

## EXHIBIT 1

### GLENDALE MUNICIPAL CODE, 1995

#### CHAPTER 1.10 - LOCAL ELECTION CAMPAIGN REGULATIONS

##### **1.10.010 Purpose and findings.**

In enacting this chapter, council finds that while monetary contributions to political campaigns are a legitimate form of participation in the political process, the financial strength of certain individuals or organizations should not permit the exercise of a disproportionate or controlling influence in a local election of candidates. Over time, the rapidly increasing costs of political campaigns have compelled many candidates to take larger amounts of money from individuals and interest groups with a specific financial stake in matters before the city council or successor agency. This has caused a public perception that votes are being improperly influenced by monetary contributions. This perception is undermining the credibility and integrity of the governmental process and fosters the public impression that the small contributor has an insignificant role to play in political campaigns, which in turn may have a corrupting influence affecting the integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials.

The purpose of this chapter is to encourage greater access and participation in the political process through the placing of limits on the amount any person may contribute or otherwise cause to be available to candidates for election to the offices of city council, city clerk, and treasurer of and for the city of Glendale, including the regulation and disposition of unexpended contributions received by or on behalf of these candidates. This in turn is intended to reduce the appearance of undue influence and access by large contributors, and countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the city of Glendale. In addition, where the Glendale Community College Board of Trustees and/or the Glendale Unified School District Board of Education, either by agreement or through consolidation agrees to be bound by this chapter, these regulations shall also be applicable to individuals seeking election to such office(s).

Chapter 1.10 is intended to supplement the Political Reform Act of 1974 as amended, including regulations adopted by the Fair Political Practices Commission (Title 2 California Code of Regulations). Where a conflict exists between the Political Reform Act of 1974 and the regulations under this chapter, the more restrictive regulations shall control. (Ord. 5885 § 1, 2016; Ord. 5621 § 1, 2008)

##### **1.10.020 Definitions.**

The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this chapter unless otherwise specified herein.

“Candidate” means an individual who is listed on the ballot or has qualified to have write-in votes on his or her behalf counted by election officials, for the offices of city council, city treasurer or city clerk, or who receives contributions or makes an

expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view toward bringing about his or her nomination or election to the offices of city council, city treasurer or city clerk, whether or not the specific elected office for which he or she will seek nomination or election is noted at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214.

“Contribution” means any payment to a candidate for local elected office or to elected officeholders for deposit in an officeholder’s account.

“Committee” means any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions of one thousand dollars (\$1,000.00) or more for the purpose of influencing or attempting to influence the action of voters for or against the election of one or more candidates. “Committee” does not include an independent expenditure committee.

“Controlled committee” means a committee which is controlled directly or indirectly by a candidate or which acts jointly with or in coordination with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if such candidate, or the candidate’s agent, or any other committee such candidate controls has a significant influence on the actions or decisions of the committee or if such committee coordinates its expenditures with the expenditures of the candidate or a committee controlled by a candidate, whether or not such candidate is personally aware of such coordination.

“Election” means the election conducted by the city of Glendale for the offices of city council, city treasurer, city clerk, and where applicable, the Glendale Unified School District Board of Education and/or Glendale Community College Board of Trustees.

“Officeholder” means an elected city officer or where applicable an elected member of Glendale Unified School District Board of Education and/or Glendale Community College Board of Trustees.

“Officeholder account” means the bank account established at a financial institution located in California pursuant to Section 1.10.085.

“Person” means an individual, proprietorship, firm, corporation, partnership, joint venture, association, limited liability entity, business trust, company, labor organization or union, or any other organization or group of persons acting in concert.

“Political Reform Act of 1974” means the Political Reform Act of 1974 as it now reads or may hereafter be amended and includes applicable regulations adopted by the Fair Political Practices Commission (Title 2 California Code of Regulations).

“Single election cycle” means: (1) for a general municipal election, the first day of the month of the date that is one hundred eighty (180) days prior to the date of the municipal election (example: Election date March 3, 2020 - Election cycle for March 3, 2020 election commences September 1, 2019 and ends on March 3, 2020); or (2) for a special election (including a special election consolidated with a county or statewide election), the period of time commencing on the later of: (a) the date that the council calls for the special election, or (b) the date that is six (6) months prior to the date of the special election, and ending on the date of the special election. (Ord. 5921 § 1, 2019; Ord. 5817 § 1, 2013; Ord. 5744 § 2, 2011; Ord. 5621 § 1, 2008)

### **1.10.030 Campaign contribution limits.**

A. No intended candidate for any elected city office, and no committee acting on behalf of such candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution for use in any election for such office unless and until such candidate shall have complied with the requirements of the Political Reform Act of 1974 as amended.

B. No person shall contribute a total of more than one thousand one hundred forty dollars (\$1,140.00) to any candidate for city council, city clerk, city treasurer, and to his or her controlled committee for a single election cycle. A candidate for city council, city clerk or city treasurer, and his or her controlled committee shall not accept any contribution or contributions totaling more than one thousand one hundred forty dollars (\$1,140.00) from any person in a single election cycle. Nothing in this section is intended to limit the amount a candidate can contribute to his or her candidacy directly or by a personal loan for city council, city clerk or city treasurer from his or her own personal funds. Contributions made to a candidate, or the candidate's controlled committee acting on behalf of such candidate, after the date of the election, shall be deemed to have been lawfully made for the single election cycle that ended on that election date, provided the contribution was made for the purpose of repayment of campaign debts pursuant to Section 1.10.090.

C. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionally to each parent—one-half (1/2) to each parent or the total amount to a single custodial parent.

D. Contributions made or received on the day immediately after an election shall only be used for the payment of debts as set forth under Section 1.10.090. Excess or surplus funds held pursuant to Section 1.10.080 may be used only as permitted under the State Political Reform Act (Government Code Section 89511 et seq.) as it now exists or may hereafter be amended, or to establish an officeholder's account pursuant to Section 1.10.085.

E. Contributions may be solicited and received by a holder of elected office for an officeholder's account up to a maximum annual limit of ten thousand dollars (\$10,000.00) subject to the contribution limits and the limit on fund raising to replenish the account as set forth in this chapter.

F. The contribution limits set forth herein shall be reviewed in July of each odd-numbered year commencing July 1, 2019 and shall be adjusted, by resolution adopted by the city council, consistent with the cost of living index (CPI-All Urban Consumers) Los Angeles, Long Beach, Anaheim. The adjustment shall be rounded up to the nearest ten dollars (\$10.00). (Res. 19-80, 2019; Ord. 5921 § 2, 2019; Ord. 5889 § 1, 2016; Ord. 5885 § 2, 2016; Ord. 5839 § 1, 2014; Ord. 5744 § 3, 2011; Ord. 5668 § 1, 2009; Ord. 5621 § 1, 2008)

### **1.10.035 Aggregation of contributions.**

For purposes of the limitations in this chapter, the following shall apply:

A. All contributions made by a committee to a city candidate or to an elective city officer, or to a controlled committee shall be combined with those contributions made by the sponsor(s) of the committee and the combined amount shall not exceed the contribution limits specified in this chapter.

B. Two (2) or more entities shall be treated as one (1) person when any of the following circumstances apply:

1. The entities share the majority of members of board of directors.
2. The entities share two (2) or more officers.
3. The entities are owned or controlled by the same majority shareholder or shareholders.

4. The entities are in a parent subsidiary relationship.

C. An individual in a general or limited partnership in which the individual has a controlling interest (fifty (50) percent or more), or an individual and any corporation in which the individual owns a controlling interest (fifty (50) percent or more), shall be treated as one (1) person. (Ord. 5621 § 1, 2008)

#### **1.10.040 Loans to campaigns.**

A. Except as provided in this section, a loan shall be considered a contribution from the maker and the guarantor of the loan, and shall be subject to the contribution limitations of this chapter.

B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement and such written agreement shall be filed with the candidate's committee campaign statement on which the loan is first reported.

C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall be subject to a maximum limit of five thousand dollars (\$5,000.00).

D. Other than loans pursuant to subsections B through C herein, an extension of credit for a period of more than thirty (30) days is subject to the contribution limitations of this chapter.

E. Nothing in this section shall prohibit a candidate from making unlimited contributions or unlimited personal loans to the candidate's own campaign. (Ord. 5744 § 4, 2011; Ord. 5621 § 1, 2008)

#### **1.10.050 Return of contributions.**

A contribution to a candidate or committee making expenditures to support or oppose a candidate shall not be considered received if it is not cashed, negotiated, or deposited, and in addition, it is returned to the donor before the closing date of the campaign statement on which the contribution would otherwise be reported, except that a contribution to a candidate or committee making expenditures to support or oppose a candidate made before an election at which the candidate is to be voted on, but after the closing date of the last campaign statement required to be filed before the election, shall not be considered to be deemed received if it is not cashed, negotiated or deposited and is returned to the contributor within forty-eight (48) hours of receipt. For committees not addressed by this section, the determination of when contributions are

considered to be received shall be governed by the provisions of Government Code Section 81000 et seq. (Ord. 5621 § 1, 2008)

**1.10.060 Contribution prohibition—Contractors or subcontractors doing business with the city or applicants seeking entitlement; prohibition on voting.**

A. Definitions. For purposes of this section the following words and phrases are defined as follows:

“Affected party” shall mean a party to a city contract, a subcontractor under a city contract, an applicant seeking entitlement, a contractor of applicant seeking entitlement, or a subcontractor of applicant seeking entitlement.

“Applicant seeking entitlement” means any person who has filed an application or letter seeking approval of an entitlement with the city, successor agency, or housing authority, or any person who is an owner or lessee of property on whose behalf an application or letter seeking approval of an entitlement is filed.

“Application is pending” means an application or letter which is subject to review, hearing or consideration by the council, successor agency, and/or housing authority and the application or letter seeking an entitlement has been filed and, either will be set for review, hearing or other consideration by the council, successor agency, or housing authority as a matter of right, or has been formally appealed to the council, successor agency, or housing authority. The three (3) examples set forth below are intended to provide interpretive guidance:

1. An application for a zone change is filed. Since a zone change can only be effectuated by the council, upon filing the application it would be pending before the council;

2. An application for a conditional use permit is filed. Only at such time as the grant or denial of a conditional use permit is appealed to the council would it be pending before the council;

3. An application for a variance in the downtown specific plan area is filed. Since the council has original jurisdiction, the variance application would be pending before the council when filed.

“City contract” means any agreement or contract, including any amendment or modification to an agreement or contract, with the city, successor agency, or housing authority, where such contract or agreement is subject to approval by the council, successor agency, or housing authority for: (1) the rendition of personal services; (2) construction and/or the furnishing of any material, supplies or equipment; (3) the sale, lease, exchange, or transfer of any land or building to or from the city, successor agency, or housing authority; or (4) a grant, loan, loan guaranty, land write down, or other similar form of financial assistance. Contract does not include a contract awarded pursuant to a competitive bidding process under the Charter of the city of Glendale, a transfer or exchange of land to or from one public agency to another public agency, or the transfer of an easement, license, or right-of-way in the ordinary course of a development project.

“Contractor of applicant seeking entitlement” means a person who is, or has been promised to be, a party to a contract as an architect, design professional, engineer, or general or prime contractor with an applicant seeking entitlement, as defined herein,

which contract has, or would have a total anticipated or actual value of fifty thousand dollars (\$50,000.00) or more.

“Council” means the city council of the city of Glendale.

“Design professional” means a person who performs services in the nature of designing structures, buildings, interiors, landscape and/or hardscape but does not have any particular license.

“Entitlement” means permit, license, conditional use permit, variance, architectural or design review (at any stage), franchise, administrative exception, parking reduction, review of plans, development agreement, disposition and development agreement, exclusive negotiation agreement, owner participation agreement, affordable housing agreement, financial assistance for a proposed project, or any other land use entitlement.

