

ORDINANCE NO. 898

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL
AMENDING § 2.55.030 (DEFINITIONS) OF THE PLEASANT HILL MUNICIPAL CODE
TO UPDATE THE DEFINITION OF "COMMITTEE" IN ACCORDANCE WITH THE
AMENDED POLITICAL REFORM ACT (GOVERNMENT CODE § 82013)

WHEREAS, Assembly Bill 594 amended Government Code §§ 82013, 82036, 82036.5, 84101, 84103, 84200.6, 84206, 84207, 84218, and 85201, repealed §§ 84200.7, 84202.5, and 84203.5, and repealed and added § 84200.5 relating to the Political Reform Act of 1974; and

WHEREAS, prior to Assembly Bill 594, the Political Reform Act definition of a "committee" included a person or combination of persons who receives contributions or makes independent expenditures of \$1,000 or more in a calendar year and § 82013a of the Political Reform Act now defines a committee as "any person or combination of persons who directly or indirectly does any of the following: a) Receives contributions totaling two thousand dollars (\$2,000) or more in a calendar year..."; and

WHEREAS, Pleasant Hill Municipal Code § 2.55.030 (Definitions) defines a "committee" as "a person or group of persons that (in a calendar year) receives contributions totaling \$1,000 or more, or makes independent expenditures of \$1,000 or more" and the contribution threshold must be increased from \$1,000 to \$2,000 to be in accordance with the amended definition in the California Political Reform Act.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. Section 2.55.030 (Definitions) of the Pleasant Hill Municipal Code shall be amended to update the definition of "committee" to increase the contribution threshold from \$1,000 to \$2,000:

2.55.030 Definitions.

The definitions set forth in the Political Reform Act govern the interpretation of this article. In addition:

Ballot measure relating to city law means and includes initiatives, referenda, resolutions, advisory measures, and measures which are required by law to be submitted to a vote by the electorate.

Candidate means a person who seeks election or re-election to a city office, including city council, city clerk and city treasurer. (See Gov't Code § 82007.)

City election means any municipal election to fill a public office in the City of Pleasant Hill, to hold a recall election, or to vote on a ballot measure relating to city law.

Committee means a person or group of persons that (in a calendar year) receives contributions totaling \$2,000 or more, or makes independent expenditures of \$1,000 or more. It includes the following committees defined by the Political Reform Act: committee, controlled committee, general purpose committee, primarily formed committee or sponsored committee. (See Gov't. Code §§ 82013, 82016, 82027.5, 82047.5 and 82048.7.)

Ballot committee means a committee which is primarily formed to support or oppose a ballot measure relating to city law.

Political committee means a committee of persons which receives contributions from two or more persons and makes contributions to candidates.

Primarily formed committee means a committee under Government Code section 82013(a) which is formed or exists primarily to support or oppose a single candidate or a single measure, or a group of specific candidates or measures being voted upon in the same city election.

Contribution means, but is not limited to, a payment, promise to pay, loan or forgiveness of a loan, made without full consideration, unless it is clear it is not made for political purposes. Contribution does not include: (1) sponsoring a meeting or fundraising event in one's home or office if the costs are \$500.00 or less; (2) volunteer personal services or payment of the volunteer's own travel expenses; or (3) payments for communications to members, employees or shareholders (or their families) of an organization for the purpose of supporting or opposing a candidate or ballot measure if the requirements of Government Code section 85312 are satisfied. (See Gov't. Code §§ 82015 and 84216.)

Election cycle means a two-year period of time beginning on January 1st and ending at midnight on December 31st following the next city election for the same office. Election cycle includes the period of time for gathering signatures for a recall election or ballot measure relating to city law.

Person means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor organization and any other organization or group of persons acting in concert. (Gov't. Code § 82047.)

Political Reform Act or *Act* means the Political Reform Act of 1974 (Govt. Code § 81000 et seq.) as it has been and may be amended from time to time.

Special election cycle means that period of time which begins the day on which the elective office becomes vacant and ends the day of the special election. (Ord. 831 § 1, 2008)

Section 2. This ordinance shall be effective 30 days after its adoption.

Section 3. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 25th day of January, 2016.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 22nd day February, 2016, by the following vote:

AYES:	Carlson, Durant, Harris, Flaherty, Noack
NOES:	None
ABSENT:	None
ABSTAIN:	None



SUSAN A. NOACK, Mayor

ATTEST:



CAROL W. WU, City Clerk

APPROVED AS TO FORM;



JANETE E. COLESON, City Attorney



CITY OF PLEASANT HILL

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on February 22, 2016, the Pleasant Hill City Council adopted Ordinance No. 898, Amending Pleasant Hill Municipal Code § 2.55.030 (Definitions) to Update the Definition of Committee in Accordance with the Amended Political Reform Act (Government Code § 82013).

Copies of this summary have been posted in the following locations:

Pleasant Hill City Hall – 100 Gregory Lane, Pleasant Hill

Pleasant Hill Library - 1950 Oak Park Boulevard, Pleasant Hill

Pleasant Hill Police Department - 330 Civic Drive, Pleasant Hill

Copies of this Ordinance are available at Pleasant Hill City Hall. For further information, contact the City Clerk's office at (925) 671-5267.

A handwritten signature in black ink that reads "Juanita Davalos". The signature is written in a cursive style with a horizontal line underneath it.

Juanita Davalos, Deputy City Clerk

February 23, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL
AMENDING CHAPTER 2.55, ELECTIONS, OF THE PLEASANT HILL MUNICIPAL CODE

WHEREAS, the City adopted Chapter 2.55 (beginning with Section 2.55.020) in 1999, following its approval as an advisory measure by the voters as Initiative Measure C in November, 1999; and

WHEREAS, changes since then in state and federal law require that Chapter 2.55 be amended to conform; and

WHEREAS, in addition, staff is proposing other non-substantive, organizational changes to make the provisions clearer; and

WHEREAS, Section 2.55.120 authorizes amendments to this chapter by a majority vote of the entire City Council to ensure consistency with state or federal law; and

WHEREAS, regulations limiting campaign contributions are justified because the integrity of representative democracy is undermined by the possibility of corruption and the appearance of corruption.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. Chapter 2.55, Elections, of the Pleasant Hill Municipal Code is renamed "Elections and Campaigns", and is repealed and replaced in its entirety to read as follows:

**"Chapter 2.55
ELECTIONS AND CAMPAIGNS**

Sections:

Article 1: Election date.

2.55.010 General municipal election – Election date designated.

Article 2: Contribution limits; Campaign disclosure

2.55.020 Purpose; Authority.

2.55.030 Definitions.

2.55.040 Contribution limitations.

2.55.050 Additional campaign statements required.

2.55.060 Required disclosure of contributions and expenditures.

2.55.070 Clerk and city attorney review.

2.55.080 Informational meeting.

2.55.090 No anonymous contributions and expenditures.

2.55.100 Penalties.

2.55.110 Amendments.

Article 3: Fair campaign pledge
2.55.150 Voluntary fair campaign pledge

Article 1: Election Date

2.55.010 General municipal election – Election date designated.

The general municipal election for the city shall be held on the same day as the statewide general election, the first Tuesday after the first Monday in November of each even-numbered year.

Article 2: Campaign contribution limits and required disclosure

2.55.020 Purpose; Authority.

The purposes of this Article 2 and Article 3 are to:

- A. eliminate the possibility of corruption or the appearance of corruption in local elections by establishing rules for the conduct of campaigns for city offices by limiting the amount of campaign contributions; and
- B. further the city's goal of having an informed electorate by supplementing the campaign disclosure requirements and related regulations of the state Political Reform Act; and
- C. express the city's commitment to fair campaigns and to give every candidate the opportunity to commit himself or herself to fair campaign practices; and
- D. implement the voter approval of Initiative Measure C in November, 1999.

