

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AMENDING SECTION 2.20.125 "DISCLOSURE OF CAMPAIGN CONTRIBUTIONS" OF CHAPTER 2.20 "CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES" OF TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

WHEREAS, Chapter 2.20 "Code of Ethics for City Officials and Employees," of the Desert Hot Springs Municipal Code ("DHSMC") establishes ethical standards of conduct for all City of Desert Hot Springs ("City") officials and employees by setting forth those acts or actions which are incompatible with the best interests of the City and directing the disclosure by City officials and employees of private financial or other interests in matters affecting the City; and

WHEREAS, pursuant to DHSMC Section 2.20.125 "Disclosure of campaign contributions," City officials and employees are currently required to publically disclose all direct and indirect campaign contributions of over \$250 received within the prior 48 months from any person, entity, or applicant appearing at a public meeting in which the City official or employee is participating for a decision of the presiding body affecting the financial interests of said person, entity or applicant, and requires the affected City official or employee to recuse himself or herself from voting on such matters; and

WHEREAS, the broad scope of DHSMC Section 2.20.125 can result in issues relating to the fact that City officials may sometimes receive campaign contributions which fall within the purview of DHSMC Section 2.20.125, but which said officials may not necessarily be aware of; and

WHEREAS, DHSMC Section 2.20.125, as currently worded, creates the possibility of applicants to the City successfully engaging in bad faith tactics to manipulate the votes of City governing bodies on matters affecting the applicants by donating small amounts to the political campaigns of a given City official, thereby forcing said City official to recuse himself or herself from voting on matters affecting the applicants; and

WHEREAS, in order to mitigate the risk of City officials and employees receiving contributions which they may not have consented to or which they may not be aware they have received, and to ensure that applicants to the City are unable to utilize bad faith donation tactics to manipulate votes of the City's governing bodies, this Ordinance amends DHSMC Section 2.20.125 to increase the campaign contribution disclosure threshold from \$250 to \$5,000, and to provide that, where an applicant has made a contribution to a City official or employee via a PAC, the City official or employee must have knowingly and voluntarily agreed to receive the contribution from the specific applicant in order to trigger the requirements of DHSMC Section 2.20.125.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. AMENDMENT OF DESERT HOT SPRINGS MUNICIPAL CODE
SECTION 2.20.125

That Section 2.20.125 ("Disclosure of Campaign Contributions") of Chapter 2.20 ("Code of Ethics for City Officials and Employees") of Title 2 ("Administration and Personnel") of the Desert Hot Springs Municipal Code shall be amended to read as follows:

2.20.125 Disclosure of campaign contributions.

~~An official or employee, whether paid or unpaid, shall publicly disclose at all public meetings of any committee, commission or City Council meeting in which such official or employee is participating in whether he or she has received, either directly or indirectly, within the prior 48 months a campaign contribution of \$250 or more, or a cumulative total of \$250 or more from the employees or officials of, any person, entity, applicant, organization, vendor, contractor, consultant, business, or person that indirectly provided the subject official or employee with any political support via a contribution to a political action committee or similar organization organized for the purpose of raising and spending money to elect or defeat candidates, appearing before the presiding body of said meeting for a decision affecting the financial interests of said person, entity or applicant. If such a contribution has been received, the respective official or employee shall recuse him or herself from participating in the subject proceedings and vacate the room of the proceedings until said proceedings have been concluded.~~

Each City official and/or employee, whether paid or unpaid, who has willfully or knowingly received, within the prior 24 months, a cumulative total of \$5,000 or more in campaign contributions from any person, entity or organization, either: (1) directly; or (2) indirectly via a contribution to a political action committee (or similar organization formed for the purpose of raising and spending money to elect or defeat political candidates), shall publicly disclose said contribution(s) at each public meeting in which he or she is participating as part of the presiding body and during which the contributor appears before the presiding body. If such a contribution has been received, the official or employee shall: (1) make the required disclosure; and then (2) recuse himself or herself from participating in the subject proceedings, vacating the room of the proceedings until said proceedings have been concluded.

Section 3. SEVERABILITY

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

That this ordinance shall take effect thirty (30) days after its adoption.

Section 7. CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney

DRAFT