

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER
2.52 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO
CAMPAIGN CONTRIBUTION STATEMENTS

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, to the extent practicable, shall be similar to or consolidated with that required by State law.
- 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 elections for the City elective office. This would include the time period between each election for the same elective office, including separately as applicable, each primary, general, recall or other election for that 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. "Person" means a natural individual.
- J. "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.
- K. "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.
- L. "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.
- M. "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.

SECTION II: That Section 2.52.150 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 2.52.150 Duties of City Clerk with Respect to
 Campaign Statements.

- A. It shall be the duty of the City Clerk to determine whether required City Campaign Statements have been filed. The City Clerk is hereby authorized to make that determination only from facts and information within her knowledge, and is not required to conduct an investigation to determine whether or not a candidate has an obligation to file a City Campaign Statement.

- B. It shall be the duty of the City Clerk to determine whether City Campaign Statements filed conform on their face with the requirements of this ordinance.
- C. It shall be the duty of the City Clerk to accept for filing any City Campaign Statement which this ordinance requires to be filed. In those cases where the City Clerk discovers in his or her review of City Campaign Statements that a candidate has filed an incorrect, incomplete or illegible statement, or a statement which cannot be reproduced, he or she shall promptly notify the candidate of the error or omission. However, no notification is required in those cases in which the errors or omissions are minor ones which do not recur throughout the statement. An error or omission is minor if it does not result in omission of the amount of an individual contribution or expenditure. An error or omission in connection with the identification of a donor or intermediary is minor if such person is identified by name and either street address, occupation, employer or principal place of business. An error or omission in connection with the identification of the recipient of an expenditure or person providing consideration for an expenditure is minor if such person is identified by name. (Ord. 2298 § 1 (part) 1989)

SECTION III: That Section 2.52.190 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 2.52.190 Enforcement.

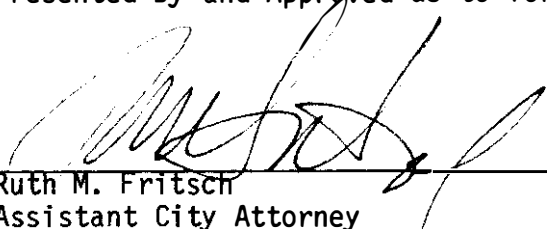
- A. The City Attorney shall not investigate or prosecute any alleged violations of the chapter, but shall defend the constitutionality and legality of this chapter in any civil proceeding in which the City or the City Council is a party.
- B. Review of complaints of violation of this chapter and criminal prosecution thereof shall be commenced only by the District Attorney, unless the District Attorney fails or refuses to investigate, in which case the special counsel shall be the Attorney General. However, if the Attorney General shall fail or refuse to investigate a bonafide allegation of the violation of this chapter, the special counsel shall be such other qualified and independent attorney who shall be appointed by the City Attorney, except and unless the alleged violation of this chapter concerns or involves the City Attorney, in which case said special counsel shall be appointed by a majority vote of the City Council. No enforcement or prosecution or action of special counsel shall be subject to the review or control of the City Council or the City Attorney.
- C. Any person residing in the City who believes that a violation of this chapter has occurred may file a written complaint requesting investigation of such violation by the special counsel. If the special counsel determines that there is reason to believe a violation of this chapter has occurred, it shall conduct an

investigation and may commence such administrative, civil, or criminal legal action as it deems necessary for the enforcement of this chapter.

- D. The special counsel shall have 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 special counsel may commence civil litigation to compel such production.
- E. The special counsel shall be immune to liability for its enforcement of this chapter.
- F. The special counsel may maintain on behalf of the City, a candidate or other resident of the City may maintain on their own behalf, a civil action to recover personally from a candidate any contributions received by the candidate in excess of the contributions limits established by this ordinance or any contributions which a candidate fails or refuses to remit to the City Clerk or return to the donor. Any money recovered in any action maintained pursuant to this section shall be deposited in the Campaign Enforcement Fund.
- G. Any action alleging violation of this chapter must be commenced within four years of the time the alleged violation occurred.
- H. Violations involving wilful acceptance of cumulative illegal contributions of \$2500 or more shall constitute a crime of moral turpitude pursuant to City Charter Section 303. (Ord. 2298 § 1 (part) 1989)

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

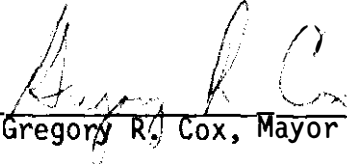
Presented by and Approved as to form by



Ruth M. Fritsch
Assistant City Attorney

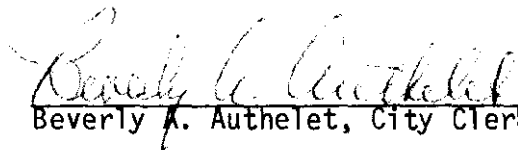
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 28th day of August, 1990, by the following vote:

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



Gregory R. Cox, Mayor

ATTEST:

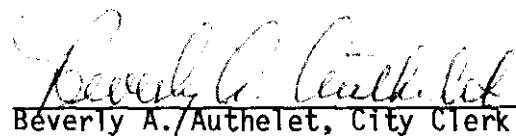


Beverly A. Authelet, City Clerk

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. 2391 had its first reading on August 21, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 28th day of August, 1990.

Executed this 28th day of August, 1990.



Beverly A. Authelet, City Clerk