

ORDINANCE NO. 2014-1402

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING SECTION 2.16.070 OF THE SAN MARCOS MUNICIPAL CODE TO PROVIDE CONSISTENCY IN THE EXEMPTION OF MONEY OR PROPERTY THAT CANDIDATES MAY CONTRIBUTE, LOAN TO OR EXPEND ON BEHALF OF THEIR OWN CAMPAIGNS FROM CAMPAIGN AND VOTING CONTROLS

WHEREAS, the San Marcos Municipal Code (SMMC) is the governing regulatory scheme of the City of San Marcos; and

WHEREAS, certain provisions of Chapter 2.16 of the SMMC (Controls on Campaign Contributions) specify that they are inapplicable to money or property that a candidate may contribute, loan to or expend on behalf of his/her own campaign, but other regulations within Chapter 2.16 do not contain similar exemption language; and

WHEREAS, the intent of Chapter 2.16 is generally to restrict contributions to candidates from others to specified maximum amounts and to impose voting restrictions on candidates who receive contributions, loans or expenditures in excess of specified amounts from others, and not to contributions, loans or expenditures that they make on behalf of their own campaigns, which is consistent with the Fair Political Practices Commission position with respect to such candidate contributions; and

WHEREAS, Section 2.16.070 should be modified to expressly exempt money or property that a candidate may contribute, loan to or expend on behalf of his or her own campaign from such campaign contribution and voting restrictions.

NOW, THEREFORE, the City Council of the City of San Marcos, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of San Marcos, specifically does ordain as follows:

Section 1: Section 2.16.070 of the San Marcos Municipal Code is hereby amended as follows:

**CHAPTER 2.16**  
**CONTROLS ON CAMPAIGN CONTRIBUTIONS**

**SECTIONS:**

**2.16.70 Voting and Receipt of Funds**

(a) Within twelve (12) months after receiving a campaign contribution or other income totaling one hundred dollars (\$100) or more from any source (other than extensions of credit received for the purchase of goods and services when such extensions are made by regular suppliers of such goods and services or by a financial institution regulated under the laws of the United States or the State of California in the normal course of business under terms and conditions available to the general public, and/or money or property that a candidate may contribute, loan to, or expend on behalf of his or her own campaign), no City Councilmember shall make, participate in making or attempt to influence any government decision or action that will have a reasonably foreseeable material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974. **(Ord. No. 2003-1169, 1-28-03)**

(b) Other than money or property that a candidate may contribute, loan to, or expend on behalf of his or her own campaign, no City Councilmember shall accept any campaign contribution or other income from any source totaling one hundred dollars (\$100) or more within twelve (12) months after he or she has made, participated in making, attempted to influence or influenced any government decision or action that had a material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974. **(Ord. No. 2003-1169, 1-28-03)**

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance of the title thereof, as a summary as required by state law.

Section 4. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in accordance with the provisions of State Law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the 14th day of October 2014; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos held on the 28th day of October 2014, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTENTION: COUNCILMEMBERS:

APPROVED:

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James M. Desmond, Mayor  
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

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Phillip Scollick, City Clerk  
City of San Marcos

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Helen Holmes Peak, City Attorney  
City of San Marcos