

ORDINANCE NO. 2976

AN ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA ADOPTING THE OXNARD GOVERNMENT ACCOUNTABILITY AND ETHICS ACT BY ADDING TO THE OXNARD CITY CODE: ARTICLE VII TO CHAPTER 2 REGARDING THE PROHIBITION OF ACCEPTANCE OF GIFTS FROM CITY CONTRACTORS AND LOBBYISTS; ARTICLE VI TO CHAPTER 2 REGARDING CAMPAIGN FINANCE REFORMS; AND ARTICLE V TO CHAPTER 2 REGARDING TRANSPARENCY IN PUBLIC CONTRACTS AND FINANCIAL REPORTING; AMENDING SECTION 2-3 REGARDING LENGTH OF TERM OF OFFICE FOR THE MAYOR; AND ADDING SECTION 2-4 TO IMPOSE TERM LIMITS ON THE MAYOR AND MEMBERS OF THE CITY COUNCIL

THE PEOPLE OF THE CITY OF OXNARD DO ORDAIN AS FOLLOWS:

SECTION 1. Article VII is added to Chapter 2 of the Oxnard City Code to read as follows:

“Article VII. Prohibition on Acceptance of Gifts from City Contractors and Lobbyists.

Section 2-250. Prohibition on Acceptance of Gifts.

A. No elected City official or member of the Planning Commission may receive any gift from any person or entity that contracts or is seeking to contract with the City, or with any person who during the prior 12 months knowingly attempted to influence an elected City official or member of the Planning Commission in any legislative or administrative action.

B. No person may make, and no elected City official or member of the Planning Commission accept, any gift with the intent to influence an elected City official or member of the Planning Commission in the performance of any official act.

C. No elected City official or member of the Planning Commission may accept or receive any gift from anyone other than the City for the performance of a specific service or act that the elected City official or member of the Planning Commission is expected to render in the regular course of his or her City duties, or for advice about City processes.

Section 2-251. Definitions.

A. For purposes of this Article, a “gift” is defined as any payment or other benefit that confers a personal benefit for which an elected City official or member of the Planning Commission does not provide payment or services of equal or greater value. A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. An elected City official or member of the Planning Commission has received or accepted a gift when he or she has actual possession of the gift or when he or she takes any action exercising direction or control over the gift, including discarding the gift or turning it over to another person. This includes gifts that are accepted by someone else on the official’s behalf and gifts made to others at the direction of the official. A

“gift” does not include items that are returned (unused) to the donor, for which the official reimburses the donor within 30 days of receipt, or that are donated unused to a non-profit, tax-exempt (501(c)(3)) organization in which the official or immediate family member does not hold a position, or to a government agency within 30 days of receipt without claiming a deduction for tax purposes.

B. For purposes of this Article, an “elected City official” shall mean the Mayor, a member of the City Council, the City Clerk or the City Treasurer.”

SECTION 2. Article VI is added to Chapter 2 of the Oxnard City Code to read as follows:

“Article VI. Campaign Finance Reforms.

Section 2-240. Purpose.

The purpose of this Article is to advance compelling City interests by limiting large contributions from single sources to candidates for Mayor, members of City Council, City Clerk and City Treasurer, and by imposing reporting and accounting procedures for local campaigns. The City’s interests are to provide a representative government which is accessible to all citizens, to deter corruption and the appearance of corruption caused by the coercive influence of large financial contributions on candidates’ positions, and to inform the electorate as to the sources and uses of political contributions.

Section 2-241. Definitions.

For the purposes of this Article, unless the contrary is stated or clearly appears from the context, the definitions set forth in Chapter 2 of Title 9 of the Government Code of the State of California (commencing at Section 82000) shall govern the construction, meaning, and application of words and phrases used in this Article.

Section 2-242. Application to Elections for Mayor, Members of the City Council, City Clerk, and City Treasurer.

This Article shall apply to all elected offices within the City.

Section 2-243. Contribution Limitations for Members of the City Council.

A. Contributions. No person shall make, and no candidate for elective office or campaign treasurer shall solicit or accept, any contribution which would cause the total amount contributed by that person to that candidate, including contributions or loans to all political committees or broad-based political committees controlled by the candidate and in-kind contributions, to exceed five hundred dollars (\$500) for any election. No political action committee shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution which would cause the total amount contributed by that political action committee to that candidate, including contributions or loans to all political committees or broad-based political committees controlled by the candidate and in-kind contributions, to exceed one thousand dollars (\$1,000) for any election. For purposes of Section 2-243 a "political action committee" shall mean any "general purpose committee" or "city general purpose committee" as those terms are defined by Government Code Section 82027.5. The limits set forth in this subsection shall be adjusted every two (2) years by resolution of the City Council pursuant to Section 2-245.

