



City Manager's Office
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Item # 20

City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
February 4, 2025

TOPIC: Ordinance Prohibiting Agreements, Contracts, or Grants to Immediate Family Members of City Officials

AGENDA TITLE

Ordinance of the City Council of the City of Santa Ana Amending Chapter 2 of the Santa Ana Municipal Code by Adding Section 2-112 Prohibiting the Award of Agreements, Contracts, or Grants to Immediate Family Members of the Mayor, City Council Members, or City Officials

RECOMMENDED ACTION

Conduct a first reading and adopt an ordinance amending Chapter 2 of the Santa Ana Municipal Code by adding Section 2-112, which prohibits awarding agreements, contracts, or grants to immediate family members of the Mayor, City Council Members, or City Officials.

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE BY ADDING A NEW SECTION 2-112 CONCERNING THE PROHIBITION AGAINST AWARDING OF AGREEMENTS, CONTRACTS OR GRANTS TO ANY IMMEDIATE FAMILY MEMBER OF THE MAYOR, CITY COUNCIL MEMBERS, OR CITY OFFICIALS

GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

The proposed ordinance will add a new section, 2-112, to Chapter 2 of the Santa Ana Municipal Code prohibiting the award of agreements, contracts, or grants to immediate family members of the Mayor, City Council Members, or City Officials including appointed board and commission members, as defined under Article IV – Officers, Departments, Boards, and Commissions (Sec. 2-300 to 2-699).

Key components of the ordinance include:

1. **Description of Immediate Family Member:** The ordinance provides an extensive list of relationships, including but not limited to spouses, domestic partners, parents, children, grandparents, siblings, and in-laws.
2. **Description of Financial Benefit or Interest:** The ordinance describes direct or indirect financial interest to include commissions, fees, share of proceeds, prospect of a promotion or future employment, a profit, or any other form of financial award.
3. **Incorporation of Non-Collusion Provisions:** All city agreements, contracts, and grants must include a non-collusion clause requiring compliance with Section 2-112. This applies to the primary vendor, contractor, grantee, and subcontractors. The clause will incorporate the following language, to ensure compliance with Section 2-112:
 - No immediate family members of either the Mayor, City Council Member, or any appointed City Official, including appointed board and commission members, as defined under the City's Municipal Code, whose position with the City shall award or influence the award of this (Contract, Agreement, or Grant), or any competing Contract or amendment thereof, shall be employed in any capacity by the Contractor or have any other direct or indirect financial benefit or interest in this (Contract, Agreement, or Grant).
 - The Contractor must comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted during the term of this (Contract, Agreement, or Grant). The Contractor warrants that it is not now aware of any facts which conflict with the prohibitions defined above. If the Contractor hereafter becomes aware of any facts that might reasonably be expected to create a conflict of interest, it must immediately make full written disclosure of such facts to the City. Full written disclosure must include, but is not limited to, identification of all persons implicated and a complete description of all relevant circumstances. Failure to comply with the provisions of this paragraph will be a material breach of this Contract.
 - Contractor covenants that none of its directors, officers, employees, or agents shall participate in selecting or administering any subcontract supported (in whole or in part) by City funds stemming from the (Contract, Agreement, or Grant) where the awarding of the subcontract has any direct or indirect financial benefit or interest to an immediate family member of either the Mayor, City Council Member, or any appointed City Official, including appointed board and commission members, as defined under the City's Municipal Code.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Ordinance No. NS-XXX: An Ordinance of the City Council of the City of Santa Ana Amending Chapter 2 of the Santa Ana Municipal Code by Adding Section 2-112 Prohibiting the Award of Agreements, Contracts, or Grants to Immediate Family Members of the Mayor, City Council Members, or City Officials.

Submitted By: Sylvia Vazquez, Deputy City Manager

Approved By: Alvaro Nuñez, City Manager