

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADDING CHAPTER 2.32 (CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS) TO TITLE 2 OF THE HESPERIA MUNICIPAL CODE RELATING CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS

WHEREAS, the City of Hesperia ("City") currently does not have campaign contribution limits or regulations; and

WHEREAS, Assembly Bill No. 571 ("AB 571") imposes a default campaign contribution limit upon cities and counties without campaign contribution limits beginning January 1, 2021. The default contribution limit amount is set at the same amount as for State elected officials as that amount is adjusted by the Fair Political Practices Commission ("FPPC") pursuant to Government Code Sections 85301 and 83124, which is currently \$4,700 per election; 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WHEREAS, Elections Code Section 10202 (automatically repealed on January 1, 2021) and Government Code Section 85702.5 (effective on January 1, 2021) further permits the City to establish its own campaign contribution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 Sections 85301 and 83124 by resolution or ordinance; and

WHEREAS, inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials; and

WHEREAS, it is the purpose and intent of the City Council in enacting this Ordinance 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 Ordinance; and

WHEREAS, at its April 21, 2020, meeting, the City Council considered all oral and written testimony presented and provided by City staff and members of the public, including, but not limited to, staff reports, attachments, and exhibits; and

WHEREAS, based upon the forgoing, the City Council desires to establish a campaign contribution limit as provided in this Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Recitals.** All of the above recitals are true and correct and incorporated herein by reference as if set forth in full.

Section 2. **New Chapter 2.32.** Chapter 2.32 (Campaign Contribution Limits and Regulations) is hereby added to Title 2 of the Hesperia Municipal Code as follows:

“Chapter 2.32 – Campaign Contribution Limits and Regulations.

Section 2.32.010 – Purpose.

Inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting 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 2.32.020 – Definitions.

“Person” shall have the same definition as “person” in California Government Code Section 82047, as it may be amended from time to time, and which currently provides as follows: “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 2.32.030 – 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 five hundred dollars (\$500) per election.

B. The provisions of this chapter do not apply to a candidate's contributions of the candidate's personal funds to the candidates own campaign.

Section 2.32.040 – Penalties for Violation.

Any violation of this chapter shall be subject to enforcement and penalties pursuant to Chapter 1.12 of Title 1 of this Code.

Section 2.32.050 – Severability.

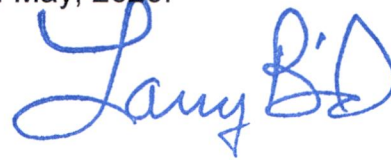
If any section, subsection, subdivision, sentence, clause, phrase, or portion of this chapter or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remainder of this chapter. The City Council hereby declares that it would have adopted this chapter, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.”

Section 3. **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person, 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 the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

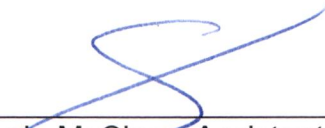
Section 4. **Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

APPROVED AND ADOPTED by the City Council of the City of Hesperia, California, at a regular meeting held on this 5th day of May, 2020.



Larry Bird, Mayor

Attest:



Stephanie McClure, Assistant City Clerk