

ORDINANCE NO.

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE
CHAPTER 2.52, "CAMPAIGN CONTRIBUTIONS," AND
ADJUSTING THE CAMPAIGN CONTRIBUTION LIMITS

WHEREAS, Chula Vista City Charter section 905 requires the City to "adopt reasonable regulations related to campaign contributions" in order to "avoid the potential for undue or improper influence over Elected Officials resulting from excessive campaign contributions;" and

WHEREAS, in 1989, the City adopted Chula Vista Municipal Code Chapter 2.52, "Campaign Contributions," in compliance with the City Charter requirements (Campaign Contribution Ordinance); and

WHEREAS, the City last conducted a comprehensive update of the Campaign Contribution Ordinance in 2011 and amended it to its current form through a series of subsequent amendments; and

WHEREAS, Chula Vista Municipal Code Section 2.52.040(D) requires the City Clerk to adjust the campaign contribution limits every odd-numbered year to reflect any changes in the Consumer Price Index for the San Diego area for the two-year period ending on December 31st of the previous year, and requires these adjustments to be rounded to the nearest \$10; and

WHEREAS, the Consumer Price Index for the San Diego area for the periods ending December 2022 and December 2024 demonstrates an increase of 8.3924 percent; and

WHEREAS, the contribution limit for individuals other than a candidate was previously set at \$410 by Chula Vista Municipal Code section 2.52.040(A), and the contribution limit for political party committees was previously set at \$1,410 by Chula Vista Municipal Code section 2.52.040(B); and

WHEREAS, adoption of contribution limits that meet or exceed the percentage of change in the Consumer Price Index rounding to the nearest \$10 for individuals (\$440) and political party committees (\$1,530) shall satisfy those certain obligations of the City Clerk outlined in Chula Vista Municipal Code Section 2.52.040(D) that require City Clerk shall adjust the contribution limits to reflect any changes in the Consumer Price Index for the San Diego area for the two-year period ending on December 31st of the previous year; and

WHEREAS, on February 21, 2023, the City Attorney gave a presentation on potential revisions to the Campaign Contribution Ordinance and the Council formed an ad hoc subcommittee; and

WHEREAS, on October 24, 2023, the ad hoc subcommittee gave an update on campaign contributions and the City Council provided direction to the City Attorney and the City Clerk to

conduct a comprehensive review and propose amendments to the Campaign Contribution Ordinance; and

WHEREAS, the City Attorney and the City Clerk have undertaken a comprehensive review of the Campaign Contribution Ordinance and have recommended revisions to the ordinance that revise contribution limits, time period for accepting contributions, rules for outstanding debt, complaint processing, and remove duplicative provisions; and

WHEREAS, the City Clerk's review focused on administrative and technical aspects, including clarifications to reduce confusion, reformatting and reorganizing for clarity, and incorporating recommendations from the subcommittee for the full City Council's consideration; and

WHEREAS, the proposed amendments include, among other things, increasing the contribution limit for individuals other than a candidate, increasing the contribution limit for political party committees, revising the starting date for a candidate's acceptance of contribution in order to remove ambiguity, increasing the amount a candidate can personally loan their campaign, adding a timeframe for the repayment of loans, removing the requirement to notify opponents of loan contributions; clarifying enforcement processing and investigation obligations, adding defined terms, and removing provisions that are duplicative of state law; and

WHEREAS, the proposed changes are intended to prevent corruption, close campaign finance loopholes, ensure transparency, promote fairness, encourage accountability, foster public trust, and promote ethical behavior in the political process; and

WHEREAS, the City Council considered the proposed amendments on May 13, 2025, and provided direction via consensus on proposed amendments and other provisions; and

WHEREAS, the City Council wishes to adopt revised campaign contribution regulations.

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

A. Chapter 2.52 of the Chula Vista Municipal Code is amended to read as follows:

2.52.010 Title and Purpose.

A. *Title.* This chapter shall be known as the Chula Vista Campaign Contribution Ordinance.

B. *Purpose.* The purpose of the Chula Vista Campaign Contribution Ordinance is intended to supplement the Political Reform Act of 1974 (California Government Code Sections [81000](#), et seq.) (the "PRA"), and the implementing regulations adopted by the Fair Political Practices Commission (the "FPPC") (see California Code of Regulations, Title [2](#), Division 6, to protect the integrity of the City's electoral process, and to serve the best interests of the citizens of this City by enacting campaign finance rules governing donors and Candidates for City Elective Offices.

Inherent in the high cost of election campaigning is the potential for improper influence exercised by campaign contributors over elected officials. It is the intent of the City Council in enacting this chapter:

1. To preserve an orderly political forum in which individuals may express themselves effectively;
2. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections;
3. To prevent corruption and avoid the appearance of corruption by regulating campaign contributions to candidates for local elective office;
4. To provide full and fair enforcement of all the provisions of this chapter; and
5. To encourage candidate adherence to election regulations by making them easier to understand.

C. *Applicability.* The terms of this chapter are applicable to any contribution made to a Candidate or Candidate-controlled committee whether used by the Candidate to finance a current campaign or to pay debts incurred in prior campaigns.

2.52.020 Relationship to State Law.

This chapter shall supplement, not replace, the Political Reform Act of 1974 (California Government Code [81000](#), et seq.) (the “PRA”), and the implementing regulations adopted by the Fair Political Practices Commission (the “FPPC”) (see California Code of Regulations, Title [2](#), Division 6). Donors and Candidates for City Elected Offices must comply with both the requirements of the PRA and the requirements of this chapter. However, to the extent of any conflict between the terms of this Chapter and the terms of the PRA, the terms of this Chapter shall govern to the maximum extent allowed by law.

2.52.030 Definitions.

Unless otherwise defined in this Section, the terms and phrases used in this chapter shall have the same definitions given to them in the PRA (see California Government Code Sections [82000](#) through [82054](#)) and the FPPC regulations.

“Agent” means a person who acts on behalf or At the Behest of any other person or accepts a Contribution on behalf of a Candidate. If an individual acting as an Agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are “Agents.”

“At the Behest” means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of.

“Campaign Contribution Account” is that account in which all Contributions or loans made to the Candidate shall be deposited as required by Government Code Section [85201](#).

“Campaign Statement” means the campaign statement required by the PRA (see California Government Code Sections [84200](#), et seq.).

“Candidate” means any individual seeking any City Elective Office, the candidate’s campaign committee, committee(s) controlled by the Candidate, and Agents of the Candidate.

“City Elective Office” means the offices of Mayor, City Council, or the City Attorney. The “same City Elective Office,” as that term is used in this chapter, means the Office of the Mayor with respect to the Mayor’s seat; the Office of the City Attorney with respect to the City Attorney’s seat; or, in the case of a Council District Seat, the specific Council District Seat numbered 1, 2, 3, or 4 held by a City Council member or campaigned for by a Candidate, or the numbered seat to which a City Council member or Candidate for such office may be reassigned as a result of redistricting. For example, if, during the redistricting process, the district lines are redrawn such that the residence of the City Council member representing and running for District 1 or a Candidate running for District 1 becomes located within District 2, 3 or 4, the member’s or Candidate’s District 1 seat, as the case may be, would be considered, for purposes of this chapter, the “same City Elective Office” as the District 2, 3 or 4 seat so re-assigned.

“Citywide Seat” means the office of Mayor or City Attorney.

“Contribution” is defined in a manner identical with the definition found in Government Code Section [82015](#), contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

“Contribution Limit” is defined as the maximum allowed contribution from a Person, Organization, Political Party Committee, for any Single Election Contest as provide under CVMC 2.52.040.

“Council District Seat” means the office of City Councilmember District 1, 2, 3, or 4.

“Enforcement Authority,” under this chapter, means that special counsel appointed pursuant to CVMC [2.52.140](#).

“Filer” is any elected officer, Candidate, committee, or other Person required to file Campaign Statements, reports or other documents.

“FPPC Form” is any FPPC-developed Campaign Form, including but not limited to Form 460, 470, 496, 497.

“General Election” is that election identified by Charter Section [901\(B\)](#) as a “General Municipal Election.”

“Net Debts Outstanding” has the same meaning as that set forth in title 2, section 18531.61 of the California Code of Regulations.

“Organization” means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business, business trust, company, corporation, association, or committee, including a political action committee. “Organization” does not include Political Party Committees, as that term is defined in California Government Code Section [85205](#).

“Person” means a natural individual.

“Political Party Committee” is defined in a manner identical with the definition found is as defined in California Government Code Section 85205.

“Political Reform Act” or “PRA” means the California Political Reform Act of 1974, as amended, found at Government Code Section [81000](#), et seq., and includes regulations adopted by the Fair Political Practices Commission.

