DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, ADDING CHAPTER 2-19 OF THE MUNICIPAL CODE RELATED TO CAMPAIGN CONTRIBUTION LIMITATIONS

The City Council of the City of Atascadero does ordain as follows:

Section 1.
The City Council hereby desires to adopt a Campaign Finance Ordinance.

Section 2.
Chapter 2-19 is hereby added to the Municipal Code to read as follows.

Sections:

2-19.01 Title.
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2-19.01 Title.

This chapter may be cited as the “Campaign Finance Ordinance” of the city of Atascadero.

2-19.02 Findings.

The city council of the city of Atascadero finds and declares as follows:

A. The policy of this city is to protect the integrity, honesty and fairness of the electoral process. Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth.

B. Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates for municipal office.

C. The increasing amounts of expenditures in political campaigns have forced many candidates for elective office to raise larger and larger sums from individuals or interest groups with a specific financial stake in city matters. This can cause a public perception that the decisions of city council members are being improperly influenced by monetary contributions. These perceptions can undermine the credibility of the city council and the elective and governmental processes.

D. The best interests of the citizens of the city are served by reducing direct and indirect campaign contributions.

E. The city finds that limitations on contributions of money, services and materials by individuals or groups to municipal election campaigns should be imposed by law to protect the public health, safety and welfare. These limitations, however, should be reasonable so as not to discourage personal expression or participation in the political process.

F. Campaign spending for municipal office campaigns is escalating to dangerous and unreasonable levels. The integrity of the legislative process, the competitiveness of campaigns, and public confidence in elected municipal officials are all diminishing because of the perceived effects of large campaign contributions.

G. Accordingly, the Council declares that there is a compelling interest to prevent potential and perceived corruptive influence of any campaign contributions on the decisions of public officials in the management of public assets and franchises, in the disposition of public funds, and in decisions that provide for uncommon financial benefits.

2-19.03 Purpose and intent.

The city council of the city enacts this chapter to accomplish the following purposes.

A. To encourage public trust in the electoral and decision-making processes of the city, and to ensure that individuals and interest groups have a fair and equal opportunity to participate in the elective and legislative process;

B. To reduce the potential for influence by large contributors with a specific financial stake in matters before the city, thus countering the perception that decisions of municipal officials are influenced by the size of contributions rather than by the merits of proposals and the best
interests of the people of the city;

C. To encourage smaller contributions by placing realistic and enforceable limits on the amounts persons may contribute in municipal election campaigns;

D. To help ensure public trust in the city’s legislative and electoral institutions by requiring public disclosure of campaign contributions and expenditures, including but limited to those made in support or in opposition to candidates or measures in municipal elections;

E. To limit the use of loans and credit in the financing of political campaigns for municipal elective office;

F. To ensure that funds contributed to a campaign are used solely for campaign purposes and to allow appropriate use of signage in municipal, state and federal campaigns.

G. To provide, in conjunction with the Political Reform Act and the regulations adopted by the California Fair Political Practices Commission implementing the Political Reform Act, a comprehensive system for regulating the conduct of campaigns for city elective office, including but not limited to the provisions of state law which prohibit any controlled committee of a candidate from making independent expenditures and from contributing funds to another committee for the purpose of making independent expenditures (Government Code Section 85501) and which prohibit defined officials from receiving or soliciting campaign contributions of more than two hundred fifty dollars from defined persons during proceedings before the city in which such defined persons are interested and for three months thereafter (Government Code Section 84308).

2-19.04 Definitions.

Unless a particular word or phrase is otherwise specifically defined in this chapter, or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) shall govern the constructions, meaning and application of words and phrases used in this chapter. References to particular sections of the Government Code or other statutes or laws, including references in this section, shall be deemed to include any changes to such sections, statutes or laws, including any amendments, deletions, additions, renumberings or recodifications that may occur subsequent to the enactment of the ordinance codified in this chapter.

“California Political Reform Act” means the California Political Reform Act, Government Code Sections 81000 et seq.

“Campaign contribution account” means an account established pursuant to California Government Code Section 85201.

