

**Campaign Finance Reform Committee  
Report to the Milpitas City Council**

**5A**

The Campaign Finance Reform Committee is honored to present our recommendations to the Milpitas City Council for their review and approval.

The Committee was formed by the Milpitas City Council and appointed Bill Ferguson, Lokesh Krishnarajpet, Martha Lamdin, Rajeev Madnawat, Syed Mohsin, Bob Nunez, Althea Polanski, Marty Riker, and Rohit Sharma. The Committee has been supported by the Milpitas City Clerk and Milpitas City Attorney.

The first meeting was held on February 19, 2015 and voted Althea Polanski as Chair and Bill Ferguson as Vice Chair. Through September 2015, the Committee has met seven (7) times.

Mayor Esteves attended the first meeting of the Committee to share the purpose and objectives of the Committee and to answer questions. The City Attorney provided an overview and briefing for the Committee.

The Committee was charged with reviewing the current campaign ordinance and providing recommendations to the Milpitas City Council on any changes that may be relevant to ensure the electoral process in Milpitas would be fair, transparent, and open for voters to make informed decisions when casting a ballot.

The Committee reviewed the current ordinance and was also provided with a briefing by the City Clerk of the official forms that candidates and committees are required by law to submit as well as timelines. The Committee was also provided with information on past election contributions and expenditures as well as a sampling of completed forms.

The Committee brainstormed areas including 'what is broken', 'what is working', and 'ideas' to improve the campaign ordinance. The Committee formed three (3) subcommittees around the areas of Disclosure/Enforcement, Time and Financial Limits, and Campaign Reform.

The process was very open and collaborative with all of our meetings open to the public.

The recommendations include a voluntary contribution CAP for candidates, an election season, additional disclosures, restrictions on accepting contributions from companies with pending projects or contracts with the City of Milpitas, donor reporting disclosures, electronic filing, and seeking input on district/seat elections.

The following provides the detail for the recommendations and committee members will be present to answer questions.

## **Campaign Finance Reform Committee Report to the Milpitas City Council**

### **Recommendation 1: Voluntary Total Contribution CAP for mayoral and council candidates**

The committee is recommending a voluntary CAP of \$20,000 for mayoral candidates and \$15,000 for council candidates from all sources including the candidate, spouse, in-kind, etc. The candidate agreeing to the voluntary CAP would sign a declaration affirming their adherence to the voluntary CAP. The committee recommends a cost of living adjustment for the voluntary CAP as well as the per contribution limit which is currently \$250.

The voluntary CAP is utilized in other cities. A voluntary CAP will hopefully provide candidates a more equal opportunity to raise funds and get their message out to the registered voters. Fundraising can be time consuming and may be perceived by some as an advantage for incumbents.

Vote: 6 Yes, 0 No, 3 Absent (For Recommendations 1-12, a committee member had to leave due to another commitment.)

### ***Excerpt from Santa Clara for guidance and reference only:***

Beginning in 2014, the contribution limits established in this section shall be adjusted on an annual basis by a percentage equal to the Consumer Price Index for All Urban Consumers for the San Francisco Bay Area (CPI). The adjustment to the contribution limits shall be by City Council resolution adopted at least six months prior to each election. The adjustment shall be rounded off to the nearest ten dollar (\$10.00) figure [downward (if four dollars ninety-nine cents (\$4.99) or less) or upward (if five dollars (\$5.00) or more)].

### **Recommendation 2: Incentive for Adhering to Voluntary Contribution CAP**

The committee is recommending adding a diamond symbol on the ballot for candidates agreeing to a voluntary contribution CAP as well as a brief explanation of what the symbol means. The Santa Clara County Register of Voters has used this for other cities.

The committee is also recommending using the diamond symbol and explanation on the city website, city press releases or city advertisements that list candidates.

Vote: 6 Yes, 0 No, 3 Absent

### **Recommendation 3: Date to Begin Accepting Contributions**

The committee is recommending an election "season" for City of Milpitas elections and recommends no contributions could be received by any candidate six months prior to the date of the election. A specific date is not specified as there may be special elections, primaries, etc.

The committee discussed that there would be no need to accept donations until a person files to run for the elected office. It would be a defined election period to ensure those who already hold office are concentrating on their sworn duties and not seeking donations.

Vote: 5 Yes, 1 No, 3 Absent

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### ***From SJ Ordinance for guidance and reference only:***

It is the intent of the city council of the City of San José in enacting this chapter to place realistic and enforceable limits on the amount individuals and independent committees may contribute to political campaigns in municipal office elections for the purpose of preventing the perception by the public that campaign contributors exercise undue or improper influence over elected officials. In order to achieve this purpose it is not necessary to, nor is it the city council's intent to, impose limitations on individuals and committees whose sole objective is the passage or defeat of ballot measures.

Any contribution which is received outside of the campaign contribution period for an election shall not be accepted or deposited but shall be returned to the contributor or donor within five business days.

### ***From Santa Clara for guidance and reference only:***

2.130.030 Purpose of this chapter.

This chapter is to be liberally construed to effectuate the following purposes:

- (a) Ensure that individuals and interest groups in the city have a fair opportunity to participate in the municipal elective and governmental processes.
- (b) Reduce the influence of large contributors with a specific financial stake in matters before the City Council, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the City.
- (c) Encourage candidates to limit their overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- (d) Increase the value of smaller contributions to candidates.
- (e) Reduce the fund raising advantage of incumbents and thus encourage competition for elective office.
- (f) Allow candidates and officeholders to spend a lesser portion of their time on fund raising and a greater portion of their time dealing with issues of importance to their constituents.
- (g) Improve the disclosure of contribution sources in reasonable and effective ways.
- (h) Help restore public trust in governmental and electoral institutions. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14).

### **Recommendation 4: Date to Stop Collecting Contributions**

The committee is recommending no contributions be received by any candidate after the close of polls on the specified day of an election. A candidate may contribute as necessary to fulfill any outstanding obligations for his/her campaign committee. The candidate can contribute to his or her own campaign after the date of the election and up to the termination of the committee.

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Any other contributions received after this date would need to be returned to the donor and cannot be deposited into the candidate's campaign committee.

The committee sees no reason to continue accepting contributions after the close of the polls as the period for campaigning has ended and it will no longer interfere with any constitutional rights an individual may have in contributing to a candidate.

Vote: 6 Yes, 0 No, 3 Absent

### **Recommendation 5: Campaign Committee Termination**

The committee is recommending all campaign committees be terminated no later than 90 days after the date of the election. If there are funds remaining in the campaign committee, these funds will be disbursed to a Milpitas non-profit.

Vote: 6 Yes, 0 No, 3 Absent

### ***From SF Ordinance for guidance and reference only:***

SURPLUS FUNDS. Surplus funds held by a candidate or committee shall be:

- (A) returned on a "last in, first out" basis to those persons who have made said contributions;
- (B) donated to a charitable organization;
- (C) donated to the City and County of San Francisco;
- (D) used to pay outstanding campaign debts or accrued expenses;
- (E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or

### **Recommendation 6: Additional Contributor Disclosures**

The committee is recommending additional disclosures beyond the requirements by the state. This would necessitate an additional "City" form for campaigns to complete and file with the Milpitas City Clerk.

The candidate would request donors to answer the following question and the answer of yes or no would be included on the new form: *Are you aware of any contracts, projects, or anticipated projects with the City of Milpitas by you or your employer?*

Vote: 6 Yes, 0 No, 3 Absent

### **Recommendation 7: Restrictions for Projects Pending before the City of Milpitas**

The committee recommends that no contributions may be received from a company or the officers of the company that has projects pending before the City of Milpitas within six (6) months of an election.

Vote: 6 Yes, 0 No, 3 Absent

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### **Recommendation 8:** Restrictions for Contracts with the City of Milpitas

The committee recommends that no contributions may be received from a company or the officers of the company that has a contract with the City of Milpitas.

Vote: 6 Yes, 0 No, 3 Absent

### **Recommendation 9:** Donor Reporting Disclosures

Currently, the Milpitas City Clerk provides an advertisement listing all donors over \$100 in the Milpitas Post the Friday prior to the election date.

The committee is recommending doing two advertisements during an election cycle.

The first advertisement would be after the first pre-election filing and the second advertisement after the second pre-election filing is completed. The second advertisement would list only new donors not reported during the first pre-election filing.

The committee is also recommending adding the name of the employer of the donor to the advertisement and also posting this information on the City's website for all contributions over \$100.00.

Vote: 6 Yes, 0 No, 3 Absent

### **Recommendation 10:** Electronic Filing

The committee is recommending electronic filing of campaign reports which would include the ability for a citizen to be able to do searchable data of the reports. It is believed this would provide the citizens more accessibility to campaign reports that would be user friendly especially since Milpitas is in the heart of Silicon Valley.

The Milpitas City Clerk shared there are 2 vendors authorized at this time in the state to allow for electronic filing and a monthly fee is charged. It should also be noted there are not as many reports filed through the City as there are in other jurisdictions that currently utilize electronic filing. It would be important to review the costs to the City and benefits to the residents.

Vote: 6 Yes, 0 No, 3 Absent

### ***From SJ Ordinance for guidance and reference only:***

#### **12.06.915 Electronic campaign disclosure.**

A. Each candidate, candidate controlled committee and independent committee that is required to file campaign disclosure statements by Chapter 12.06 or the Political Reform Act must file at the same time a copy of the statement in an electronic format with the city clerk, provided the city clerk has prescribed the format at least sixty days before the statement is due to be filed.

B. Once a candidate or committee is subject to the electronic filing requirements imposed by this section, the candidate or committee will remain subject to the electronic filing requirements until the candidate or committee files a termination statement pursuant to Chapter 12.06 and the Political Reform Act.

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C. The requirements of this section do not abrogate any requirements in Chapter 12.06 or the Political Reform Act that paper copies be filed.  
(Ord. 28678.)

**Recommendation 11:** District/Seat Elections

The committee is recommending the Milpitas City Council do a survey and/or public outreach to see if the citizens of Milpitas would like district or seat elections. The committee is aware of proposed legislation requiring cities over 100,000 in population to go to district elections. The committee feels that looking at the various issues now may be prudent to discuss as the City continues to increase in population.

The committee believes this may be inevitable in the future. There are many pros and cons to dividing a city into districts for council member elections including the possibility of lowering the costs of campaigning, etc.

Vote: 6 Yes, 0 No, 3 Absent

**Recommendation 12:** Penalties for Violating Campaign Ordinance

The committee is recommending a number of enforcement mechanisms for violating the City of Milpitas campaign ordinance. It would be a private right of action on all aspects of the ordinance.

If a candidate goes over the voluntary CAP during the election period, the candidate would be sent a 15-day notice by the City to return funds to the donors by a date certain. If the candidate does not comply, the penalty would include returning the amount over the voluntary CAP plus three times the amount to the City of Milpitas or a Milpitas non-profit.

Penalties would be applied in relationship with the seriousness of the offense. For serious or intentional violations of the ordinance, the penalty would be disqualification from holding the office and prohibition from running for office for 10 years. If the violation has a material effect on the election, the candidate shall suffer loss of office.

Any resident of Milpitas would have standing to file a suit on behalf of the voters of Milpitas. After filing a complaint with the City of Milpitas, the city has 90 days to respond to the petitioner. If the city does not take action, then the resident can file an enforcement suit. Attorney fees would be awarded to the prevailing party.

Vote: 5 Yes, 1 No, 3 Absent

The committee also voted to include a statute of limitation of the campaign finance ordinance will be for four (4) years.

Vote: 6 Yes, 0 No, 3 Absent

***Excerpts from Santa Clara for guidance and reference only:***

Article IV. Voluntary Expenditure Limits

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2.130.160 Candidate acceptance or rejection of expenditure limits.

(a) Each candidate for City office shall file a “Declaration of Candidacy Statement” (“Declaration”) which shall be in a form to be determined by the City Clerk before that candidate accepts any campaign contributions. At the time of filing his/her declaration, the candidate shall indicate on the Declaration his/her acceptance or rejection of the voluntary expenditure limit of twenty-five thousand dollars (\$25,000.00 – the base was established in February, 2000), which, beginning in 2014, shall be adjusted on an annual basis solely by a percentage equal to the San Francisco Bay Area All Urban Consumer Price Index (CPI). The adjustment to the voluntary expenditure limit shall be by City Council resolution adopted at least six months prior to each election. The adjustment shall be rounded off to the nearest hundred dollar (\$100.00) figure [downward (if forty-nine dollars ninety-nine cents (\$49.99) or less) or upward (if fifty dollars (\$50.00) or more)].