“Primary Election” is that election identified by Charter Section 901(A) as a “Primary Municipal Election.”

“Single Election Contest” means the election contest scheduled for any one of the following types of elections, each being a “Single Election Contest”: a Primary Election, a General Election or a Special Election.

“Special Election” is that election defined by Charter Section [901\(C\)](#) as a “Special Municipal Election.”

“Written Solicitation” means any writing, whether physical or electronic, soliciting, either directly or indirectly, a Contribution to a Candidate. “Written Solicitation” includes, but is not limited to, printed materials, websites, social media, and printed or electronic advertisements.

2.52.040 Campaign Contribution Dollar Limits

A. *Limitations on Contributions by Persons or Organizations.* No Person or Organization other than a Candidate shall make a Contribution and no Candidate shall solicit or accept a Contribution in excess of \$800.00 for a Council District Seat or \$1,200 for a Citywide Seat from a Person or Organization for a Single Election Contest. The contribution limits in this subsection shall be subject to increase as provided in CVMC 2.52.040(D), below, or as may be required by law.

B. *Limitations on Contributions by Political Party Committees.* No Political Party Committee shall make a contribution and no Candidate shall solicit or accept a Contribution in excess of \$1,530 from a Political Party Committee for a Single Election Contest. The

contribution limit in this subsection shall be subject to increase as provided Section 2.52.040(D), below, or as may be required by law.

C. *Applicability.* This chapter shall not apply to contributions made to a committee that is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more City measures.

D. *Adjustments.* The contribution limits set forth in this section shall be adjusted every odd-numbered year. The City Clerk shall adjust the contribution limits to reflect any changes in the *Consumer Price Index* for the San Diego area for the two-year period ending on December 31st of the previous year. Adjustments shall be rounded to the nearest \$10.00. The City Clerk shall publish a public notice of any adjustments by March 1st of each odd-numbered year, or as soon after as practicable, following the Bureau of Labor Statistics' release of the applicable Consumer Price Index data. The adjustments shall go into effect as soon as the public notice is published but shall apply only to elections held in subsequent years. The adjustments shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same year that the limits are adjusted.

E. *Expenditures.* The contribution limitations imposed by this section are not limitations on expenditures and shall not be construed to limit the expenditures by any Candidate, Person, Organization, or committee.

2.52.045 Time Period for Accepting Contributions; Rules for Elections with Multiple "Single Election Contests."

A. *Starting Date for Acceptance of Contributions.* No Person, Organization, or Political Party Committee shall make a contribution to any Candidate and no such Candidate shall accept from any Person, Organization, or Political Party Committee such a contribution sooner than the first day of the 11th month preceding a Single Election Contest.

B. *Contributions After an Election.* A Contribution for an election may be accepted by a Candidate up to 12 months after the date of the election only to the extent that the Contribution does not exceed a Candidate's Net Debts Outstanding for that election, and the Contribution does not otherwise exceed the applicable contribution limit for that election.

C. *No Solicitations for a General Election Until Primary Election is Held.* A Candidate may not solicit or accept contributions for a General Election prior to the holding of the Primary Election for that office. If a Primary Election is canceled because fewer than three qualified Candidates filed nomination papers for that election, a Candidate may begin soliciting and accepting additional Contributions for the General Election once the City Council takes action to cancel the Primary Election.

2.52.47 Carry-Over of Contributions.

A. *From a Primary Election to a General Election.* A Candidate may carry over Contributions raised in connection with a Primary Election for City Elective Office to pay

campaign expenditures incurred in connection with a subsequent General Election for the same City Elective Office. In the event that a Special Election for City Elective Office results in a run-off election for the same City Elective Office, a Candidate may carry over Contributions raised in connection with the Special Election for City Elective Office to pay campaign expenditures incurred in connection with a subsequent run-off election for the same City Elective Office.

B. *Redistricting.* If, as a result of redistricting, a Candidate's residence is assigned to a different district, the Candidate may carry over Contributions raised prior to City Council approval of the new district map to pay expenditures in connection with campaigning for election to the newly assigned Council District Seat; provided, however, if the election for the newly assigned Council District Seat will be held at the subsequent election cycle, the Candidate choosing to carry over Contributions raised to fund campaign activities for such subsequent election must discontinue any and all fundraising activities immediately upon City Council approval of the new district map creating re-assignment until fundraising for such subsequent election contest is authorized as provided in subsection 2.52.045(A).

2.52.050 Loans and Outstanding Debt.

A. *Personal Loan from the Candidate; limitation.* A Candidate shall not personally loan to their campaign with the intent to receive repayment of those funds in excess of the aggregate amount of \$5,000 for a Single Election Contest.

B. *Loan from Others.*

1. *In General.* Except as provided in subsection 2., below, a loan or extension of credit from a third party Person or Organization made for the purpose of, or used by a Candidate for, funding such Candidate's campaign activities shall be considered a Contribution from such maker of the loan or extender of credit and shall be subject to the Contribution limit specified in CVMC 2.52.040(A).

2. *Exception.* Loan by Candidate from Commercial Lending Institution. The contribution limit does not apply to loans made to a Candidate for the purpose of a campaign by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the Candidate is personally liable.

C. *Repayment of Loans.* Repayment of personal loans from the Candidate to their campaign must occur 12 months after a Candidate's withdrawal, defeat, or election to office. If elected to office, the 12-month period begins on the date of the election.

D. *Special Rules for Debts Owed to Campaign Consultants and Vendors.* Except for legal fees and expenses incurred directly in connection with monitoring the count of absentee or provisional ballots for the election, or with a ballot recount conducted under Chapter 9 (commencing with Section 15600) of Division 15 of the Elections Code for the election, all bills from campaign consultants and vendors must not have been incurred past the date of the election for which the goods and services were provided. Candidates may only incur additional costs

from ongoing services from a fundraiser, treasurer, payment processing service, and other related or ancillary services for up to 12 months after the Candidate's withdrawal, defeat, or election to office. If elected to office, the 12-month period begins on the date of the election.

[Sections 2.52.060 and 2.52.070 are being deleted in their entirety]

2.52.090 Return of prohibited Contributions.

If a Contribution is tendered and would be in violation of this chapter, it shall be returned by the Candidate to the contributor within 60 days of receipt by the Candidate.

2.52.100 Written Solicitations by Candidates.

A. Any Candidate making a Written Solicitation for a Contribution for their campaign for City Elective Office shall include the following written notice in no less than eight-point type on each such solicitation:

1. For a Council District Seat:

NOTICE

The City of Chula Vista Municipal Code limits contributions to campaigns for a Council District Seat to *[insert the current limit pursuant to CVMC 2.52.040(A)]* dollars per Person or Organization.

2. For a Citywide Seat:

NOTICE

The City of Chula Vista Municipal Code limits contributions to campaigns for a Citywide Seat to *[insert the current limit pursuant to CVMC 2.52.040(A)]* dollars per Person or Organization.

B. *Additional Notice Required if Redistricting Pending.* During any campaign cycle where redistricting is pending City Councilmember candidate materials soliciting campaign funds shall also contain the following statement in no less than eight-point type:

City campaign rules allow this candidate to transfer funds to a different Council District Seat election contest, or carry over funds to a future Council District Seat election contest, in the event redistricting results in the re-assignment of such candidate to a different Council District Seat .

2.52.120 Contributions for Legal Defense.

Notwithstanding anything contained herein to the contrary, a payment to or for the benefit of one holding a City Elective Office or a Candidate made and used for the express purpose of offsetting costs already incurred by that office holder, or Candidate in the defense of a criminal or administrative prosecutorial action, or other legal action relating to an election contest, against said office holder or Candidate and not made or used for the purpose of aiding in the election of said Councilmember, Mayor, City Attorney or Candidate, and not made within (before or after) 100 days of an election in which the office holder or Candidate is competing for a seat or office, shall not be deemed to be a Contribution for the purposes of this chapter.

2.52.125 Electronic Filing of Campaign Disclosure Statements.

A. General.

1. Any Filer required to file Campaign statements, reports or other FPPC Forms (“Statements”) as required by Chapter 4 of the Political Reform Act (California Government Code Section [84100](#) et seq.) shall file such statements using the City Clerk’s online system according to procedures established by the City Clerk (the “Procedures”), unless the Filer is exempt from electronic filing under California Government Code Section 84615, as may be amended from time to time.
2. The City Clerk shall have the authority to establish and amend the procedures, as necessary, to accomplish the following:
 - a. Ensure that the online system complies with the requirements set forth in Section [84615](#) of the Government Code, as may be amended from time to time;
 - b. Meet the purpose and intent of this section and comply with other applicable law;
 - c. Ensure the integrity of the data transmitted and include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
3. Online filings made under this chapter will only be accepted if made in the standardized record format that is developed by the California Secretary of State pursuant to Section [84602\(a\)\(2\)](#) of the California Government Code, as may be amended from time to time, and that is compatible with the Secretary of State’s system for receiving an online or electronic Statement.
4. Any Filer who has electronically filed a statement using the City Clerk’s online system is not required to file a copy of that document in paper format with the City Clerk.

