ORDINANCE NO. 01-07

AN ORDINANCE OF THE CITY OF HALF MOON BAY AMENDING
CHAPTER 1.30, “CONTRIBUTIONS AND LOANS TO CITY CANDIDATE
CAMPAIGNS,” AND CHAPTER 1.24, “ELECTIONS,” OF THE HALF MOON
BAY MUNICIPAL CODE

The City Council of the City of Half Moon Bay does ordain as follows:

SECTION 1. The definition of “Organization” set forth in Chapter 1.30,
“Contributions and Loans to City Candidate Campaigns,” Section 1.30.020,
“Definitions,” of the Half Moon Bay Municipal Code is hereby amended to read as
follows:

“Organization’ means a partnership, corporation, association, firm,
business entity, committee, including a political action committee, club, union, or
company.”

SECTION 2. Chapter 1.30, “Contributions and Loans to City Candidate
Campaigns,” Section 1.30.030, “Limitations on Contributions,” of the Half Moon
Bay Municipal Code is hereby amended to read as follows:

“1.30.030 Limitations on Contributions.

A. For any particular election, including a recall election, no individual or
organization shall make, and no candidate, candidate committee treasurer or
other person acting on behalf of a candidate committee shall solicit or accept
from any individual or organization any contribution which will cause the total
amount contributed by such individual or organization to exceed one thousand
dollars ($1000).

1. The contributions of an organization whose contributions are
directed and controlled by any individual shall be aggregated with contributions
made by the individual and other organizations whose contributions are directed
and controlled by the same individual.

2. If two or more organizations make contributions that are directed
and controlled by a majority of the same persons, the contributions of those
organizations shall be aggregated.

3. Contributions made by organizations that are majority owned by
any person shall be aggregated with the contributions of all other organizations
majority owned by that person, unless those organizations act independently in
their decisions to make contributions. "Majority owned" means an ownership of
more than 50 percent.
B. Any contribution or portion thereof that exceeds the limits in this section shall be returned to the contributor within 72 hours of receipt.

C. The limitations imposed by this section shall not apply to contributions of a candidate's personal funds to the candidate's own campaign, or to any loan which is personally guaranteed by the candidate or is secured by property owned by the candidate.

D. 1. The limitations imposed by this section shall not apply to contributions received for the purposes of defraying the costs of a recount provided all of the following occur:

a. The contributions are maintained in a separate bank account;

b. The contributions are not used for any purpose not relating to a recount; and

c. Once the recount is concluded, and all expenses associated with the recount have been discharged, the candidate disposes of any funds remaining by refunding recount contributors.

2. In addition to all other applicable reporting and disclosure requirements, candidates receiving funds to defray the costs of a recount shall file the following information with the city clerk no later than 60 days following conclusion of the recount:

a. List of Contributions. The total amount of contributions to the refund account received, along with the full name of each person from whom a contribution or contributions has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self-employed, the amount of the contribution, and the date the contribution was received.

b. Expenditures. A listing of all expenditures, including contributor refunds, made using funds from the refund account. Each listing shall provide a brief description of the expenditure, the amount of the expenditure and the date the expenditure was made. If there are still outstanding expenses associated with the recount at the time the list of expenditures is submitted to the city clerk, the candidate shall include a brief description of each outstanding expense and the expected amount, if known, and the expected date by which the expenditure will be paid. No later than 10 days following the final outstanding recount related expenditure, the candidate shall file a final list of expenditures with the city clerk.”

SECTION 3. Chapter 1.24, “Elections,” Section 1.24.080, “Contributions and contributors,” of the Half Moon Bay Municipal Code is hereby amended to read as follows:
"1.24.040 Contributions and contributors. On the Friday preceding any special or general election, the city clerk shall publish in a newspaper of general circulation the name of each person and committee from whom a contribution or contributions totaling one hundred dollars ($100) or more has been received, the amounts each person or committee contributed, and the candidates or committees which received such amounts, as such appear on the campaign statements filed within the six-month period prior to the election pursuant to Article 2 (commencing with Section 84200) of the Government Code.

For purposes of this section, the definitions contained in Chapter 2 (commencing with Section 82000) of the Government Code apply."


SECTION 5. Effective Date. Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 6. Publication. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

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PASSED AND ADOPTED this 16th day of January, 2007, by the following votes:

AYES: Fraser, Muller, McClung, Mayor Patridge

NOES: Grady

ABSENT:

ABSTAIN:

Naomi Patridge, Mayor

ATTEST:

Siobhan Smith, City Clerk