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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

December 6, 2021

Louis A. DePasquale
City Manager
City Hall
Cambridge, MA 02139

Re: Response to Awaiting Report No. 21-88 Re: Amendments to draft Ordinance to Limit and Monitor Campaign Donations by Individuals Seeking Financial Benefit from the City of Cambridge

Dear Mr. DePasquale:

This is in response to Awaiting Report No. 21-88 which arises from Policy Order No. O-6 of 11/8/21 in which the City Council requested, by December 6, certain further amendments to the draft Ordinance to Limit and Monitor Campaign Donations by Individuals Seeking Financial Benefit from the City of Cambridge ("Ordinance"). This Ordinance is known as a "pay to play" law. Attached is a red-lined and clean version of the Ordinance that incorporates the requested amendments. Please note that subsequent to the November 8, 2021 Council meeting, I met with Mayor Siddiqui and Councilor Carlone to discuss the requested amendments. The proposed amendments requested by Mayor Siddiqui and Councilor Carlone are attached to this response.

The proposed new amendments would explicitly exempt from the Ordinance individual signatories to citizen petitions requesting zoning ordinance amendments, labor unions, and employees of businesses who are not owners, officers, board members or shareholders of the business. The enforcement language designating the City Manager or their designee as the enforcement authority was not changed. Numbering was added to the Ordinance as well, making the proposed Ordinance a new Chapter 2.130 of the Municipal Code if adopted. A few other non-substantive changes were made for clarity.

The above-referenced Policy Order also asked me to provide a legal opinion about whether Somerville's campaign donation ordinance would survive a legal challenge. In my opinion, it would be inappropriate for me to opine on the legality of another municipality's legislation. I have provided legal advice to the City Council concerning the City's proposed Ordinance amendments. I note that, as I have explained in a prior legal opinion to the Council,

the Ordinance under consideration is more restrictive than the Somerville ordinance, for example by having a lower allowed contribution level and by applying to certain zoning applicants. The more restrictive the ordinance, the more likely it is that a legal challenge against it would succeed.

Very truly yours,

Nancy E. Glowa
City Solicitor

References to Municipal Code sections to be added.

Chapter 2.130

AN ORDINANCE TO LIMIT AND MONITOR CAMPAIGN DONATIONS BY INDIVIDUALS SEEKING FINANCIAL REWARD BENEFIT FROM THE CITY OF CAMBRIDGE

2.130.010 Definitions.

- (~~x~~A) *Applicant* means a person who has filed an application with the City of Cambridge or any eCity-related agency in any of the following situations:
- (~~x~~i) Seeking to enter into a contract;
 - (~~x~~ii) Seeking approval for a special permit, zoning change enhancing permittee value or approval of a planned unit development, except that people who have signed a citizens petition seeking a zoning ordinance change shall not be deemed an Applicant for purposes of this Ordinance;
 - (~~x~~iii) Seeking to acquire real estate from, or dispose of real estate to, the eCity or any eCity-related agency; or
 - (~~x~~iv) Seeking financial assistance from the eCity.
- (~~x~~B) *City-related agency* means all departments of the eCity, as well as any authorities and quasi-public corporations that receive appropriations from the eCity.
- (~~x~~C) *Contractor* means a person who has entered into a contract with the eCity or any eCity-related agency. For purposes of this Ordinance, a Contractor shall not include a labor union.
- (~~x~~D) *Contribution* means a donation of money or of in-kind goods and services as further defined in Massachusetts General Laws Chapter 55, Section 1. This definition of "Contribution" shall not include services provided by campaign volunteers and expenses that volunteers incur in providing such services.
- (~~x~~E) *Financial assistance* means any grant, loan, tax incentive, bond financing proceeds used to purchase land or fund expenses for improvements made to land or real estate, or other form of assistance that is realized by or provided to a person in the amount of \$50,000 or more through the authority or approval of the eCity or a eCity-related agency, including, but not limited to, tax increment financing aid, district improvement financing aid, industrial development bonds, or community development block grant aid.
- (~~x~~F) *Contract* means a signed written contract in excess of \$25,000 for goods or services to which the eCity or a eCity-related agency is a party, except where the agreement is required by law to be awarded pursuant to a competitive bidding process under applicable law, or where the agreement constitutes a sole source procurement under Massachusetts General Laws Chapter 30B, Section 7.
- (~~x~~G) *For the purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means:* (i) an individual including the individual's spouse, and any child/children' (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more ~~of~~ the equity or ownership or income interests in an ~~person or~~ entity, and their spouses and child/children; (v) any person who is an owner, officer, board member or shareholder (but not an employee only), subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person, more than \$50,000 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stocks, stock options or gifts, or special permits, variances or zoning changes that may impact an applicant's personal or professional finances) in any twelve (12) month period prior to receiving the award of benefit, or during the term of, a contract or zoning decision

subject to this ordinance and (vi) all persons who are an "affiliate" of a Business Entity. For purposes of this Ordinance, a Business Entity shall not include a labor union.

- (~~x~~H) *Zoning change enhancing permittee's*(2) *value* means an increase in allowed density or height, a reduction in setbacks or parking, or an expansion of allowed uses.

2.130.020 PROHIBITION ON AWARDING PUBLIC CONTRACTS, PERMITS AND ZONING CHANGES TO

CERTAIN CONTRIBUTORS Prohibition on awarding public contracts, and on granting permits and zoning changes to certain contributors.

- (~~x~~A) To the extent that it is not inconsistent with state or federal law, the City of Cambridge and any of its elected officials, departments, instrumentalities, purchasing agents or appointed committees shall not enter into any agreement, approve permits, zoning changes enhancing value, or otherwise contract to procure "professional services" and/or banking, insurance or other consulting services (herein-after "Professional Services"), nor "extraordinary unspecified services" and/or media, public relations, lobbying, consulting, building permits, zoning changes and/or management services (hereinafter "Extraordinary Unspecified Services") from any Business Entity whothat is an Applicant if such Business Entity has solicited or made any Contribution to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Cambridge in excess of the threshold of \$200.00 per year within one calendar year immediately preceding the date of the contract or agreement. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.
- (~~x~~B) No Business Entity whothat is an Applicant who submits a proposal for, enters into negotiations for, applies for permits or zoning changes or agrees to any contract or agreement with the City of Cambridge or any of its departments or instrumentalities, for the rendition of Professional services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution to (i) an existing elected official, candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Cambridge, or (ii) to any Cambridge political action committee or political party committee or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, (~~definition-needed?~~) and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time periods of that contract, agreement, permit or zoning change.

2.130.030 CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE Contributions made prior to the effective date.

No Contribution or solicitation of contributions made ~~e edit~~prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

CONTRACT RENEWAL

~~No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.~~

2.130.040 Mandatory disclosure for ~~a~~Applicants.

- (~~x~~A) Before the eCity may enter into any contract with an aApplicant, the aApplicant must file a complete mandatory disclosure form with the contracting entity.
- (~~x~~B) At the time that an aApplicant seeks approval for a special permit ~~with site plan review~~, zoning change enhancing permittee value, or approval of a planned unit development, as those terms are defined in the Cambridge Zoning Ordinance, with respect to new construction or renovation in excess of 15,000 square feet, the applicant must file a complete mandatory disclosure form with the board hearing the application.
- (~~x~~C) At the time that an aApplicant submits a bid or submits a response to a request for proposals in connection with the acquisition of real estate owned by, or disposition of real estate to, the eCity or a eCity-related agency, the aApplicant must file a complete mandatory disclosure form with the eCity agency seeking to dispose of or acquire the property. If the aApplicant is otherwise seeking to acquire real estate from, or dispose of real estate to, the eCity or from a eCity-related agency, then the aApplicant must submit a complete mandatory disclosure form prior to obtaining title to such real estate.
- (~~x~~D) At the time the aApplicant files an application for financial assistance, the aApplicant must file a complete mandatory disclosure form with the eCity agency that would provide such financial assistance.
- (~~x~~E) Such mandatory disclosure form shall be open to and available for inspection by the public. Such form shall be signed under the pains and penalties of perjury by the aApplicant and shall include the following information:
 - (~~x~~i) The name, address, email address, telephone number of the aApplicant/beneficiary/agent and of all of its principals, chief executive officer, president, chief financial officer, treasurer, chief operating officer, chief procurement officer, directors, or persons performing similar functions, or shareholders in excess of ten percent and managing agent to the extent applicable;
 - (~~x~~ii) All contributions made by the aApplicant during the 12 months prior to the application to any person who was a candidate for elective office of the City of Cambridge by stating the name of the person who made the contribution, the candidate who received the contribution, and the date and amount of each such contribution. For purposes of this article, elected office of the City of Cambridge shall mean the mayor, city council, and school committee of the eCity. Contributions made before the adoption of this article are not required to be disclosed on this form.
 - (~~x~~iii) The names, business addresses and phone numbers of all subcontractors/development team members that the aApplicant intends to use on the contract and the amount or percentage to be paid to such subcontractor.
 - (~~x~~iv) A certification by the aApplicant that if the aApplicant receives the benefit ~~is awarded the item~~ that is applied for under subsections (~~x~~A), (~~x~~B), (~~x~~C), or (~~x~~D) above in this section, that the aApplicant and anyone attributed to the aApplicant or any subcontractor used on the contract shall not make any contribution in any calendar year in an amount in excess of \$200.00 to any individual incumbent or to any individual candidate for elective office of the City of Cambridge for the next four calendar years following the award of the item, or for the duration of the term of any contract, whichever is longer. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.

