

Article 1: General Information on Required Reviews

and Enforcement

Division 6: Denial of Permits for Campaign Law Violation

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0601 Purpose of Denial of Permits for Campaign Law Violation

The purpose of this division is to protect the City's land development process by ensuring that permits, maps, and other matters are to be granted only by means of a process that is conducted under the highest standards of integrity and honesty. The intent is to provide for the denial of a permit, map, or other matter because of an *applicant* or affiliate's violation of campaign disclosure laws as a sanction to be imposed only in the public interest to avoid undue influence or the appearance of undue influence in the land development process and not for purposes of punishment.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0602 Effect of Campaign Law Violation on Issuance of Permit, Map, or Other Matter

- (a) Unless the decision maker finds that denial of a particular permit, map, or other matter would adversely affect an applicant's vested rights to the permit, map, or other matter, the decision maker shall deny an applicant's request for any permit, map, or other matter listed in Section 121.0603 if the decision maker finds the following:
 - (1) The *applicant* or *affiliate* has been convicted in a court of law for violations of California Government Code sections 84300(c) and 84301 (sections of the California Political Reform Act requiring disclosure of true campaign donor) as they existed on May 15, 1996, or as amended thereafter, and these violations occurred on or after May 15, 1996 with respect to a City election; or
 - (2) The *applicant* or *affiliate* is subject to a Fair Political Practices Commission ("FPPC") enforcement order, either following a hearing or by stipulation, that makes a finding of a violation of California Government Code sections 84300(c) and 84301 as those sections existed on May 15, 1996, or as amended thereafter, and these violations occurred on or after May 15, 1996 with respect to a City election.

- (b) The decision maker's determination under Section 121.0602(a) as to whether an applicant's vested right to a permit, map, or other matter will be adversely affected may be made only after consultation with the City Attorney.
- (c) The decision maker's duty under this section to deny permits, maps, or other matters to an *applicant* extends to all divisions or other organizational elements of the *applicant*, unless the prohibition is limited by its terms to specific divisions, organizational elements, or commodities. The City may extend the prohibition to include an *affiliate* if the *affiliate* is (1) specifically named and (2) given written notice of the proposed prohibition and an opportunity to respond.
- (d) The City's obligation to deny a permit, map or other matter under Section 121.0602(a) shall cease three years from the date of conviction in a court of law, or date of an FPPC enforcement order, finding a violation of California Government Code sections 84300(c) and 84301.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0603 Land Use Authorities and Permits Subject to Campaign Law Regulations

The following types of discretionary permits, maps, or other matters are subject to Section 126.0602:

- (a) Zone changes issued pursuant to Chapter 12, Article 3 that are not commenced by the City;
- (b) Variances issued pursuant to Chapter 12, Article 6, Division 8;
- (c) *Development permits* issued pursuant to Chapter 12, Article 6, Divisions 1 through 7;
- (d) Tentative or *parcel maps* issued pursuant to Chapter 12, Article 5;
- (e) Development Agreements entered into pursuant to Chapter 12, Article 4; and
- (f) Any other similar permit, map, or other matter identified by the City Manager.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0604 List of Persons Subject to Campaign Law Regulations

- (a) The City Manager shall compile and maintain a current, consolidated list of all persons whose application for permits, maps, or other matters is required to be denied under Section 121.0602(a); shall periodically revise and distribute the list and issue supplements; and shall establish procedures to provide for effective use of the list to ensure that the City does not issue permits, maps, or other matters to anyone on the list.
- (b) The list maintained by the City Manager under this section shall indicate the following:
 - (1) The names and addresses of all persons who have been denied permits, maps, or other matters under Section 121.0602(a) with cross references when more than one name is involved in a single action;
 - (2) The cause for the action; and
 - (3) The termination date for each listing.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0605 Scope of Campaign Law Regulations

- (a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with an *applicant* may be imputed to the *applicant* when the conduct occurred in connection with the individual's performance of duties for, or on behalf of, the *applicant* or with the applicant's knowledge, approval, or acquiescence. The applicant's acceptance of the benefits derived from the conduct shall be evidence of knowledge, approval, or acquiescence.
- (b) The fraudulent, criminal, or other seriously improper conduct of an *applicant* may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the *applicant* who participated in, knew of, or had reason to know of the applicant's conduct.
- (c) The fraudulent, criminal, or other seriously improper conduct of one *applicant* participating in a joint venture or similar arrangement may be imputed to other participating *applicants* if the conduct occurred for, on approval of, or with the acquiescence of these *applicants*. Acceptance of the benefits derived from the conduct shall be evidence of knowledge, approval, or acquiescence.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)