

ORDINANCE NO. 2025-9-1

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT, CALIFORNIA, ADDING CHAPTER 2.22 TO TITLE 2 (ADMINISTRATION AND PERSONNEL POLICIES) OF THE CUCAMONGA VALLEY WATER DISTRICT CODE TO ENACT LOCAL CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS

WHEREAS, the Cucamonga Valley Water District ("District") is a public agency formed and operating under the County Water District Law pursuant to Water Code Section 30000 et seq.; and

WHEREAS, the District does not currently have limits on campaign contributions for District elections. However, pursuant to Water Code Section 30068 and Elections Code Section 10554, County Water Districts, such as the District, are authorized to enact local election campaign contribution limits and regulations; and

WHEREAS, a notice of the Regular Meeting, where this Ordinance was considered, was duly published in the Inland Valley Daily Bulletin, a newspaper of general circulation, on September 4, 2025, which date is at least five (5) days prior to the Regular Meeting; and

WHEREAS, on September 9, 2025, the Board of Directors held its Regular Meeting at 5:00 p.m., or as soon thereafter as practicable, at the District offices located at 10440 Ashford Street, Rancho Cucamonga, CA 91729 to consider adopting this Ordinance to enact local campaign contribution limits and regulations for candidates running for a seat on the Board of Directors; and

WHEREAS, the Board desires to adopt this Ordinance in order to place realistic and Constitutionally enforceable limits on the amount individuals may contribute to political campaigns in District elections and to prevent corruption or the exercise of improper influence, or its appearance, over elected officials by contributors to political campaigns in District elections.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.22 is hereby added to the Cucamonga Valley Water District Code and shall read as follows:

"TITLE 2: ADMINISTRATION AND PERSONNEL POLICIES

CHAPTER 2.22 CAMPAIGN CONTRIBUTION REGULATIONS

§2.22.010. Purpose and Intent.

The Board of Directors seeks to place realistic and Constitutionally enforceable limits on the amount individuals may contribute to political campaigns in district elections and to prevent corruption or the exercise of improper influence, or its appearance, over elected officials by contributors to political campaigns in District elections; and to ensure that multiple contributions

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in excess of the contribution limits do not originate from the same source of funds. To achieve these purposes, this chapter imposes a maximum limitation on the amount of campaign contributions to candidates and candidate-controlled committees which may be given by and received from designated sources for an election. This chapter is intended to supplement and in no way conflict with the provisions of the Political Reform Act of 1974 ("Act"), as amended, and in the event of a conflict between the Act and this chapter, the Act shall prevail. Nothing in this chapter shall exempt any person from applicable provisions of any other laws of the state or the District. This chapter should be liberally construed to accomplish its purpose and intent.

§2.22.020. Definitions.

"Candidate" means any individual who is a candidate for the Board of Directors of the District. "Candidate" includes any individual who (i) is listed on the ballot for election to the Board of Directors, (ii) is qualified to have write-in votes on his or her behalf counted by election officials, (iii) has filed a declaration of candidacy for election to the Board of Directors, (iv) who receives a contribution or makes an expenditure or gives his/her consent for any other person to receive a contribution or make an expenditure with the intent of bringing about his/her election to the Board of Directors. "Candidate" also includes any current holder of an elective office otherwise meeting this definition. An individual is a "Candidate" whether or not the specific elective office for which the individual will seek election is known at the time the contribution is received or the expenditure is made, and whether or not the individual has announced his or her candidacy or filed the appropriate papers for being included on the ballot at the time the contribution is received or the expenditure is made.

Contribution means:

- (a) A payment, a gift, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, or it is clear from the surrounding circumstances that the contribution is not made for political purposes;
- (b) An expenditure for political purposes made at the direction or under the control of a candidate or controlled committee is a contribution to the candidate unless full consideration is received for making the expenditure. This includes (i) the granting of discounts or rebates to a candidate or controlled committee not extended to the public generally or the granting of discounts or rebates by television or radio stations, newspapers or other forms of media to a candidate not extended on an equal basis to all candidates for the same office and (ii) the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred at the direction or under the control of a candidate or controlled committee without payment of full consideration.
- (c) Volunteer personal services or payments made by an individual for his or her own travel expenses are not a "contribution" if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

"Controlled committee" means a committee which is controlled by a candidate, or which acts in coordination with a candidate or controlled committee in connection with the making of

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expenditures. A candidate controls a committee or acts in coordination with a committee if the candidate, his or her agent, or any other committee controlled by the candidate has a significant influence on the actions or decisions of the committee.

