

ORDINANCE NO. 16-020

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PACIFIC GROVE AMENDING CHAPTER 2.30 OF THE PACIFIC
GROVE MUNICIPAL CODE REGARDING CAMPAIGN FINANCE REGULATIONS**

FINDINGS

1. The City of Pacific Grove has regulated campaign financing as set forth in Pacific Grove Municipal Code (PGMC) Chapter 2.30 since 2006; and
2. Chapter 2.30 was enacted to expand upon provisions of the Political Reform Act of 1974 and to also add provisions that otherwise required by law; and
3. Members of the public have raised concerns that the City's campaign finance regulations are difficult to construe and apply; The City has determined it is appropriate to amend Chapter 2.30 to clarify the regulations imposed on campaign financing; and
4. This ordinance amends sections of PGMC Chapter 2.30 that are ambiguous and against public policy; and
5. This ordinance amends the contribution limits in PGMC Section 2.30.030 to conform those requirements in proportion to the cumulative change in the Consumer Price Index; and
6. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code section 2.30.020 of Chapter 2.30, entitled "Campaign Finance Regulations" shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

Chapter 2.30
CAMPAIGN FINANCE REGULATIONS

Sections:

2.30.010 Purpose.

2.30.020 Definitions.

2.30.030 Campaign contribution limits.

2.30.040 Disclosure.

2.30.050 Limitation upon exchange of financial advantages.

2.30.080 Complaints.

2.30.090 Violations – Enforcement.

2.30.100 Violations – Private enforcement.

2.30.010 Purpose.

The Political Reform Act of 1974, set forth at Government Code Section 81000 et seq., as amended, establishes the principle that public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. By Article 5 of the city charter, the provisions contained in the Political Reform Act of 1974 fully apply to elected officials in the city of Pacific Grove. The purpose of this chapter is to expand some provisions of the Political Reform Act of 1974 as they apply to the city of Pacific Grove, as well as add provisions that are not presently required. In no case is there any direct or implied intent that the provisions of this chapter do anything to limit the applicability of the provisions of the Political Reform Act of 1974.

2.30.020 Definitions.

(a) Unless otherwise defined in this chapter, the definitions of the California Elections Code Sections 300 through 363, as amended, and of the Political Reform Act of 1974, set forth at Government Code Section 81000 et seq., as amended, shall govern the interpretation of this chapter.

(b) “Candidate committee” means a candidate and/or his or her controlled committees.

~~(c) “Nonindividual” shall mean a nonnatural person.~~

~~(d)~~(c) “Recuse” means to not participate in making or otherwise influencing a governmental decision. A recused official may still exercise his or her First Amendment right of free speech as an individual.

2.30.030 Campaign contribution limits.

~~(a) Prohibition on Contributions from Nonindividuals. A candidate committee shall not accept any contributions from nonindividuals. For the purposes of campaign contributions, a deposit from a business or organization, regardless of form, shall be attributed to an individual if a filed disclosure form clearly and unambiguously attributes that contribution to a single named natural person.~~

~~(b)(a)~~ **Individual Contributions Limit per Election.** A candidate committee shall not accept any contribution exceeding \$500.00 **\$600.00** from an individual *any single source* in any single election campaign.

~~(e)(b)~~ **Contribution Limit Adjustment for Inflation.** The contribution limit set by this section shall be increased in proportion to the cumulative change in the Consumer Price Index (CPI), for all urban consumers for the San Francisco-Oakland-San Jose area, published by the United States Department of Labor using the CPI most recently available prior to April 1st of each year; provided, however, that an adjustment shall be based upon the cumulative change in the CPI since enactment of this measure, but each adjustment shall be rounded down to the nearest increment of \$50.00.

~~2.30.040~~ **Disclosure.**

~~(a)~~ **Disclosure Prior to Deposit.** Until the name, address, occupation, and employer of the contributor is on file in the records of the candidate committee, the candidate committee shall not deposit a contribution of \$100.00 or more.

~~(b)~~ **Additional Filing Requirement.** In addition to the campaign statement filing requirements in state law each candidate committee shall file a current campaign finance statement with the city clerk on the Friday before the date of the election to which this campaign applies.

~~2.30.050~~ **Limitation upon exchange of financial advantages.**

~~(a)~~ **Contribution Before a Governmental Decision.** Each elected official shall recuse himself or herself from a governmental decision which provides a material financial effect to a contributor whose campaign contributions to the official's candidate committee relating to the official's current term of office accumulate to \$250.00 or more; however, recusal shall not be required if the material financial effect is similarly provided to the general public or a large class of persons.

~~(b)~~ **Contributions After a Governmental Decision.** No person shall contribute and no person shall deposit a contribution to the official's candidate committee which accumulates to \$250.00 or more following his or her participation in making or otherwise influencing a governmental decision which provides a material financial effect to the contributor not similarly provided to the general public or a large class of persons.

~~(c)~~ **Contribution Adjustment for Inflation.** The limits set by this section shall be increased in proportion to the cumulative change in the Consumer Price Index (CPI), for all urban consumers for the San Francisco-Oakland-San Jose area, published by the United States Department of Labor using the CPI most recently available prior to April 1st of each year; provided, however,

~~that an adjustment shall be based upon the cumulative change in the CPI since enactment of this measure, but each adjustment shall be rounded down to the nearest increment of \$50.00.~~

2.30.080 Complaints.

Any member of the public may make a complaint under this section and file it with the city clerk of Pacific Grove. The city attorney shall request of the involved parties a statement of facts and seek to ascertain whether the complaint is addressed by this chapter. Such determination shall be made within 10 days of filing said complaint. If, in the opinion of the city attorney, the complaint can be addressed by this chapter, the city attorney will take the steps necessary to enforce this chapter.

2.30.090 Violations – Enforcement.

The city attorney is authorized to enforce any provisions of this chapter as set forth in Chapter 1.16 PGMC, Violations.

2.30.100 Violations – Private enforcement.

In addition to other enforcement provisions set forth in this chapter, an individual shall have the right to bring a civil action to enforce these provisions. The power of private enforcement shall be effective only after notice of intent to enforce has been provided to the city attorney but no city enforcement has commenced within 30 days.

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 7th day of December, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake and Smith.

NOES: None.

ABSENT: None.

APPROVED:

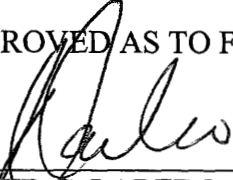

BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

