

ORDINANCE NO. 2317**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADDING A NEW ARTICLE XIV TO CHAPTER 2 (ADMINISTRATION) TO THE SOUTH PASADENA MUNICIPAL CODE ESTABLISHING CITY CAMPAIGN CONTRIBUTION REGULATIONS**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2 (Administration) of the South Pasadena Municipal Code is hereby amended by the addition of the following Article XIV (Campaign Contribution Regulations) which shall read as follows:

ARTICLE XIV. CAMPAIGN CONTRIBUTION REGULATIONS**Sec. 2.99-41 Purpose and intent.**

- (a) It is the purpose and intent of this chapter:
- (1) To promote integrity, honesty, fairness, and transparency in municipal election campaigns.
 - (2) To prevent corruption, or the appearance of corruption, which results from the real or imagined influence of large contributions on the conduct or actions of candidates elected to office.
 - (3) To ensure a level of discussion of public issues adequate for a viable campaign by providing voters with the information necessary to make an assessment of each candidate before voting.
 - (4) To place realistic and enforceable limits on the amounts Persons may contribute in municipal election campaigns.
 - (5) To provide full and fair enforcement of all the provisions of this chapter.
- (b) By enacting this chapter, the city council does not intend to deprive or restrict any person of the exercise of rights guaranteed under the United States Constitution or the California Constitution.
- (c) The city council takes specific notice of the findings and declarations made in the Political Reform Act and finds and declares them applicable to South Pasadena and a basis for enacting this chapter.

Sec. 2.99-42 Definitions.

- (a) For the purpose of this chapter, certain words and phrases are defined, and the definitions set forth as follows shall apply to the provisions of this chapter unless it is apparent from the context that a different meaning is necessarily intended.
- (1) "city" means City of South Pasadena, a California municipal corporation.
 - (2) "city candidate" means any person who is a candidate for an elected city office or who is an elected city official and who is the subject of a recall election.
 - (3) "city official" includes: (i) any elected or appointed city officeholder, including any city officeholder elected but not yet sworn in; and (ii) any "public official" of the city as the term "public official" is defined under Government Code section 82048.
 - (4) "campaign committee" means any person or combination of persons formed for the purpose of promoting or opposing the election or reelection of a person to city elected office who directly or indirectly, (i) receives contributions, or (ii) makes independent expenditures or (iii) makes contributions at the behest of any city candidate. A campaign committee includes any "controlled committee" within the meaning of Government Code section 82016, any "general purpose committee" within the meaning of Government Code section 82027.5, any "primarily formed committee" within the meaning of Government Code section 82047.5, any "sponsored committee" within the meaning of Government Code section 82048.7, or political action committee..
 - (5) "contribution" shall have the same meaning as set forth under Government Code section 82015.
 - (6) "excessive contribution" means any contribution accepted in violation of section 2.99-36 or which would cause the total amount of contributions from a single donor to exceed the contribution limitations set forth in this chapter.
 - (7) "gift" shall have the same meaning as set forth under Government Code section 82028.
 - (8) "loan" means the temporary transfer of money or goods for the personal use of an individual with the exception that the money or goods will be returned.
 - (9) "person" means any natural person; any corporation of any variety; any limited liability company; any partnership of any variety; any sole

proprietorship; any joint venture or like commercial venture or partnership; any trust; any independent contractor; or any organization or association of persons of any variety and formed for any purpose, including, but not limited to, any collective bargaining group or labor association.

Sec. 2.99-43 Campaign contribution limitations.

- (a) No city candidate, or his or her campaign committee, shall solicit or accept any contribution from any person which would cause the total amount contributed by such person, with respect to any single election, when combined, to exceed the sum of one thousand dollars (\$1,000).
- (b) The provisions of subsection A of this section shall not apply to contributions from a city candidate or from his or her immediate family to any campaign committee connected with that city candidate, nor to the expenditure, by the city candidate, of his or her personal funds. For purposes of this section, "immediate family" means a candidate's spouse or domestic partner, and/or dependent children.

Sec. 2.99-44 Return of excessive contributions.

The city candidate, or his or her campaign committee, in receipt of any excessive contribution shall, within 72 hours of receipt thereof, return any such excessive contribution to the donor. In the event an excessive contribution is received and reported in the campaign statement, the recipient shall, within 72 hours of notification by the city clerk, return such excessive contribution to the donor; if such excessive contribution is not returned within 72 hours, the recipient shall, within five (5) calendar days, transmit to the city clerk for deposit in the city treasury a sum equal to such excess.

Sec. 2.99-45 City clerk responsibilities.

- (a) In addition to other duties required by law, the city clerk shall:
 - (1) furnish a copy of this chapter to all qualified city candidates during the nomination period for city office.
 - (2) determine whether required statements and declarations have been filed timely and, if so, whether they conform on their face with the requirements of this chapter.
 - (3) promptly notify city candidates, or his or her campaign committee, of any errors in their statements or of failure to file.
 - (4) report, in writing, apparent violations of this chapter to the city attorney.

Sec. 2.99-46 Criminal misdemeanor actions.

- (a) The city attorney, or the designated and appointed legal representative for the city, shall investigate and where deemed appropriate prosecute any violation of this chapter.
- (b) Any person who violates any provision of this chapter is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provisions of this chapter, shall be liable under the provisions of this section.

Sec. 2.99-47 Civil actions.

- (a) Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the city attorney or by a person residing within the city for an amount not more than three times the amount of the unlawful contribution.
- (b) If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- (c) No civil action alleging a violation of any provision of this chapter shall be filed more than one (1) year after the date the violation occurred.

Sec. 2.99-48 Injunctive Relief.

The city attorney or any person residing in the city may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter.

Sec. 2.99-49 Cost of litigation.

The court may award to a plaintiff or defendant who prevails in any action authorized by this chapter his or her costs of litigation, including reasonable attorneys' fees; provided, however, no costs of litigation or attorneys' fees shall be awarded against the city.

Sec. 2.99-50 Construction of Provisions.

This chapter shall be in addition to all other city and state laws applicable to municipal elections. Unless the contrary is stated or clearly appears from the context, the definitions and terms set forth in the Government Code shall govern the interpretations of terms used in this chapter. This chapter shall be construed liberally in order to effectuate its purpose.

SECTION 2. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

SECTION 3. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

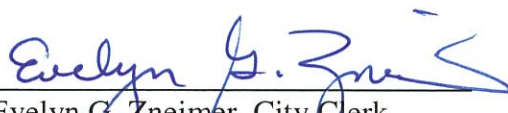
PASSED, APPROVED, AND ADOPTED ON this 4th day of October, 2017.



Michael A. Cacciotti, Mayor

ATTEST:

APPROVED AS TO FORM:



Evelyn G. Zneimer, City Clerk
(seal)



Teresa L. Highsmith, City Attorney

Date: 10/4/2017


I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 4th day of October, 2017, by the following vote:

AYES: Joe, Khubesrian, Mahmud, Schneider, and Mayor Cacciotti

NOES: None

ABSENT: None

ABSTAINED: None


Evelyn G. Zneimer, City Clerk
(seal)