

DRAFT ORDINANCE FOR DISCUSSION

AT CITY COUNCIL MEETING 9-23-08

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ATASCADERO, CALIFORNIA,
AMENDING THE ATASCADERO MUNICIPAL CODE
BY ADDING CHAPTER 19 TO TITLE 2 ADOPTING AN ORDINANCE
TO BE KNOWN AS “ATASCADERO CAMPAIGN ORDINANCE”**

WHEREAS, the City Council desires to adopt an ordinance providing for a voluntary expenditure limit on campaigns by City Council candidates; and

WHEREAS, the City Council further desires to provide incentives and benefits to encourage candidates to comply with the voluntary expenditure limit; and

WHEREAS, the City Council further desires to reduce the dollar amount requirement for late contributions from the requirement set by State law

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO
HEREBY ORDAINS AS FOLLOWS:**

SECTION ONE. Findings. The City Council hereby incorporates the foregoing recitals and finds that this ordinance will include a voluntary expenditure limit on campaigns by City Council candidates with incentives and benefits to encourage compliance with the limit, and this ordinance will reduce the dollar amount requirement for late contributions from the State law requirement.

SECTION TWO. Adoption. The City Council of the City of Atascadero hereby amends Title 2 of the Municipal Code by adding Chapter 19 as follows:

2-19.01 Title.

This chapter shall be known as the "Atascadero Campaign Ordinance" and is intended to supplement the provisions of the State Political Reform Act (California Government Code Section 81000, et. seq.). The provisions of this chapter are expressly intended to be more restrictive than the provisions of State law. This chapter applies only to candidates for City Council.

2-19.02 Purposes and Intent.

The City Council enacts this chapter to provide benefits and incentives that encourage City Council candidates to agree to voluntarily limit campaign expenditures.

2-19.03 Voluntary Expenditure Limit.

(a) Expenditures

The term “expenditures” as used in this chapter shall mean the total of the expenditures by a City Council candidate and any campaign committee controlled by the candidate.

(b) Declaration of Candidacy Statement

Each candidate for City Council office shall file, with their nomination papers, a "Declaration of Candidacy Statement" ("Declaration") which will be in a form to be determined by the City Clerk. At the time of filing his/her Declaration, the candidate shall indicate on the Declaration his/her acceptance or rejection of the voluntary expenditure limit set forth herein. City Council candidates who agree to adhere to voluntary campaign expenditure limitations in accordance with this chapter, and who spend more than the voluntary campaign expenditure limitation, must notify the City Clerk pursuant to the provisions of this chapter.

(c) Limitation on Expenditures

(1) **Alternative 1:** Limit based on specified amount per resident.

The voluntary campaign expenditure limitation shall be calculated at a rate which corresponds to \$0.50 per City resident as adjusted in the manner provided by this chapter. In determining the appropriate number of City residents for purposes of this calculation, the City Clerk shall use the most recent number of residents established by the California Department of Finance. By way of example: If the City population is 28,000 residents, a candidate who agrees to voluntary campaign expenditure limitations will be authorized to spend a maximum of \$14,000 (\$0.50 x 28,000) on his or her City Council campaign. The \$0.50 figure referenced in this section shall be adjusted by the City Clerk each year for which a City Council election is scheduled. For City Council elections conducted with the City’s general municipal election, the adjustment will be made on June 1. For special elections called to fill a vacant seat on the City Council, the adjustment will be made ninety days before the special election. The adjustment will be rounded off to the nearest hundred dollar figure: downward if \$49.99 or less or upward if \$50.00 or more. The adjustment called for by this section shall be the cost of living adjustment (COLA) computed by reference to the Consumer Price Index (CPI) for all urban consumers for the Los Angeles/Riverside/Orange, CO, CA Area (all items) provided by the U.S. Bureau of Labor Statistics as indexed from a base year that commences in June 2008.

(2) **Alternative 2:** Limit based on lump sum.

