

SECOND READING AND ADOPTION

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ORDINANCE NO. _____

EMERGENCY ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 2.52, "CAMPAIGN CONTRIBUTIONS," TO ACCOUNT FOR POSSIBLE REASSIGNMENT OF CITY COUNCIL DISTRICTS AFTER FUNDRAISING HAS BEGUN AS A RESULT OF REDISTRICTING

WHEREAS, under Chula Vista Municipal Code (CVMC) section 2.52.040.E Chula Vista candidates can begin accepting campaign contributions eleven (11) months prior to scheduled election (e.g. July 2021 for the June 2022 election); and

WHEREAS, with the distribution of 2020 Census information delayed until late September/early October 2021, City Council District boundary lines aren't likely to be finalized until December 2021 at the earliest; and

WHEREAS, as a result, Candidates for City Council Districts 1 and 2 won't know for certain which District they will be eligible to run for until at least December 2021; and

WHEREAS, in future years, a similar circumstance may arise in which redistricting is completed within 11 months of a scheduled election; and

WHEREAS, this circumstance is not currently addressed by the City's existing Campaign Contribution Ordinance which could create uncertainties and inequities in the campaign process to the detriment of candidates who might be reassigned to a City Council District other than the District they had initially declared and for which they had raised money; and

WHEREAS, to address potential adverse impacts on Council candidates and campaign donors caused by the delays in redistricting in a timely manner it is necessary to amend the City's Campaign Contribution Ordinance (CVMC 2.52) effective immediately.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section I. The following sections in Chula Vista Municipal Code chapter 2.52 are hereby amended to read as follows:

2.52.030 Definitions.

F. "City elective office" means the offices held by the Mayor, members of the City Council, or the City Attorney. The "same City elective office," as that term is used in this

chapter, means the specific seat held by the Mayor, as defined by Charter Section 300(c); the specific seat held by the City Attorney; or, in the case of a City Council member, the specific City Council District seat numbered 1, 2, 3, or 4 held by the City Council member, or the numbered seat to which that City Council member or candidate for such office is reassigned as a result of redistricting. For example, if, during the redistricting process, the district lines are redrawn such that the residence of the City Council member representing and running for District 1 or a candidate running for District 1 becomes located within District 2, 3 or 4, the member's or candidate's District 1 seat, as the case may be, would be considered, for purposes of this Chapter, the "same City elective office" as the District 2, 3 or 4 seat so re-assigned.

[Sections 2.52.030 A through E, and G through N remain unchanged]

2.52.040 Campaign Contribution Limits.

H. A candidate may carry over contributions raised in connection with one election for City elective office to pay campaign expenditures incurred in connection with a subsequent election for the same City elective office. If, as a result of redistricting, a candidate's residence is assigned to a different district, the candidate may carryover contributions raised prior to City Council approval of the new district map to pay expenditures in connection with campaigning for election to the newly assigned district seat; provided, however, if the election for the newly-assigned district seat will be held at the subsequent election cycle, the candidate choosing to carry over contributions raised to fund campaign activities for such subsequent election must discontinue any and all fund-raising activities immediately upon City Council approval of the new district map creating re-assignment until fund raising for such subsequent election contest is authorized as provided in subsection E., above.

[Sections 2.52.040 A through G, and I remain unchanged]

2.52.100 Written Solicitations by Candidates.

Any candidate making a written solicitation for a contribution for his or her campaign for City elective office shall include the following written notice in no less than six-point type on each such solicitation:

NOTICE

The City of Chula Vista Municipal Code limits contributions to campaign for City elective office to three hundred sixty dollars per person*

During any campaign cycle where redistricting is pending City Council candidate materials soliciting campaign funds shall also contain the following statement:

City campaign rules allow this candidate to transfer funds to a different Council district election contest, or carry over funds to a future Council election contest, in the event redistricting results in the re-assignment of such candidate to a different Council District seat.

*The dollar amount to be included in this notice shall be amended biannually to reflect any CPI adjustment to the contribution limit made pursuant to CVMC 2.52.040(D).

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one of more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction.

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section VI. Effective Date.

Based on the facts and circumstances set forth above, it is necessary to enact this Ordinance effective immediately as an emergency measure, within the meaning of City Charter Section 311(d), in order to preserve the public peace, health, safety, and general welfare. Accordingly, this Ordinance shall be immediately effective upon passage by a four-fifths vote of the City Council.

In the alternative, this Ordinance shall also take effect on the thirtieth day after its second

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reading and adoption.

In the event of conflict of effective dates, this Ordinance shall be effective upon the earliest lawful effective date.

Section VI. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Glen R. Googins
City Attorney

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City Attorney