



Date: January 6, 2015
To: Honorable Mayor and City Council
From: Councilwoman Lena Gonzalez, Chair, Elections Oversight Committee
Subject: **AMENDMENTS TO LONG BEACH MUNICIPAL CODE SECTIONS 2.01.380 AND 2.01.1020 RELATING TO OFFICEHOLDER ACCOUNTS**

The Election Oversight Committee, at its meeting held Friday, December 16, 2014, considered communications relative to the above subject.

It is the recommendation of the Elections Oversight Committee to the City Council to request the City Attorney to prepare amendments to Long Beach Municipal Code Sections 2.01.380 and 2.01.1020, relating to Officeholder accounts.

Respectfully submitted,

ELECTIONS OVERSIGHT COMMITTEE

Councilwoman Lena Gonzalez, Chair

Prepared by:
Megan Wiegelman



City of Long Beach

Office of Councilwoman Lena Gonzalez

Date: January 6, 2015
To: Honorable Mayor and Members of the City Council
From: Councilwoman Lena Gonzalez, 1st District 
Subject: Amendments to Long Beach Municipal Code Sections 2.01.380 and 2.01.1020

RECOMMENDATION:

Request the City Attorney to prepare amendments to Long Beach Municipal Code Sections 2.01.380 and 2.01.1020, relating to Officeholder accounts, as recommended by the Elections Oversight Committee. (Citywide)

BACKGROUND AND DISCUSSION:

On September 16, 2014, the City Council reviewed recommendations by the Elections Oversight Committee (EOC) relating to possible amendments to Chapters 2.01 and 2.02 of the Long Beach Municipal Code. At the September 16th Council meeting, the City Council directed the City Attorney to prepare proposed amendments to certain provisions of the Municipal Code. In addition, the City Council referred the remainder of the proposed amendments back to the EOC for further discussions and recommendations.

On December 16, 2014, the EOC considered four of the Municipal Code sections that had been referred back to it by the Council on September 16, 2014. Following deliberations, the EOC made a motion to refer only two Code Sections back to the full City Council for further consideration.

1: LBMC Section 2.01.380A and C: The EOC recommends that LBMC Section 2.01.380A be amended to increase the amount that Councilmembers may annually accumulate for an Officeholder account from \$10,000 to \$25,000; and the amount that the Mayor, City Attorney, City Auditor and City Prosecutor may accumulate annually in an Officeholder account be increased from \$25,000 to \$75,000. The remainder of Section 2.01.380A, relating to individual Officeholder contribution limits (i.e., \$500.00 per calendar year), and limitations on the use of Officeholder funds is recommended to remain in its current form.

The EOC recommends that LBMC Section 2.01.380C relating to certain recordkeeping requirements and the filing of supplemental financial reports relating to Officeholder accounts be repealed because the filing requirements are duplicative of the current filing requirements imposed by the Fair Political Practices Commission. The reporting information called for in the Municipal Code is now captured as part of the FPPC Form 460 reporting process

2: LBMC Section 2.01.1020: The EOC recommends that LBMC Section 2.01.1020, relating to the amount of funds that may be transferred from surplus campaign funds into an Officeholder account be increased from \$10,000 to \$25,000, and that language be added to Section 2.01.1020 to clarify that this amount is not in addition to the annual officeholder expense fund contribution limits, but would be a “not to exceed” amount for the year.

Copies of the current versions of LBMC sections 2.01.380 and 2.01.1020 are attached for reference purposes.

TIMING CONSIDERATIONS

Timing on this item is not time sensitive.

FISCAL IMPACT

There is no fiscal impact to the City on this item.

Respectfully Submitted as Chair of the Election Oversight Committee

Attachment: Current versions of LBMC sections 2.01.380 and 2.01.1020

Attachment

Long Beach Municipal Code Sections 2.01.380 and 2.01.1020

Long Beach Municipal Code Section 2.01.380 Contributions for officeholder expenses.

A.

Notwithstanding any other provision of this Chapter, each elected City officeholder may establish an officeholder expense fund and may solicit and accept contributions for said officeholder expense fund not to exceed a total amount of ten thousand dollars (\$10,000.00) per calendar year for City Councilmembers and twenty-five thousand dollars (\$25,000.00) per calendar year for the City Attorney, City Auditor, City Prosecutor and Mayor. No person shall make and no elected City officeholder or officeholder expense fund shall solicit or accept from any person, a contribution or contributions to the officeholder expense fund totaling more than five hundred dollars (\$500.00) during any calendar year. The money in such fund shall be expended and used only for the purpose of officeholder expenses associated with holding office, in accordance with and authorized by the applicable provisions of Sections 89512 through 89519 of the California Government Code, except for Subsection 89513(e) and that part of Subsection 89513(g) relating to loans to candidates, political parties or committees. None of such officeholder expense funds may be used or expended in connection with a future election for an elective City office or for any expenditures that would violate the provisions of Government Code Sections 89506 or 89512 through 89519.

B.

Each such officeholder expense fund shall be considered a subaccount of the officeholder's controlled committee. All solicitations made and contributions received for an officeholder expense fund shall be clearly designated as being made or received for such uses and purposes.

C.

In addition to the disclosure and recordkeeping requirements of the Political Reform Act of 1974, as amended, every elected City officeholder who establishes and maintains an officeholder expense fund pursuant to this Section shall be required to file a supplemental report indicating all contributions to and disbursements from the officeholder expense fund with the City Clerk at the same time that each campaign statement is required to be filed by the elected officer. The supplemental officeholder expense fund report shall itemize each expenditure of more than one hundred dollars (\$100.00) from the officeholder expense fund by stating the date, amount and purpose of each such expenditure, and the name of each payee or other person upon whose behalf the expenditure was made. The officeholder or his or her treasurer shall retain all receipts, invoices, written agreements and other documents relating to expenditures from such officeholder expense fund. Pursuant to Section 2.01.810 of this Chapter the

City Clerk shall prescribe and furnish the necessary and appropriate forms for filing such supplemental information.

2.01.1020 Retention of ten thousand dollars by office holders.

Any person holding office as a result of a successful campaign resulting in surplus funds may retain up to ten thousand dollars (\$10,000.00) of such surplus funds for expenditures associated with holding such office in accordance with the provisions of Sections 89512 and 89513 of the California Government Code.