

## Agenda Economic Development Reform Panel

April 23, 2021, 1-2:30 p.m.

- I. Call to Order: Chair Ann Marie Tracey  
Panelist in attendance: Tim Burke, Bobbi Dillon, Guy Guckenberger, Alicia Bond-Lewis, KZ Smith and Bernadette Watson
  
- II. Approval of 3.26.21 and 4.9.21 minutes
  - a. Bernadette Watson requested that a spelling correction be made to 4.9.21, then motion to approve
  - b. Bobbi Dillion seconded the motion
  - c. Ann Marie Tracey commented on the 4.9.21 public hearing, summarizing concerns she heard regarding public access and involvement in the development process and cautioned that the panel be considerate to what barriers may be inadvertently created when developing their recommendations.
  
- III. Reform and the First Amendment (Slides Attached)  
Introduction provided by Alicia Bond-Lewis of Prof. Chris Bryant and Evan Gilddenblatt
  - a. [\*Buckley v. Valeo\*, 424 U.S. 1 \(1976\)](#) covered in large the constitutionality to the Federal Election Campaign Act of 1974
    - i. Removed limits on *Expenditures* (Independent of the candidate): since limits on expenditures were deemed a severe infringement of free speech
    - ii. Upheld limits on *Contributions* (Candidate resource): since limits on Contributions are only marginal burden on right of speech
    - iii. Upheld disclosures on both Expenditures and Contributions: Upheld the Federal Election Campaign Act (FEC) amendment of 1974 requirement contributor and candidates disclose the exchange and independent expenditures be disclosed.
  - b. [\*Citizens United v. FEC\*, 558 U.S. 310 \(2010\)](#) (concerns expenditures not contributions)
    - i. Prohibits government from restricting independent expenditures of corporations to express advocacy.
    - ii. 2002, Congress closed loophole and enacted broader prohibition on electioneering broadcasting.
    - iii. Corruption – only quid pro quo
  - c. [\*McCutcheon v. FEC\*, 572 U.S. 185 \(2014\)](#) - Aggregate limits that were imposed under 2 U.S.C.S. § 441a(a)(3) on amounts individuals could contribute to candidates and political committees violated First Amendment because they restricted right to participate in the political process while doing little, if anything, to target “quid pro quo” corruption or its appearance in campaign financing.
  
- IV. Evan Gilddenblatt – Rebuilding Public Trust (slides attached)
  - a. Brief overview of best practices

- b. Evan to provide the panel a page of resources (attached) for research available under codes of conduct and required training
- V. Key Points under Panel Discussion re: prohibitions on contributions from developers.
- a. Pay to play restrictions – the Supreme Court has not weighed in, lower courts response:
    - i. [\*Wagner v. FEC\*, 793 F.3d 1 \(D.C. 2015\)](#) upheld the provision in the Federal Election Campaign Act that prohibits contributions made in connection with federal elections by federal government contractors. The prohibition applies, between commencement of negotiation and extended to completion of contract.
    - ii. Courts tolerant of restrictions when tied to past corruptions and need to restore public trust.
  - b. Speakers Recommendations to panel:
    - i. It may be easier to identify contractor's vs those implicated in economic development efforts
    - ii. With the creation of any regulation, consider what loopholes may be inadvertently created.
    - iii. Lower ceiling vs a blanket prohibition easier to defend
    - iv. Look to other Cities for best practices e.g. LA – November 2019, has not been challenged
    - v. When considering potential limitations of contact by developer to elected officials be careful not to limit speech, utilize administrative procedures to restructure contact
- VI. Planning or Other Business
- a. Discussion Highlights
    - i. Guy advised the panel to propose recommendations vs legislation (reference cities w/comparable ordinances best practices)
    - ii. Bernadette emphasized continued reference back to the panel's mission
  - b. Next steps in preparation recommendations
    - i. Solicitor's Office offered to compile resources by topics and then set a timeline to assist
    - ii. Kelly to send doodle poll and issue public notice re: special meeting, which will serve as a working meeting.
- VII. Meeting Adjourned at 2:50pm

**The Next Meeting is May 7, 2021 at 1pm EST.**