

WORKING GROUP RECOMMENDATIONS VS. STAFF-PROPOSED ALO

KEY WORKING GROUP RECOMMENDATIONS:

- Apply the Anti-Lobbying Ordinance only to the solicitation. Vendors may communicate on all other matters without violating the ALO.
- Narrow the definition of “Representations” to target lobbying.
- Add communications regarding existing contracts to “Permitted Communications.”
- Apply the ALO through Council’s vote on executing the contract.
- Develop a body of rules in a companion regulatory document to the ALO; incorporate an option to engage a third-party reviewer such as the Ethics Review Commission to determine violations, judgment, and penalty enforcement; City Purchasing and City Legal should develop this companion document for *approval by Council*.
- **Purchasing Office should receive and compile further stakeholder input for Council.**

STAFF-PROPOSED ALO:

- In defining prohibited representations, preserves broad, subjective terms like “influences”, “persuades”, and “advances the interest of the respondent.”
- Fails to allow communication regarding contracts between the City and parties other than the respondent.
- Fails to allow respondent communication with the media and community groups.
- Applies the ALO for 60 days *following* Council authorization, or until signing of contract, or until cancellation of the solicitation.
- Gives purchasing officer broad authority to consider undefined “mitigating factors” in determining whether a violation has occurred.
- Proposes to authorize City staff rather than City Council to approve administrative rules.
- Does not include an option for third-party review by the Ethics Review Commission.
- **Purchasing office has failed to solicit further stakeholder input for Council.**