

SB 1439

Limitation on Council Contributions

Councilmember &
Commissioner Training
May 6, 2024 5:00 pm

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SB 1439

- Effective January 1, 2023, Government Code Section 84308 expands the regulation of the acceptance of campaign contributions in excess of \$250 from donors involved in certain matters before the local agency.
- Used to only apply to commissioners. Now it applies to councilmembers.



General Rule:

- If the donor has a matter pending before the agency, or is a **participant** with a legal interest in the proceeding, and the official received a campaign contribution from the donor in excess of \$250 in the prior 12 months, the official must:
 1. Publicly disclose the contribution;
and
 2. Not in any way participate in the decision of the matter.
- The donor must disclose the contribution on the record.
- In the 12 months following the decision, a local official cannot receive campaign contributions in excess of \$250 from a donor with an economic interest in the governmental decision.



What decisions are affected?

- All decisions affecting an application for a “license, permit, or other entitlement for use.”
- This 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 competitively bid, labor, or personal employment contracts), and all franchises.



Exceptions:

- Lack of Actual or Constructive Knowledge. 2 CCR 18438.7 provides guidelines.
- Participation allowed if contribution returned within 30 days of when the officer knew or should have known about contribution/proceeding.
- Can return contribution made within 12 months after a proceeding within 14 days of receiving it if officer did not knowingly and willfully accept, solicit or direct the contribution.



Questions?