



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Ordinance Filing of Disclosure
of Fundraising - Supplemental
Memorandum

DATE: March 19, 2008

SUPPLEMENTAL MEMORANDUM

On November 20, 2007, the City Council approved a recommendation in the 2007 Mayor's Biennial Ethics Review to direct the City Attorney to prepare an ordinance that would align the reporting cycle for the Disclosure of Fundraising Solicitations by Elected Officials to be consistent with the reporting cycle for candidate campaign statements. Upon further review of the Council direction at the November 20 meeting, the direction provided for an ordinance to be applied to **all** City elected officials including those who are not candidates in a municipal election.

The current Disclosure of Fundraising Solicitations ordinance in Chapter 12.16 provides that fundraising solicitations for donations of funds, goods or services on behalf of another City Elected Official or City candidate must be disclosed on a semi-annual basis. The application of a campaign statement reporting cycle for disclosures during a municipal election year would cover, for example, those requests made during an election year by those Elected Officials who are not candidates (as well as those Elected Officials who are candidates) and who solicited donations on behalf of a City candidate. The revised draft ordinance would require as many as six filings in an election year and two semi-annual filings per year in non-election years.

A revised draft ordinance aligning the disclosure of fundraising solicitations with the campaign statement reporting cycle for municipal elections for all City elected officials is attached to this Supplemental Memorandum.

RICHARD DOYLE
City Attorney

By 

Norman Sato
Chief Deputy City Attorney

Attachment

cc: Debra Figone
Lee Price

For questions please contact Norm Sato, Chief Deputy City Attorney at 535-1925.

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 12.16.040 OF CHAPTER 12.16 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE TO REQUIRE THAT DISCLOSURE REPORTS FOR FUNDRAISING SOLICITATIONS BE FILED BY ELECTED CITY OFFICIALS IN ACCORDANCE WITH THE DEADLINES FOR CAMPAIGN STATEMENTS

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

Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code is hereby amended to read as follows:

12.16.040 Reporting Requirements

- A. Elected Officials shall file fundraising disclosure reports which include the information specified in this Section with the City Clerk. Reports filed pursuant to this Section shall be public records.

- B. The disclosure reports shall include the following information:
 - 1. Name of the elected City Official;

 - 2. Name, address, occupation and employer of the contributor or donor;

 - 3. Date(s) of the direct fundraising solicitation (s);

 - 4. Brief description of the solicitation(s), behest(s) or request(s) including the dollar value or fair market value of goods or services solicited or requested and;

5. Date(s) and amount(s) of the reportable contribution(s), or donation(s) that resulted from the City official's direct request(s) as set forth in Section 12.16.030 A. 1.

C. Except as provided in Section D below, Reports shall be filed by all Elected Officials during a non-election year for City Offices as follows:

1. No later than July 31 for fundraising solicitations made and reportable contributions or donations that resulted from fundraising solicitations during the period from January 1 through June 30; and
2. No later than January 31 for fundraising solicitations made and reportable contributions or donations that resulted from fundraising solicitations during the period from July 1 through December 31.

D. Reports shall be filed by all Elected Officials during the election cycle for a regular municipal election, general election, special municipal election, run-off municipal election or a recall election in accordance with the dates and deadlines required for campaign statements under the California Political Reform Act of 1974, as amended and Chapter 12.06 of the San Jose Municipal Code.

ED. The City Clerk shall be the filing officer for the reports and will be responsible or the preparation of forms and explanatory materials.

RD:NKS:NKS
2/26/2008

PASSED FOR PUBLICATION of title this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk