

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

WHEREAS, the Austin City Council established the 2012 Charter Revision Committee per Resolution 20110804-028 on August 4, 2011, directing the body to make recommendations on various proposed City Charter amendments; and

WHEREAS, within its review, the Charter Review Committee adopted recommendations on various campaign finance amendments that may be achieved through city ordinance and do not necessarily require charter amendments; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to prepare and post ordinances for consideration on the April 26, 2012 meeting agenda of the City Council to achieve the following recommendations of the Charter Review Committee as explicitly described in the “2012 Charter Review Committee Report to the City Council”(including in detail in the appendices) dated February 22, 2012:

Recommendation #10:

- a. Mandate that jurisdiction and enforcement powers of the City Ethics Review Commission (ERC) include alleged violations of city campaign finance law.
- b. Provide the ERC the authority, in its discretion, to engage a special prosecutor in cases where the ERC believes the City Attorney may have a conflict of interest.

Recommendation #11:

- a. Require that city candidates file a report when contributions and expenditures made within 9 days of an election in aggregate exceed \$2,500 respectively.
- b. Require political action committees (PACs) file a report when PACs make independent expenditures opposing a specific candidate within 9 days of an election that exceed \$1,000.

Recommendation #12:

- a. Ensure corporate and union monies spent on political activities are disclosed, to the extent constitutionally permissible, fully and timely to the electorate.
- b. Require disclosure of electioneering communications ('issue advertisements' that do not explicitly state 'vote for' or 'vote against' but influence the election) and independent expenditures (both express advocacy and electioneering communications) by all persons,

including corporations, unions, nonprofit organizations, unincorporated associations, and individuals.

- c. The ordinance should include modern definitions based on current case law and best practices, as specified in the committee report.
- d. Require reporting occur within 5 business days if the expenditure is made more than 60 days before an election, within 48 hours if made between 60 days and 10 days before an election, and within 24 hours if made within 9 days before an election.
- e. Require a standard disclaimer for independent expenditures that includes disclosure of the five largest contributors to the entity within the preceding 12 months.

Recommendation #13:

- a. Create a public searchable and downloadable database of all electronic campaign finance reports, lobbying reports, and independent expenditures. This database should be fully operational no later than six months after council adoption of the ordinance.

Recommendation #16:

- a. Require bundlers to report to the candidates the following for inclusion with filing of candidate campaign reports on a separate reporting schedule:
 - i. bundler employer and occupation;
 - ii. names of all registered lobbyists, if any, employed by the bundler and his/her firm or employer;
 - iii. occupation and employer of each individual contributor;
 - iv. the total amount delivered to each candidate for that reporting period; and
 - v. the cumulative amount delivered to each candidate for the current election cycle.

Recommendation #17:

- a. Limit the amount that a registered City lobbyist can bundle, to a maximum of \$1,750 per council candidate per election cycle (5 contributors at current maximum amount), and limit the amount registered firms can bundle, to a maximum of \$3,500 per council candidate per election cycle.

ADOPTED: _____, 2012

ATTEST: _____

Shirley A. Gentry
City Clerk