

ORDINANCE NO. 27290

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
PART 8 OF CHAPTER 12.06 OF TITLE 12 OF THE SAN
JOSE MUNICIPAL CODE TO REVISE PROVISIONS OF
THE CITY OF SAN JOSE CAMPAIGN ORDINANCE
RELATING TO OFFICEHOLDER CONTRIBUTIONS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Part 8 of Chapter 12.06 of Title 12 of the San José Municipal Code is hereby amended to be numbered, entitled and to read as follows:

**Part 8
Officeholder Accounts**

12.06.810 Intent

It is the intent of the City Council of the City of San José in enacting this Part to place limits on the amount individuals may contribute to officeholders in order to prevent the perception by the public that such contributions may give rise to undue or improper influence over elected officials.

12.06.820 Mayor's Officeholder Account

- A. Contributions to the Mayor's Officeholder Account are limited to Five Hundred Dollars (\$500) per calendar year from any person and may not be collected during the officeholder freeze period.

- B. The contributions to the Mayor's Officeholder Account are limited to Fifty Thousand Dollars (\$50,000) in the aggregate within any calendar year.

12.06.830 Mayor's Officeholder Account Uses

- A. Officeholder contributions are not campaign contributions for purposes of this Chapter. Such contributions are solely intended to facilitate the performance of the incumbent Mayor. Any use for the Mayor's campaign purposes or expenditures in connection with any election by the Mayor for elective office is prohibited.
- B. Expenditures from the Mayor's Officeholder Account may be made for any political, legislative, governmental or other lawful purpose. Such expenditures include but are not limited to expenditures for fundraising for the officeholder account; expenditures of donations to tax-exempt charitable, civic or service organizations; contributions or expenditures to support or oppose candidates seeking election to an office other than an elective City office; and contributions or expenditures to support or oppose ballot measures.
- C. Contributions shall not be expended directly for salaries of the Mayor's office personnel. However, funds may be donated to the City of San José and appropriated by the City Council for the Mayor's office personnel.

12.06.840 Councilmember Officeholder Accounts

- A. Contributions to Councilmember Officeholder Accounts are limited to Two Hundred Fifty Dollars (\$250) per calendar year from any person and may not be collected during the officeholder account freeze period.
- B. The contributions to the officeholder account are limited to Ten Thousand Dollars (\$10,000) aggregate within any calendar year.

12.06.850 Mayor and Councilmember Officeholder Account Freeze Period

The officeholder account freeze period is the period from the beginning date of the campaign contribution collection period for any office for which the officeholder is eligible to run until the election is ended or the candidacy is formally withdrawn.

12.06.860 Councilmember Officeholder Account Uses

- A. Councilmember officeholder contributions are not campaign contributions for purposes of this Chapter. They are solely intended to be used to facilitate the performance of the incumbent officeholder. Any use for campaign purposes is prohibited.
- B. Councilmember officeholder funds are to be used exclusively for officeholder expenses and constituent services, including but not limited to, newsletter expenses, subscribing to publications, taking constituents to dinner to discuss City business, defraying the cost of trips made in connection with the discharge of official duties and attending community events.
- C. Contributions shall not be expended directly for salaries of a Councilmember's or Mayor's Office personnel. However, funds may be donated to the City of San José and appropriated by the City Council for office personnel.

12.06.870 Restrictions on Officeholder Accounts

- A. No officeholder or controlled committee of the officeholder may solicit or accept contributions for the purpose of paying officeholder expenses during the officeholder account freeze period.
- B. No expenditures shall be made from an officeholder account during an officeholder account freeze period, except that nothing herein shall preclude the

payment of obligations incurred for services or goods received prior to the officeholder account freeze period.

- C. For purposes of this Part, the officeholder account freeze period does not apply to:
1. Officeholders who are ineligible to run for any City office during the officeholder account freeze period; and
 2. Officeholders who have made a final determination not to run for any City office during the election cycle and have filed a statement of noncandidacy for City office with the Office of the City Clerk. Until such statement is filed, no expenditures shall be made from an officeholder account during the officeholder account freeze period.

12.06.880 Prohibition on Other Officeholder Accounts

A City officeholder, and any person or committee on behalf of a City officeholder is hereby prohibited from establishing an officeholder account or an account established under the Political Reform Act for the solicitation and expenditure of officeholder funds except as provided in this Chapter. Nothing in this Section shall prohibit an officeholder from spending personal funds on official or related business activities.

12.06.890- Officeholder Disclosure

Reporting and disclosure of the Mayor's Officeholder Account and the the Councilmember Officeholder Accounts shall be done in accordance with the requirements of the Political Reform Act,(Calif. Gov. Code Sections 81000 *et seq.* as amended) and the San Jose Municipal Code.

PASSED FOR PUBLICATION of title this 16th day of November, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: DANDO

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk