

Attachment A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF
THE FINAL, ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING PHOENIX CITY CODE
CHAPTER 2 (ADMINISTRATION), ARTICLE XXX,
BY AMENDING SECTIONS 2-1000 THROUGH 2-1005 AND
ADDING SECTIONS 2-1001.01, 2-1005.01, and 2-1005.02
RELATING TO LOBBYING; DEFINITIONS; REPORTS;
DISCLOSURE; FORMS AND FILING; VIOLATIONS;
PENALTY; CLASSIFICATION; ETHICS COMMISSION;
SEVERABILITY; EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX
as follows:

SECTION 1. Phoenix City Code Chapter 2 (Administration), Article
XXX, Sections 2-1000 through 2-1005 are amended, and Sections 2-
1001.01, 2-1005.01, and 2-1005.02 are added to read:

2-1000 Definitions.

1. ~~Elected~~ *City official* means the Mayor and members of the Council of the
City of Phoenix, whether serving by election or appointment, **ANY
PERSON WHO SERVES IN THE ADMINISTRATIVE OFFICE OF EITHER
THE MAYOR OR A COUNCIL MEMBER, OR ANY PERSON WHO
SERVES ON A CITY OF PHOENIX BOARD, COMMITTEE, OR
COMMISSION, THE CITY MANAGER AND THE EXECUTIVE STAFF,
AND ALL CITY OF PHOENIX DEPARTMENT HEADS.**

2. COMPENSATION MEANS MONEY, SERVICE, FACILITY, OR OTHER THING OF VALUE OR BENEFIT, INCLUDING AN INTEREST IN A BUSINESS OR AN INVESTMENT, THAT IS RECEIVED OR WILL BE RECEIVED IN RETURN FOR OR IN CONNECTION WITH SERVICES RENDERED OR TO BE RENDERED.

32. *Expenditure* means ANY EXPENSE MADE IN FURTHERANCE OF A LOBBYING ACTIVITY ~~a payment, distribution, loan, advance, deposit, or gift, and includes a promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an elected City official that is~~ incurred by or on behalf of a lobbyist.

43. *Family gift* means a gift to an ~~elected~~ City official or a member of his OR HER household from a lobbyist who is a relative of the ~~elected~~ City official or a member of his household if the donor is not acting for someone not covered by this paragraph.

54. *Gift* means A DONATION OR TRANSFER OF money, real property, or tangible personal property. For purposes of this article, gift does not include:

(a) A gift or inheritance from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or any such person's spouse if the donor is not acting for someone not covered by this paragraph and gifts of a personal nature were customarily received from such persons before becoming an ~~elected~~ City official.

(b) The value of meals, entertainment or lodging that is reported or exempt from reporting under this article.

(c) Salary, compensation or employer reimbursed expenses lawfully paid to an ~~elected~~ City official.

(d) The value of professional or consulting services not rendered to obtain a benefit for any lobbyist or lobbyist's client.

(e) Expenses relating to an event to which all members of the City Council or any Council committee or COUNCIL subcommittee, OR ALL MEMBERS WHO SERVE ON A SPECIFIC CITY OF PHOENIX BOARD, COMMITTEE, OR COMMISSION, OR THE CITY MANAGER OR ALL OF THE

EXECUTIVE STAFF OR ALL CITY OF PHOENIX DEPARTMENT HEADS are invited.

(f) A plaque or similar item given to an ~~an elected~~ City official in recognition of service or notable accomplishment.

(g) Informational material such as books, reports, pamphlets, tapes, calendars or periodicals.

(h) An unused item that is returned to the donor or delivered to a charitable organization within fifteen days of receipt and is not claimed as a charitable contribution for tax purposes.

(i) A campaign contribution that is properly received and reported as required by law.

(j) An item given to an ~~an elected~~ City official if an item of similar value is given by the ~~elected~~ City official at the same time, or on a similar occasion under similar circumstances.

~~65.~~ *LobbyING* means communication ~~BY A LOBBYIST~~ with any ~~elected~~ City official for the purpose of influencing official action.

~~76.~~ *Lobbyist* means any person who is compensated to lobby for a person other than himself.

~~87.~~ *Official action* means ~~the ANY~~ action or non-action ~~BY of A CITY OFFICIAL the City Council.~~

~~98.~~ *Person* means an individual, partnership, committee, association, limited liability company, or corporation and any other organization, or group of persons.

~~109.~~ *Personal hospitality* means meals, beverages, transportation, or lodging furnished noncommercially by a person on his or his family's property or facilities.

~~1140.~~ *Public official* means a person holding an elected government office.

2-1001 Registration; reports.

1. Lobbyists ~~shall~~ **MUST** register **BEFORE** ~~prior to~~ lobbying, or within five business days after first lobbying, by filing a statement **THAT** ~~disclosing~~ **DISCLOSES** the following:

(a) **WHETHER THE LOBBYIST IS AN INDIVIDUAL OR ORGANIZATION, THE LOBBYIST MUST PROVIDE A UNIQUE E-MAIL ADDRESS AND AGREE TO ACCEPT ALL NOTICES AT THAT E-MAIL ADDRESS. THE LOBBYIST MUST ENSURE THAT THE REGISTERED E-MAIL ADDRESS IS ACCURATE AND CURRENT AT ALL TIMES.**

(B) If the lobbyist is an individual, the name, ~~and~~ business, **AND E-MAIL** address of the lobbyist and any employee of the lobbyist who **ALSO** acts as a lobbyist, provided that an individual who is included as a lobbyist on the registration of an entity under paragraph (bC) of this subsection need not register separately.

(bC) If the lobbyist is an organization, the name, ~~and~~ business, **AND E-MAIL** address of the entity, its chief executive officer and all its officers and employees who act as lobbyists, (who ~~shall~~ **MUST** be notified by the organization in writing that they have been listed as lobbyists), provided that the entity need not register as a lobbyist if all its officers and employees who act as lobbyists are individually registered as lobbyists under paragraph (aB) of this subsection.

(eD) The name and business address of all persons ~~by whom~~ **WHO COMPENSATE** the lobbyist ~~is compensated~~ to lobby and all persons on whose behalf lobbying is performed. Any change in the information required by this paragraph ~~shall~~ **MUST** be reported to the City Clerk within thirty days.

2. At the time of registration or any time thereafter, a lobbyist may file a statement certifying that the lobbyist intends to make no expenditures reportable under this article. Upon filing this statement, the lobbyist ~~shall be~~ **IS** exempt from the expenditure reporting requirements of this section, so long as no expenditures are made. If a lobbyist who has signed an exemption statement subsequently makes any reportable expenditure, that lobbyist ~~shall~~ **MUST** notify the City Clerk of such expenditure within ten days and ~~shall~~ **WILL** thereafter be subject to expenditure reporting requirements.

3. Lobbyists ~~shall~~**MUST** report expenditures quarterly. **REPORTS MUST BE FILED NO LATER THAN 5:00 P.M. ON APRIL 15, JULY 15, OCTOBER 15, AND JANUARY 15. IF ANY DUE DATE IS A SATURDAY, SUNDAY, OR OTHER LEGAL HOLIDAY, THE REPORT MUST BE FILED ON THE NEXT BUSINESS DAY.** Expenditures over twenty-five dollars ~~shall~~**MUST** be itemized separately, listing the date, amount, and nature of the expenditure, the name of the ~~elected~~ City official receiving or benefiting from the expenditure, and the person on whose behalf the expenditure was made. An aggregate of expenditures of twenty-five dollars or less for each ~~elected~~ City official ~~shall~~ **MUST** be reported. Expenditures for the lobbyist's personal sustenance, family gifts, personal hospitality, preparation, or distribution of informational materials, campaign contributions, professional, or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an ~~elected~~ City official, office expenses, filing fees, legal fees, employees, compensation, lodging, and travel are not required to be reported.

4. All expenditures for events to which all members of the Council or any committee or subcommittee of the Council **OR ALL MEMBERS WHO SERVE ON A SPECIFIC CITY OF PHOENIX BOARD, COMMITTEE, OR COMMISSION OR THE CITY MANAGER OR ALL OF THE EXECUTIVE STAFF OR ALL CITY OF PHOENIX DEPARTMENT HEADS** are invited ~~shall~~ **MUST** be reported pursuant to subsection 3 of this section. Such expenditures need not be allocated to individual Council members, but the date, location, total expenditures incurred and a description of each such event ~~shall~~ **MUST** be reported.

5. A lobbyist who makes no reportable expenditures during a specified reporting period may, in lieu of the report required by subsection 3 of this section, file a statement certifying that there were no reportable expenditures during the period.

6. No person shall make a gift to, or expenditure on behalf of an ~~elected~~ City official through another person to conceal the identity of the person making the gift or expenditure.

