

January 31, 1994

AL #94-1

Sharon Craig
Community Relations Representative
Waste Management of Alameda County
172 98th Avenue
Oakland, Ca 94603

Re: City of Oakland Campaign Reform Act, Section 309

Dear Ms. Craig:

This letter is in response to your request for a determination as to whether Section 309 of the Oakland Campaign Reform Act would act to prohibit Waste Management of Alameda County from making contributions to City elected officials or candidates for City office. Your letter dated January 10, 1994 (copy attached), indicated that Waste Management of Alameda County currently has a 20 year contract with the City which requires periodic rate review.

Section 309 would not preclude Waste Management of Alameda County from making campaign contributions to City elected officials, or candidates for City office. Section 309 acts to prohibit contributions "...at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract". Since Waste Management of Alameda County has completed negotiations for the current contract, Section 309 does not prohibit contributions.

This conclusion is not affected by the fact that the contract provides for periodic rate reviews over the course of the contract. Presumably, rate reviews are required under the terms of the existing contract. Such reviews do not constitute "negotiations" for a contract with the City. If, however, the contract were renegotiated at any time prior to the expiration of the 20 year contract, then contributions would not be allowable until completion of or termination of such negotiations.

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Please contact me at your earliest convenience if you have additional questions regarding Section 309 or any other provisions of the Oakland Campaign Reform Act.

Very truly yours,

JAYNE W. WILLIAMS
City Attorney

By: _____
J. PATRICK TANG
Deputy City Attorney

JPT/fmt/kj

Attachment