

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 7/21/08

Reviewed by: BP

SUBJECT: Repeal the Albany Campaign Finance Reform Act of 1996

REPORT BY: Judy Lieberman, Assistant City Administrator
Beth Pollard, City Administrator

STAFF RECOMMENDATION

- 1) Approve Ordinance #08-08, Repealing the Albany Campaign Finance Reform Act
- 2) Subject to the availability of staff and/or volunteer time, record and broadcast City Council campaign debates on KALB and the City web site; post contribution and expenditure information on the City website.

BACKGROUND

On July 7, 2008, City Council reviewed the set of recommendations provided by the Social and Economic Justice Commission regarding the Albany Campaign Finance Reform Act. These recommendations dealt with some of the issues the SEJC identified as problematic, while some of the remaining issues were to be referred at a later date to a Task Force for further consideration. The Commission felt that a thorough review and revision of the ordinance would take considerably more time and expertise than would be possible for them to accomplish. In addition to changes to the Act, some additional recommendations were included that were regarded as incentives to increase public involvement in the campaign process.

At the July 7, 2008 Council meeting, public speakers raised concerns about the specific language of the suggested ordinance revisions, issues that were not dealt with in the ordinance, the overall sense of confusion about its provisions, and the discomfort in the community that resulted from lawsuits pertaining to the ordinance. Council directed staff to return at the July 21, 2008 meeting with an ordinance to repeal the Act in its entirety, effective in time for the 2008 election.

DISCUSSION

Repeal of the Albany Campaign Finance Reform Act would mean that State Campaign Finance law would be in effect. The Albany Act imposed a set of restrictions in addition to those already imposed by State law. These restrictions would no longer be in place.

Some of the primary changes that would be in effect if the Act were repealed are as follows:

- 1) Three disclosure statements are still required, but not a fourth
- 2) There are no contribution limitations for local candidates
- 3) There are no restrictions on contributions from organizations
- 4) There are no geographical restrictions on contributions
- 5) There are no limitations on expenditures, voluntary or otherwise
- 6) Disclosure of contributions of \$100 or more are still required
- 7) Violations of the law are handled via complaints to the Fair Political Practices Commission.

It should be noted that while some cities have various additional restrictions related to campaign finance, most cities do not. The most common restrictions imposed by cities in California are additional campaign disclosure statements, usually the week before the election, and contribution amount limitations.

Other recommendations of the Commission not related to the ordinance included broadcasting debates on the cable television channel and the City website, posting the contribution and expenditure reports on the website, and City subsidy for the County Election office cost (currently \$86.50) for publishing the campaign statements. Staff recommends that subject to the availability of staff or volunteer personnel, that City Council candidate debates be televised and web streamed, and also that the City Council candidate contribution and expenditure report information posted on the City's web site.

FINANCIAL IMPACT

None from adoption of the ordinance to repeal. Staff time is involved in recording and airing debates on the cable channel and web site, and posting the campaign contribution and expenditure information.

CONCLUSION

The City Charter authorizes the passage of urgency matters with one reading of an ordinance if passed by a 4/5 vote of the Council. Staff believes that it is a matter of urgency to repeal the act prior to the period for candidates to file nomination papers for the November 4, 2008 Municipal election.

Government Code Section 36937 also authorizes the passage of election ordinances upon one reading.

Attachments:

1. Ordinance #08-08

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2 **Ordinance #08-08**

3 **AN ORDINANCE OF THE ALBANY CITY COUNCIL REPEALING CHAPTER VII**
4 **CITY OF ALBANY CAMPAIGN FINANCE REFORM ACT OF 1996 OF THE ALBANY**
5 **MUNICIPAL CODE**

6 **WHEREAS**, the City Council has reviewed a report and recommendations of the Social
7 and Economic Justice Commission on the subject of the City of Albany Campaign Finance
8 Reform Act of 1996 (“Act”);

9 **WHEREAS**, after listening to public comment about adopting recommendation to revise
10 the Act, the City Council determined that it wished to repeal the Act prior to the election period
11 scheduled to commence in August, 2008;

12 **WHEREAS**, the Albany City Charter authorizes the passage of urgency matters with one
13 reading of an ordinance if passed by a 4/5 vote and the Council finds that it is a matter of
14 urgency to repeal the Act prior to the period for candidates to file nomination papers in August,
15 2008 to preserve the orderly conduct of election matters for the November, 2008 general
16 election;
17

18 **WHEREAS**, Government Code §36937 authorizes the passage of election ordinances
19 upon one reading;

20 **WHEREAS**, the City Council finds that the repeal of the Act is an election related
21 ordinance;

22 **WHEREAS**, the City Council finds that it is in the best interests of the City of Albany to
23 repeal the Act prior to when nomination papers may be taken out in August, 2008 until such
24 future time as a replacement ordinance can be thoroughly studies and determined to be an
25 effective tool for controlling campaign spending;
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28

1 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:**

2 **Section 1: Publication**

3 The City of Albany Campaign Finance Reform Act of 1996, contained in Chapter VII
4 Sections 7-1.0 through 7-11.0 is hereby repealed in its entirety.

5 **Section 2: Publication**

6 This ordinance shall be published in a newspaper of general circulation in the City of
7 Albany, which said newspaper is designated for that purpose, or it shall be posted in three
8 locations.

9 **Section 3: Severability**

10 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason
11 held to be invalid, such decision shall not affect the validity of the remaining portions of the
12 ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the
13 fact that any one or more sections, subsections, sentences, clause or phrases be declared invalid.

14 **Section 4: Effective Date**

15 This ordinance shall become effective 10 days on or after its final passage and adoption.

16
17 Date:

Mayor Robert S. Lieber