ORDINANCE NO. 1801

ORDINANCE OF THE CITY OF BURLINGAME ESTABLISHING CONTRIBUTION AND LOAN REIMBURSEMENT LIMITS IN CAMPAIGNS FOR ELECTIVE CITY OFFICES

The CITY COUNCIL of the CITY OF BURLINGAME does hereby ordain as follows:

Section 1. The City of Burlingame is committed to open and fair processes, including election campaigns. The high costs involved in campaigning for public office create the possibility and temptation to accept large contributions that may lead to the perception, if not the actuality, of undue influence over an officeholder. In order to minimize this possibility and to make it possible for all candidates to decline such offers, the City Council has reviewed past spending in City campaigns, considered campaign contribution limits at both the local and State level, and received public testimony and comment from citizens on the appropriate and necessary levels of contribution limits for the City. This ordinance is intended to establish fair contribution limits that will reduce any actual or perceived influence of contributions on elected City officials while ensuring that candidates can raise the money necessary to conduct effective campaigns for office.

Section 2. A new Chapter 2.25 is added as follows:

Chapter 2.25

CAMPAIGN CONTRIBUTION LIMITS

Sections:

2.25.010 Definitions.
2.25.020 Limits on contributions.
2.25.030 Limitation on repayment of personal loans.

2.25.010 Definitions.

(a) The following words have the following meanings when used in or in connection with the provisions of this chapter:

(1) “Candidate” means a candidate for an elective city office.
(2) "Controlled committee" means a controlled committee controlled directly or indirectly by a candidate for elective city office or that acts jointly with a candidate for elective city office or another controlled committee in connection with the making of expenditures.

(3) "Election period" means the following:

(A) Except as further limited by subsections (B), (C), and (D) below, for a candidate or a controlled committee in a general municipal election, "election period" means the period beginning on January 1 after the last general or special municipal election for the affected office seat and ending on December 31 following the next general municipal election for the particular office seat. This election period is normally four (4) years.

(B) For a candidate or a controlled committee in a special municipal election held to fill a vacancy in an elective city office, "election period" means the period beginning on the day the vacancy in office began and ending on the December 31 following the special municipal election; provided, however, that for a candidate at the special municipal election who established a controlled committee for the office or accepted contributions before the vacancy occurred, the election period means the period beginning on January 1 following the last general municipal election for the particular office seat affected by the vacancy and ending on the December 31 following the special municipal election.

(C) For a candidate or a controlled committee in a special municipal election held to recall an elected city officer, including the elected official who is the subject of the recall election, "election period" means the period beginning on the date that the notice of intention to circulate a recall petition is filed with the city clerk pursuant to the Elections Code and ending on the December 31 following the special municipal election; provided, however, that for any candidate at the special municipal election who established a controlled committee or accepted contributions for the office before the vacancy occurred, the election period means the period beginning on January 1 following the last general municipal election for the particular office seat affected by the vacancy and ending on the December 31 following the special municipal election.

(D) For a candidate who is recalled at a special municipal election or who is not elected
at a general or special municipal election and for a controlled committee for such a candidate, "election period" begins again on the January 1 following the election at which the candidate was recalled or not elected and ends on the December 31 following the next general or special municipal election at which the person is a candidate again.

(4) "Individual" means a natural person.

(5) "Organization" means a partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

(b) Except as more specifically defined above, all words and phrases in this chapter shall have the same meaning and be interpreted according to the definitions contained in the California Political Reform Act of 1974, as amended (Government Code sections 81000 and following), and the definitions and interpretations established in the regulations, resolutions, and opinions of the Fair Political Practices Commission pursuant to the Political Reform Act of 1974, as amended.

2.25.020 Limits on contributions.

(a) It is unlawful for any individual to make contributions to any single candidate or to any single controlled committee totaling more than $500 in an election period.

(b) It is unlawful for any organization to make contributions to any single candidate or to any single controlled committee totaling more than $1,000 in an election period.

(c) It is unlawful for any candidate or controlled committee to accept contributions from any individual totaling more than $500 in an election period.

(d) It is unlawful for any candidate or controlled committee to accept contributions from any organization totaling more than $1,000 in an election period.

(e) The maximum amounts specified in this section shall be automatically adjusted by the finance director on March 1 of each even-numbered year to be the product obtained by multiplying the maximum amount specified in this section by a fraction, the numerator of which is the Index as defined below, published for the month of December immediately prior to that
March 1, and the denominator of which is the Index published for December, 2006.

(1) "Index" means the Consumer Price Index—All Urban Consumers (CPI-U), All Items, for San Francisco-Oakland-San Jose, CA (1982-84=100) published by the U.S. Department of Labor, Bureau of Labor Statistics. Should the Index no longer be published, the finance director shall select a comparable index that the finance director determines measures the increase and decrease in the cost of living in the San Francisco-Oakland-San Jose area.

(2) The finance director shall send the revised maximum amounts to the city clerk and the city council and make them available to the public. In no event shall the revised maximum amounts be less than the then-current maximum amounts.

(3) The revised amounts shall be applicable to total contributions allowed by this section for the entire election period as applicable to each candidate or controlled committee in which the March 1 adjustment occurs.

2.25.030 Limitation on repayment of personal loans.

Following the date of the election for which a candidate is seeking elective office, it is unlawful for the candidate to repay himself or herself or for any controlled committee to repay the candidate from contributions to the candidate or the controlled committee for any loan amount incurred during that election's election period by the candidate in excess of $12,000.

Section 3. This ordinance shall be published according to law.

I, DORIS MORTENSEN, City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 5th day of February, 2007, and adopted thereafter at a regular meeting of the City Council held on the 5th day of March, 2007, by the following vote:

A YES: COUNCILMEMBERS: BAYLOCK, COHEN, KEIGHRAN, NAGEL, O'MAHONY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

(d)(5)

City Clerk