

ORDINANCE NO. 28280

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 12.06.050 OF CHAPTER 12.06 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE THAT COMPENSATION IN ANY AMOUNT BY AN EMPLOYER TO AN EMPLOYEE WHO SPENDS ANY OF HIS OR HER COMPENSATED TIME RENDERING SERVICES FOR POLITICAL PURPOSES IS A CONTRIBUTION OR AN EXPENDITURE IF PERSONAL SERVICE IS RENDERED AT THE REQUEST, DIRECTION OR WITH THE CONSENT OF THE EMPLOYER; AND AMENDING SECTION 12.06.250 TO PROVIDE THAT EXCEPT TO THE EXTENT THAT CHAPTER 12.06 DEFINES AND LIMITS CONTRIBUTIONS BY BUSINESS ENTITIES, THE PROVISIONS OF THE POLITICAL REFORM ACT SHALL APPLY**

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

SECTION 1. Section 12.06.050 of Chapter 12.06 of Title 12 of the San Jose Municipal Code is hereby amended to read as follows:

**12.06.050 Contribution**

A. "Contribution" shall mean:

1. Any payment, loan, forgiveness or postponement of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
2. An expenditure benefiting a candidate or committee made at the behest of a candidate, committee or elected officeholder is a contribution to the

candidate, committee or elected officeholder unless full and adequate consideration is received for making the expenditure.

- B. Contributions include the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person, if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration; and the transfer of anything of value.
- C. The payment of salary, reimbursement for personal services or other compensation by an employer to an employee who spends any of his or her compensated time rendering services for political purposes related to a City candidate or committee is a contribution or an expenditure if:
1. The employee renders services at the request or direction of the employer; or
  2. The employee, with the consent of the employer, is relieved of any normal working responsibilities related to his or her employment in order to render the personal services, unless the employee engages in political activity on bona fide, although compensable, vacation time or pursuant to a uniform policy allowing employees to engage in political activity.
- D. Payments made by an individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be directly or indirectly repaid to him or her, or independent

expenditures made by independent committees are not deemed to be contributions for purposes of this Chapter.

SECTION 2. Section 12.06.250 of Chapter 12.06 of Title 12 of the San Jose Municipal Code is hereby amended to read as follows:

**12.06.250 Contributions By Certain Business Entities Prohibited**

Except as otherwise provided in this Chapter, contributions by business entities shall be defined and limited in accordance with the Political Reform Act as amended.

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

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk