

ORDINANCE NO. 2023 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING SECTION 2.75.030 OF THE NATIONAL CITY MUNICIPAL CODE CHAPTER 2.75 TO ADJUST THE CAMPAIGN CONTRIBUTION LIMIT FOR ANY ELECTION HELD ON OR AFTER JANUARY 2024

NOW, THEREFORE, the City Council of the City of National City does ordain as follows:

Section 1. FINDINGS. The City Council of the City of National City hereby finds and declares as follows:

WHEREAS, The City Council finds that the National City Municipal Code Chapter 2.75 Section 2.75.030 (L), requires the City Clerk to adjust the campaign contribution limit every odd-numbered year to reflect any changes in the Consumer Price Index for the San Diego Metropolitan area;

WHEREAS, the two-year period ending December 31 of the previous year includes calendar year January through December of 2021 and 2022 respectively;

WHEREAS, the Consumer Price Index (CPI) for the San Diego Metropolitan area for periods of December 2021 and December 2022, were 8.2 and 6.7, respectively, demonstrating an increase of 13.3 percent;

WHEREAS, The contribution limits were previously set at one-thousand dollars (\$1,000) in a calendar year for individuals (subsection A, and B), and two-thousand dollars (\$2,000) in a calendar year from political party committees (subsections D, and E), political action committees and independent committees to candidates or controlled committees;

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

SECTION 1. That Chapter 2.75 Section 2.75.030 is amended to the National City Municipal Code, to read as follows:

2.75.030 - Campaign contributions—Limitations and exclusions.

A. Contributions by individuals to candidates or controlled committees. No individual shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single city election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one thousand and sixty-five dollars in a calendar year.

B. Acceptance or solicitation by candidates or controlled committees from individuals. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any individual with respect to any single city election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one thousand and sixty-five dollars in a calendar year.

C. Contributions by candidates. The provisions of subsections A and B of this section shall not apply to contributions from a candidate to his or her controlled committee, nor to the expenditure by the candidate of his or her personal funds on behalf of his or her own candidacy.

D. Contributions by political party committees, political action committees and independent committees to candidates or controlled committees. No political party committee, political action committee or independent committee, shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single city election, which will cause the total amount contributed to the candidate and the candidate's controlled committee, when combined, to exceed two thousand one hundred and thirty dollars in a calendar year.

E. Acceptance or solicitation by candidates or controlled committees from political party committees, political action committees and independent committees. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any political party committee, political action committee, or independent committee, with respect to any single city election, which will cause the total amount accepted by such political party committee, political action committee, or independent committee to the candidate and the candidate's controlled committee, when combined, to exceed two thousand one hundred and thirty in a calendar year.

F. Family contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen years of age shall be treated as contributions attributed equally to each parent or guardian.

G. Applicability of section to candidate and committees. The provisions of this section are applicable to any contributions made to a candidate or controlled committee whether used by such candidate or controlled committee to finance a current campaign, to pay debts incurred in prior campaigns, or otherwise.

H. Contributions by city contractors. No individual who contracts with the City of National City, either for the rendition of personal services or for the furnishing of any materials, supplies, or equipment to the city, or for the sale or lease of any land or building, to or from the city, shall make any contribution to a city candidate or controlled committee at any time between the commencement of negotiations for and (i) the completion of performance of such contract or (ii) the termination of negotiations for such contract, whichever occurs later.

I. Contributions from city employees.

1. It is unlawful for a candidate or a candidate's controlled committee, to solicit, directly or indirectly, a contribution from a city employee with knowledge that the person from whom the contribution is solicited is a city employee.

2. This subsection shall not prohibit a candidate or a candidate's controlled committee from soliciting contributions from city employees if the solicitation is part of a solicitation made to a significant segment of the public that may include city employees, and the solicitation does not otherwise violate the provisions of this chapter.

3. Nothing in this subsection prohibits a city employee from making a contribution to a candidate, and nothing in this subsection prohibits a candidate from accepting a contribution from a city employee.

4. As used in this subsection, the term "city employee" means any employee of the City of National City (city) or any of its organizational subdivisions, agencies, offices, boards, or commissions.

J. Aggregation of contributions from different individuals financed, maintained, or controlled by same individual. Contributions from different individuals, but which are financed, maintained, or controlled by the same individual, shall be aggregated for purposes of the contribution limits of subsections A and B of this section. All contributions made by an individual whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same individual.

K. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elected city office. A non-monetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elective city office.

L. Adjustments for cost of living. The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, D and E of this section shall be adjusted in February of each odd-numbered year commencing in 2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The city clerk shall apply the annual percent change in the CPI for all Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five dollars.

SECTION 4. This Ordinance shall take effect and be enforced thirty (30) days following its adoption by the City Council.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall publish in accordance with the law.

INTRODUCED at a regular meeting of the City Council of the City of National City, held on this ___ day of _____, 2023.

PASSED and ADOPTED this _____ day of _____, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, Interim City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney