



Agenda Report

TO: CITY COUNCIL

DATE: AUGUST 1, 2005

FROM: CITY ATTORNEY

SUBJECT: ADOPTION OF A RESOLUTION ESTABLISHING GUIDELINES FOR IMPLEMENTATION OF THE TAXPAYER PROTECTION AMENDMENT (PASADENA CITY CHARTER, ARTICLE XVII)

RECOMMENDATION:

Adopt a resolution establishing guidelines for the implementation of the Taxpayer Protection Amendment (Pasadena City Charter, Article XVII), in the form attached hereto.

EXECUTIVE SUMMARY:

The Taxpayer Protection Amendment, attached ("TPA," also known as the "Oaks Initiative" or "Measure B"), prohibits City public officials from receiving a "personal or campaign advantage" after exercising discretion to approve or vote to approve a "public benefit." The stated intention behind the Initiative is to cause City public officials to avoid the exercise of discretion in favor of an entity, in apparent exchange for a later personal benefit to the City public official from the entity. The TPA is overly broad, vague, and extremely cumbersome to implement. While the City Attorneys' Office has worked diligently with staff throughout the City to begin implementation of the TPA, a Resolution establishing guidelines for implementation by the Council is designed to resolve ambiguities, assist staff with setting a process for tracking of decisions subject to the TPA, and to clarify applicability of the TPA in certain instances.

BACKGROUND:

The voters of the City adopted the TPA in March of 2001. At that time, the City did not certify the TPA on the grounds that, among others, it violated the First Amendment to the United States Constitution. Pursuant to litigation brought against the City, the Los Angeles County Superior Court issued a writ of mandate ordering the City to certify the TPA, but the Superior Court also found the TPA unconstitutional. On procedural grounds, the Court of Appeal reversed the Superior Court's rulings, and the California Supreme Court denied review. The remittitur issued on May 12, 2005, and the City must implement the TPA. The TPA is internally inconsistent and confusing, and thus requires the City's best efforts at interpretation and guidance so that it can be implemented to the best of City staff's abilities.

The City Attorneys' Office has been conducting presentations throughout various City departments to discern how the TPA applies in different departments, and has conferred with numerous City employees on the practical and logistical hurdles that need to be addressed

upon implementation of the TPA. Based on staff input, the City Attorneys' Office proposes the attached Resolution establishing guidelines for implementation of the TPA.

Some of the areas covered in the proposed Resolution are discussed below.

Definitions

1. "City public official"

The City is particularly concerned that the overly broad definition of "City public official" in the TPA might be construed to capture those who do not actually make the final decision of approval, when the TPA did not appear to intend such a broad reach. It is recommended that only those City employees or elected officials who make the highest final approval decision be found to be "City public officials." This interpretation would narrow the TPA more toward its intended target, and restrict the least number of City employees from the overly broad future employment restrictions in the TPA.

2. "Public benefit"

It is recommended that the following transactions, which are not clearly covered by the TPA, and which are highly unlikely to be influenced by personal interests of the decision maker, should be specified as among those that are exempt from application of the TPA¹: (1) any third-party or indirect benefit that may arise after receipt of a public benefit (such as the increase in value of a homeowners' home, after the homeowner successfully lobbies the City to install major sewer improvements on his block); (2) loans which are not forgiven (such as low-interest home loans to low-income households); (3) sponsorships of City events (since any City-conferred benefit to the sponsor is not reasonably foreseeable); (4) membership dues or obligations (such as membership dues to the American Water Works Association, or responsibilities and benefits the City may receive through its membership in the Metropolitan Water District); (5) staff purchases made with City credit cards, which are not aggregated by the City Code, and are also generally minor purchases of office supplies; (6) licenses for use of real property which do not meet the minimum TPA benefit of \$10,000; and (7) all public utility trading transactions.

3. "Personal or campaign advantage"

This term is defined in the TPA. It includes any campaign contributions for elective office that any City public official might pursue, which is so broad as to include campaigns that a City public official is mulling over. The uncertainty that will come with this definition could chill the public participation of all City public officials, and thus it is recommended that it be narrowed to apply only to those campaigns for which a City public official has declared an intent to run, or has established a campaign contribution account.

¹ Any examples are for illustration and are not a limitation on the types of transactions that may fall within the exemptions. Other types of transactions which are not specified in the TPA are also exempt.

4. “Persons or entities receiving public benefits”

This definition is broad and encompasses stockholders and owners with more than a 10% interest in any entity seeking to do business with the City, as well as nearly all of its management structure. This requirement could substantially limit the list of entities willing to do business with the City, either because the administrative burden of making such disclosures is unwarranted, or because making the disclosures is not worth the invasion of privacy to the entity. Nonetheless, the City must require disclosure of such interests from any entity seeking to do business within the TPA. The City does not have the expertise or resources to confirm the accuracy of all disclosures. To require that any disclosed interest that is held by a corporation, firm, partnership or other entity must be further broken down is beyond the requirements of the TPA and would be extremely burdensome for the City to administer. Thus, it is recommended that such further breakdown be excluded from the requirements of the TPA. It is further recommended that entities that protest and/or refuse to make the required disclosures be dealt with on a case-by-case basis, and, in the City’s discretion, the City may disqualify such entities from award of any public benefit, or that the City may deem such discretionary application incomplete if the disclosure is not provided.

Discretionary Versus Ministerial Decisions, and Votes To Approve:

The TPA applies to a City public official “who has exercised discretion to approve and who has approved or voted to approve a public benefit . . .” This language requires the exercise of discretion, either in the approval or in the vote, before the TPA is applicable. Thus, all ministerial decisions may be excluded from application of the TPA. This interpretation keeps with the TPA’s findings and declarations, since a ministerial action, by virtue of the fact that it is ministerial, cannot be subject to influence by a City public official’s personal or financial interests.

The TPA is vague regarding whether it applies to all votes to approve a public benefit, or only those votes where the public benefit is actually conferred. Section 1704 could be read to find that the TPA should apply to “yes” votes cast in an unsuccessful bid for the public benefit. In contrast, Section 1703 defines “public benefit” as those instances in which a contract, benefit or arrangement between the City and another are actually made, and requires disclosure of the owners, directors, partners, etc. of an entity only when the entity actually receives the public benefit. Further, Section 1705 requires the return of a “personal or campaign advantage” only when the public benefit was actually conferred, and requires the disclosure of only those who actually receive a public benefit. The City Attorneys’ Office recommends that these conflicting sections of the TPA be reconciled by applying the TPA only to those instances in which a public benefit is actually conferred. This application is in keeping with the TPA’s findings and declarations, since it maintains the prohibition that an entity cannot subsequently reward a City public official for granting the entity a public benefit. This application also protects City resources from the undue burden of having to track every vote of every City public official with very little possibility of capturing a violation.

Lists of Public Benefits Conferred:

The TPA requires the disclosure of those who have received public benefits upon request. The City Attorneys’ Office has worked with staff throughout the City to envision how to track public benefit recipients so that such a disclosure can be made, and how to expand the tracking to assist City public officials with cross-referencing the lists to insure that they do not inadvertently accept a prohibited campaign or personal advantage. The City Attorneys’ Office recommends that lists of entities receiving public benefits, as well as the identities of the City public officials

who conferred the public benefit, be maintained in various departments. The logistics of how to maintain those lists will take time for staff to work out. At this time, it appears this burden will be heavy, and may require the hiring of additional staff.

Notice and Implementation of TPA to Date:

The TPA requires that the City provide notice to all potential public benefit recipients of the TPA's requirements. In conjunction with City staff, the City Attorneys' Office drafted and distributed language to be inserted in all qualifying contracts, requests for proposals, purchase orders, and discretionary applications that meet this requirement, and that further requests the disclosures from the public benefit applicant discussed above. Thus, implementation of the TPA has already begun. Implementation is expanding, and full implementation is not expected until the City Council adopts a Resolution, City-wide training of upper level staff, Commissions, Boards, Operating Companies, and others potentially affected is complete, and appropriate staff is trained and/or hired to assist with implementation and tracking.

FISCAL IMPLICATIONS:

The fiscal implications of implementation of the TPA are not known and depend on the need, if any, for additional staffing and additional computer technology.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


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Deputy City Attorney

Section 1602. STREETS—OPENING AND WIDENING.

The City Council may, without a vote of the people, authorize by resolution the opening and widening of streets or the installation of public utilities or sanitary sewers through dedicated park land by the City. After notice and hearing and upon a finding that the public interest requires such action, said resolution shall be adopted by vote of not less than 2/3rds of the members of the City Council. The City Council may impose terms and conditions upon the authorization consistent with this Article. (Sec. 1602 amended by vote of the people 3-9-1993; Sec. 1602 approved by vote of the people 11-4-1980, effective January 1, 1981.)

