ORDINANCE NO. 01-07

AN ORDINANCE OF THE CITY OF HALF MOON BAY AMENDING CHAPTER 1.30, "CONTRIBUTIONS AND LOANS TO CITY CANDIDATE CAMPAIGNS," AND CHAPTER 1.24, "ELECTIONS," OF THE HALF MOON BAY MUNICIPAL CODE

The City Council of the City of Half Moon Bay does ordain as follows:

SECTION 1. The definition of "Organization" set forth in Chapter 1.30, "Contributions and Loans to City Candidate Campaigns," Section 1.30.020, "Definitions," of the Half Moon Bay Municipal Code is hereby amended to read as follows:

"'Organization' means a partnership, corporation, association, firm, business entity, committee, including a political action committee, club, union, or company."

SECTION 2. Chapter 1.30, "Contributions and Loans to City Candidate Campaigns," Section 1.30.030, "Limitations on Contributions," of the Half Moon Bay Municipal Code is hereby amended to read as follows:

"1.30.030   Limitations on Contributions.

A. For any particular election, including a recall election, no individual or organization shall make, and no candidate, candidate committee treasurer or other person acting on behalf of a candidate committee shall solicit or accept from any individual or organization any contribution which will cause the total amount contributed by such individual or organization to exceed one thousand dollars ($1000).

1. The contributions of an organization whose contributions are directed and controlled by any individual shall be aggregated with contributions made by the individual and other organizations whose contributions are directed and controlled by the same individual.

2. If two or more organizations make contributions that are directed and controlled by a majority of the same persons, the contributions of those organizations shall be aggregated.

3. Contributions made by organizations that are majority owned by any person shall be aggregated with the contributions of all other organizations majority owned by that person, unless those organizations act independently in their decisions to make contributions. "Majority owned" means an ownership of more than 50 percent.

B. Any contribution or portion thereof that exceeds the limits in this section shall be returned to the contributor within 72 hours of receipt.

C. The limitations imposed by this section shall not apply to contribution of a candidate's personal funds to the candidate's own campaign, or to any loan which is personally guaranteed by the candidate or is secured by property owned by the candidate.

D. 1. The limitations imposed by this section shall not apply to contributions received for the purposes of defraying the costs of a recount provided all of the following occur:

a. The contributions are maintained in a separate bank account;

b. The contributions are not used for any purpose not relating to a recount; and

c. Once the recount is concluded, and all expenses associated with the recount have been discharged, the candidate disposes of any funds remaining by refunding recount contributors.

2. In addition to all other applicable reporting and disclosure requirements, candidates receiving funds to defray the costs of a recount shall file the following information with the city clerk no later than 60 days following conclusion of the recount:

a. List of Contributions. The total amount of contributions to the refund account received, along with the full name of each person from whom a contribution or contributions has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self-employed, the amount of the contribution, and the date the contribution was received.

b. Expenditures. A listing of all expenditures, including contributor refunds, made using funds from the refund account. Each listing shall provide a brief description of the expenditure, the amount of the expenditure and the date the expenditure was made.   If there are still outstanding expenses associated with the recount at the time the list of expenditures is submitted to the city clerk, the candidate shall include a brief description of each outstanding expenses and the expected amount, if known, and the expected date by which the expenditure will be paid. No later than 10 days following the final outstanding recount related expenditure, the candidate shall file a final list of expenditures with the city clerk."

SECTION 3. Chapter 1.24, "Elections," Section 1.24.080, "Contributions and contributors," of the Half Moon Bay Municipal Code is hereby amended to read as follows:

"**1.24.040   Contributions and contributors.** On the Friday preceding any special or general election, the city clerk shall publish in a newspaper of general circulation the name of each person and committee from whom a contribution or contributions totaling one hundred dollars ($100) or more has been received, the amounts each person or committee contributed, and the candidates or committees which received such amounts, as such appear on the campaign statements filed within the six-month period prior to the election pursuant to Article 2 (commencing with Section 84200) of the Government Code.

For purposes of this section, the definitions contained in Chapter 2 (commencing with Section 82000) of the Government Code apply."

SECTION 4. Chapter 1.24, "Elections," Section 1.24.090, "Disclosure in campaign statements," of the Half Moon Bay Municipal Code is hereby deleted.

SECTION 5. Effective Date. Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 6. Publication. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

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PASSED AND ADOPTED this ___16th__ day of __January___, 2007, by the following votes:

AYES: Fraser, Muller, McClung, Mayor Patridge

NOES: Grady

ABSENT: _____

ABSTAIN: _____

Naomi Patridge
Naomi Patridge, Mayor

ATTEST:

Siobhan Smith
Siobhan Smith, City Clerk