

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 2.52.040 OF THE CHULA VISTA MUNICIPAL CODE TO CLARIFY THE STATUS OF LEGAL DEFENSE FUND PAYMENTS

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:

Sec. 2.52.040 Definitions.

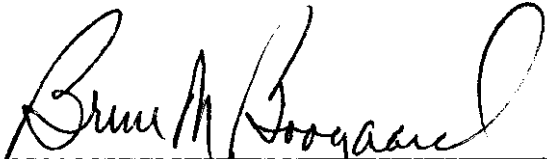
- A. "Agent" For purposes of this section, a person is the "agent" of the party to, or a participant in, a proceeding involving a license, permit or other entitlement for use only if he or she represents that person in connection with the proceeding involving the license, permit or other entitlement 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, except that, notwithstanding anything contained herein to the contrary, a payment by a third party to, or for the benefit of, a Councilperson made and used for the express purpose of offsetting costs already incurred by that Councilperson in the defense of a criminal or administrative

prosecutorial action against said Councilperson, and not made or used for the purpose of aiding in the election of said Councilperson, and not made within (before or after) 100 days of an election in which the Councilperson is competing for a seat or office, shall not be deemed to be a contribution for the purposes of this chapter.

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

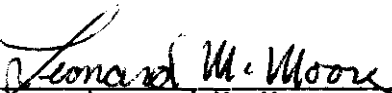
Presented and Approved as to form by



Bruce M. Boogaard
City Attorney


PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 22nd day of January, 1991, by the following vote:

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



Leonard M. Moore
Mayor, Pro-Tempore

ATTEST:

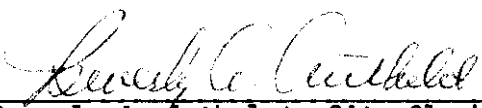


Beverly A. Authelet, City Clerk

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. 2434 had its first reading on January 15, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 22nd day of January, 1991.

Executed this 22nd day of January, 1991.



Beverly A. Authelet, City Clerk