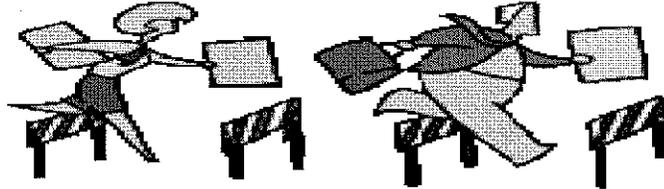




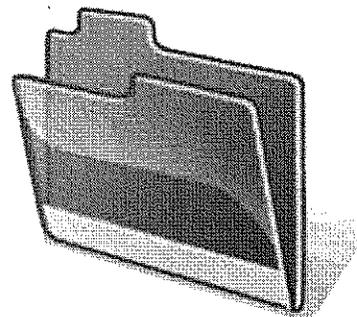
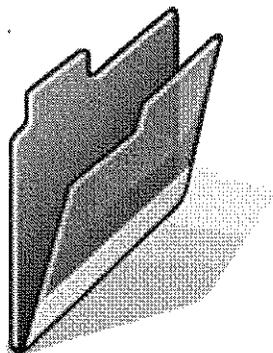
# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

10/05/2010  
Agenda Item No. 4



## ATTACHMENTS AND/OR ADDITIONAL MATERIALS RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



**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 January 15, 2008, upon a motion by Councilmember Gomez, and was adopted (second reading) by the City Council at its meeting of February 5, 2008 upon a motion of Councilmember Polanski. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:	(5)	Mayor Esteves, Vice Mayor Livengood, Councilmembers Giordano, Gomez and Polanski
NOES:	(0)	None
ABSENT:	(0)	None
ABSTAIN:	(0)	None

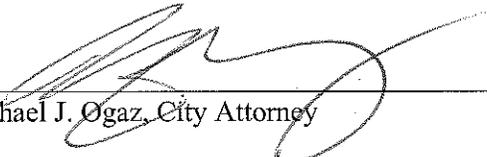
**ATTEST:**

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

**APPROVED:**

  
\_\_\_\_\_  
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.

**REGULAR**

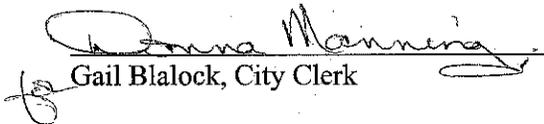
**NUMBER:** 243.2

**TITLE:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 210 OF TITLE I OF THE MILPITAS MUNICIPAL CODE RELATED TO DISBURSEMENT OF EXCESS CAMPAIGN FUNDS

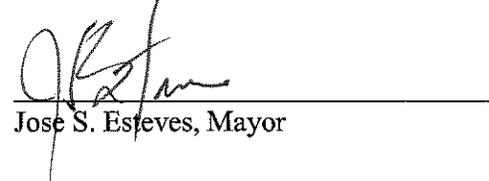
**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of May 20, 2003, upon motion by Councilmember Livengood and was adopted (second reading) by the City Council at its meeting of June 3, 2003, upon motion by Councilmember Gomez. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:	(4)	Mayor Esteves and Councilmembers Dixon, Gomez, and Polanski
NOES:	(0)	None
ABSENT:	(1)	Councilmember Livengood
ABSTAIN:	(0)	None

ATTEST:

  
Gail Blalock, City Clerk

APPROVED:

  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

  
Steven T. Mattas, City Attorney

WHEREAS, the City Council wishes to prevent the transfer of campaign contributions from one candidate to another candidate; and

WHEREAS, the City Council has determined that Chapter 210 of Title I of the Milpitas Municipal Code should be amended to comply with federal and state law regarding campaign contributions and expenditures; and

NOW THEREFORE, the City Council of the City of Milpitas does hereby ORDAIN as follows:

Section 1. Subsection (d) of Section I-210-3.10 is hereby deleted and a new subsections (d) is hereby added to Section I-210-3.10 as follows:

(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.

Section 2. Section I-210-4.20 is hereby deleted.

Section 3. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Milpitas hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 4. **Effective Date.** In accordance with California Government Code section 36937, this ordinance shall take effect and be in force on the thirty-first day after adoption.

Section 5. **Publication.** Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance to be published once, with the names of those City Councilmembers voting for or against it, in a newspaper of general circulation in the City of Milpitas, as required by law.

REGULAR

NUMBER: 243.1

TITLE: AN ORDINANCE REPEALING SECTION 4.10, CHAPTER 210, TITLE I, OF THE MILPITAS MUNICIPAL CODE RELATED TO TIME LIMITS ON CAMPAIGN CONTRIBUTIONS

HISTORY: This ordinance was introduced at a meeting of the City Council of the City of Milpitas on January 15, 2002, by motion of Councilmember Lawson, and was finally adopted at a meeting of said Council on February 5, 2002, upon motion of Councilmember Lawson by the following vote:

AYES: (5) Mayor Manayan and Councilmembers Livengood, Dixon, Esteves and Lawson

NOES: (0) None

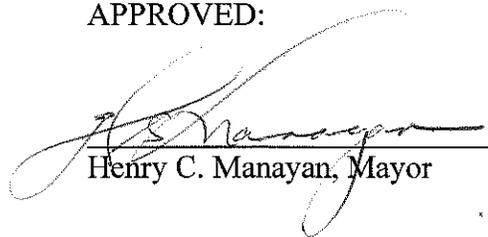
ABSTAIN: (0) None

ABSENT: (0) None

ATTEST:

  
\_\_\_\_\_  
Gail Blalock, City Clerk

APPROVED:

  
\_\_\_\_\_  
Henry C. Manayan, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.10, Chapter 210, Title 1 of the Milpitas Municipal Code entitled “Time Restrictions,” is hereby repealed.

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

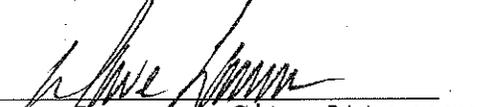
ATTEST:

  
Gail Blalock, City Clerk

APPROVED:

  
Peter A. McHugh, Mayor

APPROVED AS TO FORM:

  
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.



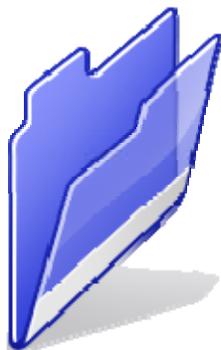
# CITY OF MILPITAS

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GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

10/05/2010  
Agenda Item No. 8



## ATTACHMENTS AND/OR ADDITIONAL MATERIALS RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



AGREEMENT BETWEEN THE CITY OF MILPITAS AND THE MILPITAS HISTORICAL SOCIETY CONCERNING THE COORDINATION OF THE REHABILITATION, PRESERVATION AND IMPROVEMENT OF THE ALVISO ADOBE

THIS AGREEMENT is made and entered into this 2nd of March, 2005, by and between the City of Milpitas ("City") and the Milpitas Historical Society ("Society"), referred to herein as "Parties."

RECITALS

1. The Society is an organization formed to, among other things, preserve historical and cultural resources in the City of Milpitas.
2. The Alviso Adobe ("the Adobe") is an historic structure in the City of Milpitas that both the City and the Society are interested in preserving and that is in need of repair and rehabilitation to ensure its continued presence for future generations.
3. The Society has \$97,000 in funds that the City and the Society acknowledge were donated for the purpose of preserving and improving the Adobe and its surroundings (the "Restricted Funds"). The Restricted Funds were originally \$100,000, and the Society expended \$3,000 to protect the Adobe from water damage.
4. The City plans to begin a project in the next fiscal year to rehabilitate, preserve, and improve the Adobe and its surroundings ("the Project"). The Project will involve improving public access to the Adobe and its surroundings, including the addition of a pedestrian footbridge, parking, and public restrooms and also making improvements to the Adobe building structure that will result in the eventual occupancy of the building.
5. The Society and the City desire to work together on the Project, and this Agreement sets forth procedures for such cooperation, including procedures that ensure the Restricted Funds are used for their intended purpose.

NOW, THEREFORE, the City and the Society agree as follows:

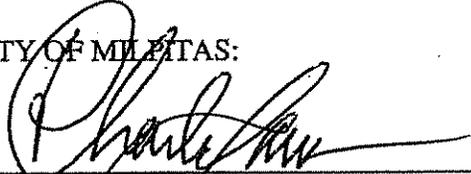
Section 1. REHABILITATION OF THE ADOBE: The City will be responsible for all aspects of the management of the Project. Such management will include, but not be limited to, the preparation of plans and specifications for the work, publication of invitations for bids on the work, the letting of a contract for the work, and construction and fiscal management of the Project. The parties agree that the Society will serve an advisory role with regard to the historical aspects of the design of the Project.

Section 2. DISBURSEMENT OF RESTRICTED FUNDS: The Society agrees to reimburse the City for construction expenses for improvements to the Adobe building incurred pursuant to Section 1 of this Agreement from the Restricted Funds. The Society's reimbursement obligation under this Section 2 shall not exceed \$97,000, which is the amount of the Restricted Funds. The Society's reimbursement payment pursuant to this section shall be made prior to the time the City makes retention payments to the contractor responsible for

improvements to the Adobe building, after submission by the City of a certified invoice to the Society for payment.

IN WITNESS WHEREOF, the City and the Society have entered into this Agreement as of March 2, 2005.

CITY OF MILPITAS:



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Charles Lawson  
Acting City Manager

MILPITAS HISTORICAL SOCIETY:



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By: Robert Burrill  
Its: President

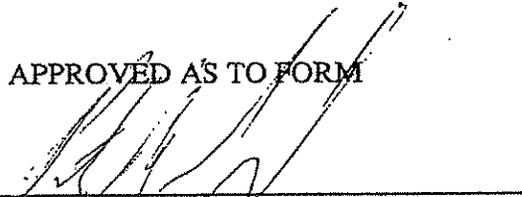
ATTEST:



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City Clerk

APPROVED AS TO FORM



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for Steven T. Mattas  
City Attorney