

Presentation To City Council – From the Ethics Review Commission

Tuesday, March 20, 2018

Requested Council Action

Receive presentation from the Ethics Review Commission regarding proposed amendments to the City's Code of Ethics; discuss and provide direction to ERC and city staff pertaining to the recommendations

Overview of Recommended Amendments

- Limit campaign contributions
- Require lobbyists to register and submit periodic lobbying activity reports
- Require city officials and employees to report ethics violations
- Prohibit city officials from voting on contracts with business entities they serve in any capacity
- Require remedial ethics training for employees or officials found to have violated the ethics ordinance

Campaign Contribution Limits

- Individual contribution limit: \$500 per candidate per election cycle
- Aggregate fund raising limits per election cycle:
 - For mayoral candidates: \$2.00 x number of registered city voters on date of last mayoral election [32,682 registered voters on 11/07/2017]
 - For council candidates: \$1.00 x number of registered city voters on date of last election for any council place
 - Runoff candidates: \$3.00 x number of registered city voters on the date of the last regular municipal election

Campaign Contribution Limits (continued)

Contributions – include monetary, in-kind, and pledged contributions

Election Cycle – begins on January 1st of year following the last election for mayor or a particular council place or on the start of the candidate's campaign (whichever is later) and ends on October 31st prior to the next election for that position

Lobbying Regulations

Key Terms Defined:

Lobbying – oral, written, or electronic communication with a city official, employee, or staff member to influence a municipal decision on behalf of the lobbyist himself, or on behalf of another person or entity

Includes: attempts to adopt or defeat adoption of an ordinance or resolution, to gain the award of a contract or approval of a land use/land development application

Lobbying Regulations (continued)

Excludes: communications regarding homestead property; family matters that are not business related; matters not involving financial benefit or detriment

Lobbyist – any person, including an attorney, who engages in lobbying on behalf of his/her principal, employer, or the owner of a business. Both the lobbyist and the principal would be subject to proposed registration and reporting requirements

Lobbying Regulations (continued)

Registration – required; failure to register can delay city's award of contract or land use decision until registration occurs

Activity Reports:

- required to be filed for each two month period
- include the name of the client, list of issues, matters or decisions
- names of city officials or employees contacted
- dollar amount of each gift, benefit or expenditure conferred on a city official in excess of \$50 or in a cumulative amount greater than \$200 per reporting period
- setting annual limit of \$500 on meals or gifts to a city official

Lobbying Regulations (continued)

Violations and Enforcement:

- complaints regarding lobbying violations would be heard by the ERC
- repeated violations – three violations within a five year period – results in suspension for one year
- could also result in municipal court prosecution

Other Proposed Amendments

Mandatory Reporting of Ethics Violations:

Amend Section 2.444 of the ethics ordinance to require city officials and employees who have knowledge of a violation of the code of ethics or state conflict of interest law to report the violation to the ERC

Voting on Certain Contracts Prohibited:

Amend Section 2.423 to prohibit a city official from voting on a contract with the city for any business entity that the official serves in any capacity

Other Proposed Amendments (continued)

Remedial Ethics Training:

Amend Section 2.444 to include, as a sanction for violation of the ethics ordinance, a requirement that the official or employee attend remedial ethics training including any updates to the ordinance

Q&A

- Questions?
- Direction to Ethics Review Commission and staff?