“Housing authority” means the housing authority of the city of Glendale.

“Person” shall have the meaning ascribed to it in Section 1.10.020.

“Related persons” includes any of the following persons with respect to a party with a city contract, a subcontractor under a city contract, applicant seeking entitlement, contractor of applicant seeking entitlement, and subcontractor of applicant seeking entitlement: a member of its board of directors, its chairperson, its chief executive officer/president, its chief financial officer, its chief operating officer, any person with ownership interest of more than ten (10) percent in such person, and/or any committee, as defined in this chapter, that is owned or controlled by such person.

“Subcontract” means a contract subordinate to another contract made between the contracting parties which includes an agreement for a subcontractor to perform all or part of certain work to be performed by an architect, design professional, engineer, general or prime contractor.

“Subcontractor” means a person who has entered into a contract for the performance of all or a portion of the work undertaken under an agreement with an architect, design professional, engineer, or general or prime contract, usually by a general or prime contractor.

“Subcontractor of applicant seeking entitlement” means a person who is, or has been promised to be, a party to a subcontract as an architect, design professional, engineer, or to perform other work with a “contractor of applicant seeking entitlement” as defined herein, which subcontract has, or would have a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more.

“Successor agency” means the successor agency to the Glendale Redevelopment Agency.

B. No person who is a party to a city contract, as defined in subsection A, shall make a contribution to an individual holding city elective office where the city contract has a total anticipated or actual value of fifty thousand dollars (\$50,000.00) or more, or a combination or series of such contracts or agreements having a value of fifty thousand dollars (\$50,000.00) or more.

C. No member of the council, nor the city clerk or city treasurer shall receive a contribution from a person who is a party to a city contract, as defined in subsection A, where the city contract has a total anticipated or actual value of fifty thousand dollars (\$50,000.00) or more, or a combination or series of such contracts, having a value of fifty thousand dollars (\$50,000.00) or more.

D. No person acting as a subcontractor under a subcontract through a city contract, as defined in subsection A, shall make a contribution to a council member where an individual subcontract has a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more, or a combination or series of such individual subcontracts with the same subcontractor, for the same or different projects with the aggregate value of twenty-five thousand dollars (\$25,000.00) or more.

E. No member of the council shall receive a contribution from a person who is party to a subcontract under a city contract, as defined in subsection A, where the subcontract has a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more, or a combination or series of such subcontracts having a value of twenty-five thousand dollars (\$25,000.00) or more.

F. No applicant seeking entitlement, contractor of an applicant seeking entitlement or a subcontractor of an applicant seeking entitlement shall make a contribution to a council member while such application is pending before the council, redevelopment agency, or housing authority and for a period of twelve (12) months after the last and final approval by the council, redevelopment agency, or housing authority has been granted.

G. A member of the council, successor agency, or housing authority who has received a campaign contribution from an affected party within the twelve (12) months preceding the consideration by the council, successor agency, or housing authority on any of the following matters shall not participate in said matter and shall be considered disqualified from voting on said matter: (1) approval of a city contract, as defined in subsection A; (2) award of a proposal in response to a request for proposals; (3) conditional use permit; (4) variance; (5) approval of architectural or design review (at any stage); (6) award of a franchise; (7) administrative exception; (8) parking reduction; (9) approval of a development agreement; (10) approval of a disposition and development agreement; (11) approval of an exclusive negotiation agreement; (12) approval of owner participation agreement; (13) approval of an affordable housing agreement; (14) financial assistance for a proposed project; (15) or any other land use. In addition, the member shall not be considered toward reaching a quorum. In the event that a quorum or more are disqualified from voting on a matter covered herein, members will be selected by random draw until there are the minimum number of members of the relevant body to render a lawful decision (e.g., in most cases, a quorum). As used in subsections G and H of this section only, "contribution" shall mean a contribution to the member of council, successor agency or housing authority for any federal, state or local elective office. Except for contributions made for city elective office, the provisions of this section pertaining to contributions made by an affected party to any federal or state election campaign shall not apply in the event such contribution was received by the member of the council, successor agency or housing authority on or before October 4, 2016.