The requirements set forth in these articles 2 and 3 are in addition to the requirements of the state Political Reform Act. (Gov't. Code §81000 et seq) The city is authorized to adopt additional requirements relating to campaign finances as long as those requirements do not conflict with the Act. (Gov't. Code § 81013 and Elections Code §10202.)

2.55.030 Definitions.

The definitions set forth in the Political Reform Act govern the interpretation of this article. In addition:

Ballot measure relating to city law means and includes initiatives, referenda, resolutions, advisory measures, and measures which are required by law to be submitted to a vote by the electorate.

Candidate means a person who seeks election or re-election to a city office, including city council, city clerk and city treasurer. (See Gov't. Code §82007.)

City election means any municipal election to fill a public office in the City of Pleasant Hill, to hold a recall election, or to vote on a ballot measure relating to city law.

Committee means a person or group of persons that (in a calendar year) receives contributions totaling \$1,000 or more, or makes independent expenditures of \$1,000 or more. It includes the following committees defined by the Political Reform Act: committee, controlled committee, general purpose committee, primarily formed committee or sponsored committee. (See Gov't. Code §§82013, 82016, 82027.5, 82047.5 and 82048.7.)

Ballot committee means a committee which is primarily formed to support or oppose a ballot measure relating to city law.

Political committee means a committee of persons which receives contributions from two or more persons and makes contributions to candidates.

Primarily formed committee means a committee under Government Code section 82013(a) which is formed or exists primarily to support or oppose a single candidate or a single measure, or a group of specific candidates or measures being voted upon in the same city election.

Contribution means, but is not limited to, a payment, promise to pay, loan or forgiveness of a loan, made without full consideration, unless it is clear it is not made for political purposes. *Contribution* does not include: (1) sponsoring a meeting or fundraising event in one's home or office if the costs are \$500 or less; (2) volunteer personal services or payment of the volunteer's own travel expenses; or (3) payments for communications to members, employees or shareholders (or their families) of an organization for the purpose of supporting or opposing a candidate or ballot measure if the requirements of Government Code section 85312 are satisfied. (See Gov't. Code §§82015 and 84216.)

Election cycle means a two-year period of time beginning on January 1st and ending at midnight on December 31st following the next city election for the same office. *Election cycle* includes the period of time for gathering signatures for a recall election or ballot measure relating to city law.

Person means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor organization and any other organization or group of persons acting in concert. (Gov't. Code §82047.)

Political Reform Act or *Act* means the Political Reform Act of 1974 (Govt. Code § 81000 et seq.) as it has been and may be amended from time to time.

Special election cycle means that period of time which begins the day on which the elective office becomes vacant and ends the day of the special election.

2.55.040 Contribution limitations.

A. Monetary contributions. In any election cycle or special election cycle, no person shall make, and no candidate or campaign treasurer shall solicit or accept, any monetary contribution which would cause the total amount of monetary contributions made by that person to that candidate or to any committees (other than a ballot committee) controlled by that candidate to exceed the following amount:

1. by a person: \$500.00.
2. by a political committee: \$1,000.

B. In-kind contributions. In any election cycle or special election cycle, no candidate for elective city office, or campaign treasurer, shall solicit or accept any in-kind goods and services (nonmonetary) which would cause the total amount contributed (monetary and nonmonetary) to that candidate (including contributions to all committees controlled by the candidate) to exceed the following amounts:

1. By a person: \$1,000;
2. By a political committee: \$2,000.

C. Time limitations on accepting contributions. Contributions (including loans) may not be made, solicited or accepted from three days prior to a city election through the end of the election day.

D. Return of excess contributions. Contributions which either in the aggregate or on their face exceed the contribution limits of this article shall be deemed not to have been accepted if returned prior to deposit or negotiation, within the earliest of the following deadlines:

1. within 10 working days of receipt;
2. by the reporting deadline for the reporting period in which the contribution is received; or
3. in the case of a late contribution or one received within three days prior to the election, within 24 hours of receipt.

a. A late nonmonetary contribution shall be returned by returning to the contributor either the nonmonetary contribution or its monetary equivalent. It is permissible to return only the monetary amount by which the value of the nonmonetary contribution exceeds the contribution limits of this article, in an instance where the reason for the return is to avoid exceeding monetary limits.

b. This article shall not be construed to authorize the making or solicitation of any contribution in excess of the contribution limits of this article, or in violation of any of its other provisions.

E. Majority membership on certain related committees prohibited. To prevent circumvention of the contribution limitations of this article, no primarily formed committee which supports or opposes a candidate or candidates shall have, as a majority of its officers, individuals who serve as the majority of officers on any other primarily formed committee which supports or opposes the same candidate(s). This subsection shall not apply to campaign treasurers of primarily formed committees if those treasurers do not participate in any way in a decision on whether the candidate or candidates supported by the primarily formed committee accept particular contributions.

F. Committee supporting or opposing a group of candidates. A committee existing to support or oppose a group of specific candidates being voted on in the same election is subject to the contribution limits set forth in the article.

2.55.050 Additional campaign statements required.

A. Campaign statements. In addition to the campaign statements which every candidate, elected officer, committee and ballot committee involved in a city election is required to file with the city clerk under the Political Reform Act, every candidate, elected officer, political committee and ballot committee involved in a city election shall file the following campaign statement with the city clerk no later than 5:00 p.m. on the last Friday before a city election:

A campaign statement covering the period between the closing date of the last campaign statement filed under the Political Reform Act and the last Tuesday before the city election. This statement shall include the same information required by the Political Reform Act and this section.

B. Late contribution reports; Deadline. Each candidate, elected officer, political committee and ballot committee shall file with the city clerk a late contribution report which reports all contributions of \$100.00 or more received from any source from the end of the reporting period identified in subsection A above through the date of the city election. (Under PHMC §2.55.040C, no contribution may be made or accepted within three days prior to the election.)

The late contribution report shall be filed with the city clerk within 24 hours of receipt of a contribution and in the manner provided for in Government Code section 84203(b).

C. Disclosure of statements and reports. Upon filing of a campaign statement required by subsection A of this section, or a report required by subsection B of this section, the city clerk shall release a copy of such statement or report to the press forthwith.

2.55.060 Required disclosure of contributions and expenditures.

Each campaign statement required by the Political Reform Act or by PHMC § 2.55.050 shall contain the information required by Government Code section 84211, except that the threshold amount is \$50 rather than \$100.

1. If the cumulative amount of contributions received from a person is \$50.00 or more, and a contribution was received from that person during the period covered by the campaign statement, the campaign statement shall be itemized as required by Government Code section 84211(f).
2. For each person to whom an expenditure of \$50.00 or more has been made during the period covered by the campaign statement, the campaign statement shall be itemized as required by Government Code section 84211(k).

2.55.070 Clerk and city attorney review.

A. Monitoring by city clerk. In addition to other duties required by law, the city clerk shall monitor all campaign statements and late contribution reports, except those of candidates for city clerk, filed with the city. The city clerk shall:

1. Determine whether the campaign statement or late contribution report required by this chapter has been timely filed with the city clerk;

2. Determine if any reported contributions on any campaign statement or report exceed the allowable limits established by this article; and

3. Notify candidate(s) or political committees of any errors in their campaign statements.

B. Monitoring by city attorney. The city attorney shall monitor all statements and reports of candidates for the office of city clerk in the same manner as set forth in subsection A of this section.

C. Corrections. The candidate or political committee may correct any mistake made in the preparation of any statement within five days after receipt of the notice from the city clerk or city attorney. The correction(s) must be accompanied by an explanation of how the error occurred.

D. Violations. The city clerk shall report to the city attorney any apparent violations of this article which have not been corrected or cannot be corrected by the candidate or committee.

E. Retaining records. In addition to the record retention requirements of Gov't. Code section 81009, the city clerk and city attorney shall each compile and maintain, for five years, a list of statements or reports, or portions of statements, which the city clerk or city attorney is required to review. Each list shall be indexed by the individual's or committee's name.

