

RESOLUTION NO. 2022-064

A RESOLUTION OF THE BREA CITY COUNCIL ESTABLISHING A CAMPAIGN CONTRIBUTION LIMIT FOR ELECTIVE CITY OFFICES PURSUANT TO ASSEMBLY BILL 571 (2019)

A. RECITALS:

(i) Government Code Section 85702.5, enacted by Assembly Bill ("AB") 571 (2019), authorizes counties and cities to adopt an ordinance or resolution imposing a campaign contribution limit for elective county and city offices.

(ii) AB 571 establishes a default campaign contribution limit for elective county and city offices in local jurisdictions that do not establish their own campaign contribution limit.

(iii) The Fair Political Practices Commission ("FPPC") enforces the AB 571 default campaign contribution limit and adjusts such limit in January of every odd-numbered year to reflect Consumer Price Index changes. During the period of January 1, 2021 through December 31, 2022, the AB 571 default campaign contribution limit for candidates for elective county and city offices is \$4,900 per person.

(iv) The FPPC is not responsible for administration or enforcement of a campaign contribution limit established by a county or city.

(v) In April 2021, as part of the implementation of AB 571, the FPPC amended its Regulation 18521 addressing the use of a campaign bank account for a future election of the same candidate, which is commonly known as "redesignation."

(vi) Previously, FPPC Regulation 18521 permitted redesignation for local committees when the future election was for the same elective office.

(vii) As now revised, FPPC Regulation 18521 prohibits redesignation by a candidate for an elective county or city office that is subject to the AB 571 default campaign contribution limit, but allows redesignation by a candidate for an elective county or city office in a local jurisdiction that is not subject to the AB 571 default campaign contribution limit.

(viii) By establishing a campaign contribution limit for elective city offices of the City of Brea, the City Council can both increase local control of municipal elections and eliminate a significant administrative burden on candidates resulting from the FPPC's new redesignation regulation.

(ix) To ensure there is no impact on past or future fundraising by candidates for the November 8, 2022 General Municipal Election, the campaign contribution limit established by this Resolution is the same as the AB 571 default campaign contribution limit for local jurisdictions.

B. RESOLUTION:

NOW, THEREFORE, the City Council finds, determines, and resolves as follows:

1. The facts set forth in the Recitals are true and correct.
2. Purpose. This Resolution imposes a campaign contribution limit as authorized by the Political Reform Act of 1974 ("PRA") (Government Code Section 81000 et seq.), specifically pursuant to the authority conferred by Government Code Section 85702.5(a). The City Council is adopting this Resolution to increase local control of municipal elections and to eliminate a significant administrative burden on candidates resulting from Fair Political Practices Commission ("FPPC") Regulation 18521(d).

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3. Campaign Contribution Limit. A person shall not make to a candidate for elective city office for the City of Brea, and a candidate for elective city office for the City of Brea shall not accept from a person, a contribution totaling more than \$4,900 per election. The provisions of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.

4. Administration. The terms used in Section 3 of this Resolution shall have the same meaning as those terms are used in the PRA and associated FPPC regulations. This Resolution shall be administered consistent with the PRA and associated FPPC regulations.

5. Enforcement. Violation of Section 3 of this Resolution may be prosecuted as a misdemeanor, infraction, or a civil administrative action pursuant to Chapter 1.04 of the Brea City Code.

6. Effective Date. This Resolution shall be effective upon adoption.

7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect. The City Council declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Resolution, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Resolution be declared invalid or unenforceable.

8. Certification. The City Clerk shall certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 20th day of September, 2022.



Cecilia Hupp, Mayor

ATTEST: 

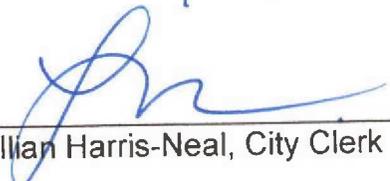
Lillian Harris-Neal, City Clerk



I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was passed at a regular meeting of the City Council, held on the 20th day of September, 2022, by the following vote:

AYES: COUNCIL MEMBERS: Hupp, Parker, Marick, Simonoff, Vargas
NOES: COUNCIL MEMBERS: None.
ABSENT: COUNCIL MEMBERS: None.
ABSTAINED: COUNCIL MEMBERS: None.

Dated: 9/27/22



Lillian Harris-Neal, City Clerk



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