



Office of the Mayor

CONSENT CALENDAR

April 25, 2017

To: Members of the City Council

From: Mayor Jesse Arreguín and Councilmember Harrison

Subject: Amending BMC Sections 2.07.030 and 2.07.040: Modifying Revolving Door Restrictions

RECOMMENDATION

Adopt a first reading of an ordinance amending Sections 2.07.030 and 2.07.040 of the Berkeley Municipal Code. This amendment would extend the time requirement between the termination of City office or employment and lobbying from 12 months to 3 years, and ending service on a commission and lobbying from 12 months to 2 years.

BACKGROUND

On October 28, 2014, the City Council considered a referral to the Fair Campaign Practices and Open Government Commission that included a Revolving Door Policy prohibiting former City staff, for a specified period of time after they left employment with the City, from lobbying current staff on matters relating to City business. The matter was referred to the Agenda Committee for future scheduling and a Council Ad-Hoc Committee on a More Open Government (Councilmembers Arreguin, Capitelli, Wengraf, and Droste) first convened on May 11, 2015 to discuss this matter and other Good Government policies.

On March 29, 2016, the City Council considered a proposal by the Council Ad-Hoc Committee to adopt the first reading of a Revolving Door ordinance, which was referred to the City Attorney for amendments suggested by the dais. The first reading of the revised ordinance moved forward without modification, and the second reading was approved by Council on June 14, 2016.

Subsequent to that approval, other cities began to discover a need to extend restriction periods due to how difficult it can be to enforce such a policy in a timely manner. In Portland, Oregon, the City Auditor recommended that they increase their restriction from 12 months to 2 years, and in Seattle, voters overwhelmingly passed a local measure requiring a three-year cooling off period.

Any violation, once discovered, would require investigation and a possible written legal opinion. A longer restricted time would ensure that any violation could be adjudicated and further opportunity to violate the provisions unviable for a substantial period of time.

FINANCIAL IMPLICATIONS

Staff time

ENVIRONMENTAL SUSTAINABILITY

No impact

CONTACT PERSON

Jesse Arreguín, Mayor 510-981-7100

Attachments:

1. Proposed modifications to BMC Chapter 2.07.030 and 2.07.040 of Revolving Door Restrictions

ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.07 TO EXTEND  
PROHIBITION ON LOBBYING AFTER LEAVING CITY EMPLOYMENT OR  
COMMISSION SERVICE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 2.07.030 is hereby amended to read as follows:

**2.07.030 Prohibitions.**

For ~~twelve (12) thirty-six (36)~~ months immediately following the termination of City office or employment, no former City official or employee shall:

A. Lobby the City Council or any board, commission or City staff on any issue or matter that was within that official's or employee's area of responsibility at the City of Berkeley during the ~~12 (twelve) thirty-six (36)~~ months prior to his or her termination of service.

B. Represent anyone else for compensation, before the City Council, or any City commission or board, or any staff of the City.

Section 2. That Berkeley Municipal Code Section 2.07.040 is hereby amended to read as follows:

**2.07.040 Prohibition for Former Commission Members.**

A former member of a commission shall not lobby the commission on which the former member served, for a period of ~~twelve (12) twenty-four (24)~~ months immediately following the termination of service on that commission. No other provisions of this Chapter shall apply to persons serving on a commission who are not otherwise City officials or designated employees.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