“Election” means any general or special election held in the District for a seat on the Board of Directors.

“Elective office” means the office of member of the Board of Directors.

“Elective officer” means a member of the Board of Directors

“Enforcement Authority” means that special counsel appointed by the General Manager/Chief Executive Officer, in consultation with the District’s General Counsel pursuant to Section 2.22.130.

“Independent expenditure” means an expenditure made by any person in connection with a political communication which is not made to or at the direction, under the control of, or in coordination with a candidate or controlled committee and which (i) expressly advocates the election or defeat of a clearly identified candidate, or the qualification, passage or defeat of a clearly identified measure; or (ii) taken as a whole and in context, unambiguously urges a particular result in an election.

“Measure” means any proposition for the issuance of funding or refunding of bonds of the District, voter approval of local taxes or other revenue matters, or any other question or proposition submitted to a popular vote at any election by action of the Board of Directors, or which is circulated for petition signatures and is intended to be qualified and submitted to a popular vote at an election by initiative, referendum or recall procedure, whether or not it qualifies for the ballot.

“Person” shall be as defined in Government Code section 82047, as it may be amended.

Unless expressly defined in this chapter, or the contrary is stated or clearly appears from the context, words and phrases in this chapter shall have the same definition and meaning as when they are used in the Political Reform Act of 1974 (California Government Code Section 81000 et seq.), or in regulations adopted by the California Fair Political Practices Commission to implement the Act, as the same may be from time to time amended.

§2.22.030. Contribution limitations.

- (a) Beginning on January 1, 2026, no person shall make to any candidate for elective office or a controlled committee, and no candidate or controlled committee shall solicit or accept from any person, a contribution or contributions totaling more than the contribution limit established by the Fair Political Practices Commission (FPPC”) under AB 571. Said contribution limit shall be adjusted at the same time, and in the same manner, and in the same amount as the adjustment made by the FPPC in January of every odd-numbered year. The FPPC adjustment reflects any increase or decrease in the Consumer Price Index. As of the effective date of this Ordinance, said FPPC contribution limit is \$5,900 per person, per

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election. The District Secretary shall publish or post the adjusted limit on January 1 or each odd-numbered year or as soon thereafter as applicable data from the FPPC is available. No adjustment shall apply to past elections.

- (b) The provisions of subsection (a) shall not apply to a candidate's contribution of his/her personal funds or loans made from a candidate to his or her own controlled committee in accordance with State law, or community property funds to his or her own controlled committee, but shall apply to separate property contributions from the candidate's spouse or domestic partner to his or her controlled committee.
- (c) A contribution shall not be considered to be received if it is not negotiated, deposited or utilized and, in addition, is returned to the donor within thirty days of receipt. Contributions in excess of the maximum amount provided in subsection (a) shall, within thirty days of receipt, be returned to the donor.
- (d) The provisions of section (a) shall not apply to contributions made to a committee or expenditures made by a committee which is organized solely for the purpose of supporting or opposing the qualification and/or passage of one or more measures.
- (e) The provisions of subsection (a) shall not apply to contributions made to a committee or expenditures made by a committee which is organized solely for the purpose of supporting or opposing the recall of an incumbent elective officer.
- (f) The provisions of subsection (a) shall not apply to contributions made to a committee or expenditures made by a committee that makes an independent expenditure or independent expenditures in support of or in opposition to the qualification and/or passage of a measure, or in support of or opposition to the election of a candidate for elective office.

§2.22.040 Contribution limitations - Aggregation of contributions.

- (a) All contributions made by a sponsored committee and the committee's sponsor or sponsors shall be treated as having been made by one person.
- (b) Two or more entities shall be treated as one person when any of the following circumstances apply: (1) the entities share the majority of members of their governing boards, (2) the entities share two or more officers, (3) the entities are owned or controlled by the same majority shareholder or shareholders, or (4) the entities are in a parent-subsidiary relationship.
- (c) An individual and any general or limited partnership in which the individual has a ten percent or more interest, or an individual and any corporation in which the individual owns a fifty percent or more interest, shall each be treated as one person.
- (d) No committee which supports or opposes a candidate shall have as its officers individuals who serve as the majority of officers on any other committee which supports or opposes the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee. This subdivision shall not apply to treasurers of

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committees if such treasurers do not participate or control in any way a decision on whether candidates receive contributions.

- (e) With respect to family contributions, contributions by a husband and wife or by domestic partners shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen years of age shall be treated as contributions by their parents, custodians or guardians and shall be attributed proportionately to each parent, custodian or guardian.

§2.22.050. Contribution limitations – Restriction on loans.

- (a) Every loan to a candidate or his/her controlled committee shall be by written agreement, which agreement shall be filed with the candidate's or the committee's campaign statement on which the loan is first reported.
- (b) The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public shall not be subject to the contribution limitations of this chapter if the loan is made directly to the candidate or his/her controlled committee. The guarantor(s) of such a loan shall remain subject to the contribution limitations of this chapter.
- (c) Extensions of credit, other than loans pursuant to subsection (b) of this section, for a period of more than thirty days are subject to the contribution limitations of this chapter.
- (d) This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office.

§2.22.060. Contribution limitations – Money, goods and services received treated as contributions.

- (a) Any funds, property, goods or services (other than voluntary, non-compensated personal or professional services) received by a candidate or a controlled committee which are used, or intended by the donor or by the recipient to be used, for expenses (including legal expenses) relating to holding or running for elective office, shall be considered campaign contributions and shall be subject to the contribution limitations of this chapter.
- (b) This section shall not apply to government salary, stipends or other funds received by an elective officer as compensation for his or her service to the District. This section also shall not apply to reimbursement for reasonable travel expenses related to holding elective office.

§2.22.070. Prohibition on multiple controlled committees.

- (a) A candidate for District elective office shall have no more than one controlled committee which shall have only one bank account into which all campaign contributions shall be deposited and from which all qualified campaign expenses related to District elective office shall be made.

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- (b) This section shall not prevent a candidate from establishing another controlled committee solely for the purpose of running for a state, federal, local or other non-District elective office. This section also shall not prevent a District elective officer from establishing another controlled committee solely for the purpose of opposing his or her own recall.

§2.22.080. Use of unexpended funds for future District elections.

Campaign funds acquired in one District election may be used in a future District election as provided in the Political Reform Act.

§2.22.090. Transmittal of campaign contributions in District office buildings.

- (a) No person shall receive or personally deliver or attempt to personally deliver a contribution in any office which the District owns or for which the District pays the majority of the rent.
- (b) For purposes of this section, "personally deliver" means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary, other than the United States Mail; and "receive" includes the receipt of a contribution delivered in person.

§2.22.100. Reporting and disclosure of contributions under Political Reform Act.

No campaign contribution required to be reported by the Political Reform Act of 1974 (cumulative or otherwise) shall be deposited into a campaign bank account of a candidate unless the disclosure information required by the Political Reform Act of 1974 is included in the records of the recipient of the contribution and reported as required by the Political Reform Act of 1974.

§2.22.110. Criminal prosecutions.

- (a) Any person who willfully violates any provision of this chapter is guilty of a misdemeanor.
- (b) Any person who willfully causes or solicits any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provision of this chapter, shall be guilty of a misdemeanor.
- (c) No person convicted of a misdemeanor under this chapter shall be a candidate for elective District office for a period of four years following the date of the conviction, unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall not be deemed a conviction for purposes of this subsection.
- (d) If a person is convicted of a violation of this chapter after election, and is thereby made ineligible to hold public office under the laws of this State, the vacancy thus created will be filled in accordance with the procedures provided in State law.
- (e) The district attorney of San Bernardino County may enforce the criminal provisions of this Chapter. Criminal prosecutions for violations of any provision of this chapter shall be

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commenced within four years of the date on which the violation occurred or four years from discovery of the violation.

§2.22.120. Civil actions.

- (a) Any person who intentionally or negligently violates any provision of this chapter may be liable in a civil action brought in the applicable court by the enforcement authority for an amount not more than three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, or five thousand dollars per violation, whichever is greater.
- (b) If two or more persons are adjudged to be responsible for any violation, then such persons shall be jointly and severally liable.
- (c) In determining the amount of liability for a person or persons adjudged to have violated any provision of this chapter, the court may take into account the seriousness of the violation and the degree of culpability of the defendant.
- (d) Any amounts recovered in a civil action by the enforcement authority shall be deposited into the District's general fund.
- (e) The enforcement authority may sue in the applicable court for injunctive relief to enjoin threatened violations of or to compel compliance with the provisions of this chapter.
- (f) To the maximum extent of applicable law, the court shall have the discretion to award litigation costs and expenses, including reasonable attorneys' fees, to the prevailing party.
- (g) Civil actions for violations of any provision of this chapter shall be commenced within four (4) years of the date on which the violation occurred or four (4) years from discovery of the violation.

2.22.130. Enforcement Authority - Duties, Complaints, Legal Actions, Investigatory Powers.

- (a) The District's General Counsel must not investigate or prosecute any alleged violation of this chapter, but will defend the constitutionality and legality of this chapter in any civil proceeding in which the District or the Board of Directors is a party.
- (b) Review of complaints of violation of this chapter and enforcement thereof may be commenced only by the enforcement authority appointed by the General Manager. The enforcement authority is authorized to commence civil litigation to compel compliance with this chapter or to enjoin conduct in violation of this chapter. Prior to each election, the General Manager, in consultation with the District's General Counsel, will appoint an enforcement authority for that election. If the appointment of an additional enforcement authority becomes necessary or appropriate, the General Manager, in consultation with the District's General Counsel, will appoint such additional enforcement authority as may be required. No enforcement or action of the enforcement authority is subject to the review or

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control of the Board of Directors or the District's General Counsel. The Board of Directors shall appropriate sufficient funds from the District's treasury to retain the services of the enforcement authority and to permit him/her to fully investigate any alleged violations of this chapter and, if necessary, to take action to enforce this chapter.

- (c) Any resident of the District who believes that a violation of this chapter has occurred may file a written complaint requesting investigation of such violation by the enforcement authority. The complainant shall file the complaint with the District Secretary, or his/her designee under penalty of perjury and include proof that the complainant is a resident of the District. Anonymous or non-resident complaints will not be reviewed and/or investigated. The complaint shall state a full recitation of all facts that are alleged to constitute a violation of this chapter. If a complaint does not comply with these requirements, the District Secretary, or his/her designee shall return the complaint to the complainant, with an explanation as to why it is insufficient for filing. Within five (5) working days after accepting the complaint for filing, the District Secretary, or his/her designee, shall forward it to the enforcement authority. There is no specific form for such complaints and complaints will be accepted for filing so long as they include the information required herein.
- (d) The enforcement authority shall, within thirty (30) calendar days of receiving the complaint, make a determination of whether there is probable cause to believe that a violation occurred. If no probable cause is determined to exist, the complaint shall be dismissed summarily and interested parties shall be notified of the dismissal in writing.
- (e) If the enforcement authority determines there is probable cause to believe that a violation of this chapter has occurred, the enforcement authority may refer the matter to the District Attorney for criminal prosecution or may conduct an investigation and commence such administrative or civil legal action as he or she deems necessary for the enforcement of this chapter. No enforcement or legal action by the enforcement authority shall be subject to the review or control of the Board of Directors or the District's general legal counsel.
- (f) The enforcement authority shall not investigate or take any further action regarding any alleged violation which has been referred to the District Attorney or which is already the subject of a complaint filed with the California Fair Political Practices Commission (FPPC), until the investigation of that complaint is complete.
- (g) The enforcement authority has such investigative powers as are necessary for the performance of duties described in this chapter and may demand and be furnished records of campaign contributions and expenditures of any person or committee at any time. In the event that production of such records is refused, the enforcement authority may commence litigation to complete such production.
- (h) The enforcement authority is immune to liability for its enforcement of this chapter.

SECTION 2. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The

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Board of Directors declares that it would have adopted this Ordinance, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 3. The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto, and this Ordinance shall take effect thirty (30) days after adoption.

SECTION 4. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.


SECTION 5. A summary of this adopted Ordinance shall be published in the Inland Valley Daily Bulletin, a newspaper of general circulation, within fifteen (15) days of the date of adoption.

ADOPTED this 9th day of September, 2025, by the Board of Directors of the Cucamonga Valley Water District.



Randall J. Reed
President of the Board of Directors

ATTEND



John Bosler
Secretary of the Board of Directors

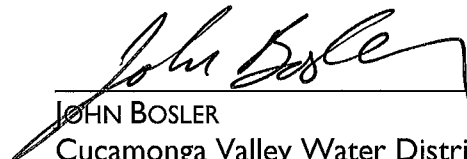
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

I, **JOHN BOSLER**, Secretary of the Board of Directors of Cucamonga Valley Water District, do hereby certify that the foregoing **Ordinance No. 2025-9-1** was adopted by the Board of Directors of said District at a regular board meeting held on September 9, 2025. A recorded vote of the Board is as follows:

AYES: Curatalo, Gibboney, Kenley, Moffatt, Reed

NOES: _____

ABSENT: _____



JOHN BOSLER
Cucamonga Valley Water District
and the Board of Directors thereof