- 2.130.050 Eligibility.

- (~~x~~A) No aApplicant shall be entitled to obtain the benefit ~~award~~ of any of the items applied for as referenced in section ~~xxx~~2.130.040 if such aApplicant, including those who would be attributed to the aApplicant under section ~~xxx~~2.130.040 above or any subcontractor used on a contract, has made a total

contribution of more than \$200.00 to any individual candidate for elected office of the City of Cambridge or incumbent in either the calendar year of the application or the calendar year preceding the application, provided, however, that the restriction of eligibility with regard to contributions made prior to the year preceding the application shall not apply to any contributions made in the calendar year preceding the adoption of this [article ordinance](#) and shall only go forward beginning with the year of adoption of this [ordinance article](#). No contribution made prior to the effective date of this [article ordinance](#) shall be deemed to give rise to a violation or penalty under this article. —The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.

- (~~x~~B) No contract may be renewed, extended, or materially amended, unless the resulting renewal, extension, or amendment, would be allowable under the provisions of this [article ordinance](#) if it were an initial contract.
- (~~x~~C) The ~~a~~Applicant and anyone attributed to the ~~a~~Applicant and any subcontractor/development team members used on the contract shall not make any contribution to any incumbent or to any candidate for elective office of the City of Cambridge in excess of \$200.00 per year for the next four calendar years following the [receipt of the benefit award of the item](#), or for the duration of the term of any contract, whichever is longer. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.

2.130.060 Penalties.

The ~~e~~City shall deny the award of any contract as sought by an ~~a~~Applicant if it is found that an ~~a~~Applicant made a material misstatement on the mandatory disclosure form or if the ~~a~~Applicant fails to comply with the provisions above. If a contract is awarded, it shall be a material breach of the terms of any contract where an ~~a~~Applicant which is a party to such contract made any contribution in violation of this article. For all other violations, the ~~a~~Applicant shall be fined up to \$300.00 per day for each violation of this article ~~in accordance with section xxxx~~. The enforcing authority shall be the ~~ethics commission or auditor~~ City Manager or their designee/s. This ordinance may be enforced by the issuance of non-criminal ticketing pursuant to G.L.c.40, §21D.

- 2.130.070 Refund of contribution.

An ~~a~~Applicant may cure a contribution which violates this [article ordinance](#) if, within 30 days after the date on which an applicable ~~e~~Office of ~~e~~Campaign and ~~p~~Political ~~f~~Finance report is required to be filed which contains a contribution in violation of this [article ordinance](#), the ~~a~~Applicant requests a refund in writing from the candidate or incumbent who received the contribution, and within 30 days of the request, the ~~a~~Applicant receives a refund of a contribution from the incumbent or any candidate for elective office in the City of Cambridge, or political committee for such incumbent or candidate. Notwithstanding the above, if there is a contribution in violation of this [article ordinance](#), the candidate or incumbent shall refund the contribution within 30 days of receipt of a request for refund, provided that funds are otherwise available in the campaign account of the candidate or incumbent. This article shall be interpreted and applied consistent with all applicable federal and state laws and regulations.

2.130.080 Effective date.

This article shall take effect on [insert date] ~~January 01, 2021~~².

DRAFT

Chapter 2.130

AN ORDINANCE TO LIMIT AND MONITOR CAMPAIGN DONATIONS BY INDIVIDUALS SEEKING FINANCIAL BENEFIT FROM THE CITY OF CAMBRIDGE

2.130.010 Definitions.

- (A) *Applicant* means a person who has filed an application with the City of Cambridge or any City-related agency in any of the following situations:
 - (i) Seeking to enter into a contract;
 - (ii) Seeking approval for a special permit, zoning change enhancing permittee value or approval of a planned unit development, except that people who have signed a citizens petition seeking a zoning ordinance change shall not be deemed an Applicant for purposes of this Ordinance;
 - (iii) Seeking to acquire real estate from, or dispose of real estate to, the City or any City-related agency; or
 - (iv) Seeking financial assistance from the City.
- (B) *City-related agency* means all departments of the City, as well as any authorities and quasi-public corporations that receive appropriations from the City.
- (C) *Contractor* means a person who has entered into a contract with the City or any City-related agency. For purposes of this Ordinance, a Contractor shall not include a labor union.
- (D) *Contribution* means a donation of money or of in-kind goods and services as further defined in Massachusetts General Laws Chapter 55, Section 1. This definition of "Contribution" shall not include services provided by campaign volunteers and expenses that volunteers incur in providing such services.
- (E) *Financial assistance* means any grant, loan, tax incentive, bond financing proceeds used to purchase land or fund expenses for improvements made to land or real estate, or other form of assistance that is realized by or provided to a person in the amount of \$50,000 or more through the authority or approval of the City or a City-related agency, including, but not limited to, tax increment financing aid, district improvement financing aid, industrial development bonds, or community development block grant aid.
- (F) *Contract* means a signed written contract in excess of \$25,000 for goods or services to which the City or a City-related agency is a party, except where the agreement is required by law to be awarded pursuant to a competitive bidding process under applicable law, or where the agreement constitutes a sole source procurement under Massachusetts General Laws Chapter 30B, Section 7.
- (G) *For the purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means:* (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in an entity, and their spouses and child/children; (v) any person who is an owner, officer, board member or shareholder (but not an employee only), subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person, more than \$50,000 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stocks, stock options or gifts, or special permits, variances or zoning changes that may impact an applicant's personal or professional finances) in any twelve (12) month period prior to receiving the benefit, or during the term of, a contract or zoning decision subject

to this ordinance and (vi) all persons who are an "affiliate" of a Business Entity. For purposes of this Ordinance, a Business Entity shall not include a labor union.

- (H) *Zoning change enhancing permittee's value* means an increase in allowed density or height, a reduction in setbacks or parking, or an expansion of allowed uses.

2.130.020 Prohibition on awarding public contracts, and on granting permits and zoning changes to certain contributors.

- (A) To the extent that it is not inconsistent with state or federal law, the City of Cambridge and any of its elected officials, departments, instrumentalities, purchasing agents or appointed committees shall not enter into any agreement, approve permits, zoning changes enhancing value, or otherwise contract to procure "professional services" and/or banking, insurance or other consulting services (hereinafter "Professional Services"), nor "extraordinary unspecified services" and/or media, public relations, lobbying, consulting, building permits, zoning changes and/or management services (hereinafter "Extraordinary Unspecified Services") from any Business Entity that is an Applicant if such Business Entity has solicited or made any Contribution to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Cambridge in excess of the threshold of \$200.00 per year within one calendar year immediately preceding the date of the contract or agreement. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.
- (B) No Business Entity that is an Applicant who submits a proposal for, enters into negotiations for, applies for permits or zoning changes or agrees to any contract or agreement with the City of Cambridge or any of its departments or instrumentalities, for the rendition of Professional services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution to (i) an existing elected official, candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Cambridge, or (ii) to any Cambridge political action committee or political party committee or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time periods of that contract, agreement, permit or zoning change.

2.130.030 Contributions made prior to the effective date.

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

2.130.040 Mandatory disclosure for Applicants.

- (A) Before the City may enter into any contract with an Applicant, the Applicant must file a complete mandatory disclosure form with the contracting entity.
- (B) At the time that an Applicant seeks approval for a special permit ~~with site plan review~~, zoning change enhancing permittee value, or approval of a planned unit development, as those terms are defined in the Cambridge Zoning Ordinance, with respect to new construction or renovation in excess of 15,000 square feet, the applicant must file a complete mandatory disclosure form with the board hearing the application.
- (C) At the time that an Applicant submits a bid or submits a response to a request for proposals in connection with the acquisition of real estate owned by, or disposition of real estate to, the City or a City-related agency, the Applicant must file a complete mandatory disclosure form with the City agency seeking to dispose of or acquire the property. If the Applicant is otherwise seeking to acquire real

estate from, or dispose of real estate to, the City or from a City-related agency, then the Applicant must submit a complete mandatory disclosure form prior to obtaining title to such real estate.

