

ORDINANCE NO. 4027

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING AND REPLACING SANTA ROSA CITY CODE CHAPTERS 10-32, POLITICAL CAMPAIGN REPORTING REQUIREMENTS, AND 10-34, POLITICAL CAMPAIGN CONTRIBUTION LIMITS WITH NEW CHAPTER 10-32, CAMPAIGN FINANCE REGULATIONS AND AMENDING SANTA ROSA CITY CODE CHAPTER 10-33, PUBLIC FINANCING OF COUNCIL ELECTION CAMPAIGNS

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Existing Chapters 10-32, Political Campaign Reporting Requirements, and 10-34, Political Campaign Contribution Limits, of the Santa Rosa City Code are hereby repealed and replaced with new Chapter 10-32, Campaign Finance Regulations, to read in full as follows:

“Chapter 10-32

CAMPAIGN FINANCE REGULATIONS

Sections:

- 10-32.010 Intent and purpose.**
- 10-32.020 Relation to Political Reform Act of 1974**
- 10-32.030 Definitions.**
- 10-32.040 Applicability of reporting requirements.**
- 10-32.050 State law applicability.**
- 10-32.060 Electronic Filing of Campaign Disclosure Statements**
- 10-32.070 Additional campaign disclosure statements required.**
- 10-32.080 Late municipal contributions; reports; filing; return to contributor.**
- 10-32.090 Late formed committee; reporting of expenditures.**
- 10-32.100 Contribution limitations.**
- 10-32.110 Outstanding debt retirement and reporting.**
- 10-32.120 Election cycles.**
- 10-32.130 Aggregation of contributions.**
- 10-32.140 Loans to City Council candidates and their controlled committees.**
- 10-32.150 Multiple Campaign Committees**
- 10-32.160 Disclosure of name, address, occupation and employer of contributor.**
- 10-32.170 Reporting of cumulative contributions.**
- 10-32.180 Notice of independent expenditures.**
- 10-32.190 Additional disclaimer requirements for campaign communications funded by independent expenditures.**
- 10-32.200 Additional disclaimer and disclosure requirements for robocalls funded by independent expenditures.**
- 10-32.210 Local robocall regulations.**
- 10-32.220 Enforcement of chapter.**

10-32.010 Intent and purpose.

The purpose of this chapter is to avoid corruption and the appearance of corruption by ensuring that the financial strength of individuals or organizations does not permit them to exercise a disproportionate or controlling influence on the election of Santa Rosa City Council candidates. To achieve such purpose, this chapter is designed to reduce the influence of large contributions, to ensure that individuals and interest groups continue to have a fair and equal opportunity to participate in electing City Council candidates, and to maintain public trust in governmental institutions and the electoral process. This chapter is further intended to increase the availability of public information regarding campaign contributions and expenditures in City elections.

10-32.020 Relation to Political Reform Act of 1974.

This chapter is intended to supplement the Political Reform Act of 1974 (California Government Code Sections 81000 *et seq.*). Unless a word or term is specifically defined in this chapter, or the contrary is stated or clearly appears from the context, words and terms used herein shall have the same meaning as defined or used in Title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulation, as the same may be, from time to time, amended.

10-32.030 Definitions.

The following definitions shall be used for the purposes of interpreting the provisions of this chapter:

(A) "Campaign Communication." For purposes of this chapter, "campaign communication" means any of the following items:

(1) Two hundred (200) or more substantially similar pieces of campaign literature distributed within a 30-day period, including but not limited to mailers, flyers, facsimiles, pamphlets, door hangers, e-mails, campaign buttons ten (10) inches in diameter or larger, and bumper stickers sixty (60) square inches or larger.

(2) Two hundred (200) or more substantially similar posters, yard or street signs, and similar items.

(3) Television, cable, satellite and radio broadcasts.

(4) Paid advertisements, including but not limited to advertisements in newspapers, magazines, and on the Internet, and on billboards.

For purposes of this chapter, "campaign communication" does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; communications paid for by a newspaper, radio station, television station or other recognized news medium on its own behalf; and communications from an organization to its members other than a communication from a political party to its members.

(B) "City Council" or "Council" means the Council of the City of Santa Rosa.

(C) "City Council Candidate." City Council candidate means any person who is a candidate for City Council for the City of Santa Rosa including incumbent Council members, appointed or elected, whether or not a candidate for reelection.

(D) "City Election." City election means any general election, special election or recall

election.

(E) "Election Cycle." Election cycle means the applicable period as set forth in Section 10-32.120 of this chapter. The intent is to limit each donor to five hundred dollars (\$500.00) per candidate per election.

(F) "Indebted Former Candidate." Indebted former candidate means a person who was a candidate for City Council at any City election and who has campaign debt remaining from such election after expiration of the election cycle for the office of which he or she was a candidate.

(G) "Independent Expenditure." Independent expenditure means an expenditure made by any person or committee in connection with a campaign communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

(H) "Late municipal contribution" means any contribution, including a loan, which totals in the aggregate one hundred dollars (\$100.00) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure within 16 days before the date of the election at which the candidate or measure is to be voted on.

(I) "Late formed committee." Late formed committee means any person or combination of persons who support or oppose a City Council candidate or City ballot measure who have not filed a campaign disclosure statement or report as required by the Political Reform Act prior to the sixteenth day before an election. "Late formed committee" includes all persons and combinations of persons who come within the definition set forth in Government Code Section 82013 and in addition includes all persons or combinations of persons who have solicited contributions of five hundred dollars (\$500.00) or more, have received contributions of five hundred dollars (\$500.00) or more, or have made any expenditures of five hundred dollars (\$500.00) or more for the purpose of supporting or opposing a City Council candidate or City ballot measure.

(J) "Late independent expenditure." Late independent expenditure means an independent expenditure that totals in the aggregate five hundred dollars (\$500.00) or more and is made for or against a specific City Council candidate or City ballot measure within 90 days before the date of the election for such candidate or ballot measure.

(K) "Person." Person means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

(L) "Robocall." Robocall means any single recorded telephone message made in support of or opposition to a City Council candidate(s) or City ballot measure(s) and placed to 200 or more individuals or households within a 30-day period.

(M) Other Terms Defined. Except as specifically defined in this section, all words used in this chapter have the same definition as that set forth in Title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulation, as the same may be, from time to time, amended.

10-32.040 Applicability of reporting requirements.

The requirements of this chapter shall apply only to elections for City Council of the City of Santa Rosa and ballot measures which are being voted on only within the City of Santa Rosa.

10-32. 050 State law applicability.

The requirements of this chapter are in addition to all requirements imposed by State law, including, but not limited to, the California Political Reform Act, Government Code Section 81000 et seq.

10-32.060 Electronic filing of campaign disclosure statements.

(A) Except as set forth in subsections (E) and (F), every City Council candidate, committee, or other person required to file a campaign statement, report, or other document with the City Clerk that has received contributions or made expenditures of one thousand dollars (\$1,000.00) or more in connection with a City election shall electronically file that campaign disclosure statement, report, or other document according to procedures established by the City Clerk.

(B) Any City Council candidate, committee, or other person not required to electronically file with the City Clerk pursuant to subsection (A) may do so voluntarily.

(C) A City Council candidate, committee, or other person that has electronically filed a campaign statement or report using the City Clerk's electronic filing system is not required to file a paper copy of that campaign statement or report with the City Clerk.

(D) A City Council candidate, committee, or other person required by California law to file (a) an original campaign statement, report, or other document with the Secretary of State or another elections official and (b) a copy of that statement with the City Clerk may elect to file the copy with the City Clerk either in paper format or by using the City Clerk's electronic filing system.

(E) If the City Clerk's electronic filing system is not capable of accepting a particular type of campaign statement, report, or other document, that campaign statement, report, or other document shall be filed in paper format with the City Clerk.

(F) Once a committee is subject to the electronic filing requirements imposed by this section, the committee shall remain subject to the electronic filing requirements, regardless of the amount of contributions received or expenditures made during each reporting period, until the committee terminates pursuant to this chapter and the Political Reform Act.

(G) This section shall become effective July 1, 2014.

10-32. 070 Additional campaign disclosure statements required.

Each City Council candidate and each committee formed or existing primarily to support or oppose a City Council candidate or City ballot measure shall file a pre-election campaign disclosure statement for the period from the end of the period covered by the second pre-election statement required by the Political Reform Act to 11:59 p.m. on the third business day immediately preceding election day. Such statement shall be filed with the City Clerk pursuant to Section 10-32.060 by noon on the second business day before the City election.

10-32. 080 Late municipal contributions; reports; filing; return to contributor.

(A) Each City Council candidate or committee that makes or receives a late municipal contribution shall report the late municipal contribution. The City Council candidate or committee that makes the late municipal contribution shall report his, her, or its full name and street address and the full name and street address of the person to whom the late municipal

contribution has been made, the office sought if the recipient is a City Council candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a City ballot measure, and the date and amount of the late contribution. The recipient of the late municipal contribution shall report his, her, or its full name and street address, and the date and amount of the late municipal contribution. The recipient shall also report the full name of the contributor, his, her, or its street address, and, if applicable, his or her occupation, and the name of his or her employer, or if self-employed, the name of the business.

(B) A late municipal contribution shall be reported to the City Clerk pursuant to Section 10-32.060 within 24 hours of the time the contribution is made in the case of the candidate or committee that makes the late municipal contribution and within 24 hours of the time it is received in the case of the recipient. A local late municipal contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(C) A late municipal contribution need not be reported pursuant to this section nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.

(D) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed.

10-32.090 Late formed committee; reporting of expenditures.

(A) Each late formed committee which prior to an election expends funds in the amount of five hundred dollars (\$500.00) or more, agrees, either orally or in writing, to expend funds in the amount of five hundred dollars (\$500.00) or more, or receives goods or services valued in the amount of five hundred dollars (\$500.00) or more in support of or in opposition to a City Council candidate or City ballot measure shall report each expenditure, agreement to make an expenditure, or receipt of goods and services.

(1) Such report shall be made on FPPC Form 496 (Late Independent Expenditure Report) and filed with the City Clerk pursuant to Section 10-32.060 within 24 hours of the time the expenditure is made or agreed to be made or the goods or services are received. An expenditure or agreement to make an expenditure or receipt of goods or services shall be reported in subsequent campaign statements without regard to reports filed pursuant to this section.

10-32.100 Contribution limitations.

(A) City Council Candidates. Except as provided in subsection (B) of this section, no person shall make, and no City Council candidate or treasurer of any controlled committee of any City Council candidate shall solicit or accept, any contributions which would cause the total amount contributed by such person to such candidate or to his or her controlled committee, to exceed five hundred dollars (\$500.00) during any election cycle. Contributions accepted for campaign expenses and for officeholder expenses shall be aggregated for purposes of the limitation set forth in this section.

(B) Elective Council Members and Candidates with Outstanding Debt From Prior Election. No person shall make, and no City Council member or indebted former candidate, or treasurer of any controlled committee of any City Council member or indebted former candidate, shall solicit or accept, any contributions for the purpose of retiring outstanding debt from a prior City election which would cause the total amount contributed by such person to such City Council member or indebted former candidate or to his or her controlled committee, to exceed five

hundred dollars (\$500.00) for the election in which the outstanding debt was incurred, regardless of when the contribution(s) is made or received.

(C) Recall Elections. The contribution limitations set forth in subsection (A) above shall also apply to any committee which collects contributions for the purpose of making expenditures in support of or opposition to the recall of a City Council member, and to contributions received by such City Council member, during a recall election cycle as defined in Section 10-32.120.

(D) Candidate's Personal Funds. The provisions of this section shall not apply to a City Council candidate's contribution of his or her personal funds to his or her own controlled committee. Contributions by the spouse of a City Council candidate from such spouse's separate property shall be subject to the contribution limitations set forth in subsection (A).

10-32.110 Outstanding debt retirement and reporting.

(A) Any City Council member or indebted former candidate, or any controlled committee of any such officer or candidate, accepting any contribution(s) for the purpose of retiring outstanding debt from a prior City election and required by state law to report such contributions on the appropriate schedule(s) of Fair Political Practices Commission Form 460, or any successor form thereto, shall, at the time required for the reporting of such contributions on Schedule A and in addition to any other reporting requirements under state law, clearly designate on said schedule(s) which contributions were received for the purpose of retiring outstanding debt and for which prior City election such contributions were received.

(B) Any contribution accepted for the purpose of retiring outstanding debt from a prior City election shall be applied to reduce or retire said outstanding debt in the same reporting period in which such contribution was accepted. The application of any contribution to retire outstanding debt from a prior City election (i.e., repayment of outstanding loans and payment of accrued expenses) shall be itemized and identified on the appropriate schedules and on the summary page of Fair Political Practices Commission Form 460, or any successor form thereto.

(C) If a City Council member or indebted former candidate, or a controlled committee of any such officer or candidate, receives contributions for the purpose of retiring outstanding debt from a prior City election and the amount of the contributions exceeds the amount of the debt, the excess funds may be used for any other campaign or officeholder expense and shall not be subject to the aggregation requirements set forth in Section 10-32.130 in the election cycle in which the excess funds are expended.

10-32.120 Election cycles.

(A) General Elections. The intent of this section is to limit each campaign donor to five hundred dollars (\$500.00) for any City Council candidate at any election. For purposes of any general election for City Council, "election cycle" as used in this chapter means a period beginning three calendar years preceding the year of the election for which a candidate designates he or she is filing and ending on December 31st of the year of the election.

(B) Special Elections. For purposes of any special election for any City office, the term election cycle as used in this chapter shall mean the period commencing on the date a special election is called by the City Council and ending on the thirtieth day following said special election.

(C) Recall Elections. For purposes of any recall election of any City Council member, the term election cycle as used in this chapter shall mean the period commencing on either the date a

committee is formed pursuant to the Political Reform Act in support of a recall election or the date the City Clerk approves a recall petition for circulation and gathering of signatures, whichever occurs earlier, and ending on the thirtieth day following the first to occur of any of the following:

(1) The time provided by law for the gathering of signatures on recall petitions expires without sufficient recall petition signatures having been filed with the City Clerk to require a recall election;

(2) All committees formed in support of the recall have been terminated pursuant to the provisions of the Political Reform Act;

(3) The date the recall election is held.

(D) Nothing in this chapter shall prohibit indebted candidates and/or their controlled campaign committee, from soliciting and receiving funds to pay off their campaign debt in accordance with the provisions of Section 10-32.110, after the end of the election cycles defined above.

10-32.130 Aggregation of contributions.

For purposes of the contribution limitations contained in this chapter, the following provisions shall apply:

(A) All contributions made by a sponsored committee to a City Council candidate (or to a committee controlled by such candidate) shall be combined with those contributions made during the same election cycle by the sponsor(s) of the committee. Consistent with the definition and use of the terms "sponsored committee" and "sponsor" in the Political Reform Act, the term "sponsor" shall not include individuals.

(B) Contributions received from the following combinations of individuals and entities must be aggregated to determine the cumulative amount of contributions received from a contributor:

(1) Contributions from an individual who makes contributions from personal funds and who also has sole authority to direct and control contributions made from other funds;

(2) Contributions from business entities in a parent-subsidiary relationship and business entities with the same controlling owner (more than 50 percent), unless the entities act completely independently in their decisions to make contributions;

(3) Contributions from any number of entities or committees if the same person or a majority of the same persons in fact directs and controls the contributions each entity makes. This subdivision shall not apply to treasurers of committees if these treasurers do not participate in or control in any way a decision on whether the candidate or candidates received contributions.

(C) Contributions by a married person shall be treated as the separate contributions of such person and shall not be aggregated with any contributions of the spouse of such person.

(D) Contributions by children under 18 years of age shall be treated as contributions by their parent(s) or legal guardian(s), one-half to each parent or guardian unless only one parent or guardian has legal custody of such child in which event any such contributions shall be attributed solely to the custodial parent.

10-32.140 Loans to City Council candidates and their controlled committees.

(A) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this chapter.

(B) The proceeds of a loan made to a City Council candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public

shall not be subject to the contribution limitations of this chapter if the loan is made directly to the candidate. The guarantors of such a loan shall remain subject to the contribution limits of this chapter.

(C) Extensions of credit (other than loans pursuant to subsection (B)) for a period of more than 45 days are subject to the contribution limitations of this chapter.

(D) This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office and shall not apply to a candidate's personal funds as set forth in section 10-32.100(D).

10-32.150 Multiple campaign committees.

(A) A City Council candidate shall have no more than one controlled committee per office per election and such controlled committee shall have only one bank account out of which all qualified campaign and officeholder expenses related to that office shall be made.

(B) This section does not prevent a City Council candidate or a City Council member from establishing another controlled committee solely for the purpose of running for a state, federal, county or other elective office, or for opposing his or her recall.

10-32.160 Disclosure of name, address, occupation and employer of contributor.

If the name, street address, occupation or employer of an individual contributor (or if such individual is self-employed, the name of the business, if any, under which the individual is operating) is not on file in the records of the recipient of the contribution by the end of the reporting period in which the contribution was accepted, the contribution shall then be returned to the individual, or paid to the City's general fund, by the end of that reporting period. Notwithstanding the above, if a contribution does not designate the requisite information, the candidate or the candidate's committee may hold the contribution without returning it or depositing it into a campaign account for a period of up to 14 days while the requisite information is obtained. The required information shall be reported on the appropriate schedule(s) of Fair Political Practices Commission Form 460, or any successor form thereto. Both the receipt and return of any such contribution shall be disclosed on the appropriate schedules of Fair Political Practices Commission Form 460, or any successor form thereto.

10-32.170 Reporting of cumulative contributions.

Contributions received from any contributor during a reporting period which have a cumulative total of one hundred dollars (\$100.00) or more when added to all other contributions received from such contributor during the same election cycle shall be itemized and reported, both as to individual contribution amounts received during the reporting period and the total cumulative amount received during the election cycle. Such amounts shall be reported on the appropriate schedule(s) of Fair Political Practices Commission Form 460, or any successor form thereto, if the candidate or controlled committee is required to use such form, or shall be reported on a separate schedule appended to the required campaign statement. The term election cycle as used in this section shall mean the period described in Section 10-32.120.

10-32.180 Notice of independent expenditures.

Any person or committee that makes a late independent expenditure, as defined in section 10-32.030, shall report the late independent expenditure within 24 hours of the time it is made. Such

report shall be filed with the City Clerk pursuant to section 10-32.060 on FPPC Form 496 or any successor form thereto. The notice shall specifically state the ballot measure(s) or name(s) of the candidate(s) whom the independent expenditure is intended to support or oppose. The report shall also include the information required to be provided in FPPC Form 496 or any successor form thereto and the email address, if any, of the person or committee making the independent expenditure. A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this Chapter or the Political Reform Act.

10-32.190 Additional disclaimer requirements for campaign communications funded by independent expenditures.

(A) Any person or committee making an independent expenditure of five hundred dollars (\$500.00) or more shall include in any campaign communication produced by the expenditure, the words "Paid for by" followed by the full name, street address, and phone number of the person or committee making the independent expenditure and the name of at least one principal officer if made by a committee. Any campaign communication supporting or opposing a City Council candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate. Such disclaimers shall be printed in 12-point type or larger in any printed campaign communication, and prominently displayed or presented in a clear and conspicuous manner in any non-printed campaign communication, including, but not limited to, television ads, radio ads, Internet ads, and live telephone calls. The additional disclaimer requirements required by this section do not apply to robocalls as defined in section 10-32.030.

(B) Disclosure of Major Contributors. Any mailing financially supported by an independent expenditure shall indicate on the envelope containing the mailing, and on the mailing itself, the name of the committee making the independent expenditure, and the names of the top three financial contributors to the committee at the time the mailing is being prepared. This required disclaimer shall be in substantially the following form: "This information is paid for by [Name of Committee] whose top three funders are [names of top three contributors]."

10-32.200 Additional disclaimer and disclosure requirements for robocalls funded by independent expenditures.

(A) Robocall disclaimers. Any person or committee that authorizes or makes an independent expenditure in any amount for a robocall shall include in the robocall message the words "Paid for by" followed by the full name and telephone number of the person or committee authorizing or paying for the robocall. Any robocall supporting or opposing a City Council candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate. Such disclaimers shall be audible and played at the same volume and speed as the rest of the recorded telephone message.

(B) Robocall disclosure. Any person or committee that authorizes or makes an independent expenditure in any amount for a robocall shall report such independent expenditure by filing with the City Clerk a completed 48-hour Robocall Independent Expenditure Report on a form prepared by the City Clerk for such purpose, to which is attached a transcript of the robocall message and a record of the number of calls placed for each message. Such report shall be filed with the City Clerk by personal delivery, guaranteed overnight mail, fax or email within 48 hours after the robocall has been made. The report shall include the name, address, telephone number,

and email address, if any, of the person or committee making the independent expenditure and the ballot measure(s) or name(s) of the candidate(s) whom the robocall message is intended to support or oppose. The report shall also include the information required to be provided in FPPC Form 496 or any successor form thereto. A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this Chapter or the Political Reform Act.

(C) Any person or committee that authorizes or makes an independent expenditure in any amount for a robocall shall comply with all local robocall regulations set forth in section 10-32.210.

10-32.210 Local Robocall Regulations.

(A) Opt-out mechanism requirement. Any person, candidate, or committee that authorizes or makes payment for one or more robocalls in a calendar year in support of or opposition to a City Council candidate(s) or City ballot measure(s) shall require the person, candidate, committee, or vendor making the initial robocall to provide an automated, interactive voice- and/or key press-activated opt-out mechanism for the called person to make a do-not-call request for additional substantially similar calls made during the same calendar year. When the called person elects to opt out using such mechanism, the mechanism must automatically record the called person's number to the caller's do-not-call list and immediately terminate the call. When the recorded voice telephone message is left on an answering machine or a voice mail service, such message must also provide a telephone number or other means of contact such that the called person is able to opt out of receiving additional substantially similar robocalls during the same calendar year.

(B) Accurate caller identification information requirement. Any person, candidate, or committee that authorizes or makes payment for a robocall shall be prohibited from allowing the person, candidate, committee or vendor who places the robocall to knowingly transmit misleading or inaccurate caller identification information such that the person called is unable to contact the caller or the caller's representative via the number displayed.

10-32.220 Enforcement of chapter.

(A) No Criminal Penalties. Notwithstanding any other provision of the Santa Rosa City Code, any violation of any provision of this chapter shall be enforceable solely as provided in this section.

(B) Civil Liability. Any person who fails to comply with any provision or requirement of this chapter shall be strictly liable to the City of Santa Rosa in a sum not to exceed the following amount for each such violation:

(1) For the making or accepting of any contribution in excess of the applicable contribution limits specified in this chapter, a sum equal to three times the amount by which the contribution exceeds the applicable contribution limit, or the sum of two thousand five hundred dollars (\$2,500.00), whichever is greater, for each violation.

(2) For failing to include on any campaign mailer the disclaimers required by section 10-32.190, the sum of five thousand dollars (\$5,000.00) for each mass mailing of said non-compliant campaign mailer.

(3) For any other violation of this chapter, the sum of one thousand dollars (\$1,000.00) for each violation.

(C) Right to Cure Unknowing Violation. In the event a candidate accepts a contribution and then becomes aware it is in violation of the contribution limit, that violation by the candidate may be excused if the candidate returns the contribution or contributes it to the City general fund within 14 days of becoming aware of the violation.

In the event a person or committee fails to comply with local robocall regulations as set forth in section 10-32.210 and the person or committee has not received prior notification from the City Clerk regarding said requirements, that violation by the person or committee may be excused at the discretion of the City Clerk if the person or committee within two business days of receipt of notification from the City Clerk provides proof that it has notified its robocall provider to comply with said requirements.

(D) Debt Owing to City. Any amount due from any person pursuant to subsection (B) above shall be a debt due and owing upon demand to the general fund of the City of Santa Rosa.

(E) Civil Action to Collect Debt and Obtain Other Relief. The District Attorney of the County of Sonoma shall file and prosecute a civil action in superior court, to recover any amount(s) due and owing to the City of Santa Rosa by any person pursuant to this section, or to enjoin any violation or otherwise compel compliance with the requirements of this chapter.

(F) Limitations of Actions. No civil action shall be brought under the provisions of this section unless said action is filed within two years following the date of such violation.

(G) Remedial Measures. If the District Attorney determines or believes that any person (the target party) has violated any provision of this chapter, the District Attorney may, at his or her sole discretion, advise the target party of remedial measures which may be taken by the target party to avoid possible civil action (the "remedial measures"). Such remedial measures may, but need not necessarily, include the payment of a civil fine to the City. Nothing contained herein shall be deemed to require the District Attorney to offer remedial measures to any target party. In the event the target party is offered and timely performs such remedial measures to the satisfaction of the District Attorney, the District Attorney shall advise the target party (and any person who, in writing, informed or complained to the District Attorney concerning any such violation), in writing, that the alleged violation has been resolved (the "letter of resolution") and, in such event, no civil action shall thereafter be filed or maintained relating to such alleged violation of this chapter."

Section 2. Chapter 10-33, Public Financing of Council Election Campaigns, of the Santa Rosa City Code is amended in full to read as follows:

"Chapter 10-33

PUBLIC FINANCING OF COUNCIL ELECTION CAMPAIGNS

Sections:

- 10-33.010 Intent and purpose.**
- 10-33.012 Definitions.**
- 10-33.020 Posting of candidate information on City's public website.**
- 10-33.030 Inclusion of candidate and election information in City's "Voter Update."**
- 10-33.040 Violations of voluntary election campaign spending limit.**

10-33.010 Intent and purpose.

The purpose of this chapter is to provide all candidates for election to the City Council, regardless of financial resources, with a means, subject to conditions, to disseminate candidate information to the public.

10-33.012 Definitions.

As used in this chapter the following definitions shall apply:

(A) "Eligibility requirement" means that a candidate for election to the City Council has deposited in the candidate's campaign bank account campaign contributions, from persons other than the candidate, totaling \$1,000.00 or more and has provided verification of this to the City Clerk or has filed with the City Clerk a statement or statements, on a form supplied by the City Clerk, endorsing the candidate for election to the City Council signed by 100 registered voters of the City. The verification of contributions or the endorsing statement(s) of the candidate shall be filed with the City Clerk within a period of 14 days from the last day that Council candidate nomination papers may be filed with the City Clerk for the particular election. The City Clerk shall examine the verification or statement(s) and shall certify its/their sufficiency or reject the same.

(B) "Qualifying candidate" means a candidate for election to the City Council who has met, as certified by the City Clerk, one of the eligibility requirements set forth in this chapter as is and who has executed a voluntary election campaign spending limit agreement for the election and filed the executed agreement with the City Clerk. The City Clerk shall not accept an agreement for filing unless the City Clerk has certified that the candidate has met one of the eligibility requirements.

(C) "Voluntary election campaign spending limit" means a total campaign expenditures limit of \$45,000.00 for a City Council election. "Campaign expenditures" has the same meaning as "campaign expenditures" set forth in subdivision (b) of Government Code Section 85400 and includes all such expenditures made by a candidate and controlled committee(s) of the candidate. The limit shall be automatically adjusted annually as of January 1st of each year, beginning January 1, 2011, based on the percentage change, if any, occurring over the prior 12-month period (January through December) in the U.S. Bureau of Labor Statistics CPI-U (Consumer Price Index – All Urban Consumers) for the San Francisco-Oakland-San Jose, California area.

(D) "Voluntary Election Campaign Spending Limit Agreement" means a form of agreement, approved by the City Attorney, under which, among other things, a candidate agrees to the voluntary election campaign spending limit and acknowledges and agrees to the consequences of any violation of the campaign expenditure limit, as provided in this chapter. The Voluntary Election Campaign Spending Limit Agreement shall be filed with the City Clerk within a period of 14 days from the last day that City Council candidate nomination papers may be filed with the City Clerk for the particular election.

10-33.020 Posting of candidate information on City's public website.

The City will provide each qualifying candidate space on its public website for the candidate's name, address, phone number, fax number, photograph and approved ballot designation, and a statement of no more than 500 words, of the candidate's education and qualifications expressed by the candidate himself or herself. The content of the statement shall be the sole responsibility of the candidate. The statement will be posted exactly as submitted by the candidate with no

editing by City staff. The City shall not be responsible for any errors in statements submitted by candidates and shall have no obligation to correct statements once the statement has been posted. Any statement submitted in excess of the 500 word limit will not be provided space on the City's website. No qualifying candidate may include within his or her statement any reference to another candidate, or the name of another committee, or other person or entity unless that candidate shall have previously obtained the written authorization of the candidate, committee, other person or entity, to use such reference within the statement. Proposed candidates' statements and an accompanying photograph (if any) of the candidate (including no more than the head and shoulders), shall be filed with the City Clerk by the nomination filing deadline for the City Council election to which it applies. The order of the candidates' statements, photographs and other information shall be the same as the ballot order as determined by the Secretary of State's drawing of a randomized alphabet for the applicable election. Qualifying Candidates' information for inclusion on the City's website must be filed with the City Clerk within a period of 14 days from the nomination filing deadline for the City Council election to which it applies. The City website shall contain a link to the League of Women Voters website so long as that website does not endorse or oppose candidates, covers Santa Rosa City Council elections, and provides equal access on the website to all City Council candidates.

City Council candidates who do not agree to the voluntary campaign expenditure limit or who otherwise do not qualify for inclusion on the City's public website will be listed on the City's public website by name only with a notation that the candidate did not qualify for public financing.

10-33.030 Inclusion of candidate and election information in City's "Voter Update."

The City will provide space in a City mailer publication "Voter Update" that will provide one-half a page for each qualifying candidate for candidate information. The edition of "Voter Update" will be printed using black ink on white 8-1/2" x 11" pages. The first page(s) will be for qualifying candidates' photographs, names, addresses, ballot designations, phone numbers, fax numbers, and a cross-reference to the page number that the qualifying candidate's statement appears in that edition of the "Voter Update." The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing, in block paragraphs.

The City will provide each qualifying candidate one-half page for the candidate's name, address, phone number, fax number, photograph, ballot designation, email address, and website address and a statement of no more than 200 words regarding the candidate's education and qualifications expressed by the candidate himself or herself. The content of the statement shall be the sole responsibility of the candidate. The statement will be printed exactly as submitted by the candidate with no editing by City staff. The City shall not be responsible for any errors in statements submitted by candidates and shall have no obligation to correct statements once the Voter Update has been printed. Any submittal in excess of the 200 word limit will not be printed in the "Voter Update." No candidate may include within his or her statement any reference to another candidate, committee, or other person or entity unless that candidate shall have previously obtained the written authorization of the candidate, committee, or other person or entity, to use such reference within the statement. The order of the candidates' statements, photographs, and other information shall be the same as the ballot order as determined by the Secretary of State's drawing of a randomized alphabet for the applicable election. Qualifying Candidates' information for inclusion in the "Voter Update" must be filed with the City Clerk

within a period of 14 days from the the nomination filing deadline for the City Council election to which it applies. The "Voter Update" shall be mailed to postal patrons within the City limits of the City of Santa Rosa no later than 30 days prior to the date of the next Council election.

City Council candidates who do not agree to the voluntary campaign expenditure limit or who otherwise do not qualify for inclusion in the City's "Voter Update" will be listed in the "Voter Update" by name only with a notation that the candidate did not qualify for public financing.

10-33.040 Violations of voluntary election campaign spending limit.

Any candidate who has met one of the eligibility requirements and has executed and filed a Voluntary Election Campaign Spending Limit Agreement with the City Clerk and who makes one or more election campaign expenditures in excess of the spending limit set forth in the agreement shall be liable to the City for such violation(s) in an amount equal to twice the total amount of all such expenditures which are in excess of the agreed to spending limit. The candidate, upon discovering said failure to abide by the Voluntary Election Campaign Spending Limit Agreement shall immediately notify the City Clerk who shall then, to the extent feasible, cease conferring the benefits and incentives afforded by this chapter.

Any payment to the City for election campaign expenditures made in excess of the spending limit set forth in the agreement shall be used to offset the costs to the City of disseminating candidate information to the public as set forth in this chapter."

Section 3. The Council finds and declares that the purposes in adopting the provisions of this ordinance are to increase the availability of public information regarding candidates, campaign contributions, and expenditures, to minimize the potential influence and the appearance of influence caused by large election campaign contributions, and to insure that individuals and interest groups in the City of Santa Rosa will continue to have a fair and equitable opportunity to participate in the elective process.

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Section 4. The Council finds and declares that the electronic filing system for campaign disclosure statements approved by this ordinance will operate securely and effectively and will not unduly burden filers.

Section 5. This ordinance is adopted pursuant to the authority granted the City and its Council under the Santa Rosa City Charter and Government Code section 81013.

Section 6. The provisions of this ordinance and Chapters 10-32 and 10-33 of the Santa Rosa City Code shall be liberally construed to accomplish their purposes.

Section 7. Severability. If any section, subsection, sentence, clause, or word of this ordinance is for any reason held invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and, to this extent, the provisions of this ordinance are severable.

Section 8. Environmental Determination. The adoption and implementation of the provisions of this ordinance are not subject to the provisions of the California Environmental Quality Act in that the Council finds and determines there is no possibility that the adoption and implementation of the provisions of this ordinance could have a significant effect on the environment.

Section 9. Effective Date. This ordinance shall be effective on the 31st day following its adoption, provided, however, that the provisions of Santa Rosa City Code Chapters 10-32, 10-33, and 10-34 as they were in effect on the day prior to the effective date of this ordinance shall remain in effect and applicable to all City Council elections and City ballot measure elections to which they applied and which were held prior to the effective date of this ordinance.

IN COUNCIL DULY PASSED AND ADOPTED this 6th day of May, 2014.

AYES: (7) Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Olivares, Ours, Wysocky

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM: _____

Assistant City Attorney