

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ESTABLISHING  
VOLUNTARY CAMPAIGN CONTRIBUTION  
REGULATIONS, ADDITIONAL REQUIREMENTS  
FOR DISCLOSURES AND CAMPAIGN  
STATEMENT FILINGS, AND ADOPTING A  
VOLUNTARY CODE OF FAIR CAMPAIGN  
PRACTICES

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RESOLUTION NO. 2016-148

**WHEREAS**, political contributions involve the exercise of fundamental freedoms protected by the First Amendment to the United States Constitution and Article I, Section 2 of the California Constitution; and

**WHEREAS**, public policy strongly encourages the giving and receiving of campaign contributions; and

**WHEREAS**, upon an adequate administrative record and pursuant to Elections Code Section 10202, a city may, by resolution, limit campaign contributions in municipal elections; and

**WHEREAS**, the City of Turlock desires to promote informed actions by the electors of the city by imposing additional disclosure requirements for campaign contributions; and

**WHEREAS**, the proposed regulations are intended to establish practices consistent with the Mayor and City Council's commitment to conduct the public's business in accordance with high ethical standards and consistent with open government practices; and

**WHEREAS**, these regulations are intended to supplement the Political Reform Act of 1974, as now existing or hereafter amended commencing with Government Code Section 81000, et seq. (hereinafter "Act").

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Turlock does hereby adopt the following:

**Section 1. Definitions.**

"Contribution" shall have the same meaning as that term is defined under the Political Reform Act, Government Code Section 82015.

"Person" shall have the same meaning as that term is defined under the Political Reform Act, Government Code Section 82047.

"Election Cycle" shall mean the period of time between the date of an election to the office of Mayor or Councilmember and the date of the next election to the same office.

**Section 2. Voluntary Campaign Contribution Limit.**

Pursuant to Elections Code Section 10202, candidates for Mayor and City Council are requested to limit campaign contributions to \$1,000.00 per person per election cycle.

A candidate who voluntarily elects to limit campaign contributions shall comply with the following:

(a) No person shall make, and no candidate for Mayor or City Council or their campaign treasurer shall solicit or accept, any contribution which would cause the total amount contributed by that person to that candidate, including contributions to all committees controlled by that candidate, to exceed one thousand dollars (\$1,000.00) in any election cycle. Nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign.

(b) A candidate who voluntarily elects to limit campaign contributions shall return to the contributor any portion of a contribution that exceeds the amount set forth in paragraph (a). In addition, the candidate shall provide written notification to the City Clerk. Said notification shall identify the contributor's name, the amount returned, and the date of the return.

**Section 3. City of Turlock Pledge to Limit Campaign Contributions.**

Within five (5) business days following the effective date of this resolution, the Mayor and all members of the City Council must execute and file with the City Clerk their initial City of Turlock Pledge to Limit Campaign Contributions form, Attachment A.

The City Clerk shall provide the City of Turlock Pledge to Limit Campaign Contributions to each candidate at the time of issuance of nomination papers. Candidates shall execute and file the City of Turlock Pledge to Limit Campaign Contribution form with the City Clerk at the same time the candidate files his/her candidate nomination papers.

The Pledge to Limit Campaign Contributions form may be amended by the Mayor, Councilmember and/or Candidate at any time.

The City Clerk shall post the completed Pledge to Limit Campaign Contributions form on the City's website.

**Section 4. Additional Requirements for Disclosures and Campaign Statement Filing.**

Each candidate and each committee controlled by a candidate shall disclose in the Campaign Statements required by the Act and by this Resolution, all of the following:

(a) The information required under Section 84211(f) of the Act if the cumulative amount of contributions (including loans) received from a person is \$1.00 or more and a contribution or loan has been received from that person during the period covered by the Campaign Statement; and

(b) The information required under Section 84211(g) of the Act if the cumulative amount of loans received from or made to a person is \$1.00 or more, and a loan has been received from or made to that person during the period covered by the Campaign Statement or is outstanding during the period covered by the Campaign Statement; and

(c) All of the other information required by Section 84211 of the Act.

