUSAN BIGELOW, CMC, City Clerk

(SEAL OF CITY)