

CITY OF OAKLAND

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2005 FEB -3 PM 4: 34

AGENDA REPORT

To: Oakland City Council  
From: Public Ethics Commission  
Attn: Daniel Purnell 238-3593  
Date: February 15, 2005

**RE: AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 3.13, THE LIMITED PUBLIC FINANCING ACT OF THE CITY OF OAKLAND, TO REQUIRE: 1) CONTRIBUTIONS SUBMITTED FOR MATCHING FUNDS BE MADE ON A FINANCIAL INSTRUMENT CONTAINING THE NAME OF THE DONOR, THE NAME OF THE PAYEE AND DRAWN ON THE ACCOUNT OF THE DONOR AND 2) CANDIDATES TO TIMELY FILE AND COMPLETELY AND ACCURATELY EXECUTE ALL PRE-ELECTION AND POST-ELECTION CAMPAIGN STATEMENTS AS A CONDITION OF RECEIVING MATCHING FUNDS**

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**SUMMARY AND ANALYSIS**

At its regular meeting of February 1, 2005, the Oakland City Council adopted a Resolution authorizing and reallocating the sum of \$50,000 from the Public Support Contingency account within the Non-Departmental budget in the General Purpose Fund to fund the Limited Public Financing matching program for the District 2 special election on May 17, 2005.

At the meeting, the City Council amended the Resolution to provide that, as a condition of allocating the funds to the matching fund program: 1) contributions submitted for matching funds be made on a financial instrument containing the name of the donor, the name of the payee and drawn on the account of the donor and 2) candidates must timely file, and completely and accurately execute, all pre-election and post-election campaign statements for the election in which matching funds are received.

The proposed amendments to the Limited Public Financing Act incorporate the adopted conditions of the Resolution into the Act itself. The Office of the City Attorney believes that these amendments are necessary to properly administer and enforce the conditions of the Resolution on candidates participating in the matching fund program during the May 17, 2005, election. A redline version of the proposed amendments are attached hereto as Exhibit 1.

**FISCAL IMPACT**

None.

**SUSTAINABLE OPPORTUNITIES**

Not applicable.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Not applicable.

**RECOMMENDATION AND ACTION REQUESTED:**

The Oakland Public Ethics Commission recommends that the City Council adopt the amendments.

Respectfully submitted,

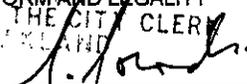


Daniel D. Purnell, Executive Director  
Public Ethics Commission

FORWARDED TO THE OAKLAND CITY COUNCIL

  
OFFICE OF THE CITY ADMINISTRATOR

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF THE CITY CLERK  
OAKLAND  
  
2005 FEB -3 PM 4:34  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**WHEREAS**, the Limited Public Financing Act Of The City Of Oakland (hereinafter the "Act") was passed by the City Council on December 14, 1999 and became effective on January 1, 2001; and

**WHEREAS**, the Act contains no provision regarding the type of financial instrument that is acceptable for requesting matching funds; and

**WHEREAS**, the Act contains no provision requiring candidates to timely file and completely and accurately execute all pre-election and post-election campaign statements for the election in which matching fund are received; and

**WHEREAS**, this amendments would require 1) contributions submitted for matching funds be made on a financial instrument containing the name of the donor, the name of the payee and drawn on the account of the donor and 2) candidates must timely file and completely and accurately execute all pre-election and post-election campaign statements for the election in which matching funds are received.

**NOW THEREFORE BE IT ORDAINED**, that Oakland Municipal Code Chapter 3.13 is amended to read as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. The Municipal Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through~~

type; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

SECTION 3. Section 3.13.080 of the Municipal Code is hereby amended in its entirety to read as follows:

**3.13.080 Qualification Procedures**

An eligible candidate shall be approved to receive public matching funds if the candidate meets all of the following requirements:

A. The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public matching funds.

B. The candidate is certified to appear on the ballot for the election for which matching funds are sought.

C. Any disclosures required by the Public Ethics Commission to be filed by the candidate or candidate's controlled committee indicate that the candidate has received matchable contributions in an aggregate amount of at least 5 percent of the expenditure ceiling for the office being sought. Matchable contributions shall consist of only the first \$100 or less of a contribution or contributions received and deposited by the candidate for the office sought from each individual contributor to the candidate or candidate's controlled committee and do not include any contributions received eighty eight or more days prior to closing of the nomination period for the office sought. No contribution shall be matched unless it is made on a financial instrument containing the name of the donor, the name of the payee and drawn on the account of the donor.

D. The candidate is opposed by another candidate for the same office who has qualified for matching funds, or the candidate is opposed by another candidate for the same office who has received contributions or made expenditures or has cash on hand in an amount of at least 7 percent of the voluntary expenditure ceiling for that office.

E. The candidate agrees to all conditions and requirements of the use of public funds set forth in the Act and submits to any reasonable audits or compliance reviews deemed appropriate by the Public Ethics Commission or other civil authorities.

F. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the Public Ethics Commission. The Public Ethics Commission shall conduct or sponsor at least three training programs before the nomination period closes in any general municipal election.

G. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time matching funds are payable. All candidates receiving matching funds shall timely file, and completely and accurately

execute, all post-election campaign statements for each election in which they receive matching funds.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_  
**PASSED BY THE FOLLOWING VOTE:**

AYES-                    BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND  
                              PRESIDENT DE LA FUENTE

NOES-  
ABSENT-  
ABSTENTION-

ATTEST:

LaTONDA SIMMONS  
INTERIM CITY CLERK AND CLERK OF THE  
COUNCIL OF THE CITY OF OAKLAND, CALIFORNIA