

SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S  
**Election Campaign Control Ordinance**

**PROPOSED AMENDMENTS**

February 5, 2015

**Chapter 2: Government**  
**Article 7: Elections, Campaign Finance and Lobbying**  
**Division 29: Election Campaign Control Ordinance**

**§27.2965 Professional Expense Funds**

- (a) Every elected *City Official* and every *candidate for elective City office* shall be permitted to establish and maintain one *professional expense committee* and one professional expense checking account for the purpose of soliciting, accepting, and spending professional expense funds.
- (b) In addition to *contributions* received in connection with seeking an elective *City office*, any elected *City Official* or *candidate for elective City office* may receive professional expense fund *contributions* from individuals and may use such *contributions* solely for the following purposes:
  - (1) to defray *professional fees and costs* incurred in the *City Official's* or *candidate's* response to an audit of his or her campaign activity conducted by the City of San Diego Ethics Commission, the California Fair Political Practices Commission, or the California Franchise Tax Board; or
  - (2) to defray *professional fees and costs* incurred in the *City Official's* or *candidate's* legal defense to one or more civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the *City Official's* governmental activities and duties.
- (c) It is unlawful for any individual to make, or for any elected *City Official* or *candidate* to solicit or accept from any individual, professional expense fund *contributions* totaling more than \$500 during a single calendar year in connection with an audit or a civil, criminal, or administrative proceeding identified in the Statement of Organization required by section 27.2966(b). This dollar amount is subject to changes in the Consumer Price Index as described in section 27.2937.
- (d) An individual's *contributions* to a *professional expense committee* do not count toward the campaign *contribution* limits set forth in section 27.2935, and are not subject to the time limits set forth in section 27.2938.

(e) ~~It is unlawful for any individual to make a contribution to a professional expense committee without accompanying the contribution with a disclosure form identifying the particulars of all matters, if any, that such individual has pending before the board, commission, department, or agency of which the City Official or candidate maintaining the professional expense committee is a member or employee. When filing the campaign statements required by section 29.2967, the professional expense committee shall attach to such statement a copy of each disclosure form received pursuant to this subsection.~~

(e) Every individual making contributions totaling \$100 or more to a professional expense committee shall accompany such contributions with a signed disclosure form indicating whether the individual has a financial interest in any municipal decision that has a realistic possibility of being acted on by the applicable City Official or candidate. If the individual has such a financial interest, he or she shall describe the nature of the interest on the disclosure form.

(1) For purposes of this section:

(A) the term “municipal decision” has the same meaning as set forth in San Diego Municipal Code section 27.4002;

(B) an individual has a financial interest in a municipal decision if he or she:

(i) is a claimant, applicant, respondent, contracting party, or otherwise named as a party to the decision; or,

(ii) holds a managerial level position, or has a 10% or greater ownership interest, in a business entity that is a claimant, applicant, respondent, contracting party, or otherwise named as a party to the decision; or,

(iii) has an ownership interest in real property that is the subject of the decision.

(2) It is unlawful for a professional expense committee to deposit contributions totaling \$100 or more from any individual without first obtaining a signed disclosure form from that individual.

(3) Within 10 calendar days of filing the campaign statements required by section 29.2967, the professional expense committee shall file with the City Clerk a copy of each disclosure form received during the reporting period pursuant to this subsection.

- (4) Notwithstanding any other provisions of this subsection, an individual is not required to identify a financial interest in a municipal decision on the disclosure form if both of the following are true:
- (A) the individual's contributions are required to be disclosed by a lobbying firm or organization lobbyist in accordance with San Diego Municipal Code section 27.4017; and,
  - (B) the specific municipal decision in which the individual has a financial interest has been identified on the most recent registration form or quarterly disclosure report filed by the lobbying firm or organization lobbyist.
- (f) It is unlawful for a *person* other than an individual to make a *contribution* to a *professional expense committee*. It is unlawful for a *City Official* or *candidate* to solicit or accept a *contribution* for a *professional expense committee* from any *person* other than an individual.