

CITY OF BELLFLOWER

RESOLUTION NO. 24-12

A RESOLUTION RETROACTIVELY ADOPTING CITY ELECTION CAMPAIGN FINANCE POLICIES IN ACCORDANCE WITH GOVERNMENT CODE § 85702.5

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. *Recitals.* The City Council finds as follows:

- A. The City currently does not have campaign contribution limits or regulations that are distinct from California law;
- B. In the absence of local regulations, Government Code § 85702.5 establishes default campaign contribution limits. This is currently \$5,500 per election;
- C. Government Code § 85702.5 permits the City to establish its own campaign contribution limits that are different from what is established by Government Code §§ 85301 and 83124 by resolution or ordinance;
- D. The City Council recognizes that California law including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows legislation to be retroactively applied when the legislative intent for such retroactivity is clear;
- E. It is the purpose and intent of the City Council in enacting this Resolution to preserve an orderly political forum in which individuals and groups may express themselves effectively; to minimize the improper influence, real or potential, of campaign contributors over the City's elected officials; to place realistic enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections for City offices; and to provide full and fair enforcement of all the provisions of this Resolution; and
- F. The City Council desires to establish a campaign contribution limit as provided in this Resolution.

SECTION 2. This Resolution is exempt from review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") because it constitutes an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment. Accordingly, it is not a "project" that has the potential to cause significant physical effects on the environment and is not subject to CEQA pursuant to CEQA Guidelines §§ 15061 and 15378.

SECTION 3. The City Council takes the following actions:

- A. *Policy.* The City Council approves the Election Campaign Finance Policy in attached Exhibit “A,” which is incorporated by reference.
- B. *Authority.* The City Manager and City Attorney are authorized to implement and enforce this Resolution including, without limitation, promulgating administrative policies and procedures that may be desirable to implement this Resolution.

SECTION 4. *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 5. *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 6. The Mayor, or presiding officer, is hereby authorized to affix the Mayor’s signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 7. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 8. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Resolution; cause it to be entered into the City of Bellflower’s book of original resolutions; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Resolution, cause it to be published or posted in accordance with California law.

SECTION 9. *Effective Date.* This Resolution will become effective immediately upon adoption and remain effective until superseded by a subsequent resolution. The City Council specifically intends that this Resolution be retroactively effective on January 1, 2021.

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PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS 26TH DAY OF FEBRUARY 2024.



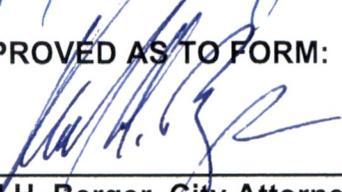
Dan Koops, Mayor

ATTEST:



Mayra Ochiqi, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT:

Exhibit A – City Election Campaign Finance Policy

Resolution No. 24-12 - Exhibit A

City of Bellflower Election Campaign Finance Policy

Section 1. Authority.

Government Code § 81013 authorizes the City to adopt additional requirements relating to campaign finances so long as those requirements do not prevent compliance with the Political Reform Act (Government Code § 81000, *et seq.*). In addition, Government Code § 85702.5 authorizes the imposition of contribution limitations in municipal elections. This Policy is intended to be a supplement to and in no way conflict with the requirements of those statutes or its implementing regulations.

Section 2. Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases that are not defined in this Policy will be the same as in the Political Reform Act.

- A. "Administrator" means the City Manager, or designee. Absent separate written delegation by the City Manager, the City Clerk is the Administrator for purposes of this Policy.
- B. "City Attorney" means the City Attorney, or designee.
- C. "Contribution limit" is the same as established by the Political Reform Act, as implemented by the FPPC, less \$1.

Section 3. Contribution limits.

- A. It is unlawful for any person to contribute more than the contribution limit, in the aggregate, to any single candidate and/or the candidate's controlled committee, with respect to any single election.
- B. It is unlawful for any candidate or controlled committee to solicit or accept any contribution from any person which would cause the total amount contributed by such person, with respect to any single election, to the candidate and the candidate's controlled committee to exceed the contribution limit.
- C. Should a candidate and/or a candidate's controlled committee receive an amount exceeding the contribution limit from any single contributor, then the candidate and/or candidate's controlled committee must return the excess contribution to the contributor within 15 business days after receipt. Such return must be memorialized on a form approved by, and filed with, the Administrator.
- D. Contributions to a candidate and contributions to a candidate's controlled committee must be cumulated for purposes of the mandatory contribution limits of this Policy.

Section 4. Campaign Committees

Notwithstanding 2 Cal. Code of Regs. § 18404.1(c), candidates elected to City office subject to the contribution limit in Government § 85301(d), are not required to terminate any controlled committees formed for local elections held concurrent with or before their election.

Section 5. Penalties.

- A. Any person who intentionally or negligently violates this Policy is liable in a civil action brought by the City Attorney in an amount of not more than three times the amount of the unlawful contribution or expenditure, or the sum of \$5,000, whichever is greater, for each violation.
- B. In lieu of a civil action filed by the City Attorney, the Administrator may impose a fine of \$500 for each violation of this Policy.
- C. Any amount due from any person pursuant to subsections (A) and (B) above, is a debt due and owing upon demand to the general fund of the City. All debt will accrue interest at the statutory rate.
- D. If two or more persons are responsible for any violation, they are jointly and severally liable.
- E. No civil action alleging a violation of any provision of this Policy may be filed more than two years after the date that the violation occurred.
- F. The City Attorney may seek for injunctive relief to enjoin threatened violations of or to compel compliance of the provisions of this Policy.
- G. The City Attorney is authorized to issue legislative subpoenas in accordance with Government Code §§ 37104-37109.

Section 6. Regulations and forms.

The Administrator is authorized to adopt regulations and forms necessary or desirable to interpret and carry out the provisions of this Policy.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS
CITY OF BELLFLOWER)

I, **Mayra Ochiqui**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 24-12 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of the City Council on February 26, 2024, by the following vote to wit:

AYES: Council Members - Morse, Sanchez, Santa Ines, Dunton, and Mayor Koops

Dated: February 27, 2024



Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)