

ORDINANCE NO. 1860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND,  
CALIFORNIA, ADOPTING AN ORDINANCE REGARDING CAMPAIGN  
CONTRIBUTION AND SPENDING LIMITS SET FORTH IN CHAPTER 2.03  
OF TITLE 2 OF THE UPLAND MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

A. Recitals.

The City Council of the City of Upland finds and declares as follows:

1. The perception of the integrity of the legislative process and public confidence in elected municipal officials is diminishing as a result of allegations that overly generous donors seek to improperly influence or control elected officials as well as the perception that, as a result of high campaign contributions a select few individuals or entities have undue influence in municipal policymaking activities. The appearance of corruption has contributed to the erosion of confidence in municipal governance and the community wishes to remedy this reality by the narrowest and least intrusive means as reflected in this enactment.

2. The policy of this city is to protect the integrity of the electoral process.

3. 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. 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 the public perception that the votes of Mayor or City Council and decisions of elected officials are being improperly influenced by monetary contributions. Such a perception can undermine the credibility of the City Council and the governmental process.

4. The best interests of the citizens of the City of Upland are served by removing an appearance of corruption, or impropriety by establishing a fair, rational and reasonable individual contribution limit that reflects an amount determined to allow a fair and competent political campaign in the City of Upland, California to be conducted while remedying the appearance of corruption that results from a concentration of power in a few contributors who appear to have extraordinary influence within the City with the officials they have supported financially.

5. 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.

6. Campaign spending for municipal office campaigns is escalating to dangerous and unreasonable levels in the City of Upland, California based upon the evidence provided in the staff report that accompanies this enactment, together with oral and written testimony related to this matter. The City's elections demonstrate a dramatic and marked increase in the costs associated with campaigns for municipal office which have been recorded on campaign disclosure forms prepared by the candidates. The local press has presented articles reflecting allegations of undue influence and/or the perception of the same arising from and benefitting those persons, firms or entities who have made large monetary contributions to candidates which has resulted in an appearance of corruption in the community and candidates have provided information regarding the extraordinary rigors that are imposed on fundraising activities in an effort to match the large financial contributions from a concentrated number of contributors. Based on the foregoing the

City Council believes that the establishment of campaign contribution limits will dilute the appearance of, or any actual corruption, associated with large individual campaign donations.

7. The constant pressure to raise contributions during both election years and off-election years is distracting elected municipal officials from addressing the needs of the community.

8. Some elected municipal officials are responding to high campaign costs by raising large amounts of money in off-election years to either pay off campaign debts previously incurred or to accumulate campaign funds for future use. This fundraising distracts elected officials from important public matters, encourages contributions which may have a corrupting influence or, at the very least, the appearance of improper influence, and gives incumbent elected officials an unfair fundraising advantage over potential challengers.

9. The City Council reviewed the minutes of the City Council Advisory Committee and include them into the administrative record to support the findings made by the City Council.

B. Ordinance.

Section 1. Chapter 2.03 of Title 2 of the Upland Municipal Code, is added to read, in its entirety, as follows:

"Sections:

- |          |  |
|----------|--|
| 2.03.010 | Purpose and intent                               |
| 2.03.020 | Definitions                                      |
| 2.03.030 | Operative date                                   |
| 2.03.040 | Supplemental guidelines                          |
| 2.03.050 | Contribution limitations                         |
| 2.03.060 | Contributions by candidate, spouses and children |
| 2.03.070 | Enforcement                                      |

Sec. 2.03.010 Purpose and intent.

The City Council of the City of Upland enacts this ordinance 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 more by the size of contributions than by the merits of proposals and what is in the best interest of the people of the city;

C. To encourage smaller contributions;

D. To allow municipal officials and elected candidates to spend a smaller portion of their time on fundraising and a greater proportion of their time discussing important city issues;

E. To limit overall expenditures and campaigns for municipal elective offices, thereby reducing the pressure on candidates to raise large campaign war chests beyond the amount necessary to communicate reasonably with voters;

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

Sec. 2.03.020 Definitions.

Unless a particular word or phrase is otherwise specifically defined in this article, 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 construction, 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 this code.

Sec. 2.03.030 Operative date.

The provisions of this document shall apply to elections for the office of Mayor or City Council on a prospective basis as specified in law.

Sec. 2.03.040 Supplemental guidelines.

These Supplemental guidelines are hereby added to and incorporated into local, state, and federal election regulations.

Mayor/Council Members, candidates for the office of city council or Mayor, shall be subject to the following limitations and shall apply to monetary and non-monetary Contributions.

Sec. 2.03.050 Contribution limitations.

1. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a person or related entity to the candidate or to the candidate's controlled committee, to exceed two thousand dollars (\$2,000.00) in any two (2) year period.

2. No candidate for the office of Mayor or City Council, or a controlled committee of such controlled committee, or person or related entity acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution which would cause the total amount contributed to a political committee to the candidate, or to the candidate's controlled committee, to exceed two thousand dollars (\$2,000.00) in any two (2) year period.

3. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a group, organization, corporation, or related entity thereof to the candidate or to the candidate's controlled committee, to exceed two thousand dollars (\$2,000.00) in any two (2) year period.

Sec. 2.03.060 Contributions by candidate, spouses and children.

A. Contributions by a Candidate to the Candidate's Campaign. There shall be no intent to limit the amount that a candidate may contribute to his or her own campaign from his or her personal funds.

