



NOTICE AND AGENDA
CITY OF UNION CITY

CITY COUNCIL

SPECIAL MEETING

Tuesday, March 26, 2024
6:30 PM

City Hall Chambers | 34009 Alvarado-Niles Road, Union City, CA 94587

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ORAL COMMUNICATIONS - Comments limited to items on the Special Meeting Agenda**
- 4. CITY MANAGER REPORTS**
 - 4.a. Receive Report Regarding Campaign Contribution Limits And Provide Further Direction**
- 5. ADJOURNMENT**

/s/ Carol Dutra-Vernaci

Carol Dutra Vernaci
Mayor



Agenda Item

DATE: 3/26/2024

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KRISTOPHER J. KOKOTAYLO, CITY ATTORNEY

SUBJECT: RECEIVE REPORT REGARDING CAMPAIGN CONTRIBUTION LIMITS
AND PROVIDE FURTHER DIRECTION

At the regular City Council meeting on February 13, 2024, a majority of the City Council expressed an interest in further discussing a potential revision to the City's campaign contribution limit and asked staff to agendize a discussion regarding the same.

As a result of that direction, staff and the City Attorney's Office prepared a report that the City Council received at its February 27, 2024 Special Meeting. The City Council requested further information regarding cities that utilize a voluntary expenditure limit.

Staff and the City Attorney's Office recommends that the City Council receive this report and provide further direction regarding any revisions to the Union City Municipal Code to revise campaign contribution limits and/or establish a voluntary expenditure limit.

BACKGROUND

At the February 27, 2024 City Council Special Meeting, the Council discussed the current campaign contribution limits regarding candidates for elected office in the City of Union City and reviewed the City's limits to those of neighboring jurisdictions. A copy of the February 27, 2024 staff report and exhibits is attached as Attachment 1. After considering the limits of neighboring jurisdictions, the City Council requested more information related to voluntary expenditure limits established within other cities in Alameda County and requested that the City Attorney's Office return with further information.

DISCUSSION

Neighboring Jurisdictions in Alameda County

Hayward: The 2023 voluntary expenditure limit is \$86,706.00 per candidate, with a limit of \$1699 per individual contributor. The amount is adjusted annually by a percentage equal to the SF-Bay Area Consumer Price Index (CPI). A candidate who does not accept the voluntary contribution limits is limited to \$393 per person for each election.

Oakland: As of 2022, the voluntary expenditure limit ranges based on office with by-district councilmember

candidates having an expenditure limit ranging from approximately \$170,000 to \$180,000 and mayoral candidates having an expenditure limit of approximately \$580,000. Candidates that agree to limit their spending may receive \$900 per election from any individual and \$1800 from any broad-based political committee. Candidates that did not agree to limit their spending were eligible to receive \$200 from any person and \$400 from any broad-based political committee. It appears that Oakland has subsequently adopted a new structure involving an aspect of public financing that deviates from what the Council direction is at this time.

Newark: The voluntary expenditure limit is equal to one dollar per resident of the City, as determined by the City Council not less than 7 months prior to the election. Each candidate who accepts the voluntary limit is subject to a contribution limit of \$500 per election while candidates who reject the voluntary limit are subject to a contribution limit of \$100 per election.

Considerations for Revisions to Campaign Contribution Limits

Staff have had a chance to consider the potential impact of an amendment to the City's Municipal Code to establish a voluntary expenditure limit. One consideration relates to the potential effective date of a proposed ordinance. A likely effective date for a proposed ordinance establishing a voluntary expenditure limit would be early summer at the earliest. Given where the City is in the current election cycle, there may be an impact on existing campaigns and how candidates have proceeded in reliance of the existing structure. Should a proposed ordinance have greater complexity, it would require additional time to prepare text amendments and may not take effect until further along in the election cycle or until the next election cycle. A more straightforward amendment could take effect earlier in the election cycle.

An additional note is that the City Council raised concerns regarding large campaign contributions influencing candidates for office. One consideration for the Council relates to SB 1439 and recent amendments to the Levine Act. The Levine Act, passed in 1982, aimed to prevent officials from using their authority as a government official to demand campaign contributions from applicants, a practice known as "pay to play".

The Levine Act prohibits certain public officials from accepting, soliciting, and directing campaign contributions over \$250 from any party to, or participating in, a proceeding involving a license, permit, contract, or entitlement for use before the agency. An official who received a contribution of more than \$250 in the past twelve months from such a party or participant may be disqualified from participating in the proceeding and must disclose that fact on the record. Additionally, a public official is prohibited from accepting a contribution of more than \$250 in the twelve months following consideration of a request for an entitlement from a party that makes the contribution. Prior to SB 1439, councilmembers were not subject to the Levine Act and but are now subject to its restrictions.

FISCAL IMPACT

There is no direct fiscal impact associated with this item.

RECOMMENDATION

Staff recommends the City Council provide direction regarding potential revisions to the Union City Municipal Code to revise campaign contribution limits and/or establish a voluntary expenditure limit.

Prepared by:

Juliet E. Vaughn, Associate

Submitted by:

Kristopher J. Kokotaylo, City Attorney

ATTACHMENTS:

Description	Type
<div data-bbox="154 163 186 205">  </div> <div data-bbox="219 149 803 218">Attachment A - February 27, 2024 City Council Special Meeting Staff Report and Corresponding Attachments</div>	Attachment
<div data-bbox="154 218 186 260">  </div> <div data-bbox="219 218 803 262">Item 4.a. Powerpoint</div>	Attachment



Agenda Item

DATE: 2/27/2024

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KRISTOPHER J. KOKOTAYLO, CITY ATTORNEY

SUBJECT: RECEIVE REPORT REGARDING CAMPAIGN CONTRIBUTION LIMITS
AND PROVIDE FURTHER DIRECTION

At the City Council meeting on February 13, a majority of the City Council expressed an interest in further discussing a potential revision to the City's campaign contribution limit and asked staff to agendize a discussion regarding the same.

As a result of that direction, staff and the City Attorney's Office recommends that the City Council receive this report regarding the City's existing campaign contribution limits and provide further direction regarding a potential amendment to the Union City Municipal Code to adjust the limit for campaign contributions or provide other direction as sought by the Council.

BACKGROUND

The City's campaign contribution limit is established in Chapter 2.06, Campaign Contribution Limitations in Municipal Elections, of the Union City Municipal Code (the "Campaign Contribution Ordinance"). The City Council first adopted the Campaign Contribution Ordinance on September 13, 1994 (see Attachment 1, Ordinance No. 441-94). The initial campaign contribution limit was set at \$500 for any election.

Approximately 11 years later, the City Council amended the Campaign Contribution Ordinance on September 27, 2005 (see Attachment 2, Ordinance No. 658-05) to increase the campaign contribution limit to \$600. The City Council last amended the Campaign Contribution Ordinance on May 27, 2014 (see Attachment 3, Ordinance No. 795-14), approximately 10 years ago, to increase the campaign contribution limit to \$720.

DISCUSSION

Assembly Bill 571

Pursuant to Assembly Bill 571, effective January 1, 2021, state law applies a default campaign contribution limit to city and county candidates when the city or county has not already enacted a contribution limit. That contribution limit is set at \$5,500 for 2023-2024. Cities are free to, by ordinance, set a higher or lower limit or establish no limit at all.

City Campaign Contribution Limits in Alameda County

The FPPC has provided a repository of all cities and counties within California that have established their own contribution limit ordinances (<https://www.fppc.ca.gov/learn/Contribution-Limits-City-and-County-Candidates.html>). A review of the FPPC's repository reveals local campaign contribution limits for the following Alameda County cities:

- Oakland: \$600. (Oakland Municipal Code Section 3.12.050). The limit is adjusted bi-annually based on the Consumer Price Index beginning in 2025.
- Hayward: Hayward has two campaign contribution limits. If a candidate chooses to accept the voluntary expenditure limit, the campaign contribution limit is \$1,699. If a candidate does not accept the voluntary expenditure limit, the campaign contribution limit is \$393. The voluntary expenditure limit is \$86,706. These limits are adjusted annually. (Hayward Municipal Code Chapter 2, Article 13). In Hayward, the limits established are adjusted annually based on the Consumer Price Index.
- Dublin: \$500. (Dublin Municipal Code Chapter 2.28).
- Fremont: \$640. (Fremont Municipal Code Chapter 2.30). The limit is increased based on the Consumer Price Index biennially by the City Clerk.
- Berkeley: \$250. (Berkeley Municipal Code Section 2.12.415). The limit is adjusted for cost of living in January of every odd-numbered year.

Summary of Prior Campaign Contribution Limits in Union City

- 1994: \$500
- 2004: \$600
- 2014: \$720

The last two increases to the contribution limits were 20% increases. The City Council is free to leave the contribution limit as-is or adjust it in any amount. A further 20% increase would bring the contribution limit \$864.

FISCAL IMPACT

There is no direct fiscal impact from receiving this report.

RECOMMENDATION

Staff recommends that the City Council receive this report regarding the City's existing campaign contribution limits and provide further direction regarding a potential amendment to the Union City Municipal Code to adjust the limit for campaign contributions or provide other direction.

Prepared by:

Juliet Vaughn, Attorney

Submitted by:

Kristopher J. Kokotaylo, City Attorney

ATTACHMENTS:

Description	Type
 Attachment 1	Attachment

- Attachment 2
- Attachment 3
- Item 3.a. Powerpoint

- Attachment
- Attachment
- Attachment

ORDINANCE NO. 441-94

**AN ORDINANCE OF THE CITY OF UNION CITY
AMENDING TITLE II
OF THE CITY OF UNION CITY MUNICIPAL CODE
BY ADDING CHAPTER 2.06
RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS
IN MUNICIPAL ELECTIONS**

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

Title 2 of the City of Union City Municipal Code is hereby amended to read as follows:

CHAPTER 2.6

**CAMPAIGN CONTRIBUTION LIMITATIONS
IN MUNICIPAL ELECTIONS**

Section 2.06.010. Title, purpose and intent.

This Chapter may be referred to as the "Campaign Contribution Ordinance of the City of Union City.

It is the purpose and intent of the City Council in enacting this Chapter to minimize the potential for undue influence by individual or groups on the Mayor and Councilmembers by placing realistic limits on the amount of money that individuals or groups may contribute to political campaigns in municipal elections while providing for a level of discussion of public issues adequate for a meaningful election campaign; to insure and promote integrity, honesty, and fairness in decisions of public policy; to provide for a campaign contribution and expenditure reporting process that will inform the public; to enhance the opportunity for challengers to be competitive with incumbents.

In seeking to establish such limitations on campaign contributions, it is the intent of the City Council to promote a broader and more open participation by all citizens in the electoral process. It is not intended that such limitations should act to deprive or restrict any citizen of his rights guaranteed under the First and Fourteenth Amendments of the United States Constitution.

In addition, these provisions are intended to supplement the provisions contained in the Political Reform Act of 1974 (Title 9 of the California Government Code).

Section 2.06.015 Receipt of ordinance

Candidates shall be required to acknowledge in writing receipt of copy of this ordinance, however, refusal or failure to sign or otherwise acknowledge receipt of this ordinance shall not affect the applicability or enforceability of this Chapter to said candidate.

Section 2.06.020. Definitions

Unless the term is specifically defined in this Chapter or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) shall govern the interpretation of this Chapter.

Election period.

- a. For each general municipal election, held in November of odd numbered years to elect three full four year term councilmembers, and odd numbered years to elect one full four-year-term councilmember and one full four-year-term mayor, the election period means the period beginning on January or after the previous general municipal election for the affected office and ending on December thirty-first after the next following (and current) general municipal election for the affected office.
- b. For each special municipal election, held to fill a vacancy in the office of the mayor or councilmember, the election period means the period beginning on the day the vacancy in the office began and ending on the sixtieth day following the special municipal election, provided that for any candidate at the special election who had established, prior to the vacancy, a committee for the election to the affected office of mayor or councilmember, the election period means a period beginning on January first after the previous general municipal election for the affected office.

Section 2.06.030 Campaign contributions - limitations.

- a. No person shall make a contribution to any candidate or the controlled committee of such a candidate, and no candidate or the candidate's controlled committee shall accept from each such person a contribution or contributions totaling more than \$500 for any election period.
- b. No person shall make a contribution to any committee which makes independent expenditures to support or oppose any candidate, and no such committee shall accept from any such person a contribution totaling more than \$500 during an election period.

- c. 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 2.06.040. Aggregation of contributions.

For the purpose of the contribution limitations in Section 2.06.030, contributions from persons shall be aggregated as follows:

- a. If the same person or a majority of the same persons in fact directs and controls the decisions of two or more entities to make contributions to support or oppose a candidate or candidates for elective office, those affiliated entities shall be considered one person.
- b. Business entities in a parent-subsidary relationship and business entities with the same controlling (more than 50 percent) owner shall be considered one person, unless the business entities act completely independently in their decisions to make contributions to support or oppose candidates for elective office.
- c. No committee which supports or opposes a candidate shall have as officers individuals who serve as officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee.
- d. Nothing in this section shall be construed as to limit the right of individuals in joint tenancy of a savings or checking account from each making a contribution to a campaign in accordance with the limitations of this ordinance.

Section 2.06.050. Loans and unpaid debts to vendors

- a. Every loan to a candidate or committee shall be by written agreement and shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.
- b. Loans shall not be subject to the contribution limitations of this Chapter except in special elections, where loans are considered to be contributions and subject to the limits established in Section 2.06.030.
- c. Except in special elections, failure to repay a loan within one year of the election date shall cause the loan to be considered a contribution and to the extent such contribution exceeds the contribution limitation established in Section 2.06.030 it shall be a violation of this Chapter and subject to the enforcement provisions of Section 2.06.100 or 2.06.110, et seq.

- d. Debts owed by a candidate or committee to a vendor for goods or services rendered shall be considered campaign contributions for the purposes of this ordinance if such debts are not repaid within one year following the election, unless the vendor has made a good faith effort to collect. A good faith effort shall consist of contracting with a collection agency for action, or the filing of a legal action to collect. To the extent such contribution exceeds the contribution limitation established in Section 2.06.030 it shall be a violation of this Chapter, and subject to the enforcement provisions of Section 2.06.090, 2.06.100, and 2.06.110, et seq.

Section 2.06.060. Debt retirement committee.

Notwithstanding Section 2.06.050, a candidate may continue a controlled committee from a previous election period for the sole purpose of receiving contributions for the retirement of campaign debt from the previous election. Contributions to said committee shall be subject to all the limitations of this Chapter and shall be cumulated to the previous election period for purpose of the limits established in Sections 2.06.020 and 2.06.030.

Section 2.06.070. Identification and disclosure of contributors.

Identification of contributors is required whenever the cumulative contributions from a single source total \$100 or more during an election period. Required disclosure reports shall be in compliance with the Fair Political Practices Commission's deadlines and guidelines as may be established or amended from time to time.

Section 2.06.080. 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 \$500 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 10 working days, 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 2.06.090. Enforcement - violations criminal

- a. Any person who knowingly or willfully violates any provision of this Chapter is guilty of a misdemeanor.
- b. No person convicted of a misdemeanor under this Chapter shall be a candidate for

an elected City Council office for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section.

- c. In addition to other penalties provided by law, a fine up to the greater of one thousand dollars (\$1,000) or three times the amount the person failed to report properly or unlawfully contributed, gave, or received may be imposed upon conviction of each violation.
- d. Prosecution for violation of this Chapter must be commenced within four years after the date on which the violation occurred.
- e. Whether or not a violation is inadvertent, the presence or absence of good faith shall be considered in applying the remedies and sanctions of this Chapter.
- f. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

Section 2.06.100. Enforcement - injunction.

Any person who resides in the City or who owns property in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Chapter. The court shall in its discretion require the plaintiff to file a complaint with the district attorney prior to seeking injunction relief. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney's fees.

Section 2.06.110. Enforcement - civil liability

- a. Any person who intentionally or negligently violates any of the reporting requirements of the Chapter shall be liable in a civil action brought by the district attorney or by a person residing within the City for an amount no more than the amount or value not properly reported.
- b. Any person who makes or receives a contribution or gift in violation of the provisions of this Chapter is liable in a civil action brought by the district attorney or by a person residing in the City for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution or gift, whichever is greater.
- c. Any person who violates any provision of this Chapter for which no specific penalty is provided shall be liable in a civil action brought by the district attorney for an amount up to one thousand dollars (\$1,000).

