

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 12.04.080 OF CHAPTER 12.04 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE TO AUTHORIZE THE CITY CLERK TO DISMISS WITHOUT PREJUDICE INSUFFICIENT COMPLAINTS OR COMPLAINTS THAT ARE OUTSIDE THE JURISDICTION OF THE BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES; AMEND SECTION 12.06.295 OF CHAPTER 12.06 OF TITLE 12 TO REMOVE LIMITATIONS ON THE AMOUNT A CANDIDATE MAY LOAN TO THEIR OWN CAMPAIGN OR CAMPAIGN COMMITTEE.

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

SECTION 1. Section 12.04.080 of Chapter 12.04 of Title 12 of the San José Municipal Code is hereby amended and reads as follows:

12.04.080 – Investigations.

- A. The city council shall adopt, by resolution, regulations and procedures for investigations and hearings to be conducted by the commission.
- B. The commission has the authority to investigate complaints alleging violations of this title, in accordance with the regulations and procedures adopted by resolution of the city council.
- C. A complaint filed with the commission may be investigated only if the complaint identifies the specific alleged violation which forms the basis for the complaint and contains sufficient facts to warrant a formal investigation.
- D. The City Clerk is authorized to dismiss complaints without prejudice that do not satisfy the requirements of this Section or are outside the jurisdiction of the commission.
- E. The council shall retain an independent and neutral evaluator, selected by the commission, to review and investigate complaints and to make recommendations to the commission. The council shall appropriate funds anticipated to be needed to fund the evaluator for a period of four years.

- F. No complaint, investigative file or information contained therein may be disclosed by a city official, city employee, the evaluator or investigator to any person other than a respondent or respondent's representative, the city attorney or district attorney, a court, a law enforcement agency or otherwise as necessary to the conduct of an investigation before the evaluator presents the report and recommendations to the commission.
- G. Except as provided in this section, the evaluator must refer any complaint where the respondent is a classified or unclassified employee appointed by a city council appointee to the appointing authority for investigation and action. The board of fair campaign and political practices must not take any further action on the complaint with regard to the employee.
- H. Any city employee who is a candidate for city office must be treated as any other candidate for purposes of Chapter 12.06.
- I. The city attorney's office may provide legal advice to the commission related to noncomplaint matters or general interpretations of the Municipal Code or relevant state or federal law, but must not participate in investigations or reviews of complaints.

SECTION 2. Section 12.06.295 of Chapter 12.06 of Title 12 of the San José Municipal Code is hereby amended and reads as follows:

12.06.295 – Deposit of personal funds into campaign bank accounts.

- A. A candidate must disclose the source of all personal funds deposited into his or her campaign bank account. If the source of the funds is a loan to the candidate, the name and address of the lender and the terms of the loan must also be disclosed.
- B. The information required by Subsection A. must be reported, on a form provided by the City Clerk, on or before the date of the next campaign disclosure statement, which must be filed after the funds are deposited into the campaign bank account.
- C. A candidate may deposit personal funds into his or her campaign bank account up to 11:59 p.m. on the one hundred eightieth (180th) day after the day of the

election for the purpose of paying outstanding debt as set forth in [Section 12.06.710](#).

D. Except as provided in this Section, nothing in this Chapter shall prohibit a candidate from making unlimited contributions to his or her own campaign.

PASSED FOR PUBLICATION of title this ___ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI TABER
City Clerk