

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

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**SUBMITTED TO:** HB Charter Review Commission

**SUBMITTED BY:** Mark D. Bixby, Charter Review Commissioner *MDB*

**SUBJECT:** Amend charter section 313(d) to prohibit nepotism for all appointments.

**Statement of Issue:** Charter section 313(d) currently prohibits nepotism only for appointments to salaried positions. This proposed amendment reduces familial conflict of interest by prohibiting nepotism for all appointments.

**Recommended Action: Motion to:**

Amend Huntington Beach charter section 313(d) to prohibit nepotism for all appointments, not just salaried appointments (no specific language recommended at this time).

**Alternative Action(s):**

Include in the amendment a prohibition against appointing business associates.

**Analysis:**

The city's current ban on third-degree nepotism is stronger than many other charter cities which only ban second-degree nepotism and provide for exceptions.

However, the city's ban currently only applies to salaried positions. It is my opinion that the ban should extend to all positions, not just salaried positions, because the family relationship between appointer and appointee (or council and appointee) could result in undue influence contrary to the long-term best interests of the city.

Stockton charter section 405 extends their nepotism ban to also ban the appointment of "business associates" which is a laudable goal for reducing self-interest, but the term "business associates" is not defined, and my experience in the campaign finance space is that business relationships are hard to objectively

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determine due to a lack of public data. So I am not so sure that a ban on the appointment of “business associates” would be very workable, but if any members of the commission or staff or the public have any ideas, I’m willing to consider them.

## **References:**

- Stockton charter - <http://qcode.us/codes/stockton/>