H. For purposes of subsection G, with respect to the prohibition on voting as applied to contractors of applicants seeking entitlement or subcontractors of applicants seeking entitlement, the voting prohibition applies only where the member of the council, successor agency, or housing authority receiving the contribution knows or has reason to know of the contribution and where the information about the status of the contributor as an architect, design professional, engineer, contractor, or subcontractor is

readily ascertainable through reasonably accessible information (example: where a contribution is received by a campaign treasurer, listed on a 460 Form, or received as an officeholder account contribution and the name of the architect, design professional, engineer, contractor or subcontractor is on a city list or city developed database, it would be deemed that the official should know or have reason to know that they would be precluded from voting. Should an architect, design professional, engineer, contractor or subcontractor not be on a city developed list or city developed database, and an elected official votes on a matter where he or she had received a contribution, no violation will be deemed to have occurred).

1. City staff shall develop, acquire, or modify existing systems at one time or in phases within a reasonable period of time, to establish reports which include the name of vendors, contractors, subcontractors, applicants for entitlement, contractors of applicants seeking entitlement, and subcontractors of applicants seeking entitlements, as defined in this chapter. Once prepared, the reports shall be a public record.

2. Written notice of the campaign contribution prohibitions and voting limitations of this section shall be included in requests for proposals issued by the city, successor agency or housing authority and is to be provided to all applicants seeking entitlement from the city, successor agency or housing authority.

3. An applicant seeking entitlement shall disclose to the city, successor agency or housing authority the name(s) of all architects, design professionals, engineers, contractors and subcontractors (and their related persons) if known, at the time of filing an appeal or, if no appeal is required, when staff first prepares a report to the relevant agency involving consideration of any matter under subsection (G)(1) through (15). In addition, an applicant seeking entitlement shall also disclose whether they made a campaign or officeholder account contribution in the preceding twelve (12) months. The disclosure(s) shall be made under penalty of perjury.

4. At such time as the applicant seeking entitlement selects architects, design professionals, engineers, contractors or subcontractors, the applicant shall disclose such information (including their related persons) in writing to the city, successor agency, or housing authority within ten (10) days of the selection. Should an architect, design professional, engineer, contractor or subcontractor be substituted or added to a project which is the subject of an application for entitlement, such change or changes shall be disclosed in writing to the city, redevelopment agency, or housing authority within ten (10) days from the date of the change.

I. The twenty-five thousand dollar (\$25,000.00) and fifty thousand dollar (\$50,000.00) values set forth herein shall be reviewed once every five (5) years commencing in July 1, 2015 and shall be adjusted consistent with the cost of living index (CPI - All Urban Consumers) Los Angeles, Long Beach, Anaheim. The adjustment shall be rounded up to the nearest one thousand dollars (\$1,000.00).

J. For the purposes of the limitations, restrictions, prohibitions and disclosure obligations set forth in this section, each person who is a party to a city contract, subcontractor under a city contract, an applicant seeking entitlement, a contractor of applicant seeking entitlement or a subcontractor seeking entitlement shall include not only that person (e.g., applicant seeking entitlement) as defined in subsection A of this section but also that person's related persons. By way of example, this section's limitations, restrictions, prohibitions and disclosure obligations apply not only to a



business entity that is an applicant seeking entitlement, but that business entity's related persons.

