

MOTION

Under current interpretation of the City's ethics and conflict of interest laws when the spouse of a City Councilmember's staff is a registered lobbyist and when that lobbyist is seeking to influence their spouse's office, the staff are advised to create a firewall within the Council office to effectively recuse themselves from engaging in any discussions or deliberations of the issue. However, such advice is only provided if the staff person in question proactively seeks guidance from the Ethics Commission or the City Attorney. Because there are no provisions requiring such a firewall and in recognition that such firewalls may not always be effectively applied, it is likely that there have been instances where the spouse or close relative of a Councilmember or of the senior or planning staff of a Councilmember (e.g., those that are required to file a Form 700) has lobbied the office of that Councilmember. This presents at a minimum an appearance of conflict of interest if not an actual conflict. As the City Council is currently in the process of considering changes to these laws, now is an opportune time to consider provisions that would address this unregulated area of the law.

I THEREFORE MOVE that the City Council request that the Chief Legislative Analyst, in consultation with the Ethics Department and the City Attorney, report to the Council within 30 days on whether and how the City could adopt revisions to the ethics and conflict of interest laws that would:

- 1) Require that anyone registering as a lobbyist disclose if they are a Close Relative – defined as the spouse, registered domestic partner, parent, or child of the lobbyist – of a City Councilmember or staff person of a Councilmember that is required to file a Form 700 form (collectively the "Reporting Staff");
- 2) Prohibit a registered lobbyist that is a Close Relative of a Councilmember or of a member of the Reporting Staff of a Councilmember from lobbying that Council office on any proposed or pending land use development project that is located in that Councilmember's district; and

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3) Prohibit a Councilmember or Reporting Staff person of a Councilmember from communicating with a registered lobbyist who is a close relative of the Councilmember or of a Reporting Staff person of a Councilmember on any proposed or pending land use development project that is located in the Councilmember's district and require the prohibited individual, the Councilmember or a Reporting Staff person, to recuse and file the appropriate disclosure form with the City Ethics Commission.

PRESENTED BY:

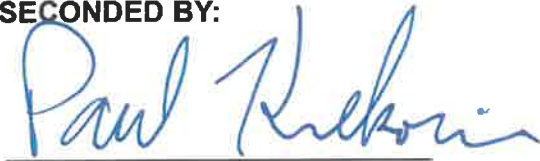


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SECONDED BY:



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