

RESOLUTION NUMBER 6027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ADOPTING LOCAL CAMPAIGN CONTRIBUTION LIMITS AND OTHER CAMPAIGN REGULATIONS PURSUANT TO ASSEMBLY BILL NO. 571 (AB 571)

WHEREAS, the California Political Reform Act of 1974 (“Political Reform Act”), codified at Government Code Section 81000, *et seq.*, was amended by the voters in 1988 to impose contribution limitations for statewide offices, and authorized local jurisdictions to enact contribution limits or other prohibitions; and

WHEREAS, in 2019, the Legislature amended the Political Reform Act to impose contribution limitations on local elective offices in jurisdictions that have not enacted their own contribution limits with the passage of Assembly Bill ("AB") 571; and

WHEREAS, effective January 1, 2021, AB 571 imposes a default campaign contribution limit and other campaign regulations upon cities and counties without campaign contribution limits, but further authorizes counties and cities to establish their own campaign contribution limits for their elective offices; and

WHEREAS, Elections Code Section 10202 (automatically repealed on January 1, 2021) and Government Code Section 85702.5 (effective on January 1, 2021) further permits the City to establish its own campaign contribution limits that are different from what is established by Government Code Section 85301 and 83124 by resolution or ordinance; and

WHEREAS, the City Council now desires to adopt this Resolution to adopt local campaign contribution limits and other campaign regulations in compliance with the free speech clauses of the United States and California Constitutions; and

WHEREAS, the City Council now desires and intends to adopt campaign contribution limits pursuant to Government Code Section 85702.5 such that AB 571’s contribution limits and other campaign regulations, including any related regulations adopted by the Fair Political Practices Commission, are inapplicable to the City to the fullest extent permitted by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AS FOLLOWS:

Section 1. Recitals Incorporated. The City Council finds the above recitals are true and correct and incorporated herein by this reference as if set forth in full.

Section 2. Findings and Purpose.

The City Council finds that Assembly Bill No. 571 was approved by the Governor on October 8, 2019. Absent a local resolution or ordinance, Assembly Bill No. 571 amends the Political Reform Act so as to impose identical campaign contribution limits for candidates to county or city offices as those limits imposed on certain elective state office candidates effective

January 1, 2021. Like the vast majority of cities and counties throughout the state, the City of Perris did not have campaign contribution limits prior to the passage of Assembly Bill No. 571 or this Resolution. The City Council finds it necessary to adopt campaign limits for City Elective Offices so as to provide greater transparency for City Elective Offices and to allow everyone the right to participate and support the candidates of their choice without any one person or entity having undue influence in a city election. The purpose of this Resolution is to reduce the influence of large contributions, or the appearance of influence of large contributions, to ensure that individuals and interest groups continue to have a fair and equal opportunity to participate in electing candidates for City Elective Office, and to maintain public trust and confidence in governmental institutions and the electoral process. It is the intent of the City Council that this Resolution limiting campaign contributions complies with the free speech clauses of the United States and California Constitutions and the decisional law by the federal and state courts.

Section 3. Authority.

This Resolution is adopted pursuant to the provisions of Government Code sections 85301, 85305, 85306, 85307, 85315, 85316, 85317, 85318, and 85702.5, as amended.

Section 4. Definitions.

As used in this Resolution, the following terms shall have the following meanings:

(A) “Candidate.” As defined in the Political Reform Act provided that that the term shall be limited to candidates for city elective office for the purpose of this Resolution.

(B) “Committee.” As defined in Government Code section 82013 of the Political Reform Act, as amended. A committee includes but is not limited to "controlled committee" and "independent committee".

(C) “Contribution.” As defined in Government Code section 82015 of the Political Reform Act, as amended.

(D) “Controlled committee.” Any committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee such candidate controls has a significant influence on the actions or decisions of the committee.

(E) “City elective office.” The offices of City Council, Mayor, and City Clerk.

(F) “Election.” Unless otherwise specified in this Resolution, any primary, general, special or recall election held in this state. The primary, general, special or recall elections are all separate elections for the purpose of this Resolution.

(G) “Independent committee.” All committees other than controlled committees.

(H) “Independent expenditure.” An expenditure made by any person including

a payment of public moneys by a state or local governmental agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

(I) “Person.” 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.

(J) “Political Reform Act.” The California Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended).

Section 5. Campaign Contribution Limits.

(A) No person shall make to a candidate for city elective office, or to a controlled committee of that candidate, a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.

(B) No candidate for city elective office, nor a controlled committee of that candidate, shall accept from a person a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.

(C) A candidate for city elective office may transfer campaign funds totaling no more than fifty thousand dollars (\$50,000.00) per election from one controlled committee or campaign fund account to another controlled committee or campaign fund account for elective state, county or city office of the same candidate.

(D) The limitations of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.

(E) The limitations of this section do not apply to independent expenditures.

(F) Beginning in January 2023, the contribution limit amounts provided in subsections A, B, and C of this section shall be adjusted by the City Clerk in January of every odd-numbered year to reflect the increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100). For purposes of this Resolution, “Consumer Price Index” shall mean the Consumer Price Index for All Urban Consumers, Riverside-San Bernardino-Ontario, published by the Bureau of Labor Statistics of the United States Department of Labor, All Items (2017=100) and as it may be updated from time to time. If the Department of Labor no longer publishes the Consumer Price Index, the City Clerk shall determine an equivalent replacement.

Section 6. Contribution Limits to Other Candidates.

A candidate for city elective office or a controlled committee of that candidate shall not make a campaign contribution to any other candidate for city elective office in excess of the limits set forth in section 5 of this Resolution.

Section 7. Loans.

A candidate for city elective office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000.00). A candidate for city elective office shall not charge interest on any loan the candidate made to the candidate's campaign.

Section 8. Recall Campaigns.

An elected officer of a city elective office may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected officer receives a notice of intent to recall pursuant to Elections Code Section 11021. An elected officer of a city elective office may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this Resolution. After the failure of a recall petition or after the recall election, the committee formed by the elected officer of a city elective office shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within thirty (30) days after the failure of the recall petition or after the recall election for a purpose specified in Government Code Section 89519, Subdivision (b).

Section 9. Contributions After Elections.

A contribution for an election may be accepted by a candidate for city elective office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limits for that election as set forth in section 5 of this Resolution.

Section 10. Carry Over Contributions.

Notwithstanding section 5(C) of this Resolution, a candidate for city elective office may carry over contributions raised in connection with one election for city elective office to pay campaign expenditures incurred in connection with a subsequent election for the same city elective office.

Section 11. Electronic Campaign Finance Disclosure.

Nothing in this Resolution alters the requirements for electronic filing of campaign statements and the required online reporting of contributions and independent expenditures in chapter 2.58 of title 2 of the Perris Municipal Code which shall continue to be complied with by all candidates for city elective office.

Section 12. Severability. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared

unconstitutional or otherwise unenforceable.

Section 13. Effective Date. This Resolution shall take immediately after its adoption.

Section 14. Certification. The City Clerk shall certify as to the passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 26th day of July, 2022.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 6027 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 26th day of July, 2022, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, VARGAS
NOES: NAVA, CORONA
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar