

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADDING CHAPTER 2.58 (“CAMPAIGN CONTRIBUTION LIMITS”) TO TITLE 2 (“ADMINISTRATION AND ORGANIZATION”) OF THE LA HABRA MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS

WHEREAS, the City of La Habra (“City”) currently does not have campaign contribution limits; and

WHEREAS, Assembly Bill 571 (“AB 571”) imposes a default campaign contribution limit upon cities without campaign contribution limits beginning January 1, 2021. The default contribution limit is currently \$4,700 and is periodically adjusted by the Fair Political Practices Commission (“FPPC”) pursuant to Government Code Section 83124; and

WHEREAS, while the City is authorized by Government Code Section 85702.5 to adopt an amount that differs from the State limit, the City Council desires to allow the State limit to apply to municipal elections in the City and to codify this limit in the La Habra Municipal Code to put candidates on notice of this limit; and

WHEREAS, the City of La Habra, California, pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. § 21000) and State CEQA guidelines (14 CCR 15000), has determined that this ordinance is exempt pursuant to Section 15601(b)(3) of Title 14 of the California Code of Regulations.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AS FOLLOWS:

SECTION 1. All of the above recitals are correct and are hereby incorporated by reference.

SECTION 2. Chapter 2.58 (“CAMPAIGN CONTRIBUTION LIMITS”) of Title 2 (“ADMINISTRATION AND ORGANIZATION”) of the La Habra Municipal Code is hereby added as follows:

Chapter 2.58 – CAMPAIGN CONTRIBUTION LIMITS

Section 2.58.010 - Purpose

Inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. The City Council intends this Chapter to preserve an orderly political forum in which individuals and groups may express themselves effectively; to minimize the improper influence, real or potential, of campaign contributors over the City’s elected officials; to place realistic enforceable

limits on the amounts of money that may be contributed to political campaigns in municipal elections for City offices; and to provide full and fair enforcement of all the provisions of this Chapter.

Section 2.58.020 – Definitions.

“Person” shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee and any other organization or group of persons acting in concert.

Section 2.58.030 – Campaign Contribution Limit.

A. A person shall not make to a candidate for elective city office, and a candidate for elective city office shall not accept from a person, a contribution totaling more than the amount set forth in Government Code 85301(a) per election as that amount is adjusted by the Fair Political Practices Commission from time to time.

B. This chapter does not apply to a candidate’s contributions of the candidate’s personal funds to the candidate’s own campaign.

Section 2.58.040 – Penalties for Violation.

Any violation of this chapter shall be subject to enforcement and penalties pursuant to Chapter 1.08 of the La Habra Municipal Code.

SECTION 3. If any section, subsection, clause or phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the same manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

[signatures on next page]

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2020.

Tom Beamish, Mayor

ATTEST:

Laurie Swindell, CMC
City Clerk

APPROVED AS TO FORM:

Richard Jones, City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Laurie Swindell, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ____ introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 16th day of November 2020, and was thereafter adopted at a regular meeting held on the ____ of December, 2020, by the following vote.

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this ____ day of December, 2020.

Laurie Swindell, CMC
City Clerk