

INTRODUCED: July 23, 2018

A RESOLUTION No. 2018-R072

To express the City Council's intent to include in its legislative proposals for the 2019 session of the General Assembly a request that the General Assembly amend Va. Code § 15.2-1408 to authorize the City to adopt an ordinance prohibiting former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the City or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a City officer or employee through decision, approval, or recommendation.

Patrons – Mr. Agelasto, Ms. Gray and Mr. Addison

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 10 2018 AT 6 P.M.

WHEREAS, section 30-103(7) of the Code of Virginia (1950), as amended, prohibits former members of the General Assembly of Virginia from, during one year after termination of the former member's service as a legislator, from engaging in activities requiring registration as a lobbyist in which the former member represents a client or acts in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly of Virginia or any agency of the legislative branch of the state government; and

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 10 2018 REJECTED: _____ STRICKEN: _____

WHEREAS, section 2.2-3104 of the Code of Virginia (1950), as amended, prohibits, during one year after the termination of their public employment or service, state officers and employees from, before the agency of which he was an officer or employee, representing a client or acting in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which they were officers or employees; and

WHEREAS, although local governments in Virginia lack the legal authority to impose prohibitions on former local government officers and employees similar to those imposed on state legislators by section 30-103(7) of the Code of Virginia (1950), as amended, and state officers and employees by section 2.2-3104 of the Code of Virginia (1950), as amended, section 15.2-1408 of the Code of Virginia (1950), as amended, permits certain localities, not including the City of Richmond, to adopt ordinances to “prohibit former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the county or city or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a county or city officer or employee through decision, approval, or recommendation;” and

WHEREAS, the City of Charlottesville and the City of Virginia Beach, both named in section 15.2-1408 of the Code of Virginia (1950), as amended, have adopted ordinances imposing this prohibition on their former officers and employees; and

WHEREAS, although the review and recommendations concerning ethical standards applicable to local government in the city of the Ethics Reform Task Force established by

Ordinance No. 2017-147, adopted September 11, 2017, as amended by Ordinance No. 2018-038, adopted February 26, 2018, are not yet due, the Council of the City of Richmond believes that it is in the best interests of the citizens of the City of Richmond that the Council now express its intent to include in its legislative proposals for the 2019 session of the General Assembly of Virginia a request that the General Assembly of Virginia amend section 15.2-1408 of the Code of Virginia (1950), as amended, to include the City of Richmond as a local government authorized to adopt an ordinance prohibiting former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the City or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a City officer or employee through decision, approval, or recommendation;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council expresses its intent to include in its legislative proposals for the 2019 session of the General Assembly of Virginia a request that the General Assembly of Virginia amend section 15.2-1408 of the Code of Virginia (1950), as amended, to include the City of Richmond as a local government authorized to adopt an ordinance prohibiting former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the City or an agency thereof, if that matter is one in which the former officer or employee

participated personally and substantially as a City officer or employee through decision, approval, or recommendation.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *MLB on behalf*

FROM Joyce L. Davis, Council Policy Analyst *JLD*
Office of the Council Chief of Staff

COPY Parker Agelasto, 5th District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MLB*
Amy Robins, 5th District Liaison

RECEIVED

JUL 13 2018

OFFICE OF CITY ATTORNEY

DATE July 13, 2018

PAGE/s 1 of 2

TITLE: RESOLUTION TO EXPRESS SUPPORT OF LEGISLATION TO VIRGINIA GENERAL ASSEMBLY AGENDA TO RESTRICT ELECTED OFFICIALS AND EMPLOYEES FROM LOBBYING ONE YEAR AFTER TERM

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Parker C. Agelasto

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution to express support of legislation to the 2019 Virginia General Assembly to amend Code of Virginia 15.2-1408, by permitting the City of Richmond to create legislation that would restrict elected officials and employees from lobbying one year after their tenure has ended.

BACKGROUND

This Resolution is to express the support of City Council to add legislation to the 2019 General Assembly Legislative Agenda of Richmond City Council to amend Code of Virginia, 15.2-1408 to add the City of Richmond as a governing body with the authority to adopt ordinances prohibiting elected officials and employees from lobbying one year after their tenure has ended.

Va. Code § 30-103(7), a part of the General Assembly Conflict of Interests Act, prohibits a former legislator from "represent[ing] a client or act[ing] in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of

government." This law applies only to the current and former members of the General Assembly. The State and Local Government Conflict of Interests Act applies to City Council and other local government officers and employees. Neither Va. Code § 2.2-3103 (the State and Local Government Conflict of Interests Act's corresponding statute to Va. Code § 30-103) nor any other part of the State and Local Government Conflict of Interests Act contains this particular prohibition or anything like it.

Currently, Virginia Code §15.2-1408, allows certain localities to adopt ordinances restricting elected officials and employees from lobbying for one year, however, the law only applies to the counties of Bedford, Fauquier, James City, Pittsylvania and Stafford, and the Cities of Charlottesville and Virginia Beach. Virginia Code §15.2-1408 prohibits former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, contract or matter involving the county or city.

City of Richmond Administrative Regulation 1.1, administratively has adopted a "Code of Ethics" for officers and employees in the Administration, which the Council has applied to itself by Res. No. 2011-R136-2012-13, adopted Feb. 13, 2012. That regulation, at section III(C), purports to restrict activities by former officers and employees. It says that such an officer or employee who "had an official responsibility for the matter" was to be prohibited for one year after leaving City employment from knowingly providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving any department or agency of the City of Richmond with the intent to influence that department or agency on behalf of another person as to a particular government matter involving that party. No penalty or remedy is specified for a "violation" of this provision.

As Administrative Regulations are enforceable only against current officers and employees, the state law is needed to provide the authority to enact a local ordinance which would include elected officials and former employees.

This Resolution is requested to add restricting lobbying activities for one year to the Richmond City Council 2019 General Assembly Legislative Agenda and recommend it to the General Assembly for legislative action at its next session. The law would be similar to the Virginia Code of Law §30-103 of laws, for General Assembly elected officials which states, for one year after serving, General Assembly members shall not represent a client for compensation on any matter before the General Assembly or any agency of the legislative branch of government.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	

Attachment/s Yes No