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

C. Contributions by dependent children shall be treated as contributions by their parent or parents. If there is joint custody of the child, one-half of the contribution shall be attributed to each parent, and if there is a single custodial parent, the contribution shall be attributed to that parent.

Sec. 2.03.060 Enforcement.

Except as provided otherwise in this article, any person or related entity that willfully or knowingly violates any provision of this chapter is guilty of a campaign violation."

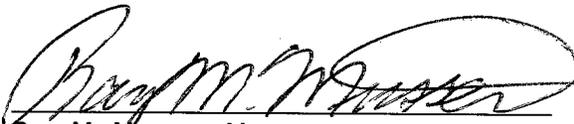
Section 2. The terms of this Ordinance shall supersede any previous resolutions of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

Section 3. The City Clerk of the City of Upland shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 4. If any section, subsection, sentence, clause or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Upland hereby declares that it would have passed and adopted this Ordinance, and each and all provisions thereof, irrespective of the fact that one or more of said provisions may be declared to be invalid.

Section 5. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) as it can be seen with certainty that this Ordinance's enactment will not have a significant effect on the environment.

PASSED, APPROVED and ADOPTED this 23rd day of May, 2011.

  
Ray M. Musser, Mayor

I, Stephanie Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Ordinance No. 1860 was duly-introduced and placed upon its first reading at a regular meeting of the City Council on the 9th day of May, 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 23rd day of May, 2011 by the following vote, to wit:

AYES: Mayor Musser, Councilmembers Brandt, Willis  
NOES: Councilmember Filippi  
ABSENT: None  
ABSTAINED: None

ATTEST:   
Stephanie A. Mendenhall, City Clerk

ORDINANCE NO. 1871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING CHAPTER 2.03 OF TITLE 2 OF THE UPLAND MUNICIPAL CODE REGARDING CAMPAIGN CONTRIBUTION AND SPENDING LIMITS

THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

A. Recitals.

The City Council of the City of Upland finds and declares as follows:

1. The City Council previously adopted Chapter 2.03 of Title 2 establishing campaign contribution and spending limits to ensure the integrity of the legislative process and public confidence in elected municipal officials, and to reduce the perception that overly generous donors seek to improperly influence or control elected officials as well as the perception that, as a result of high campaign contributions a select few individuals or entities have undue influence in municipal policymaking activities.

2. The provisions of Chapter 2.03 were recently reviewed by the Council to determine whether modifications should be made to them to make them clear and easy to enforce. The City Council sought input from the City Council Advisory Committee as to their original intent in establishing the time period for contribution limitations.

3. The City finds that some changes should be made to the Chapter to make it easier to ensure compliance and to require correction of any violations.

B. Ordinance.

Section 1. Section 2.03.050 of Chapter 2.03 of Title 2 of the Upland Municipal Code, is hereby amended to read, in its entirety, as follows:

Sec. 2.03.050 Contribution Limitations.

1. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a person or related entity to the candidate or to the candidate's controlled committee, to exceed one thousand dollars (\$1,000.00) in connection with any one (1) election.
2. No candidate for the office of Mayor or City Council, or a controlled committee of such controlled committee, or person or related entity acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution which would cause the total amount contributed to a political committee to the candidate, or to the candidate's controlled committee, to exceed one thousand dollars (\$1,000.00) in any one (1) election.
3. No candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall accept any contribution which would cause the total amount contributed by a group, organization, corporation, or related entity thereof to

the candidate or to the candidate's controlled committee, to exceed one thousand dollars (\$,1000.00).

Section 2. Section 2.03.070 of Chapter 2.03 of Title 2 of the Upland Municipal Code, is hereby amended to read, in its entirety, as follows:

Sec. 2.03.070 Enforcement.

Except as provided otherwise in this article, any person or related entity that willfully or knowingly violates any provision of this chapter is guilty of a campaign violation.

Any candidate for the office of Mayor or City Council, or a controlled committee of such candidate shall, within thirty (30) days of discovery of receipt of contributions in cash or in kind worth more than one thousand dollars (\$1,000.00) by a person or related entity in connection with any one election, repay or return any and all amounts in excess of one thousand dollars (\$1,000.00). Failure to repay or return excess contributions shall constitute a campaign violation.

Section 3. Except as modified herein, the remaining provisions of Chapter 2.03 of Title 2 of the Upland Municipal Code shall remain in full force and effect.

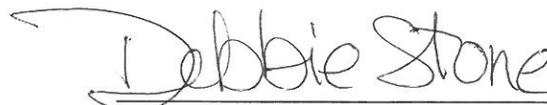
Section 4. The terms of this Ordinance shall supersede any previous resolution of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

Section 5. The City Clerk of the City of Upland shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 6. If any section, subsection, sentence, clause or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Upland hereby declares that it would have passed and adopted this Ordinance, and each and all provisions thereof, irrespective of the fact that one or more of said provisions may be declared to be invalid.

Section 7. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) as it can be seen with certainty that this Ordinance's enactment will not have a significant effect on the environment.

PASSED, APPROVED, AND ADOPTED this 13th day of May, 2013.

A handwritten signature in black ink that reads "Debbie Stone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Debbie Stone, Mayor Pro Tem

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 22nd day of April, 2013, and was adopted at a regular meeting of the City Council of the City of Upland on the 13th day of May, 2013, by the following roll call vote:

AYES: Mayor Pro Tem Stone, Councilmembers Bozar, Brandt, Filippi  
NOES: None  
ABSENT: Mayor Musser  
ABSTAINED: None

ATTEST:

  
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Stephanie A. Mendenhall, City Clerk