“Campaign statement” means a report, made on a form prescribed and supplied by the City Clerk, which provides the information required by this chapter of candidates and committees. Each campaign statement shall reflect all contributions received and expenditures made through the closing date specified in Section 2-19.14.

“Campaign treasurer” means the duly appointed representative responsible for financial accounting and reporting as required by this chapter. A committee may have only one campaign treasurer and one assistant treasurer.
“Candidate” means an individual who has filed a statement pursuant to California Government Code Section 85200 indicating an intent to run for city elective office.

“City” means the city of Atascadero.

“City elective office” means the office of city council member.

“Contribution” means contribution as defined in California Government Code Section 82015, and shall include nonmonetary contributions, extensions of credit, and loans to the extent that these are considered contributions pursuant to California Government Code Section 84216, subject to the following:

1. Unsecured Loans. If the loan is not secured or guaranteed, it shall be considered a contribution from the maker and shall be subject to the contribution limits of this chapter.

2. Secured or Guaranteed Loans. Notwithstanding California Government Code Section 84216, a loan which is secured or guaranteed shall be considered a contribution from the lender and guarantor or person whose property secures the loan, and shall be subject to the contribution limits of this chapter.

Exception: A loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public which is either unsecured, personally guaranteed by the candidate, or secured by property owned by the candidate, shall not be subject to the contribution limits of this chapter.

“Controlled committee” means a controlled committee as defined in California Government Code Section 82016.

“Election cycle” means:

a. For general elections to the city council, the period from the day after the election until the day of the next election for the same city elective office.

b. For special elections to the city council, the period from the day on which the seat becomes vacant until the day of the special election.

c. In the case of a recall, the period from the date of the filing of the notice of intention to circulate a recall petition until the date of the election. This election cycle shall also apply to candidates to fill a vacancy in the City elective office that may be created by such recall.

“Expenditure” means a payment, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. When expenses are incurred to support election-related litigation, they are considered expenditures. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

“Immediate family” means a candidate’s or elected officeholder’s spouse or domestic partner, and/or dependent children.

“Independent expenditure” means those expenditures defined in California Government Code Section 82031.
“Independent expenditure committee” means, for purposes of this Chapter, persons, as defined in this Chapter, whose primary purpose or objective is to make Independent expenditures for or against any candidate for City elective office.

“Late contribution” means a late contribution as defined in California Government Code Section 82036, except that for purposes of this chapter, the dollar threshold contained in Section 82036 shall be revised to read one hundred dollars.

“Measure” means any proposition which is submitted to a popular vote at any municipal election by the City Council, or which is submitted or is intended to be submitted to a popular vote at a municipal election by initiative or referendum whether or not it qualifies for the ballot.

“Person” means an individual or any proprietorship, labor union, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, political action committee, committee or any other entity or organization or group of persons, however organized.

2-19.05 Campaign treasurer - Appointment required - Compliance with provisions required.

A. Each candidate and/or each committee shall appoint a campaign treasurer. A candidate may serve as the campaign treasurer for his/her campaign or for his/her committee. An assistant treasurer may also be appointed.

B. Each campaign treasurer shall be responsible for complying with the requirements of the California Government Code in addition to complying with the provisions of this chapter.

2-19.06 Contribution limitations.

A. Contribution Limits to City Council Elections.

1. Limitation. No person shall make, and no candidate for city elective office or a controlled committee of said candidate or person acting by or on behalf of said candidate or said candidate’s controlled committee shall accept, any contribution which would cause the total amount contributed by that person during any election cycle to the candidate, or to the candidate’s controlled committee, to exceed two hundred fifty dollars ($250). Nothing in this section is intended to limit the amount a candidate may contribute to his or her campaign for city council from his or her personal funds; provided, however, that if a candidate contributes more than two thousand five hundred dollars ($2500) during an election cycle to his or her campaign from his or her personal funds, then the limitation on contributions that may be made to or accepted by other candidates for the same city elective office, and their controlled committees, shall be increased to five hundred dollars.

