



January 25, 2011

Chairman Dan Schnur  
Fair Political Practices Commission  
429 J Street, Suite 800  
Sacramento, CA 95814

**RE: Agenda Item 2- Discussion of Proposals by the Chairman's Advisory  
Task Force on the Political Reform Act**

Dear Chairman Schnur:

On behalf of the League of California Cities City Attorneys FPPC Committee, I submit this letter for comment on the above-referenced agenda item. The Advisory Task Force studied and made recommendations on a variety of subjects covered by the Act. The Committee focuses its attention on the topics upon which city attorneys are typically called upon to provide counsel. These usually involve questions concerning conflicts of interest, financial interest disclosure, and related questions. The Committee has considered the Task Force's recommendations on the conflict of interest regulations and revolving door regulations, and makes the following comments with respect to these matters.

*Conflict of Interest Disclosure*

The Committee reviewed the six recommendations suggested in the report prepared by Scott Hallabrin and Michael Martello dated November 10, 2010. The Committee supports each of these recommendations, and agrees with the rationale for the proposals presented in that report.

## *Revolving Door Regulations*

The Task Force recommends providing a uniform system of “revolving door” rules with respect to limited term and permanent bans on appearances by state and local officials before their former agencies. While “uniformity” and a system of simple rules is a laudable goal in most cases, the Committee has its doubts about whether expanding the coverage and the officials and employees covered at the local level will be workable. From the Committee’s perspective there may well be good reasons for treating local officials differently from state officials in drafting revolving door rules.

One major reason relates to the level of transparency that exists at the local level. While the activities of the hundreds (if not thousands) of lobbyists and advocates conducting their business in Sacramento goes largely unreported and most is conducted outside of the public view, local advocates on local issues (especially those who formerly served the agency involved) rarely go unnoticed. On almost every issue, local agency decisions are made in public, televised meetings, which are covered closely by local media outlets.

Moreover, from the Committee’s perspective, broadening the application of revolving door rules may well be a solution in search of a problem. From the experience of our membership, paid advocacy by former local officials is rare. While this may be more common in the state’s larger cities, our sense is that it is an infrequent occurrence for the vast majority of the more than 400 cities in the state.

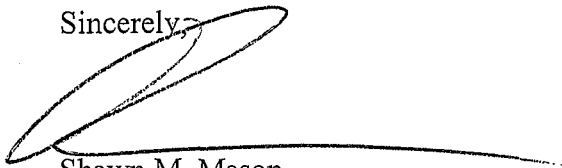
Finally, the Committee is concerned about the application of the rules to other classes of local public officials. At present the rules apply only to former elected officials and chief executives. The Committee is concerned about expanding these rules (especially the lifetime ban) to planners, engineers, and other lower level public servants. Prohibiting a city planner from ever again working in the city, because they had worked on the community’s general plan years before seems to strike an inappropriate balance between the rights of these individuals to earn a living in their chosen field against the public’s perception of impropriety in the local government decision-making process.

The Committee also believes that regulations implementing the expansion could well become the longest and most complicated section of the FPPC regulations. For example, we discussed at some length the difficulties the Commission will face attempting to define what “a project that the official worked on” could mean.

The Committee is not resistant to a continued discussion on these issues, and would certainly work with the Commission if it chooses to move forward; however, we could not endorse this as a necessary venture. Said differently, while we have seen the need for this at the state level, particularly given the lack of transparency with some of the administrative agencies, we have not seen this as an issue at the local level. We see very few former officials coming through the “revolving” door, and more importantly, we believe the check and balance of the public manner in which decisions are made at the local level already exists.

Before closing the Committee would like to commend the efforts of the Chair and his Task Force in reviewing the Act and suggesting areas of reform. This task was ambitious, but we believe the many thoughtful recommendations that emerged are a testament to the good work of the Task Force members, as well as the leadership of the Chair. The Committee appreciates the opportunity to provide input into this process and to the other activities of the Commission, and looks to continue to work in a collaborative way with the Commission to meets its mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Mason". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shawn M. Mason  
City Attorney  
City of San Mateo