(d) Within ten (10) business days following the effective date of this resolution, the Mayor and each member of the City Council shall provide the City Clerk with a list of each members' top ten contributors and/or a list of all maximum contributors. This document shall be provided as part of each City Council meeting agenda packet and will be identified on the agenda as "Disclosure of Top Ten/Maximum Contributors," Attachments C and D.

The Mayor and Councilmembers are required to provide an updated list to the City Clerk a week prior to each City Council meeting.

### **Section 5. Voluntary Code of Fair Campaign Practices.**

There are basic principles of decency, honesty, and fair play which every candidate for public office has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues. Therefore, the City Council hereby adopts the following Voluntary Code of Fair Campaign Practices:

#### **Voluntary Code of Fair Campaign Practices**

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents which merit such criticism and without false or misleading statements.

(2) I SHALL NOT USE OR PERMIT the use of insulting, offensive, defamatory, or scandalous attacks on any candidate or his or her immediate family. I shall not participate in nor shall I permit the use of defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in nor shall I permit the use of any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis.

(4) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE in writing or in the media support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which violate this code. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing ethics.

(5) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned candidate for election to public office in the City of Turlock, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

(a) Within five (5) business days following the effective date of this resolution, the Mayor and all members of the City Council must execute and file with the City Clerk their initial City of Turlock Pledge to Comply with the City's Code of Fair Campaign Practices form, Attachment B.

(b) The City Clerk shall provide the City of Turlock Pledge to Comply with the City's Code of Fair Campaign Practices form to each candidate at the time of issuance of nomination papers. Candidates shall execute and file the City of Turlock Pledge to Comply with the City's Code of Fair Campaign Practices form with the City Clerk at the same time the candidate files his/her candidate nomination papers.

(c) The Pledge to Comply with the City's Code of Fair Campaign Practices form may be amended by the Mayor, Councilmember and/or Candidate at any time.

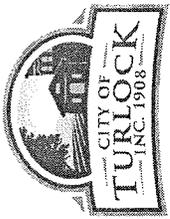
(d) The City Clerk shall post the completed Pledge to Comply with the City's Code of Fair Campaign Practice form on the City's website.

**RESOLUTION EFFECTIVE DATE:** Upon passage and adoption by the Turlock City Council.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 28<sup>th</sup> day of June, 2016, by the following vote:

AYES:	Councilmembers DeHart, Bublak, and Mayor Soiseth
NOES:	Councilmembers Nascimento and Jacob
NOT PARTICIPATING:	None
ABSENT:	None

ATTEST:  
  
 \_\_\_\_\_  
 Jennifer Land, Deputy City Clerk,  
 City of Turlock, County of Stanislaus,  
 State of California



# PLEDGE TO LIMIT CAMPAIGN CONTRIBUTIONS

Date Stamp

Check One:  Initial  Amendment (Explain) \_\_\_\_\_

### 1. Candidate Information:

Name (Last, First, Middle Initial) \_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
Daytime Telephone Number \_\_\_\_\_ Fax Number (optional) \_\_\_\_\_ E-mail (optional) \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Office Sought (Position Title) \_\_\_\_\_ Agency Name \_\_\_\_\_ District Number, if applicable \_\_\_\_\_

### 2. Voluntary Contribution Limit:

\_\_\_\_\_ General Election Check one box:  I accept the voluntary contribution limit set forth in Resolution No. 2016-\_\_\_\_\_  
Year of Election  I do not accept the voluntary contribution limit set forth in Resolution No. 2016-\_\_\_\_\_

Amendment:

On \_\_\_\_\_ I amended my pledge to accept the voluntary campaign contributions set forth in Resolution No. 2016-\_\_\_\_\_

On \_\_\_\_\_ I amended my pledge to withdraw my declaration to adhere to the voluntary contribution limits set forth in Resolution No. 2016-\_\_\_\_\_

**3. Disclosure:** I understand that this Pledge to Limit Campaign Contributions will be posted on the City's website.

**4. Verification:** I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ (Month, Day, Year) Signature \_\_\_\_\_ (Candidate)



**PLEDGE TO COMPLY WITH THE CITY'S VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES**

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents which merit such criticism and without false or misleading statements.

(2) I SHALL NOT USE OR PERMIT the use of insulting, offensive, defamatory, or scandalous attacks on any candidate or his or her immediate family. I shall not participate in nor shall I permit the use of defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in nor shall I permit the use of any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis.

(4) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE in writing or in the media support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which violate this code. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing ethics.

(5) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned candidate for election to public office in the City of Turlock, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Voluntary Contribution Limit:**  
\_\_\_\_\_ General Election  
Year of Election

I **accept** the Voluntary Code of Fair Campaign Practices set forth in Resolution No. 2016-\_\_\_\_\_

I **do not accept** the Voluntary Code of Fair Campaign Practices set forth in Resolution No. 2016-\_\_\_\_\_

**Amendment:**

On \_\_\_\_\_ I amended my pledge to accept the Voluntary Code of Fair Campaign Practices set forth in Resolution No. 2016-\_\_\_\_\_

On \_\_\_\_\_ I amended my pledge to withdraw my declaration to adhere to the Voluntary Code of Fair Campaign Practices set forth in Resolution No. 2016-\_\_\_\_\_

**Disclosure:**

I understand that this Pledge to Comply with the City's Voluntary Code of Fair Campaign Practices will be posted on the City's website.

# **SAMPLE AGENDA**

## **City Council Agenda**



**Date**  
**6:00 p.m.**  
**City of Turlock Yosemite Room**  
**156 S. Broadway, Turlock, California**



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**Mayor**  
**Gary Soiseth**

**Council Members**  
**William DeHart, Jr.**    **Steven Nascimento**  
**Matthew Jacob**        **Amy Bublak**  
   **Vice Mayor**

**City Manager**  
**Gary R. Hampton**  
**City Clerk**  
**Kellie E. Weaver**  
**City Attorney**  
**Phaedra A. Norton**

**SPEAKER CARDS:** To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**EQUAL ACCESS POLICY:** If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

**NOTICE:** Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

**AGENDA PACKETS:** Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at [www.cityofturlock.org](http://www.cityofturlock.org) and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1.    **A. CALL TO ORDER**  
  
      **B. SALUTE TO THE FLAG**
  
2.    **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**
  
3.    **A. SPECIAL BRIEFINGS**  
  
      **B. STAFF UPDATES**

**C. PUBLIC PARTICIPATION**

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council and to address the Council on any item on tonight's agenda, including Consent Calendar items. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

**4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE**

**B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

**C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS**

**D. DISCLOSURE OF EX PARTE COMMUNICATIONS**

**5. CONSENT CALENDAR**

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Demands of date in the amount of \$ \_\_\_\_\_;
- B. Motion: Accepting Minutes of Regular Meeting of \_\_\_\_\_;

**6. FINAL READINGS**

**7. PUBLIC HEARINGS**

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

**8. SCHEDULED MATTERS**

**9. MATTERS TOO LATE FOR AGENDA/NON-AGENDA ITEMS**

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- 1) When a majority decides there is an "emergency situation" (as defined for emergency meetings).
- 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- 3) When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then "placed on the agenda." Second, discuss and act on the added agenda item.

**10. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

**11. COUNCIL COMMENTS**

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

**12. CLOSED SESSION**

**13. ADJOURNMENT**

# SAMPLE

**Council Agenda**

**Date**

**Top Ten / Maximum Contributors:**

**Mayor Gary Soiseth**

**Contributors**

Associated Feed

Corrine Young

Curt Andre

David Young

Eric Gonsalves

Jeani Ferrari

Jim Vieira

Joe Alamo of Alamo Farms

John Ferrari

Mark Ahlem

Mark Hall

Melissa Williams

Monte Vista Crossings

Prospector LLC

Rebecca Gonsalves

Ryan Walsh-Martel

Sebastian Cipponeri of Cipponeri Farms

Torre Reich Construction

Vierra Dairy Farms