K. With the exceptions of subsections G and H of this section, the prohibitions and limitations set forth in this section pertain only to campaign contributions received for elections to elective office in the city of Glendale. (Ord. 5921 § 3, 2019; Ord. 5885 § 3, 2016; Ord. 5839 § 2, 2014; Ord. 5768 § 1, 2012; Ord. 5744 § 5, 2011; Ord. 5621 § 1, 2008)

#### **1.10.070 Nonmonetary contributions—Limits, receipts, retention.**

A. No committee or candidate shall accept or receive a nonmonetary contribution with a fair market value in excess of one thousand one hundred dollars (\$1,100.00). A contribution of a nonmonetary contribution of one hundred dollars (\$100.00) or more shall provide the campaign treasurer with a receipt or a voucher that itemizes and identifies the goods or services contributed and states the fair market value of such goods or services. The campaign treasurer shall maintain all receipts and vouchers for a period of four (4) years from the date of the final report. The campaign treasurer shall make available to the city attorney, the city clerk, the district attorney, the California Attorney General and the Secretary of State or their designees on demand, the details of any account requested and the records supporting it.

B. Nonmonetary contributions shall be aggregated with monetary contributions. No person shall exceed the one thousand one hundred dollar (\$1,100.00) limit on contributions to a candidate for local elective office as set forth in this chapter.

C. Nothing in this section shall apply to volunteer services, including, but not limited to, manning of phone banks, walking precincts, or providing other similar volunteer services. The value of a volunteer's "time" is not to be considered a nonmonetary contribution for purposes of this chapter. The use of someone's personal residence to host a candidate either for a fund raiser, meet the candidate or candidate's forum, shall not be considered a nonmonetary contribution. Incidental food and beverage served at a personal residence under this subsection shall not be considered a contribution under this chapter. (Ord. 5889 § 2, 2016; Ord. 5621 § 1, 2008)

#### **1.10.080 Excess campaign funds.**

All campaign funds in excess of expenses incurred, including payment of debts, for the campaign received by or on behalf of an individual who seeks nomination for election, or has been elected to office, or any committee or controlled committee with funds in excess of expenses incurred for the campaign of a candidate or a group of candidates seeking nomination for election, or election to office, shall be deemed to be excess campaign funds if the candidate has been elected or surplus funds if the candidate is not elected (see Government Code Section 89511 et seq.) and shall be distributed within one hundred eighty (180) days after withdrawal, defeat, or election to office as a member of the city council, city clerk or city treasurer, as follows: return to contributors on a pro rata basis, donated to any bona fide charitable, educational, religious or similar tax exempt, nonprofit organization, where no substantial part of the proceeds will have a financial effect on the former candidate or elected officer, any members of his or her immediate family, as defined by the Political Reform Act of 1974 as amended, or his or her campaign treasurer, or turned over to the general fund of the

city of Glendale. If the candidate is elected to office, excess funds of up to ten thousand dollars (\$10,000.00) which are not distributed as set forth herein, may be transferred to an officeholders account consistent with the provisions of Section 1.10.085. (Ord. 5744 § 6, 2011; Ord. 5621 § 1, 2008)

**1.10.085 Officeholder accounts.**

A. Every elected city officeholder shall be permitted to establish one (1) officeholder account. All contributions deposited into the officeholder account shall be deemed to be held in trust for expenses associated with holding the office currently held by the elected city officer. A single contribution cannot be divided between the officeholder account and any other candidate committee. The total contributions to, or maintained in, an officeholder account shall not exceed ten thousand dollars (\$10,000.00) annually (fiscal year). Fundraising for an officeholder's account may occur anytime except as follows:

1. During an election cycle where the officeholder is a candidate for local election;
2. When the total annual amount of contributions reaches ten thousand dollars (\$10,000.00) in a fiscal year at which time fundraising must be discontinued. Fundraising may recommence to replenish the account if the total amount in the officeholder account is, through lawful expenditures, reduced below the ten thousand dollar (\$10,000.00) annual limit.
3. If contributions cause the officeholder account to exceed the annual total of ten thousand dollars (\$10,000.00), the amount over ten thousand dollars (\$10,000.00) shall be returned to the donors as set forth in subsection H of this section.

B. An officeholder's account may be established by filing a statement of registration with the city clerk. The statement shall include the name of the committee or controlled committee which has been established pursuant to the Political Reform Act of 1974, officeholder's last name, the office held, the year elected to the current term of office, and the words "Officeholder Account." In addition, the statement of registration shall include the name and address of the financial institution where the officeholder account is established and maintained. No officeholder shall maintain more than a single bank account for an officeholder account for the position for which the candidate was elected.

