

ORDINANCE NO. 08-06

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADDING CHAPTER 2.10 TO THE TEMECULA MUNICIPAL CODE PROVIDING FOR CAMPAIGN DISCLOSURE REQUIREMENTS AND MAKING FINDINGS WITH RESPECT THERETO

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.10, Campaign Disclosure Requirements, is hereby added to Title 2 (Administration and Personnel) of the Temecula Municipal Code to read as follows:

"Chapter 2.10 CAMPAIGN DISCLOSURE REQUIREMENTS

2.10.010. Purpose.

The purpose of this chapter is:

(a) To require full disclosure of the identity of all contributors to campaigns in support of or in opposition to candidates for the Temecula City Council and City of Temecula ballot measures only as authorized by state law;

(b) To make the public's examination of campaign disclosure documents concerning City of Temecula elections more convenient and accessible to the people of Temecula; and

(c) To impose disclosure requirements, and prohibitions that are as or more stringent than those imposed by state law to the extent authorized by California Government Code Section 81009.5 and 81013 as they relate to Temecula elections only.

2.10.020. Definitions.

The definitions set forth in the Political Reform Act of 1974 (Government Code Sections 82000 through 82055, as may be amended from time to time), shall govern the interpretation of this chapter, except that:

(a) **"Candidate"** shall mean an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials for nomination or election to the Temecula City Council, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to the Temecula City Council, whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any member of the Temecula City Council who is the subject of a recall election. An individual who becomes a

Candidate shall retain his or her status as a Candidate until such time as that status is terminated pursuant to Section 84214 of the California Government Code. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

(b) **"City"** shall mean the City of Temecula

(c) **"City Ballot Measure"** shall mean any initiative, referendum or City Council-sponsored measure that is to be submitted solely to the voters of the City of Temecula.

(d) **"City Clerk"** shall mean the City Clerk of the City of Temecula.

(e) **"City General Purpose Committee"** is defined in the Political Reform Act at Government Code Section 82027.5(d) , as may be amended from time to time.

(f) **"Committee"** shall be defined and governed by the following provisions:

(1) "Committee" shall mean any person or combination of persons who directly or indirectly does any of the following:

(A) Receives contributions totaling two hundred fifty dollars (\$250.00) or more in a calendar year; or

(B) Makes independent expenditures totaling two hundred fifty dollars (\$250.00) or more in a calendar year; or

(C) Makes contributions totaling more than ten thousand dollars (\$10,000.00) in a calendar year to or at the behest of any Candidate or Candidates for Temecula City Council, any controlled committee or committees of such Candidate or Candidates, and any committee which supports or opposes such Candidate or Candidates.

(2) A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214 of the California Government Code.

(3) As required by Government Code Section 81009.5, the definition of "Committee" in this subsection (e) shall apply only to: (A) a Candidate's controlled committee or committees formed or existing primarily to support or oppose their candidacies; (B) committees formed or existing primarily to support or oppose a Candidate or Candidates; (C) committees formed or existing primarily to support or oppose the qualification of, or the passage

I hereby certify, under the penalty of perjury, that the above and foregoing is a true and correct copy of an original on deposit within the records of the City of Temecula, this 27th day of July, 2008.
SUSAN W. JONES, MMC, City Clerk

(d)(5)

by:

of, a ballot measure which is being voted on only in the City of Temecula; and (D) general purpose committees active only in the City of Temecula.

(g) **"Contribution"** is defined in the Political Reform Act at Government Code Section 82015, as may be amended from time to time.

(h) **"Controlled Committee"**: is defined in the Political Reform Act at Government Code Section 82016, as may be amended from time to time.

(i) **"Expenditure"** is defined in the Political Reform Act at Government Code Section 82025, as may be amended from time to time.

(j) **"Independent Expenditure"** is defined in the Political Reform Act at Government Code Section 82031, as may be amended from time to time.

(k) **"Late Contribution"** means any of the following: Any contribution, including a loan, that totals in the aggregate one hundred dollars (\$100.00) or more that is made to or received by a Candidate or a Committee after the closing date of the last campaign statement required to be filed before the election.

(l) **"Late Independent Expenditure"** means any independent expenditure which totals in the aggregate one hundred dollars (\$100.00) or more and is made for or against any specific Candidate or City Ballot Measure after the closing date of the last campaign statement required to be filed prior to the election.

(m) **"Person"** is defined in the Political Reform Act at Government Code Section 82047, as may be amended from time to time.

2.10.030. Campaign Contribution and Expenditure Disclosures.

(a) In addition to any other report required by law to be filed, each Candidate for Temecula City Council shall, at the time he or she files nomination papers for such office, file with the City Clerk a statement, in letter form or on a form prescribed by the City Clerk for such purpose, which contains the following information (copies of previous campaign statements may be appended to the statement for the purpose of supplying the required information):

- (1) The name and address of the Candidate's controlled Committee;
- (2) The treasurer of such controlled Committee;
- (3) The total amount of cash on hand in such Committee's account as of the date of filing the statement; and
- (4) The information specified for disclosure of contributions and expenditures in subsection (c) of this Section.

I hereby certify, under the penalty of perjury, that the above and foregoing is a true and correct copy of a original on deposit within the records of the City of Temecula, this 22 day of July, 2008
SUSAN W. NONES MMC City Clerk

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(b) If the Candidate filing nomination papers has not yet organized a controlled Committee at the time of filing, he or she shall file the statement required by Section 2.10.030(a) within twenty-four (24) hours of filing a statement of organization with the Secretary of State's office.

(c) Any Committee that makes a contribution or independent expenditure to support or oppose a Candidate or a City Ballot Measure shall, within twenty-four (24) hours of making such contribution or independent expenditure, file in the office of the City Clerk a letter containing:

- (1) the name and address of the Committee,
- (2) the full street address of the Committee,
- (3) the Fair Political Practices Commission/Secretary of State identification number of the Committee,
- (3) the treasurer of the Committee, and the Candidate(s) and/or City Ballot Measure(s) supported or opposed by the Committee.

(d) It shall be unlawful for any person or Committee to knowingly file or publish any name or street address for a Committee that is not the complete and accurate name and/or street address of the Committee.

(d) Each Candidate or Committee that supports or opposes a Candidate or Candidates or a City Ballot Measure shall report on the Committee's campaign statement the information specified for disclosure in California Government Code Section 84211, as may be amended from time to time, any other information required by law to be disclosed, and the following additional information:

- (1) For each person from whom the Committee has received cumulative contributions in excess of one hundred dollars (\$100.00) the statement shall contain the information described in Government Code Section 84211(f), as may be amended from time to time; and
- (2) For each person for whom an expenditure in excess of one hundred dollars (\$100.00) or more has been made in connection with a single election for a Candidate or a City Ballot Measure, the statement shall contain the information described in Government Code Section 84211(k), as may be amended from time to time.

(e) The statements described in subsection (d) shall be filed pursuant to the time schedule established by the Political Reform Act and for the following additional period: For the period ending seven (7) days prior to the election, a statement with the information required by Government Code Section 84211 and this section shall be filed no later than four (4) days before the election.

2.10.040. Late Campaign Contribution/Expenditure disclosure.

(a) Any Contribution or Expenditure which totals in the aggregate one hundred dollars (\$100.00) or more in support of or opposition to a Candidate or a City Ballot Measure, which is received after the closing date for the Committee's or Candidate's final pre-election statement, shall be reported to the City Clerk by facsimile transmission, guaranteed overnight delivery within twenty-four (24) hours of the time the Contribution or Expenditure is made and shall contain the information specified in Government Code Section 84211(f) and (k), as may be amended from time to time.

(b) A Late Campaign Contribution need not be reported, nor shall it be deemed accepted, if it is not cashed, negotiated or deposited and is returned to the contributor within twenty-four (24) hours of its receipt.

2.10.050. Filing of Campaign Statements and Reports.

In addition to Committees that are already required to file campaign reports and statements with the City Clerk pursuant to the Political Reform Act, any other Committees shall also file pre-election statements for late contribution reports with the City Clerk in accordance with the filing schedule specified by the provisions of the Political Reform Act and this Chapter.