- (D) At the time the Applicant files an application for financial assistance, the Applicant must file a complete mandatory disclosure form with the City agency that would provide such financial assistance.
- (E) Such mandatory disclosure form shall be open to and available for inspection by the public. Such form shall be signed under the pains and penalties of perjury by the Applicant and shall include the following information:
 - (i) The name, address, email address, telephone number of the Applicant/beneficiary/agent and of all of its principals, chief executive officer, president, chief financial officer, treasurer, chief operating officer, chief procurement officer, directors, or persons performing similar functions, or shareholders in excess of ten percent and managing agent to the extent applicable;
 - (ii) All contributions made by the Applicant during the 12 months prior to the application to any person who was a candidate for elective office of the City of Cambridge by stating the name of the person who made the contribution, the candidate who received the contribution, and the date and amount of each such contribution. For purposes of this article, elected office of the City of Cambridge shall mean the mayor, city council, and school committee of the City. Contributions made before the adoption of this article are not required to be disclosed on this form.
 - (iii) The names, business addresses and phone numbers of all subcontractors/development team members that the Applicant intends to use on the contract and the amount or percentage to be paid to such subcontractor.
 - (iv) A certification by the Applicant that if the Applicant receives the benefit that is applied for under subsections (A), (B), (C), or D) above in this section, that the Applicant and anyone attributed to the Applicant or any subcontractor used on the contract shall not make any contribution in any calendar year in an amount in excess of \$200.00 to any individual incumbent or to any individual candidate for elective office of the City of Cambridge for the next four calendar years following the award of the item, or for the duration of the term of any contract, whichever is longer. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.

- 2.130.050 Eligibility.

- (A) No Applicant shall be entitled to obtain the benefit of any of the items applied for as referenced in section 2.130.040 if such Applicant, including those who would be attributed to the Applicant under section 2.130.040 above or any subcontractor used on a contract, has made a total contribution of more than \$200.00 to any individual candidate for elected office of the City of Cambridge or incumbent in either the calendar year of the application or the calendar year preceding the application, provided, however, that the restriction of eligibility with regard to contributions made prior to the year preceding the application shall not apply to any contributions made in the calendar year preceding the adoption of this ordinance and shall only go forward beginning with the year of adoption of this ordinance. No contribution made prior to the effective date of this ordinance shall be deemed to give rise to a violation or penalty under this article. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.
- (B) No contract may be renewed, extended, or materially amended, unless the resulting renewal, extension, or amendment, would be allowable under the provisions of this ordinance if it were an initial contract.

- (C) The Applicant and anyone attributed to the Applicant and any subcontractor/development team members used on the contract shall not make any contribution to any incumbent or to any candidate for elective office of the City of Cambridge in excess of \$200.00 per year for the next four calendar years following the receipt of the benefit, or for the duration of the term of any contract, whichever is longer. The contribution limitation set forth in this provision shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Boston-Cambridge-Newton or similar index to reflect changes in dollar values over time; however, annual decreases in CPI-U shall not cause the contribution limitation to be decreased.

2.130.060 Penalties.

The City shall deny the award of any contract as sought by an Applicant if it is found that an Applicant made a material misstatement on the mandatory disclosure form or if the Applicant fails to comply with the provisions above. If a contract is awarded, it shall be a material breach of the terms of any contract where an Applicant which is a party to such contract made any contribution in violation of this article. For all other violations, the Applicant shall be fined up to \$300.00 per day for each violation of this article. The enforcing authority shall be the City Manager or their designee/s. This ordinance may be enforced by the issuance of non-criminal ticketing pursuant to G.L.c.40, §21D.

- 2.130.070 Refund of contribution.

An Applicant may cure a contribution which violates this ordinance if, within 30 days after the date on which an applicable Office of Campaign and Political Finance report is required to be filed which contains a contribution in violation of this ordinance, the Applicant requests a refund in writing from the candidate or incumbent who received the contribution, and within 30 days of the request, the Applicant receives a refund of a contribution from the incumbent or any candidate for elective office in the City of Cambridge, or political committee for such incumbent or candidate. Notwithstanding the above, if there is a contribution in violation of this ordinance, the candidate or incumbent shall refund the contribution within 30 days of receipt of a request for refund, provided that funds are otherwise available in the campaign account of the candidate or incumbent. This article shall be interpreted and applied consistent with all applicable federal and state laws and regulations.

2.130.080 Effective date.

This article shall take effect on [insert date], 2022.