

ORDINANCE NO. 2004-16

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 2.10.030 AND 2.10.060, REPEALING SECTIONS 2.10.040 AND 2.10.050, AND ADDING SECTION 2.10.055 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO CITY COUNCIL ELECTION CAMPAIGN EXPENDITURES AND CONTRIBUTIONS

BE IT ORDAINED By The City Of Santa Cruz As Follows:

Section 1. Section 2.10.030 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“2.10.030 BENEFITS AND INCENTIVES

(a) The City Council candidate will receive the benefits and incentives prescribed in subsection (b) when the City Council candidate does each of the following:

(1) Voluntarily agrees to limit campaign expenditures and contributions in accordance with this chapter;

(2) Thereafter abides by that agreement;

(3) Forms a controlled campaign committee in accordance with California Government Code section 84101 (without regard to whether or not the candidate intends to make campaign expenditures in the minimum amount called for by Political Reform Act of 1974, Chapter 4, Campaign Disclosure);

(4) Either spends \$1,000.00 in support of his or her candidacy or procures 250 signatures of City electors;

(5) On behalf of the candidate and candidate’s campaign committee, agrees not to accept campaign contributions from an individual, corporation or other entity (other than an “organizational contributor” as defined below) of greater than \$250.00 in value (other than contributions made by the candidate herself or himself) per election in support of his or her candidacy indexed by the applicable cost of living adjustment (“COLA”); and

(6) On behalf of the candidate or candidate’s committee, agrees to accept organizational contributions only under the following conditions:

(i) Organizational contributions shall not exceed a total of \$600.00 indexed by the applicable COLA;

(ii) The organizational contributor has received no contributions from individuals which exceed the limitations established in this chapter for total contributions to candidates or committees by individuals;

(iii) The organizational contributor has reported all individual contributions pursuant to the provisions of this chapter and any applicable provisions of state law. If the organizational contributor is not required to formally organize under the Political Reform Act of 1974, as amended in 2001, then the organizational contributor shall make complete contribution information available upon written request of the City.

(b) A City Council candidate who performs each of the acts delineated in subsection (a) shall receive the following benefits and incentives at no cost to themselves or their candidate’s campaign committee:

(1) Committees formed in support of a City Council candidate may maintain electronic campaign finance records from July first through January thirty-first for each election.

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The City will provide the vendor, as approved by the Secretary of State and the City will pay for the cost of maintaining the required filings during that period.

(2) Candidates who agree to abide by the voluntary campaign expenditure and contribution limits shall be identified prominently on the City's website with a 400 word written statement. The statement will be printed exactly as submitted with no editing by staff. Statements which exceed 400 words will be returned to the candidate who shall be responsible for editing the statement to comply with the 400 word limitation and resubmitting the statement. One photograph of the candidate supplied by the candidate shall be allowed as part of the statement.

(i) The candidate's statement must be submitted on a computer diskette in a form compatible with the system employed by or approved by the City Clerk's Department or alternatively by e-mail to the City Clerk's Department.

(ii) The candidate's statement must conform to candidate statement guidelines provided by the City Clerk and the content shall be consistent with the requirements of Elections Code section 13307(a)(1).

(iii) A disclaimer shall accompany all such website postings that City Council candidate statements have been posted by the City in the form submitted by the candidate without editing, proofreading, or spell-checking by the City, that the opinions and statements set forth are those of the candidates to whom they are attributed and do not reflect the City's official positions on issues addressed in the statement, that the candidate's statement is not a City endorsement of any candidate's candidacy, that the information is submitted to the voters by the City as a service to assist voters and for informational purposes only, and that the statement is not intended to, and does not, exempt any candidate or statement author from civil or criminal liability for any false, slanderous or libelous statements set forth on the City's website.

(iv) The candidate's statement may be printed in English and/or a foreign language of the candidate's choice; however, the City will not provide translation services to the candidate and more than one statement in different languages will not be permitted if cumulatively the statements would exceed 400 words.

(v) Candidates may submit one statement at any time prior to the election. The City will post the statement within four business days of submittal.

(vi) Candidates will appear on the website in the alphabetical order drawn by the Secretary of State for the ballot.

(vii) The website will clearly identify whether each candidate has agreed to voluntary spending and contribution limits.

(c) Should a City Council candidate agree to voluntary campaign expenditure and contribution limitations and thereafter, whether intentionally or inadvertently, fail to abide by that agreement, the candidate, upon discovering said failure, shall immediately notify the City Clerk who shall then, to the extent feasible, cease conferring the benefits and incentives afforded by this chapter. Candidates who fail to abide by their agreement shall be responsible for reimbursing the City for costs incurred by the City pursuant to this chapter in reliance upon the agreement.

