

# City of Sacramento

## Legislation Text

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**File #:** 2019-01250, **Version:** 1

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**Title:**

**Review of Agreement with the Fair Political Practices Commission for Administration, Implementation, and Enforcement of Sacramento City Code Chapter 2.13 (Campaign Contribution Limits Code)**

File ID: 2019-01250

**Location:** Citywide

**Recommendation:**

Review and comment on the efficacy of the City's agreement with the Fair Political Practices Commission and make recommendations regarding the renewal of the agreement.

**Contact:** Mindy Cuppy, MMC, City Clerk, (916) 808-5442, Office of the City Clerk

**Presenter:** Mindy Cuppy, MMC, City Clerk, (916) 808-5442, Office of the City Clerk

**Attachments:**

1-Description/Analysis

2-March 2018 Contract with the Fair Political Practices Commission

3-Local Jurisdiction Contract Template

**Description/Analysis**

**Issue Detail:** On March 21, 2017, the City Council adopted Ordinance No. 2017-0027 adding chapter 2.13 (Campaign Contribution Limits Code) to the Sacramento City Code. Among other things, chapter 2.13 authorizes the City Council to approve an agreement between the City and the California Fair Political Practices Commission (the "FPPC") under which the FPPC enforces the chapter. The City and the FPPC entered into such an agreement in April 2018 (City Agreement No. 2018-0550); it expires on December 31, 2019.

The FPPC's "floor" compensation under the agreement is \$55,000 a year. The FPPC tracks the hours its employees work, using specified hourly rates, and bills the City for any work that exceeds the annual floor, with total compensation capped at \$300,000. To date, the FPPC's compensation under

the agreement has not exceeded the floor.

The FPPC's services under the agreement are limited to auditing, enforcement, advice, education and training, and legal review related to chapter 2.13. While the agreement has been in effect, the FPPC created a webpage dedicated to the City's campaign-finance rules, appeared before the Commission, and begun audits of seven candidate committees that were active during the June 2018 election.

In 2018, the FPPC provided billing statements to the City for services received in 2018 totaling \$9,062, allocated as follows:

Legal . . 46%  
Executive 20%  
Enforcement 18%  
Education 4%  
IT . . . . 10%  
Education 4%  
Administration 2%

From January through June 2019, the FPPC provided billing statements to the City of Sacramento totaling \$31,655 for services in 2019 related exclusively to enforcement.

Sacramento City Code section 2.112.030 provides that the Commission has the power and duty, every two years, to review any agreement the City has with the FPPC "for the purpose of reporting to the council on the [agreement's] efficacy." The Commission may also make recommendations to the City Council regarding renewal of the agreement.

On August 15, 2019, the FPPC adopted a Local Jurisdiction Contract Template, a copy of which is attached for review. The current agreement with the FPPC is also attached.

**Policy Considerations:** The recommendation in this report is consistent with Sacramento City Code section 2.13.195 and supports the City's commitment to the integrity of the electoral process and to compliance with campaign contribution limitations.

**Economic Impacts:** None.

**Environmental Considerations:** None.

**Sustainability:** None.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** Chapter 2.13 (Campaign Contribution Limits Code) was enacted to ensure that campaign contribution limitations are monitored and enforced. Renewing the agreement with the FPPC will help accomplish these purposes.

**Financial Considerations:** This is a two-year agreement. The annual not-to-exceed amount is \$100,000 (\$55,000 floor and up to \$45,000 of billed work annually) with total compensation capped at \$200,000. Sufficient funding exists in the City Clerk's operating budget for the first year of the agreement. Funding for the second year will be approved only if sufficient funding is available in the approved budget for that year.

**Local Business Enterprise (LBE):** Not applicable.