



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT: SEE BELOW**

**DATE:** June 1, 2023

## SUPPLEMENTAL

**SUBJECT: APPROVE THE PROPOSED ORDINANCE TO REVISE SECTIONS 12.06.030 AND 12.06.220 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE**

### REASON FOR SUPPLEMENTAL

Provide a new proposed ordinance to respond to the direction from the City Council. On May 23, 2023, the City Council considered a proposed ordinance to revise Section 12.06.030 of Title 12 of the San José Municipal Code to amend the definition of “candidate” to include an elected official to bring the activities of a candidate controlled committee within the contribution limitations of Title 12. The City Council directed the City Attorney’s Office to return with revisions that would also clarify that a staff of an elected official’s City office as well as a campaign staffer would be considered an “agent” subject to the same limitations as the candidate.

### DISCUSSION

The proposed ordinance now includes revisions to Section 12.06.220 to amend “agent” to include a member of the elected official’s office staff, with or without compensation. If approved, the prohibitions and requirements of Chapter 12.06 applicable to a candidate would also apply to the candidate’s agent. The proposed ordinance would also amend Section 12.06.030 defining “candidate” to include elected official in conformance with state law, and reference the gender neutral term “they” instead of “he” or “she.” For questions, please contact Rosa Tsongtaarii, Chief Deputy City Attorney, at (408) 535-1985.

NORA FRIMANN  
City Attorney

By /s/ Rosa Tsongtaarii  
Rosa Tsongtaarii  
Chief Deputy City Attorney

cc: Jennifer Maguire