

Memorandum

TO: CITY COUNCIL

FROM: Councilmember Kalra,
Councilmember Oliverio and
Councilmember Rocha

**SUBJECT: REVOLVING DOOR WAIVER
POLICY**

DATE: 09-23-11

Approved

Don Rocha
Oliverio
Kalra

Date

9/23/11

RECOMMENDATION

Approve the recommendation in the interim with additional direction to the City Attorney to amend Council Policy 12.10 to pertain only to former City designated employees and Redevelopment Agency employees who voluntarily left service or were fired.

ANALYSIS

Council Policy 12.10 addresses ethical issues pertaining to post-City service employment. The policy is intended to regulate employees who have voluntarily separated from City service and intend to use their experience, expertise, or relationships that they established through their job functions to lobby or influence policy and land use decisions. I agree that voluntary separations and separations resulting from a firing should continue to be regulated by this policy for a determined time period.

Where I struggle with this policy is in our current interpretation and application of it. We know all too well that we have eliminated over 1,100 positions from our workforce, and our County continues to struggle with 12.1% unemployment rates. External factors, both economic and legislative have forced us to layoff workers at high rates – workers who have shown dedication to City service and who we would've otherwise been happy to continue employing. I believe that the intent of this policy could not have foreseen these developments and may be unfairly impeding individuals who have been laid off because of budgetary or economic reasons from gainful employment and the ability to provide an income to their family or themselves. The language from section 12.10.030 of the policy states:

*“No city or agency official or designated employee, for two years after **terminating** city or agency office or employment...”*

The interpretation I take from this is that the former City employee was responsible for leaving service, so it is my opinion that we should not be applying these restrictions to involuntary separations such as layoffs to begin with. As our City and its residents continue to struggle with low revenues and high unemployment we need to work to find ways to put people back to work, not keep them from working. In the case that they may be starting their own businesses, we should also be encouraging that whenever we can.