

ORDINANCE NO. 150.2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AMENDING THE SCOTTS VALLEY CAMPAIGN REFORM ACT TO ALLOW CONTRIBUTIONS FROM BUSINESS ENTITIES AND TO ELIMINATE EXPENDITURE CEILINGS

Section 1. Scotts Valley Municipal Code Chapter 2.60 is hereby amended to read as follows:

“Chapter 2.60 SCOTTS VALLEY CAMPAIGN REFORM ACT

Sections:

2.60.010	Title.
2.60.020	Purpose.
2.60.030	Interpretation of this Act.
2.60.040	Limitations on Contributions
2.60.050	Duties of local filing officer.
2.60.060	Penalties.
2.60.070	Applicability of other laws.

2.60.010 Title.

This chapter shall be known as the Scotts Valley Campaign Reform Act.

2.60.020 Purpose.

A. Large sums of money are often expended to finance election campaigns. Inherent in the high cost of elections is the problem of excessive or improper influence, real or perceived, exercised by campaign contributors over elected officials, and over the electoral process itself. It is the purpose and intent of this chapter, to place realistic and enforceable limits on the amount that individual persons may contribute to political campaigns in city elections.

B. This chapter is intended to supplement the Political Reform Act of 1974 and as subsequently amended; and in the event of a conflict between the Act and this article, that Act shall prevail. This chapter is enacted pursuant to article XI, section 17 of the Constitution of the State of California, and section 10102 of the California Elections Code.

2.60.030 Interpretation of this Act.

The definitions set forth in Government Code Sections 82000 et seq. shall govern the interpretation of this Act.

2.60.030 Limitations on contributions.

A. No individual or non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert shall contribute to any candidate for the office of city council member or the controlled committee of such a candidate and no such candidate or the candidate's controlled committee shall accept from any individual or non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert a contribution or contributions totaling more than one hundred dollars (\$100) for each election in which the candidate is on the ballot or is a write-in candidate.

B. No candidate for the office of city council member or the controlled committee of such a candidate shall accept any contribution from a non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert.

C. A contribution shall not be considered to be received if it is neither negotiated, deposited, and/or utilized by the candidate or the candidate's controlled committee. In addition, it must be returned to the donor within fourteen days of receipt. (Failure to return the contribution within fourteen days shall be deemed to be acceptance.)

D. A candidate for the office of city council member shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This subsection shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.

E. No person who contracts with the jurisdiction, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the city or for selling any land or building to the city, whenever the value of such transaction exceeds five thousand dollars (\$5,000) shall make any contribution to an elected city council member of the city, candidate for the office of city council member, or committee controlled by such official or candidate at any time between the commencement of negotiations and either the completion of the performance under or the termination of negotiations for, such contract, whichever occurs later.

F. The local filing officer shall monitor the contributions and expenditures described herein, and shall charge the candidate a fee, in an amount to be established from time to time by resolution of the city council, for the cost of processing the statements.

G. A candidate for the office of city councilmember shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.

H. Nothing in this section shall be deemed to prohibit loans from a candidate to his/her own campaign in accordance with state law.

2.60.050 Duties of local filing officer.

A. The city clerk shall act as the local filing officer.

B. The local filing officer shall prescribe the necessary forms for filing the appropriate statements.

2.60.060 Penalties.

Any person who violates any provision of this Act is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of any provision of this Act, shall be liable under the provisions of this chapter.

2.60.070 Applicability of other laws.

Nothing in this Act shall exempt any person from applicable provisions of any other laws of this state or jurisdiction."

Section 2. CEQA Compliance. The City Council finds and determines that the enactment of this ordinance is not a project as that term is used in the California Environmental Quality Act ("CEQA") or the State CEQA guidelines. Therefore, no environmental assessment is required or necessary.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of this ordinance and shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. Posting. This ordinance shall be in full force and effect thirty (30) days from and after passage and shall be posted within the City in three (3) public places.

This ordinance was introduced on this 21st day of April, 2010, and passed and adopted on the 5th day of May, 2010, at a duly held meeting of the City Council of the City of Scotts Valley by the following votes:

AYES: AGUILAR, BUSTICHI, JOHNSON, LIND, REED

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Approved: _____
Jim Reed, Mayor

Attest:

Tracy Ferrara, City Clerk



City of Scotts Valley, California, Code of Ordinances

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 2.60 - SCOTTS VALLEY CAMPAIGN REFORM ACT

Sections:

2.60.010 - Title.

2.60.020 - Purpose.

2.60.030 - Interpretation of this Act.

2.60.040 - Limitations on contributions.

2.60.050 - Duties of local filing officer.

2.60.060 - Penalties.

2.60.070 - Applicability of other laws.

2.60.010 - Title.

This chapter shall be known as the Scotts Valley Campaign Reform Act.
(Ord. 150.2, § 1, 5-5-2010)

2.60.020 - Purpose.

- A. Large sums of money are often expended to finance election campaigns. Inherent in the high cost of elections is the problem of excessive or improper influence, real or perceived, exercised by campaign contributors over elected officials, and over the electoral process itself. It is the purpose and intent of this chapter, to place realistic and enforceable limits on the amount that individual persons may contribute to political campaigns in city elections.
- B. This chapter is intended to supplement the Political Reform Act of 1974 and as subsequently amended; and in the event of a conflict between the Act and this article, that Act shall prevail. This chapter is enacted pursuant to article XI, section 17 of the Constitution of the State of California, and section 10102 of the California Elections Code.

(Ord. 150.2, § 1, 5-5-2010)

2.60.030 - Interpretation of this Act.

The definitions set forth in Government Code Sections 82000 et seq. shall govern the interpretation of this Act.

(Ord. 150.2, § 1, 5-5-2010)

2.60.040 - Limitations on contributions.

- A. No individual or non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert shall contribute to any candidate for the office of city council member or the controlled committee of such a candidate and no such candidate or the candidate's controlled committee shall accept from any individual or non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert a contribution or contributions totaling more than one hundred dollars for each election in which the candidate is on the ballot or is a write-in candidate.
- B. No candidate for the office of city council member or the controlled committee of such a candidate shall accept any contribution from a non-individual, including a firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert.
- C. A contribution shall not be considered to be received if it is neither negotiated, deposited, and/or utilized by the candidate or the candidate's controlled committee. In addition, it must be returned to the donor within fourteen days of receipt. (Failure to return the contribution within fourteen days shall be deemed to be acceptance.)
- D. A candidate for the office of city council member shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This subsection shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.
- E. No person who contracts with the jurisdiction, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the city or for selling any land or building to the city, whenever the value of such transaction exceeds five thousand dollars shall make any contribution to an elected city council member of the city, candidate for the office of city council member, or committee controlled by such official or candidate at any time between the commencement of negotiations and either the completion of the performance under or the termination of negotiations for, such contract, whichever occurs later.

- F. The local filing officer shall monitor the contributions and expenditures described herein, and shall charge the candidate a fee, in an amount to be established from time to time by resolution of the city council, for the cost of processing the statements.
- G. A candidate for the office of city councilmember shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.
- H. Nothing in this section shall be deemed to prohibit loans from a candidate to his/her own campaign in accordance with state law.

(Ord. 150.2, § 1, 5-5-2010)

2.60.050 - Duties of local filing officer.

- A. The city clerk shall act as the local filing officer.
- B. The local filing officer shall prescribe the necessary forms for filing the appropriate statements.

(Ord. 150.2, § 1, 5-5-2010)

2.60.060 - Penalties.

Any person who violates any provision of this Act is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of any provision of this Act, shall be liable under the provisions of this chapter.

(Ord. 150.2, § 1, 5-5-2010)

2.60.070 - Applicability of other laws.

Nothing in this Act shall exempt any person from applicable provisions of any other laws of this state or jurisdiction.

(Ord. 150.2, § 1, 5-5-2010)

FOOTNOTE(S): Editor's note—Ord. 150.2, § 1, adopted May 5, 2010, amended ch. 2.60 in its entirety to read as herein set out. Former ch. 2.60, §§ 2.60.010—2.60.080, pertained to similar subject matter, and derived from Ord. 150, § 1 (part), adopted 1992; Ord. 150.1, § 1, adopted May 5, 2004.
