

DRAFT
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 12 OF THE SAN JOSE MUNICIPAL CODE BY
ADDING A NEW CHAPTER 12.16 IMPOSING
REGULATIONS WITH REGARD TO DISCLOSURE OF
FUNDRAISING SOLICITATIONS BY ELECTED
OFFICIALS OF THE CITY OF SAN JOSE AND THE
REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

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

SECTION 1 Title 12 of the San Jose Municipal Code is amended by adding a new Chapter to be numbered, entitled and to read as follows:

Chapter 12.16

Disclosure of Fundraising Solicitations

12.16.010 **Persons Subject to the Chapter**

The disclosure provisions of this Chapter shall apply to Elected Officials of the City of San Jose who are the Mayor and Members of the City Council and the Chair and Members of the San Jose Redevelopment Agency Board of Directors.

12.16.020 **Disclosure Requirements – Fundraising Solicitations and Activities**

A. Each Elected Official of the City of San Jose or their controlled committees shall disclose any direct fundraising solicitation and activity which resulted in a contribution or donation in any dollar amount or value, made at the behest of or request by, the Elected Official for the following:

1. Donations, payment of funds, in-kind or non-monetary expenditures or contributions or services to any religious, charitable or other nonprofit organization, association, committee or entity including the City of San

Jose and the Redevelopment Agency of the City of San Jose;

2. Payment of funds, in-kind or non-monetary expenditures or contributions or services to another elected City officer, City candidate, City ballot measure, non-City elected public official or non-City candidate for elective office.
- B. The disclosure 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 fundraising solicitation
 4. Brief description of the solicitation, behest or request 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 fundraising solicitation or activities.
- C. For purposes of this Chapter, "made at the behest or request" means at the specific direction of or at the personal request or suggestion of, or with the express prior consent of any elected City Official.

12.16.030 Fundraising Solicitations and Activities

- A. For purposes of this Chapter, "fundraising solicitation and activities" includes:
1. Requesting that a contribution or donation be made from a person, who is involved with or working on any governmental, administrative or legislative action with the City of San Jose or the San Jose Redevelopment Agency or who may foreseeably be involved with or working on any governmental, administrative or legislative action with the City of San Jose or the San Jose Redevelopment Agency within one year from the date of the request. This does not include making a request for funds publicly to at least a

majority of persons who attend any public gathering, or by making a request that appears or is published in a newspaper, on radio or television;

2. Supplying names to be used for invitations to a fundraising event;
 3. Providing the use of his or her home or business to hold a fundraising event;
 4. Paying for at least a majority of the costs of a fundraising event.
- B. For purposes of this Chapter, a “fundraising event” means an event designed or planned primarily for political or charitable fundraising at which contributions or donations are solicited, delivered or made.

12.16.040 **Reporting Requirements**

- A. Elected Officials shall file reports which include the required disclosure information as a public record with the City Clerk.
- B. Reports shall be filed in accordance with the reporting dates required by the state Fair Political Practices Commission (FPPC) for officeholder/candidate controlled committees.
- C. The City Clerk shall be the Filing Officer for the reports and will be responsible for the preparation of forms and explanatory materials.

RD:NKS
11/23/2004

Blue Ribbon Task Force
Meeting Date: 2/9/05
Item #: III

PASSED FOR PUBLICATION of title this _____ day of _____, 2005, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk