

CITY OF YUBA CITY  
STAFF REPORT

**Date:** February 4, 2020  
**To:** Honorable Mayor & Members of the City Council  
**From:** City Manager  
**Presentation by:** Michael Rock, City Manager

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**Summary**

**Subject:** Post-Employment Lobbying Ordinance  
**Recommendation:** Introduce an Ordinance adding Section 2-5.11 to Chapter 5 (Personnel Administration) of Title II (Administration) of the Yuba City Municipal Code relating to Post-Employment Lobbying, and waive the first reading  
**Fiscal Impact:** None.

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**Purpose:**

Codify the ban prohibiting former local elected officials and city managers from lobbying the City for one year following service or employment under Government Code section 87406.3(a) and extend the one-year ban to former City department heads.

**Background:**

The Political Reform Act, under Government Code section 87406.3(a), prohibits former local elected officials and chief administrative officers, for one year after leaving a local government agency, from being compensated to influence legislative or administrative actions, or any proceeding involving the issuance, amendment, award, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property, before that agency.

However, Government Code section 87406.3(a) does not apply to employees other than the City Manager. Government Code section 87406.3 authorizes the City to adopt an ordinance more restrictive than Section 87406.3(a).

**Analysis:**

The proposed ordinance codifies in the Yuba City Municipal Code the one-year ban for former local elected officials and chief administrative officers contained in Government Code section 87406.3(a). The ordinance also extends the one-year ban under Section 87406.3(a) to City department heads.

**Fiscal Impact:**

There is no fiscal impact associated with adopting this Ordinance.

**Alternatives:**

1. Provide direction to staff as to changes which should be incorporated into the ordinance.
2. Take no action on the ordinance.

**Recommendation:**

Introduce an Ordinance adding Section 2-5.11 to Chapter 5 (Personnel Administration) of Title II (Administration) of the Yuba City Municipal Code relating to Post-Employment Lobbying, and waive the first reading.

**Attachment:**

- A. (Draft) Ordinance adding Section 2-5.11 to Chapter 5 of Title II of the Yuba City Municipal Code relating to Post-Employment Lobbying.

**Prepared by:**

*[/s/ Stacey Sheston](#)*  
Stacey Sheston  
Best Best & Krieger

**Submitted by:**

*[/s/ Michael Rock](#)*  
Michael Rock  
City Manager

**Reviewed by:**

Finance

[SM](#)

City Attorney

[SLC by email](#)

# **ATTACHMENT A**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
ADDING SECTION 2-5.11 TO CHAPTER 5 OF TITLE II OF THE YUBA CITY MUNICIPAL  
CODE RELATING TO POST-EMPLOYMENT LOBBYING**

**WHEREAS**, Government Code section 87406.3(a) prohibits former local elected officials and chief administrative officers, for one year after leaving a local agency, from being compensated to influence legislative or administrative actions, or any proceeding involving the issuance, amendment, award, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property, before that same agency; and

**WHEREAS**, the City Council desires to extend the one-year ban on lobbying to city department heads.

**THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 2-5.11 of the Yuba City Municipal Code is hereby added in its entirety as follows:

Sec. 2-5.11. – Post-Employment Lobbying.

(a) No former city official, for one year after leaving office, service, or employment with the city, shall act as the agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that city, or any committee, subcommittee, or present member thereof, or any officer or employee of the city, if the purpose of the appearance or communication is to influence legislative or administrative action, including, but not limited to, influencing any action or proceeding involving the issuance, amendment, award, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property.

(b) For the purposes of this section, the following definitions apply:

(1) “City official” means a City Council member, mayor, vice mayor, city manager, and city department heads.

(2) “Legislative action” means the drafting, introduction, modification, enactment, defeat, or approval of any ordinance, amendment, resolution, report, nomination or other matter by the city council or by any committee or subcommittee thereof, or by a member or employee of the city council acting in his or her official capacity

(3) “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by the city of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.

(c) The following activities are exempt from this section:

(1) Appearances or communications made by a former city official on behalf of another public agency in connection with any matter pending before the city.

(2) Appearances or communications made by a former city official for the sole purpose of representing himself or herself, in his or her individual capacity, in connection with any matter pending before the city.

(3) If a former city official is employed by a firm or business, appearances or communications by any other employees, officers, members or partners of the firm or business, provided that the former city official is not personally involved and does not personally participate in any way that is prohibited by this section.

(d) Any person who knowingly or willfully violates any provision of this section is guilty of a misdemeanor.

Section 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. This Ordinance shall be effective thirty (30) days after its adoption and shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City the 4<sup>th</sup> day of February 2020, and adopted at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Shon Harris, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Buckland, City Clerk

\_\_\_\_\_  
Stacey Sheston, Attorney  
Best Best & Krieger