



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: LEE PRICE
CITY CLERK
SUBJECT: RE-ADOPTING ORDINANCE
NO. 28281
DATE: April 4, 2008

RECOMMENDATION

Re-adopt Ordinance No. 28281, amending Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by elected City Officials on a quarterly basis.

BACKGROUND

This ordinance was passed for publication on March 25, 2008 and put on the Council agenda for final adoption on April 8, 2008. Pursuant to City Charter Section 604, the title of an ordinance shall be published in the newspaper no later than the *third day immediately preceding* the date of the final adoption. Due to a technical issue with the required legal publication, the title for this ordinance was not published until April 4, 2008. Staff is, therefore, recommending that the Council re-adopt the ordinance to comply with the Charter. The effective date of the ordinance will be April 15, 2008.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office.

LEE PRICE, MMC
City Clerk

Attachment: Ordinance No. 28281 (published in the Post Record on April 4, 2008)



ORDINANCE NO. 28281

**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 ON A QUARTERLY BASIS**

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. Reports shall be filed no later than January 15, April 15, July 15 and September 15 for fundraising solicitations and reportable contributions or donations that resulted from fundraising solicitations for the preceding calendar quarter.
- D. The City Clerk shall be the filing officer for the reports and will be responsible or the preparation of forms and explanatory materials.

PASSED FOR PUBLICATION of title this 25th day of March, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED

NOES: NONE.

ABSENT: WILLIAMS.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk