# ORDINANCE NO. 17-2006

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE SECTIONS 2-1402 AND 2-1408 REGARDING AN INCREASE IN CAMPAIGN CONTRIBUTION LIMITATIONS

Whereas, Chapter 1.4 of the Fremont Municipal Code (§§ 2-1400 et seq.) limits campaign contributions to Fremont candidates and their controlled committees to $250 per election period; and

Whereas, the following amendment is intended to increase the City's $250 contribution limit to $500 and to add an automatic increase every two years to match the Consumer Price Index.

Now therefore, the City Council of the City of Fremont does ordain as follows:

Section 1. Fremont Municipal Code Section 2-1402, Campaign contributions – Limitations, is amended to read in its entirety as follows:

**Sec. 2-1402. Campaign contributions--Limitations.**

(a) No person shall make a contribution to any candidate and the controlled committee of such a candidate, and no candidate and the candidate's controlled committee shall accept from each such person a contribution or contributions totaling more than five hundred dollars for any election period.

(b) No person shall make to any committee which exclusively makes independent expenditures to support or oppose any candidate, and no such committee shall accept from any such person a contribution totaling more than five hundred dollars per candidate during an election period.

(c) A committee which makes contributions to or independent expenditures to support or oppose non-Fremont candidates or ballot measures shall maintain sufficient separate accounting so as to ensure that no more than five hundred dollars per election period from any contributor to the committee is used for purposes of making independent expenditures to support or oppose Fremont candidates. Either a separate candidate campaign account must be established or the City must approve a written explanation of the committee's method of separate accounting.

(d) Beginning January 1, 2009, the City Clerk shall once biennially, on a calendar year basis, increase the contribution limitation amount upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor, Bureau of Statistics, has increased. The increase of the contribution limitation amount shall not exceed the CPI increase, using the index published in June 2006 as the

index year. The adjustment shall be rounded up to the nearest ten dollars. The City Clerk shall publish the contribution limitation amounts no later than February 1st of each year in which an increase occurs.

(e) The candidate's own money or property used in the furtherance of the candidate's campaign shall not be subject to the contribution limits of this chapter.

Section 2. Fremont Municipal Code Section 2-1408, Return of campaign contributions, is amended to read in its entirety as follows:

**Sec. 2-1408. Return of campaign contributions.**

The intended recipient of any contribution which would cause the total amount of contributions to a committee from a single donor to exceed the contribution limitations in section 2-1402 shall, within forty-eight hours of receipt thereof, return any such excess to the donor. In the event an excessive campaign contribution is received and reported in the campaign report, the recipient shall, within forty-eight hours of notification by the city clerk, return such excess to the donor; if such excess is not returned within such forty-eight hours, the recipient shall promptly transmit to the city clerk for deposit in the general fund of the city a sum equal to such excess.

Section 3. Severability. In the event any court of competent jurisdiction holds any provision of this ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provisions hereof. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions are declared invalid or unenforceable.

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Section 4.

This ordinance shall be published once in *The Argus*, a newspaper of general circulation, printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days from and after its adoption and shall take effect and be enforced on January 1, 2007.

The foregoing ordinance was duly introduced before the City Council of the City of Fremont, County of Alameda, at the meeting of the City Council of such City, held on the 5th day of September 2006, and finally adopted at a regular meeting of said Council held on the 12th day of Setpember 2006, by the following vote, to wit:

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| AYES: | Mayor Wasserman, Vice Mayor Cho, Councilmembers Dutra, Wieckowski and Natarajan |
| NOES: | None |
| ABSTAINED: | None |
| ABSENT: | None |

Bob Wasserman
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney