



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-28**

CHARLES PARKIN  
City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

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Assistant City Attorney

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Dominic Holzhaus  
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Michele L. Levinson  
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Tiffani L. Shin  
Linda T. Vu  
Amy R. Webber  
Theodore B. Zinger

November 11, 2014

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Declare ordinance amending the Long Beach Municipal Code relating to the Long Beach Campaign Reform Act and Campaign Disclosure Statements read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on September 16, 2014, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

  
MICHAEL J. MAIS  
Assistant City Attorney

MJM:kjm

Attach.

A14-01622

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Lona Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 2.01.210.B, 2.01.340.B, 2.01.370, 2.01.390, 2.01.420, 2.01.810, 2.01.1010, 2.01.1030, 2.01.1210, AND 2.02.010; BY ADDING SECTION 2.01.395; AND BY REPEALING SECTIONS 2.01.330, 2.01.350, 2.01.610, 2.01.620, AND 2.01.730, ALL RELATING TO THE LONG BEACH CAMPAIGN REFORM ACT AND CAMPAIGN DISCLOSURE STATEMENTS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 2.01.210.B of the Long Beach Municipal Code is amended to read as follows:

B. "Election cycle" means that period commencing with January 1 of an odd-numbered year and ending twelve (12) months after the regular general election. If there is no general election in that election year, then the Election Cycle shall end twelve (12) months after the primary election. For a special election, the "Election Cycle" commences with the declaration of a vacancy in an elective office and ends twelve (12) months after the special election date.

Section 2. Section 2.01.340.B of the Long Beach Municipal Code is amended to read as follows:

B. Every loan to a candidate's controlled committee shall be by written agreement.

1                   Section 3.    Section 2.01.370 of the Long Beach Municipal Code is  
2 amended to read as follows:

3                   2.01.370    One campaign committee and one checking account per  
4                                    candidate.

5                   Except as may be otherwise provided by State law, a candidate  
6 shall have no more than one (1) campaign committee and one (1)  
7 checking account per election out of which all expenditures shall be  
8 made. This Section shall not prohibit the establishment of savings  
9 accounts, but no qualified campaign expenditures shall be made out of  
10 these savings accounts. This Section shall not prohibit the transfer of  
11 funds or "carry over" in excess of net debt from the primary election for  
12 use in the general election for the same candidate.

13  
14                   Section 4.    Section 2.01.390 of the Long Beach Municipal Code is  
15 amended to read as follows:

16                   2.01.390    Transfer of funds.  
17                   Officeholder funds may not be used as a transfer, loan or  
18 contribution to any other candidate for local, State or federal elective  
19 office.

20  
21                   Section 5.    Section 2.01.420 of the Long Beach Municipal Code is  
22 amended to read as follows:

23                   2.01.420    Time periods for expenditures.  
24                   For purposes of the expenditure ceilings, qualified campaign  
25 expenditures made at any time up to the date of the primary election  
26 shall be considered an expenditure for that election, and qualified  
27 campaign expenditures made after the date of the primary election shall  
28 be considered expenditures for the runoff (general) election. However,

1 in the event that payments are made but the goods or services are not  
2 used during the period purchased, the payments shall be considered  
3 qualified campaign expenditures for the time period in which they are  
4 used. Payments for goods and services used in both periods shall be  
5 prorated.

6  
7 Section 6. Section 2.01.810 of the Long Beach Municipal Code is  
8 amended to read as follows:

9 2.01.810 Duties of the City Clerk

10 The City Clerk shall also:

11 A. Adjust the expenditure ceilings, contribution limitations  
12 and public financing provisions in January of odd numbered years to  
13 reflect any increase or decrease in the Consumer Price Index as  
14 provided in Section 2.01.1210. Such adjustments shall be rounded off  
15 to the nearest one hundred dollars (\$100.00) for contributions and the  
16 nearest one thousand dollars (\$1,000.00) for expenditures and  
17 matching funds.

18 B. Prescribe all necessary forms for filing statements and  
19 information.

20 C. Prepare and release studies on the impact of this Act. These  
21 studies may include recommendations which further the purpose of this  
22 Chapter 2.01.

23  
24 Section 7. Section 2.01.1010 of the Long Beach Municipal Code is  
25 amended to read as follows:

26 2.01.1010 Surplus Funds-Defined

27 Any funds remaining to a candidate, or any controlled committee  
28 of such candidate, at the end of the Election Cycle, during which such

1 funds have been raised, shall be defined as "surplus funds" and shall  
2 be disposed of only as provided in this Division X. Funds retained by a  
3 candidate and specifically earmarked for payment of campaign  
4 expenses lawfully incurred during the Election Cycle need not be  
5 included in surplus funds provided that, such expense payment is made  
6 no later than sixty (60) days after the end of the Election Cycle.

7  
8 Section 8. Section 2.01.1030 of the Long Beach Municipal Code is  
9 amended to read as follows:

10 2.01.1030 Disposal of surplus funds.

11 Except as provided in Section 2.01.1020, surplus funds shall be  
12 disposed of in the following order and priority:

13 A. Surplus funds shall first be used to reimburse the campaign  
14 reform account of the City of Long Beach up to the full amount of  
15 matching funds, if any, received by the candidate.

16 B. Any funds remaining after such reimbursement, if any, may  
17 be expended exclusively as provided in Section 89515 of the California  
18 Government Code and must be expended no later than sixty (60) days  
19 after the end of the Election Cycle.

20 C. Any funds not expended pursuant to Subsections  
21 2.01.1030.A or 2.01.1030.B by December 31 next following the end of  
22 the Election Cycle (or, in the case of a special election, one hundred  
23 twenty (120) days after the end of the Election Cycle) shall be paid  
24 immediately into the campaign reform account of the City of Long  
25 Beach.

26  
27 Section 9. Section 2.01.1210 of the Long Beach Municipal Code is  
28 amended to read as follows:

1 2.01.1210 Inflation/deflation

2 A. Any amount subject to a limitation or ceiling, or established  
3 pursuant to formula set forth in Section 2.01.310 or Subsections  
4 2.01.410.A.1 and 2.01.410.A.4 of this Chapter shall be automatically  
5 adjusted on January 1, 2015, and on January 1 of each odd numbered  
6 year thereafter, upward or downward, equivalent to the most recent  
7 change in the annual average of the Consumer Price Index as  
8 published by the United States Department of Labor for the Los  
9 Angeles-Long Beach-Anaheim Metropolitan area.

10 B. For purposes of calculating the annual inflator/deflator factor  
11 under this Section, the base year shall be that year ending with the  
12 quarter ending June 30, 1995. Rates shall be adjusted on January 1,  
13 2015, and every two (2) years thereafter, based on the annually  
14 calculated change from the base year. The adjustment shall be  
15 rounded to the nearest one hundred dollars (\$100.00).

16 C. The adjusted amount as determined by this Section on  
17 January 1, of each odd numbered year shall remain the same amount  
18 for the entire Election Cycle as defined in Section 2.01.210 beginning  
19 January 1 of the same odd numbered year.

20  
21 Section 10. Section 2.02.010 of the Long Beach Municipal Code is  
22 amended to read as follows:

23 2.02.010 Electronic filing of Campaign Disclosure Statements.

24 As soon as feasible, the City of Long Beach shall establish  
25 electronic filing of campaign disclosure statements pursuant to  
26 California Government Code Section 84615 for candidate controlled  
27 committees established for Mayor, City Attorney, City Prosecutor, City  
28 Auditor, and City Council, and for primarily formed City of Long Beach

1 committees.

2

3 Section 11. The Long Beach Municipal Code is amended by adding Section  
4 2.01.395 to read as follows:

5 2.01.395 IntraCandidate transfers

6 A candidate for local elective office in Long Beach shall not  
7 transfer campaign funds from a controlled non-City campaign account  
8 into a local Long Beach campaign account except as specified below:

9 Contributions transferred shall be attributed to specific  
10 contributors using a "last in, first out" or "first in, last out" accounting  
11 method, and their attributed contributions when aggregated with all  
12 other contributions from the same contributor may not exceed the limits  
13 set forth in Section 2.01.310.

14

15 Section 12. Sections 2.01.330, 2.01.350, 2.01.610, 2.01.620, and  
16 2.01.730 of the Long Beach Municipal Code are hereby repealed.

17

18 Section 13. The City Clerk shall certify to the passage of this ordinance by  
19 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
20 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
21 Mayor.

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

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Absent: Councilmembers: \_\_\_\_\_

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City Clerk

Approved: \_\_\_\_\_  
(Date)

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Mayor



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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 2.01.210.B, 2.01.340.B, 2.01.370, 2.01.390, 2.01.420, 2.01.810, 2.01.1010, 2.01.1030, 2.01.1210, AND 2.02.010; BY ADDING SECTION 2.01.395; AND BY REPEALING SECTIONS 2.01.330, 2.01.350, 2.01.610, 2.01.620, AND 2.01.730, ALL RELATING TO THE LONG BEACH CAMPAIGN REFORM ACT AND CAMPAIGN DISCLOSURE STATEMENTS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 2.01.210.B of the Long Beach Municipal Code is amended to read as follows

B. "Election cycle" means that period commencing with January 1 of an odd-numbered year and ending ~~with September 1 of the following year for twelve (12) months after the regular general election. If there is no general election in that election year, then the Election Cycle shall end twelve (12) months after the primary and general elections. For a special election, the "Election Cycle" commences and that period commencing~~ with the declaration of a vacancy in an elective office and ~~ends ending twelve (12) months ninety (90) days~~ after the special election date. ~~for special elections~~

Section 2. Section 2.01.340.B of the Long Beach Municipal Code is amended to read as follows:

1                   B. Every loan to a ~~candidate or the candidate or the~~ candidate's  
2 controlled committee shall be by written agreement ~~which shall be filed~~  
3 ~~with the candidate's or committee's campaign statement on which the~~  
4 ~~loan is first reported.~~

5  
6                   Section 3.     Section 2.01.370 of the Long Beach Municipal Code is  
7 amended to read as follows:

8                   2.01.370     One campaign committee and one checking  
9   account per candidate.

10                   Except as may be otherwise provided by State law, a candidate  
11 shall have no more than one (1) campaign committee and one (1)  
12 checking account per election out of which all expenditures shall be made.  
13 This Section shall not prohibit the establishment of savings accounts, but  
14 no qualified campaign expenditures shall be made out of these savings  
15 accounts. This Section shall not prohibit the transfer of funds or "carry  
16 over" in excess of net debt from the primary election for use in the general  
17 election for the same candidate.

18  
19                   Section 4.     Section 2.01.390 of the Long Beach Municipal Code is  
20 amended to read as follows:

21                   2.01.390     Transfer of funds.  
22   ~~Campaign funds and o~~fficeholder funds may not be used as a  
23 transfer, loan or contribution to any other candidate for local, State or  
24 federal elective office.

25  
26                   Section 5.     Section 2.01.420 of the Long Beach Municipal Code is  
27 amended to read as follows:

28                   2.01.420     Time periods for expenditures.

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For purposes of the expenditure ceilings ~~and contribution~~  
~~limitations~~, qualified campaign expenditures ~~and contributions~~ made at  
any time up to the date of the primary election shall be considered an  
expenditure ~~or contributions~~ for that election, and qualified campaign  
expenditures made after the date of the primary election shall be  
considered expenditures ~~or contributions~~ for the runoff (~~final~~general)  
election. However, in the event that payments are made but the goods  
or services are not used during the period purchased, the payments  
shall be considered qualified campaign expenditures for the time period  
in which they are used. Payments for goods and services used in both  
periods shall be prorated.

Section 6. Section 2.01.810 of the Long Beach Municipal Code is  
amended to read as follows:

2.01.810 Duties of the City Clerk

The City Clerk shall also:

A. Adjust the expenditure ceilings, contribution limitations  
and public financing provisions in January of ~~even-odd~~ numbered years  
to reflect any increase or decrease in the Consumer Price Index as  
provided in Section 2.01.1210. Such adjustments shall be rounded off  
to the nearest fifty one hundred dollars ~~(\$50.00)~~(\$100.00) for  
contributions and the nearest one thousand dollars (\$1,000.00) for  
expenditures and matching funds.

B. Prescribe all necessary forms for filing statements and  
information.

C. Prepare and release studies on the impact of this Act. These  
studies may include recommendations which further the purpose of this  
Chapter 2.01.



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Section 7. Section 2.01.1010 of the Long Beach Municipal Code is amended to read as follows:

2.01.1010 Surplus Funds-Defined

Any funds remaining to a candidate, or any controlled committee of such candidate, at the end of the ~~e~~Election ~~e~~Cycle, during which such funds have been raised, shall be defined as "surplus funds" and shall be disposed of only as provided in this Division X. Funds retained by a candidate and specifically earmarked for payment of campaign expenses lawfully incurred during the ~~e~~Election ~~e~~Cycle need not be included in surplus funds provided that, if such expense payment is ~~not~~ made ~~on or before the December 31 next following no later than sixty~~ (60) days after the end of the ~~e~~Election ~~e~~Cycle. ~~(or, in the case of a special election, one hundred twenty (120) days after the date of the election), such funds so retained shall thereafter be deemed surplus funds.~~

Section 8. Section 2.01.1030 of the Long Beach Municipal Code is amended to read as follows:

2.01.1030 Disposal of surplus funds.

Except as provided in Section 2.01.1020, surplus funds shall be disposed of in the following order and priority:

A. Surplus funds shall first be used to reimburse the campaign reform account of the City of Long Beach up to the full amount of matching funds, if any, received by the candidate.

