

ORDINANCE NO. 21-997

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING DEFINITIONS TO CHAPTER 2.02 AND AMENDING SECTION 2.12.020 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO CAMPAIGN CONTRIBUTION LIMITS IN ACCORDANCE WITH ASSEMBLY BILL 571

WHEREAS, the California legislature enacted Assembly Bill 571, taking effect on January 1, 2021, which imposes limits on campaign contribution to candidates for local elective offices in cities that do not have such limitations established; and

WHEREAS, Government Code Section 85702.5 allows a municipality to impose limitations on campaign contribution to candidates for elective City offices; and

WHEREAS, it was determined that the City of Montclair had not historically experienced large campaign contributions by single contributors to candidates that would provide undue influence in its local elections; and

WHEREAS, imposing no limits on campaign contributions to candidates ensures the City's ability to maintain the practice of not limiting campaign contributions in its elections.

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

SECTION I. The following definitions are added to Chapter 2.02 - Definitions of the Montclair Municipal Code:

Campaign committee shall mean any person or combination of persons formed for the purpose of promoting or opposing the election, reelection, or recall of a person to an elective office who directly or indirectly receives contributions, makes independent expenditures, or makes contributions at the behest of any city candidate. A campaign committee includes any "controlled committee" within the meaning of Government Code Section 82016, any "general purpose committee" within the meaning of Government Code Section 82027.5, any "primarily formed committee" within the meaning of Government Code Section 82047.5, any "sponsored committee" within the meaning of Government Code Section 82048.7, or any political action committee.

Elective offices shall mean the offices of Mayor and Council Member.

SECTION II. Section 2.12.020 of the Montclair Municipal Code is hereby amended to read as follows:

2.12.020 - General election - Elective offices, term, electronic filing of campaign disclosure statements, and no limitations on campaign contributions to candidates for elective offices.

SECTION III. Section 2.12.020 (B) of the Montclair Municipal Code is hereby amended to read as follows:

B. Elective offices. All elective offices shall be filled by the City electorate at a general municipal election, unless a vacancy is filled by appointment or special election pursuant to the Government Code.

SECTION IV. Section 2.12.020 (E) of the Montclair Municipal Code is hereby added as follows:

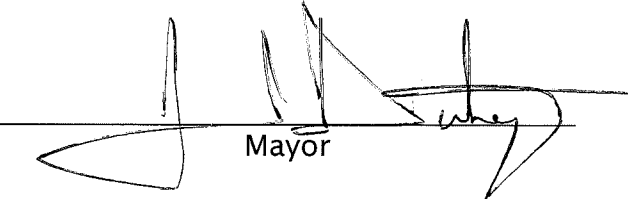
E. No limitations on campaign contributions to candidates for elective city offices. There shall be no limit on the monetary contributions from an individual, entity, or campaign committee to a candidate for elective office in support of his or her candidacy.

SECTION V. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION VI. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION VII. Posting. The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this 5th day of April, 2021.



Mayor

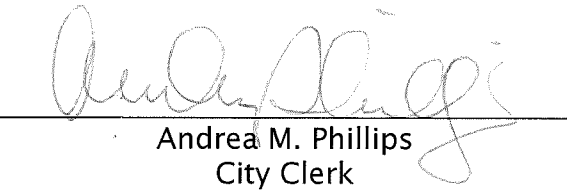
ATTEST:



City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 21-997 of said City, which was introduced at a regular meeting of the City Council held on the 15th day of March, 2021, and finally passed not less than five (5) days thereafter on the 5th day of April, 2021, by the following vote, to-wit:

AYES: Lopez, Johnson, Ruh, Dutrey
NOES: Martinez
ABSTAIN: None
ABSENT: None



Andrea M. Phillips
City Clerk