



ZERO WASTE ADVISORY COMMISSION RECOMMENDATION 20171011-003b

Date: October 11, 2017

Subject: **Recommendation from ZWAC Regarding City Code Chapter 2-7, Article 6 relating to anti-lobbying and procurement.**

Motioned By: Commissioner Blaine

Seconded By: Commissioner Bones

Recommendation

At the October 11, 2017 meeting of the Zero Waste Advisory Commission, the Commission made the following recommendation regarding the Anti-Lobbying Ordinance (ALO).

Description of Recommendation to Council

The Zero Waste Advisory Commission registers a serious concern that the recommendations of the Waste Management Policy Working Group are not well reflected in the drafted changes to the Anti-Lobbying Ordinance (ALO) and recommends adoption of the changes to the ALO detailed below:

- A guarantee that rulemaking will have an element of ongoing public participation, with rules ultimately brought back to the Ethics Review Commission (ERC) and Council for final review and approval.
- Specific mention in the ordinance of a right to appeal all disqualifications and other penalties or determinations to the ERC and ultimately Council.
- Clarification that only Council may void a contract for violation for the ALO.
- Striking all sections which empower staff to require recusal of elected or appointed City officials.
- Assurance that the ordinance will not consider public communications to be in any way a violation.
- Assurance that independent advocacy from non-respondents will not be used to disqualify respondents.
- Definition of the term “response.”
- Clarification of subjective terms such as “influences,” “persuades,” “advances the interests,” or “discredits.” At minimum we recommend that you direct staff to provide objective standards for these terms as part of their rulemaking.
- Eliminate or delineate the power of purchasing officers to determine “mitigating factors” in violations.
- Replace disqualification for “similar” projects with a disqualification for the SAME project.”
- Continue to keep the Anti-lobby Ordinance in a suspended state until such time that both the final ALO and subsequent governing Rules are drafted and adopted by Council.

Vote: 8-0-0-2

For: Commissioners Acuna, Blaine, Bones, de Orive, Hoffman, Masino, Rojo, White,

Against: 0 Abstain: 0 Absent: Joyce, Gattuso

Attest:



Michael Sullivan, ZWAC staff liaison