

ORDINANCE NO. 2769

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 2.52.040 OF THE CHULA VISTA MUNICIPAL CODE TO MODIFY THE DEFINITION OF "CONTRIBUTIONS" TO ALLOW FOR COLLECTION OF ADDITIONAL FUNDS TO RETIRE A DEBT INCURRED IN A DECLARATORY RELIEF ACTION OR ANY ACTION TO ENFORCE PERCEIVED RIGHTS UNDER THE ELECTIONS CODE OR THE MUNICIPAL CODE.

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:

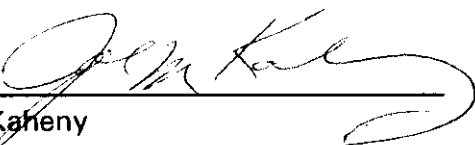
Sec. 2.52.040 Definitions.

- 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 that 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 Code of Regulations, 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, or for the purpose of offsetting costs already incurred by Councilperson in a declaratory relief action or in enforcement of any perceived rights under the Elections Code or Municipal Code during the period of the campaign, 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. "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.
- G. "Organization" means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, or committee, including a political action committee.
- H. "Person" means a natural individual.
- I. "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.
- J. "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.
- K. "Party" means any person, who files an application for or is the subject or, a proceeding involving a license, permit or other entitlement for use.
- L. "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 of 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.
- M. "Regulated Independent Expenditure Committee" means an independent expenditure committee as defined in Government Code Sections 82013 and 82031 which supports or opposes in whole or in part a candidate for city elective office if contributions are made to said committee with the intent that they, or a comparable amount of funds otherwise owned by, or under the control of, the committee be used to support or oppose a particular candidate for a city elective office.

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



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 9th day of February, 1999, by the following vote:

AYES:	Councilmembers:	Moot, Padilla, and Horton
NAYS:	Councilmembers:	Salas
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	Davis



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2769 had its first reading at a regular meeting held on the 26th day of January, 1999 and its second reading and adoption at a regular meeting of said City Council held on the 9th day of February, 1999.

Executed this 9th day of February, 1999.



Susan Bigelow, City Clerk