

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO ADDING CHAPTER 2.10 TO THE MONTEBELLO MUNICIPAL CODE ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS FOR CITY ELECTIVE OFFICE

WHEREAS, the City of Montebello (“City”) does not currently limit the amounts persons may contribute to a candidate’s campaign for City elective office; and

WHEREAS, in 2019, Assembly Bill 571 (“AB 571”) was enacted establishing default limits and regulations for cities and counties that have not established their own campaign contribution limits, and such default limits became effective as of January 1, 2021;

WHEREAS, AB 571 allows cities to establish their own campaign contribution limits for city elective office by ordinance or resolution, which may be higher or lower than the default limits pursuant to California Government Code (“Gov. Code”) Section 85702.5;

WHEREAS, the California Fair Political Practices Commission’s AB 571 Fact Sheet also advises that a city or county may elect to have no contribution limits if explicitly stated in an ordinance that there are no limits on contributions;

WHEREAS, the City desires to amend the Montebello Municipal Code to establish the following campaign contribution limits pursuant to Gov. Code Section 85702; and

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

SECTION 1. RECITALS. The above recitals are true and correct and made part of this Ordinance.

SECTION 2. AMENDMENT; ADDITIONS. Chapter 2.10 Campaign Contribution Limits, including Sections 2.10.010 through 2.10.040 are hereby added to the Montebello Municipal Code to read as follows.

Chapter 2.10 – CAMPAIGN CONTRIBUTION LIMITS

2.10.010 - Purpose

The purpose of this Chapter is to establish campaign contribution limits for elective City office to combat and prevent corruption, and the potential for corruption, due to

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disproportionately large donations from single contributions that create the appearance of a conflict of interest. In proposing the limits included in this Chapter, the City has considered a balance between the dual objectives of preventing corruption and abridging the freedom of contributors to provide support for their preferred candidates. This Chapter also seeks to establish enforcement mechanisms to allow the City to effectively pursue these objectives.

2.10.020 - Definitions

The terms included in this Chapter shall have the same definitions as provided for in the California Political Reform Act of 1974 (Gov. Code Section 8100, *et. seq.* as amended) unless otherwise provided for in this Chapter. "City" shall refer to the City of Montebello.

2.10.030 – Campaign Contribution Limits

A. No person shall make any contribution to the campaign or committee controlled by a candidate for elective City office, in the aggregate, in excess of Five Thousand Dollars (\$5,000.00) per year, per candidate. This amount shall increase every odd-numbered year to reflect any changes in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as released by the U.S. Department of Labor, Bureau of Statistics.

B. No candidate for elective City office, nor the committee controlled by candidate shall accept any contributions, in the aggregate, in excess of the amount specified in subsection A, per year from any person or committee.

C. No candidate for elective City office or a committee controlled by the candidate, shall make any contribution to another candidate for elective City office or a committee controlled by the other candidate, in the aggregate, in excess of the amount specified in subsection A, per year, per candidate.

D. A candidate for elective City office may transfer campaign funds from one committee controlled by the candidate to another committee controlled by the candidate. The contribution transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method. The aggregate amount of contribution from the same contributor shall not exceed the amount specified in subsection A, per year.

E. A candidate for elective City office shall not personally loan to the candidate's campaign, including the proceeds from a loan made to the candidate by a commercial lending institution, an amount, the outstanding balance of which exceeds One

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Hundred Thousand Dollars (\$100,000.00). A candidate shall not charge interest on any loan made to the candidate's campaign.

F. A contribution to a candidate for elective City office after the date of the election may only be accepted if the amount does not exceed the net debts outstanding from the election, and does not exceed the limit set forth in subsection A.

G. A candidate for elective City office may carry over contributions raised in an election to pay for campaign expenditures in a subsequent election for the same elective City office.

H. A candidate for elective City office may raise contributions for a general election before the primary election (or special general election before the special primary election) and establish separate campaign contribution accounts for both elections. The general or special general election contributions must be set aside and used for the general or special general election. If the candidate is defeated in the primary or special primary election, the general or special general election contributions shall be refunded to the contributors on a prorated basis, minus any expenses associated with the raising and administration of the general election or special general contributions.

2.10.040 – Violation

Any violation of any provision of this Chapter, is subject to prosecution under Chapter 1.12 of the Montebello Municipal Code, as well as any other administrative, civil, or criminal penalties, including injunctive relief available under any applicable law.

SECTION 3. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

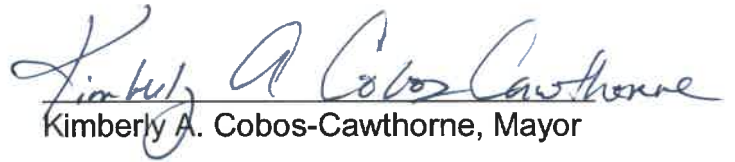
SECTION 5. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

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APPROVED AND ADOPTED 11th day of August 2021.



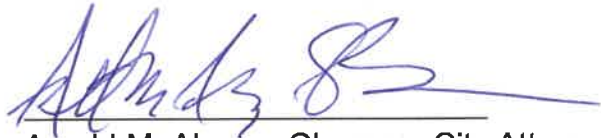

Kimberly A. Cobos-Cawthorne, Mayor

ATTEST:



Christopher Jimenez, City Clerk

APPROVED AS TO FORM:



Arnold M. Alvarez-Glasman, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance 2440 was introduced at the regular meeting of the City Council on 28th day of July 2021, and was adopted by the City Council of the City of Montebello at its meeting held on the 11th day of August 2021 by the following vote:

AYES: Peralta, Jimenez, Melendez, Torres, Cobos-Cawthorne

NOES: None

ABSENT: None

ABSTAIN: None


Christopher Jimenez, City Clerk