7. No person shall give a gift to an ~~elected~~ City official for the performance of official duties or if it may reasonably be interpreted to be offered in order to influence any action or decision of an ~~elected~~ City official.

8. ANNUALLY, ALL Registered City lobbyists must re-register ~~annually~~ BY NO LATER THAN 5:00 P.M. ON JANUARY 15. IF JANUARY 15 IS A SATURDAY, SUNDAY, OR OTHER LEGAL HOLIDAY, THE RE-REGISTRATION MUST BE FILED ON THE NEXT BUSINESS DAY.

9. Each ~~individual listed as a lobbyist on any~~ REGISTERED lobbyist ~~registration shall~~ MUST ~~be responsible for providing~~ PROVIDE the information and ~~filing~~ FILE the reports required by this section, ~~provided~~ EXCEPT ~~that~~ individuals listed as lobbyists on the registration of an entity under subsection 1(~~b~~C) of this section may comply with this requirement through reports filed by the registered entity.

2-1001.01 DISCLOSURE.

EACH LOBBYIST MUST DISCLOSE TO EACH CITY OFFICIAL WITH WHOM THE LOBBYIST COMMUNICATES THAT HE OR SHE IS ACTING IN THE CAPACITY OF A LOBBYIST.

2-1002 Exceptions.

Section 2-1001 does not apply to:

1. A person who is not compensated for lobbying activity other than reimbursement for actual expenses.
2. A person, acting in his own behalf, who appears before the City Council, OR A CITY OF PHOENIX BOARD, COMMITTEE, OR COMMISSION or contacts an ~~elected~~ City official to support or oppose official action.
3. A public official, public employee or appointed member of a State, County or local board, commission or council acting in his official capacity on matters pertaining to his office, employment board, commission or council.
4. An expert introduced or identified by a registered lobbyist, or public official who provides technical information or answers technical questions and makes no expenditure required to be reported by this article.
5. A person who performs professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation.

6. An attorney who represents clients at any quasi-judicial hearing held by the City Council, **OR A CITY OF PHOENIX BOARD, COMMITTEE, OR COMMISSION OR THE CITY MANAGER OR ALL OF THE EXECUTIVE STAFF OR ALL CITY OF PHOENIX DEPARTMENT HEADS.**

7. A person who contacts an ~~elected~~ City official solely for the purpose of acquiring information.

8. A person who contacts an ~~elected~~ City official concerning any contract awarded through competitive bidding.

2-1003 Political contributions; reports.

Lobbyists who contribute to, or solicit contributions on behalf of, political campaigns of ~~elected~~ City officials, ~~shall~~ **MUST** file quarterly reports, which ~~shall~~ **MUST** be combined with expenditure reports when applicable, identifying the lobbyist and disclosing the dates and amounts of contributions made by or, if known, at the request of the lobbyist, the contributors' names, addresses, occupations and employers and the ~~elected~~ City officials to whom the contributions were made.

2-1004 Forms, filing.

1. All statements and reports required by this article ~~shall~~ **MUST** be **MADE** under oath, on forms prescribed by the City Clerk and filed in the office of the City Clerk.

2. STATEMENTS AND REPORTS REQUIRED BY THIS ARTICLE MAY BE FILED IN ELECTRONIC FORMAT APPROVED BY THE CITY CLERK. THE CITY CLERK MAY REQUIRE THAT STATEMENTS AND REPORTS BE FILED WITH AN ADDITIONAL WRITTEN OR PRINTED COPY.

3. NOTWITHSTANDING PHOENIX CITY CODE §2-1004(1), A STATEMENT OR REPORT FILED IN ELECTRONIC FORMAT IS NOT REQUIRED TO BEAR A NOTARIZED SIGNATURE BUT IS DEEMED TO BE FILED UNDER PENALTY OF PERJURY.

4. AN ELECTRONIC FILING MADE UNDER THIS SECTION COMPLIES WITH THE FILING REQUIREMENTS OF THIS ARTICLE IF THE FILING IS PROPERLY FORMATTED AS PRESCRIBED BY THIS ARTICLE AND IF THE FILING CONTAINS COMPLETE AND CORRECT INFORMATION.

2-1005 VIOLATIONS; ~~Prohibited lobbying; classification~~ PENALTY.

~~A. A person commits prohibited lobbying by:~~

~~1. Retaining or employing another person to promote or oppose official action for compensation contingent in whole or in part on the passage or defeat of any official action; or~~

~~2. Accepting employment or rendering service as a lobbyist for compensation contingent in whole or in part on the passage or defeat of any official action.~~

~~B. Prohibited lobbying is a Class 1 misdemeanor.~~

1. A PERSON VIOLATES THIS ARTICLE IF THE PERSON:

A. FAILS TO COMPLY WITH ANY PROVISION OF THIS ARTICLE; FILES ANY STATEMENT OR REPORT REQUIRED BY THIS ARTICLE, WHICH CONTAINS MATERIALLY FALSE INFORMATION; FILES ANY STATEMENT OR REPORT THAT OMITS MATERIAL INFORMATION; OR FAILS TO COMPLY WITH ANY MATERIAL REQUIREMENT OF THIS ARTICLE; OR

B. RETAINS OR EMPLOYS ANOTHER PERSON TO PROMOTE OR OPPOSE OFFICIAL ACTION FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART ON THE PASSAGE OR DEFEAT OF ANY OFFICIAL ACTION; OR

C. ACCEPTS EMPLOYMENT OR RENDERS SERVICE AS A LOBBYIST CONTINGENT IN WHOLE OR IN PART ON THE PASSAGE OR DEFEAT OF ANY OFFICIAL ACTION.

2. PENALTY.

A. A FIRST VIOLATION OF THIS ARTICLE CONSTITUTES A CIVIL OFFENSE WITH A MANDATORY MINIMUM FINE OF ONE THOUSAND DOLLARS PER VIOLATION, NOT TO EXCEED \$2,500 PER VIOLATION, AND EITHER A SUSPENSION FROM LOBBYING OR A PROHIBITION FROM REGISTERING TO LOBBY WITH THE CITY FOR 90 DAYS.

B. A SECOND VIOLATION WITHIN 84 MONTHS CONSTITUTES A CIVIL OFFENSE WITH A MANDATORY MINIMUM FINE OF TWO THOUSAND DOLLARS PER VIOLATION, NOT TO EXCEED \$2,500 PER VIOLATION, AND EITHER A SUSPENSION FROM LOBBYING OR A PROHIBITION FROM REGISTERING TO LOBBY WITH THE CITY FOR 180 DAYS.

C. A THIRD VIOLATION WITHIN 84 MONTHS CONSTITUTES A CLASS ONE MISDEMEANOR. UPON CONVICTION OF A MISDEMEANOR VIOLATION UNDER THIS SUBSECTION, AND IN ADDITION TO THE COURT'S SENTENCE, THE LOBBYIST MUST EITHER BE SUSPENDED FROM LOBBYING OR PROHIBITED FROM REGISTERING TO LOBBY WITH THE CITY FOR ONE YEAR.

3. EACH VIOLATION OF THIS ARTICLE CONSTITUTES A SEPARATE AND DISTINCT OFFENSE TO WHICH A SEPARATE PENALTY OR FINE MAY APPLY.

4. ANY CIVIL ACTION OR CRIMINAL PROSECUTION FOR A VIOLATION OF THIS SUBSECTION MUST COMMENCE WITHIN ONE YEAR AFTER THE DATE ON WHICH THE VIOLATION IS ALLEGED TO HAVE OCCURRED.

2-1005.01 ENFORCEMENT OF LOBBYING VIOLATIONS.

1. JURISDICTION.

A. THE CITY ATTORNEY, UNDER PHOENIX CITY CODE §2-10(B)(1), AND THE CITY OF PHOENIX ETHICS COMMISSION, UNDER PHOENIX CITY CODE §2-53, POSSESS CONCURRENT JURISDICTION TO ENFORCE VIOLATIONS OF THIS ARTICLE.

2. ETHICS COMMISSION RULES AND PROCEDURES.

A. THE CITY MANAGER OR HIS OR HER DESIGNEE WILL PREPARE INITIAL RULES AND PROCEDURES FOR THE COMMISSION'S INVESTIGATION AND ENFORCEMENT OF VIOLATIONS OF THIS ARTICLE. ALL VIOLATIONS MUST BE APPROVED BY AN AFFIRMATIVE VOTE OF FOUR OUT OF FIVE ETHICS COMMISSION MEMBERS. THESE RULES AND

PROCEDURES MUST ADDRESS THE PROCESS AND PROCEDURES FOR THE ETHICS COMMISSION TO INITIATE PROCEEDINGS, CONDUCT THE INITIAL EVALUATION AND INVESTIGATION, AND PROCEED WITH A FORMAL HEARING AFTER INVESTIGATION BY THE ETHICS COMMISSION OF AN ALLEGED VIOLATION OF THIS ARTICLE.