[Section 2.52.130 is deleted in its entirety]

2.52.140 Enforcement; Enforcement Authority.

- A. *General.* The City Attorney shall not act as the Enforcement Authority as to alleged violations of this chapter, but shall defend the constitutionality and legality of this chapter in any civil proceeding in which the City or the City Council is a party.
- B. *Enforcement Authority.* The Enforcement Authority, as defined by this chapter, or the District Attorney shall investigate or prosecute alleged violations of this chapter.
- C. *Timing of Selection.* The Board of Ethics shall solicit proposals from attorneys in accordance with Section [503](#) of the City Charter and Chapter [2.56](#) CVMC to act as the Enforcement Authority 12 months prior to a General Election.
- D. *Appointment of Panel.* The Board of Ethics shall appoint a panel of no less than three attorneys to act as the Enforcement Authority. These attorneys shall be compensated by the City for work performed pursuant to this chapter. Should the appointment of additional special counsel become necessary or appropriate, the Board of Ethics shall appoint such additional special counsel as may be required. Should the panel consist of fewer than three attorneys due to resignations or otherwise, the Board of Ethics shall appoint additional special counsel.
- E. *Rotation of Assignments.* A single member of the special counsel panel will be assigned to each complaint by the City Attorney, or the City Clerk in the event that the City Attorney is the subject of the complaint. Assignments will be made on a rotating basis.
- F. *Immunity to Liability.* Special counsel, serving as the Enforcement Authority, shall be immune to liability for enforcement of this chapter.

2.52.143 Enforcement; Complaint Submittal.

Complaints of violations of this chapter shall be: in writing; sworn under penalty of perjury by the complainant, who shall be a resident of the City; accompanied by proof that the complainant is a resident of the City; and submitted to the City Clerk. The complaint shall state a full recitation of all facts that are alleged to constitute a violation of this chapter. If a complaint does not comply with these requirements, the City Clerk shall notify the complainant that it is insufficient for filing and identify the insufficiency. The complainant shall have 10 calendar days to cure the defect. If the defect is not cured in the prescribed timeframe, the case shall be closed.

2.52.145 Enforcement; Complaint Processing.

- A. *Subject of Complaint; Opportunity to Respond.* If the complaint meets the requirements of CVMC 2.52.143, above, the City Clerk shall provide a copy of the complaint to the subject of the complaint within two working days. The subject of the complaint shall have five calendar days to provide the City Clerk with a written response, including evidence of any corrective

action taken in response to the complaint, if any. The response, if submitted, shall be signed under penalty of perjury.

B. *Submittal to Enforcement Authority.* The City Clerk shall forward the complaint and any written response received to the Enforcement Authority within ten working days of receipt for a probable cause determination.

C. *Probable Cause Determination.* The Enforcement Authority shall make a prima facie probable cause determination within 30 calendar days of receiving the complaint and shall immediately notify the City Clerk, the City Attorney, and Interested Parties upon making its determination.

1. *Probable Cause; Knowing or Willful Violation.* If the Enforcement Authority determines that probable cause exists to find that there was a knowing or willful violation of this chapter, the City Attorney shall forward the complaint to the District Attorney for further handling. However, if the City Attorney is the subject of the complaint, the duties of the City Attorney under this section shall be handled by the City Clerk. Violations of this chapter that are forwarded to the District Attorney for handling shall not be subject to further action by the Enforcement Authority.

2. *Probable Cause; Negligent Violation.* If the Enforcement Authority determines that probable cause exists to find that there was a negligent violation of this chapter, the City Attorney shall forward the complaint to the special counsel who is next in the rotation of panel counsel to act as the Enforcement Authority and take further investigatory and procedural steps necessary to resolve the matter.

D. *Negligent Violation; Enforcement Authority Handling.*

1. *Enforcement Authority Duties.* Violations of this chapter that are not forwarded to the District Attorney for handling but, rather, are forwarded to the next panel counsel for further investigation pursuant to subsection (C) of this section may be pursued by the Enforcement Authority either through a civil or administrative action. The Enforcement Authority may also commence and prosecute any necessary administrative proceedings or civil litigation to compel compliance with this chapter. No enforcement of prosecution or action by the Enforcement Authority shall be subject to the review or control of the City Attorney or City Council. The special counsel, serving as the Enforcement Authority, may investigate and may institute legal action to prevent further violations. The Enforcement Authority shall use reasonable efforts to complete its investigation and reach a final determination within 180 days of the City forwarding the complaint. The Enforcement Authority shall notify the City Clerk, the City Attorney, and Interested Parties of upon conclusion of the Enforcement Authority's final determination.

2. *Violations of State Law.* If the allegation contained in the complaint is also a violation of state law, the special counsel shall not investigate but, rather, shall forward the complaint to the Fair Political Practices Commission, or other appropriate state agency.

3. *Criminal Prosecution.* Criminal prosecution for violations of this chapter must be commenced within one year after the date on which the violation occurred.

4. *Civil Prosecution.* Civil prosecution for violation of this chapter must be commenced within four years after the date on which the violation occurred. No administrative action alleging a violation of any of the provisions of this chapter shall be commenced more than four years after the date on which the violation occurred. If the person alleged to have violated a provision of this chapter engages in the fraudulent concealment of their acts or identity, the four-year period for civil and administrative actions shall be tolled for the period of concealment. For purposes of this subdivision, “fraudulent concealment” means the person knows of material facts related to their duties under this chapter and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.

E. *No Violation Found.* If the Enforcement Authority or District Attorney determines that no violation occurred, the Enforcement Authority shall review the complaint and, if necessary, conduct further investigation to determine if there is probable cause to find that the complainant committed perjury. If such probable cause exists, the Enforcement Authority shall forward the complaint to the District Attorney for prosecution for perjury.

2.52.150 Penalties.

A. *Misdemeanor.* Any Person who knowingly or willfully violates any provision of this chapter; who knowingly or willfully causes, solicits, advises, or participates with any other Person to violate any provision of this chapter; or who knowingly or willfully aids and abets any other Person in the violation of this chapter shall be guilty of a misdemeanor.

B. Penalties.

1. Any Person who negligently violates any provision of this chapter shall be liable in a civil or administrative action brought by the Enforcement Authority for an amount not more than \$500.00 per violation, and shall be required to correct the violation.

2. Any Person who intentionally violates any provision of this chapter, causes any other Person to violate any provision of this chapter, or intentionally files a false complaint under this chapter shall be liable in a civil administrative action brought by the Enforcement Authority for a maximum of \$2,500 per violation, or per false complaint filed.

3. Any amounts paid pursuant to this section shall be used to offset the costs of enforcing this chapter.

4. If it is determined by the District Attorney that the complainant committed perjury in filing the complaint, the complainant may be liable, in addition to any criminal penalties, for damages in the amount of fees, costs and other amounts suffered or incurred as a result of, or arising out of the filing of, such complaint.

C. *Applicability.* This section shall apply only to Persons who have filing or reporting obligations under this chapter or the Political Reform Act, or who are compensated for services involving the planning, organization, or directing of any activity regulated or required by this chapter or the Political Reform Act, or anyone who is determined by the District Attorney to have committed perjury in filing a complaint under this chapter.

D. Whether or not a violation is inadvertent, negligent, or deliberate, and the presence or absence of good faith, shall be considered in applying the remedies and sanctions of this chapter. Further, in determining the amount of civil 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, the funds recovered shall be deposited into the City's general fund.

[Section 2.52.160 is being deleted in its entirety]

2.52.170 Availability of Records.

Unless otherwise prohibited by law, all records pertaining to complaints related to campaign contributions shall be deemed public records upon receipt. Such records include, but are not limited to: submitted complaints (whether deemed sufficient or insufficient), letters of dismissal, determinations of probable cause, determinations regarding enforcement actions, and legal services agreements with enforcement authorities. These records shall be made available to the public upon request, subject to appropriate redactions in accordance with applicable law.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to Form by

Marco A. Verdugo
City Attorney

Marco A. Verdugo
City Attorney

Kerry K. Bigelow
City Clerk