



Senate Bill 1439

Sylvia Edwards, City Clerk

May 17, 2023

Ask

That the Council provide direction on how to track Conflict of Interest requirements enacted through SB 1439.



SB 1439

Campaign Contributions

- Effective January 1, 2023; does not apply to contributions received in 2022
- Prohibits accepting, soliciting, or directing a campaign contribution over \$250 if the donor is involved in a proceeding involving a license, permit, or other entitlement for use, including a contract award that is pending before the agency
- Requires City Council members to recuse themselves from such proceeding if the member has received a contribution within the previous 12 months



Options

Options Presented at April 5, 2023 COTW

- Option 1:** Elected Officials track their respective Conflict of Interest and recuse themselves
- Option 2:** City staff tracks Conflict of Interest and prepares potential Conflict of Interest memorandum prior to each meeting

Additional Options for Consideration

- Option 2A:** City staff prepares a potential Conflict of Interest memorandum based on the Disclosure of Campaign Contributions and the Conflict of Interest forms **(similar to RCTC's process)**
- Option 3:** City staff prepares a potential Conflict of Interest memorandum solely based on the agencies listed on the agenda
- Option 4:** City staff highlights the agencies listed on the agenda



Options (Presented on April 5)

- **Option 1:** Elected Officials track their respective Conflict of Interest and recuse themselves
- **Option 2:** City staff tracks Conflict of Interest and prepares potential Conflict of Interest memorandum prior to each meeting
 - Requires the Planning and Development Department and Purchasing Division staff to provide the applicant/bidder with a Disclosure of Campaign Contributions Form
 - The applicant/bidder will disclose the contributions they have made to any Elected Official involving a license, permit or other entitlement for use, including a contract award
 - Council Members submit a Conflict of Interest Form



Additional Options

- **Option 2A:** City staff to prepare a potential Conflict of Interest memorandum based on the Disclosure of Campaign Contributions Form and the Conflict of Interest Form
 - Disclosure of Campaign Contributions forms received from the Purchasing Division
 - Conflict of Interest forms received submitted by the Council Members
 - This option is similar to RCTC's process



Additional Options (cont.)

- **Option 3:** City staff to prepare a potential Conflict of Interest Memorandum solely based on the agencies listed on the agenda
 - Based on the agencies listed on the Recommended Action
- **Option 4:** City staff to highlight the agencies listed on the agenda

10. **AGREEMENT** - [MAINTENANCE/GENERAL SERVICES AGREEMENT FOR CITYWIDE JANITORIAL CLEANING SERVICES TO GUARANTEED JANITORIAL SERVICES, INC.](#)

That the City Council:

- a. Award the Request for Proposals (RFP) 23-0445B to **Guaranteed Janitorial Services, Inc.** for citywide janitorial services.



Pros & Cons

(Recommended)

(Recommended Alternative)

Option 1		Option 2		Option 2A		Option 3		Option 4	
<p>Elected Officials track their own Conflict of Interests</p>		<p>City staff track Elected Officials' Conflicts of Interest</p> <p>(Prepare memo for each meeting)</p>		<p>City staff track Elected Officials' Conflicts of Interest</p> <p>(Prepare memo for each meeting based on the Disclosure of Campaign Contributions forms and the Conflict of Interest forms)</p>		<p>City staff track Elected Officials' Conflicts of Interest</p> <p>(Prepare memo for each meeting based solely on the agencies listed on the agenda)</p>		<p>City staff to highlight the agencies listed on the agenda</p>	
Pros	Cons	Pros	Cons	Pros	Cons	Pros	Cons	Pros	Cons
<ul style="list-style-type: none"> Elected Officials are most knowledgeable of contributions they've received Consistent with other city's approaches No blaming of staff if an oversight occurs No cost to taxpayers 	<p>Possible oversight</p>	<p>Elected officials won't have to track their campaign contributions</p>	<ul style="list-style-type: none"> Staff responsibility to notify elected official Would require additional full-time employee with a cost of approx. \$98,944 annually Possibility for staff oversight and blame Not the norm for how other cities track conflicts of interest 	<p>Elected officials won't have to track their campaign contributions</p>	<ul style="list-style-type: none"> Possibility for staff oversight and blame Further strains City Clerk staff resources Changes the process for the Purchasing Division Further strains purchasing staff resources 	<p>Elected officials won't have to track campaign contributions</p> <p>Agencies are listed on the agenda and easily accessible for staff to prepare memo</p> <p>Other departments aren't involved in the process</p>	<ul style="list-style-type: none"> Possible oversight City Clerk staff resources 	<p>Agencies are listed on the agenda and can be easily highlighted</p> <p>Other departments aren't involved in the process</p> <p>Minimal City Clerk staff resources</p>	<p>Possible oversight</p>

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Questions?



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