B. Any funds remaining after such reimbursement, if any, may be expended exclusively as provided in Section 89515 of the California Government Code and must be ~~so~~-expended no later than sixty (60)

1 ~~days after the December 31 next following~~ the end of the ~~e~~Election  
2 ~~e~~Cycle, (or, in the case of a special election, one hundred twenty (120)  
3 ~~days after the date of the election).~~

4 C. Any funds not expended pursuant to Subsections  
5 2.01.1030.A or 2.01.1030.B by December 31 next following the end of  
6 the ~~e~~Election ~~e~~Cycle (or, in the case of a special election, one hundred  
7 twenty (120) days after the ~~date of the election~~ end of the ~~e~~Election  
8 ~~e~~Cycle) shall be paid immediately into the campaign reform account of  
9 the City of Long Beach.

10  
11 Section 9. Section 2.01.1210 of the Long Beach Municipal Code is  
12 amended to read as follows:

13 2.01.1210 Inflation/deflation

14 A. Any amount subject to a limitation or ceiling, or established  
15 pursuant to formula set forth in Section 2.01.310 or Subsections  
16 2.01.410.A.1 and 2.01.410.A.4 of this Chapter shall be automatically  
17 adjusted on January 1, ~~1996~~2015, and on January 1 of each ~~even~~odd  
18 numbered year thereafter, upward or downward, equivalent to the most  
19 recent change in the annual average of the Consumer Price Index as  
20 published by the United States Department of Labor for the Los  
21 Angeles-Long Beach-Anaheim Metropolitan area.

22 B. For purposes of calculating the annual inflator/deflator factor  
23 under this Section, the base year shall be that year ending with the  
24 quarter ending June 30, 1995. Rates shall ~~first~~ be adjusted on January  
25 1, ~~1996~~2015, and every two (2) years thereafter, based on the annually  
26 calculated change from the base year. The adjustment shall be  
27 rounded to the nearest one hundred dollars (\$100.00).

28 C. The adjusted amount as determined by this Section on



1 January 1, of each odd numbered year shall remain the same amount  
2 for the entire Election Cycle as defined in Section 2.01.210 beginning  
3 January 1 of the same odd numbered year.

4  
5 Section 10. Section 2.02.010 of the Long Beach Municipal Code is  
6 amended to read as follows:

7 2.02.010 Electronic filing of Campaign Disclosure Statements.

8 As soon as feasible, the City of Long Beach shall establish  
9 electronic filing of campaign disclosure statements pursuant to  
10 California Government Code Section 84615 for candidate controlled  
11 committees established for Mayor, City Attorney, City Prosecutor, City  
12 Auditor, and City Council, and for primarily formed City of Long Beach  
13 committees. Whenever a committee or person is required by the  
14 California Political Reform Act (Government Code Section 81000 et  
15 seq.) to file a semi-annual, pre-election, supplemental pre-election or  
16 amendment(s) to a campaign statement with the City Clerk, the  
17 committee or person shall file at the same time a copy of the statement  
18 in electronic format as prescribed by the City Clerk, provided that the  
19 Clerk has prescribed the format at least sixty (60) days before the  
20 statement or report is due.

21  
22 Section 11. The Long Beach Municipal Code is amended by adding Section  
23 2.01.395 to read as follows:

24 2.01.395 IntraCandidate transfers

25 A candidate for local elective office in Long Beach shall not  
26 transfer campaign funds from a controlled non-City campaign account  
27 into a local Long Beach campaign account except as specified below:

28 Contributions transferred shall be attributed to specific

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contributors using a "last in, first out" or "first in, last out" accounting method, and their attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 2.01.310.

Section 12. Sections 2.01.330, 2.01.350, 2.01.610, 2.01.620, and 2.01.730 of the Long Beach Municipal Code are hereby repealed.

Section 13. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

Section 14. I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Clerk

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Lona Beach, CA 90802-4664

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Approved: \_\_\_\_\_  
(Date)

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Mayor