

**ORDINANCE NO. A-354**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF KERN AMENDING SUBSECTION (F)  
OF SECTION 2.130.120, CHAPTER 2.16, TITLE 2, OF  
THE ORDINANCE CODE CONCERNING VOLUNTARY  
EXPENDITURE CEILINGS**

The following ordinance, consisting of two (2) sections, was regularly passed and adopted by the Board of Supervisors at a regular meeting on the 10th day of December, 2013, by the following vote, to wit:

AYES: Gleason, Scrivner, Maggard, Couch, Perez  
NOES: None  
ABSENT: None

\_\_\_\_\_  
Chairman of the Board of Supervisors of  
the County of Kern, State of California

(SEAL)  
ATTEST:

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors

By \_\_\_\_\_, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS  
FOLLOWS:

Section 1. This ordinance shall be published in accordance with Government Code section 25124 and it shall take effect and be in full force on and after the 10th day of January, 2014.

Section 2. Subsection (F) of Section 2.130.120, Chapter 2.130, Title 2 of the Ordinance Code is amended to read as follows:

F. The registrar of voters shall waive the fee for publishing a ballot statement for each candidate for elective county office who accepts the voluntary expenditure ceilings, except for candidates running unopposed. The registrar of voters shall provide unopposed candidates the option to withdraw their ballot statements. Any unopposed candidate that does not withdraw will be charged the rate published by the registrar. In any event, all candidates' ballot statements will be posted on the registrar's website.

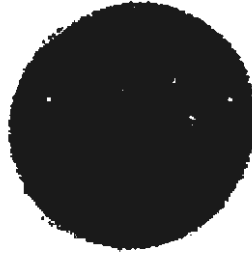
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Ord. No. A-354

# KERN COUNTY

## Campaign Finance Reform



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ORDINANCE NO. A-341

AN ORDINANCE OF THE COUNTY OF KERN,  
STATE OF CALIFORNIA, ADDING CHAPTER  
2.130, CONSISTING OF SECTIONS 2.130.010  
THROUGH 2.130.230, TO TITLE 2 OF THE  
ORDINANCE CODE OF THE COUNTY OF KERN  
RELATING TO CAMPAIGN FINANCE REFORM

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THE PEOPLE OF THE COUNTY OF KERN ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 1st day of January, 2003, and shall be published once in The Bakersfield Californian, a newspaper of general circulation, published in the county of Kern, state of California.

Section 2. Chapter 2.130 is hereby added to Title 2 of the Ordinance Code of the county of Kern to read as follows:

**Chapter 2.130**

**KERN COUNTY CAMPAIGN FINANCE REFORM**

**Sections:**

- 2.130.010 Name.
- 2.130.020 Purpose.
- 2.130.030 Relation to the Political Reform Act of 1974.
- 2.130.040 Definitions.
- 2.130.050 Contribution limitations.
- 2.130.060 Aggregation of contributions.
- 2.130.070 Election cycles.
- 2.130.080 Prohibition on multiple campaign committees.
- 2.130.090 Prohibition on transfers.
- 2.130.100 Loans to county candidates and elective county officers and their controlled committees.
- 2.130.110 Money, goods, or services received by officials treated as contributions.
- 2.130.120 Voluntary expenditure ceilings.
- 2.130.130 Reporting of cumulative contributions.
- 2.130.140 Kern County Local Campaign Finance Hearing Panel.
- 2.130.150 Administrative actions.
- 2.130.160 Penalties.
- 2.130.170 Statutes of limitations.
- 2.130.180 Payment and collection.

- 2.130.190**    **Applicability of other laws.**
- 2.130.200**    **Severability.**
- 2.130.210**    **Interpretation of ordinance.**
- 2.130.220**    **Amendments and additional requirements.**
- 2.130.230**    **Effective date.**

**2.130.010    Name.**

Chapter 2.130 shall be known and may be cited as the "Kern County Campaign Finance Reform Ordinance."

**2.130.020    Purpose.**

The purpose of this ordinance is to promote public trust in governmental institutions and the electoral process, to negate the appearance of corruption, and to curtail the financial strength of certain individuals or organizations from permitting them to exercise a disproportionate or controlling influence on the election of Kern County candidates. To further these purposes, this ordinance is designed to protect individual voters by reducing the potential influence and appearance of influence resulting from large campaign contributions and, thereby, promote the integrity of the process of electing Kern County candidates and the integrity of Kern County government.

**2.130.030    Relation to the Political Reform Act of 1974.**

This ordinance is intended to supplement the Political Reform Act of 1974 as amended. Unless a word or term is specifically defined in this ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in title 2, division 6 of the California Code of Regulations, as the same may be from time to time amended.

**2.130.040    Definitions.**

A.    **County candidate:** "county candidate" means any individual who is a candidate for supervisor, sheriff-coroner-public administrator, district attorney, auditor-controller-county clerk, assessor-recorder, treasurer-tax collector, or superintendent of schools or, in the event any of the listed consolidated county offices are separated, any of the separated offices.

B.    **Elective county officer:** "elective county officer" means any individual who is a supervisor, sheriff-coroner-public administrator, district attorney, auditor-controller-county clerk, assessor-recorder, treasurer-tax collector, or superintendent of schools, whether appointed or elected or, in the event any of the listed consolidated county offices are separated, any individual occupying a separated office.

