

INTRODUCED BY COUNCILMEMBER _____

2005 FEB -3 PM 4:34
CITY ATTORNEY

ORDINANCE NO. 12648 C.M.S.

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 FOR THE ELECTION IN WHICH MATCHING FUNDS ARE RECEIVED

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.

MAR 1 -- 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____
PASSED BY THE FOLLOWING VOTE:

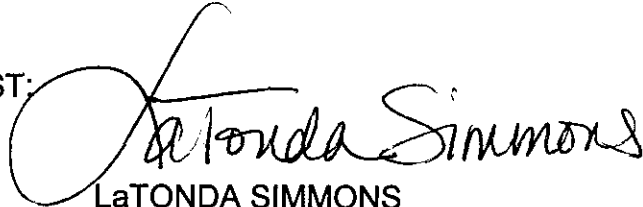
AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 6

NOES- Reid - No

ABSENT- 0

ABSTENTION- 0

ATTEST:



LaTONDA SIMMONS

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

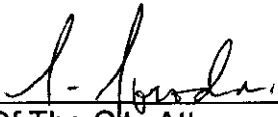
Introduction Date:

FEB 15 2005

OFFICE OF THE CITY CLERK
OAKLAND

05 FEB -9 AM 10:41

Approved As To form And Legality


Office Of The City Attorney

NOTICE AND DIGEST

This ordinance amends the Oakland Limited Public Financing Act, Oakland Municipal Code Chapter 3.13, pertaining to the partial public financing of political campaigns. Specifically the proposed 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 to timely file, and completely and accurately execute, all pre-election and post-election campaign statements as a condition of receiving matching funds