Any change in the status of the officeholder account, such as closing the account, change of address of the financial institution, etc., shall be reported in writing to the city clerk within thirty (30) days of any change in status. Any officeholder accounts established hereunder may be subject to audit by the city clerk or the state of California under Chapter 10 of Title 9 of the California Government Code. All records of contributions and expenditures shall be maintained for a period of not less than the time within which to bring a civil action or from when an audit could begin under Section 1.10.140(B).

C. All contributions deposited to, and expenditures from an officeholder account shall be reported as required under the Political Reform Act of 1974 for campaign contributions and expenditures (election year and off-year reporting requirements). In addition, the officeholder shall also file with the city clerk a quarterly report setting forth all contributions and expenditures to and from an officeholder's account on a form

provided by the city clerk. The reports required under the Political Reform Act of 1974 shall be deemed to comply with the quarterly filing requirement when filed during an election year. In the off-years the additional filings required to meet the quarterly filing requirement herein shall be made to the city clerk within ninety (90) days of the filing of the semi-annual reports under the Political Reform Act of 1974.

D. Expenditures from an officeholder account may be made for any governmental or legislative purpose as the terms have been interpreted by the courts and the State Fair Political Practices Commission. Such allowable expenses include, but are not limited to:

1. Expenditures for fundraising for the officeholder account;
2. Expenditures for office equipment, furnishings and office supplies;
3. Expenditures for conferences, meetings, receptions, and events attended by the officeholder in the performance of government duties;
4. Expenditures for travel, including lodging, meals and other related disbursements, incurred in the performance of governmental duties by the officeholder;
5. Expenditures for meals and entertainment directly preceding, during or immediately following a governmental or legislative activity;
6. Expenditures for memberships to civic, service, or professional organizations, if such membership bears a reasonable relationship to a governmental, legislative, or political purpose;
7. Expenditures for an educational course or seminar if the course or seminar maintains or improves skills which are employed by the officeholder in the performance of his or her governmental responsibilities;
8. Expenditures for accounting, professional and administrative services provided to the officeholder account;
9. Expenditures for mailings to persons within the city which provide information related to city-sponsored events, school district-sponsored events, or an official's governmental duties.

E. Officeholder account funds shall not be used for the following:

1. Expenditures in connection with a future election for any city, county, school or other district, regional, state or federal elective office;
2. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, school or other district, regional, state or federal elective office;
3. Supplemental compensation for employees of the city for performance of their job responsibilities as city officers or employees;
4. Membership in any athletic, social, fraternal, veteran or religious organization;
5. Any expenditure that would violate the provisions of the California Political Reform Act, including Government Code Sections 89512 through 89519.

F. No funds may be transferred from the officeholder account of an elected city officer to any other candidate or candidate committee.

G. All contributions made to or received by the officeholder account of an elected city official shall be subject to the contribution limitations set forth under this Chapter 1.10, except that a person as defined herein may once again contribute funds to a candidate or committee as defined in Section 1.10.020, up to the maximum contribution limit commencing with the next single election cycle (example: April 7, 2009

election date; elected officer "E" opens officeholder account May 1, 2009; contribution from "A" of one thousand dollars (\$1,000.00) received May 20, 2009. "A" cannot contribute more funds to "E" for local election or officeholder account until September 1, 2012, but may contribute funds up to one thousand dollars (\$1,000.00) to candidates in the election cycle commencing September 1, 2010 subject to the aggregate limit under Section 1.10.030(C)).

H. An officeholder shall return to the contributor the portion of any contribution to his or her officeholder account that causes the account to exceed the maximum limit herein. The contribution must be returned within thirty (30) days of receipt and a written record of the return must be maintained for the period set forth in Section 1.10.140(B).

