

**REGULAR**

**NUMBER: 243.3**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE MILPITAS MUNICIPAL CODE, TITLE I, BY AMENDING CHAPTER 210 REGULATING CAMPAIGN CONTRIBUTIONS**

**HISTORY:** This Ordinance was introduced at a meeting of the City Council of the City of Milpitas on \_\_\_\_\_, 2008, by motion of Councilmember \_\_\_\_\_ and was finally adopted at a meeting of said Council on \_\_\_\_\_, 2008 upon motion of Councilmember \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:  
Chapter 210, Title I Section 3 is hereby amended to read:

### **Section 3 Prohibitions**

#### **I-210-3.10 Prohibitions**

- a. No person shall make, solicit or accept from any person, candidate or committee, any contribution in support of or in opposition to a candidate for elective office in the City which will cause the total amount contributed by any person in support of or in opposition to such candidate and to any and all committees in support of or in opposition to such candidate to exceed three hundred fifty dollars (\$350) per election.
- b. The contribution limitations shall apply separately to each special, recall, primary, or general election, as well as to any proceeding to qualify and place upon the ballot a petition to recall a member of the City Council.
- c. The contribution limitation shall not apply to a candidate's personal funds or those of his or her spouse as defined by the Fair Political Practices Commission.

**REGULAR**

**NUMBER:** 243

**TITLE:** AN ORDINANCE OF THE CITY OF MILPITAS AMENDING THE MILPITAS MUNICIPAL CODE, TITLE I, BY ADDING CHAPTER 210 REGULATING CAMPAIGN CONTRIBUTIONS.

**HISTORY:** This ordinance was introduced at a meeting of the City Council of the City of Milpitas on February 20, 1996 by motion of Councilmember Livengood, and was finally adopted at a meeting of said Council on March 5, 1996 upon motion of Councilmember Lawson by the following vote:

AYES:	( 5 )	Mayor McHugh, Councilmembers Lawson, Lee, Livengood and Manayan
NOES:	( 0 )	None
ABSENT:	( 0 )	None
ABSTAIN:	( 0 )	None

**ATTEST:**

Gail Blalock  
Gail Blalock, City Clerk

**APPROVED:**

Peter A. McHugh  
Peter A. McHugh Mayor

**APPROVED AS TO FORM:**

Dave Larsen  
Dave Larsen, City Attorney

**ORDAINING CLAUSE**

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:  
Chapter 210, Title I is hereby added to the Milpitas Municipal Code to read:

## Chapter 210

### REGULATION OF CAMPAIGN CONTRIBUTIONS

#### Sections:

- I-210-1 Purpose
- I-210-2 Applicability
- I-210-3 Prohibitions
- I-210-4 Time Restrictions and Excess Funds
- I-210-5 Disclosure

## **Section 1 Purpose**

### **I-210-1.10 Purpose**

In order to diminish improper influence, whether real or perceived, and the appearance of impropriety, The City Council finds that it is necessary to place limits on the amount of money that may be contributed to a candidate for elected public office in the City of Milpitas.

## **Section 2 Applicability**

### **I-210-2.10 Applicability**

This Chapter applies to all candidates, whether formally declared or not, for elected public office in the City of Milpitas. The regulations in this Chapter are not intended to supersede the provisions of the Political Reform Act, but are intended to place stricter requirements on contributions for elections and disclosure of such contributions than those found in the Act.

## **Section 3 Prohibitions**

### **I-210-3.10 Prohibitions**

- (a) No person shall make, solicit or accept from any person, candidate or committee, any contribution in support of or in opposition to a candidate for elective office in the City which will cause the total amount contributed by any person in support of or in opposition to such candidate and to any and all committees in support of or in opposition to such candidate to exceed three hundred fifty dollars (\$350) per election.
- (b) The contribution limitations shall apply separately to each special, recall, primary, or general election, as well as to any proceeding to qualify and place upon the ballot a petition to recall a member of the City Council.
- (c) The contribution limitation shall not apply to a candidate's personal funds or those of his or her relatives, defined to mean the following relationships by blood, marriage or adoption: spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding step-relations and corresponding in-law relations.

- (d) Candidates for elective office may not transfer funds between committees for other elective offices or between non-elective office committees and elective office committees.

#### **Section 4 Time Restrictions and Excess Funds**

##### **I-210-4.10 Time Restrictions**

No person shall make, solicit, or accept a contribution for any election in the City more than nine (9) months prior to such election or more than three (3) months after such election. Any contributions received before or after the allowable time limit shall be refunded to the contributor within seventy-two (72) hours of receipt. Any contribution received before or after the allowable time limit and not refunded to the contributor within 72 hours of receipt shall be deposited into the City's general fund.

##### **I-210-4.20 Excess Funds**

Contributions not expended for campaign purposes within ninety (90) days following the election, shall be distributed in one or more of the following ways:

- 1) refunded to the contributors in proportion to their contributions; or
- 2) contributed to non-profit organizations providing services in the City of Milpitas; or
- 3) deposited into the City's general fund.

#### **Section 5 Disclosure**

##### **I-210-5.10 Disclosure**

The name of any person contributing one hundred dollars (\$100) or more in support of or in opposition to any candidate for elective office in the City will be published once by the City Clerk in a newspaper of general circulation in the City.