Section 1603. PRESERVATION OF PARK PROPERTY.

When dedicated park land is sold or its use changed pursuant to the provisions of Section 1601, land of comparable area or value in the same region of the City shall be acquired or dedicated for park purposes, unless otherwise approved by the voters at said election. If replacement is impractical, the market value of such land shall be placed in a "Park Acquisition Fund" for park acquisition or development as the City Council may determine. (Sec. 1603 amended by vote of the people 3-9-1993; Sec. 1603 approved by vote of the people 11-4-1980, effective January 1, 1981.)

**ARTICLE XVII
TAXPAYER PROTECTION**

[Adopted by the voters as an initiative measure on March 6, 2001. This measure was held to be unconstitutional by a Los Angeles Superior Court Judge in July of 2002. An appeal of the decision is likely. Pending final resolution of the litigation or an interim court order, this section is not being enforced.]

Section 1701. TITLE.

This Article shall be known as the City of Pasadena Taxpayer Protection Amendment of 2000.

Section 1702. FINDINGS AND DECLARATIONS.

(a) The people of the City of Pasadena ("City") find that the use or disposition of public assets are often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public 'decision makers'. The people further find that the sources of such corruptive influence include gifts and honoraria future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial benefi-

ary of such a public decision for a reasonable period, as provided herein.

Section 1703. DEFINITIONS.

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide personal services of a value in excess of \$25,000 over any 12 month period,

(2) sell or furnish any material, supplies or equipment to the City of a value in excess of \$25,000 over any 12 month period,

(3) buy or sell any real property to or from the City with a value in excess of \$25,000, or lease any real property to or from the City with a value in excess of \$25,000 over any 12 month period,

(4) receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds \$50,000 in any 12 month period,

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000,

(6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of \$5,000 in any 12 month period,

(7) receive cash or specie of a net value to the recipient in excess of \$10,000 in any 12 month period.

(b) Those persons or entities receiving public benefits as defined in Section 1703(a)(1)-(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity, or

(2) who is a trustee, director, partner, or officer of that entity.

(c) As used herein, the term personal or campaign advantage shall include:

(1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50;

(2) any employment for compensation;

(3) any campaign contributions for any elective office said official may pursue.

(d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity.

Section 1704. CITY PUBLIC OFFICIAL SHALL NOT RECEIVE PERSONAL OR CAMPAIGN ADVANTAGE FROM THOSE TO WHOM THEY ALLOCATE PUBLIC BENEFITS.

(a) No City public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 1703(a) may receive a personal or campaign advantage as defined in Section 1703(c) from a person as defined in Section 1703(b) for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than

(1) one year after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;

(2) one year after the official's departure from his or her office whether or not there is a pre-established term of office; or

(3) five years from the date the official approves or votes to approve the public benefit; whichever is first.

(b) Section 1704(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or any other public agency, whether within or without the territorial jurisdiction of the City either as a representative or appointee of the City.

Section 1705. APPLICABLE PUBLIC BENEFICIARIES SECTION. RESPONSIBILITIES OF CITY PUBLIC OFFICIALS AND ADVANTAGE RECIPIENTS.

(a) City public officials shall practice due diligence to ascertain whether or not a benefit defined under Section 1703(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section 1703(c) so that any such qualifying advantage received is returned forthwith, and no later than ten days after its receipt.

(b) City public officials shall provide, upon inquiry by any person, the names of all entities and persons known to them who respectively qualify as public benefit recipients under the terms of Sections 1703 and 1704.

Section 1706. DISCLOSURE OF THE LAW.

The City shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any benefit enumerated in Section 1703(a) with written notice of the provisions of this Article and the future limitations it imposes. Said notice shall be incorporated into requests for 'proposal', bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City.

Section 1707. PENALTIES AND ENFORCEMENT.

(a) In addition to all other penalties which might apply, any knowing and willful violation of this Article by a public official constitutes a criminal misdemeanor offense.

(b) A civil action may be brought under this Article against a public official who receives a personal or campaign advantage in violation of Section 1704. A finding of liability shall subject the public official to the following civil remedies:

(1) restitution of the personal or campaign advantage received, which shall accrue to the general fund of the City;

(2) a civil penalty of up to five times the value of the personal or campaign advantage received;

(3) injunctive relief necessary to prevent present and future violations of this Article;

(4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

(c) A civil action under subdivision (b) of this section may be brought by any resident of the City. In the event that such an action is brought by a resident of the City and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner and 90% to the City's general fund.

Section 1708. SEVERABILITY.

If any provision of this Article is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications which can be given effect without the invalidated provision, and to this end the provisions of this Article are severable.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ESTABLISHING GUIDELINES FOR IMPLEMENTATION OF THE TAXPAYER PROTECTION AMENDMENT (PASADENA CITY CHARTER, ARTICLE XVII)

WHEREAS, the voters of the City adopted the Taxpayer's Protection Amendment ("TPA," also known as the "Oaks Initiative" or "Measure B") in March of 2001, and the City did not certify the TPA on the grounds that, among others, it violated the First Amendment to the United States; and

WHEREAS, pursuant to litigation brought against the City, the Los Angeles County Superior Court issued a writ of mandate ordering the City to certify the TPA, and also found the TPA unconstitutional; and

WHEREAS, on procedural grounds, the Court of Appeal reversed the Superior Court's rulings, the California Supreme Court denied review, the remittitur issued on May 12, 2005, and the City must implement the TPA; and

WHEREAS, the TPA requires the City's best efforts at interpretation and guidance so that it can be implemented to the best of City staff's abilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, as follows:

The guidelines for implementation of the TPA, attached hereto and incorporated herein by reference, are hereby approved and shall take effect immediately.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2005 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANE RODRIGUEZ, CMC
CITY CLERK

Approved as to form:

Theresa Fuentes (MBS)

THERESA E. FUENTES
DEPUTY CITY ATTORNEY

**GUIDELINES FOR IMPLEMENTATION OF THE
TAXPAYER PROTECTION AMENDMENT (“TPA”)
(PASADENA CITY CHARTER, ARTICLE XVII)**

I. DEFINITIONS

A. “City public official” is partially defined in the TPA as “any elected or appointed public official acting in an official capacity.” The City interprets the definition to:

- i. Exclude any Board member or employee of the Pasadena Unified School District; any person(s) making recommendations, or acting within a series of required approvals, preceding the last required approval; any hearing officers who are not City employees; any person(s) approving as to form, content, process, or execution only.
- ii. Include only the person(s) who make the final approval, and is intended to be limited to the following when they have made the final approval decision on a matter:
 1. City Council members;
 2. The following commission members: Planning Commission, Board of Zoning Appeals, Design Commission, Historic Preservation Commission, Arts Commission, and Code Enforcement Commission;
 3. Subdivision Committee members;
 4. City Manager or official designees thereof;
 5. Department heads and Operating Company directors or official designees thereof;
 6. Board Members of each of the Operating Companies;
 7. Fire and Police Retirement Board members.

B. “Public benefit” as defined in the TPA “does not include public employment in the normal course of business for services rendered . . .” and thus excludes memoranda of understanding or other contracts primarily concerning compensation, benefits, or employment arrangements between the City and any union, employee association or employee. “Public benefit” is defined in the TPA, and is limited to “a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

- i. provide personal services of a value in excess of \$25,000 over any 12 month period [including any contracts awarded through a competitive bidding process; the contract price is the presumed value],

- ii. sell or furnish any material, supplies, or equipment to the City of a value in excess of \$25,000 over any 12 month period [the sale/contract price is the presumed value],
- iii. buy or sell any real property to or from the City with a value in excess of \$25,000, or lease any real property to or from the City with a value in excess of \$25,000 in any 12 month period [the sale/purchase/lease price is the presumed value],
- iv. receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity excess \$50,000 in any 12 month period,
- v. confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000 [the presumed value of the land use application is as indicated by the applicant on the application],
- vi. confer a tax abatement, exception, or benefit not generally applicable [to the general public] of a value in excess of \$5,000 in any 12 month period [the value is that determined by the Finance Director],
- vii. receive cash or specie of a net value to the recipient in excess of \$10,000 in any 12 month period.
- viii. The “12-month period” referenced in subsections (i) through (vii) above run concurrent with the City’s fiscal calendar: July 1 through June 30.
- ix. Public benefit excludes, among others:
 - 1. third party benefits and/or indirect benefits arising from the receipt of a public benefit;
 - 2. loans which are reasonably certain to be paid back and are not forgiven (regardless of the interest rate charged);
 - 3. sponsorships;
 - 4. membership dues or obligations;
 - 5. purchases made with credit cards held by individual mid-level staff members for ongoing, minor purchases which are not aggregated under the City’s purchasing ordinance;
 - 6. licenses that result in income to the licensee less than \$10,000; and
 - 7. public utility trading transactions.

- C. “Personal or campaign advantage” is limited to:
- i. any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50; excluding gift exceptions contained in the FPPC regulations (2 CCR 18940 et seq.); and excluding gifts from public agencies or gifts distributed by the City, or
 - ii. any employment for compensation, or
 - iii. any campaign contributions for any elective office said official might pursue.

Subsection iii of this definition is overly broad as it could encompass campaigns for which a candidate has not yet declared intent to run. Accordingly, it is narrowed to include only campaign contributions for any elective office for which a person has declared an intent to run, or has established an account into which campaign contributions may be deposited.

- D. “Persons or entities receiving public benefits” excludes governmental entities; excludes any agent for the applicant if the agent is not listed in subpart D(ii), below; requires disclosure of the real party in interest,¹ and includes:
- i. the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and
 - ii. any individual or person who, at the time the public benefit is conferred, or within the 12 month period where the public benefit accrues, if applicable:
 - 1. has more than a 10% equity, participation, or revenue interest in that entity, or
 - 2. is a trustee, director, partner, or officer of that entity.
 - 3. If any of the entities disclosed under subsections 1 and 2 directly above are themselves a corporation, firm, partnership or other entity, the TPA does not require further disclosure of those interest holders or corporate officers.

¹ For example, a land use applicant who wishes to remain anonymous may not avoid disclosure by causing a project planner, architect or other persons to complete a land use application on their behalf.

II. REQUIREMENTS OF TPA

- A. The TPA does not apply to the exercise of a ministerial duty, or to the award of any public benefit arising out of an emergency as provided in Pasadena Municipal Code Section 4.08.150.
- B. The language within the TPA is inconsistent and unclear regarding whether its requirements are triggered upon any vote to confer a public benefit, or only upon a vote that results in actual award of the public benefit. The City reconciles these inconsistencies by finding that the TPA's requirements are only triggered when a public benefit is actually conferred. The denial of an application, permit or contract does not confer a public benefit.

III. DUTIES OF THE CITY

- A. Notice: The City will provide any person or entity applying/competing for a "public benefit" with notice of the TPA requirements. The City has revised its model contracts, requests for proposals, purchase orders, and discretionary application forms to include such notice.
 - i. All applicants for a public benefit must disclose those individuals or other entities which would be "persons or entities receiving public benefits," as requested by the City. This disclosure will be considered a public record and will be transmitted to the City public official/body as an attachment to the applicable staff report, or otherwise transmitted to the City public official/body prior to the grant of the public benefit.
 - ii. Failure of an applicant to make this disclosure may result in disqualification for award of the contract, forfeiture of bid security, and/or designation of an application as incomplete, at the City's discretion.
- B. Lists of benefits conferred and recipients: The City will maintain lists of public benefits conferred, the date on which the public benefit was conferred, the value of the public benefit, and the recipients of the public benefit. The City assumes any responsibility for any errors or omissions on the lists, excluding the knowing or intentional failure of a City public official to report a qualifying public benefit which gives rise to an error on the City's list, and excluding erroneous or incomplete representations by recipients of public benefits.

- i. The City Clerk will maintain the list with regard to any public benefits conferred by the City Council.
- ii. Each Operating Company and the Fire and Police Retirement Board will maintain their own respective list with regard to any public benefits conferred by those respective bodies.
- iii. Each department within the City will maintain the list with regard to any public benefit conferred by that department.

IV. DUTIES OF CITY PUBLIC OFFICIALS

- A. City public officials have the following duties under the TPA:
 - i. Keep track of all actions by which a public benefit is conferred. As set forth in section III above, the City assumes this duty. City public officials must report any approval of a qualifying public benefit for entry into the City's list(s).
 - ii. Keep track of all campaign contributions for those elective offices for which a City public official has declared an intent to run, or has established an account into which campaign contributions are deposited.
 - iii. Return any personal or campaign advantages received within 10 days of receipt.
 - iv. Provide, upon inquiry, the names of all public benefit recipients known, by referring the inquiring party to the appropriate City department responsible for maintaining the lists.

V. INDEMNITY

In the event that a City public official is sued for violating the TPA, the City will defend and indemnify the City public official, to the extent allowed by law.