

RESOLUTION NO. 2021 – 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ESTABLISHING CITY REGULATIONS RELATING TO CAMPAIGN CONTRIBUTIONS AND AUTHORIZING SPECIFIED PENALTIES FOR VIOLATIONS OF CITY REGULATIONS, PURSUANT TO ASSEMBLY BILL 571 (STATS. 2019, CH. 556)

WHEREAS, The California Political Reform Act, Government Code section 81000 *et seq.* (“Act”) was enacted by the California voters in 1974, and it includes provisions that regulate campaign finance, lobbying activity, and conflict of interest; and

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

WHEREAS, pursuant to Assembly Bill No. 571 (Stats. 2019, Ch. 556, AB 571 Mullin) (“AB 571”), effective January 1, 2021, a state campaign contribution limit applies to city and county candidates when the city or county has not enacted a contribution limit for such candidates; and

WHEREAS, pursuant to Government Code section 83124 the FPPC is required to adjust the limit in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index, with these adjustments to be rounded to the nearest \$100 for limitations on contributions and \$1,000 for limitations on expenditures; and

WHEREAS, pursuant to Government Code section 85702.5 a county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the default limits set forth in Government Code section 85301, and adopt enforcement standards for a violation of that limit. Compliance and enforcement of City established contribution limits are the responsibility of the City and not the FPPC, and are not subject to the Act’s provisions; and

WHEREAS, along with the State default campaign contribution limits, AB 571 imposes to city and county candidates other related provisions that formerly applied only to state-level candidates, including the following (the list below is not all encompassing):

- Under state regulations in Title 2 of the California Code of Regulations, Section 18110 *et seq.* (“FPPC Regulations”), a candidate for elective state, county, or city office that has qualified as a committee must establish a separate controlled committee and campaign bank account for each specific office. Candidates may not redesignate a committee for one election to a subsequent election for the same or a different elective office (FPPC Regulations § 18521);
- Candidates may transfer non-surplus campaign funds from one candidate-controlled committee to another committee controlled by the same candidate for a **different** office if the committee receiving the transfer is for an elective state, county, or city office. The contributions transferred must be attributed and transferred using the “last in, first out” or “first in, first out” accounting method and shall not exceed the applicable contribution limit per contributor (FPPC Regulation § 18536 related to the transfer and attribution of contributions);
- For candidates seeking to transfer campaign funds from one controlled committee to another for the **same** office, a candidate may carry over non-surplus campaign funds raised in connection with one election to pay for campaign expenditures incurred in connection with a subsequent election for the **same** office without attributing or using the “last in, first out” or “first in, first out” accounting method (FPPC Regulation § 18537.1 related to carryover of contributions);
- Contributions after the date of the election may be accepted to the extent contributions do not exceed net debts outstanding from the election, and contributions do not otherwise exceed applicable contribution limits for that election (FPPC Regulation § 18531.64);
- Candidates that are currently in office who are running for reelection to the same seat in an election after January 1, 2021, may carry over campaign funds without attribution pursuant to otherwise applicable provisions in the Act and FPPC Regulations; and

WHEREAS, it is the purpose and intent of the City Council in adopting this resolution to preserve an orderly political forum in which individuals and groups may express themselves effectively; to eliminate the appearance of any improper influence over the City’s elected officials; to place realistic enforceable limits on campaign contributions for municipal elections for City offices; and to provide full and fair enforcement; and

WHEREAS, based upon the foregoing recitals, the City Council desires to adopt a resolution establishing campaign contribution limits, regulations, and penalties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. **RECITALS.** The recitals above are true and correct and incorporated herein by this reference.

SECTION 2. **DEFINITIONS.** The terms used in this Resolution shall have the same definitions as specified in the Act and FPPC Regulations. In those cases where definitions in the Act or FPPC Regulations contain a specific reference to any state election, candidate, or electoral criteria, the definition shall be modified to reflect the municipal equivalent, or, in the absence of a municipal equivalent, to delete the specific reference.

SECTION 3. **CAMPAIGN CONTRIBUTION – LIMITATIONS AND RELATED ADJUSTMENTS.** The City shall not have campaign contribution limits for elective city offices, notwithstanding the limits set forth in Government Code section 85301. Any limits set forth in Government Code section 85301 do not apply to a candidate’s contributions of the candidate’s personal funds to the candidates own campaign.

SECTION 4. **CAMPAIGN FUND TRANSFERS.** Candidates may transfer non-surplus campaign funds from one controlled committee to another committee controlled by the same candidate for the same or a different elective City office and may carry over non-surplus campaign funds raised in connection with one municipal election to pay for campaign expenditures incurred in connect with a subsequent municipal election without attributing, being subject to any campaign contribution limit, or using the “last in, first out” or “first in, first out” accounting method. Candidates do not need to establish a separate campaign bank account for redesignated committees for the same or a different City office. In all other aspects, the Act and FPPC Regulations related to campaign fund transfers shall apply.

SECTION 5. **LOCAL CANDIDATE CAMPAIGN COMMITTEES.** Candidates for elective City office that are subject to the contribution limit in Government Code section 85301 may redesignate a committee for one municipal election to another municipal election for the same or different elective City office. In all other aspects, the Act and FPPC Regulations related to committees shall apply.

SECTION 6. ENFORCEMENT AND PENALTIES. Any violation of this Resolution may be enforced by the City as a misdemeanor, infraction, or by administrative citation in accordance with Title 1 of the La Quinta Municipal Code.

SECTION 7. EFFECTIVE DATE. This Resolution shall be in full force and effect upon adoption.

SECTION 8. CORRECTIVE AMENDMENTS. the City Council does hereby grant the City Clerk the ability to make minor amendments and corrections of typographical or clerical errors to this Resolution to ensure consistency of all approved text.

SECTION 9. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution 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 remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 21st day of December, 2021, by the following vote:

AYES: Council Members Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans

NOES: None

ABSENT: None

ABSTAIN: None



LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:



MONIKA RADEVA, City Clerk
City of La Quinta, California



APPROVED AS TO FORM:



WILLIAM H. IHRKE, City Attorney
City of La Quinta, California