(d)(i) As used in this section the term "applicable cost of living adjustment" or "COLA" shall refer to the Consumer Price Index (CPI) for all urban consumers for the San Francisco/Oakland Bay Area (all items) provided by the U.S. Bureau of Labor Statistics as

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indexed from a base year that commences as of November 2000. Updated COLA adjustment information shall be made available annually, and shall be rounded to the nearest increment of five dollars.

(ii) As used in this section the term “organizational contributor” and “organizational contribution” shall refer to contributions made by non-commercial organizations such as political action committees or special interest groups formed by individuals or entities that have common interests with the objective, among others, to actively participate in the political/electoral process so as to advance and foster their organizational goals.”

(e) Expenditures for legal fees and costs incurred in connection with any litigation arising out of an election campaign shall be exempt from the contribution and expenditure limitations of this Chapter.

(f) In addition to any regular City Council election, the benefits and incentives of this Chapter shall also be available in any recall election.

Section 2. Section 2.10.040 of the Santa Cruz Municipal Code is hereby repealed.

Section 3. Section 2.10.050 of the Santa Cruz Municipal Code is hereby repealed.

Section 4. Section 2.10.055 is hereby added to the Santa Cruz Municipal Code to read as follows:

“Section 2.10.055 OTHER CITY COUNCIL CANDIDATES’ STATEMENTS ON CITY’S WEBSITE

City Council candidates who do not agree to voluntary campaign expenditure and contribution limitations or who otherwise do not qualify for inclusion on the City’s website may appear on the website by tendering a fee to the City Clerk. The amount of the fee shall be equivalent to the fee charged by the County Elections Office for the candidates’ inclusion in the sample ballot prepared by the County Elections Office pursuant to California Elections Code section 13307.

Section 5. Section 2.10.060 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“2.10.060 CALCULATION OF VOLUNTARILY LIMITED CAMPAIGN EXPENDITURES

(a) City Council candidates who agree to adhere to voluntary campaign expenditure limitations in accordance with this chapter shall be allowed to spend on their City Council campaign no more than the voluntary campaign expenditure limitation cap as established by the City Clerk prior to the City Council election. The voluntary campaign expenditure limitation cap shall be calculated at a rate which corresponds to \$0.35 per City resident. In determining the appropriate number of City residents for purposes of this calculation, the City Clerk shall use the most recent number established by the California Department of Finance. By way of example: If

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the City population is 50,000 residents, a candidate who agrees to voluntary campaign expenditure limitations will be authorized to spend a maximum of \$17,500.00 (\$0.35 x 50,000) on his or her City Council campaign. The \$0.35 figure referenced in this section shall be adjusted by the City Clerk each year for which a City Council election is scheduled. For City Council elections conducted with the City's general municipal election, the adjustment will be made on June 1. For special municipal elections called to fill a vacant seat on the City Council, the adjustment will be made ninety days before the election. The adjustment called for by this section shall be the cost of living adjustment (COLA) computed by reference to the Consumer Price Index (CPI) for all urban consumers for the San Francisco/Oakland Bay Area (all items) provided by the U.S. Bureau of Labor Statistics as indexed from a base year that commences in November 2002.

(b) The voluntary campaign expenditure limitation called for by this section shall not include any expenditures made by the candidate or by the candidate's campaign committee in connection with the preparation and publication of the candidate's statement of qualifications in the sample ballot pamphlet published in accordance with California Elections Code section 13307.

(c) Any campaign committee formed by or on behalf of an indigent candidate pursuant to Business and Professions Code section 8030.4(f) and City of Santa Cruz Resolution No. NS-18,233 shall be responsible for reimbursing the City for any costs incurred by the City with regard to the preparation and publication of the candidate's statement of qualifications in the sample ballot pamphlet published in accordance with California Elections Code section 13307."

Section 6. This Ordinance shall be in force and effect thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 11th day of May, 2004, by the following vote:

AYES: Vice Mayor Rotkin; Councilmembers Primack, Reilly, Mathews; Mayor Kennedy.

NOES: Councilmembers Fitzmaurice, Porter.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

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PASSED FOR FINAL ADOPTION this 25th day of May, 2004, by the following vote:

AYES: Vice Mayor Rotkin; Councilmembers Primack, Reilly, Mathews;
Mayor Kennedy.

NOES: Councilmembers Fitzmaurice, Porter.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2004-16
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk