

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 to person or entity, including, but not limited to the following:
1. Donations, payment of funds, in-kind or non-monetary expenditures or contributions or services to any religious, charitable, nonprofit, governmental or political, organization, association, committee or entity, including the City of San Jose and the Redevelopment Agency of the City of San Jose;
 2. Donations, 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, non-City candidate for elective office or any other campaign committee.

- 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 direct fundraising solicitation and activities
 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 direct request(s) as set forth in Section 12.16.030 A. 1, below.

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, "direct fundraising solicitation and activities" means:

1. Making a personal behest or request, directly or through an agent, either orally or in writing to a person or entity that a contribution or donation be made from the person or entity, who is doing business with, 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 has been or 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 before or after 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. Providing the use of his or her home or business to hold a fundraising event;
3. 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 at which contributions or donations are solicited from, delivered or made by a person or entity, who is doing business with, involved with or working on any governmental, administrative or legislative action with the City of San Jose or the San Jose Redevelopment Agency

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 as follows:
 - 1. No later than July 31 for fundraising solicitations and activities made and reportable contributions or donations that resulted from fundraising solicitations and activities during the period of January 1 through June 30 and
 - 2. No later than January 31 for fundraising solicitations and activities made and reportable contributions or donations that resulted from fundraising solicitations and activities during the period of July 1 through December 31.
- C. The City Clerk shall be the Filing Officer for the reports and will be responsible for the preparation of forms and explanatory materials.

12.16.050 Political Reform Act Requirements – Informational As of the date of enactment of this Chapter 12.16, the Political Reform Act of 1974, as amended, requires elected officials to disclose payments made at their behest for legislative, governmental or charitable purposes aggregating \$5,000 or more from the same source in a calendar year. (California Gov. Code Section 82015(b)(2)(B)(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