

2012 Council Study Issue

OCA-12-01 Consideration Of Ordinance Barring Council From Voting On Issues Involving Individuals Or Organizations Contributing To Councilmember's Election Campaign

Lead Department Office of the City Attorney

History **1 year ago** None **2 years ago** None

1. What are the key elements of the issue? What precipitated it?

This study issue was precipitated by Councilmember Meyering's assertion that former and current City Council members have been influenced in voting by campaign contributions.

The Political Reform Act of 1974 establishes state regulations regarding conflicts of interest and disqualification for public officials and is administered by the Fair Political Practices Commission. Covered officials must disqualify themselves from a proceeding if they have received contributions of more than \$250 during the previous 12 months from a party with a financial interest in the proceedings. The Political Reform Act expressly exempts directly elected state and local officials as covered officials. This study issue would examine and analyze going beyond the requirements of the Political Reform Act of 1974 to include directly elected Council members as covered officials required to disqualify themselves if they have received campaign contributions from a party with a financial interest in the proceedings.

2. How does this relate to the General Plan or existing City Policy?

The 2011 Code of Ethics and Conduct For Elected and Appointed Officials has several provisions relating to acting in the public interest, avoiding conflict of interest situations, and full financial disclosure. Existing City policy requires Council members to vote in the public interest and to avoid any conflict of interest.

3. Origin of issue

Council Member(s) Meyering/Whittum

4. Staff effort required to conduct study Moderate

Briefly explain the level of staff effort required

Staff effort would include review of current Political Reform Act of 1974 requirements, review of current City codes and standards on conflicts of interest, research on other jurisdictions and whether there are ordinances similar to the one proposed in this study issue, an analysis of any constitutional or policy issues, and drafting and development of a proposed ordinance to prohibit voting on matters where a Council member has received a campaign contribution.

5. Multiple Year Project? No **Planned Completion Year** 2012

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? No

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required 0

Explanation

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? No

Explanation

Other than staff costs of researching and developing an ordinance, there would be no budgetary impact of implementation.

9. Staff Recommendation

Staff Recommendation None

If 'Support', 'Drop' or 'Defer', explain

Reviewed by



Department Director

1/13/12

Date

Approved by



City Manager

1/16/12

Date