C.    **Person:** "person" means 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.

**2.130.050 Contribution limitations.**

A. Except as provided in section 2.130.120, no person, other than political committees, shall contribute to any county candidate or to an elective county officer, or to the controlled committee of such a candidate or elective county officer, as defined in Government Code section 82016, and no such county candidate, elective county officer or candidate-controlled committee shall accept from any such person, amounts totaling more than \$500 for each of the following elections for which the individual is a candidate: a primary election, a general (runoff) election, a special election, a special runoff election, a recall election, or a recall replacement election.

B. Except as provided in section 2.130.120, no political committee of two or more persons, as defined in section 82013 of the Government Code, shall make a contribution or contributions to any county candidate or to an elective county officer or to the controlled committee of such a county candidate or elective county officer, and no such candidate, elective county officer or controlled committee shall accept from any such committee, a contribution or contributions totaling more than \$1,500 for each of the following elections for which the individual is a candidate: a primary election, a general (runoff) election, a special election, a special runoff election, a recall election, or a recall replacement election.

C. Any person supporting or opposing a county candidate or candidates at a primary election, a general (runoff) election, a special election, a special runoff election, or a recall election, or a recall replacement election shall do so in accordance with this ordinance and any related regulations.

D. The contribution limit provisions of this section shall not apply to a county candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

**2.130.060 Aggregation of contributions.**

For purposes of the limitations in this ordinance, the following shall apply:

A. All contributions made by a sponsored committee to a county candidate or an elective county officer (or to a committee controlled by such candidate or officer) shall be combined with those contributions made by the sponsor(s) of the committee, and the combined amount shall not exceed the limits established in section 2.130.050.

B. Two (2) or more entities shall be treated as one (1) person when any of the following circumstances apply:

1. The entities share the majority of members of their boards of directors.

2. The entities share two (2) or more officers.

3. The entities are owned or controlled by the same majority shareholder or shareholders.

4. The entities are in a parent-subsidiary relationship.

C. An individual and any general or limited partnership in which the individual has a fifty (50) percent or more share, or an individual and any corporation in which the individual owns a controlling interest (fifty (50) percent or more), shall be treated as one (1) person.

D. No committee that supports or opposes a county candidate shall have as a majority of its officers individuals who serve as the majority of officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit, or make contributions on behalf of any other committee. This provision shall not apply to treasurers of committees if these treasurers do not recommend or control in any way a decision on whether the candidate or candidates receive contributions.

E. Contributions by a husband and wife shall not be aggregated.

F. Contributions by children under eighteen (18) years of age shall be treated as contributions made by their parents or legal guardians, one half by each parent or one half by each legal guardian, as applicable.

#### **2.130.070 Election cycles.**

A. Primary and general (runoff) elections: For purposes of the limits of this ordinance and reporting procedures, contributions and expenditures made at any time between the final date for making contributions to the last election for that same elective county office and June 30th of the present election year shall be considered primary election contributions. If there is a general (runoff) election, then contributions made from July 1 through December 31 of the election year shall be considered general (runoff) election contributions. Contributions made after the end of such periods may be attributed to debt reduction for such elections, provided they are within the contributor's contribution limits as set forth in section 2.130.050.

B. Special and special runoff elections: For purposes of the limits applicable to special elections and special runoff elections, contributions made between the date on which a vacancy occurs in the office for which a special election is called and the date of the special election shall be considered special election contributions. Contributions between the day after the special election and the date of the special runoff election shall be considered special runoff election contributions. Contributions made after the date of such elections may be attributed to debt reduction for such elections, provided they are within the contributor's contribution limits as set forth in section 2.130.050.

C. Recall and recall replacement elections: For purposes of the limits applicable to recall and recall replacement elections, contributions made between the date on which a notice of intent to circulate recall petition is served on the elective county officer subject to the recall and the date of the recall election shall be considered recall election and recall replacement election contributions. Contributions made after the date of such elections may be attributed to debt reduction for such elections, provided they are within the contribution limits set forth in section 2.130.050.

D. Contributions made or attributed to a primary, general (runoff), special, special runoff, recall or recall replacement election may be made at any time to the county candidate or elective officer to pay for (1) attorney's fees for litigation or administrative action which arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws, (2) for a fine or assessment imposed by any governmental agency for violations of this ordinance or the Political Reform Act of 1974, (3) for a recount or contest of the validity of an election, or

(4) for any expense directly associated with an external audit or unresolved tax liability of the campaign by the county candidate or the candidate's controlled committee.

**2.130.080 Prohibition on multiple campaign committees.**

A county candidate or an elective county officer shall have no more than one (1) controlled campaign committee for election to a county office. Such a committee shall have only one (1) bank account out of which all qualified campaign and office holder expenses related to that county office shall be made. This section does not prevent a county candidate or an elective county officer from establishing another committee solely for the purpose of running for a state, federal, city, special district, or other county office or for opposing his or her recall, or primarily formed to support or oppose a ballot measure.

**2.130.090 Prohibition on transfers.**

A. No committee controlled by a county candidate or elective county officer shall make any contributions to any other committee supporting or opposing any other county candidate or elective county officer that exceed the contribution limits of section 2.130.050 (a).

B. No contributions shall be accepted by any county candidate or elective county officer, or by any committee controlled by such county candidate or elective county officer, from any other committee controlled by a federal, state, or local candidate or officeholder that exceed the contribution limits of section 2.130.050(a).

C. This section shall not prohibit a county candidate from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective county office.

**2.130.100 Loans to county candidates and elective county officers and their controlled committees.**

A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this ordinance. This section does not apply to loans made by a county candidate or elective county officer to his or her controlled committee for elective county office.

B. Every loan to a county candidate or elective county officer or his or her controlled committees shall be by written agreement which shall be reported on the campaign statement after which the loan is first made. Each county candidate or elective county officer shall maintain in his or her committee's records a copy of the written loan agreement.

C. The proceeds of a loan made to a county candidate or elective county officer by a commercial lending institution in the regular course of business on the same terms available to members of the public shall not be subject to the contribution limitations of this ordinance if the loan is made directly to the county candidate or elective county officer or his or her controlled committee. The guarantors of such a loan shall remain subject to the contribution limits of this ordinance.

D. Extensions of credit (other than loans pursuant to subsection (c) of this section) for a period of more than thirty (30) days are subject to the contribution limitations of this ordinance. Provided, however, an ordinary account is stated as of the due date thereof, and an extension of credit shall not become a contribution if the vendor makes commercially reasonable efforts to collect on the obligation for which credit was extended.

E. This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office.

**2.130.110 Money, goods, or services received by officials treated as contributions.**

Any funds, property, goods, or services other than government funds, received by elective county officers which are used, or intended by the donor or by the recipient to be used, for campaign expenses (including legal expenses) or expenses related to holding public office, as described in article 4 of chapter 9 of the Government Code, commencing with section 89510, shall be considered campaign contributions and shall be subject to the limitations of this ordinance. However, the contribution limits of section 2.130.050 shall not apply to the county candidate or elective county officer's reimbursement for reasonable travel expenses related to holding public office.

**2.130.120 Voluntary expenditure ceilings.**

A. In order to reduce the appearance of a corrupting influence from campaign contributions by reducing the demand for raising private money, the county of Kern hereby establishes voluntary expenditure ceilings for candidates for elective office.

B. For candidates for the office of board of supervisors and for the controlled committees of candidates for the board of supervisors, a voluntary expenditure ceiling is established in the amount of one hundred thousand dollars (\$100,000) of expenditures for the primary election and one hundred fifty thousand dollars (\$150,000) of expenditures for the general election (if applicable). These ceilings shall also apply to any special, special runoff, recall, and recall replacement election.

C. For candidates for the office of district attorney, county sheriff-coroner-public administrator, and county assessor-recorder, auditor-controller-county clerk, treasurer-tax collector, superintendent of schools, and for the controlled committees of such candidates, a voluntary expenditure ceiling is established in the amount of two hundred thousand dollars (\$200,000) of expenditures for the primary election and two hundred fifty thousand (\$250,000) of expenditures for the general election (if applicable). These ceilings shall also apply to any special, special runoff, recall, and recall replacement election. In the event any of the listed consolidated offices are separated, the voluntary expenditure ceilings established above shall apply to the candidates for the separated offices.

D. Each candidate for such office shall file with the registrar of voters of the county a written statement of acceptance or rejection of the voluntary expenditure ceilings before accepting any contributions.



1. Candidates who accept the expenditure ceilings set forth in this section shall not be subject to the contribution limits of section 2.130.050 (a) and (b), but such candidate and their controlled committee shall be subject to a contribution limit of one thousand dollars (\$1,000) from any person and three thousand dollars (\$3,000) from any political committee for each election for which the person is a candidate.

2. Candidates who decline to accept the voluntary expenditure ceilings set forth above shall be subject to the contribution limits established in section 2.130.050.

3. Any candidate who declined to accept the voluntary expenditure ceilings in this section but who nevertheless did not exceed the recommended spending limits in the primary, or special election, may file a statement of acceptance of the expenditure ceilings for the remainder of the election within 14 days following the primary or special election.

4. Once a candidate exceeds the expenditure ceilings specified in this section, the other candidates for that office are no longer bound by their voluntary acceptance of the expenditure ceilings. Candidates must notify the registrar in writing, by personal delivery, guaranteed overnight delivery, telegram, mailgram, or facsimile within 24 hours of exceeding the expenditure ceilings of this section. The registrar must notify the other candidates for that office in writing, by personal delivery, guaranteed overnight delivery, telegram, mailgram, or facsimile, of the notice given by the candidate exceeding the voluntary expenditure ceiling within the next 24 hours.

E. The registrar of voters shall issue a press release to be distributed to all general circulation newspapers in the county in a timely fashion, notifying the public of those candidates who have and have not accepted the voluntary expenditure ceilings.

F. The registrar of voters shall waive the fee for publishing a ballot statement for each candidate for elective county office who accepts the voluntary expenditure ceilings.

G. The registrar of voters shall designate in the ballot pamphlet those candidates for elective county office who have voluntarily agreed to the expenditure ceilings.

#### **2.130.130 Reporting of cumulative contributions.**

Contributions received from any contributor during a reporting period which have a cumulative total of one hundred dollars (\$100) or more when added to all other contributions received from such contributor during the same election cycle shall be itemized and reported, both as to individual contribution amounts received during the current reporting period and the total cumulative amount received during the election cycle. Such amounts shall be reported on the required form as provided by the Fair Political Practices Commission, or shall be reported on a separate schedule appended to the required campaign statement. The term "election cycle" as used in this section shall mean the applicable period described in section 2.130.070.

#### **2.130.140 Kern County Local Campaign Finance Hearing Panel.**

A. There is created and established the Kern County Local Campaign Finance Hearing Panel.

B. The panel shall consist of three members.

C. Within ninety (90) days of the effective date of this ordinance, the board of supervisors shall appoint the members of the panel.

D. One member shall either be an attorney at law who has been admitted to practice before the courts of this state for at least five years prior to appointment or a retired attorney or judge. That member shall act as chairman of the Kern County Local Campaign Finance Hearing Panel. The other two members shall be residents of the county of Kern.

E. Each member shall serve for a term of three years. If a panel member is unable to serve out his term, the chairman of the board of supervisors shall appoint a replacement to serve out the remainder of the unexpired term. Any member whose term has expired shall continue to serve as a member until a successor has been appointed and qualified.

F. Members shall be compensated and reimbursed for expenses incurred in the performance of their duties in such amounts as provided by resolution adopted by the board of supervisors. The compensation provided shall be no less than \$100 per hearing day or partial hearing day.

G. The panel shall act only as a three (3) member panel for the transaction of its business. Provided that three (3) members are present, the panel shall act according to the majority of its members.

H. The clerk of the board of supervisors shall keep written minutes of its meetings, a copy of which shall be filed with the county clerk.

I. The county clerk shall furnish the panel with such clerical, administrative and other personnel necessary to perform its duties and responsibilities.

J. All meetings of the panel shall be subject to the Brown Act.

K. The panel shall hear administrative actions arising out of alleged violations of this ordinance and conduct other business incidental or necessary to that duty.

#### **2.130.150 Administrative actions.**

A. Any person who intentionally or negligently violates any provision of this ordinance shall be subject to an administrative penalty, as described in section 2.130.160, in an administrative action brought by a person registered to vote in Kern County.

B. If two (2) or more persons are responsible for any violation, they shall be jointly and severally liable. Any person who purposely causes any other person to violate any provision of this ordinance or who aids and abets any other person in a violation is subject to the penalties in section 2.130.160.

C. Any person, before filing an accusation in accordance with this ordinance, must first file with the district attorney a written request for the district attorney's office to investigate the propriety of commencing a criminal proceeding. The district attorney shall respond within forty (40) days after receipt of the request indicating whether the district attorney will commence the criminal proceeding. If the district attorney answers in the affirmative, negotiates a stipulation agreement or initiates a criminal proceeding within 55 days after notice of his decision to proceed, no further action may be brought unless the proceeding by the district attorney is dismissed without prejudice or the stipulated agreement is declared void by a court of competent jurisdiction.

**D.** A hearing to determine whether to impose an administrative fine under this ordinance shall be initiated by filing an accusation with the county clerk. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the portion of the ordinance which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of the ordinance. The accusation shall be verified. The verification may be on information and belief. Following the filing of an accusation, upon written request of the party filing the accusation, the respondent or the panel, the district attorney shall, to the extent permitted by law, provide both parties and the panel with a copy of all unprivileged documents relating to the request to investigate the propriety of commencing a criminal action.

**E.** Upon receipt of the accusation, the county clerk shall provide a copy of the accusation to the respondent along with a notice of a prehearing. The respondent may, but is not required to, file a written response to the accusation no later than ten (10) days prior to the prehearing date.

**F.** The county clerk shall set a prehearing to be heard by the panel and shall provide notice of that prehearing to all parties at least twenty (20) days prior to the prehearing. The notice shall be written and shall be either personally delivered or sent by United States mail, registered, postage pre-paid.

**G.** The parties shall attend the prehearing conference. At such conferences, the issues may be reviewed and the parties may be required to submit all documentary evidence and to designate which items may be introduced without objection. The parties may also be required to enter into a stipulation into the record as to those matters upon which they agree. At the prehearing, the chairman of the panel may issue orders relating to exchanges of information and other requirements necessary to ensure a fair hearing in compliance with the constitutional mandate of due process. At the prehearing, or any time thereafter, the panel may dismiss the accusation upon a finding that it is frivolous.

**H.** Upon instruction by the chairman of the panel, the county clerk shall set a time and place of hearing. The county clerk shall provide notice of that hearing to all parties at least twenty (20) days prior to the hearing. The notice shall be written and shall be either personally delivered or sent by United States mail, registered, postage pre-paid.

**I.** Notwithstanding any other term or condition of this ordinance, the panel may set a hearing on an expedited basis provided that it finds that an expedited hearing is reasonably necessary to enforce the terms of this ordinance or to accomplish its purpose.

**J.** At the hearing, the party filing the accusation shall have the burden of establishing the violation by a preponderance of the evidence. The respondent may present evidence in rebuttal or in mitigation of fines or penalties.

**K.** All oral testimony shall be taken under oath or affirmation. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. Any sort of relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Failure to enter timely objection to the evidence constitutes a waiver of the objection. Panel members may act only upon the basis of evidence properly admitted into the record. Panel members may not act or make a decision based upon information presented outside

of the hearing or personal research. A full and fair hearing shall be accorded the accusation. There shall be reasonable opportunity for the presentation of evidence, for cross-examination of all witnesses, for argument and rebuttal.

L. All hearings of the panel shall be recorded. Any party may, at his or her own expense, have the hearing reported by a stenographer. Only the clerk of the board may certify that the transcript or record of the hearing is accurate and complete. If a stenographic reporter is present, the clerk of the board may designate the reporter's transcript as the official record.

M. Following the hearing, the panel shall issue a written decision within ninety (90) days and shall issue an order consistent with its findings and determinations. The order shall indicate whether the respondent violated the ordinance and, if so, what penalty shall be imposed. The order may require the respondent to file or amend any report, refund any money received or spent in excess of the contribution or expenditure limits of this ordinance, or to cease and desist from further violations of this ordinance.

N. An appeal of the order shall be pursuant to Government Code section 53069.4.

#### **2.130.160 Penalties.**

Any person who intentionally or negligently violates any provision of this ordinance shall be subject to an administrative penalty of up to three (3) times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, or five thousand dollars (\$5,000) per violation, whichever is greater.

#### **2.130.170 Statutes of limitations.**

Actions for violations of any provision of this ordinance shall be commenced within four (4) years after the date on which the violation occurred.

#### **2.130.180 Payment and collection.**

A. Any person against whom an administrative penalty has been imposed shall pay the penalty immediately upon the order becoming final.

B. In the event the person fails to pay the administrative penalty when due, the county may take any actions permitted by law or ordinance to collect the unpaid penalty, which shall accrue interest at a rate of ten percent (10%) per annum.

C. In the event a civil action is commenced to collect the administrative penalty, the county shall be entitled to recover all costs associated with the collection of the penalty. Costs include, but are not limited to, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure sections 685.010 et seq. and 1033.5.

D. All amounts recovered under this ordinance shall be deposited with the county clerk to help defer the cost of administering this ordinance.

#### **2.130.190 Applicability of other laws.**

Nothing in this ordinance shall exempt any persons from applicable provisions of any other laws of this state or jurisdiction.

**2.130.200 Severability.**

If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

**2.130.210 Interpretation of ordinance.**

This ordinance should be liberally construed to accomplish its purposes.

**2.130.220 Amendments and additional requirements.**

A. The board of supervisors may by ordinance adjust the contribution limitations periodically to reflect any cumulative increase or decrease in the Consumer Price Index as announced by the United States Department of Labor since the last adjustment. Such adjustments shall be rounded off to the nearest hundred dollars (\$100) for the limitations on contributions and one thousand dollars (\$1,000) for limitations on expenditures.

B. Except as specified in subsection A. and C., no amendment or repeal of any provision of this ordinance shall be effective unless the proposition of its amendment or repeal shall first have been submitted to the electors of the county and approved by a majority vote.

C. Nothing in this ordinance prevents the Kern County board of supervisors from imposing additional filing and other requirements or otherwise modifying this ordinance provided that the additional requirements and modifications do not lessen the requirements and limitations imposed on any person, county candidate or elective county officer under the ordinance as enacted. The Kern County board of supervisors may also adopt regulations to carry out the intent of this ordinance.

**2.130.230 Effective date.**

This Act shall become effective on January 1, 2003.

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CC20022050  
Revised 4/17/02

COPIES FURNISHED:
All elected officials
Auditor - Controller
Inspection
Co. Council
CAO

9/1-8-03

ORDINANCE NO. G-7065

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA AMENDING SECTIONS 2.130.040 AND 2.130.090 OF CHAPTER 2.130, TITLE 2, OF THE KERN COUNTY ORDINANCE CODE

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 9th day of December, 2003, by the following vote, to wit:

AYES: McQuiston, Maben, Patrick, Watson, Parra

NOES: None

ABSENT: None

\_\_\_\_\_  
Chairman of the Board of Supervisors of the County of Kern, State of California

(SEAL)

ATTEST:

DENISE PENNELL  
Clerk of the Board of Supervisors

By \_\_\_\_\_, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 8th day of January, 2004, and shall be published once in the Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Book No. \_\_\_\_\_  
Ord. No. G-7065

Section 2. Section 2.130.040 of Chapter 2.130, Title 2, of the Kern County Ordinance Code is hereby amended to read as follows:

**2.130.040 Definitions.**

A. Carryover: "carryover" means the carryover of contributions raised in connection with one election for county office to pay expenditures incurred in connection with a subsequent election for the same elective county office.

B. County candidate: "county candidate" means any individual who is a candidate for supervisor, sheriff-coroner-public administrator, district attorney, auditor-controller-county clerk, assessor-recorder, treasurer-tax collector, or superintendent of schools or, in the event any of the listed consolidated county offices are separated, any of the separated offices.

C. Intra-candidate transfer: "intra-candidate transfer" means the transfer of contributions for a subsequent election of the same candidate seeking a different office.

D. Inter-candidate transfer: "inter-candidate transfer" means the transfer of contributions from the controlled committee of one candidate to a committee supporting or opposing any other county candidate or elective county officer.

E. Elective county officer: "elective county officer" means any individual who is a supervisor, sheriff-coroner-public administrator, district attorney, auditor-controller-county clerk, assessor-recorder, treasurer-tax collector, or superintendent of schools, whether appointed or elected or, in the event any of the listed consolidated county offices are separated, any individual occupying a separated office.

F. Person: "person" means 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 3. Section 2.130.090 of Chapter 2.130, Title 2, of the Kern County Ordinance Code is hereby amended to read as follows:

**2.130.090 Inter-candidate transfers.**

A. No committee controlled by a county candidate or elective county officer shall make any contributions to any other committee supporting or opposing any other county candidate or elective county officer that exceed the contribution limits of section 2.130.050 (a).

B. No contributions shall be accepted by any county candidate or elective county officer, or by any committee controlled by such county candidate or elective county officer, from any other committee controlled by any other federal, state, or local candidate or officeholder that exceed the contribution limits of section 2.130.050(a).

C. No county candidate or elective county officer shall make any contributions from his or her own personal funds to the candidacy of any other candidate for elective county office that exceed the contribution limits of section 2.130.050(a).

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Elections
12-11-03 Jd



BOARD OF SUPERVISORS  
COUNTY OF KERN

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DECEMBER 9, 2003

TUESDAY, 2:00 P.M.

=====

CONSIDERATION OF ORDINANCE INTRODUCED ON DECEMBER 2, 2003

- \*19) Proposed Ordinance amending the Kern County Campaign Finance Reform Ordinance defining terms relating to transfers and carryovers in Section 2.130.040 and clarifying that Section 2.130.090 only applies to Inter-Candidate Transfers - ENACTED ORDINANCE G-7065

Patrick-Maben: All Ayes

BOARD OF SUPERVISORS  
COUNTY OF KERN

**TRACKING PAGE**

9:00 A.M.  
TUESDAY, DECEMBER 2, 2003

=====

\*15) Proposed Amendments to the Kern County Campaign Finance Reform Ordinance defining terms relating to transfers and carryovers in Section 2.130.040 and clarifying that Section 2.130.090 only applies to Inter-Candidate Transfers - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Watson: All Ayes

ORDINANCE NO. A-343

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA ADDING SECTION 2.130.095 TO CHAPTER 2.130, TITLE 2 OF THE KERN COUNTY ORDINANCE CODE**

The following ordinance, consisting of two (2) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 14<sup>th</sup> day of October, 2003, by the following vote, to wit:

**AYES:** McQuilston, Maben, Patrick, Parra

**NOES:** None

**ABSENT:** Watson

\_\_\_\_\_  
Chairman of the Board of Supervisors of  
the County of Kern, State of California

(SEAL)

**ATTEST:**

**DENISE PENNELL**  
Clerk of the Board of Supervisors

By \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk



**THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:**

**Section 1.** This ordinance shall take effect and be in full force on and after the 13<sup>th</sup> day of November, 2003, and shall be published once in The Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Book No. \_\_\_\_\_  
Ord. No. A-343

Second 2. Section 2.130.095 is hereby added to Chapter 2.130, Title 2 of the Kern County Ordinance Code read as follows:

**2.130.095 Intra-candidate transfers and carry-overs.**

A. A county candidate or elective county officer may transfer campaign funds from one controlled committee ("transferor committee") to a controlled committee for a subsequent election of the same candidate or officer ("transferee committee"). Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions, when aggregated with other contributions from the same contributor, may not exceed the limits set forth in section 2.130.050(a). Transferred contributions shall be deemed contributions made to the transferee committee in the election cycle in which such contributions are received by the transferee committee.

Any transfer of funds must be accompanied by a report disclosing the name, address, occupation and employer, and amount of contribution being transferred, for each person whose contributions are being transferred (the "Transfer Report"). Said Transfer Report shall be prepared by the treasurer of the transferor committee and a copy thereof shall be submitted to the treasurer of the transferee committee at the time such contributions are transferred. A copy of the Transfer Report shall be filed with the campaign statement required to be filed by such transferee committee under the provisions of the Political Reform Act which campaign statement covers the period during which the transferred funds were received by the transferee committee.

The standard Form 460 Campaign Statement forms may be used to compile the Transfer Report as long as it is noted that it is the Transfer Report.

B. Notwithstanding subdivision (a) of this Section, a county candidate or elective county officer may carry over contributions raised in connection with one election for an elective county office to pay campaign expenditures incurred in connection with a subsequent election for the same elective county office.

C. This section shall not prohibit a county candidate from making a contribution from his or her own personal funds to his or her own candidacy.

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10-15-03 Jd

ORDINANCE NO. A-342

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF KERN, STATE OF CALIFORNIA  
AMENDING SECTION 2.130.070 OF THE KERN COUNTY  
ORDINANCE CODE CONCERNING ELECTION CYCLES

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 17th day of June, 2003, by the following vote, to wit:

AYES: McQuiston, Maben, Watson, Parra

NOES: None

ABSENT: Patrick

\_\_\_\_\_  
Chairman of the Board of Supervisors of  
the County of Kern, State of California

(SEAL)

ATTEST:

DENISE PENNELL  
Clerk of the Board of Supervisors

By \_\_\_\_\_, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 17th day of July, 2003, and shall be published once in The Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Book No. \_\_\_\_\_  
Ord. No. A-342

Section 2. Section 2.130.070 of Chapter 2.130, Title 2 of the Kern County Ordinance Code is hereby amended to read as follows:

**2.130.070 Election cycles.**

A. Primary and general (runoff) elections: For purposes of the limits of this ordinance and reporting procedures, contributions and expenditures made at any time between the final date for making contributions to the last election for that same elective county office and June 30th of the present election year (or March 31<sup>st</sup> of the present election year if the primary is held in March) shall be considered primary election contributions. If there is a general (runoff) election, then contributions made from July 1 through December 31 of the election year (or April 1 through December 31 of the election year if the primary is held in March) shall be considered general (runoff) election contributions. Contributions made after the end of such periods may be attributed to debt reduction for such elections, provided they are within the contributor's contribution limits as set forth in section 2.130.050.

