

ORDINANCE NO. 1727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING SECTIONS 2-908 (DEFINITIONS) AND 2-909 (CONTRIBUTION LIMITATIONS) OF ARTICLE VII (CAMPAIGN REFORM) OF CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO MUNICIPAL CODE TO INCREASE LOCAL CAMPAIGN CONTRIBUTION LIMITS FROM \$500 TO \$1000 AND MODIFYING PROVISIONS RELATING TO FUTURE CPI ADJUSTMENTS TO THE SAME

WHEREAS, in an effort to combat corruption – or the appearance of corruption – at all levels of government, Government Code Section 85301, as amended by AB 571 (Stats 2019, ch 556), creates default campaign-contribution limits for county and city offices; and

WHEREAS, Government Code Section 85301(d) provides that “[a] person shall not make to a candidate for elective county or city office, and a candidate for elective county or city office shall not accept from a person, a contribution totaling more than” the periodically adjusted amount set by FPPC regulation which from January 1, 2023 to December 31, 2024 is set at \$5,500 per person. (FPPC Regulation No. 18545(a)(9)); and

WHEREAS, Government Code Section 85702.5, however, empowers cities and counties to impose, by resolution or ordinance, limits on contributions to a candidate for elective city or county office that are different from the limit set forth under Government Code Section 85301(d); and

WHEREAS, Government Code Section 85702.5 further provides that a county or city that established contribution limits under its statutory authority may adopt enforcement standards for a violation of that limit, which may include administrative, civil, or criminal penalties, provided, however, that the FPPC is not responsible for the administration or enforcement of a contribution limit adopted pursuant to Government Code Section 85702.5; and

WHEREAS, at its meeting of January 3, 2005, the San Fernando City Council (“City Council”) approved Ordinance No. 1560 adding Article VII (Campaign Reform) to Chapter 2 (Administration) of the San Fernando Municipal Code, which among other things, established contribution limits for candidates for City of San Fernando (“City”) elected office; and

WHEREAS, the limit established Ordinance No. 1560 that limited the contribution of cash or in-kind contributions to \$500 as set forth under San Fernando Municipal Code Section 2-909(a) (For purposes of this Resolution, references to “Section 2-909” shall mean and refer to Section 2-909 of the San Fernando Municipal Code); and

WHEREAS, paragraph (b) of Section 2-909 does allow the City Council to adjust contribution limits established under paragraph (a), provided such adjustment is made in November of every even-numbered year to reflect any increase or decrease in the California consumer price index since the last such adjustment of the contribution limit; and

WHEREAS, the reference to November of even-numbered years under Section 2-909(b) is an anachronism from the time when the City's General Municipal Elections were conducted in odd-numbered years making it somewhat impractical for the City Council to implement adjustments immediately; and

WHEREAS, the City Council wishes to increase the local contribution limit set forth under San Fernando Municipal Code Section 2-909(a) under the authority of Government Code Section 85702.5 so that it may respond more quickly to inflationary increases since 2005 while remaining below the State default limit established under Government Code Section 85301(d) and FPPC Regulation No. 18545(a)(9).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. Section 2-908 (Definitions) of Article VII (Campaign Reform) of Chapter 2 (Administration) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

The following terms used in this article shall have the meanings set forth below. Except as otherwise provided here, the terms and provisions of this article shall have the meanings and shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (Government Code § 81000, et seq.) and the regulations of the California Fair Political Practices Commission, as amended (collectively, referred to in this Article as the "Political Reform Act").

- (1) Candidate means any person who is a candidate for member of the city council whether or not the person is seeking to become a member of the city council or is an incumbent member of the city council seeking reelection.*
- (2) Committee means any person or combination of persons who directly or indirectly does any of the following:
 - (a) receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year;*
 - (b) makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or*
 - (c) makes contributions totaling five thousand dollars (\$5,000) or more in a calendar year to or at the behest of candidates or committees. The term "committee", as defined herein also includes any "committee" as defined under Government Code Section 82013 which is organized in accordance with Government Code Sections 84100 through 84109.**
- (3) Contribution means a monetary payment, the donation of goods and/or services or the granting of a discount for goods and/or services. For purposes of valuation under this article the value of a donation of goods or services shall be its face value, if any, or its fair market value in the absence of any*

face value. The term "contribution" does not include any contribution excluded from the definition of the term "contribution" under the Political Reform Act under subdivision (c) of Government Code Section 82015 as the same may be amended from time to time.

- (4) Election means any General Municipal Election, Special Municipal Election or Recall Election wherein candidates seek election or re-election to the San Fernando City Council.*
- (5) Person shall have the same meaning as set forth under Government Code Section 82047 as the same may be amended from time to time."*

SECTION 3. Paragraphs (a) and (b) of Section 2-909 (Contribution Limitations) of Article VII (Campaign Reform) of Chapter 2 (Administration) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

- (a) No person or committee may make a contribution, or series of multiple contributions to any candidate, including the controlled committee of such candidate, that exceeds one thousand dollars (\$1,000) in the aggregate for any single election at which the candidate is attempting to qualify, or has qualified, to have his or her name appear on the election ballot as a candidate for membership on the San Fernando City Council. Additionally, no candidate or controlled committee of such candidate may solicit or accept any contribution or series of multiple contributions that will cause the amount contributed by the contributor to the candidate or to the controlled committee of such candidate to exceed one thousand dollars (\$1,000) in the aggregate for any single election at which the candidate is attempting to qualify, or has qualified, to have his or her name appear on the election ballot as a candidate for membership on the San Fernando City Council.*
- (b) The City Council may, by resolution, adjust the contribution limit established in subsection (a) of this Section at a City Council meeting held anytime on or between May 1st and June 30th of every even-numbered year, to reflect the cumulative annual percentage increases or decreases in the February Consumer Price Index for the Los Angeles-Long Beach-Riverside area since the City Council's last such adjustment. Such adjustments shall be rounded to the nearest ten dollar (\$10) amount.*
- (c) The limitations of this section shall not apply to contributions of a candidate's personal funds to his or her controlled campaign committee on behalf of his or her own candidacy, and shall apply to contributions from the candidate's spouse.*
- (d) Candidates with election accounts must open a new account for the next city election in which they are a candidate, and may contribute up to one thousand dollars (\$1,000) from the old account in the new account.*

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at its Regular Meeting held this 19th day of August of 2024.




Celeste Rodriguez, Mayor of the City of San Fernando, California

ATTEST:



Julia Fritz, City Clerk

APPROVED AS TO FORM:



Richard Padilla, City Attorney

CERTIFICATION

I, City Clerk of the City of San Fernando, do hereby certify that the above and foregoing is a full, true, and correct copy of Ordinance No. 1727 which was introduced on August 5, 2024, and adopted by the City Council of the City of San Fernando, California at a regular meeting duly held on the 19th day of August, 2024 by the following vote of the City Council:

AYES: Garcia, Fajardo, Mendoza - 3

NOES: Rodriguez - 1

ABSENT: Solorio - 1

ABSTAIN: None

IN WITNESS WHERE OF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 27th day of August 2024.



Julia Fritz, City Clerk