2.55.080 Informational meeting.

Within 7 days following the close of nomination period, the city clerk and city attorney shall invite all qualified candidates for city office to a meeting to be held within 30 days following the close of the nomination period for city office, to inform candidates of the provisions of this article.

2.55.090 No anonymous contributions and expenditures.

No contribution to a candidate may be made by any person in the name of another; every such contribution or expenditure must instead be made in the legally recognized name of the person.

2.55.100 Penalties.

A. Criminal penalties.

1. A person who violates this article, or causes any other person to violate this article, or who aids or abets any other person in the violation of this article is subject to criminal penalties as set forth in PHMC Chapter 1.30.

2. Prosecution of a violation of this article shall be commenced within two years after the date of the violation.

3. No person convicted of a misdemeanor under this article shall act as a city contractor or consultant for a period of four years following the date of conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable.

4. For the purposes of this section, a plea of nolo contendere shall be deemed a conviction.

B. Civil penalties.

1. Any person who intentionally or negligently violates this article may also be subject to a civil penalty of no more than \$1,000 or the amount of the unlawful contribution, if any, or the amount which was not properly disclosed, if any, whichever is greater.

2. No civil penalty may be imposed more than two years after the date the violation occurred.

C. Cumulative remedies. The foregoing remedies are nonexclusive, cumulative and in addition to any other remedy the city may have at law or in equity, subject to the maximum limits set forth in Government Code section 36901.

2.55.110 Amendments.

Sections 2.55.020 through 2.55.150 may only be amended by a majority vote of the entire city council to ensure consistency with state or federal law, including but not limited to the Political Reform Act.

Article 3: Fair campaign pledge

2.55.150 Voluntary fair campaign pledge

A. Pledge. With the declaration of candidacy, the city clerk shall issue to each candidate for city office a form for a voluntary campaign pledge which shall read as follows:

FAIR CAMPAIGN PLEDGE

1. I shall conduct my campaign for city office openly and fairly.
2. I shall discuss the issues and participate in fair debate with respect to my views and qualifications.
3. I shall not engage in, or permit, defamatory attacks on the character of my opponents; nor shall I engage in unwarranted invasions of personal privacy unrelated to campaign issues.
4. I shall not, at any time, use or permit the use of any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate or the candidate's position on issues.
5. I shall clearly identify myself, or my campaign committee(s), as the sender of all of my campaign mailings.
6. I shall personally approve, in writing, all of my campaign materials, advertisements or mailings prior to their use.

7. I shall publicly repudiate support derived from any individual or group whose activities would violate this fair campaign pledge.

8. I shall file all campaign statements as required by the Political Reform Act and municipal code on time, with full disclosure of campaign contributions and expenditures.

9. I shall not duplicate or use any lists of contributors filed by any other candidates for the purpose of compiling my own mailing lists without the permission of the other candidate.

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

Date: _____

Signature: _____

Please print name, office sought, and date of election.

B. Voluntary nature. Each candidate may choose to sign or not sign the fair campaign pledge.

C. Filing. The fair campaign pledge may be filed with the declaration of candidacy.

D. Public record. Every fair campaign pledge is a public record which shall be open to inspection at all times during city business hours.

E. Press release. At the close of the nomination period for city office, the city clerk shall issue a general press release stating the name of each candidate for city office who has, and who has not, subscribed to the fair campaign pledge.”

Section 2. This ordinance shall be effective 30 days after its adoption.

Section 3. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 2nd day of June, 2008.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 16th day of June, 2008, by the following vote:

AYES: Angeli, Durant, Harris, Williamson, Hanecak
NOES: None
ABSENT: None
ABSTAIN: None

(d)(5)

JOHN HANECAK, Mayor

ATTEST:

(d)(5)

MARTY C. McINTURF, City Clerk

APPROVED AS TO FORM:

(d)(5)

DEBRA S. MARGOLIS, City Attorney

CERTIFIED A TRUE COPY

(d)(5)

DEPUTY CITY CLERK, CITY OF PLEASANT HILL