Section 3. Subsections B, C, D, E, F and G of Section 2.130.070 remain unchanged.

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<i>Elections</i>
<i>6-18-03 jd</i>



(b) The Ordinance provides for the establishment of a three member panel entitled the Kern County Local Campaign Finance Hearing Panel ("Panel"); and

(c) Section 2.130.140 (F) of the Ordinance provides that members of the Panel shall be compensated and reimbursed for expenses incurred in the performance of their duties in such amount as provided in a resolution adopted by this Board; and

(d) It is appropriate to set the compensation of the Panel in an amount equal to the compensation paid to members of the Kern County Assessment Appeals Board which performs similar administrative functions;

Section 2. NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Kern, State of California resolves as follows:

1. Members of the Panel shall be paid \$200.00 per day and \$125.00 per half day for each meeting or hearing. Members whose place of residence is located 20 miles or more from the place of the hearing or meeting shall be reimbursed for travel expenses as set forth in the Kern County Administrative Procedures Manual.

2. The Clerk of the Board of Supervisors shall send copies of this Resolution to:

- (a) Auditor-Controller-County Clerk
- (b) County Administrative Office

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COPIES FURNISHED:
<i>De. Stone</i>
<i>Co. Counsel</i>
<i>6/11/03</i>
<i>CP</i>



- \*14) Proposed Attorney Retainer Agreement with Hanson, Bridgett, Marcus, Vlahos & Rudy to assist in legal review of water issues related to the Buena Vista Aquatic Recreation Area, for a term of one year effective December 2, 2003, in an amount not to exceed \$30,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 999-2003

Patrick-Watson: All Ayes

- \*15) Proposed Amendments to the Kern County Campaign Finance Reform Ordinance defining terms relating to transfers and carryovers in Section 2.130.040 and clarifying that Section 2.130.090 only applies to Inter-Candidate Transfers - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Watson: All Ayes

- \*16) Proposed Regulation 03.401 which implements the Kern County Campaign Finance Reform Ordinance and requires candidates who accept the voluntary expenditure ceilings to list cumulative campaign expenditures subject to those ceilings and to describe expenditures which are exempt from the ceilings with sufficient detail so that the basis for the exemption is clear - ADOPTED REGULATION 03.401

Patrick-Watson: All Ayes

- \*17) Proposed Regulation 03.501 which implements the Kern County Campaign Finance Reform Ordinance and permits an Elective County Officer to maintain a controlled committee for election to the incumbent term to pay officeholder expenses and permitting, at the same time, an Elective County Officer to maintain a controlled committee for reelection - ADOPTED REGULATION 03.501

Patrick-Watson: All Ayes

- \*18) Request of Roads Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

Patrick-Watson: All Ayes

- \*19) Request of Sheriff/Civil Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

Patrick-Watson: All Ayes

- \*20) Request of Parks & Recreation Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

Patrick-Watson: All Ayes

- \*21) Request of Emergency Medical Services Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

Patrick-Watson: All Ayes

**KERN COUNTY LOCAL CAMPAIGN FINANCE REGULATION**

03.400

**REPORTING REQUIREMENT FOR CANDIDATES WHO HAVE  
ACCEPTED THE VOLUNTARY EXPENDITURE CEILINGS**

03.401

On each required campaign statement (i.e., Form 460), each candidate who has accepted the voluntary expenditure ceilings shall list the cumulative campaign expenditures, subject to the voluntary expenditure ceilings, made through the end of the current campaign reporting period. A separate total shall be listed for each election.

Expenditures claimed as exempt from the voluntary expenditure ceilings must be listed with sufficient detail to make the reason for the exemption clear.

#100622v3

**KERN COUNTY LOCAL CAMPAIGN FINANCE REGULATION**

**03. 500      Multiple Campaign Committees and Officeholder Expenses**

03.501      Section 2.130.080 of the Kern County Campaign Finance Ordinance does not prevent an elective county officer from maintaining a controlled campaign committee for election to the incumbent term of office and a controlled campaign committee for reelection to that same office provided that the bank account maintained by the controlled committee for election to the incumbent term of office is used solely to pay officeholder expenses.

#100692v2

- \*12) Proposed regulation 03.301, recommended by the Kern County Local Campaign Finance Panel, requiring the first candidate who exceeds the voluntary expenditure ceiling to repay the registrar of voters the fee to publish the candidate's ballot statement within thirty (30) days after exceeding the ceiling - ADOPTED REGULATION

Watson-Patrick: All Ayes

- \*13) Proposed Resolution declaring intention not to cover temporary employees hired through temporary employment agencies or agencies providing trainee workers at no cost to County under the County's Workers' Compensation Insurance Program - ADOPTED RESOLUTION 2003-452

Watson-Patrick: All Ayes

DISTRICT ATTORNEY

- \*14) Proposed retroactive Agreement with Bakersfield City School District for District Attorney services for truancy reduction program, from October 1, 2003 to August 27, 2004, in an amount not to exceed \$85,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 673-2003

Watson-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- \*15) Proposed Workforce Investment Act Five-Year Plan Modification and performance negotiations - APPROVED; DESIGNATED ETR DIRECTOR AS POINT OF CONTACT FOR NEGOTIATIONS; AUTHORIZED CHAIRMAN TO SIGN

Watson-Patrick: All Ayes

- \*16) Proposed retroactive Agreement with Southern Kern Unified School District to provide comprehensive educational and employment readiness activities for in-school and out-of-school youth eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$35,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 873-2003

Watson-Patrick: All Ayes

- \*17) Proposed retroactive Agreement with Kern, Inyo, and Mono Counties Building Trades and Construction Council to provide pre-apprenticeship preparation services to customers eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$67,500 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 874-2003

Watson-Patrick: All Ayes

FIRE DEPARTMENT

- \*18) Proposed retroactive Agreement with U.S. Fish and Wildlife Service for hazardous fuels reduction, community education, and fire prevention awareness, from September 30, 2003 to September 30, 2008 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 875-2003

Watson-Patrick: All Ayes

## **KERN COUNTY LOCAL CAMPAIGN FINANCE REGULATIONS**

03.300

### **PAYMENT OF FEE FOR PUBLISHING THE BALLOT STATEMENT**

03.301

A candidate who has accepted the voluntary expenditure ceilings shall pay the registrar of voters the fee to publish the candidate's ballot statement no later than thirty (30) days after exceeding the ceiling. The payment of the fee shall be in addition to any penalty imposed against the candidate pursuant to Kern County Ordinance Code section 2.130.160. This regulation does not apply to candidates who exceed a voluntary expenditure ceiling after they no longer are bound by their acceptance of the ceiling pursuant to Kern County Ordinance Code section 2.130.120 (D)(4).

#97463v3

COUNTY COUNSEL

- 10) Recommendations of the Kern County Local Campaign Finance Hearing Panel - FRANK WELCOME HEARD;  
(1) APPROVED CONFLICT OF INTEREST CODE;  
(2) WAIVED READING; INTRODUCED ORDINANCE AMENDING KERN COUNTY CAMPAIGN FINANCE ORDINANCE TO CLARIFY DEFINITION OF ELECTION CYCLES TO ACCOMMODATE CHANGES IN DATES OF PRIMARY ELECTIONS IN CALIFORNIA;  
(3) ADOPTED PROPOSED REGULATIONS TO CLARIFY THAT THE KERN COUNTY CAMPAIGN FINANCE ORDINANCE DOES NOT APPLY TO: (A) CONTRIBUTIONS FOR PRE-2003 ELECTIONS; (B) CONTRIBUTIONS TO PAY DEBTS OR LOANS INCURRED FOR PRE-2003 ELECTIONS; AND (C) FORGIVENESS OF LOANS OR DEBTS INCURRED FOR PRE-2003 ELECTIONS; AND  
(4) ADOPTED RESOLUTION 2003-220 PROVIDING THAT PANEL MEMBERS ARE COMPENSATED AT THE SAME RATE AS MEMBERS OF THE ASSESSMENT APPEALS BOARD (\$200 PER DAY/\$125 PER HALF DAY/TRAVEL EXPENSES IF PLACE OF RESIDENCE IS TWENTY (20) MILES OR MORE FROM THE PLACE OF MEETING)

Maben-Patrick: All Ayes

- \*11) To correct error, rescission of Resolution 2003-169 abolishing Repair and Demolition Revolving Fund; adoption of substitute Resolution repealing Resolution 70-769 - RESCINDED RESOLUTION 2003-169 AND ADOPTED SUBSTITUTE RESOLUTION 2003-221 REPEALING RESOLUTION 70-769

Patrick-McQuiston: All Ayes

- \*12) Kern County Retirement Replacement Benefit Plan in accordance with Internal Revenue Code Section 415 and the County Employees Retirement Law of 1937- ADOPTED RESOLUTION 2003-222: (A) ADOPTING THE KERN COUNTY REPLACEMENT BENEFIT PLAN; (B) DELEGATING THE ADMINISTRATION OF THE PLAN TO THE AUDITOR-CONTROLLER-COUNTY CLERK; (C) APPROVING THE MOU, BETWEEN THE COUNTY AND KCERA, REGARDING THE PLAN; AND (D) AUTHORIZING THE CHAIRMAN TO SIGN THE MOU AGREEMENT 429-2003

Patrick-McQuiston: All Ayes

DISTRICT ATTORNEY

- \*13) Request for sole source procurement of the Leica DMC Forensic Microscope System from McBain Instruments Company, in an amount not to exceed \$80,500 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-McQuiston: All Ayes

- \*14) Request sole source procurement of the RapidTrace Solid Phase Extraction System and TurboVap Workstation for analysis of toxicology samples from Eymark Corp., in an amount not to exceed \$110,600 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-McQuiston: All Ayes

- \*15) Request sole source procurement of security system enhancements from Tel-Tec Security Systems, Inc., in an amount not to exceed \$36,000 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-McQuiston: All Ayes

## **KERN COUNTY LOCAL CAMPAIGN FINANCE REGULATIONS**

### **03.100 PRE-2003 ELECTIONS**

- 03.101        The contribution limits contained in the Kern County Campaign Reform Ordinance do not apply to elections held prior to the January 1, 2003, the effective date of the ordinance.
- 03.102        Contributions to pay debts or loans incurred for elections held prior to January 1, 2003 are not subject to the contribution limits contained in the Kern County Campaign Reform Ordinance.
- 03.103        Forgiving a debt or loan incurred for an election held prior to January 1, 2003 is not subject to the contribution limits contained in the Kern County Campaign Reform Ordinance.

#94406