

## 21003. - Campaign contribution limitations.

- (a) No person or committee shall make to any candidate, including the controlled committee of such candidate, and no such candidate or such candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed two hundred and fifty dollars (\$250.00) for any single election. In the event that any California statute applicable to general law cities imposes any contribution limit, the lower dollar amount limit of the two shall control.
- (b) No person shall make to any committee which supports or opposes any candidate or candidates for city council and no such committee shall accept from any such person a contribution or contributions totaling more than two hundred and fifty dollars (\$250.00) for any single election. In the event that any California statute applicable to general law cities imposes any contribution limit, the lower dollar amount limit of the two shall control.
- (c) No person shall make to any candidate for city council or such candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, and no such candidate or committee shall solicit or accept a cash contribution in any amount.
- (d) No person shall make to any candidate for city council or the candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, and no such candidate or committee shall solicit or accept any anonymous contribution in excess of five dollars (\$5.00).
- (e) No contribution which causes the total amount contributed to a candidate for city council or the candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, by the person making the contribution to exceed five dollars (\$5.00) for a single election for member of the city council shall be deposited into a campaign checking account unless the name, address, occupation, and employer of the contributor are on file with the committee receiving the contribution.
- (f) No person shall make to any candidate for city council or such candidate's controlled committee, or to any committee primarily formed to support or oppose any such candidate or candidates, and no such candidate or committee shall solicit or accept any contribution during the period between seven (7) calendar days before the date of the election and the closing of the polls on election day.
- (g) No person shall contribute more than the local aggregate contribution limit to all candidates for the city council, their controlled committees, and committees which support or oppose such a candidate or candidates in connection with any election for member or members of the city council. For the purpose of this subsection (g), the local aggregate contribution limit shall be calculated by multiplying two hundred fifty dollars (\$250.00) by the number of members of the city council to be elected at that election, and adding two hundred fifty dollars (\$250.00) to that resulting amount. The limitation of this subsection (g) shall not apply to contributions to any officeholder account.
- (h) No candidate and no committee controlled by that candidate shall make any contribution of committee funds to any other candidate, any committee that supports or opposes candidates, or any committee that supports or opposes one (1) or more city ballot measure. This section shall not prohibit or limit a candidate from making a contribution from his or her own personal funds only to his or her own candidacy. A candidate's contributions of personal funds to any other candidate or committee shall be subject to the limits, disclosure and record-keeping requirements imposed by this chapter and other applicable law.

- (i) Contributions shall be aggregated and, hence, treated as though made by the same person, when made by:
  - (1) Entities which share a majority of members on their boards of directors, unless such entities in fact act independently in their decisions to make contributions;
  - (2) Entities which share two or more officers, unless such entities in fact act independently in their decisions to make contributions;
  - (3) Entities which are in a parent-subsidary relationship, or where one entity is a branch, division, affiliate, department or local unit of the other;
  - (4) An individual or group of individuals and any legal entity or entities in which the individual or group of individuals own greater than fifty (50) percent of the voting or other class of stock of the entity, or who receive or are entitled to receive greater than fifty (50) percent of the profits of the entity;
  - (5) An individual and any other legal entity or entities for which the individual is in fact solely responsible for decisions regarding the making of contributions; or
  - (6) Employees, agents or representatives of an individual or entity including, without limitation, a committee, together with that individual or entity, when the contribution is directed by, reimbursed by, or made at the request or behest of that individual or entity.
- (j) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.
- (k) No committee shall make a contribution or independent expenditure to support or oppose a candidate if that committee has received a contribution from any person that exceeded, or caused the cumulative amount the committee received from that person to exceed, two hundred fifty dollars (\$250.00) in the twelve (12) calendar months immediately prior to the date the committee's contribution or independent expenditure is made. This section shall not prohibit a committee that otherwise receives contributions in excess of two hundred fifty dollars (\$250.00) from making such contributions or independent expenditures if the funds are expended from a separate account funded entirely by contributions of two hundred fifty dollars (\$250.00) or less.

(Ord. No. 163 & 163U, § 1, 7-12-89; Ord. No. 97-273U, § 4, 4-16-97; Ord. No. 99-294, §§ 5—9, 2-10-99; Ord. No. 03-316, §§ 3—5, 2-26-2003; Ord. No. 20-447, § 3, 2-12-2020)

#### 21004. - Restrictions on when contributions may be received.

- (a) No candidate, including the candidate's controlled committee, and no committee primarily formed to support or oppose any such candidate or candidates, shall accept any contributions more than eight (8) calendar months prior to any election in which the candidate is attempting, or has qualified, to be on the ballot or is a write-in candidate. In the case of a recall effort, the pre-election fund raising period set forth in this paragraph shall commence on the date a notice of intent to circulate a recall petition is served on the officer.
  - (1) Any person who solicits or accepts contributions, or who expends his or her personal funds, to support his or her candidacy for city council shall file a candidate intention statement (Form 501) with the city clerk within twenty-four (24) hours of such contribution or expenditure, in addition to any other filing required by applicable law.
  - (2) All contributions received and expenditures made by any candidate or that candidate's controlled

committee prior to June 30 of the election year shall be reported on the applicable semi-annual recipient committee campaign statement (form 460) and timely filed with the city clerk.

- (b) No candidate or the controlled committee of such candidate, and no committee primarily formed to support or oppose any candidate or candidates, shall accept any contributions after the earlier of: (i) ninety (90) days after the date of the candidate's withdrawal as a candidate, defeat or election to office; or (ii) the date on which outstanding bills or debts owed by the candidate or committee are paid in full. Contributions received during such ninety (90) day period shall be used only to pay outstanding bills or debts owed by the candidate or committee for that election. The limitations of this paragraph shall not apply to funds raised by a candidate or the candidate's controlled committee to retire outstanding debts from any election for city elective office held prior to the effective date of this section, provided that such funds are collected pursuant to the contribution limits established in this chapter. Such funds raised to retire debts remaining from elections held prior to the effective date of this section shall not count against the single election contribution limits established in this chapter.
- (c) If, at the end of the period specified in subsection (b) above, there remains any unexpended balance in the campaign bank account of any candidate or committee, such unexpended funds remaining in the account shall be immediately disposed of in the following manner:
- (1) Subject to the limitations in section 21005, funds may be transferred from the candidate's campaign account to the candidate's officeholder account, if such an account is permitted to be established by this chapter.
  - (2) Any remaining unexpended funds shall be returned to contributors pro rata, turned over to the General Fund of the City of Agoura Hills, or donated to any bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization, where no substantial part of the donation will have a material financial effect on the former candidate, any member of his or her immediate family, or his or her campaign treasurer.
- (d) Under no circumstances shall funds raised for a campaign for city elective office be redesignated, transferred, or used for any future election other than the single election for which the funds were contributed.

(Ord. No. 99-294, § 11, 2-10-99; Ord. No. 20-447, § 4, 2-12-2020)

**Editor's note**— Ord. No. 99-294, § 10, adopted Feb. 10, 1999, renumbered the former §§ 21004—21008 as §§ 21006—21010, respectively. Sections 11 and 12 then added new §§ 21004 and 21005 as set out herein.