

**URGENCY ORDINANCE NO. MC-1573**

**URGENCY ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, ADDING SECTION 2.55.030 ESTABLISHING MANDATORY CAMPAIGN CONTRIBUTION LIMIT REQUIREMENTS FOR ELECTED OFFICIALS WITHIN THE CITY OF SAN BERNARDINO**

**WHEREAS**, the California State Legislature in 2019 passed Assembly Bill 571 (“AB 571”) which creates campaign contribution limits, identical to those imposed on State Assembly and Senate candidates, for all levels of government; and

**WHEREAS**, under existing law, cities and counties are empowered to impose their own contribution limits for elective city or county office; and

**WHEREAS**, while AB 571 sets forth default statewide limits on contributions, AB 571 also permits cities and counties to impose contribution limits that differ from the default limits and that are more in tune with their own communities; and

**WHEREAS**, if a city or county fails to impose its own contribution limits by January 1, 2020, then the default levels set by AB 571 will be imposed; and

**WHEREAS**, in addition to imposing contribution limits, AB 571 imposes a number of bureaucratic hurdles for candidates for elective office; and

**WHEREAS**, while the City Council is comfortable with the State’s campaign contribution limits, it does not want to impose additional hurdles on candidates for elective office; and

**WHEREAS**, these bureaucratic hurdles may deter potential candidates from running for office, particularly those who do not have access to expensive campaign consultants; and

**WHEREAS**, therefore, the City Council would like to adopt its own mandatory campaign contribution limits, which mirror the State’s limits, but eliminate the need for compliance with the additional bureaucratic rules imposed by AB 571; and

**WHEREAS**, with the beginning of the 2022 election cycle there is now an urgent need to take immediate action to prevent candidates unnecessarily having to take additional steps in order to run for office within the City; and

**WHEREAS**, Section 304 of the City Charter and Section 1.08.010 of the City’s Municipal Code provide that actions of the City Council require a simple majority vote of the quorum present for approval unless otherwise required by the charter, state law or federal law; and

**WHEREAS**, while state law imposes additional voting requirements for urgency ordinances for general law cities, no such rule applies to the City of San Bernardino.

**NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The above recitals are true and correct and are incorporated herein.

**SECTION 2. Addition of Section 2.55.030.** Section 2.55.030 is hereby added to the San Bernardino Municipal Code to read as follows:

**“2.55.030 Campaign Contribution Limits to City Elective Office Candidates**

- A. A person shall not make to a candidate for elective city office, and a candidate for elective city office shall not accept from a person, a contribution totaling more than \$4,900.
- B. On January 1, 2023, and every odd-numbered year thereafter, the limit set forth in subsection A shall be adjusted to reflect any increase or decrease in the Consumer Price Index in the same manner as the Fair Political Practices Commission adjusts the limits under Government Code section 85301(d) or any successor provision.
- C. Nothing in this section shall be deemed to exempt any person from complying with applicable provisions of any other laws of this state.”

**SECTION 3. Severability.** If any section, subsection, subdivision, sentence, or clause or phrase in this Urgency Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 4. Effective Date.** This Urgency Ordinance shall become effective immediately upon adoption.

**SECTION 5. Notice of Adoption.** The City Clerk of the City of San Bernardino shall certify to the adoption of this Urgency Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

**APPROVED** and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 16<sup>th</sup> day of February 2022.

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John Valdivia, Mayor  
City of San Bernardino

Attest:

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Genoveva Rocha, CMC, City Clerk

Approved as to form:

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Sonia R. Carvalho, City Attorney

STATE OF CALIFORNIA )  
 COUNTY OF SAN BERNARDINO )ss.  
 CITY OF SAN BERNARDINO )

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Urgency Ordinance No. MC-1573, adopted by the City Council of the City of San Bernardino, California, at a regular meeting held the 16<sup>th</sup> day of February, 2022 by the following vote:

<b><u>Council Members:</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
SANCHEZ	<u>  X  </u>	_____	_____	_____
IBARRA	<u>  X  </u>	_____	_____	_____
FIGUEROA	<u>  X  </u>	_____	_____	_____
SHORETT	<u>  X  </u>	_____	_____	_____
REYNOSO	<u>  X  </u>	_____	_____	_____
CALVIN	<u>  X  </u>	_____	_____	_____
ALEXANDER	<u>  X  </u>	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 17<sup>th</sup> day of February 2022.

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 Genoveva Rocha, CMC, City Clerk