B. BY AN AFFIRMATIVE VOTE OF FOUR OUT OF FIVE MEMBERS, THE ETHICS COMMISSION MAY REFER CHANGES TO THE INITIAL ETHICS COMMISSION RULES AND PROCEDURES TO THE CITY MANAGER FOR REVIEW AND RECOMMENDATION TO THE CITY COUNCIL. ANY CHANGES TO THE INITIAL ETHICS COMMISSION RULES AND PROCEDURES MUST BE APPROVED BY AN AFFIRMATIVE VOTE OF SEVEN COUNCIL MEMBERS.

3. FILING OF INQUIRY.

A. ANY PERSON MAY FILE WITH THE CITY CLERK A WRITTEN INQUIRY CONTAINING SPECIFIC ALLEGATIONS OF VIOLATIONS OF THIS ARTICLE.

4. CONSIDERATION OF INQUIRY.

A. ONCE THE CITY CLERK RECEIVES AN INQUIRY AND THE CITY CLERK HAS REVIEWED THE INQUIRY AND IT APPEARS ON ITS FACE THAT A PERSON MAY HAVE VIOLATED ANY PROVISION OF THIS ARTICLE, THE CITY CLERK MUST SERVE NOTICE ON THE PERSON BY CERTIFIED MAIL OR AT THE REGISTERED E-MAIL ADDRESS REQUIRING COMPLIANCE WITH THIS ARTICLE WITHIN FIFTEEN DAYS. IF THE PERSON DOES NOT TAKE CORRECTIVE ACTION BY 5:00 P.M. ON THE FIFTEENTH DAY, THE CITY CLERK WILL FORWARD THE INQUIRY TO THE ETHICS COMMISSION FOR PROMPT REVIEW AND ACTION.

B. WHEN THE ETHICS COMMISSION RECEIVES THE INQUIRY, THE INQUIRY MUST BE PLACED ON THE AGENDA OF THE COMMISSION'S NEXT AVAILABLE MEETING.

C. WHEN THE ETHICS COMMISSION IS NOT OR CANNOT BE ASSEMBLED, THE CITY CLERK WILL FORWARD THE INQUIRY TO THE CITY ATTORNEY FOR PROMPT REVIEW AND ACTION.

5. INITIAL EVALUATION BY COMMISSION.

THE COMMISSION WILL EVALUATE TO DETERMINE IF THE ALLEGATIONS IN THE INQUIRY:

A.) ARE WITHIN THE COMMISSION'S JURISDICTION AND ARE FACIALLY SUFFICIENT, IN WHOLE OR IN PART, TO WARRANT ADDITIONAL EVALUATION OR INVESTIGATION OF THE INQUIRY; OR

B.) ARE OUTSIDE OF THE COMMISSION'S JURISDICTION OR ARE FACIALLY INSUFFICIENT TO WARRANT INVESTIGATION. IF THE ALLEGATIONS ARE OUTSIDE THE COMMISSION'S JURISDICTION OR ARE INSUFFICIENT TO WARRANT INVESTIGATION, THE INQUIRY WILL BE DISMISSED. THE COMMISSION'S DISMISSAL OF THE INQUIRY IS FINAL AND IS NOT SUBJECT TO REVIEW; OR

C.) MAY INVOLVE A CRIME, IN WHICH CASE THE COMMISSION MUST REFER THE INQUIRY TO THE PROPER AUTHORITY FOR INVESTIGATION AND POSSIBLE PROSECUTION. IF THE COMMISSION REFERS THE INQUIRY FOR CRIMINAL INVESTIGATION OR PROSECUTION, THE COMMISSION MUST STAY ALL ACTION RELATED TO THE INQUIRY UNTIL THE CRIMINAL INVESTIGATION AND ANY RELATED PROCEEDINGS ARE RESOLVED.

A DETERMINATION UNDER SUBSECTION (A) OR (B) REQUIRES AN AFFIRMATIVE VOTE OF AT LEAST FOUR OUT OF FIVE MEMBERS. IF THE COMMISSION FAILS TO MAKE A DETERMINATION BY THE MINIMUM AFFIRMATIVE VOTE, THE INQUIRY IS DEEMED CLOSED. THIS DISPOSITION IS FINAL AND NOT SUBJECT TO REVIEW.

6. ETHICS COMMISSION AUTHORITY.

A. UPON A DETERMINATION THAT AN INQUIRY WARRANTS ADDITIONAL EVALUATION OR INVESTIGATION, THE ETHICS

COMMISSION IS AUTHORIZED TO INVESTIGATE, TAKE TESTIMONY, SUBPOENA, AND ENGAGE IN ANY OTHER ACTION TO THE EXTENT PERMITTED BY LAW TO OVERSEE THE INVESTIGATION AND ENFORCEMENT OF THE LOBBYING REQUIREMENTS.

B. THE COMMISSION MAY APPOINT AN INDEPENDENT INVESTIGATOR AS NECESSARY TO ASSIST THE ETHICS COMMISSION IN EXECUTING ITS PURPOSE AND RESPONSIBILITIES.

7. INQUIRY REPORT.

A. AFTER THE CONCLUSION OF ANY HEARING OR FACT FINDING RELATED TO AN ALLEGED VIOLATION OF THE CITY'S LOBBYING ORDINANCE, THE COMMISSION OR ITS INVESTIGATOR WILL PREPARE A WRITTEN REPORT WITH FINDINGS OF FACT AND RECOMMENDATIONS.

B. THE REPORT WILL BE PROVIDED TO THE ETHICS COMMISSION FOR APPROPRIATE ACTION UNDER THIS ARTICLE.

C. THE REPORT WILL NOT BE AVAILABLE FOR PUBLIC INSPECTION UNDER THE ARIZONA PUBLIC RECORDS ACT UNTIL AFTER THE ETHICS COMMISSION'S FINAL ACTION.

8. COMMISSION REVIEW.

A. THE ETHICS COMMISSION MAY REVIEW AND DISCUSS THE INQUIRY AND THE REPORT IN EXECUTIVE SESSION AS PERMITTED BY LAW.

B. IN PUBLIC SESSION, BY THE AFFIRMATIVE VOTE OF FOUR OUT OF FIVE MEMBERS, THE ETHICS COMMISSION MAY SUSTAIN THE ALLEGED VIOLATIONS IN WHOLE OR IN PART AND RECOMMEND SANCTIONS PERMITTED BY THIS ARTICLE, OR THE COMMISSION MAY DISMISS THE INQUIRY. IF THERE ARE LESS THAN FOUR VOTES TO SUSTAIN THE ALLEGATIONS OR TO DISMISS THE INQUIRY, THEN THE INQUIRY IS DEEMED CLOSED.

9. ENFORCEMENT OF A SUSTAINED VIOLATION.

A. IF THE ETHICS COMMISSION FINDS ANY VIOLATION AND RECOMMENDS ANY SANCTION PURSUANT TO THIS ARTICLE, THE INFORMATION MUST BE FORWARDED TO THE CITY ATTORNEY TO FILE A COMPLAINT.

B. ANY INQUIRY REPORTS, FINDINGS OF FACT, AND HEARING TRANSCRIPTS MUST BE TRANSMITTED TO THE CITY ATTORNEY TO FILE A COMPLAINT IF THE ETHICS COMMISSION HAS FOUND ANY VIOLATION AND RECOMMENDED ANY SANCTION.

C. WHEN A COMPLAINT HAS BEEN FILED, THE COURT MAY CONDUCT A HEARING ON THE MERITS. IF THE COURT SUSTAINS ANY VIOLATION, THE COURT MUST SENTENCE THE PERSON ACCORDING TO 2-1005.

2-1005.02 SEVERABILITY

IF A COURT INVALIDATES ANY PROVISION OF THIS ARTICLE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE , THE REMAINDER OF THE ARTICLE AND ITS APPLICATION TO OTHER PERSONS AND CIRCUMSTANCES, OTHER THAN THAT WHICH HAS BEEN HELD INVALID, SHALL NOT BE AFFECTED. TO THIS EXTENT, THE PROVISIONS OF THIS ARTICLE ARE DECLARED SEVERABLE.

SECTION 2. Effective date

All requirements of sections 2- 1001.01, 2-1005.01, and 2-1005.02, as added by this ordinance, and Sections 2-1000 through 2-1005, Phoenix City Code, as amended by this ordinance, are effective from and after July 1 , 2017.

PASSED by the Council of the City of Phoenix this ____ day of _____, 2017.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager