

Proposal to repeal and re-enact Sec. 20-69, D.R.M.C. concerning disclosure of “political contributions” associated with certain city contracts and purchases

Existing law:

Sec. 20-69. - Political contributions.

(a) It is in the public interest to provide for maximum disclosure of political contributions. It is the purpose of this section to identify owners, officers, and persons with interests in companies and individuals doing business with the city so that information regarding political contributions may be more readily accessible in the city clerks's office. Failure to provide the required information in a timely fashion shall render any bid or proposal to which this section applies not responsive. However, nothing contained in any documents submitted in response to this section will be considered in evaluating the acceptability or merit of any bid or proposal. This section shall not apply to city contracts with other governmental agencies.

(b) Purchase orders and bid award contracts. In accordance with subsection (f) below, every bidder shall provide on a separate, detachable page of each formal bid, as defined at section 20-63, D.R.M.C., which requires the payment by the city of over one hundred thousand dollars (\$100,000.00), the information as required in subsection (d) below.

(c) Regularly executed written contracts. All regularly executed written contracts which concern:

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Sec. 20-69. - Political contributions.

(a) *Legislative declaration.* In addition to requiring candidates for office to report the identity of their campaign contributors under Article III of Chapter 15, it is in the public interest to require disclosure of political contributions by certain persons who do business with the city. To the extent city laws may allow certain contracts or similar instruments to be awarded by the city without the use of competitive bidding or any other competitive selection process, it is particularly important for the public to know whether or not the recipients of these contracts have made political contributions to the elected officers who may exercise authority or influence over the award of the contract. The purpose of this section is to improve the availability and accessibility of information about such campaign contributions to the public.

(b) *Applicability.* The requirements of this section shall apply only to:

1. Expenditure contracts and purchase orders awarded by the city to any person or business entity without the use of formal competitive bidding procedures or other competitive selection

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- (1) Contracts for professional or personal services which will exceed twenty-five thousand dollars (\$25,000.00); or
- (2) All proposals for use of real property of or by the city, the duration of which is one (1) year or longer and which exceed twenty-five thousand dollars (\$25,000.00) in revenue or cost; or
- (3) All proposals for concession agreements for the use of city facilities or property; or
- (4) Contracts which require the payment by the city of over one hundred thousand dollars (\$100,000.00);

shall, on a separate detachable page, provide the information as required in subsection (d) below.

(d) Information required. The information required to be submitted in response to this section shall be:

- (1) The name of any officer, director, owner or principal of the business entity and his or her spouse, and children, if any, under eighteen (18) years of age or the name of any officer, director, owner or principal of the business entity, and a statement that he or she or his or her spouse, or children, if any, under eighteen (18) years of age have or have not made a contribution, as defined at [section 15-32](#), D.R.M.C., or a contribution in-kind as defined at [section 15-32](#) D.R.M.C. to a candidate, as defined at [section 15-32](#), D.R.M.C.

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process, and not expressly exempted from competitive bidding requirements under section 20-64.

- 2. Any lease or concession agreement granted by the city to a person or business entity without the use of formal competitive bidding procedures or other competitive selection process. The process by which the city grants airline leases consistent with federal law shall be deemed to be a competitive selection process within the meaning of this paragraph.
- 3. Any amendment to a lease or concession agreement which grants a term extension longer than one year without the use of formal competitive bidding procedures or other competitive selection process.

(c) *Certificate required.* Any person or business entity awarded a contract, purchase order, lease or concession agreement as defined in subsection (b) of this section shall furnish to the city a written certificate disclosing whether or not any political contribution or contribution in-kind, as defined in Article III of chapter 15 of the code, has been made to any current city elected officer by any of the following persons: the person or his or her spouse; any officer, director, principal of the business entity or his or her spouse; or any shareholder who owns or controls five percent or more of the stock in the business entity or his or her spouse. If and only if a political contribution or

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during the five-year period preceding the date of such statement and identifying by name himself or herself or any spouse or child under the age of eighteen (18) who has made such a contribution or contribution in-kind to a candidate;

(2) The identity of the shareholder who owns or controls five (5) percent or more of the business entity and his or her spouse, and children, if any, under eighteen (18) years of age, or the identity of the shareholder who owns or controls five (5) percent or more of the business entity and a statement that he or she or his or her spouse, or children, if any, under eighteen (18) years of age have or have not made a contribution, as defined at [section 15-32](#), D.R.M.C. or a contribution in-kind as defined at [section 15-32](#), D.R.M.C., to a candidate as defined at [section 15-32](#), D.R.M.C. during the five-year period preceding the date of such statement and identifying by name any spouse or child under the age of eighteen (18) who has made such a contribution or contribution in-kind to a candidate;

(3) The name of any subcontractors or suppliers whose share of the bid exceeds one hundred thousand dollars (\$100,000.00) of the contract or formal bid amount; and

(4) The names of any unions with which the bidder has a collective

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contribution in kind has been made by any such person, the certificate shall identify the name of the contributor, the elected officer to whom the contribution was made, the date of the contribution, and the amount of the contribution.

(d) *Documentation.* Any person or business entity awarded a contract, purchase order, lease or concession and required to furnish a certificate under subsection (c) of this section shall file the certificate with the clerk and recorder prior to execution of the contract, purchase order, lease or concession by the city. The clerk and recorder shall keep a file of such certificates and make the certificates available for public inspection in accordance with any and all state and city laws providing for access to public records.

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bargaining agreement.

(e) The detachable page, which accompanies the bids and proposals, will be sent to the office of the city clerk where the information will be on file and available for public inspection for four (4) years.

(f) The information required to be submitted in subsection (d) above shall be provided at the time of submittal for all bids and proposals covered by subsections (b) and (c) above, except that such information from the apparent successful bidder on proposed contracts and formal bid awards over one hundred thousand dollars (\$100,000.00) and less than five hundred thousand dollars (\$500,000.00) will be submitted in a timely fashion, but in all cases, prior to award. All bids and proposals for contracts or formal bids of five hundred thousand dollars (\$500,000.00) and over must include the required information for the bidding firm prior to, or at the time of, bid opening. Information concerning subcontractors and unions shall be provided in a timely fashion by the apparent successful bidder, but in all cases, prior to award. A bidder or proposer who has submitted the information required by subsection (d) above need not provide such information with a second or subsequent bid or proposal unless such information has changed from its latest submission. It shall be the responsibility of each bidder and proposer to see that current information required by subsection (d) above is submitted to the city and on file with the city clerk.