B. Loans. No person shall make, and no candidate for elective office or campaign treasurer shall solicit or accept, any loan which would cause the candidate, including loans to all political committees or broad-based political committees controlled by the candidate, to exceed five hundred dollars (\$500) for any election. The limit set forth in this subsection shall be adjusted every two years by resolution of the City Council pursuant to Section 2-245.

C. Anonymous Contributions. No person shall make an anonymous contribution or contributions to a candidate, political committee or broad-based political committee or any other person totaling one hundred dollars (\$100) or more for any election period. An anonymous contribution of one hundred dollars (\$100) or more received by a candidate or such a committee shall not be kept by the intended recipient, but instead shall be paid promptly to the California Secretary of State for deposit in the General Fund of the state. This limit on single source anonymous contributions shall not be adjusted except for relevant changes in state law.

D. Extension of Credit. No person shall extend credit, and no candidate for elective office, or campaign treasurer, or political committee or broad-based political committee controlled by the candidate shall solicit or accept, any extension of credit which will extend beyond ninety (90) days from the date upon which the debt is incurred by the candidate, or political committee controlled by the candidate.

Section 2-244. Contribution Limitations for Mayor, City Clerk and City Treasurer.

A. Contributions. No person shall make, and no candidate for elective office or campaign treasurer shall solicit or accept, any contribution which would cause the total amount contributed by that person to that candidate, including contributions or loans to all political committees or broad-based political committees controlled by the candidate and in-kind contributions, to exceed seven hundred fifty dollars (\$750) for any election. No political action committee shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution which would cause the total amount contributed by that political action

committee to that candidate, including contributions or loans to all political committees or broad-based political committees controlled by the candidate and in-kind contributions, to exceed fifteen hundred (\$1,500) for any election. For purposes of Section 2-244 a "political action committee" shall mean any "general purpose committee" or "city general purpose committee" as those terms are defined by Government Code Section 82027.5. The limit set forth in this subsection shall be adjusted every two years by resolution of the City Council pursuant to Section 2-245.

B. Loans. No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any loan which would cause the candidate, including loans to all political committees or broad-based political committees controlled by the candidate, to exceed five hundred dollars (\$500) for any election. The limit set forth in this subsection shall be adjusted every two years by resolution of the City Council pursuant to Section 2-245.

C. Anonymous Contributions. No person shall make an anonymous contribution or contributions to a candidate, political committee or broad-based political committee or any other person totaling one hundred dollars (\$100) or more for any election period. An anonymous contribution of one hundred dollars (\$100) or more received by a candidate or such a committee shall not be kept by the intended recipient, but instead shall be paid promptly to the California Secretary of State for deposit in the General Fund of the state. This limit on single source anonymous contributions shall not be adjusted except for relevant changes in state law.

D. Extension of Credit. No person shall extend credit, and no candidate for elective office, or campaign treasurer, or political committee or broad-based political committee controlled by the candidate shall solicit or accept, any extension of credit which will extend beyond ninety (90) days from the date upon which the debt is incurred by the candidate, or political committee controlled by the candidate.

Section 2-245. Adjusting for Cost of Living Changes.

A. Adjustment. The campaign contribution limits and loan limits set forth in Sections 2-243 and 2-444, shall be adjusted by the City in February at two year intervals beginning in 2023 to reflect annual changes in the Consumer Price Index (CPI) over the previous two-year period. The City Clerk shall use the annual percent change in the Consumer Price Index for All Urban Consumers (CPI-U) for the selected area that includes Ventura County to determine the appropriate rate of increase. The City Clerk shall compute the adjustment for each year separately, adding the adjustment for each year to the prior year's limit. The City Clerk shall then adjust the total amount for the two-year period as specified in subsection B. The new limit representing the rounded total adjustments for the previous two-year period shall be presented to the City Council for approval by resolution.

B. If the last two digits of the total adjusted limit under Subsection A for the two-year period is a number between one and 49, then the limit shall be rounded down to the next lowest multiple of 100. If the last two digits of the total adjusted limit for the two-year period is a number between 50 and 99, then the limit shall be rounded up to the next highest multiple of 100.

Section 2-246. Commercial Loans.

The provisions of this Article regarding loans shall not apply to loans made by a commercial lending institution in the lender's regular course of business on terms available to members of the general public and for which the loan recipient is personally liable.

Section 2-247. Campaign Disclosure.

A. Campaign Bank Account. The notice and filing requirements of Government Code Section 81000 et seq. regarding the campaign bank account shall also be made to the City Clerk at the same time and in the same manner as reporting is made to the Fair Political Practices Commission for the State of California.

B. Committee Registration. Every political committee and broad-based political committee involved in a municipal election which files campaign reports shall file also with the City Clerk in the same form, content, and procedure as set forth in Government Code Section 81000 et seq.

Section 2-248. Duties of City Clerk.

The City Clerk shall administer the provisions of this Article. In addition to other duties required of the City Clerk under the terms of this Chapter, the City Clerk shall:

A. Supply appropriate forms and manuals prescribed by the Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to other persons required to file reports.

B. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this Article and state law.

C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law, and promptly notify a person, candidate, campaign treasurer, political committee or broad-based political committee of any violations of this Article. The City Clerk shall inform the person, candidate, campaign treasurer, political committee or broad-based political committee that they shall have two weeks to correct the violation, after which the violation shall be made known to the City Council, other candidates, and be made available as a public record.

D. Compile and maintain a current list of all statements or parts of statements filed with the City Clerk's office pertaining to each candidate and each measure.

E. Review reports and statements filed by candidates and committees supporting or opposing candidates for City Council as required by state law and this Article.

F. Initiate the adjustment of the campaign contribution limits as specified in Section 2-245 to reflect the CPI change for the prior 24 month period.

Section 2-249. Violation—Penalty.

Any person violating any of the provisions of this Article relating to campaign contributions and disclosure is guilty of a misdemeanor and subject to punishment in accordance with Section 1-10 of this Code. Individuals violating this Article by failing to timely file the documents required by this Article and state law shall also be subject to the fines specified in Government Code Section 91013, as that section may be amended or renumbered from time to time.”

SECTION 3. Article V is added to Chapter 2 of the Oxnard City Code to read as follows:

“Article V. Transparency in Public Contracts and Financial Reporting.

Section 2-235. Posting of City Contracts on City Website for Public Review.

A. All agreements requiring City Council approval must be posted on the City’s website and be made available to the public prior to City Council action unless determined otherwise by the city attorney.

B. All labor agreements and all agreements greater than \$200,000 must be posted on the City’s website and be made available to the public at least 10 days prior to City Council action, unless waived by a two-thirds vote of the City Council.

C. The provisions of this section are in addition to the requirements of the City’s Sunshine Ordinance (Sections 2-220 to 232) and shall in no way be deemed to limit or restrict the transparency provisions of the Sunshine Ordinance.

Section 2-236. Posting of Monthly Financial Statements on City Website.

To help ensure transparency, the City shall timely post on its website monthly financial reporting including budget to actual results for revenues and expenditures for major funds within the City’s annual budget.”

SECTION 4. Section 2-3 of the Oxnard City Code is amended to read as follows:

“Section 2-3. Election of Members of the City Council by District; Election of Mayor At-Large; Length of Terms of Office.

A. Members of the City Council shall be elected “by district” as defined in Government Code Section 34871, or any successor statute. The terms of office for each member of the City Council shall be four years.

B. The Mayor shall be separately elected on an at-large basis. The term of office for the Mayor shall be four years.

C. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the member is to be elected.”

SECTION 5. Section 2-4 is added to the Oxnard City Code to read as follows:

“Section 2-4. Term Limits.

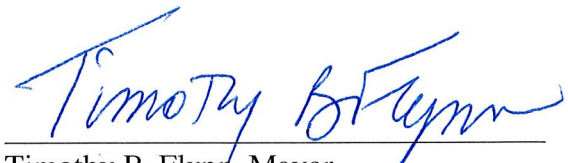
A. No person shall be eligible to serve as a member of the City Council for more than three consecutive terms following the adoption of the measure, commencing with those elected in the November 3, 2020 election. After serving three consecutive terms as a member of the City Council, that person shall not be eligible to be elected or appointed to the City Council for any Council District until a minimum of two years has passed from the date that he or she left office as a member of the City Council.

B. No person shall be eligible to serve in the office of the Mayor for more than three consecutive terms following the adoption of the measure, commencing with the individual elected to the office of Mayor at the November 3, 2020 election. After serving three consecutive terms as Mayor, that person shall not be eligible to be elected or appointed to the position of Mayor until a minimum of two years has passed from the date that he or she left office as Mayor.

C. For purposes of this Section 2-4, an individual elected or appointed as a member of the City Council or as Mayor for more than one-half of the term for the office for that position shall be deemed to have served a full term. This section does not impose a limit on the absolute number of terms that an individual may serve in his or her lifetime, only a limit on the number of consecutive terms that a person may serve as Mayor or as a member of the City Council.”

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The voters of the City of Oxnard hereby declares that they would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This Ordinance was approved and adopted by the People of the City of Oxnard at the City’s March 3, 2020 Special Election.




Timothy B. Flynn, Mayor

ATTEST:



Michelle Ascencion, City Clerk



Stephen M. Fischer, City Attorney