



BEST PRACTICES: ETHICS AND PROHIBITED SOURCES

A study conducted by the City of Atlanta Ethics Office

June 2018

Best Practices: Ethics and Prohibited Sources

Table of Contents

Executive Summary	1
Analysis of Research	3
Background	3
Discussion.....	4
1. Scope of Jurisdiction and Enforcement Power over Prohibited Sources	
a. Limited Scope of Jurisdiction and Enforcement Authority	5
b. Broad Scope of Jurisdiction and Enforcement Authority	5
c. Other Forms of Jurisdiction and Enforcement Authority.....	6
2. Ethics Presence in the Procurement Process	
a. Limited Ethics Presence in the Procurement Process.....	8
b. Broad Ethics Presence in the Procurement Process	8
3. Disclosure Requirements for Prohibited Sources	
a. Limited Disclosure Requirements	9
b. Broad Disclosure Requirements	10
c. State Disclosure Requirements	11
4. Ongoing Disclosure Requirements	11
5. Campaign Contribution Disclosure Requirements and Limitations	
a. General Requirements	12
b. Municipalities with Pay-to-Play Laws	12
6. Local Lobbying Requirements	14
Conclusion and Recommendations	15
References	
Appendix A: Research of Similar Jurisdictions	
Appendix B: Reviewed Jurisdictions by Demographic Data	

Best Practices: Ethics and Prohibited Sources

Executive Summary

In January 2018, the Atlanta City Council passed a resolution requesting that the City of Atlanta Ethics Office conduct an Ethics Study on Best Practices as it relates to persons, businesses, and other entities seeking or currently doing business with the City (“Prohibited Sources”)¹ to determine whether revisions were needed to the Atlanta Code of Ethics. This study includes reviews of other jurisdictions, as it relates to Prohibited Sources, and a literature review of best practices nationwide to determine industry standards for ethical procurement processes. The study concludes with recommendations based on its findings.

The Ethics Office reviewed and analyzed the Atlanta Ethics Code, Procurement Code, and Campaign Finance Act of Georgia, with a focus on code provisions applicable to Prohibited Sources, and industry literature. This review also included an analysis of eight jurisdictions^{2,3} that have demonstrated mature reform in procurement including Chicago, Dallas, Los Angeles, New York City, Philadelphia, San Antonio, San Francisco Bay Area Rapid Transit (“BART”), and Seattle.

The study focuses on six key areas: (1) jurisdiction and enforcement power over Prohibited Sources, (2) ethics presence in procurement, (3) disclosure requirements for Prohibited Sources, (4) ongoing disclosure requirements for Prohibited Sources, (5) campaign disclosure requirements and contribution limitations for Prohibited Sources and (6) lobbyist requirements.

Some jurisdictions, such as Atlanta, restrict the applicability of the provisions of the ethics code pertaining to Prohibited Sources to include only provisions such as the ban on gratuities given or conveyed to city employees or officials. Other jurisdictions, such as Dallas, San Francisco BART and Seattle, subject Prohibited Sources to additional provisions of the ethics code or provide a separate ethics code altogether for Prohibited Sources. However, some jurisdictions are more expansive with strong enforcement authority. The ethics boards in Philadelphia and San Antonio, for example, have express jurisdiction over all required disclosures for Prohibited Sources.

Each jurisdiction reviewed has varying scopes of enforcement power over Prohibited Sources. Most jurisdictions have the power to enforce administrative or civil sanctions for applicable provisions of the ethics code and/or for campaign contribution limitations, and local lobbyist requirements. Los Angeles is the only jurisdiction that directly authorizes its ethics commission to debar Prohibited Sources for violations of the city's restrictions on campaign contribution limits. The power to void and debar contracts resulting from violations of the code of ethics is considered one of the most important **enforcement sanctions** available to an ethics board, and works to ensure that conflicts of interest are being handled responsibly because Prohibited Sources have something tangible at stake.

¹ For purposes of this study, the term “Prohibited Source” includes current and prospective city contractors, vendors, and suppliers; real property developers; registered lobbyists; and any person, business or entity seeking official action from the city, or has interests that may be substantially affected by performance or non-performance of a city official's or employee's official duties.

² See Appendix A: Research of Similar Jurisdictions

³ See Appendix B: Reviewed Jurisdictions by Demographic Data

The study further examined whether the ethics code or its applicable provisions are directly or indirectly present in the procurement code, documents, materials or resources provided to the Prohibited Source. Atlanta has a limited presence within the procurement process whereas Chicago and Seattle provide examples of broad applicability. Prohibited Sources in Chicago are required to certify on their disclosure statements that they agree to comply fully with the ethics code, while Seattle provides a section in every consultant agreement that specifically lists the ethics code sections and provisions the Prohibited Source is subject to.

Contractor disclosure forms typically require Prohibited Sources to disclose all personal or financial relationships that they, their employees, certain members of their organization, and immediate family may have with city employees and officials. Required disclosures include the Prohibited Sources' ownership structure and percentages of ownership interests, parent or subsidiary entities and executive level members, subcontractors, other parties retained to assist in the bidding process such as attorneys, consultants and lobbyists and any gratuities or contributions offered or conveyed to an official or employee or a member of their immediate family.

Disclosure requirements for Prohibited Sources were broken down into three categories: limited applicability, broad applicability and state mandated. Limited jurisdictions, such as Atlanta, require disclosure *only* during the competitive bid process. Jurisdictions, such as Chicago, require additional disclosures not limited to the disclosure of gifts, relationships and associations with city officials and employees. Dallas and San Antonio's contractor disclosure requirements and disclosure forms for all city contracts are mandated pursuant to state law.

The study also examined several models of local campaign disclosure requirements, including pay-to-play provisions, as well as lobbyist registration and reporting requirements. Atlanta currently does not have a local campaign finance law, pay-to-play restrictions, or lobbyist registration and reporting requirements. Where present, local campaign disclosure requirements, contribution limits, and associated pay-to-play provisions are set forth in the jurisdiction's election code, campaign finance law, procurement code, and/or ethics code. These additional provisions serve as an added layer of transparency to reduce the risk of corruption in government contracting and create a level playing field for the conduct of official government business.

Based upon research of similarly situated jurisdictions, and extensive review of industry literature and best practices, we make the following recommendations for the City of Atlanta:

1. Expand the Ethics Board's jurisdiction and enforcement authority to conflict of interest laws as relates to Prohibited Sources through legislation.
2. Adopt pay-to-play provisions within the City's procurement code.
3. Implement a city lobbyist registration system with quarterly reporting requirements.
4. Develop an Ethics Pledge, similar to that used for city officials and employees, with the applicable ethics laws for Prohibited Sources, to be included in all bid packages.
5. Revise the existing Contractor Disclosure Form to include pertinent provisions of the Code of Ethics.

Analysis of Research

Background

City municipalities typically maintain an ethics code set forth by city ordinance which govern the conduct of its city officials and employees in relation to their duties as public servants. Officials and employees are instructed on how they may give and receive gifts, share confidential information obtained in their city position, solicit, receive and give campaign contributions, participate in contracts, and a host of other activities. They are required to disclose specific personal and financial relationships to properly identify actual and possible conflicts of interest related to their city positions, decrease the risk and temptation of ethical misconduct, promote transparency in the activities and relationships of city officials and employees in relation to Prohibited Sources, and maintain the public trust.

Similarly, Prohibited Sources and their employees, due to the types of interactions with the city and its officials and employees, should have a standard of ethical conduct which mirrors those established for officials and employees, to address potential conflicts of interest and issues that involve the city and provide for sanctions for violations. However, before a standard of conduct can be established, the term “Prohibited Sources” must be defined. Although individuals and entities seeking to do business with the city may be commonly known in government procurement, the use and definition of the term “Prohibited Source” is not uniform across the jurisdictions.

The City of Atlanta defines a Prohibited Source as: *any person, business or entity that an official or employee knows or should know: (1) Is seeking official action from the city; or (2) Is seeking to do or does business with the city; or (3) Represents a client who meets the definitions in subparagraphs (1) or (2) above; or (4) Has interests that may be substantially affected by performance or non-performance of the official's or employee's official duties; or (5) Is a registered lobbyist in accordance with state law.* Municipal Code of Atlanta (Ga.) Chapter 2, Art. VII, Div. 2, § 2-801 (2016).

Los Angeles has a similar definition to Atlanta, however, they use the term “Restricted Source” instead of “Prohibited Source.” Los Angeles defines a “Restricted Source” as: *(1) A person who seeks to influence decisions of the City official's agency and files as a lobbying firm or lobbyist, or is required to file as a lobbying firm or lobbyist; (2) a person who does or seeks to do business with the city; (3) a person who attempted to influence an elected officer or official during the prior 12 months in any action that would materially financially affect the person; or (4) a person who was party to any proceeding involving an entitlement for use that was pending before the elected city officer or official or any commission, board, etc. the elected city officer or official is a voting member of.* Municipal Code of Los Angeles (Cal.) Chapter 4, Title 9.5 § 49.5.2(J) (2014).

Chicago, Seattle and San Francisco BART use the term “City Contractor” or “Contractor” to define individuals who do or seek to do business with or seek official action from the city.

Chicago defines a “City Contractor” as: *any person (including his agents or employees acting within the scope of their employment) who is paid from the city treasury or pursuant to city ordinance, for services to any city agency, regardless of the nature of the relationship of such individual to the city for purposes other than this chapter. A “city contractor” shall not include officials and employees.* Municipal Code of Chicago (Ill.) Title 2, Chapter 2-156, Art. 1 § 2-156-010 (2017).

Seattle defines a “City Contractor” as: *any individual who spends more than 1,000 hours in any twelve-month period providing services to a City agency under a contract, other than a contract of employment.* City Contractors are considered “Covered Individuals” who are subject to the Ethics Code. A “Covered Individual” is defined as: *any individual who is currently or was at the time the violation of the Ethics Code occurred, a City officer, employee, City contractor or City volunteer.* Municipal Code of Seattle (Wash.) Title 4, Chapter 4.16 § 4.16.030 (2010).

San Francisco BART defines a “Contractor” as: *any contractor, supplier, real property developer, or consultant of the District.* District Code of San Francisco BART (Cal.) Chapter 1, Art. V. § 1-504(I)(B) (2014).

City Ethics, a non-profit organization that provides a centralized location for information and resources for local government, provides a Model Ethics Code⁴ (“Model Code”) that acts as a guide to creating or improving the elements of an effective Ethics Code. The Model Code defines a “Restricted Source” as:

any person or entity that the official or employee knows, or has reason to believe, has received or sought a financial benefit, directly or through a relationship with another person or entity, from the city, within the previous three years, or intends to seek a financial benefit in the future.

The Model Code defines a “Consultant” as:

an independent contractor or professional person, or entity engaged by the city or advising a city official, and in a position to influence a city decision or action or have access to confidential information.

Discussion

1. Scope of Jurisdiction and Enforcement Power over Prohibited Sources

The scope of an ethics board or commission’s jurisdiction and enforcement power is determined by which ethics code provisions apply to Prohibited Sources and at what level in the procurement process the board or commission can exercise its authority. An ethics board or commission’s enforcement power may include contract suspension, debarment or disqualification of a Prohibited Source for violations of an ethics code provision.

In his book on ethics reform, former White House Ethics Counsel, Richard W. Painter, explains that the ethics board/commission should be the entity tasked with ensuring that Prohibited Sources comply with the ethics code and any other applicable rules, not procurement officials. According to Painter, leaving procurement officials in charge of enforcement poses the risk of politicizing the enforcement. Richard W. Painter, *Getting the Government America Deserves: How Ethics Reform Can Make a Difference*, Oxford U.P. (2009).

Limited jurisdiction and enforcement authority restrict which penalties a Prohibited Source can be subject to for ethical violations. A jurisdiction with a broader reach subjects the Prohibited Source to its ethics code or all applicable provisions and authorizes the board/commission to sanction the Prohibited Source at different levels including contract suspension, debarment or disqualification. For example, if a Prohibited Source were to share

⁴ See City Ethics, Model Ethics Code, <http://www.cityethics.org/content/full-text-model-ethics-code>

confidential information obtained in the course of doing business with the city, and the ethics code did not authorize the ethics board/commission enforcement authority over a Prohibited Source who violates this provision, the board/commission could not proceed and the Prohibited Source would have no incentive to abstain from the misconduct.

a. Limited Scope of Jurisdiction and Enforcement Authority

The scope of jurisdiction and enforcement power varies throughout the municipalities. Some, such as Atlanta, have a limited scope of jurisdiction and enforcement power. In Atlanta, the ethics board's jurisdiction over Prohibited Sources is limited to enforcing violations of the gratuities ban. For violations of the gratuities law, which restrict Prohibited Sources from giving gifts to officials and employees unless an exception applies, the board can assess administrative sanctions, issue a public reprimand, as well as recommend to the Chief Procurement Officer the suspension of a Prohibited Source and the disqualification or debarment from contracting or subcontracting with the city. Mun. Code of Atlanta (Ga.), Chapter 2, Art. VII, Div. 2, §§ 2-807(b), 2-817(b) (2002); Art. X, Div. 3, § 2-1162(b)(5) (2009); Art. X, Div. 13, § 2-1488(b)(2) (2009).

Similar to Atlanta, Philadelphia's ethics code only grants its board enforcement power over Prohibited Sources who offer, make, or render gifts or monies worth more than \$99 in a given year, or attempt to gift an officer or employee through another individual. However, unlike Atlanta, in addition to having jurisdiction over Prohibited Sources who violate the gift ban, the Philadelphia Ethics Board has jurisdiction over material misrepresentations or omissions on disclosures required by Prohibited Sources related to non-competitively bid contracts. Philadelphia's board has the authority to impose fines or civil penalties up to \$1,000 on Prohibited Sources that violate the applicable provisions, which may be reduced upon a finding of mitigating factors. Prohibited Sources who violate the disclosure provision are subject to denial or voiding of the contract, a more severe penalty than that which is authorized by Atlanta's ethics code. Municipal Code of Philadelphia (Pa.) Chapter 20-600 §§ 20-604(2), (4)(a) (2014), 20-613(1)(a) (2006), 20-1302 (2010).

Although both are limited, the Philadelphia Ethics Board has slightly broader authority over Prohibited Sources than Atlanta due to its jurisdiction over material misrepresentations or omissions on Prohibited Source disclosures related to non-competitively bid contracts.

b. Broad Scope of Jurisdiction and Enforcement Authority

Some municipalities allow their ethics boards/commissions a broader scope of jurisdiction and enforcement authority over Prohibited Sources which subject them to the same or similar types of restrictions and penalties for violations that city officials and employees are subject to. For example, the Seattle Ethics Commission has broad jurisdiction over Prohibited Sources who are categorized as individuals covered by its ethics code, and grants the commission the equivalent scope of jurisdiction over Prohibited Sources and their conduct as they have over officials and employees. The commission may impose fines up to \$5000 per violation of the code or three times the value of the violation, order restitution and recommend discipline. Mun. Code of Seattle (Wash.), Title 4, Chapter 4.16 §§ 30, 70 (2010).

San Francisco BART also retains broad jurisdiction over Prohibited Sources and provides a separate ethics code for Prohibited Sources which sets the standard and governs their conduct in relation to gifts, campaign contributions, confidential information, conflicts of interest, contract participation and offers of employment. The District Ethics Officer, in

consultation with the Office of the General Counsel, advises district management regarding ethical issues. Violations of the ethics code are reported to the ethics officer and investigated in consultation with the manager of procurement or real estate and property development who ultimately makes the final decision as to what action should be taken. Dist. Code of San Francisco BART, § 1-504(VI), (XVI)(D).

In Dallas, the ethics commission has broad jurisdiction over Prohibited Sources that violate applicable provisions within the code that include gifts, donations, restricted activities, appearances before city bodies, representation of others, contribution limitations and disqualification from contracting. These provisions are provided to Prohibited Sources within their bidding and/or solicitation materials. The ethics commission has the enforcement authority to recommend to city council that a Prohibited Source be debarred, disqualified, or suspended from contracting with the city for two years for violations of the code. Municipal Code of Dallas (Tex.) Vol. 1, Chapter 12A §§ 5, 5.1, 15.8, 16, 17, 39; Chapter 15A § 7 (2017).

c. Other Forms of Jurisdiction and Enforcement Authority

Other municipalities have specific types of jurisdiction and/or enforcement authority. For instance, the Chicago Ethics Board has jurisdiction over Prohibited Sources that attempt to offer a payment, gratuity or offer of employment in connection with any city contract by or on behalf of a subcontractor to the prime contractor or higher-tiered subcontractor, give an improper gift to an official or employee or give an improper campaign contribution. The board has the authority to impose fines for violations of the prohibition against gifts, contract inducements and improper campaign contributions between \$1000-\$5000 or up to 3 times the amount if the violation is an improper contribution. The board may also impose fines between \$500-\$2000 for any other violation of the ethics code. Mun. Code of Chicago, (Ill.) Title 2, Chapter 2-156, §§ 120, 142, 445, 465.

The Los Angeles Ethics Commission has jurisdiction over Prohibited Sources that give improper gifts, campaign contributions or attempt to induce city officials or employees to engage in misuse of their city position or property. The commission has the authority to enforce sanctions up to \$5000 per violation or three times the amount that was given or improperly contributed. If two or more individuals are responsible for the violation, they are jointly and severally liable. The commission also has the authority to determine whether mitigating factors exist in violations of contribution limitations. If the commission determines that no mitigating factors exist, then the Prohibited Source will be debarred and the commission's determination regarding debarment is final. The enforcement power given to the Los Angeles Commission is unique because they are the **only municipality** reviewed that has the authority to debar a Prohibited Source for a violation of a provision that is explicitly applicable to them. Mun. Code of Los Angeles at §§ 49.5.5(C), 49.5.8(A)(2)-(3), 49.5.16(B)(1), 49.7.35(C); Administrative Code of Los Angeles (Cal.) Div. 24, Chapter 6 § 24.61- 24.63 (2013).

San Antonio's ethics board has jurisdiction over Prohibited Sources' political contributions and disclosures for those seeking *discretionary* contracts and independent contractors who are under an administrative service agreement with a city council member. The San Antonio ethics code restricts Prohibited Sources from contacting city officials and employees regarding a contract after any type of solicitation has been released or until the contract is posted on the city council agenda. Additionally, San Antonio's board may enforce sanctions for violations of the campaign contribution limitations. Municipal Code of San Antonio (Tex.) Chapter 2, Art. III, Div. 4, §§ 2-53, 2-59 – 2-61; Art. VII, Div. 2 § 2-310 (2013).

The City Ethics Model Code provides an Ethics Commission Jurisdiction, Powers and Duties provision as follows:

The Ethics Commission may only act with respect to current and former officials and employees (and those who, although acting under contract, appear to act as government officials and employees), consultants, applicants, candidates, and persons and entities that do or seek business with the city (including the owners and officers of such entities, and subcontractors and other indirect beneficiaries), are required to make applicant disclosures, give gifts to officials and employees or their relatives, induce, encourage, or aid anyone to violate any provision of this code, or are otherwise covered by the provisions of this code.

The City Ethics Model Code further provides Void Contracts and Debarment provisions as follows:

Void Contracts

Any contract, agreement, or other business transaction entered into by or with the city which results in or from a violation of any provision of sections 100 or 101 of this code is void, without further action taken, unless ratified by the city's legislative body in an open session held after applicable public notice. Such ratification does not affect the imposition of any penalties pursuant to this code or any other provision of law.

Debarment

- 1. Any person or entity that intentionally or knowingly violates any provision of this code is prohibited from entering into any contract, other than an employment contract, with the city for a period not to exceed three years.*
- 2. Nothing in this section may be construed to prohibit any person or entity from receiving a service or benefit, or from using a facility, which is generally available to the public.*
- 3. Under this section, a corporation, partnership, or other entity is not vicariously liable for the actions of an employee. A corporation, partnership, or other entity is not debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity is not debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.*

Debarment

If the Ethics Commission finds that a person or entity has intentionally or knowingly violated any provision of this code, that person or entity is prohibited from entering into any contract with the city for a period not to exceed three years, pursuant to (section listed right above) of this code.

2. Ethics Presence in the Procurement Process

The extent to which an ethics code or its applicable provisions are included in procurement documents, materials and resources determines whether Prohibited Sources are provided notice of their ethical obligations and when they can be held accountable. When Prohibited Sources are required to acknowledge and attest to their ethical obligations in a document, a jurisdiction can demonstrate prior knowledge of its ethics code and impose appropriate sanctions.

a. Limited Ethics Presence in the Procurement Process

Atlanta's ethics code expressly prohibits gratuities and kickbacks and its ethics board may enforce violations of this provision. Atlanta's procurement code limits the board's authority to this provision only and includes the gratuities ban in contractor disclosure forms, city contracts and solicitation documents. The procurement code provides that any violation of the prohibition will subject the Prohibited Source to termination, debarment or suspension of any contract. Mun. Code of Atlanta Chapter 2, Art. X, Div. 2 §§ 2-1484(b), (c), (d), 2-1485(a), (b), 2-1488(b)(2) (2009).

In Philadelphia, the procurement department provides Prohibited Sources with a letter on the prohibition against gifts and requires that all Prohibited Sources comply with the applicable provisions of the ethics code. The department's resource page also states that Prohibited Sources are required to comply with applicable ethics rules.

In San Antonio, the contractor disclosure form provides that Prohibited Sources should reference the ethics code for details on how to complete the form.

b. Broad Ethics Presence in the Procurement Process

Jurisdictions which provide for a broader reach in the procurement process usually provide for prohibitions against all activities that pose a high risk of ethical misconduct and not only prohibitions against gifts and gratuities. They may also require Prohibited Sources to formally acknowledge they are aware that they and their employees are subject to the jurisdiction's ethics code.

For example, in Chicago, Prohibited Sources are required to fill out an Economic Disclosure Statement ("EDS") as part of their application to any city bid contract or solicitation. The statement requires Prohibited Sources to acknowledge and certify they understand and agree to comply fully with the ethics code and to keep the information in the EDS updated up until the time the city acts on the contract. If the contract is being handled by the Department of Procurement, the EDS must be updated according to the terms of the contract. The Chief Procurement Officer provides a letter in all bid materials and solicitations to Prohibited Sources, which addresses important notices on contracting, bidding and compliance. One of the notices requires Prohibited Sources to keep the EDS updated until the completion of the project or transaction. Failure to provide updates as required is considered an event that may default a project or transaction.

Seattle provides various contract agreements for Prohibited Sources who may be consultants or general contractors. In both agreements, a section designated to ethics law notifies Prohibited Sources that they and any of their employees that work more than 1,000 hours within a rolling 12-month period are subject to the ethics code. Prohibited Sources are

responsible for informing their employees of this requirement. The section also specifically lists prohibitions against gifts, improper campaign contributions, and conflicts of interest within certain relationships with current and former city officials and employees.

In Dallas, the procurement department provides the applicable provisions of the ethics code to Prohibited Sources and requires them to adhere to those provisions or face sanctions which include disqualification from contracting or voiding of prior actions.

3. Disclosure Requirements for Prohibited Sources

Prohibited Sources must disclose relationships with officials and employees or the names of officials and employees that they know may benefit directly or indirectly from a transaction, which is necessary to identify potential conflicts of interest including appearances of favoritism and impropriety. Requiring both city officials, employees and Prohibited Sources and their employees to disclose and to ***continuously*** update disclosures while Prohibited Sources are doing business with the city and sometimes after, serves as a checks and balance system between the two groups and maintains compliance and transparency in the government procurement process.

Disclosure requirements are set forth by municipal ordinance or state law, and usually placed in contractor disclosure forms. Although disclosure requirements for Prohibited Sources may be a routine practice nationwide, the specific information required to be disclosed varies across municipalities.

a. Limited Disclosure Requirements

Atlanta's disclosure requirements are set forth in its procurement code, however, the requirements apply only to *competitively bid contracts*. Atlanta's disclosure process mandates that each member or owner of a Prohibited Source entity complete a separate disclosure form if it was formed within the prior three years. Executives, board members and firms that are Prohibited Sources submitting bids are required to disclose immediate familial relationships with Atlanta city officials or employees. Financial interests held by a city official or employee that may directly or indirectly provide any type of benefit to the Prohibited Source or the Prohibited Source's family members must also be disclosed during the solicitation process. Mun. Code of Atlanta (Ga.), Chapter 2, Art. X, Div. 2 § 2-1214(a) (2017).

Atlanta's contractor disclosure form requires Prohibited Sources to disclose the name of any agent or lobbyist paid to assist the Prohibited Source, any employee or representative of the Prohibited Source who will be directly involved in the project that, within the past 10 years, directly or indirectly had a business relationship with the city, received revenue from the city, received revenue from doing business on city property or pursuant to a city contract. Disclosure is also required if the employee or representative of the Prohibited Source has or within the past 10 years had a business relationship with a city official or employee. City of Atlanta, *Contractor Disclosure Form 2* (2018).

In comparison, Seattle's consultant questionnaire requires disclosure of current or former city employees or volunteers who are currently principals, officers or employees of the Prohibited Source, conflicts of interest between any principal, officer or employee of the Prohibited Source and any city official or employee who will be involved in any level of contract participation or evaluation in relation to the Prohibited Source, and any principal, officer or employee who will perform work for more than 1,000 hours toward a city contract within a rolling

12-month period. The Prohibited Source must certify to their knowledge and belief that they have no other conflicts of interest other than what is disclosed on the questionnaire. City of Seattle, *Consultant Questionnaire* (2018).

b. Broad Disclosure Requirements

Other municipalities, such as San Antonio, require additional disclosures of information by Prohibited Sources. San Antonio's disclosure requirements include any contacts during contract solicitation periods in relation to *non-competitively bid* contracts. In addition to attorneys, consultants and lobbyists, Prohibited Sources must disclose associations with city officials or employees, including those whose city board or agency they are appearing before, in proposals submitted for non-competitively bid contracts. If the Prohibited Source is requesting official action from a city official or employee that will confer an economic benefit on the official or employee and that same action will not confer the same or similar benefit on the public in general, the Prohibited Source must disclose the fact in a signed writing to the city official, employee or body that has been requested to act in the matter and on a "Disclosure of Benefit to City Official or Employee" form to be filed with the city clerk. Mun. Code of San Antonio (Tex.) Chapter 2, Art. III, Div. 4 §§ 2-59 - 2-61 (2013); City of San Antonio, *Contracts Disclosure Form* (2014); City of San Antonio, *Disclosure of Benefits Form* (2008).

In Chicago, the disclosure form provides that certain gifts given or conveyed during a specific period prior to the contract application or award date require disclosure of that fact or disqualification of the Prohibited Source from being awarded the contract. Additionally, Chicago's municipal code requires that the Prohibited Source disclose entities with ownership interest greater than 7.5% in the Prohibited Source and to swear under oath to the validity and accurateness of the disclosure statement and that there are no reserved or false pretenses as to the purpose of the application to the city. Mun. Code Chicago (Ill.) Title 2, Chapter 2-154, §§ 2-154-010, 2-154-015, 2-154-020 (2009); City of Chicago, *Economic Disclosure Statement and Affidavit* (2017).

Philadelphia, similar to San Antonio and Chicago, maintains disclosure requirements for *non-competitively bid* contracts and asks for specific types of information including the name of any consultant(s) used to help obtain the contract, intended subcontractor information, the name of any city officer or employee who solicited money, services or any other thing of value to any person or entity, and whether a city employee gave the Prohibited Source any advice on how to satisfy any minority, women, disabled or disadvantaged business participation goals. Every contract includes a representation and covenant by the Prohibited Source that there are no material misrepresentations or omissions. Mun. Code Philadelphia (Pa.) Title 17, Chapter 17-1400 §§ 17-1402(b)(1), (3), (4), (5); 17-1402(f) (2005).

New York requires prospective Prohibited Sources and their principal owners and subcontractors to complete disclosures for contract awards over \$100,000, if they are doing more than \$100,000 in cumulative annual business with the city, or if they are applying for a franchise contract. Disclosures include information about ownership interests, business structure, affiliations, consultants, and familial relationships. New York's administrative code requires the disclosures be maintained in a computerized vendor exchange database called VENDEX. Rules of the City of New York (Ny.) Title 9, § 2-08 (e)(i),(ii) (2016).

Additionally, for *discretionary* contracts, a Prohibited Source must complete a conflicts of interest disclosure and compliance certification form verifying that to the best of its knowledge

no city official, employee or any person associated with the city official or employee is an officer, trustee, employee or consultant of the Prohibited Source and that the city official or employee has no direct or indirect financial interest in the Prohibited Source and will not receive, directly or indirectly, any financial benefit from the Prohibited Source or from the award of contract.

c. State Disclosure Requirements

Disclosure requirements for Prohibited Sources in Dallas and San Antonio are set forth by the local government code of the State of Texas. A Prohibited Source is required to file a conflicts of interest questionnaire when the Prohibited Source: (1) has an employment or other business relationship with a city officer or entity; (2) has given the officer, entity or family member of an officer one or more gifts; or (3) has a family relationship with a city officer. In addition, the Prohibited Source must identify each relationship with respect to which an officer receives or is likely to receive taxable income, excluding investment income, from the Prohibited Source or in which the Prohibited Source receives or is likely to receive taxable income from or at the direction of the city officer. Tex. Local Govt. Code Title § 176.006 (2015).

4. Ongoing Disclosure Requirements

Ongoing disclosure requirements can be an effective tool in continuously monitoring new and current relationships that Prohibited Sources may have in relation to city business, officials and employees, and identifying whether they pose a risk of a potential or actual conflict of interest. Most of the municipalities reviewed require Prohibited Sources to continuously update their disclosures in the event of any change to the information originally provided.

Atlanta and Chicago simply require disclosure throughout the duration of the contract term. Other municipalities including Dallas and Los Angeles, require updated disclosures to be completed within a certain amount of time after discovering or gaining knowledge of information that would change an answer in the original disclosure. This amount of time is generally five to ten business days. Mun. Code of Atlanta (Ga.), Chapter 2, Art. X, Div. 2, § 2-1214(h) (2017); Mun. Code of Chicago (Ill.), Title 2, Chapter 2-154, § 2-154-020 (2009); Tex. Local Govt. Code, Title 5, § 176.006(d) (2015); Mun. Code of Los Angeles (Cal.), Chapter IV, Art. 9.7 § 49.7.35(B)(4) (2014).

Some municipalities require disclosures after the end of the contract term. For instance, Philadelphia requires Prohibited Sources to update disclosures of campaign contributions and the name of any city official or employee who advised the Prohibited Source or asked for anything of value during the contract term for one year after the end of the contract term. Mun. Code of Philadelphia (Pa.) Title 17, Chapter 17-1400, § 17-1402(e)(ii),(iii) (2005).

The Procurement Policy Board and Mayor's Office of Contract Services in New York require updates to its VENDEX/PASSPort (Vendor Exchange System/Procurement and Sourcing Solutions Portal) vendor questionnaire every three years or prior to the award of contract if changes occurred within the three-year period. If the Prohibited Source is an applicant that has not filed in three years and is applying for inclusion on a prequalified list, the questionnaire must be filed at the time of application. If the source is a contractor and, in the 12 months prior had an aggregate value of city contracts equal to or exceeding \$100,000, the questionnaire must be completed and filed 30 days after registration of the contract. Rules of the City of New York (Ny.) Title 9, § 2-08 (2016).

5. Campaign Contribution Disclosure Requirements and Limitations

According to the Supreme Court of the United States, political campaign contribution limits are considered a legitimate means of “deal[ing] with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions.” See *Buckley v. Valeo*, 424 U.S. 1, 28 (1976). Common Cause, a political watchdog, recently released a report on local campaign contribution limits finding “campaign contribution limits help to ensure that candidates are not overly reliant on a few wealthy donors to finance their campaigns.” Therefore, “in order to limit the influence of large donors on local elections, most states have capped campaign contributions to local offices; in many cases, these limits are a ceiling, permitting local governments to adopt even stricter limits.” Nicolas Heidorn, *California Common Cause Report: Local Campaign Contribution Limits*, 2, 5 (March 2016).

a. General Requirements

Atlanta currently does not have a local campaign finance law. Campaign disclosure requirements and contribution limits are set forth pursuant to state law with local candidate filings facilitated through the Municipal Clerk’s office. Prohibited Sources are required to disclose, during the City’s competitive bid process, any political campaign contributions made to city elected officials within the previous five years. See City of Atlanta Department of Procurement, *Contractor Disclosure and Declaration Form, Required Submittal Form 2* (2018).

In jurisdictions with local campaign disclosure requirements, the laws governing disclosure and limitations are set forth in the jurisdiction’s election code, campaign finance law, procurement code, and/or ethics code. Prohibited Sources, their employees, officers, and directors are often subject to these disclosure requirements and limitations. In Chicago, Dallas, and Philadelphia, immediate family members of Prohibited Sources are also subject to these disclosure requirements under certain circumstances and time periods.

Commonly prohibited contributions include those provided to candidates and elected officials either anonymously or pseudonymously. For example, Chicago maintains provisions barring such contributions in the ethics code. However, Los Angeles allows anonymous contributions up to \$200 in a single election. Atlanta currently does not have a local rule and the City follows state law requirements banning anonymous contributions pursuant to O.C.G.A. § 21-5-30(e). Cash contributions tend to be either severely limited, such as in Seattle where the maximum is \$60, or prohibited altogether.

Limitations on contribution amounts vary by jurisdiction and typically consist of either a general or specific limitation depending on the circumstance, time-period, instrument of tender, and the category of individual the contribution is being given by or to. Pursuant to state law, contribution limits for candidates for city elected office in Atlanta are currently set at \$2,600 for both the Primary and General elections in aggregate for an election cycle and \$1,400 for both Primary and General run-off elections in aggregate for an election cycle. O.C.G.A. § 21-5-41(b)(1-4) (2010).

b. Municipalities with Pay-to-Play Laws

Pay-to-play laws generally exist to prohibit or restrict Prohibited Sources, their owners, officers, and in some cases, their employees and immediate family members, from making political contributions if they have been awarded or are seeking to obtain a government contract. The rationale for these laws stems from the public’s interest in preventing corruption in

government contracting. “When contractors, including those who competitively bid for contracts, give large contributions to local candidates, it looks like an attempt to get themselves preferential treatment or to let themselves be considered for a contract.” Strong pay-to-play laws work to pressure potentially conflicted decision makers into withdrawing or recusing themselves from voting on or influencing a pending matter where a potential conflict or the appearance of a conflict of interest presents itself, subsequently undermining the potential influence of political contributions. Robert F. Wechsler, *Local Government Ethics Programs: A Resource for Ethics Commission Members, Local Officials, Attorneys, Journalists, and Students, And A Manual for Ethics Reform*, 395 (2013).

The most common pay-to-play provisions are those that limit or prohibit political campaign contributions in government contracting. Most pay-to-play laws contain “look-back” provisions, where contributions made during a specified time-period prior to or following the award of a contract will either disqualify the Prohibited Source from doing business with the governmental entity, or require the Prohibited Source to disclose the contribution on a form provided by the jurisdiction. Other jurisdictions limit or prohibit contributions until after the contract has been fully performed. Examples of municipalities with different approaches to pay-to-play laws are explored in further detail below.

Chicago's ethics code restricts all persons, including Prohibited Sources, from offering or making anonymous or pseudonymous contributions to candidates for city office. Cash contributions to candidates for city office are limited to \$250 and contributions by Prohibited Sources are limited to \$1,500 in the aggregate to any candidate for city office during a single candidacy, to an elected official of the city during any reporting year of his or her term, or to any official or employee seeking election to any office. Chicago's economic disclosure statement, similar to the contractor disclosure form required for submittal during Atlanta's competitive bid process, requires disclosure of campaign contributions made within the 12 months prior to the date of the application to bid on a city contract. Further, pursuant to a 2011 executive order, Prohibited Sources and their spouses are restricted from making a political contribution to the mayor or the mayor's political fundraising committee while the Prohibited Source is doing business with the city, including during the bid or solicitation process, during the term of the contract, or during any contract negotiations with the City. Municipal Code of Chicago (Ill.), Chapter 2-156 Art. VI (2018); City of Chicago, Exec. Ord. No. 2011-1 to 2011-6 (2011).

The Dallas election code restricts Prohibited Sources and their immediate family members from making campaign contributions to candidates for city office from the time of the advertisement of a solicitation until 60 days after the date of the award of the contract. Municipal Code of Dallas (Tex.), Chapter 15A, § 4.1 (2017).

The Los Angeles campaign finance code bans Prohibited Sources who bid on or submit a proposal or other response to a contract solicitation valued at or anticipated to be valued at \$100,000 or more from making campaign contributions to any city elected official or candidate for elected city office and from engaging in political fundraising on behalf of such officials. This prohibition applies from the time the bid or proposal is submitted until the contract is signed, the bid or proposal is withdrawn by the bidder or proposer, or the City rejects all proposals for the contract, whichever is earlier. The prohibition continues for 12 months after the contract is signed. Municipal Code of Los Angeles (Cal.), Art. IV, § 470 (2011).

Philadelphia's procurement code imposes political contribution limits for *non-competitively bid contracts*. If an individual makes contributions of more than \$2,500 in the aggregate during a calendar year to a candidate for nomination or election to any elective city

office or to an incumbent, then, during the term of office to which such candidate is elected or during the incumbent's term of office, the individual is not eligible to apply for or to enter into any non-competitively bid contract in excess of \$10,000 as a prime or sub-contractor. Similarly, if a business contributes more than \$10,000 in the aggregate during a calendar year to a candidate for nomination or election to any elective city office or to an incumbent, then, during the term of office to which any such candidate is elected or during the incumbent's term of office, the business is not eligible to apply for or to enter into any non-competitively bid contract in excess of \$25,000 as a prime or sub-contractor. These limitations apply until the contract has been fully performed or until after the city official has completed his or her term of office. Municipal Code of Philadelphia (Pa.), Chapter 17, § 1404 (2005).

6. Local Lobbying Requirements

Lobbyist registration requirements, where present, serve as an added layer of transparency and help to create a level playing field for the conduct of official government business. According to Professor Vincent R. Johnson, "Lobbying regulations are not meant to discourage persons from exercising their right to petition the government, nor to harass those who take advantage of that right." Rules governing lobbying activities exist to ensure "1) that all persons have a fair opportunity to be heard by the government, 2) that the government enjoys the confidence of the people, 3) that official decisions are based on accurate information, 4) that the citizenry knows how the government operates, and 5) that the performance of public business benefits from the wisdom of the community." Vincent R. Johnson, *Regulating Lobbyists: Law, Ethics, and Public Policy*, 16:1 Cornell L. Rev. 13-17 (2006).

Atlanta currently does not have a local lobbying requirement. State registered lobbyists, however, are covered under the ethics code's definition of Prohibited Source. Compared to other jurisdictions, Atlanta is unique in its absence of lobbyist registration and reporting requirements for those who attempt to influence the legislative or administrative actions of the city. Mun. Code of Atlanta (Ga.), § 2-801 (2016).

Chicago's lobbyist registration requirements are set forth in its ethics code. A lobbyist is defined as "...any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action..." Those who fall under the lobbyist definition are required to file with the board of ethics a certified statement which is submitted electronically through the Chicago Board of Ethics' Electronic Lobbyist Filing System ("ELF"). This must occur no later than January 20th of each year or within five business days of engaging in any local lobbying activity. Once per quarter, each registered lobbyist is required to file in ELF a report of lobbying activities during the previous three calendar months. Failure to register or report on lobbying may constitute a violation of the ethics code and result in suspension of lobbyist registration, imposition of sanctions pursuant to the code of ethics, or the board of ethics may refuse to accept a lobbyist registration statement until any fines owed are paid in full. Mun. Code of Chicago (Ill.), Chapter 2-156 Art. IV (2018); City of Chicago Electronic Lobbyist Filing System, <https://webapps1.cityofchicago.org/elf/index.html> (2018).

Similarly, Philadelphia's lobbyist registration and reporting requirements are regulated by the board of ethics pursuant to the city's municipal code on lobbying. All persons required to be registered must participate in training conducted by the ethics board regarding the city's lobbying requirements. Violations of the lobbying code fall under the jurisdiction of the ethics board and may result in a penalty of up to \$250 per day for failure to register or report with a

maximum fine of \$2,000 per registration or report. Mun. Code of Philadelphia (Pa.), Chapter 20, § 1200 (2005); Philadelphia Board of Ethics, *Regulation No. 9, Lobbying* (2017).

Conclusion and Recommendations

The Atlanta Ethics Code and its applicable provisions should be used as tools to promote a streamlined requirement of ethical conduct for persons or entities who are doing or seeking to do business with the City. In the private sector, some actions may be permissible or even admirable; however, in the world of government contracting, many actions are not allowed and erode the public trust, create an appearance of impropriety, and impede business.

Based upon the research of similarly situated jurisdictions, review of industry literature and best practices, we make the following recommendations for the City of Atlanta:

1. Expand the Ethics Board's jurisdiction and enforcement authority to conflict of interest laws as relates to Prohibited Sources through legislation as the board's jurisdiction currently only extends to gifts, gratuities and kickbacks and potential violations of these provisions. Doing so would broaden the board's reach over the procurement disclosure process which includes monitoring whether Prohibited Sources comply with ongoing requirements to disclose potential conflicts.
2. Adopt pay-to-play provisions within the City's procurement code. These provisions should mirror the Dallas and/or Los Angeles models for competitively bid contracts and the Philadelphia model for non-competitively bid contracts. Provisions similar to the Chicago executive order pertaining to political contributions to the mayor should also be considered.
3. Implement a city lobbyist registration system with quarterly reporting requirements, mirroring the Chicago or Philadelphia models by either 1) creating a new section within the Code of Ethics entitled "Lobbying" or 2) creating a new city code chapter entitled "Lobbying." Jurisdiction to enforce the city lobbyist registration and reporting requirements should reside with the Board of Ethics. The lobbying provisions should also mandate training on the ethics and lobbying code for all newly registered city lobbyists. All registered city lobbyists should be required to wear a unique identification badge while in a city government facility, similar to that of the requirement for state lobbyists.
4. Develop an Ethics Pledge, similar to the forms used for Atlanta city officials and employees, with applicable ethics laws for Prohibited Sources to be included in all bid packages. Chicago has developed a similar form and incorporated it into its procurement process.
5. Revise the existing Contractor Disclosure Form to include pertinent provisions of the Atlanta Ethics Code.

Works Cited

Case Law

Buckley v. Valeo, 424 U.S. 1, 28 (1976).

City Disclosure Forms

City of Atlanta, *Contractor Disclosure and Declaration Form, Required Submittal Form 2* (2018).

City of Chicago, *Economic Disclosure Statement and Affidavit* (2017).

City of San Antonio, *Contracts Disclosure Form* (2014).

City of San Antonio, *Disclosure of Benefits Form* (2008).

City of Seattle, *Consultant Questionnaire* (2018).

Executive Orders and Local Regulations

City of Chicago, Exec. Ord. No. 2011-1 to 2011-6 (2011).

Philadelphia Board of Ethics, *Regulation No. 9, Lobbying* (2017).

Rules of the City of New York, Title 9, § 2-08 (e)(i-ii) (2016).

Municipal and District Codes

Municipal Code of Atlanta (Ga.), Chapter 2, Art. VII, Div. 2, §§ 2-801, 2-807(b), 2-817(b) (2002).

Municipal Code of Atlanta (Ga.), Chapter 2, Art. X, Div. 3, § 2-1162(b)(5) (2009).

Municipal Code of Atlanta (Ga.), Chapter 2, Art. X, Div. 4, § 2-1214(a), (h) (2017).

Municipal Code of Atlanta (Ga.), Chapter 2, Art. X, Div. 13, §§ 2-1484(b-d), 2-1485(a), (b), 2-1488(b)(2) (2009).

Municipal Code of Dallas (Tex.), Vol. 1, Chapter 12A §§ 5, 5.1, 15.8, 16, 17, 39 (2017).

Municipal Code of Dallas (Tex.), Chapter 15A, §§ 4.1, 7 (2017).

Administrative Code of Los Angeles (Cal.) Div. 24, Chapter 6 § 24.61- 24.63 (2013).

Municipal Code of Los Angeles (Cal.), Chapter 4, Article 9.5, §§ 49.5.2(J), 49.5.5(C), 49.5.8(A)(2-3), 49.5.16(B)(1) (2014).

Municipal Code of Los Angeles (Cal.), Chapter 4, Article 9.7, §§ 49.7.35(B)(4), (C) (2014).

City of Los Angeles Charter, Art. IV, § 470 (2011).

Municipal Code Chicago (Ill.) Title 2, Chapter 2-154, §§ 2-154-010, 2-154-015, 2-154-020 (2009).

Municipal Code of Chicago (Ill.), Title 2, Chapter 2-156, Art. 1 § 010, 120, 142, 445, 465. (2017).

Municipal Code of Chicago (Ill.), Title 2, Chapter 2-156 Art. IV (2018).

Municipal Code of Philadelphia (Pa.), Chapter 17, § 17-1402(b)(1), (3), (4), (5); 17-1402(f), 17-1402(e)(ii-iii), 1404 (2005).

Municipal Code of Philadelphia (Pa.) Chapter 20, §§ 604(2), (4)(a) (2014), 613(1)(a) (2006).

Municipal Code of Philadelphia (Pa.), Chapter 20, § 1200 (2005).

Municipal Code of Philadelphia (Pa.) Chapter 20, §1302 (2010).

Municipal Code of San Antonio (Tex.) Chapter 2, Art. III, Div. 4, §§ 2-53, 2-59 – 2-61; Art. VII, Div. 2 § 2-310 (2013).

District Code of San Francisco BART (Cal.), Chapter 1, Art. V. § 1-504 (2014).

Municipal Code of Seattle (Wash.), Title 4, Chapter 4.16 §§ 30, 70 (2010).

Municipal Code of Seattle (Wash.) Title 2, Chapter 2.04 § 180(A) (2015).

Publications

Nicolas Heidorn, *California Common Cause Report: Local Campaign Contribution Limits*, 2, 5 (March 2016).

Vincent R. Johnson, *Regulating Lobbyists: Law, Ethics, and Public Policy*, 16:1 Cornell L. Rev. 13-17 (2006).

Richard W. Painter, *Getting the Government America Deserves: How Ethics Reform Can Make a Difference*, Oxford U.P. (2009).

Robert F. Wechsler, *Local Government Ethics Programs: A Resource for Ethics Commission Members, Local Officials, Attorneys, Journalists, and Students, And A Manual for Ethics Reform*, 395 (2013).

State Codes

O.C.G.A. § 21-5-30(e) (2014).

O.C.G.A. § 21-5-41(b)(1-4) (2010).

Tex. Local Govt. Code § 176.006 (2015).

Websites

City of Chicago, *Electronic Lobbyist Filing System*, <https://webapps1.cityofchicago.org/elf/index.html> (2018).

City Ethics, *Model Ethics Code*, <http://www.cityethics.org/content/full-text-model-ethics-code> (2013).

Appendix A: Research of Similar Jurisdictions

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
Atlanta	<p>Ethics Board has jurisdiction over Prohibited Sources who violate prohibitions against:</p> <ul style="list-style-type: none"> ▪ Gratuities <i>Mun. Code of Atlanta § 2-817</i> 	<p>Authority to impose administrative sanctions up to \$1,000 for each violation and <i>recommend</i> the suspension, disqualification or debarment of the Prohibited Source to the Chief Procurement Officer (“CPO”) for violations against the gratuities ban. <i>Mun. Code of Atlanta § 2-807(a), (c).</i></p>	<ul style="list-style-type: none"> • The procurement code provides prohibitions against gratuities, kickbacks and contingent fees and requires the prohibitions in every contract, solicitation and contractor disclosure form. <i>Mun. Code of Atlanta § 2-1484(b)-(d); 2-1485(a), (b).</i> • Prohibited Sources who violate the prohibitions are subject to termination, debarment, suspension of contracts or written warning and reprimands by the Mayor with City council approval. <i>Mun. Code of Atlanta § 2-1488(b)(2).</i> 	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose all financial, organizational, and personal relationships which may give rise to a conflict of interest if awarded the contract. <i>Mun. Code of Atlanta § 2-1214(a).</i> • For contracts requiring City Council approval: if a relationship is disclosed, the CPO must allow the Ethics Officer to review the disclosure along with the CPO’s determination before the CPO can certify that the award of contract is appropriate. <i>Mun. Code of Atlanta § 2-1214(f)</i> 	<p>Yes, throughout duration of contract term and as a condition of any contract renewal. <i>Mun. Code of Atlanta § 2-1214(h)</i></p>	<ul style="list-style-type: none"> • Anonymous contributions are prohibited See <i>O.C.G.A. § 21-5-30(e)</i> • Contractor disclosure form requires disclosure of campaign contributions within the previous 5 years. <i>City of Atlanta, Contractor Disclosure and Declaration Form (2018)</i> • <u>Contribution limits:</u> <ul style="list-style-type: none"> ▪ \$2,600 for Primary and run-off elections in aggregate for an election cycle ▪ \$1,400 for General and run-off elections in aggregate for an election cycle <i>O.C.G.A. § 21-5-41(b)(1)-(4)</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
Chicago	<p>Ethics Board has jurisdiction over Prohibited Sources who violate prohibitions against:</p> <ul style="list-style-type: none"> ▪ gifts and gratuities which include offer of employment. <i>Mun. Code of Chicago § 2-156-142(c)</i> ▪ contract inducements by subcontractor <i>Mun. Code of Chicago § 2-156-120</i> ▪ improper contributions. <i>Mun. Code of Chicago § 2-156-445(d)</i> 	<ul style="list-style-type: none"> • Authority to enforce fines between \$1,000-\$5,000 for violations of gift ban. <i>Mun. Code of Chicago § 2-156-465(b)(4)</i>. • Authority to enforce fines between \$1,000-\$5,000 or 3 times the amount of the improper contribution that was accepted for each violation. <i>Mun. Code of Chicago § 2-156-465(b)(5)</i>. • Authority to subject any individual, entity, corporation, partnership, firm and, any parent or subsidiary of the foregoing in violation of any other provision of the Code to fines between \$500-\$2,000 per violation. <i>Mun. Code of Chicago § 2-156-465(b)(7)</i>. 	<ul style="list-style-type: none"> • The Economic Disclosure Statement (“EDS”) require the Prohibited Source to acknowledge and certify that they understand and agree to comply fully with the Ethics code. <i>City of Chicago, Economic Disclosure Statement and Affidavit (2017)</i>. • The prohibition against contract inducement is included as a clause in every contract and solicitation. See <i>Municipal Code of Chicago § 2-156-120</i>. • The Ethics Board provides an ethics guide online for Prohibited Sources that discusses restrictions in their interactions with city officials and employees. See <i>City of Chicago Ethics website: https://www.cityofchicago.org/city/en/depts/ethics/auto_generated/edu_publandreports.html</i> 	<ul style="list-style-type: none"> • The EDS is to be completed at the time the Prohibited Source makes an application to the City. <i>Mun. Code of Chicago § 2-154-010</i>. • The Prohibited Source must disclose the name of any individual or entity with more than 7.5% ownership interest in the Prohibited Source along with any familial relationships the Prohibited Source or any officer or persons owning more than 7.5% ownership interest has with any city official or department head. <i>Mun. Code of Chicago § 2-154-010(a)(1), 2-154-015</i>. • The Prohibited Source must also state under oath that no disclosure of economic interests are withheld and that there are no reserved or false pretenses as to the purpose of the application. <i>Mun. Code of Chicago § 2-154-010(a)(3)</i>. 	<p>Yes, throughout duration of the contract term and while the Prohibited Source is doing business with the city. <i>Mun. Code of Chicago § 2-154-020</i>.</p>	<ul style="list-style-type: none"> • Anonymous and pseudonymous contributions are prohibited. <i>Mun. Code of Chicago § 2-156-435</i>. • Cash contributions are limited to \$250 to any candidate for City office. <i>Mun. Code of Chicago § 2-156-455</i>. • The EDS requires disclosure of campaign contributions within the 12 months prior from the date of the EDS. <i>City of Chicago Economic Disclosure Statement and Affidavit (2017)</i>. • Mayor’s Executive Order prohibits Prohibited Sources and their spouses from making any political contributions to the Mayor or his political fundraising committee during: (1) the bid or solicitation process, (2) the term of the contract and, (3) any contract extension negotiation. See <i>City of Chicago, Exec. Ord. No. 2011-1 to 2011-6 (2011)</i>. • <u>Contribution limits:</u> <ul style="list-style-type: none"> ▪ \$1,500 in the aggregate to any: (1) candidate for City office during a single candidacy; (2) an elected official during any reporting year of the term; or (3) official or city employee seeking election to any office. <i>Mun. Code of Chicago § 2-156-445(a)</i>.

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
Dallas	<ul style="list-style-type: none"> • Ethics Commission has jurisdiction over Prohibited Sources who violate prohibitions against: <ul style="list-style-type: none"> ▪ Gifts ▪ Donations ▪ Restricted Activities ▪ Appearances before city bodies ▪ Representation of Others ▪ Disqualification from Contracting <p><i>Mun. Code of Dallas § 12A-5, 12A-5.1, 12A-15.6, 12A-16, 12A-17, 12A-39.</i></p> <ul style="list-style-type: none"> • Ethics Commission has jurisdiction to consider violations of campaign contribution limitations. <i>Mun. Code of Dallas § 15A-7.</i> 	<p>Any person who has been found by the Ethics Commission to intentionally or knowingly violate any provision of the ethics code or campaign finance limitations may be prohibited by City Council, based upon a recommendation from the Ethics Commission from entering into any contract with the City for 2 years. <i>Mun. Code of Dallas § 12A-39.</i></p>	<p>The Procurement Department provides to all Prohibited Sources and requires them to adhere to the applicable provisions of Ethics Code. See Procurement Department website: http://dallascityhall.com/departments/procurement/Pages/Code-of-Ethics.aspx</p>	<ul style="list-style-type: none"> • The Local Government Code of the Texas Statute requires Prohibited Sources to complete a Vendor Questionnaire to disclose any business and, personal relationships with any city official, employee or member of their family. <i>Tex. Local Govt. Code § 176.006(a)-(c).</i> • Must be filed within 7 business days after the later of the date the Prohibited Source: <ul style="list-style-type: none"> ▪ begins negotiations to contract with the city; ▪ submits the application; ▪ becomes aware of a employment, business relationship or familial relationship which may give rise to a conflict of interest; or ▪ becomes aware that they have given one or more gifts. <i>Tex. Local Govt. Code § 176.006 (a-1).</i> • Contract may be declared void if it is determined the Prohibited Source failed to file the questionnaire. <i>Tex. Local Govt. Code § 176.013(e).</i> 	<p>The Local Government Code requires Prohibited Sources to file updated completed disclosures no later than 7 business days after the date the Prohibited Source becomes aware of an event that would make a statement in the disclosure incomplete or inaccurate. <i>Tex. Local Govt. Code § 176.006(d)</i></p>	<ul style="list-style-type: none"> • Prohibited Sources, nor their immediate family members, may make any contributions from the time of public notification or advertisement of RFB/RFP is made until 60 days after the date the contract is awarded by the City Council. <i>Mun. Code of Dallas § 15A-4.1(e).</i> • Anonymous and pseudonymous contributions are prohibited. <i>Mun. Code of Dallas § 15A-5.</i> • <u>Contribution limits</u> <ul style="list-style-type: none"> ▪ \$1000 per city election in support of, or opposition to, a single candidate for election to Place numbers 1-14 on the City council ▪ \$5000 per city election in support of, or opposition to, a single candidate for election to Place number 15 on the City council. <i>Mun. Code of Dallas § 15A-2(a).</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
<p>Los Angeles</p>	<p>Ethics Commission has jurisdiction over Prohibited Sources who violate prohibitions against:</p> <ul style="list-style-type: none"> ▪ gifts ▪ campaign contributions <p><i>Mun. Code of Los Angeles § 49.5.8(A)(2)-(3)</i></p> <ul style="list-style-type: none"> ▪ inducing city officials or employees to misuse their city position or city property <p><i>Municipal Code of Los Angeles § 49.5.5(C)</i></p>	<ul style="list-style-type: none"> • Authority to bring a civil action against any <i>person</i> who intentionally or negligently violates the ethics code for the greater of \$5000 per violation or three times the amount the person expended, gave, improperly contributed or failed to report. <i>Mun. Code of Los Angeles § 49.5.16(B)(1)</i>. • Prohibited Sources who violate the contribution or fundraising limits may not bid on, or be considered for, any City contract, extension or amendment, and will be debarred, unless the Ethics Commission determines that mitigating circumstances exist. <i>Mun. Code of Los Angeles § 49.7.35 & 49.7.36; Admin. Code of Los Angeles § 24.61-24.63.</i> 	<p>The “Contractor’s Resource” page on the city ethics website provides Prohibited Source with the prohibitions and limitations on gifts and campaign contributions and fundraising. https://ethics.lacity.org/contracts/</p>	<p>N/A.</p>	<p>Yes; City code requires amendment to the disclosure form for any changed information within 10 business days of the change. <i>Mun. Code of Los Angeles § 49.7.35(B)(4)</i></p>	<ul style="list-style-type: none"> • Cash contributions are limited to \$25 to any candidate for City office and anonymous contributions are limited to \$200 in a single election. <i>City Charter Los Angeles §470(d), (e)</i>. • Assumed name contributions are prohibited. Prohibited Sources who violated the prohibition in the previous four years are denied any award of contract. <i>City Charter Los Angeles §470(k)</i>. • Prohibited Sources on contracts of \$100,000 or more must disclose all principals and subcontractors of at least \$100,000 and may not, for 12 months after signing the contract, make contributions to or engage in political fundraising for certain City officials and candidates from the time the bid or proposal is submitted until the contract is signed or the bid or proposal is withdrawn. <i>City Charter Los Angeles §470(c)(1)</i> • The Prohibited Source must certify they understand, will comply with, and will notify all principals and subcontractors of the campaign contribution limitations. <i>Muni. Code of Los Angeles § 49.7.35(B)(3); City Charter Los Angeles §470(c)(12)(H)</i>. • Prohibited Sources who supply goods and/or services for use in connection with a campaign for elected City office to disclose to the Ethics Commission details and records supporting the expenditures by made the candidate or committee in payment for the goods and/or services, if requested. <i>Los Angeles City Charter §470(m)</i> • <u>Contribution limits:</u> <ul style="list-style-type: none"> ▪ \$500 in connection with a single election in the aggregate for a City Council candidate ▪ \$1,000 in connection with a single election in the aggregate for a Mayoral, City Attorney or Controller candidate <i>City Charter Los Angeles §470(c)(12)(A)-(D)</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
New York City	N/A. Agencies and Authorities create and disseminate their own Codes of Conduct for Prohibited Sources.	N/A	According to the Procurement Policy Board Rules Prohibited Sources and their representatives have a responsibility to deal ethically with the City and its employees, and to respect the ethical duties of City employees. Prohibited Sources must not request City employees and officials to engage in conduct that would violate the law, these Rules, or the principles set forth in this section. <i>Rules of City of New York § 1-03(a)(3).</i>	<ul style="list-style-type: none"> Prohibited Sources are required to fill out a Vendor questionnaire which includes disclosures of ownership interests and structure, subcontractor's relationships with city officials and employees and any familial relationships with city officials and employees. <i>See Rules of City of New York, Title 9 § 2-08(e)</i> Prohibited Sources are also required to sign a Conflicts of Interest Disclosure and Compliance certification in which the PS affirms that no City official, employee or, their immediate family has any direct or indirect financial interest in the PS organization or has received or will receive any financial benefit. <i>See Rules of the City of New York, Title 9 § 2-08(e)(2)</i> 	<ul style="list-style-type: none"> Yes. Prohibited Sources are required to update the information every 3 years to be provided no later than the date of award of any contract after the expiration of the 3-year period. <i>Rules City of New York § 2-08(e)</i> The City is required to maintain a computerized database of specific information for every prospective Prohibited Source for awards over \$100,000, and for Prohibited Sources (including subcontractors) doing more than \$100,000 in cumulative annual business with the City. <i>Rules of City of New York § 2-08(e)(11)</i> 	<ul style="list-style-type: none"> <u>Contribution limits</u> <ul style="list-style-type: none"> \$250-City Council \$320-Borough President \$400-Mayor, Comptroller, or Public Advocate <i>Admin. Code of City of New York § 3-703(1-b)(a)</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required?	Campaign Disclosure Requirements and Limitations for Prohibited Sources
Philadelphia	<ul style="list-style-type: none"> • Ethics Board has jurisdiction over: <ul style="list-style-type: none"> ▪ Prohibited Sources who violate the ban on gifts and gratuities; and material misrepresentations or omissions on conflict of interests and political contribution disclosures required to be filed by Prohibited Sources for non-competitively bid contracts. <i>Mun. Code of Phila. § 20-604; 20-613; § 17-1407</i> 	<p>The Ethics Board has the authority to enforce a fine or civil penalty of \$1000 for any violation of the applicable provisions of the Ethics code or campaign contribution limitations. <i>See Phil. City Code (PA) Ch. 20-600 § 20-613</i></p>	<ul style="list-style-type: none"> • Provision in every contract requires Prohibited Sources to acknowledge and agree to adhere from making any improper contributions during the term of contract and that breach of the provision would render the contract voidable. <i>Mun. Code of Phila §1402(f)</i> • The Procurement Department provides a "Vendor's Resource Page" for Prohibited Sources that offers guidance on the ethics rules that are applicable to them. http://www.phila.gov/integrityworks/resources/Pages/Vendors.aspx 	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose: <ul style="list-style-type: none"> ▪ consultants ▪ subcontractors ▪ the name(s) of any City official or employee who, within two years prior to application deadline date, advised the applicant or solicited for anything of value, money, or services from the Prohibited Source ▪ any City officer or employee who recommended a person or firm to satisfy any minority, woman, disabled or disadvantaged enterprise requirement. <i>Mun. Code of Phila § 17-1402(b)(1); (3)-(5)</i> 	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose throughout the duration of contract term and for 1 year after must disclose campaign contributions to any candidate for nomination or election to public office, city elected official, political committee, state party or any group organized in support of the candidate, official, committee, party or group and the name of any City official or employee who advised the applicant or asked for anything of value during the contract term. <i>Mun. Code of Phila § 17-1402(e)(ii)-(iii)</i> 	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose: their political contributions and those of any immediate family, parent company, subsidiary, officers, directors, controlling shareholder, or political action committee controlled by the Prohibited Source within the two years prior to application deadline for <i>non-competitively bid contracts</i>. <i>Mun. Code of Phila § 17-1402(b)(2)</i> • contributions given with the intent to benefit and solicitations on behalf of the candidate, incumbent, or political action committee and contributions furnished by the Prohibited Source as an intermediary. <i>Mun. Code of Phila § 17-1404(1)(a)</i> • If an individual Prohibited Source violates the contribution limits they are not eligible to bid on <i>non-competitive contracts</i> over \$10,000 during the candidate's term. <i>Mun. Code of Phila § 17-1404(1)(a)</i> • If a business Prohibited source violates the contribution limits they are not eligible to bid on <i>non-competitively bid contracts</i> over \$25,000 during the candidate's term. <i>Mun. Code of Phila §17-1404(1)(b)</i> • <u>Contribution limits</u> (in a calendar year): <ul style="list-style-type: none"> ▪ \$3,000 (Individual) ▪ \$11,900 (Business) <i>Mun. Code of Phila § 17-1404(1)(a)-(b)</i> • Limits for elective office double if Candidate contributes \$250,000 of their own money. <i>Mun. Code of Phila § 17-1404(1)(d)</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
<p>San Antonio</p>	<p>The Ethics Board has jurisdiction over Prohibited Source conflicts of interest disclosures. <i>Mun. Code of San Antonio § 2-59, 2-60.</i></p> <p>The Ethics Code restricts Prohibited Sources from contacting city officials and employees regarding a contract after a RFP, RFQ, or other solicitation has been released until the contract is posted on the City Council agenda. <i>Mun. Code of San Antonio § 2-61.</i></p> <ul style="list-style-type: none"> All administrative services contracts between a City Council member and independent contractor contain a provision that requires the independent contractor to comply with all requirements imposed on city employees by the Code. <i>Mun. Code of San Antonio § 2-53.</i> 	<p>Ethics Board may enforce civil sanctions for violations of the Municipal Campaign Finance Code. <i>Mun. Code of San Antonio § 2-310.</i></p>	<p>The Contractor Disclosure form refers the Prohibited Source to the Ethics Code for any specifics on the use of the form. <i>City of San Antonio, Contracts Disclosure Form.</i></p>	<ul style="list-style-type: none"> Required disclosures include: <ul style="list-style-type: none"> parties to the transaction including individuals, entities, consultants and lobbyists; associations with City officials or employees which include any facts the Prohibited Source may know that would lead to an inquiry of a Conflict of interest violation by the official or employee; or facts that reveal an economic benefit on behalf of any City official or employee based upon the Prohibited Source's requested action. <i>Mun. Code of San Antonio § 2-59 - § 2-61.</i> Same additional state requirements as Dallas. <i>Tex. Local Govt. Code § 176.006.</i> 	<p>Prohibited Sources are required to file updates to disclosures before the contract comes before the City Council or <u>5 business days</u> after any change that requires filing. <i>Mun. Code of San Antonio § 2-59(a).</i></p>	<ul style="list-style-type: none"> Political <i>cash</i> contributions more than \$50 to a candidate for Mayor, City Council, municipal officeholder or political action committee formed to support or oppose a candidate are prohibited. <i>Mun. Code of San Antonio § 2-302(g)</i> Political contributions more than \$100 within the past 24 months made directly or indirectly to any member or candidate for City council or to any political action committee that contributes to City Council elections. <i>Mun. Code of San Antonio § 2-59(b).</i> Political contributions in the name of or on behalf of another are prohibited unless the person discloses in writing the identity of the individual making the contribution in order for the recipient to make e appropriate disclosure. <i>Mun. Code of San Antonio § 2-302(h).</i> For "high-profile" contracts Prohibited Sources, nor their spouses, may make a political contribution to any Councilmember, candidate or political action committee in support of or against the member or candidate: <ul style="list-style-type: none"> from the 10th business day after the RFP, RFQ, or other solicitation is released; or from the time the City begins negotiations until the 30th day following the contract award for non-competitive solicitations. <i>Mun. Code of San Antonio § 2-309(a).</i> Violations of this code may disqualify the Prohibited Source from the award of contract or may render any awarded contract voidable at discretion of City Council. <i>Mun. Code of San Antonio § 2-61.</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required?	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
<p>San Francisco BART (Bay Area Rapid Transit)</p>	<ul style="list-style-type: none"> • Ethics Board has jurisdiction over Prohibited Sources via a Contractor Code of Conduct set forth by city ordinance. • Provisions and prohibitions include: <ul style="list-style-type: none"> ▪ Gifts ▪ Campaign contributions ▪ Confidential Information ▪ Conflicts of Interest ▪ Contract Participation ▪ Offers of Employment <p>See <i>San Francisco BART District Code, Ch. 1 § 1-504.</i></p>	<ul style="list-style-type: none"> • Violations of law or contractor code by a Prohibited Source are reported directly to District Ethics Officer. <i>District Code of San Francisco BART § 1-504(VII).</i> • Ethics Officer, in consultation with the Office of the General is charged with advising District management regarding ethical issues. See <i>San Francisco BART District Code, Ch. 1 § 1-504(VI).</i> • Suspected violations are investigated by the Department Manager of Procurement or the Department Manager of Real Estate and Property Development in consultation with the Ethics Officer. <i>District Code of San Francisco BART § 1-504(XVI)(D).</i> 	<p>N/A</p>	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose prior to and during any contract term regardless if constitutes a conflict of interest. <i>District Code of San Francisco BART § 1-504(XVI)(B).</i> • Disclosures include: <ul style="list-style-type: none"> ▪ financial and personal relationships between Prohibited Sources, their employees and any District official; ▪ negotiations concerning employment of any District Official and Prohibited Source <p><i>District Code of San Francisco BART § 1-504 (XVI)(A)(i)-(iii).</i></p> <ul style="list-style-type: none"> • Suspected violations of disclosure requirements are investigated by the Department Manager of Procurement or the Department Manager of Real Estate and Property Development in consultation with the Ethics Officer. <i>District Code of San Francisco BART § 1-504(XVI)(D).</i> 	<p>The Contractor code requires disclosure throughout duration of contract term. <i>District Code of San Francisco BART § 1-504.</i></p>	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose political contributions made to a Board of Directors member or candidate for the Board, whether monetary or in-kind, exceeding \$1000, made during the time period from receipt of the bidder or proposer's bid through award. <i>District Code of San Francisco BART § 5.1</i> • Prohibited Sources are required to submit, with their bid or proposal, a certification of compliance with the political contribution prohibitions. <i>District Code of San Francisco BART, Appx A. Ch. V § 5.2.</i> • <u>Contribution limits</u> <ul style="list-style-type: none"> ▪ \$1,000 for contracts or subcontracts exceeding \$100,000 to contributions made to BART Board of Directors candidate. <i>District Code of San Francisco BART, appdx A. Ch. V § 5.1.</i>

Best Practices: Ethics and Prohibited Sources

Jurisdiction	Ethics Board/Commission Scope of Jurisdiction over Prohibited Sources	Ethics Board/Commission Scope of Enforcement Power over Prohibited Sources	Applicable Ethics Presence in the Procurement Process	Conflicts of Interest Disclosure Requirements for Prohibited Sources	Ongoing Disclosure Required	Campaign Contribution Disclosure Requirements and Limitations for Prohibited Sources
Seattle	<ul style="list-style-type: none"> • The Ethics Commission has jurisdiction over Prohibited Sources who work more than 1,000 hours in a 12-month period providing City services under contract. <i>Mun. Code of Seattle § 4.16.30.</i> • Provisions and prohibitions include: <ul style="list-style-type: none"> ▪ Gifts ▪ Campaign contributions ▪ Confidential Information ▪ Conflicts of Interest ▪ Contract Participation ▪ Post-Employment <i>Mun. Code of Seattle § 4.16.070 (A)-(E).</i> 	<p>The Ethics Commission has authority to enforce fines up to \$5000 per violation of the Ethics code or three times the value of the violation, order restitution and/or recommend discipline. <i>Mun. Code of Seattle § 4.16.100(B)</i></p>	<ul style="list-style-type: none"> • The City of Seattle Consultant Roster Agreement provides an "Ethics" section that list the Ethics Code sections and provisions that Prohibited Sources are subject to. <i>City of Seattle Consultant Roster Agreement.</i> • Request for Qualifications/Proposals (RFQ)/(RFP) applications advise Prohibited Sources that they and their qualifying employees are subject to the Ethics Code and list the prohibitions against gifts and gratuities and conflicts of interest. <i>See City of Seattle Request for Qualifications/Proposals.</i> 	<ul style="list-style-type: none"> • Prohibited Sources are required to disclose financial and personal interest that they, a member of their immediate family or any principal, officer or employee has before formation of the contract or at the time the City enters into the contract. <i>Mun. Code of Seattle § 4.16.70(E)(2).</i> • Additional disclosures include: <ul style="list-style-type: none"> ▪ Identities of any principals, officers or employees of the Prohibited Source who are current or former city employees ▪ Identities of any principal, officer or employee of the Prohibited Source who will work more than 1,000 hours in a 12-month period providing City services under contract. ▪ Prohibited Source must certify to their knowledge and belief there are no undisclosed conflicts of interest. <i>City of Seattle Consultant Questionnaire.</i> 		<ul style="list-style-type: none"> • Cash contributions, except for in-kind contributions, are limited to \$60, otherwise must be contributed via written instrument. <i>Mun. Code of Seattle § 2.04.180(A).</i> • <u>Contribution limits:</u> <ul style="list-style-type: none"> ▪ \$500 during the election cycle only. <i>Mun. Code of Seattle § 2.04.370(A)-(B)</i>

Appendix B: Reviewed Jurisdictions by Demographic Data

Jurisdiction	Metro Population (2017) ¹	Metro GDP ^{2,3,4} (Millions of Dollars)	Combined Airport Passenger Volume ⁸
Atlanta	5,884,736	363,768	51,916,451
Chicago	9,533,040	651,222	48,634,252 ⁵
Dallas	7,399,662	511,606	41,405,696 ⁶
Los Angeles	13,353,907	1,001,677	42,459,545
New York City	20,320,876	1,657,457	44,196,131 ⁷
Philadelphia	6,096,120	431,038	14,760,585
San Antonio	2,473,974	116,538	4,521,611
Seattle	3,867,046	330,409	23,518,824

Sources of Data:

¹<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

²https://www.bea.gov/newsreleases/regional/gdp_metro/2017/pdf/gdp_metro0917.pdf

³https://en.wikipedia.org/wiki/List_of_cities_by_GDPhttps://en.wikipedia.org/wiki/List_of_cities_by_GDP

⁴https://en.wikipedia.org/wiki/List_of_U.S._metropolitan_areas_by_GDP

⁵Includes both O'Hare and Midway International Airports

⁶Includes both Dallas/Fort Worth International Airport and Dallas Love Field

⁷Includes both John F. Kennedy International Airport and LaGuardia Airport

⁸https://en.wikipedia.org/wiki/List_of_the_busiest_airports_in_the_United_States