- d. No civil action alleging a violation of this Chapter may be filed against a person pursuant to this section if the district attorney is maintaining a criminal action against that person pursuant to Section 2.06.090.
- e. Any person, before filing a civil action pursuant to this section, must first file with the district attorney a written request for the district attorney to commence this action. The request shall include a statement of the grounds for believing a cause of action exists. The district attorney shall respond within eighty days after receipt of the request, indicating whether he intends to file a civil action. If the district attorney indicates in the affirmative, and files suit within eighty days thereafter no other action may be brought unless the action brought by the district attorney is dismissed without prejudice as provided for in subsection (f) herein.
- f. Not more than one judgment on the merits with respect to any violation may be obtained pursuant to this section. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Civil actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The Court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the district attorney or any plaintiff in an action based on the same violation.
- g. In determining the amount of liability under this section, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. Whether or not a violation is inadvertent, the presence or absence of good faith shall be considered. If a judgment is entered against the defendant or defendants in an action brought by a person residing in the City under this section, the plaintiff shall receive fifty percent (50%) of the amount recovered. The remaining fifty percent (50%) shall be deposited in the general fund of the City. In an action brought by the district attorney, the entire amount recovered shall be paid to the general fund of the City.
- h. No civil action alleging a violation of any provisions of this Chapter shall be filed more than four years after the date the violation occurred.
- i. The court shall award to a plaintiff (including the district attorney) or defendant, who prevails in any action authorized by this Chapter the costs of litigation incurred by such party, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

ORDINANCE NO. 441-94

The Foregoing Ordinance was introduced and read before the City Council of the City of Union City by Councilmember Elias at the regular meeting of the Council of the City of Union City on August 23, 1994. This Ordinance was read at the regular meeting of the City Council held on September 13, 1994. Councilmember Garfinkle moved that it be adopted and passed, which motion was duly seconded and said Ordinance was passed and adopted and ordered published within fifteen (15) days of the date of adoption in THE ARGUS, a newspaper of general circulation, published, printed in the County of Alameda and circulated in the City of Union City, by the following vote:

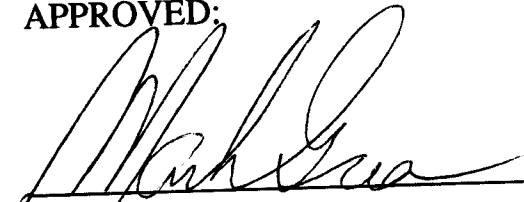
AYES: Councilmembers Garfinkle, Elias, Mayor Green

NOES: Councilmembers Arce, Fernandez

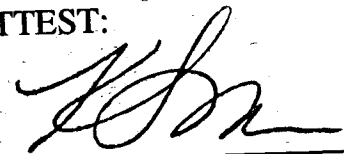
ABSENT: None

SECONDED: Councilmember Garfinkle


APPROVED:


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

The Argus

3850 Decoto Rd., Fremont, CA 94555
(510) 794-0111

LEGAL NO. 7135

PROOF OF PUBLICATION

Case No.

In the matter of

Ordinance No. 441-94

Vanessa Julian

deposes and says that he/she was the Public Notice Advertising Clerk of THE ARGUS a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 314 854) which is published and circulated in Washington Township in said county and state seven days a week.

Ordinance Notice

That the

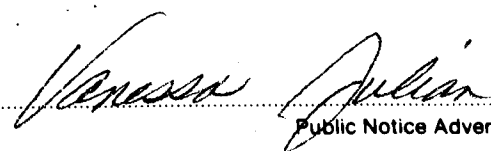
of which the annexed is a printed copy, was published in every issue of THE ARGUS on the following dates:

Oct. 9, 1994

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Oct. 9, 1994

Date
at Fremont, California.



Public Notice Advertising Clerk

ORDINANCE NO. 658-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING SECTIONS 2.06.020, 2.06.030, AND 2.06.080 OF THE UNION CITY MUNICIPAL CODE, RELATING TO LIMITATIONS ON CAMPAIGN CONTRIBUTIONS IN MUNICIPAL ELECTIONS

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.06.020 of the Union City Municipal Code is hereby amended to read as follows:

"2.06.020 Definitions.

Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) shall govern the interpretation of this chapter.

Election Period.

- A. For each general municipal election, held in November of ~~odd-even~~ numbered years to elect three full four-year-term Councilmembers, and ~~odd-even~~ numbered years to elect one full four-year-term Councilmember and one full four-year-term Mayor, the election period means the period beginning on January 1st or after the previous general municipal election for the affected office and ending on December 31st after the next following (and current) general municipal election for the affected office.
- B. For each special municipal election, held to fill a vacancy in the office of the Mayor or Councilmember, the election period means the period beginning on the day the vacancy in the office began and ending on the sixtieth day following the special municipal election, provided that for any candidate at the special election who had established, prior to the vacancy, a committee for the election to the affected office of Mayor or Councilmember, the election period means a period beginning on January 1st after the previous general municipal election for the affected office."

Section 2. Section 2.06.030 of the Union City Municipal Code is hereby amended to read as follows:

"2.06.030 Campaign contributions— Limitations.

- A. No person shall make a contribution to any candidate or the controlled committee of such a candidate, and no candidate or the candidate's controlled committee shall accept from each such person a contribution or contributions totaling more than ~~five-six~~ hundred dollars for any election period.
- B. No person shall make a contribution to any committee which makes independent expenditures to support or oppose any candidate, and no such committee shall accept from any person a contribution totaling more than ~~five-six~~ hundred dollars during an election period.

C. 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 3. Section 2.06.080 of the Union City Municipal Code is hereby amended to read as follows:

"2.06.080 Return of campaign contributions.

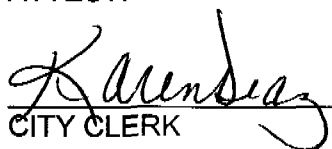
The intended recipient of any contribution which would cause the total amount of contributions to a committee from a single donor to exceed ~~five~~six hundred dollars shall, within forty-eight hours of receipt thereof, return any such excess to the donor. In the event an excessive campaign contribution 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 ten working days, 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 4. Publication and Effective Date 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 Union City, within fifteen (15) days from and after its adoption, and shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED this 27th day of September 2005.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

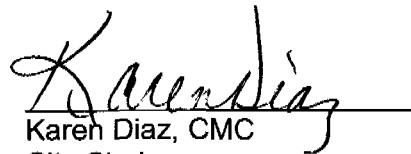
State of California)
County of Alameda)
City of Union City)

I, Karen Diaz, City Clerk of the City of Union City, do hereby certify that the foregoing Ordinance No. 658-05 was introduced and had its first reading on September 13, 2005 and was passed by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

And had its second reading on September 27, 2005, and was adopted by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, Valle, Mayor Green
NOES: None
ABSENT: Councilmember Navarro
ABSTAIN: None


Karen Diaz, CMC
City Clerk

ORDINANCE NO. 795-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AMENDING SECTIONS 2.06.030 AND 2.06.080 OF THE UNION CITY MUNICIPAL
CODE RELATING TO LIMITATIONS ON CAMPAIGN CONTRIBUTIONS
IN MUNICIPAL ELECTIONS**

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS
FOLLOWS:**

Section 1. Section 2.06.030 of the Union City Municipal Code is hereby amended to read as follows:

“2.06.030 Campaign contributions—Limitations.

A. No person shall make a contribution to any candidate or the controlled committee of such a candidate, and no candidate or the candidate’s controlled committee shall accept from each such person a contribution or contributions totaling more than six seven hundred twenty dollars for any election period.

B. No person shall make a contribution to any committee which makes independent expenditures to support or oppose any candidate, and no such committee shall accept from any person a contribution totaling more than six seven hundred twenty dollars during an election period.

C. 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. Section 2.06.080 of the Union City Municipal Code is hereby amended to read as follows:

“2.06.080 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 six seven hundred twenty dollars 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 ten working days, 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. Publication and Effective Date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on May 27, 2014, by the following vote:

AYES: Councilmembers Duncan, Gacoscas, and Navarro, Vice Mayor Ellis, Mayor Dutra-Vernaci
NOES: None
ABSENT: None
ABSTAIN: None

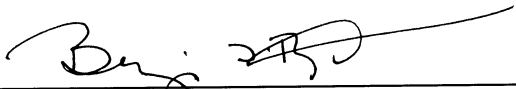
APPROVED:


CAROL DUTRA-VERNACI
Mayor

ATTEST:


RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:


BENJAMIN T. REYES II
City Attorney

Dated: 6-2-14

WHATS HAPPENINGS TRI CITY VOICE

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
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PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description:

Ord No 795-14

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/03/2014

Executed on: 06/03/2014
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

This space for filing stamp only

RECEIVED

JUN 16 2014

CITY OF UNION CITY
CITY CLERKS OFFICE

CNS#: 2628508

ORDINANCE NO. 795-14

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF UNION CITY AMENDING
SECTIONS 2.06.030 AND 2.06.080 OF THE
UNION CITY MUNICIPAL CODE RELATING TO
LIMITATIONS ON CAMPAIGN
CONTRIBUTIONS IN MUNICIPAL ELECTIONS

The above entitled ordinance was adopted by the City Council on May 27, 2014. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on May 27, 2014, is available on the City's website at: <http://lf2.unioncity.org/weblink8/0fo/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on May 27, 2014, by the following vote:

AYES: Councilmembers Duncan, Gacoscos, and Navarro, Vice Mayor Ellis, Mayor Dutra-Vernaci
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED: /s/ Carol Dutra-Vernaci Mayor
CAROL DUTRA-VERNACI, Mayor

ATTEST: /s/ Renee Elliott Clerk
RENEE ELLIOTT, City

APPROVED AS TO FORM: /s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
6/3/14

CNS-2628508#





CITY COUNCIL MEETING

February 27, 2024



CAMPAIGN CONTRIBUTIONS LIMITS

City Council

February 27, 2024





| Background

- City Council provided direction to agenda discussion regarding campaign contribution limits on February 13
- Union City Municipal Code Chapter 2.06 adopted by the City Council on September 13, 1994.
- City Council has increased contribution limits by 20% twice in 2005 and in 2014.



| History of Limit and Increases

- September 13, 1994: \$500.
- September 27, 2005: 20% increase to \$600.
- May 27, 2014: 20% increase to \$720.



| State Law and Other Alameda County Cities

- State Law: \$5,500.
- Hayward: Limit of \$315 if the candidate does not accept voluntary expenditure limits, and \$1295 for those who do accept the voluntary expenditure limits.
- Fremont: \$640 (adjusted biennially based on CPI).
- Dublin: \$500.
- Berkeley: \$250 (adjusted for cost of living in January of odd-numbered years).
- Oakland: \$600 (adjusted for CPI beginning January 2025 and every odd year thereafter).

Recommendation

Provide further direction regarding potential revisions to the Campaign Contribution Ordinance.



CITY COUNCIL MEETING

March 26, 2024



REPORT REGARDING CAMPAIGN CONTRIBUTION LIMITS

City Council
March 26, 2024



| Background

- At the February 13, 2024 City Council meeting, the Council requested a future agenda item relating to a potential revision to the City's campaign contribution limit.
- At the February 27, 2024 City Council meeting, the Council received a staff report regarding campaign contribution limits, and requested further information about voluntary expenditure limits.



| Historical Information

- Union City enacted a campaign contribution limit of \$500 in 1994.
- In 2004, Union City amended the contribution limit, increasing it by 20%, to \$600.
- In 2014, Union City again amended the contribution limit by an increase of 20%, to \$720.



| Contribution Limits in Alameda County

Non-Comprehensive examples of contribution limits in Alameda County cities:

- Dublin: \$500
- Fremont: \$640
- Berkeley: \$250
- Pursuant to AB 571, state law applies a default contribution limit of \$5,500 for 2023-2024 when the city or county has not already enacted a limit.



| Voluntary Expenditure Limits in Alameda County

- Hayward: \$86,706.00 per candidate (2023), with a contribution limit of \$1699 per individual contributor.
 - A candidate who does not accept the voluntary contribution limits is limited to \$393 per person for each election.
- Newark: One dollar per resident of the City, with a contribution limit of \$500 per election.
 - Candidates who reject the voluntary limit are subject to a contribution limit of \$100 per election.
- Oakland: In 2022, range from approximately \$170,000 to \$180,000 for council candidates and approximately \$580,000 for mayoral candidates, with a contribution limit of \$900 per election from any individual and \$1800 from any broad-based political committee.
 - Candidates that did not agree to limit their spending were eligible to receive \$200 from any person and \$400 from any broad-based political committee.



| Additional Considerations

- Timing and spot in election cycle.
- SB 1439 amendments to Levine Act.

Recommendation

Staff and the City Attorney's Office recommends that the City Council receive this report and provide further direction regarding campaign contribution limits and voluntary expenditure limits.