

ORDINANCE NO. 1683

AN ORDINANCE OF THE CITY OF BUENA PARK,  
CALIFORNIA, ADDING CHAPTER 1.24 OF TITLE 1 GENERAL  
PROVISIONS OF THE BUENA PARK MUNICIPAL CODE  
ESTABLISHING CANDIDATE CAMPAIGN CONTRIBUTION  
LIMITS

A. Recitals.

(i) The City of Buena Park ("City") is a charter city, incorporated under the laws of the State of California;

(ii) The City Council for the City of Buena Park 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,

(iii) 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;

(iv) Among other things, 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;

(v) 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 Buena Park as a result of and in compliance with Assembly Bill 571, and;

(vi) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUENA PARK DOES ORDAIN AS FOLLOWS:

Section 1: The facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

Section 2: Chapter 1.24 of Title 1 General Provisions of the Buena Park Municipal Code is hereby enacted as follows:

Chapter 1.24 CANDIDATE CAMPAIGN CONTRIBUTION LIMITS

1.24.010 Purpose and Intent.

The purpose and intent of the city council, in enacting this chapter, is as follows:

A. To eliminate the possibility of corruption, or the appearance of corruption, in local elections arising as a result of disproportionately large political contributions by adopting limits on the total contributions any person or committee may contribute or otherwise cause to be contributed to candidates for elected offices in the City of Buena Park, and specifically contributions made to candidates for the Buena Park City Council;

B. Pursuant to Government Code Section 81013 and Elections Code Section 10202, to impose contribution limits and other regulations applicable to candidates for elected offices in the City of Buena Park that are consistent with those imposed by state law, and that do not prevent any person from complying with state law;

C. To promote informed actions by the electors of the City by requiring the full and truthful disclosure of contributions and expenditures in local election campaigns; and

D. To inhibit improper or illegal campaign activity, and to provide for enforcement of this chapter.

#### 1.24.020 Definitions.

The definitions set forth in the California Political Reform Act of 1974 (Government Code Section 8100, *et seq.*), and the regulations of the California Fair Political Practices Commission (Title 2, Division 6, Sections 18100 *et seq.* of the California Code of Regulations), as the foregoing now exist or may be amended, shall govern the interpretation of this chapter.

#### 1.24.030 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 contributions made by the person or committee to the candidate or the candidate's controlled committee to exceed four thousand dollars (\$4,000.00) for any single election. The contribution limit set forth in this section shall be automatically increased by one-hundred dollars (\$100.00) on January 1 of odd-numbered years, commencing with January 1, 2023.

B. 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 four thousand dollars (\$4,000.00) for any single election. This contribution limits set forth in this section shall be automatically increased by one-hundred dollars (\$100.00) on January 1 of odd-numbered years, commencing with January 1, 2023.

C. The limitations 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.

D. No person shall make a contribution to any candidate or a candidate's controlled committee in the name of another person.

E. 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.

F. No person, candidate, or controlled committee for a candidate shall knowingly solicit or accept a contribution in violation of this chapter.

G. A candidate for elected office in the City shall have no more than one controlled campaign committee per single election. Such a committee shall have only one bank account out of which all qualified campaign expenses shall be made. This section does not prevent a candidate or elected city officer from establishing another 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.

H. 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 thirty (30) days of the candidate or candidate's controlled committee's receipt receiving of the excess contribution.

I. The contribution limits set 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 contributions received are used, in whole or in part, to seek nomination for or election to the Buena Park City Council after the effective date of this ordinance, the contribution limits established in this section shall apply to the entirety of such contribution.

#### 1.24.040 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 purposes 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.

#### 1.24.050 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 four thousand dollars (\$4,000) per single election. The loan limit set forth in this section shall be automatically increased by one-hundred dollars (\$100.00) on January 1 of odd-numbered years, commencing with January 1, 2023.

B. Loans from different lending sources will be aggregated in accordance with Section 1.24.0450 for purposes 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.

1.24.060 Violation

A violation of any provision of this chapter or a failure to comply with any mandatory requirements of this chapter is subject to prosecution in accordance with Title 1, Chapter 1.04, Section 1.04.050, of the Buena Park Municipal Code, and may be enforced through criminal, civil, administrative, injunctive or other relief available by law.

Section 3: 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 4: The effective date of this ordinance shall be January 1, 2021.

Section 5: The City Clerk of the City of Buena Park shall certify to the passage of the Ordinance and shall cause the same to be posted in the manner required by law.

PASSED AND ADOPTED this 14th day of July 2020, by the following called vote:

AYES: COUNCILMEMBERS: Park, Brown, Swift, Traut, Smith

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None



*[Handwritten Signature]*  
\_\_\_\_\_  
Mayor

ATTEST:  
*[Handwritten Signature]*  
\_\_\_\_\_  
City Clerk

I, Adria M. Jimenez, MMC, City Clerk of the City of Buena Park, California, do hereby certify that the foregoing ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the 14th day of July 2020.



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City Clerk