



# Ethics Commission

## MEMORANDUM

**DATE:** December 7, 2018

**TO:** Chair and Members of the San Diego Ethics Commission

**FROM:** Stacey Fulhorst, Executive Director

**SUBJECT:** Recent Changes to City Charter and State Law Related to Post-Employment  
Lobbying Restrictions  
Docketed for Ethics Commission Consideration on December 13, 2018

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On November 6, 2018, voters approved Measure L which amended the City Charter to increase compensation and restrict other types of benefits for elected officials. One of the restrictions is a two-year post-employment lobbying prohibition for former elected officials, which necessitates a corresponding amendment to the one-year post-employment lobbying prohibition in the City's Ethics Ordinance.

In addition, in January of 2018, an amendment (AB 551) to California Government Code section 87406.3 went into effect which prohibits certain high-level government officials (e.g., elected officials and the City's Chief Operating Officer) from lobbying their former agencies if they are working as independent contractors for a public entity. In other words, the long-standing exemption for post-employment lobbying conducted on behalf of another public entity only applies to the City's former elected officials and former C.O.O.s if they are employed by a public entity, not if they are working for a public entity as an independent contractor. Accordingly, the City's Ethics Ordinance must be updated to reflect this change in state law.

Please see the attached strike-out of SDMC section 27.3550 which reflects the updates necessitated by the above-referenced changes to the City Charter and state law.

Attachments