(b) For candidates accepting the voluntary expenditure limits, the following advantages apply:

(3) The sample ballot shall contain a designation that the candidate was a participant in the voluntary expenditure limit program.

(4) The candidate’s name shall be listed in a newspaper of general circulation indicating they have been a participant in the voluntary expenditure limit program.

(5) The candidate’s participation in the voluntary expenditure limit program shall be disseminated for public information on the City’s website, government access cable television channel, public libraries, public offices, etc.

(c) A candidate who agrees to accept the voluntary expenditure limit in this article may not change that decision, except where an opposing candidate files a statement of rejection of the voluntary expenditure limit, the candidate may rescind his/her acceptance of the voluntary expenditure limit within seventy-two (72) hours of the final date that nomination papers can be filed;

Article VI. Enforcement

2.130.190 Penalties for violation of this chapter.

Pursuant to SCCC 1.05.070, the enforcement of violations of the provisions of this chapter may be prosecuted as an infraction or misdemeanor.

(a) Infraction/Misdemeanor. Any person who violates any of the provisions of this chapter shall be guilty of an infraction and/or misdemeanor.

(b) Prosecution. Every violation of this chapter shall be a misdemeanor; provided, however, that where the prosecutor has determined that such action would be in the best interest of justice, the prosecutor may specify in the accusatory pleading or citation, that the violation shall be prosecuted as an infraction.

(c) Penalty for Infraction. Each and every violation of this chapter which is deemed an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250.00).

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(d) Penalty for Misdemeanor. Each and every violation of this chapter which is deemed a misdemeanor is punishable by a penalty of not more than one thousand dollars (\$1,000.00), or by imprisonment in the City or County jail for a period of not exceeding six months, or by both penalty and imprisonment. (Ord. 1924 § 1, 4-22-14).

**2.130.200 Civil actions.**

(a) Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by a person residing within the city for an amount not more than three times the amount of the unlawful contribution or expenditure.

(b) If two or more persons are responsible for any violation, they shall be jointly and severally liable.

(c) In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the plaintiff shall receive fifty percent (50%) of the amount recovered. The remaining fifty percent (50%) shall be deposited into the general fund of the City. In an action brought by the District Attorney, the judgment shall be paid to the general fund of the County of Santa Clara.

(d) No civil action alleging a violation of any provision of this Act shall be filed more than two years after the date the violation occurred.

(e) The provisions of SCCC 2.130.240, Effect of violation on outcome of election, shall apply. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.190).

**2.130.210 Injunctive relief.**

Any person residing in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.200).

**2.130.220 Cost of litigation.**

The court may award to a plaintiff or defendant who prevails in any action authorized by this chapter, costs of litigation, including reasonable attorneys' fees. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.210).

**2.130.230 Disqualification.**

In addition to any other penalties prescribed by law, if an official receives a contribution in violation of this chapter, the official shall not be permitted to make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which the contributor has a financial interest. The provisions of Government Code § 87100 et seq., and the pertinent regulations of the Fair Political Practices Commission (Title 2, Division 6, Chapter 7 (entitled "Conflicts of Interest" – Section 18700 et seq.)) shall apply to interpretations of this section. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.220).

**2.130.240 Effect of violation on outcome of election.**

If a candidate is found by a court (or jury) to have violated any provision of this chapter, the court shall make a determination as to whether the violation had a material effect on the outcome of the election. If the court finds the violation did have a material effect on the election, the following shall apply.

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- (a) If the court determination becomes final before the date of the election, the votes for such candidate shall not be counted and the election shall be determined on the basis of the votes cast for the other candidates in that race;
- (b) If the court determination becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in the City Charter and City Code;
- (c) If the court determination becomes final after the candidate has assumed office, then the candidate shall be removed from office, the office shall be deemed vacant and shall be filled as otherwise provided in the City Charter and City Code;
- (d) The court may determine the candidate shall be ineligible to hold any elective City office for a period of four years after the date of such court determination that a violation occurred;
- (e) In a criminal proceeding, a plea of nolo contendere shall form the basis for a court determination of the impact of the violation of this chapter. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.170).

**2.130.250 Right to cure violation.**

A candidate or candidate controlled committee that accepts a contribution in violation of this chapter shall not be penalized, if the candidate or candidate controlled committee returns the contribution or contributes it to the City general fund or to a charitable organization within seven days of its receipt. (Ord. 1924 § 1, 4-22-14).

**The committee also discussed a proposal to place the final ordinance on the ballot at the September 29, 2015 meeting and voted on the following for City Council consideration.**

**Recommendation 13:** City Council Authority

It was moved that when a final campaign ordinance is approved, it would require a unanimous vote of the city council to make any changes or to rescind the ordinance completely.

Vote: 4 Yes, 3 No, 2 Absent

**Recommendation 14:** Final Campaign Ordinance to a Vote of the Public

It was moved to put the final campaign ordinance on the ballot to be approved by the voters.

Vote: 4 Yes, 3 No, 2 Absent

## Meeting Minutes of the City of Milpitas Campaign Finance Reform Committee

MONDAY, SEPTEMBER 29, 2015

6:00 PM

Milpitas City Hall, Committee Room, 1<sup>st</sup> floor  
455 E. Calaveras Boulevard, Milpitas, CA

### CALL TO ORDER

Chair Althea Polanski called the meeting to order at 6:06 PM.

### ROLL CALL

Committee Members present were: Althea Polanski, Bill Ferguson, Syed Mohsin, Bob Nunez and Rajeev Madnawat

Committee members absent were: Rohit Sharma and Lokesh Krishnarajpet. Marty Riker arrived at 6:09 PM. Martha Lamdin arrived at 6:14 PM.

Syed Mohsin announced that he would depart the meeting near 7:00 PM due to another meeting he had to attend.

Staff present were City Clerk Mary Lavelle and City Attorney Chris Diaz.

### AGENDA

Agenda for this meeting was approved by unanimous vote of the Committee, upon motion by Rajeev Madnawat and seconded by Bob Nunez.

### MINUTES

Meeting Minutes of August 17, 2015 were approved by unanimous vote of the Committee, upon motion by Rajeev Madnawat and seconded by Bob Nunez. Syed Mohsin abstained from the vote.

### PUBLIC FORUM

Jenifer Lind, Milpitas resident, told the Committee that she had enjoyed the process as she followed along from the audience. She did not agree with all of what was recommended and found some of the comments were presumptuous about voters. Also, she did not agree that all developers were bad, as partly characterized in meetings by some committee members' comments. She was curious what the Council and voters would say. She had learned a lot in the discussions.

### DISCUSSION

Bob Nunez, commented on an article of interest, pointing out ideas that were happening in California cities, such as legislation for cities greater than 100,000 population going to district elections, rather than city-wide. Rajeev Madnawat favored the concept of district elections, and the Chair noted she could include the article in the report to Council.

Rajeev Madnawat recommended placing an ordinance on the ballot for the City's voters on the topics the group had been discussing. He would like to have it go to voters, and then the ordinance would be in stone, and Council could not change it. His suggestion was to present an ordinance to City Council, and then have it adopted by the voters. Another suggestion was to perhaps recommend adoption of an ordinance by a unanimous 5-0 vote of the Council. Bob Nunez favored the unanimous Council vote approach, not going onto the election ballot.

Chair Polanski said she would identify the following request as Recommendation No. 13

Moved by Bob Nunez, and seconded by Marty Riker: to give a recommendation to City Council on a campaign ordinance, and then upon the ordinance's approval, it would later require unanimous vote to make changes or to have it rescinded completely. Recommendation was approved with 4 in favor (Althea, Bob, Marty, Syed) and with 3 opposed (Rajeev, Bill, Martha).

Chair Polanski said she would identify the following request as Recommendation No. 14

Moved by Rajeev Madnawat, and seconded by Bill Ferguson, to require that the final ordinance would be put on the ballot for approval by the voters. Recommendation was approved with 4 in favor (Syed, Martha, Rajeev, Bill) and with 3 opposed (Bob, Marty, Althea).

Next, Rajeev Madnawat wanted to recommend that the City Council send any draft ordinance back to the Committee for comments. Chair Althea thought this was a good idea. The consensus was to agree with this idea but leave it up to the Chair if there were substantive changes to an ordinance proposed, then yes, have another meeting for review, but otherwise, no.

Syed Mohsin departed the meeting at 7:02 PM. He supported what was written in the proposal, of all the recommendations drafted by the Chair.

Next, the committee reviewed all final recommendations on the drafted Report to Council, going through each one, items number 1 through number 12 (with numbers 13 and 14 added above).

#### Recommendation No. 1

This item yielded discussion around a contribution cap versus a possible expenditure limit. City Attorney Diaz remarked there was more "strict scrutiny" on an expenditure limit. He gave a suggestion to clarify candidate self-loan amounts and whether those were included.

Bill Ferguson recommended adding language: include contributions from all sources including the candidate's own personal funds and in-kind contributions. There was some discussion on using CPI to escalate the limit each year or two.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Martha Lamdin, and including the additional language.

#### Recommendation No. 2

Provide incentive for adhering to voluntary contribution cap.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bob Nunez, to add the diamond mark next to candidate's name on the ballot to indicate acceptance of the voluntary cap, and also on city ads.

#### Recommendation No. 3

Date to begin accepting contributions

Recommendation was approved with 5 in favor and 1 opposed (Bill Ferguson), upon motion by Bob Nunez and seconded by Martha Lamdin, to limit campaign contributions time frame to six months prior to the date of the election. Bob Nunez also required removal of one paragraph in the draft report (third paragraph of Recommendation No. 3 on draft final report). Chair Althea stressed that justification would be needed for this one.

Recommendation No. 4

Date to stop accepting contributions, with change to no later than 10 days after election, as discussed.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 5

Date to terminate campaign committee – 90 days after election day

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bob Nunez.

Recommendation No. 6

Additional campaign disclosures, regarding disclosure of contracts with the city known by the donor, including any “anticipated contracts” (as suggested by the City Attorney)

Recommendation was approved with 6 in favor, upon motion by Bill Ferguson and seconded by Marty Riker.

Recommendation No. 7

Restrictions if projects pending before the City, for 6 months prior to election day

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bill Ferguson.

Recommendation No. 8

No contributions allowed from company or officers if any current contract with City

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 9

Two newspaper ads of donors of \$100 or more, prior to election (adding one to current requirement) and include employer of contributor in the ad

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 10

Require electronic filing of campaign reports

Recommendation was approved with 6 in favor, upon motion by Marty Riker and seconded by Bob Nunez.

Recommendation No. 11

Survey residents about the concept of district elections, in place of current city-wide voting. Change text in report from “new law” to “proposed legislation.”

Recommendation was approved with 6 in favor, upon motion by Marty Riker and seconded by Bob Nunez.

Recommendation No. 12

Require penalties for violating campaign ordinance

Recommendation was approved with 5 in favor and 1 opposed (Martha Lamdin), upon motion by Rajeev Madnawat and seconded by Bob Nunez. Motion included adding one sentence to report about “guidance” from City of Santa Clara for enforcement and penalties.

Martha Lamdin did not agree with citizens of Milpitas filing complaints, and had many questions on that concept and process. Chair Althea Polanski discussed the need for accountability as a reason to include penalties for such violations.

City Council could work with the City Attorney to come up with fines and penalties.

At the conclusion of discussion and votes on Recommendations No. 1 – 14, the Chair asked Bill Ferguson about his request for a further recommendation of four years limit to file any violations of the ordinance.

Upon motion by Bill Ferguson, and seconded by Rajeev Madnawat, the Committee agreed to add a “statute of limitations on penalties” for violations that would be four years (not one as per usual). The added language was approved by unanimous 6–0 vote to be incorporated into Recommendation No. 12.

Chair Polanski said she will check with the Mayor on presenting recommendations to the City Council, with the suggested Tuesday, November date. She and staff will report back to the committee members, with confirmation of that date. She would be pleased to have Committee members present with her at that City Council meeting when presenting the final recommendations of the Campaign Finance Reform Committee.

The meeting was adjourned at 8:57 PM. Chair Althea Polanski thanked all committee members for their hard work.

*Meeting minutes prepared  
by Mary Lavelle, City Clerk*