I. An officeholder shall not accept contributions to an officeholder account after the officeholder's term of office ends, or the date he or she leaves office, whichever is earlier. Once the term of office ends or he or she leaves office, the officeholder may only use his or her officeholder account funds for the following purposes:

1. Payment of outstanding officeholder expenses.
2. Repaying contributions to contributors to the officeholder account.
3. Donating the funds to any bona fide charitable, educational, religious or similar tax exempt, nonprofit organization, where no substantial part of the proceeds will have a financial effect on the former candidate or elected officer, any members of his or her immediate family, as defined by the Political Reform Act of 1974 as amended, or his or her campaign or committee treasurer, or turned over to the general fund of the city of Glendale.

The payment(s) or donation(s) under this subsection I shall be completed within ninety (90) days from the end of the officeholder's term of office or when he or she leaves office, whichever date is earlier. (Ord. 5885 § 4, 2016; Ord. 5747, § 7, 2011)

#### **1.10.090 Fund raising for repayment of debts.**

A. A contributor may make, and a candidate or former candidate may accept a contribution to pay off debts incurred for an election occurring prior to the date of the contribution, provided that the aggregate of contributions made to the candidate for one (1) or more city offices does not exceed the contribution limits set forth in this chapter, and the contribution is properly reported on any required campaign statement filed under the Political Reform Act of 1974 as amended or any required city supplemental statement or form. Contributions made and received pursuant to this section shall be deemed to have been made during the single election cycle of the applicable preceding election.

B. A candidate or a former candidate shall declare his or her final campaign debt amount not later than ninety (90) days after the date of the election for which the debt was incurred by the candidate or candidate's committee by filing his or her campaign debt declaration with the city clerk's office. The debt amount shall be the amount incurred by the candidate for the subject election and as declared pursuant to the provisions of this section. Fundraising for the purpose of the retirement of campaign debts shall be limited to the amount declared. (Ord. 5921 § 4, 2019; Ord. 5885 § 5, 2016; Ord. 5817 § 2, 2013; Ord. 5744 § 8, 2011; Ord. 5621 § 1, 2008)

#### **1.10.100 Enforcement—General provisions.**

A. Any person who believes that a violation of this chapter has occurred may file a complaint with the city attorney. The city attorney shall investigate and shall have investigative powers as are necessary for the performance of their duties under this chapter.

B. Enforcement—Civil Actions. The city attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this chapter. (Ord. 5621 § 1, 2008)

#### **1.10.110 Penalties.**

A. Any person who knowingly or willfully violates any provision of this chapter shall be guilty of a misdemeanor, on conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each violation or by imprisonment of not more than six (6) months or both such fine and imprisonment.

B. Civil. Any person who intentionally or negligently violates any of the provisions of this chapter, shall be liable in a civil action brought by the city attorney acting as the civil prosecutor for an amount up to one thousand dollars (\$1,000.00) for each violation or three (3) times the amount not reported or the amount received in excess of the amount allowable pursuant to this chapter, whichever is greater. (Ord. 5621 § 1, 2008)

#### **1.10.120 Rules of construction.**

This chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the city council to control campaign contributions shall void the effect of this chapter. (Ord. 5621 § 1, 2008)

#### **1.10.130 Severability.**

If any provision of this chapter, or the application thereof, to any person or circumstances is held invalid, the validity of the remainder of the chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Ord. 5621 § 1, 2008)

#### **1.10.140 Statute of limitations.**

A. Criminal. Prosecution for violation of this chapter must be commenced within one (1) year after the date of which the violation occurred.

B. Civil. No civil action alleging a violation in connection with a campaign statement required under this chapter shall be filed more than two (2) years after an audit could begin, or more than two (2) years after the date on which the violation occurred.

C. A civil action brought to collect a fine or penalties imposed under this chapter shall be commenced within two (2) years after the date on which the monetary penalty or fine was imposed. For purposes of this section, a fine or penalty is imposed when a court has issued a final decision in an enforcement action imposing a fine or penalty for a violation of this chapter. (Ord. 5621 § 1, 2008)