

WHEREAS there is a broad concern raised by ordinary citizens over the ability of business and individual donors to influence governmental decisions by making substantial campaign contributions to elected officials with the specific goal of obtaining favorable treatment;

WHEREAS it is in the interests of the City of Somerville to address those concerns of its residents by establishing a clear and comprehensive ordinance to enact reasonable restrictions on campaign contributions in certain areas;

NOW THEREFORE BE IT ORDAINED AS FOLLOWS;

AN ORDINANCE REGULATING CAMPAIGN CONTRIBUTIONS BY THOSE SEEKING CONTRACTS, ZONING RELIEF, THE PURCHASE OF CITY PROPERTY OR FINANCIAL ASSISTANCE FROM THE CITY OF SOMERVILLE

Section I, Definitions:

(a) *Applicant*. A Person who has filed an application with the City of Somerville or any City-Related Agency in any of the following situations:

- (i) entering into a non-competitively bid City Contract,
- (ii) seeking approval for a special permit, approval of a planned unit development or variance, excluding those related to a single family, two-family or three-family home that is owner occupied,
- (iii) seeking to acquire real estate from the City or any City-Related Agency, or
- (iv) seeking Financial Assistance from the City.

(b) *City-Related Agency*. All departments of the City, as well as any authorities and quasi-public corporations that receive appropriations from the City, such as the Somerville Redevelopment Authority.

(c) *Contractor.* A Person who has entered into a Non-Competitively Bid Contract with the City or any City-Related Agency.

(d) *Contribution.* A donation of money or of in-kind goods and services as further defined in Massachusetts General Laws Chapter 55, Section 1.

(e) *Financial Assistance.* Any grant, loan, tax incentive, bond financing proceeds used to purchase land or fund expenses for improvements made to land or real estate, or other form of assistance that is realized by or provided to a Person in the amount of twenty-five thousand dollars (\$25,000) or more through the authority or approval of the City or a City-related Agency, including but not limited to Tax Increment Financing (TIF) aid, District Improvement Financing (DIF) aid, industrial development bonds, use of the power of eminent domain, or Community Development Block Grant (CDBG) aid.

(f) *Non-Competitively Bid Contract.* A contract in excess of \$25,000 to which the City or a City-Related Agency is a party that was not competitively bid, regardless of whether the contract was required to be competitively bid under Massachusetts procurement law.

(g) *Person.* An individual, corporation, limited liability company, partnership, association, joint venture, or any other legal entity.

Section II Mandatory Disclosure for Applicants

A. Before the City may enter into any contract with an Applicant as defined in Section I (a) 1, the Applicant must file a complete Mandatory Disclosure Form with the contracting entity.

B. At the time that an Applicant seeks approval for a Special Permit, approval of a Planned Unit Development or Variance, as those terms are defined in the Somerville Zoning

Ordinance, the Applicant must file a complete Mandatory Disclosure Form with the Board hearing the Special Permit application, Planned Unit Development application or Variance.

C. At the time that an Applicant submits a bid or submits a response to a request for proposals in connection with the acquisition of real estate owned by the City or a City-related Agency, the Applicant must file a complete Mandatory Disclosure Form with the City Agency seeking to dispose of the property. If the Applicant is otherwise seeking to acquire real estate from the City or from a City-related Agency, then the Applicant must submit a complete Mandatory Disclosure Form prior to obtaining title to such real estate.

D. At the time the Applicant files an application for Financial Assistance, the Applicant must file a complete Mandatory Disclosure Form with the City Agency that would provide such Financial Assistance.

E. Such Mandatory Disclosure Form shall be open to and available for inspection to the public. Such Form shall be signed under the pains and penalties of perjury by the Applicant and shall include the following information:

(i) The name, address, telephone number of the applicant and of all of its principals, officers, directors, shareholders in excess of 10% and managing agent to the extent applicable,

(ii) All Contributions made by the Applicant during the four years prior to the Application to any person who was a candidate for elective office in the City of Somerville by stating the name, date and amount of each such contribution. The attribution rules of Section III below shall apply to the Contributions that must be disclosed.

(iii) The names, business addresses and phone numbers of all subcontractors that the Applicant intends to use on the contract and the amount or percentage to be paid to such subcontractor.

(iv) A certification by the Applicant that if the Applicant is awarded the item that is applied for under Sections A.B.C. or D. above in this section, that the Applicant and anyone attributed to the applicant or any subcontractor used on the contract shall not make any contribution in any calendar in an amount in excess of \$300 to any individual incumbent or to any individual candidate for elective office for the next four calendar years following the award of the item.

III. Attribution Rules

A. Where a Person is an individual, any Contributions made by the individual, any spouse of the individual, anyone residing in the same residence of the individual and any children of the individual.

B. Where a Person is not an individual but a corporation, partnership or limited liability corporation, then any Contributions made by any of its officers, directors, principles, shareholders in excess of 10% or any of its employees.

IV. Eligibility

A. No Applicant shall be entitled to obtain the award of the item applied for if such Applicant, including those who would be attributed to the Applicant under Sec. III above or any subcontractor used on the contract has made a total contribution of more than \$300.00 to any individual candidate for office in the City of Somerville or incumbent in either the calendar year of the application or the calendar year preceding the application. Provided, however, that the restriction of eligibility with regard to contributions made prior to the year preceding the application shall not apply to any contributions made in the calendar year preceding the adoption of this ordinance and shall only go forward beginning with the year of adoption of the ordinance.

B. The Applicant and anyone attributed to the Applicant and any subcontractor used on the contract shall not make any contribution to any incumbent or to any candidate for elective office in the City of Somerville in excess of \$300 per year for the next four calendar years following the award of the item.

V. Penalties

The City shall revoke the award sought by an Applicant if it is found that an Applicant made a material misstatement on the Mandatory Disclosure Form or if the Applicant fails to comply with the provisions of Section II.E(iv) above. In addition, the Applicant may be fined the sum of \$300 for each violation of this Ordinance. The enforcing authority shall be the Mayor, Auditor and City Solicitor.