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City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: OFF-YEAR CONTRIBUTION LIMITS

LOCATION/COUNCIL DISTRICT: Citywide

STAFF RECOMMENDATION: Information only.

CONTACT PERSON: Richard E. Archibald, Deputy City Attorney, 264-5346

FOR COUNCIL MEETING OF: May 31, 1994

SUMMARY

Section 62.04.220(b) establishes limits on the level of contributions that a City Council or mayoral candidate or incumbent may collect during off-election years. Several Councilmembers have indicated that there is some confusion as to whether this limit allows for a candidate or incumbent to gather a specified amount in each off-election year, or whether the limits are cumulative limits on the amount of contributions that a candidate or incumbent may collect during the off-election period. Councilmember Pannell requested that this office report back to the Council on this issue.

DISCUSSION

Section 62.04.220(b) of the City Code establishes the off-election year limits. Subparagraph (b)(1) establishes a limit of \$10,000.00 in contributions that City Council candidates or incumbents may collect in each off-election year; subparagraph (b)(2) establishes a limit of \$20,000.00 in contributions that mayoral City Council candidates or the mayoral incumbent may collect in each off-election year. The operative language is as follows:

No incumbent or a candidate for the office of city council member [mayor] or a controlled committee of said incumbent or candidate shall accept contributions totalling more than \$10,000.00 [\$20,000.00 for Mayor] in any single off-election year. The intent of this section is to

CITY OF SACRAMENTO

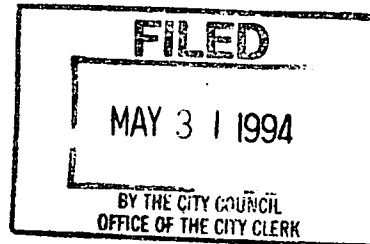
CALIFORNIA

May 26, 1994

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impose an absolute limit of \$10,000.00 [\$20,000.00 for Mayor] on the total amount of contributions from all sources received by any incumbent or candidate in any single off-election year....

The purpose and intent of Section 62.04.220(b) is to establish the right of a candidate or incumbent to accept contributions in a specified amount in each off-election year. Thus, for example, an incumbent or candidate for City Council could collect \$10,000.00 in each off-election year, for a maximum of \$30,000.00 during the three year off-election period. This office believes that the language of the ordinance is clear in defining the ability of an incumbent or candidate to gather the maximum amount in each off-election year. To the extent the Council believes that the language is not clear, further clarifying language could be provided.

FINANCIAL CONSIDERATIONS

N/A.

POLICY CONSIDERATIONS

N/A.

MBE/WBE


N/A.

Respectfully submitted,

SAMUEL L. JACKSON
City Attorney

By: Richard E. Archibald
RICHARD E. ARCHIBALD
Deputy City Attorney

RECOMMENDATION APPROVED:


for **WILLIAM H. EDGAR**
City Manager