

ORDINANCE NO. 2334

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 2.52.040, 2.52.050 AND 2.52.060 AND ADDING SECTIONS 2.52.105, AND 2.52.165 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION PROHIBITION, DISQUALIFICATION AND DISCLOSURE

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. That Section 2.52.040 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 2.52.040 Definitions.

- A. "Agent": For purposes of this section, a person is the "agent" of the party to, or a participant in, a proceeding involving a license, permit or other entitlement for use only if he or she represents that person in connection with the proceeding involving the license, permit or other entitlement for use. If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are "agents".
- B. "Candidate" means a candidate for any City elective office, the candidate's campaign committee, committee(s) controlled by the candidate, agents of the candidate, and any person acting at the behest of a candidate. An incumbent shall be presumed to be a candidate unless he or she files a written statement with the City Clerk stating the he or she does not intend to be a candidate for the next election for his or her office.
- C. "City Campaign Statement" means the statement which must be filed with the City Clerk by candidates for City elective office pursuant to this ordinance.
- D. "City Elective Office" means the offices held by members of the City Council and any other separately elected offices of the City.
- E. "Contributions" are defined in a manner identical with the definition found in Government Code Section 82015 and any related provisions in the California Administrative Code.

- F. "Election Period" means the entire time period between when a candidate/councilmember receives a campaign contribution through the completion of his or her term of office.
- G. "Intermediary" means a person who delivers to a candidate or committee a contribution from another person unless such contribution is from the person's employer, immediate family or an association to which the person belongs. No person who is the Treasurer of the committee to which the contribution is made or is the candidate who controls the committee to which the contribution is made shall be an intermediary for such contribution.
- H. "Organization" means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, or committee, including a political action committee.
- I. "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
- J. "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the City, testifies in person before the City, or otherwise acts to influence officers of the City.
- K. "Person" means a natural individual.
- L. "Political Purpose" means an action by a candidate for the purpose of influencing, or attempting to influence, either directly or indirectly, the actions of the voters for or against the election of that candidate or any other candidate for the same City elective office.
- M. "State Campaign Statement" means an itemized report which is prepared on a form prescribed by the Fair Political Practices Commission and which provides the information required by Chapter 4 of Title 9 of the Government Code.

SECTION II. That Section 2.52.050 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 2.52.050 Limitations on Contributions from Persons.

- A. No person shall make to any candidate for City elective offices, and no such candidate shall accept from any person, a contribution in any year other than a year in which the candidate is listed on the ballot as a candidate for City elective office.
- ~~A/~~ B. No person shall make to any candidate for City elective office, and no such candidate shall accept from any person, a contribution or contributions totaling more than \$250 in any single election period. ~~which includes the entire amount of time between elections for a particular office.~~ To the extent federal law prohibits limitations on expenditures, this ordinance is meant to be consistent with federal law.
- C. Notwithstanding subsection B, when a candidate is running for reelection or the office of mayor or the mayor is running for a council office, he or she may accept contributions of up to \$250 from contributors to his or her prior candidacy.
- D. Notwithstanding Subsection A, where a special election is called to fill a vacancy, contributions shall be permitted from the date the vacancy is declared by the City Council to the date of the election.

SECTION III: That Section 2.52.060 is amended to read as follows:

Sec. 2.52.060 Prohibition of Contributions by Organizations.

- A. No organization shall make a contribution to any candidate, and no such candidate shall accept a contribution from an organization.
- B. All contributions made by a person whose contribution activity is financed, maintained or controlled by an organization or any other person shall be deemed to be made by that organization or other person. If the contribution is deemed made

by an organization, it is prohibited by subdivision A. If deemed to be made by another person, it shall constitute a contribution by a "committee" (a form of "organization") and thereby also is prohibited by subdivision A.

SECTION IV: That Section 2.52.105 is added to Chapter 2.52 of the Chula Vista Municipal Code to read as follows:

Sec. 2.52.105 Notice Regarding Personal Funds.

A. No candidate shall expend or contribute more than \$5,000 in personal funds in connection with his or her election campaign unless and until the following conditions are met:

(1) Written notice of the candidate's intent to so expend or contribute in excess of \$5,000 shall be provided to the City Clerk and all opponent candidates. The notice shall be delivered personally or sent by registered mail and shall specify the amount intended to be expended or contributed; and

(2) All personal funds to be expended or contributed by the candidates shall first be deposited in the candidate's campaign contribution checking account at least 21 days before the election. The required notice shall be given no later than 24 hours after the date of the deposit or 21 days prior to the election whichever occurs first.

B. If sent by mail, the notice to opponent candidates shall be sent to the last known address of the opponent candidates as shown in the records of the City Clerk.

SECTION V: That Section 2.52.165 is added to Chapter 2.52 of the Chula Vista Municipal Code to read as follows:

Sec. 2.52.165 Disqualification and Disclosure.

A. Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before the City, each councilmember who received a campaign contribution during the election period in an amount of more than one thousand dollars (\$1,000) in the aggregate, from a party, participant, or their agents, or officers or agents of an organization party or participant, shall disclose that fact on the record of the proceeding.

- B. No such councilmember shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the City if the councilmember has willfully or knowingly received a contribution in an amount of more than one thousand dollars (\$1,000) in the aggregate, during the election period from a party, participant or their agents, or from officers or agents of an organization party or participant; provided, however, that the councilmember knows or has reason to know that the party, participant or other agents or officers have a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7 of the Government Code.
- C. When a councilmember runs for reelection the same disclosure and disqualification requirements set forth in "A" and "B" above apply during his or her current term of office for contributions received towards his or her reelection.
- D. Parties and participants, to a proceeding before the City Council involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than one thousand dollars (\$1,000) in the aggregate, made during the election period by the party, participant, their agents, or from officers or agents of an organization party or participant, to any City Council member.
- E. For the purposes of disclosure and disqualification under subdivisions B and C, aggregation shall occur regardless of whether the contribution activity of an organization's officers and agents is financed, maintained or controlled or at the behest, consent or encouragement of an organization or another person or not.
- F. The provisions of Government Code Section 84308, its implementing regulations, and the administrative interpretations thereof by the FPPC shall be utilized in applying the provisions of this section.

SECTION VI: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by and approved as to form by

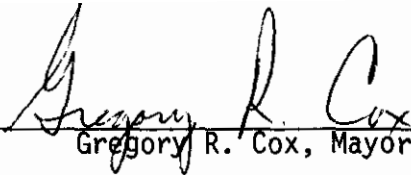


Thomas J. Harron, City Attorney

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PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista California, this 3rd day of October, 1989 by the following vote:

AYES: Councilmembers: Malcolm, Moore, Nader Cox  
NOES: Councilmembers: None  
ABSENT: Councilmembers: McCandliss  
ABSTAIN: Councilmembers: None

  
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Gregory R. Cox, Mayor

ATTEST:

  
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Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2334 had its first reading on September 26, 1989 and had its second reading and adoption at a regular meeting of said City Council held on the 3rd day of October, 1989.

Executed this 4th day of October, 1989.

  
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Beverly A. Authelet, City Clerk