The voluntary campaign expenditure limit shall be _____ thousand dollars (\$____,000.00) and the base was established in June 2008 as adjusted in the manner provided by this chapter. The adjustment to the voluntary expenditure limit will be calculated by the City Clerk. For City Council elections conducted with the City’s general municipal election, the adjustment will be made on June 1. For special municipal elections called to fill a vacant seat on the City Council, the adjustment will be made ninety days before the special election. The adjustment will be

rounded off to the nearest hundred dollar figure: downward if \$49.99 or less or upward if \$50.00 or more. The adjustment will be based upon the Consumer Price Index increment as determined by the United States Department of Labor, Bureau of Consumers (CPI-U), Los Angeles/Riverside/Orange, CO, CA Area – all items, or successor index.

- (d) Within three working days of the close of the candidate filing period for City Council, the City Clerk shall notify in writing all candidates of the acceptance or rejection of the voluntary expenditure limit by the other candidates.
- (e) A candidate who agrees to accept the voluntary expenditure limit in this article may not change that decision, except that if an opposing candidate files a statement of rejection of the voluntary expenditure limit, the candidate may rescind by written notice to the City Clerk his/her acceptance of the voluntary expenditure limit within three working days of receipt of the notice from the City Clerk issued pursuant to Section 2-19.03(d).
- (f) Incentives and Benefits

For candidates accepting the voluntary expenditure limits, the following benefits and incentives will apply:

- (1) The City will pay the cost of the Candidate's Statement Of Qualifications as printed in the Official Voter Information Guide. (NOTE: The cost for the candidate statement in the 2006 election was \$215.21.)
 - (2) The fact of a candidate's participation in the voluntary expenditure limit program will be posted by the City Clerk on the City's website and at City Hall.
 - (3) Ten working days after the close of the candidate filing period for City Council, the City Clerk will issue a press release to newspapers, radio and television stations announcing the names of the City Council candidates, if any, who have accepted the voluntary expenditure limit established by this chapter.
 - (4) Each participating candidate may use the designation "voluntary spending limit candidate" in all election and campaign materials except for the Candidate's Statement of Qualifications that is included in the voter pamphlet.
- (g) Should a City Council candidate agree to accept the voluntary expenditure limit in this chapter and thereafter, whether intentionally or inadvertently, fail to abide by that agreement, then the candidate upon discovering said failure shall cause written notice of such failure to be received by the City Clerk's Office within one working day and the following rules shall apply:
 - (1) The candidate shall forthwith pay the City Clerk's estimated cost of the Candidate's Statement Of Qualifications as printed in the Official Voter Information Guide.
 - (2) The candidate shall immediately discontinue use of the designation "voluntary spending limit candidate" in all election and campaign materials.

- (3) The City Clerk shall post a notice on the City’s website and at City Hall and issue a press release stating that the candidate had agreed to the voluntary expenditure limit, but has exceeded the limit.
- (h) The candidate shall be responsible for monitoring his/her campaign expenditures to ensure compliance with the voluntary expenditure limit set by this chapter. The City Clerk is not responsible for monitoring campaign expenditures or advising candidates who have exceeded, or are close to exceeding, the expenditure limit as that is the responsibility of the candidate.

2-19.04 Reduction of dollar amount for late contribution reports.

In addition to all contribution reporting requirements set forth in the California Government Code and other applicable state laws, the threshold requirement for reporting late contributions for City Council candidates shall be reduced from the State requirement, currently \$1000, down to \$250 (two hundred and fifty dollars), including in kind services and donations. These late contributions shall be reported on the Fair Political Practices Commission (FPPC) late contribution form, currently referred to as the 497 Contribution Report.

2-19.05 Applicability of other laws.

Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this State or the City.

SECTION THREE. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on _____, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

CITY OF ATASCADERO

Marcia McClure Torgerson, C.M.C.,
City Clerk

Mike Brenner, Mayor

APPROVED AS TO FORM:

Brian Pierik, City Attorney