A candidate who contributes more than $2500 during an election cycle to his or her campaign from his or her personal funds shall notify the City Clerk in writing within 24 hours after making the contribution that causes the total contributed by the candidate to exceed $2500, which notification shall be available for review by the public upon receipt by the City Clerk. Notification shall be provided by one of the following methods:

a. facsimile transmission;

b. electronic mail;
2. Written Solicitations by Candidates. Any candidate or his or her controlled committee making a written solicitation for a contribution for the candidate’s campaign for city elective office shall include the following written notice in no less than eight-point type on each such solicitation:

**NOTICE**

The Atascadero Municipal Code limits the amount a contributor may give to a candidate for elective office to an aggregate total of $250. This includes contributions to the candidate, to persons or committees controlled by the candidate, and to persons or committees making independent expenditures for or against the candidate.

If the maximum contribution amount for a candidate has been increased to five hundred dollars pursuant to Section 2-19.06, the dollar amount in that candidate’s written notices may be increased from “$250” to “$500”.

3. Exception for Campaign Indebtedness. A contribution specifically made to, accepted by and expended by a candidate or incumbent for the purpose of eliminating campaign debts incurred by the candidate or incumbent in the course of a previous campaign for city elective office shall be considered a contribution made and accepted during the election cycle in which the debts were incurred.

2-19.07 Contributions.

A. Transmittal to Campaign Treasurer. All persons who receive contributions on behalf of a candidate or committee shall transmit the contributions in full to the campaign treasurer promptly, together with a list showing the name and address of each contributor and the amount of the contribution, subject to the exceptions provided in this section.

B. Refusal to Accept. A candidate or a campaign treasurer shall have full authority to refuse and to return any contribution offered, provided the contribution is returned within 14 days of receipt.

C. Requirements for Acceptance of Contributions. A candidate or a campaign treasurer shall not accept any contribution for any other person under an assumed name or under the name of any other person. The candidate or campaign treasurer shall obtain the name, address, occupation and employer of each contributor.

2-19.08 Contribution Limitations to Persons or Committees Making Independent Expenditures.

1. Limitation. No person shall make, and no person or committee making independent
expenditures supporting or opposing a candidate for city elective office shall accept, any
contribution which would cause the total amount contributed by that person during any election
cycle in support of or in opposition to that candidate to exceed two hundred fifty dollars.

2. Written Solicitations by Persons Making Independent Expenditures or by Independent
Expenditure Committees. Any individual or independent expenditure committee making a
written solicitation for a contribution in support of or in opposition to a candidate for city
elective office shall include the following written notice in no less than eight-point type on each
such solicitation:

NOTICE

The Atascadero Municipal Code limits the amount that a contributor may give to
persons or committees making independent expenditures in support of or in
opposition to a candidate for City elective office to a total of $250 for each
candidate. This includes contributions to the candidate, persons or committees
controlled by the candidate.

3. Nothing contained in this Section 2-19. is intended as, or shall be interpreted to be, a
limitation on the right of a person to make independent expenditures.

A. Late Contributions. Late contributions shall be reported in accordance with California
Government Code Section 84203. No person, candidate or candidate’s committee shall make or
accept any contribution greater than $50 after 5:00, Monday, 8 days preceding the day of the
election, except that a candidate and/or a candidate’s family shall be permitted to make
additional contributions to the candidate or to the candidate’s committee.

B. Contribution Limitations to City Measures. There are no contribution limits to any
measure submitted or intended to be submitted to a popular vote at a municipal election by
initiative or referendum. However, any contribution of $1,000 or more from a single source
which is made to or received by a committee primarily formed to support or oppose a ballot
measure during the 125 days immediately preceding the election at which the measure is being
voted upon must be reported to the City Clerk within 24 hours of the time it is received or
contributed or within 24 hours after the measure qualifies for the ballot. Any contribution of
$100 or more from a single source which is made to or received by a committee primarily
formed to support or oppose a ballot measure during the 8 days preceding the election at which
the measure is being voted upon must be reported to the City Clerk within 24 hours. Late
contribution reports must be filed by fax, telegram, mailgram, guaranteed overnight delivery
service, or personal delivery (not by regular mail).


For purposes of this chapter, a contribution shall be considered to have been “made” and
“accepted” as follows:

A. Monetary Contributions.

1. Making of Monetary Contributions. For purposes of the contribution limitations of this
chapter, a monetary contribution is “made” on the date the contribution is mailed, delivered or
otherwise transmitted to the candidate, controlled committee, or person or committee making
independent expenditures. The date of the check or other negotiable instrument by which the
contribution is made may be presumed by the candidate, committee, or person receiving the
contribution to be the date on which the contribution is mailed, delivered or otherwise
transmitted, unless it is known to the candidate, committee, or person receiving the contribution to be later than the date the contribution is mailed, delivered or otherwise transmitted, in which case the earlier date shall be considered the date on which the contribution is “made.”

2. Acceptance of Monetary Contributions. For purposes of the contribution limits of this chapter, a monetary contribution shall be deemed “accepted” on the date that it is made; provided that a monetary contribution shall not be considered accepted for purposes of this chapter if it is not cashed, negotiated or deposited and, in addition, is returned to the donor within fourteen days of receipt.

B. Nonmonetary Contributions.

1. Making of Nonmonetary Contributions. A nonmonetary contribution is “made” by the contributor on the earlier of the following dates:
   a. The date that funds are expended by the contributor for goods or services if the specific expenditure is made at the request of the candidate, controlled committee, or person or committee making independent expenditures;
   b. The date that the candidate, controlled committee, or person or committee making independent expenditures, or agent of the candidate, controlled committee, or person or committee making independent expenditures obtains possession or control of the goods or services; or
   c. The date that the candidate, controlled committee, or person or committee making independent expenditures otherwise receives the benefit of the expenditure.

2. Acceptance of Nonmonetary Contributions. A nonmonetary contribution is deemed “accepted” on the date that it is “made” by the contributor; provided that a nonmonetary contribution shall be deemed not to have been accepted for purposes of this chapter if it is returned within fourteen days of having been made by returning to the contributor any of the following:
   a. The nonmonetary contribution;
   b. Its monetary equivalent; or
   c. The monetary amount by which the value of the nonmonetary contribution exceeds the contribution limits of this chapter.

2-19.10 Aggregation of Contributions.

A. All contributions made during an election cycle directly to a candidate or to any of the candidate’s controlled committees shall be aggregated for purposes of the two-hundred-fifty-dollar individual contribution limitation established in Section 2-19.06.

B. The limit established in Section 2-19.06 pertains to the aggregate total of all contributions made during an election cycle for or against a candidate for elective office. This amount includes the total of the contributions to the candidate, to the candidate’s controlled committees, and to persons or committees making independent expenditures for or against the candidate.

C. All payments made by a person or organization whose contributions or expenditure activities are financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary,
branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons, shall be considered to be made by the person financing, maintaining or controlling the contribution or expenditure.

D. Two or more persons shall be treated as one and the same person for purposes of the contribution limitations set forth in Section 2-19.06, and their contributions shall be aggregated and shall not exceed the limitations set forth in Section 2-19.06, in the following situations:

1. Related Entities. Two or more entities shall be treated as one person when such entities:
   
a. Share the majority of members of their boards of directors;
   
b. Share two or more corporate officers;
   
c. Are owned or controlled by the same majority shareholder or shareholders; or
   
d. Are in a parent-subsidiary relationship. A parent-subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than fifty percent of the voting power of another corporation.

2. Controlling Interest. A person and any general or limited partnership in which the person is a general partner, or a person and any corporation in which the person owns a controlling interest, shall be treated as one person. For purposes of this subsection, a controlling interest in a corporation means fifty percent or more of the voting power of a corporation.

E. Notwithstanding the provisions of Section 2-19.06, candidates, controlled committees, and persons or committees making independent expenditures shall not be deemed to be in violation of this section if any of them accepts a contribution from a person that was made in violation of the contribution limits of this Chapter. It is the intent of this section to make contributors, and not candidates, controlled committees, or persons or committees making independent expenditures, liable for violations occurring as a result of the applicability of this Chapter to contribution limits.

2-19.11 Contributions by Spouses and Children.

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Contributions by dependent children shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

2-19.12 Contributions by Spouse, Children or Family Members of Candidate.

Contributions to a candidate by his or her spouse, children or any other family member shall be subject to the contribution limits of this chapter.

2-19.13 Election campaign accounts.

A. Candidate Intention Statement and the Campaign Bank Account.

1. Candidate Intention Statement. Any individual who intends to be a
candidate for a City elective office must file a statement of intention to run for office prior to soliciting or receiving any contribution or loan. Form 501 (Candidate Intention) is used to comply with this requirement, and is filed with the City Clerk.

2. Candidate Campaign Bank Account. In addition to filing the candidate intention statement, an individual who plans to run for a City elective office and who plans to accept contributions and make campaign related expenditures must set up a campaign bank account at a financial institution with a branch located in the City of Atascadero.

3. City ballot measure committees must set up a campaign bank account at a financial institution with a branch located in the City of Atascadero.

B. Statement of Organization. For each campaign bank account into which contributions totaling $1,000 are received (including the candidate’s personal funds) or within 10 days of receiving contributions of $1,000 or more, a recipient committee Statement of Organization (Form 410) must be filed with the Secretary of State. A copy shall also be filed with the City Clerk. If a recipient committee qualifies during the 16 days prior to an election, it must file, by telegram, fax or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the Statement of Organization. A copy of this form shall be filed with the City Clerk.

C. Deposit of Contributions. All campaign contributions accepted by a campaign treasurer shall be deposited into the election campaign account by the campaign treasurer or his/her authorized agent.

D. Expenditures. Campaign expenditures shall be made only by checks drawn against the election campaign account by the campaign treasurer or authorized agent, except that a candidate or committee may establish one petty cash account.

1. No more than $100 may be in the petty cash fund at any time, and no expenditures of more than $25 may be made from a petty cash account. The petty cash account may be used only for expenses associated with the candidate’s election to the specific office for which the petty cash fund was established.

2. Petty cash or funds in the election campaign account shall not be considered for any purpose to be personal funds of a candidate, campaign treasurer or any other person.

E. Access to Records by City Clerk. The City Clerk shall have full access at all reasonable hours to the bank’s records concerning all election campaign accounts.

F. Disbursement of Unexpended Campaign Funds. If, following the election, the final campaign statement for any committee discloses an unexpended campaign surplus, the campaign treasurer shall disburse the whole of the surplus to the City and/or a nonprofit charitable organization (qualified for federal income tax exemption) of the candidate’s or
campaign treasurer’s choice. This shall be done no later than 90 days after the election.

G. Closing of Account. No later than 90 days following the election, the campaign treasurer shall close the election campaign account and file a State Form 460 (Recipient Committee Campaign Statement) with the City Clerk. The campaign treasurer shall also file a State Form 410 (Statement of Organization — Termination) with the Secretary of State, with a copy to the City Clerk. However, should litigation arise as a result of the conduct of the campaign, either during the campaign period or after the conclusion of the campaign, the account may be kept open until such litigation is finally concluded. Within 45 days of such conclusion, a final campaign statement shall be filed with the City Clerk.

H. Retention of Records. The campaign treasurer shall retain all campaign statements and all other records required by this chapter for a period of 4 years after the election.

2-19.14 Campaign statements.

A. Required Filing Schedule. Every campaign treasurer, upon receiving or expending $100 or more, shall file with the City Clerk campaign statements according to the following schedule:

1. State campaign statements shall be filed as required by the provisions of the Government Code.

2. A supplemental City campaign statement shall be filed no later than 12:00 noon, Tuesday, one week before the election. The closing date of this statement shall be 5:00 p.m., Monday, 8 days before the election.

B. Contents.

1. Each State campaign statement filed shall contain the information required under the provisions of the Government Code.

2. The supplemental City campaign statement shall consist of
   a. The name, address and amount of the contribution for each person who contributes greater than $50. In addition, the occupation of the contributor and the name of the employer shall be provided for contributions of $100 or greater.

   b. The total amount received from all persons who each contribute $50 or less.

   c. The total expenditures made by each committee.

C. Filing. Each document required to be filed in this chapter shall be filed with the City Clerk during business hours, and elsewhere as may be required by the Government Code.
D. Filing Fees. Filing fees, if any, shall be established by Council resolution.

E. Publication. On the Friday preceding the election, the City Clerk shall publish in a newspaper of general circulation in the City of Atascadero the following information for each committee:

1. Total receipts.
2. Total expenditures.
3. Contributions; the name of each person contributing greater than $50.
4. The notice shall report or any candidate and/or committee that has failed to comply by the required deadline with the campaign statement requirements pursuant to this section.

2-19.15 Campaign signs.

A. Severability. This section is a separate and severable provision of the election campaign regulations.

B. Campaign Signs. Campaign signs shall not exceed three square feet per sign in residential zones and 10 square feet per sign in nonresidential zones, and shall be removed no later than 10 days following the election.

C. Definition. “Campaign signs means a sign intended to draw attention to or communicate a position on any issue, candidate, or measure in any national, state or local election and which otherwise is not subject to regulation under Chapter 9-15 (Signs).

D. Violation. Violation of this section shall be an infraction.

E. Enforcement. Enforcement of this section shall be pursuant to either Chapter 1.3 (Penalty Provisions) or Chapter 1.6 (Administrative Citations, Fines and Hearing Procedures) of the Municipal Code.

2-19.16 Responsibilities of City Clerk.

A. Duties. In addition to any other duties required of the City Clerk under this chapter, the City Clerk shall:

1. Prescribe and furnish, without charge, appropriate forms for all campaign statements, documents and reports required to be filed by this chapter.
2. Determine whether required statements and declarations have been filed and, if so, whether they conform on their face with the requirements of this chapter.
3. Promptly notify all persons who have failed to file a statement in the form and at the time required by this chapter.

4. Report, in writing, apparent violations of this chapter to the City Attorney.

5. Place a timely advertisement(s) in a newspaper of general circulation in the City of Atascadero advising the public that a person(s) supporting or opposing a candidate(s) or a measure(s) through newspaper or other advertisements may be subject to City reporting requirements.

6. Compile and maintain a current log of all filed statements pertaining to each reporting committee.

7. Provide an appropriate form, and prescribe a date for submission, which allows any candidate to file a 200-word ballot statement of qualifications and/or description of his/her stand on issues. Such statement shall be on a form provided by the City Clerk in accordance with any other provision as set forth by Elections Code Section 13307 et seq.

B. Additional Help or Services. The City Clerk is authorized and directed to hire part-time help, contract for services, and purchase supplies as the City Clerk deems necessary to carry out the additional duties imposed on the City Clerk’s office by this chapter. Within 90 days after each election, the City Clerk shall provide the Council with a detailed report of the total direct and indirect labor, materials and other costs incurred by the City Clerk’s office in performing such additional duties.

2-19.17 Criminal misdemeanor actions.

Any person who violates any provision of this chapter is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provision of this chapter, shall be liable under the provisions of this section.

2-19.18 Civil actions.

A. Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the City Attorney or by a person residing within the City for an amount not more than three times the amount of the unlawful contribution or expenditure.

B. If any person files an original City campaign statement after any deadline imposed by this chapter, he or she shall pay, in addition to any other penalties provided for under this chapter, the sum of $100 per day after the deadline until the statement or report is filed. Liability may not be enforced if, on all impartial basis, the City Clerk determines that the late filing was not willful and that enforcement of the liability will not further the purposes of this chapter. Liability shall not be waived if the supplemental City campaign statement is not filed within 5 days of the deadline after the City Clerk has sent specific written notice of the filing.
requirement. In addition, the City Clerk may assess any applicable fines in accordance with State law.

C. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

D. Any person, before filing a civil action pursuant to this section, shall first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The City Attorney shall respond within 10 days after receipt of the request indicating whether he or she intends to file a civil action. If the City Attorney indicates in the affirmative and files a suit within 30 days thereafter, no other action may be brought unless the action by the City Attorney is dismissed without prejudice.

E. In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the plaintiff shall receive 50% of the amount recovered. The remaining 50% shall be deposited into the City treasury. In an action brought by the City Attorney, the entire amount shall be paid to the City treasury.

F. No civil action alleging a violation of any provision of this chapter shall be filed more than 4 years after the date the violation occurred.

2-19.19 Injunctive relief.

The City Attorney or any person residing in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter.

2-19.20 Cost of litigation.

The court may award to a plaintiff or defendant who prevails in any action authorized by this chapter his or her costs of litigation, including reasonable attorneys’ fees; provided, however, no costs of litigation or attorneys’ fees shall be awarded against the City.

2-19.21 Disqualification.

In addition to any other penalties prescribed by law, if an official receives a contribution in violation of this chapter, the official shall not be permitted to make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which the contributor has a Financial interest. The provisions of Government Code Section 87100 et seq. and the regulations of the Fair Political Practices Commission shall apply to interpretations of this section.

2-19.22 Construction of provisions.

A. This chapter shall be in addition to all other City and State laws applicable to
municipal elections. Unless the contrary is stated or clearly appears from the context, the definitions and terms set forth in the Government Code shall govern the interpretations of terms used in this chapter. This chapter shall be construed liberally in order to effectuate its purposes.

B. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons and circumstances shall not be affected thereby.

2-19.23 Application of State Laws.

Nothing in this chapter shall be deemed to exempt any person from complying with applicable provisions of any other laws of this state, including but not limited to, the contribution limitations contained within the California Political Reform Act for special elections.

2-19.24 Enforcement.

A. Any person who willfully or knowingly violates any provision of this chapter is guilty of a misdemeanor.

B. If the City Clerk discovers through a campaign statement that any provision of this chapter has been violated, the City Clerk shall promptly notify the District Attorney.

2-19.25 Effective date of Contribution Limitations.

A. Notwithstanding the date of adoption and the effective date of the ordinance codified in this chapter, and except as otherwise provided in Sections 2-19.______, ___, and ____, the contribution limits of this chapter shall apply to contributions made on or after July 1, 2007, to:

1. Any candidate for city elective office, including an incumbent, who sought or who will seek election in any election for city elective office. Contributions made prior to July 1, 2007, shall not be considered for purposes of the individual contribution limits contained in Sections 2-19.06 and 2-19.08; and

B. Contributions made prior to the effective date of this Ordinance shall not be considered or aggregated for purposes of the contribution limits contained in Sections 2-19.06 and 2-19.08.

C. In determining whether a candidate’s contributions toward his or her own campaign have triggered the increased contribution limitations for other candidates provided for in Section 2-19.06, contributions by a candidate toward his or her own campaign which were made prior to July 1, 2007 shall be counted, but only up to $2500, regardless of the amount actually contributed by the candidate prior to July 1, 2007.

D. No candidate, controlled committee, or person or committee making independent expenditures shall be deemed to have violated any provisions of this chapter solely because contributions in excess of the limitations contained in Sections 2-19.06 and 2-19.08 were accepted or made before the date specified in subsections A or B above. Nothing in this subsection shall be deemed to require the return of any contribution made prior to the effective date of the ordinance codified in this chapter.

2-19.26 Severability.

If any provision of this chapter, or the application of any such provision to any person or
circumstances, shall be held invalid, the remainder of this chapter, to the extent it can be given
effect, or the application of those provisions to persons or circumstances other than those as to
which it is held invalid, shall not be affected thereby, and to this end the provisions of this
chapter are severable.

SECTION 2. A summary of this ordinance, approved by the City Attorney, together with
the names of the Council members voting for and against it, shall be published at least five days
prior to its final passage, in the Atascadero News, a newspaper published and circulated in this
City. This ordinance will go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED at a regular meeting of the City Council held on January 23, 2007, and
PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on
February 13, 2007, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT: None

CITY OF ATASCADERO

By: ______________________________

Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________

Patrick L. Enright, City Attorney