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AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING CHAPTER 2 OF THE CULVER
CITY MUNICIPAL CODE BY ADDING ARTICLE XI
THERETO RELATING TO CAMPAIGN ACTIVITIES FOR
CANDIDATES FOR CULVER CITY ELECTIVE OFFICES
AND OTHER POLITICAL ACTIVITIES OF OFFICERS,
EMPLOYEES AND CONTRACTORS OF THE CITY AND
REPEALING SECTIONS 2-40 through 2-42, 2-44,
2-96 AND 2-97.

The City Council of the City of Culver City, California,
DOES HEREBY ORDAIN as follows:

SECTION 1. Chapter 2 of the Culver City Municipal Code
is hereby amended by adding Article XI thereto to read:

ARTICLE XI

CAMPAIGN AND OTHER POLITICAL ACTIVITIES

Section 2-117. Intent and Purpose.

It is the intent of this Article to supplement the
requirements of Government Code Section 81000 et seq., as
amended, with regard to placing realistic and enforceable limits
on the amount individuals may contribute to political campaigns
in City elections, to inform the public of the sources of
campaign contributions and expenditures, and to prevent potential
undue or improper influence by or on elected city officers,
employees or contractors.

1 Section 2-118. Definitions.

2

3 Except for those terms specifically defined herein, the
4 definitions set forth in Section 82000, et seq., of the
5 California Government Code, as amended, shall be applicable to
6 the provisions of this Article.

7 "Candidate" means an individual who is listed on the
8 ballot, or who has qualified to have write-in votes counted, for
9 nomination for or election to any elective City office.

10 "Candidate" also means an individual who receives a contribution,
11 makes an expenditure, or gives his or her consent for any other
12 person to receive a contribution or make an expenditure, with the
13 intention of bringing about his or her nomination or election to
14 any elective City office, whether or not the specific elective
15 office for which he or she will seek nomination or election is
16 known at the time the contribution is received, or the
17 expenditure is made, and whether or not he or she has announced
18 his or her candidacy, or filed a declaration of candidacy, at
19 such time. "Candidate" also includes any City office holder who
20 is the subject of a recall election. An individual who becomes a
21 candidate, pursuant to this definition, shall retain his or her
22 status as a candidate until such time as that status is
23 terminated pursuant to Government Code Section 82414, as amended.

24 "Committee" means any person or combination of persons
25 who directly or indirectly receives contributions and/or makes
26 independent expenditures for political purposes.

27 "Contribution" shall have the same definition as that
28 given in Government Code Section 82015, as amended. For the

1 purposes of this Article, however, "contribution" does not relate
2 to in-kind transfers.

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4 Section 2-119. Limitations on Contributions.

5

6 (a) No person, other than a candidate in aid of
7 himself or herself, shall directly or indirectly make
8 and no person, including a candidate, shall solicit or
9 accept any contribution which will cause the total
10 amount contributed by such person to a candidate to
11 exceed five hundred dollars (\$500.00) with respect to a
12 single election in support of or in opposition to a
13 candidate, including contributions to all committees
14 supporting or opposing such candidate.

15 (b) No committee shall make and no candidate shall
16 receive from any such committee any contribution which
17 will cause the total amount contributed by such
18 committee to exceed one thousand dollars (\$1,000.00),
19 with respect to a single election in support of, or
20 opposition to, a candidate, including contributions to
21 all committees supporting or opposing such candidate.
22 No such candidate shall receive any contributions in
23 excess of two thousand five hundred dollars (\$2,500.00)
24 combined total contributions from all committees.

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Section 2-120. Limitations on Contractor Contributions

No contributions shall be made directly or indirectly to any candidate or committee by any person, hereinafter "contractor", other than a candidate in aid of himself or herself, who has contracted with the City within one (1) year of the date of the proposed contribution and has received or is owed twenty-five thousand dollars (\$25,000.00) or more for such contract(s). No candidate or committee shall accept a contribution from any such contractor. For purposes of this section, if a contractor is a corporation, firm, partnership, association, or other similar organization, a contribution from a controlling individual(s) shall be deemed a contribution from the contractor. Control shall mean any individual who has more than a ten percent (10%) proprietary or voting interest in or is a trustee, director, partner or officer of a contractor.

Section 2-121. Assumed Name Contributions.

(a) No contributions shall be made directly or indirectly by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes nor in the name of another person or combination of persons.

(b) No person shall make a contribution in his, her, or its name if such contribution was received from another person with the condition it be used as a contribution.

1 (c) No person shall make a contribution on behalf
2 of another, or while acting as the intermediary or agent
3 of another, without disclosing to the recipient of the
4 contribution, the full name, street address, occupation,
5 and employer, if any, or principal place of business if
6 self-employed, of such person, intermediary or agent;
7 the recipient of the contribution shall also be made
8 aware of the full name, street address, occupation and
9 the name of the employer, if any, or principal place of
10 business if self-employed, of the actual contributor.

11 (d) Upon discovery by a candidate or the
12 candidate's campaign treasurer or committee a
13 contribution has been received in violation of this
14 section, the amount received shall be paid promptly to
15 the Treasurer of the City for deposit in the general
16 fund of the City to be used for the purpose of deferring
17 the City's election costs and shall not be used to
18 benefit any candidate or committee.

19
20 Section 2-122. Contributions of Organizations.

21
22 A contribution received from a person, which is a
23 corporation, firm, partnership, association, or other similar
24 organization, hereinafter "organization", shall be deemed a
25 contribution of a controlling individual(s). For purposes of
26 this section, control shall mean any individual who has more than
27 a ten percent (10%) proprietary or voting interest in or is a
28 trustee, director, partner or officer of the contributing

1 organization. Any contributions from an organization, shall
2 identify any individual(s) having more than a ten percent (10%)
3 proprietary or voting interest in that organization or who is a
4 trustee, director, partner or officer of the contributing
5 organization.

6
7 Section 2-123. Election Campaign Accounts.

8
9 (a) Any campaign bank account established pursuant
10 to Government Code Section 85201, shall be opened in a
11 state or federally chartered bank or savings and loan
12 association or credit union of the campaign treasurer's
13 choice within the City. The account shall be identified
14 as the "election campaign account".

15 (b) In addition to filing with the state Fair
16 Political Practices Commission, the campaign treasurer
17 shall file with the City Clerk the name of the financial
18 institution in which the account has been established,
19 the specific location and account number. All campaign
20 contributions accepted by a campaign treasurer,
21 committee, and candidate shall be deposited into the
22 election campaign account by the campaign treasurer or
23 his or her authorized agent.

24 (c) The City Clerk, the City Attorney and a
25 special prosecutor, appointed pursuant to Section 2-126
26 of this Article, shall have full access at all
27 reasonable hours to the records concerning the election
28 campaign account.

1 (d) The campaign treasurer shall retain all
2 campaign records for a period of four (4) years after
3 the election for which they were used.
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5 **Section 2-124. Identification of Sponsor of**
6 **Political Advertisements.**
7

8 (a) All campaign literature and mailings used for
9 political advertisement shall contain the identity of
10 the sponsor, in at least 6-point type, including the
11 name and address of the individual, group or committee
12 sponsor and the name of the treasurer, if a group or
13 committee is involved. For purposes of this Section,
14 political advertisement shall mean two hundred (200) or
15 more identical, or nearly identical, pieces of written
16 material which support, oppose, or express an opinion
17 relating to any candidate or measure on a ballot.

18 (b) Subsection (a) is not intended to apply to
19 mass mailings or other matters regulated by Government
20 Code Sections 84305 and 85600, as amended.

21 (c) All other non-written media used for political
22 advertisement shall also inform the public in a
23 reasonable manner, of the identity of the sponsor,
24 including the name and address of the individual, group
25 or committee sponsor and the name of the treasurer, if a
26 group or committee is involved.

27 (d) Unless the candidate has given his or her
28 express written consent to any political advertisement

1 described above, such advertisement shall contain, in
2 prominent location or in a manner which will inform the
3 public, the following admonition: "This political
4 advertisement was made without the authorization of [the
5 candidate's name]."

6
7 **Section 2-125. Violations and Penalties.**

8
9 (a) Any person who violates a provision of this
10 Article shall be guilty of an infraction, punishable
11 pursuant to Sections 1-10 through 1-10.4 of this Code;
12 provided that such person shall be guilty of a
13 misdemeanor if he or she has been convicted of three or
14 more violations of this Article within the twelve (12)
15 month period immediately preceding the violation and
16 such prior convictions are admitted by the defendant or
17 alleged in the accusatory pleading. For this purpose, a
18 bail forfeiture shall be deemed to be a conviction of
19 the offense charged.

20 (b) Any person who knowingly or intentionally
21 violates a provision of this Article, shall be guilty of
22 a misdemeanor, punishable pursuant to Sections 1-10
23 through 1-10.4 of this Code; provided that a minimum
24 fine of five hundred dollars (\$500.00) shall be imposed

25 (c) For purposes of this section, a plea of guilty
26 or no contest shall be deemed a conviction.

27 (d) If, after election, a candidate is convicted
28 of knowingly or intentionally violating any provision of

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1 this Article, that candidate's election to office shall
2 be void and such office shall immediately become vacant.
3 In such event, the vacancy shall be filled in accordance
4 with the City Charter. If the candidate is convicted of
5 a knowing or intentional violation of any of the
6 provisions of this Article, at any time prior to
7 election, his or her candidacy shall be terminated
8 immediately, and he or she shall no longer be eligible
9 for office in that election, unless the court at the
10 time of sentencing specifically determines, in the
11 interest of justice, this provision should not be
12 applicable.

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13 (e) In addition to subsections (b) and (d) above,
14 no person convicted of knowingly or intentionally
15 violating a provision of this Article shall be qualified
16 to be a candidate for elective City office for a period
17 of four (4) years following the date of conviction,
18 unless the court at the time of sentencing specifically
19 determines, in the interest of justice, this provision
20 should not be applicable.

21

22 **Section 2-126. Enforcement.**

23

24 (a) The City Attorney may institute an
25 investigation regarding an alleged violation of this
26 Article. If based only on admissible evidence, it is
27 determined, by the City Attorney, such investigation
28 warrants further action, the City Attorney shall appoint

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a special prosecutor to further pursue enforcement of Sections 2-117 through 2-124. The remaining sections of this Article may be enforced through regular means.

(b) Upon receipt of a written complaint, from a resident of Culver City, which shall include a statement of the grounds for the belief a violation of this Article has occurred, the City Attorney shall review the complaint and determine whether it requires further action. The City Attorney's written determination shall be made within fifteen (15) days after receipt of the written complaint. If based only on admissible evidence, it is determined such complaint or investigation warrants further action, the City Attorney shall appoint a special prosecutor to further pursue enforcement of Sections 2-117 through 2-124. The remaining sections of this Article may be enforced through regular means.

(c) The City Attorney, after consultation with the Chief Administrative Officer, shall have the authority to withdraw the appointment of a special prosecutor at any time when he or she determines it is in the best interest of the City.

(d) If a person filed a complaint with the City Attorney and received a written determination by the City Attorney indicating no further action shall be taken, such person may sue for injunctive relief to enjoin violations or to compel compliance with this Article; provided that, any request for temporary or

1 preliminary relief may be obtained only upon a showing
2 by a preponderance of evidence, a violation or non-
3 compliance occurred.

4 (e) Prosecution for violation of this Article must
5 be commenced within two (2) years of the time the
6 alleged violation occurred.

7 (f) The court may award to the prevailing party
8 the cost of litigation including reasonable attorney's
9 fees and upon conviction of a violation of this Article
10 shall award the City the cost of litigation including
11 reasonable attorney's fees for prosecuting the action.

12
13 **Section 2-127. Political Activity of Officers,**
14 **Employees and Contractors.**

15
16 (a) No employee or contractor of the City, or
17 person who is seeking employment with the City or a
18 contract with the City, shall conduct any campaign
19 activity in support of or opposition to any candidate or
20 ballot measure during the hours which that person:

21 (1) works or conducts business with or for
22 the City; or

23 (2) is in any City uniform; or

24 (3) is on any premises owned or operated by
25 the City; provided that, this subsection shall not
26 prohibit activity conducted at or on a traditional
27 public forum.

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This subsection is not intended to apply to City
elective or appointive officers.

(b) No officer, employee or contractor of the City shall coerce political action for any City elective office by directly or indirectly, using, promising, threatening or attempting to use any office or authority or influence, whether then possessed or merely anticipated, gained from a position with the City; and

(c) No officer, employee or person on an employee eligible list or contractor of the City shall knowingly solicit political funds, or contributions, to be used for any campaign for a City elective office, from any employee, person on an employee eligible list, or contractor of the City. This subsection does not prohibit an officer, employee, person on an employee eligible list or contractor from communicating through the mail, or by other means, requests for political funds or contributions to a significant segment of the public, which may include employees, persons on an employee eligible list or contractors of the City.

Section 2-128. Political Activity - Ballot Measure on Working Conditions.

No officer or employee of the City shall be prevented from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service,

1 or other working conditions in the City; provided that such
2 activities shall not be conducted during working hours nor on any
3 premises owned or operated by the City during working hours.

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5 Section 2-129. Political Activity - Violations.

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7 In addition to the provisions of Section 1-10 of the
8 Code, the violation of Sections 2-127 or 2-128 shall be grounds
9 for disciplinary action, including termination of position or
10 employment of any employee and shall be cause for termination of
11 any contract or agreement then held with a contractor.

12

SECTION 2. Sections 2-40 through 2-42, 2-44, 2-96
13 and 2-97 of the Culver City Municipal Code are hereby repealed.

14

SECTION 3. This Ordinance shall take effect thirty-
15 one (31) days from the date of its adoption and prior to the
16 expiration of fifteen (15) days from the adoption hereof the City
17 Clerk shall cause this Ordinance to be published in the Culver
18 City News.

19

APPROVED and ADOPTED this 11th day of December,
20 1989.

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(d)(5)

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JOZELLE SMITH, MAYOR
City of Culver City, California

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24 ATTEST:

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(d)(5)

26 PAULINE C. DOLCE, City Clerk

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ORD/CAMPAIGN/MONIES/1/S

24 APPROVED AS TO FORM:

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(d)(5)

JOSEPH W. PANNONE
City Attorney

PUBLISHED IN THE CULVER CITY NEWS ON DECEMBER 16TH AND 21ST, 1989.