

6.12.18 - TDS: KEY ANTI-LOBBYING ORDINANCE (ALO) REFORM RECOMMENDATIONS

- OVERSIGHT: Allow appeal of staff decisions to the Ethics Review Commission or another Council-designated body, and to the City Council
- RULES: Require City Council approval of the ALO's administrative rules
- RESTRICTIONS: Restrict only direct, solicitation-specific advocacy by respondents and agents acting at the explicit request of respondents; allow all other speech
- PERIOD: Begin each restricted contact period no sooner than 14 days after each solicitation is issued and discontinue it no later than 14 days before each proposed contract is posted for consideration by a City board or commission or the City Council, to allow POLICY discussion
- DISQUALIFICATION: Do not allow staff to consider subjective "mitigating factors" in determining disqualifications
- DEBARMENT: Eliminate debarment; alternatively, apply debarment only to future solicitations, and make debarment appealable to the Ethics Review Commission or another City Council-designated body, and to the City Council

SUPPORTING ADVISORY RECOMMENDATIONS

City Council Waste Management Policy Working Group (PWG):

- OVERSIGHT: Engage a third-party reviewer such as the Ethics Review Commission
- RULES: Develop a body of rules in a companion regulatory document for approval by Council
- RESTRICTIONS: Narrow the definition of "representation" to target lobbying

Zero Waste Advisory Commission (ZWAC):

- OVERSIGHT: Allow appeal of disqualifications to the Ethics Review Commission and City Council
- RULES: Bring ALO administrative rules to Ethics Review Commission and to City Council for approval
- RESTRICTIONS: Assure that public communications and advocacy from non-respondents do not constitute violations
- DISQUALIFICATION: Eliminate "mitigating factors" in staff determination of violations

Ethics Review Commission (ERC):

- OVERSIGHT: Establish third-party appellate process
- PERIOD: Begin restricted contact period 4 days after a solicitation is issued to give respondents time to address POLICY concerns
- DISQUALIFICATION: Eliminate staff consideration of "mitigating factors" in determining violations

Texas Campaign for the Environment (TCE):

- OVERSIGHT: Establish right to appeal disqualifications or other penalties to Ethics Review Commission or another City body and to City Council
- RULES: Bring ALO administrative rules to Ethics Review Commission and to City Council for approval
- RESTRICTIONS: Ensure public communication and independent advocacy do not constitute violations
- PERIOD: Begin restricted contact period upon solicitation response due date until some time prior to Council consideration to allow POLICY discussion
- DISQUALIFICATION: Eliminate staff consideration of "mitigating factors" in determining violations and other subjective terminology

NONE OF THE ABOVE KEY RECOMMENDATIONS FOR ALO REFORM ARE INCLUDED IN CITY STAFF'S PROPOSED "VERSION 3" REVISION!