

ORDINANCE NO. 22-1063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, ADDING SECTION 2-1-9 "CAMPAIGN CONTRIBUTION REGULATIONS" TO CHAPTER 1 "CITY COUNCIL", TITLE 2 "ADMINISTRATION", TO THE TEMPLE CITY MUNICIPAL CODE

WHEREAS, the City of Temple City ("City") is a charter city, incorporated under the laws of the State of California; and

WHEREAS, the City Council for the City of Temple City is authorized to adopt local contribution limits and other campaign regulations to the extent that they do not conflict with state or federal law; and

WHEREAS, Assembly Bill 571, signed by the Governor on October 8, 2019 and effective January 1, 2021, repeals Sections 10003 and 10202 of the California Elections Code, and amends, repeals, and adds Sections 85305, 85306, 85307, 85315, 85316, 85317, and 85318, 85702.5 of the California Government Code relating to the Political Reform Act of 1974; and

WHEREAS, Assembly Bill 571 establishes default campaign contribution limits for candidates running for local elected office unless the applicable city or county has enacted its local ordinance addressing campaign limitations; and

WHEREAS, The City Council desires to retain local control of its elections, and is adopting this ordinance to establish Candidate Campaign Contribution Limits for the City of Temple City as a result of and in compliance with Assembly Bill 571; and

WHEREAS, The City Council wants to minimize the potentially corrupting influence and appearances of corruption caused by excessive contributions and expenditures in campaigns by providing for reasonable voluntary campaign expenditure limitations and mandatory contribution limitations for city council candidates; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

THEREFORE, THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ORDAINS AS FOLLOWS:

SECTION 1: Section 2-1-9 "Campaign Contribution Limits" to Chapter 1 "City Council", Title 2 "Administration" is hereby enacted as follows:

Section 2-1-9 "Campaign Contribution Limits and Restrictions"

2-1-9-1 Contribution Limitations:

- A. No person or committee shall make to any candidate or the candidate's controlled committee, and no candidate or the candidate's controlled committee shall solicit or accept, any contribution that will cause the total amount of contribution made by the person or committee to the candidate or the candidate's controlled committee to exceed \$4,900 for any single election. Adjustment to the contribution limits in January of odd numbered years per the consumer price index, rounded to the nearest \$100. Except for independent expenditure committees or other committees not controlled by the candidate, no person shall make to any committee, which supports or opposes any candidate or candidates for City Council, and no such committee shall accept from any such person a contribution or contributions totaling more than \$4,900 for any single election. Adjustment to the contribution limits in January of odd numbered years per the consumer price index, rounded to the nearest \$100.
- B. The limitation of this section shall not apply to contributions of a candidate's personal funds to the candidates' controlled committee on behalf of his or her own candidacy, but shall apply to contributions made from a candidate's spouse.
- C. No person shall make a contribution to any candidate or a candidate's controlled committee in the name of another person.
- D. No person shall reimburse, pay in advance, or otherwise compensate another person for a contribution made to a candidate or to a candidate's controlled committee.
- E. No person, candidate, or controlled committee for a candidate shall knowingly solicit or accept a contribution in violation of this section.
- F. Any contributions in excess or in violation of the applicable contribution limitations established by this section and received by any person, candidate, or candidate's controlled committee, as applicable, shall be returned to the person or committee making the contribution within 72 hours of the candidate or candidate's controlled committee's receipt receiving of the excess contribution. In the event an excessive contribution is received and reported in the campaign statement, the recipient shall, within 72 hours of notification by the city clerk, return such excessive contribution to the donor.
- G. The contribution limits set forth in this section do not apply to any contribution received by a candidate or his or her controlled committee if such contribution is used solely to retire campaign debt existing on or before the effective date of this ordinance. If the contribution received is used, in whole or in part, to seek nomination for or election to an elected office of the City of Temple City after the effective date of this ordinance, the contribution limits established in this section shall apply to the entirety of such contribution.

2-1-9-2 Aggregation of Contributions

- A. Contributions to candidate or to a candidate's controlled committee shall be aggregated as set forth in Government Code Section 82012.5 and Section 18215.1 of the FPPC Regulations.
- B. A person whose contributions are subject to being aggregated under this section shall disclose to the candidate or the treasurer of the candidate's controlled

committee of the person's relative ownership interest in any "entity", if any, for purpose of facilitating compliance with this section.

