

ORDINANCE NO. 3391-C.S.

AN ORDINANCE AMENDING SECTION 2-8.01 OF CHAPTER 8 OF TITLE 2 OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 2-8.03 THEREOF RELATING TO CAMPAIGN REFORM.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 2-8.01 of Chapter 8 of Title 2 of the Modesto Municipal Code is hereby amended to read as follows:

2-8.01. DECISION-MAKING PROHIBITION.

- (a) No member of the Council of the City of Modesto, shall make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Whenever used in this chapter, the words "member of the Council" shall include the Mayor.
- (b) A member of the Council has a financial interest in a decision within the meaning of subsection (a) if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effects on the public generally, on a major campaign contributor to that member.
- (c) A major campaign contributor to a member of the Council, within the meaning of subsection (b), is a person or entity that has contributed three thousand dollars (\$3,000) or more in the aggregate over the past forty-eight (48) months to that member of the council or to a spouse, immediate family member and/or to a campaign committee controlled by that member. Contributions include moneys, loans, debts incurred, property-in-kind, or things having a monetary value incurred or received by a candidate or his/her agent or other person on behalf of the candidate for use in advocating the election of the candidate but does not include contributions received by a Councilmember in connection with the Councilmember's candidacy for any elective office other than Councilmember or Mayor.
- (d) In the case of contributions of three thousand dollars (\$3,000) or more that are made to a committee not controlled by a candidate for the City Council but which committee expends money in support of a candidate for the City Council, a portion of such contribution shall be deemed to have been made to the member or candidate in support of whom the committee expended money. The amount of such deemed contribution shall be determined by multiplying the contribution to the committee by that fraction obtained by dividing the total expenditures of the committee by the amount expended by the committee in support of the candidate. Whenever used in this chapter the words "candidate" or "candidate for Council" shall include any candidate for Mayor.

Ordinance 3391-C.S.
Effective July 28, 2005

SECTION 2. AMENDMENT OF CODE. Section 2-8.03 of Chapter 8 of Title 2 of the Modesto Municipal Code is hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2005, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Hawn, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: Jackman, Marsh

ABSENT: Councilmembers: Dunbar

APPROVED: _____

JIM RIDENOUR, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
JEAN ZAHR, City Clerk

By _____
MICHAEL D. MILICH, City Attorney

(SEAL)

Ord. No. 3391-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of June, 2005, Councilmember Keating moved its final adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: Dunbar, Jackman

ABSENT: Councilmembers: Marsh

APPROVED: _____
MAYOR JIM RIDENOUR

ATTEST: _____
JEAN ZAHR, City Clerk

Effective Date: July 28, 2005

Ordinance 3391-C.S.
Effective July 28, 2005