

REGULAR

***13**

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 January 15, 2008, by motion of Councilmember Gomez 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.
- d. Candidates for elective office may not transfer funds into a candidate or elective officer's campaign committee from any other committee controlled by a candidate where the transfer of funds would result in a transfer from one candidate to another.

Title I ADMINISTRATION

Chapter 210 REGULATION OF CAMPAIGN CONTRIBUTIONSSection 1 PurposeI-210-1.10 PurposeSection 2 ApplicabilityI-210-2.10 ApplicabilitySection 3 ProhibitionsI-210-3.10 ProhibitionsSection 4 Excess FundsI-210-4.10 Repealed by Ord. 243.1, 2/5/02-I-210-4.20 Repealed by Ord. 243.2, 6/3/03Section 5 DisclosureI-210-5.10 Disclosure**Section 1 Purpose****I-210-1.10 Purpose**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. (Ord. 243 (part), 3/5/96)

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. (Ord. 243 (part), 3/5/96)

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 (\$350.00) 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 into a candidate or elective officer's campaign committee from any other committee controlled by a candidate where the transfer of funds would result in a transfer from one candidate to another. (Ord. 243.2 (part), 6/3/03; Ord. 243 (part), 3/5/96)

Section 4 Excess Funds

I-210-4.10 Repealed by Ord. 243.1, 2/5/02 I-210-4.20 Repealed by Ord. 243.2, 6/3/03

Section 5 Disclosure

I-210-5.10 Disclosure

The name of any person contributing one hundred dollars (\$100.00) 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. (Ord. 243 (part), 3/5/96)

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