- C. Contributions by dependents that are under eighteen (18) years of age and are not emancipated shall be as aggregated contributions by their parent(s) or legal guardian(s) in equal amounts, unless only one parent or guardian has legal custody in which event such contribution shall be attributed solely to such person.

2-1-9-3 Limitations on Loans

- A. Loans to a candidate or to the candidate's controlled committee, whether made by a commercial lending institution in the regular course of business on the same terms available to members of the public, or personal loans, shall not exceed totaling more than \$4,900 for any single election. Adjustment to the contribution limits in January of odd numbered years per the consumer price index, rounded to the nearest \$100.
- B. Loans from different lending sources will be aggregated in accordance with Section 2-1-9-2 (Aggregation of Contributions) for purpose of determining compliance with this section.
- C. Any loan amount in excess or in violation of the applicable limitations established by this section received by any candidate or a candidate's controlled committee shall be returned or paid in full to the lender within thirty (30) days of the candidate or candidate's controlled committee's receipt of the excess loan.
- D. The limitation of this section shall not apply candidates making personal loans to their controlled committee on behalf of his or her own candidacy, but shall apply to contributions made from a candidate's spouse.

2-1-9-4 Redesignation of Candidate Controlled Campaign Committee

- A. A candidate for elected office in the City shall be able to redesignate their controlled campaign committee from one election to the next, but any redesignation must be for an elected office of the City of Temple City. This section does not prevent a candidate or elected city officer from establishing another separate committee solely for the purpose of running for an elected office with a federal, state, or local agency or political subdivision other than the City, or a committee solely formed to support or oppose a ballot measure.

2-1-9-5 City Clerk Responsibility

- A. In addition to other duties required by law, the City Clerk shall:
 - 1. Furnish in writing (where feasible via electronic writing) a copy of this chapter to all qualified city candidates during the nomination period for city office.
 - 2. Promptly notify city candidate, or his or her campaign committee, of any errors in their statements or of failure to file.
 - 3. Report, in writing, apparent violations of this section to the City Attorney.

2-1-9-6 Violation

A. Criminal misdemeanor actions

1. The City Attorney, or the designated and appointed legal representative for the city, shall investigate and where deemed appropriate prosecute any violation of this chapter.
2. Any person who violates any provision of this chapter or a failure to comply with any mandatory requirements of this chapter is subject to prosecution in accordance with Chapter 2 (Enforcement of Code), Section 1-2-0 (Violations, Penalties) of the City of Temple City Municipal Code, and may be enforced through criminal, civil, administrative, injunctive or other relief available by law.

B. Civil Actions

1. Any person who intentionally or negligently violates any provisions of this chapter shall be liable in a civil action brought by the City Attorney (in lieu of criminal prosecution) or by a person residing within the City for an amount not more than three times the amount of the unlawful contribution.
2. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
3. No civil action alleging a violation of any provision of this chapter shall be filed more than one (1) year after the date the violation occurred.

C. Injunctive Relief

The City Attorney or any person residing in the city may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter.

D. Cost of Litigation

The court may award to a plaintiff or defendant who prevails in any action authorized by this chapter his or her costs of litigation, including reasonable attorney's fees, provided, however, no cost of litigation or attorney's fees shall be awarded against the city.

SECTION 2: Severability. The City Council declares that, should any provision, section; paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 3: The effective date of this ordinance shall be 30 days from the date of adoption.

SECTION 4: The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this 15th day of March, 2022.




Vincent Yu, Mayor

ATTEST:



Peggy Kuo, City Clerk

APPROVED AS TO FORM:



Greg Murphy, City Attorney

Ordinance No. 22-1063 was introduced for first reading at the City Council Regular Meeting of March 1, 2022, and adopted at the City Council Regular Meeting of March 15, 2022, by the following vote:

AYES: Councilmember - Chavez, Vizcarra, Man, Sternquist, Yu
NOES: Councilmember - None
ABSENT: Councilmember - None
ABSTAIN: Councilmember - None