

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANAHEIM ADDING A
NEW SECTION TO CHAPTER 1.09 OF TITLE 1 OF THE
ANAHEIM MUNICIPAL CODE RELATING TO CAMPAIGN
AND ETHICS REFORM

THE CITY COUNCIL OF THE CITY OF ANAHEIM HEREBY ORDAINS AS
FOLLOWS:

SECTION 1.

That new Section 1.09.051 be, and the same hereby added to Chapter 1.09 of Title 1 of the Anaheim Municipal Code to read in full as follows:

1.09.051 RECUSAL FOR CONFLICT OF INTEREST

.010 For purposes of this section, the following terms shall be deemed to have the following meanings:

“Contribution” means contributions to candidates and candidate-controlled committees in federal, state, or local elections.

“License, permit, or other entitlement for use” means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than low bid, labor, or personal employment contracts), and all franchises.

“Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

“Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7 of the California Government Code. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the City, testifies in person before the City, or otherwise acts to influence officers of the City.

.020 No Elective City Officer shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the Elective City Officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with [Section 87100](#)) of Chapter 7 of the California Government Code. This prohibition shall apply regardless of whether the

Elective City Officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other Elective City Officer, or on behalf of any candidate for office or on behalf of any committee.

.030 Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before the City, each Elective City Officer who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No Elective City Officer shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the City if the Elective City Officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the Elective City Officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with [Section 87100](#)) of Chapter 7 of the Government Code.

.040 If an Elective City Officer receives a contribution which would otherwise require recusal under this section, returns the contribution or that portion of the contribution over \$250 within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

.050 A party to a proceeding before the City involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any Elective City Officer. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before the City and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any Elective City Officer or independent committee supporting the Elective City Officer during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before the City, the majority shareholder is subject to the disclosure and prohibition requirements herein.

.060 Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

SECTION 2. SEVERABILITY.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 3. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ___ day of _____, 20_, and thereafter passed and adopted at a regular meeting of said City Council held on the ___ day of _____, 20_, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR PRO TEM
OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM