



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**7/24/2017**

**SUBJECT:**

Introduction of an Ordinance Amending the Title of Chapter 8 of Title 2 Regarding Elections and Adding Section 2-8.05 to Chapter 8 of Title 2 of the Pacifica Municipal Code Regarding Publication and Reporting of Campaign Contributions and Independent Expenditure Information

**RECOMMENDED ACTION:**

Introduce and waive the first reading of the ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending the Title of Chapter 8 of Title 2 Regarding Elections and Adding Section 2-8.05 to Chapter 8 of Title 2 of the Pacifica Municipal Code Regarding Publication and Reporting of Campaign Contributions and Independent Expenditure Information” and read by title only.

**STAFF CONTACT:**

Keith Breskin, Interim City Manager  
breskink@ci.pacifica.ca.us

**BACKGROUND/DISCUSSION:**

During the City Council meeting of July 10, 2017, Councilmember Martin stated her support for an ordinance which would require the public disclosure of financial contributions made on behalf of candidates and measures in the City of Pacifica. The City Council did not present any objection to placing this item on the agenda and the City Attorney acknowledged that she was familiar with these types of ordinances and could draft such an ordinance for consideration by the City Council at its meeting on July 24, 2017.

The draft ordinance would require that all reports and statements required to be filed with the City Clerk pursuant to the Political Reform Act of 1974 (the “Act”) be posted on the City’s website within two working days of being submitted to the City Clerk. The City Clerk must also provide a summary of contributions and independent expenditures twice in advance of any special or general election, two months prior to the election and one week in advance of the general or special election. This summary must be published by the City Clerk in a newspaper of general circulation and on the City’s website. This would require publishing a 1/4 page ad (minimum) in the Pacifica Tribune or other newspaper of general circulation. The summary shall include:

- a. The total contributions received by each candidate and each committee;
- b. Detailed information regarding contributions from a single source exceeding \$600;
- c. The total amount of independent expenditures for or against any candidate, ballot measure or recall; and

- d. Detailed information regarding each independent expenditure in excess of \$1,000.

In addition, three days after any filing deadline required under the Act, the City Clerk would be required to issue a press release disclosing the name of any candidate or committee who has not adhered to the filing requirements. Also, anyone who makes an independent expenditure greater than \$5,000 is required to notify the City Clerk of the independent expenditure as well as notifying supporting and opposing committees if the expenditure involves a ballot measure or recall and must notify all candidates if the expenditure involves a candidate.

If approved, the ordinance would take effect 30 days after its adoption.

**ALTERNATIVE ACTION:**

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

*Connected Community - includes taking actions to restore trust in city government, expanding communication, and building community*

**FISCAL IMPACT:**

The cost of a 1/4 page ad in the Pacifica Tribune, the City's newspaper of general circulation, is \$427.15. With two measures on the ballot this November, the expenses to the City under this ordinance would be approximately \$1,700, exclusive of staff time. The next general election of the City in November 2018 will decide three City Council seats; should there be an average of two candidates per open seat, the cost could amount to approximately \$5,100, exclusive of staff time.

**ORIGINATED BY:**

City Manager's Office

**ATTACHMENT LIST:**

**ORDINANCE NO. (ID # 2311)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING THE TITLE OF CHAPTER 8 OF TITLE 2 REGARDING ELECTIONS AND ADDING SECTION 2-8.05 TO CHAPTER 8 OF TITLE 2 OF THE PACIFICA MUNICIPAL CODE REGARDING PUBLICATION AND REPORTING OF CAMPAIGN CONTRIBUTIONS AND INDEPENDENT EXPENDITURE INFORMATION**

**WHEREAS**, the costs of conducting election campaigns have increased greatly in recent years, and candidates and measure committees are often required to finance their campaigns by seeking large contributions from persons and organizations; and

**WHEREAS**, providing voters with information on how funds are donated and spent aids voters in evaluating candidates and ballot measures and will assist voters in making informed electoral decisions; and

**WHEREAS**, contributions and expenditures in municipal election campaigns should be fully disclosed so that the voters may be fully informed, improper practices may be inhibited, and public trust in governmental and electoral institutions increased.

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

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amendment of Title.** The title for Chapter 8 of Title 2 of the Pacifica Municipal Code is hereby amended to read as follows: Chapter 8 – General and Special Municipal Elections

**Section 3. Enacted.** Section 2-8.05 of Chapter 8 of Title of the Pacifica Municipal Code is hereby added to read in its entirety as follows:

**Sec. 2-8.05 Campaign Filing and Disclosure Requirements**

(a) Definitions.

The following definitions apply for the purposes of this section:

“Candidate” shall mean a candidate, as that phrase is defined in Section 82007 of the Government Code, for any City elective office.

“Committee” has the meaning set forth in Section 82013 of the Government Code.

“Contribution” has the meaning set forth in Section 82015 of the Government Code.

“Independent expenditure” has the meaning set forth in Section 82031 of the Government Code.

“Person” has the meaning set forth in Section 82047 of the Government Code.

“Recall” shall mean a recall of an elective officer of the City made pursuant to Division 11 (commencing with Section 11000) of the Elections Code.

(b) Posting of Campaign Reports and Statements on City Website.

All reports and statements required to be filed with the City Clerk by any candidate or committee under Title 9, Chapter 4, Articles 1 and 2 (commencing with Section 84100)

of the Government Code shall be scanned and stored in an electronic format. The reports and statements shall be posted on the City's website no later than two working days after filing.

(c) City Clerk Publication of Summary.

Two months before, and again in the week preceding any special or general election, the City Clerk shall publish in a newspaper of general circulation and on the City's website a summary of contributions and independent expenditures, as reflected in campaign reports and statements filed with the City Clerk pursuant to Title 9, Chapter 4, Articles 1 and 2 (commencing with Section 84100) of the Government Code, relating to any City office, any local ballot measure, or recall. The summary shall contain the following information:

- i. The total contributions received by each candidate and each committee as reported on the most recent campaign reports and statements filed with the City Clerk.
- ii. For contributions from a single source totaling more than \$600: the full name of the contributing person; amount contributed; the city of residence if contributing person is an individual, principal place of business if contributing person is not an individual; the candidates or committees which received the contribution; and if made by an individual, then that individual's occupation and employer.
- iii. The total amount of independent expenditures in favor of and opposed to any local candidate, ballot measure, or recall.
- iv. For independent expenditures greater than \$1000: the full name of the person making the expenditure; amount spent; the city where the person making the independent expenditure resides if the expenditure is made by an individual; ; the city where the person's principal place of business is located if the expenditure is not made by an individual; the candidate, ballot measure, or recall which the expenditure supported or opposed; and whether the expenditure was for support or opposition.

(d) Public Disclosure of Non-Filing.

Three days after any filing deadline required under Title 9, Chapter 4, Article 2 (commencing with Section 84200) of the Government Code, the City Clerk shall disclose to the public by press release the name of any candidate or committee who has failed to file any required filing.

(e) Reporting of Independent Expenditures to City Clerk.

Any person who makes independent expenditures totaling more than \$5,000 in support of or in opposition to any candidate, local ballot measure, or recall shall notify the City Clerk. In addition, that person shall also notify the supporting and opposing committees where the expenditure involved a local ballot measure or recall, and shall notify all candidates where the expenditure involved a candidate. Notifications to the City Clerk, and to any committee or candidate as applicable under this subsection, shall be made within 24 hours by email, guaranteed overnight mail through the United States Postal Service or equivalent private delivery service, or personal delivery. Such notifications shall be made each time this threshold of \$5,000 is met.

**Section 4. Compliance With CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15378(a) of the CEQA Guidelines because it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the

environment. Furthermore, this action is also exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 6. Publication.** The City Clerk is directed to cause this Ordinance to be published in the manner required by law.

**Section 7. Effective Date.** This Ordinance shall take effect 30 days after its adoption.

**Section 8. Filing With FPPC.** The City Clerk is hereby directed to file a copy of this Ordinance with the California Fair Political Practices Commission in the manner required by law.

This Ordinance was introduced on July 24, 2017, and duly adopted by the City Council of the City of Pacifica at its duly noticed regular meeting on \_\_\_\_\_ 2017 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Mike O'Neill, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy O'Connell, City Clerk

\_\_\_\_\_  
Michelle Kenyon, City Attorney

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(ID # 2311) at 7/24/2017 7:00 PM City Council Regular Meeting