

Office Memorandum

Office of the City Attorney
City of Palo Alto



Date: March 6, 2006
To: Gary M. Baum, City Attorney
From: Amy Bartell, Law Clerk
Subject: SB 8 Summary

New Law - Senate Bill 8

The current bill, sponsored by Democratic Senator Soto and approved by the Governor on October 7, 2005, takes effect July 1, 2006 and adds Section 87406.3 to the Government Code. The new bill adds to the list of officials barred from appearing before their former agency and expands the types of appearances that are prohibited, while retaining the twelve month time bar.

The purpose of the bill is to prevent former local officials from lobbying their former agency for one year after leaving office, and to prevent former local officials from receiving compensation in exchange for influencing local governmental action.

Covered Employees

Under the new bill, the following government officials are barred from appearing before former employers for a period of one year after leaving their positions:

- local elected officials
- chief administrative officers of a county
- city managers
- general managers
- chief administrators of a special district who held a position with a local government agency.

Employees Who Are Not Covered

Like the Political Reform Act of 1974, Senate Bill 8 does not apply to anyone who is, at the time of his or her appearance or communication, a board member, officer, or employee of another local government agency or public agency who is appearing on behalf of that agency.

Prohibited Actions

The new bill also expands the list of prohibited actions, such that the covered former employees may not appear before their former local government agency, committee, subcommittee or any

present member of the local government agency in the following manner:

- by acting as agent or attorney,
- otherwise representing for compensation,
- making any formal or informal appearance,
- making any oral or written communication.

Prohibited Purposes

Like the current law, the new law's prohibition on making appearances before former local government boards or agencies applies if the appearance is made with the purpose of influencing administrative or legislative action. The new law also prohibits influencing the former employer regarding permits, licenses, grants, contracts, or the sales of goods or property.