2.10.060. Record-keeping and Audits.

(a) It shall be the duty of each Candidate, treasurer, and principal officer of any Committee to maintain such detailed accounts, records, bills, copies of checks, and receipts that are necessary to prepare the campaign statements required by this Chapter and the Political Reform Act. Such records shall be maintained and retained by the filer pursuant to the provisions of the Political Reform Act and regulations promulgated by the Fair Political Practices Commission. Persons maintaining such records shall, upon not less than seven (7) days written notice, make such records available for review and/or audit by a designated representative of the City of Temecula.

(b) For the specific purpose of enforcing the provisions of this Chapter only, the City Clerk or the City Attorney, or their designated representatives, may investigate and audit the records and reports of any Candidate, Candidate's controlled Committee, and any other Committee that supports or opposes any Candidate or Candidates or any City Ballot Measure.

2.10.070. Remedies.

(a) In the case of any violation of this Chapter by a Committee, the treasurer and any principal officers or, in the case of a controlled Committee, the treasurer and the Candidate, may be liable for violations as provided herein. If two (2) or more persons are liable for any violation, they shall be jointly and severally liable.

(b) Any person or Candidate who knowingly or willfully violates any provision of this Chapter shall be subject to the enforcement provisions and penalties of Chapters 1.20, 1.21 and 1.24 of this Code.

I hereby certify, under the penalty of perjury, that the above and foregoing is a true and correct copy of an original on deposit within the records of the City of Temecula, this 27th day of July, 2008.
SUSAN W. JONES MMC, City Clerk

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(c) The City may file a legal action in Riverside County Superior Court to enjoin violations of, or to compel compliance with, the provisions of this Chapter. The prevailing party in any such action shall be entitled to seek and be awarded its attorneys fees and court costs. Any action for civil injunctive relief and/or civil penalty must be filed within one (1) year of the date of the alleged violation. No civil action may be brought if a criminal action is pending for the same or related violations, unless such criminal action is dismissed by the prosecuting attorney."

Section 2. The City Council of the City of Temecula, as the legislative body of the City, makes the following findings in support of the immediate adoption and application of this ordinance as any urgency ordinance concerning campaign disclosures in the City of Temecula. The purpose of this chapter is to: (a) Require full disclosure of the identity of all contributors to campaigns in support of or in opposition to candidates for the Temecula City Council and City of Temecula ballot measures as authorized by state law; (b) make the public's examination of campaign disclosure documents concerning City of Temecula elections more convenient and accessible to the people of Temecula; and (c) impose disclosure requirements, and prohibitions that are as or more stringent than those imposed by state law as authorized by California Government Code Section 81009.5 and 81013. The ordinance needs to be in effect prior to July 8, 2008 because this is the date candidates for the Temecula City Council election in November 2008 may begin to file their nomination papers. Candidates will not be able to effectively determine the ordinances governing their campaigns nor plan their campaigns unless the Ordinance is in effect prior to this date.

Section 3. This ordinance is adopted as an urgency ordinance pursuant to the provisions of Government Code Sections 36934 and 36937 and shall be effective immediately upon its adoption. Based upon the findings set forth Section 2 of this Ordinance, the City Council finds and determines that the adoption of this ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health or safety pursuant to the requirements of Government Code Sections 36934 and 36937.

Section 4. If any portion, provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.

I hereby certify, under the penalty of perjury, that the above and foregoing is a true and correct copy of an original on deposit within the records of the City of Temecula, this 22nd day of July, 2008.
SUSAN W. JONES, MMC, City Clerk

by (d)(5) [Redacted Signature]

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 24th day of June, 2008.

(d)(5)

Michael S. Naggar, Mayor

ATTEST:

(d)(5)

Susan W. Jones, MMC
City Clerk

[SEAL]

I hereby certify, under the penalty of perjury, that the above and foregoing is a true and correct copy of an original on deposit within the records of the City of Temecula, this 24th day of July, 2008.
SUSAN W. JONES, MMC, City Clerk

by: (d)(5)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Susan W. Jones, MMC, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 08-06 was duly adopted and passed as an urgency ordinance at a regular meeting of the City Council on the 24th day of June, 2008, by the following vote:

AYES:	4	COUNCIL MEMBERS:	Comerchero, Edwards, Roberts, Washington
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Naggar
ABSTAIN:	0	COUNCIL MEMBERS:	None

(d)(5)

Susan W. Jones, MMC
City Clerk

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