

ORDINANCE NO. 31

AN ORDINANCE OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, AMENDING ORDINANCE NO. 29 ADOPTED SEPTEMBER 5, 1984, RELATING TO ELECTION CAMPAIGN CONTRIBUTION CONTROL

WHEREAS, it has come to the attention of the Board of Directors of the Midway City Sanitary District that the District had inadvertently adopted two (2) ordinances designated Ordinance No. 29, the first having been adopted April 11, 1984, relating to the use of bins, and the second having been adopted September 5, 1984, relating to Election Campaign Contribution Control; and

WHEREAS, it has also come to the attention of the Board of Directors of the Midway City Sanitary District that Section 5 of said Ordinance No. 29 adopted September 5, 1984 contains a typographical error wherein reference is made to the "City Council" rather than the "Board of Directors"; and

WHEREAS, the Board of Directors of the Midway City Sanitary District deems it advisable that, for the purpose of clarification and to correct the typographical error referred to above, said Ordinance 29 adopted September 5, 1984 be re-enacted with a new number and correction of said error; and

WHEREAS, it is the intent of the Board of Directors of the Midway City Sanitary District only to clarify said Ordinance No. 29 adopted September 5, 1984, and the Board of Directors specifically declares that said Ordinance No. 29 adopted September 5, 1984 constitutes valid and enforceable rules and regulations of the Midway City Sanitary District which apply and shall apply to all conduct and/or action governed by the scope of

said Ordinance No. 29 adopted September 5, 1984 occurring from the date of its adoption until the effective date of this Ordinance.

NOW, THEREFORE, the Board of Directors of the Midway City Sanitary District of Orange County, California, does hereby ordain as follows:

Section 1. Intent and Purpose. It is the intent of the Board of Directors of the Midway City Sanitary District of Orange County, California, in enacting this Ordinance to place realistic and enforceable limits on the amount which may be contributed to political campaigns in District elections, for the purpose of preventing the exercise by campaign contributors of potential undue or improper influence over elected officials and to prevent the appearance of corruption that may occur when large contributors use campaign contributions as a means to attempt to advance their own legislative goals, and to insure against a candidate being elected to office based primarily on the amount expended on his or her campaign.

Section 2. Campaign Contributions--Limitations. Contribution by persons. No person shall make, solicit or accept any pledge, or promise of money or anything of value in aid of the nomination or election of a candidate which will cause the total amount contributed by such person with respect to a single election in support of such candidate, to exceed Two Hundred Fifty Dollars (\$250.00). Candidate may contribute any sum to his own campaign without limitation. This Ordinance is not to be construed to be retroactive. "Person" for the purposes of this Chapter shall include and mean any individual, corporation,

partnership, foundation, political, religious, or social organization, committee or association. "Contribution" in this Chapter shall have the same meaning as it is defined in the Political Reform Act of 1974, Government Code Section 82015.

Section 3. Anonymous Contributions. Total anonymous contributions to a candidate which exceed in the aggregate of Twenty Five Hundred Dollars (\$2,500.00), with respect to a single election, shall not be used by the candidate for whom it was intended. The total anonymous contributions exceeding Twenty-Five Hundred Dollars (\$2,500.00), shall be paid by the candidate to the Midway City Sanitary District of Orange County, California, to be placed in the general fund of the Midway City Sanitary District of Orange County, California, earmarked to defray the costs of District elections. "Anonymous contributions" for the purpose of this Ordinance is defined as all contributions of less than One Hundred Dollars (\$100.00) received from a person (as defined by this Ordinance), and not identified as to source in the candidate's campaign contribution reports required to be filed by the State of California.

Section 4. Violation. Any interested person may file an action against a candidate in the Superior Court of the State of California for the County of Orange for the purpose of establishing a violation of any provision of this Ordinance. If it is established by a preponderance of the evidence that the candidate knowingly violated or knowingly failed to comply with any provision of this Ordinance, then the election to office of such candidate shall be void, and such office shall become vacant

immediately thereupon. In such event, the vacancy shall be filled in accordance with the provisions of Section 6483 of the Health and Safety Code. If a knowing violation or failure to comply with any of the provisions of this Ordinance by a candidate is established at any time prior to his election, his candidacy shall be terminated immediately, and he shall no longer be eligible for office in the election during which such violation occurred.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Midway City Sanitary District hereby declares that it would

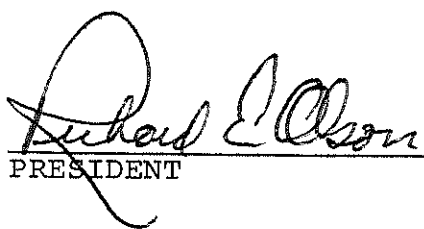
1 have adopted the Ordinance and each section, subsection, sentence,  
2 clause or phrase thereof, irrespective of the fact that any one  
3 or more sections, subsections, sentences, clauses or phrases be  
4 declared invalid.

5 Section 6. The adoption of this Ordinance is not in-  
6 tended to affect the applicability of Ordinance No.29 adopted  
7 September 5, 1984 to any acts or conduct within its scope  
8 occurring prior to the date of the adoption of this Ordinance.  
9 As of the effective date of this Ordinance, Ordinance No.29  
10 adopted September 5, 1984 is repealed to the extent that it is  
11 inconsistent with this Ordinance and no further.

12 Section 7. This Ordinance shall take effect thirty  
13 (30) days after its adoption. The Secretary shall certify to  
14 the passage of this Ordinance and cause same, or a summary  
15 thereof, to be published within fifteen (15) days after adoption  
16 in a newspaper of general circulation, and to be posted in  
17 three (3) public places within the District.

18 PASSED, APPROVED AND ADOPTED this 20th day of  
19 November, 1985, by the following vote:

20  
21 AYES: DIRECTORS: Evans, Kirkpatrick, Finlayson, Olson, Siefen  
22 NOES: DIRECTORS: None  
23 ABSENT: DIRECTORS: None

24   
25 \_\_\_\_\_  
26 PRESIDENT

27 ATTEST:

28  
29  
30   
31 \_\_\_\_\_  
32 SECRETARY

