



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

FROM: Robert V. Wadden Jr., City Attorney

DATE: September 2, 2008

SUBJECT: Review and Discuss Possible Ordinance Regulating City Council Lobbyists

RECOMMENDATION:

Staff recommends that the City Council review and discuss a possible ordinance regulating city council lobbyists.

FISCAL IMPLICATION:

Should the Council adopt an ordinance regulating City lobbyists it is possible that some staff time would be required for administration resulting in indirect costs to the City. Such costs could be offset by a fee paid by registering lobbyists if the Council were to adopt it.

BACKGROUND:

At a recent City Council meeting it was disclosed that an individual had been compensated for representing a resident regarding a matter which had been considered by the Council. The Council inquired about the possibility of some sort of regulation of such individuals and asked staff to research the ordinances of other cities.

DISCUSSION:

(a) Lobbying Ordinances In Other California Cities.

A number of California cities have adopted ordinances which require "lobbyists" to register, identify themselves and in some cases file periodic reports on their activities. These include the cities of Los Angeles, San Francisco, San Jose, Oakland, San Diego, Richmond, Santa Cruz (relating only to cable television lobbyists), Fresno, Malibu and North Hollywood. The City of Sacramento is presently considering adoption of such an ordinance.

Many of these ordinances are patterned after State law (Government Code sections 86100, *et seq.*) which requires the registration of lobbyists for the State legislature. The term "lobbyist" is variously defined in these ordinances but generally is specified to mean an individual or entity which, for compensation, communicates with elected officials and/or agency staff to influence governmental action. Some agencies specify a minimum amount of compensation to be received before falling under the definition. Some ordinances merely require registration of lobbyists, others require disclosure of all financial transactions or expenditures related to lobbying. Some ordinances

prohibit or limit gifts from lobbyists to city officials. Some agencies charge a registration fee, others charge nothing. Some cities prohibit former council members from acting as lobbyists

Cities such as Los Angeles and San Diego have their lobbyist ordinances administered by a City Ethics Commission in concert with a complex scheme of rules regulating the ethics of city officials and those doing business with the City. On the other end of the spectrum smaller cities like Malibu and West Hollywood have relatively simple ordinances which nevertheless have broad effect.

Attached for the Council's review and consideration are lobbyist registration ordinances from: San Jose, Malibu, West Hollywood, Fresno, Los Angeles, San Francisco, Oakland, San Diego, Santa Ana, Richmond and a proposed ordinance from Sacramento.

(b) Lobbying Activities In Manhattan Beach.

Over the past few years there are two individuals who have represented planning applicants with staff, the Planning Commission and the City Council. These two individuals accept compensation for their services, are not engineers, architects or attorneys involved with the project and presumably have no ownership interest in the various projects they represent. These two individuals would be classified as lobbyists under many of the municipal ordinances referred to above, and depending upon the amount of compensation they receive under all of them.

Because the City does not require disclosure of compensation it is possible that there are one or more former council members who might be considered as occasional lobbyists under other cities' ordinances. Then there is the unique case of a former councilmember who is a paid employee of a Los Angeles County Supervisor some of whose activities might be considered a form of lobbying on behalf of the County.

The telecommunications companies that apply for permits for telecommunications facilities within the City often employ private firms or individuals to represent their interests in processing their permit applications. These firms would in most cases be considered lobbyists under extant ordinances.

From time to time applicants before the City hire attorneys to represent them in the approval process or to oppose another applicant's project or a City sponsored action. To the extent that an attorney is functioning as an attorney (e.g., advising regarding pending or actual litigation) the City's right to regulate is preempted by the Business and Professions Code sections regulating the practice of law (*n.b.*, non-attorney lobbyists who advise their clients regarding legal matters may be in violation of those sections). However, to the extent that the attorney is functioning as a lobbyist he or she may be subject to the jurisdiction of a local ordinance and most local ordinances do not exempt attorneys. For a succinct description of the distinction between an attorney functioning as a lobbyist and as an attorney see Exhibit B, "Fact Sheet on Attorneys and The Lobbying Ordinance" issued by the City of San Diego Ethics Commission.

Finally there is the case of a local resident who is not an attorney, engineer, architect or owner who advised another local resident, possibly for consideration, regarding a permit application and appeal. This individual made a number of contacts with Council members and staff regarding this matter and, because there is no local disclosure or registration requirement, it was unclear whether he was doing this as a concerned citizen or a paid consultant. For the same reason that local law

does not require disclosure of a lobbyist's status or registration as a lobbyist it is impossible to know whether this has occurred in other cases.

(c). Considerations In Adopting A Local Lobbyist Regulation.

Obviously the first decision the council faces is whether or not some sort of local regulation of lobbyists is desirable. If it does so then the Council must consider its priorities by addressing the following questions:

A. Who shall be considered a Lobbyist?

Shall the ordinance be limited to those receiving compensation? If so what level of compensation (if any) would be used? Would lobbying activity be defined as including only communications with decision makers or would it include those who represent clients at the staff level as well? How broad a definition does the Council want to fashion for the concept of "lobbying activity?"

B. Who Shall Be Exempted?

Shall employees of companies which are themselves applicants be exempted? Shall attorneys be exempted? What about architects or engineers who are contracted to work on a project? Shall those representing governmental entities and/or nonprofits be exempted even if they are paid for their representation? What about owners of companies which are applicants?

C. Defining Lobbying Activity.

Must a "lobbyist" appear before the City Council or a commission to be covered by the ordinance? What about those who process paperwork for staff approvals which do not get appealed? What about those who communicate with Council or commission members?

D. Reporting

Some lobbyist regulations require not only registration of a lobbyist but periodic reports or disclosure of lobbying activity, expenditures and/or of compensation or gifts provided to the lobbyist as compensation and their source.

E. Identification While Lobbying

Does the Council wish to require any one who is engaging in activity defined as lobbying to disclose that fact while conducting the activity? What information would be required to be disclosed?

F. Gifts or Compensation To city Officials

State conflict of interest law does not prohibit outright gifts to public officials. However the Council could adopt such a prohibition.

G. Restrictions on Lobbying Activities By former City Officials.

Some local ordinances restrict officials who have left office from lobbying activities within their former jurisdiction. There is usually a time limit to such prohibitions.

Agenda Item #: _____

After discussing these issues the Council should give appropriate direction to staff regarding a possible lobbyist regulation to be brought back at a future meeting for further consideration.

- Attachments:
- A. Excerpt from *Local Government Ethics Ordinances In California*, California Research Bureau, by Simmons, Roland & Kelly-DeWitt;
 - B. Fact Sheet on Attorneys and The Lobbying Ordinance, San Diego Ethics Commission;
 - C. Lobbyist Ordinances from cities of: San Jose; Malibu; West Hollywood; Fresno; Los Angeles; San Francisco; Oakland; San Diego; Santa Ana; Richmond; Sacramento (Draft).

CRB *California Research Bureau, California State Library*

**LOCAL GOVERNMENT
ETHICS ORDINANCES IN
CALIFORNIA**

By

**Charlene Wear Simmons, Ph.D.
Helen Roland
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March 1998

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respectively, from ever returning to lobby or advocate for outside interests on a matter over which they had direct responsibility.)

Nine cities and seven counties in the survey sample restrict post-government employment practices. Eleven are basic revolving-door ordinances, which restrict the lobbying activities of former government employees. The restrictions have various time frames. In *South Lake Tahoe, Lawndale, and Thousand Oaks*, former employees may lobby the government after six months have elapsed since the termination of their city employment. In *San Bernardino County*, however, the ban is permanent.

Santa Clara County places different restrictions on former employees than on former members of the Board of Supervisors. A former county employee must wait a year before lobbying the county on any issue that was within his or her responsibility as a county employee. Furthermore, the former employee may never lobby the county on a matter in which he or she personally participated as a county employee. The ban on lobbying activity is extended to four years for former members of the Board of Supervisors; they are exempt from the lifetime ban.

The *Counties of Los Angeles and Monterey* have adopted post-employment restrictions that are unrelated to lobbying activity. The Los Angeles County Code forbids the county from contracting with anyone who was employed by the county within the previous year. Monterey County forbids its former purchasing department employees from selling any thing or service to the county for one year following the end of their county employment.

Berkeley prohibits former council members from being employed as a city department head or as the city manager for one year after leaving office.

Lobbyist Regulation

Four cities and four counties in the sample have lobbying ordinances. The cities are *Richmond, San Jose, Los Angeles* (see earlier discussion), and *San Diego* (whose ordinance was being revised by a joint task force with the county as of this writing). The *counties include Santa Clara and Santa Cruz, San Francisco and Los Angeles*.

Most local lobbying ordinances resemble provisions of the Political Reform Act, which mandates the registration and regulation of lobbyists. Registration is generally annual* and lobbyists file quarterly activity reports. However, the subtler details of local lobbying ordinances differ. For example, there is a wide range of lobbyist registration fees, as shown in Table 7.

* Registration at the state level is biennial, concurrent with each two-year session of the Legislature. (Government Code Section 6106)

Table 7 Lobbyist Registration Fees	
Los Angeles (city)	\$300/year plus \$50/client
Santa Clara	None
San Jose	None
San Francisco	\$35/year plus \$15/client
Richmond	\$35/year plus \$15/client
Santa Cruz	None
Los Angeles (county)	\$35/year plus \$15/client

Local definitions of a lobbyist also vary considerably.* A person may fall within one local government's definition of a "lobbyist" but may be considered a "concerned citizen" by another government. This undoubtedly complicates the affairs of lobbyists who work in multiple jurisdictions, for example a large land developer.

The City of *Richmond*—one of four cities in the sample to have enacted a lobbying ordinance—defines a lobbyist as any individual who in one month is paid \$1000 or in one year is paid \$3000 to influence city business. A business or organization is a lobbyist if it compensates an individual to influence city business, provided that individual has ten or more contacts with city employees in any two consecutive months.

Across the Bay in *San Francisco*, a lobbyist is anyone who has 25 contacts with a city or county employee in any two consecutive months; or who is paid at least \$1000 in a month to influence city and county business. A business is a lobbyist when it hires a person to influence city and county business, as long as the person has at least twenty-five contacts with representatives of the city and county in two consecutive months.

Los Angeles County draws the line at five contacts in two consecutive months, or at compensation of \$1,000 a month.

Santa Cruz's lobbying ordinance applies only to cable television lobbyists. The ordinance, which proposes to "assure the public of the impartiality and independent judgement of public officials and employees during the consideration of cable television matters,"⁴² requires all lobbyists employed by cable television companies to register with the county clerk. The county does not charge a registration fee. Each cable television lobbyist must file quarterly reports disclosing his or her activities related to cable television. The ordinance also imposes gift limits on the cable television lobbyists, who may give no more than ten dollars per month in gifts to any county employee.

* Fair Political Practices Commission Regulation 18239 defines a lobbyist as: "[A]ny individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elected state official, agency official or legislative official for the purpose of influencing legislative or administrative action."

Santa Clara County's lobbying ordinance resembled the general pattern in mid-1996. County lobbyists were required to register with and report to the County Clerk, and to abide by a series of ethics rules. However, the County Board of Supervisors repealed the familiar ordinance later that year and approved a radically different one. The new ordinance does not require lobbyist registration per se. Rather, it requires any applicant for a county contract, permit, franchise, or license to disclose the names of all the people who have been paid \$100 or more to present the applicant's position to the Board of Supervisors. Any person who has been paid \$100 or more for this purpose is considered to be a lobbyist, and that person must identify him or herself as a lobbyist before speaking to the Board of Supervisors.

Local ordinances also vary as to whether lobbyists must disclose expenditures. The *City of San Jose* requires registration, but not disclosure. *San Francisco* requires detailed disclosure, including gifts and political contributions.

When asked about pressing ethics issues facing the county, one respondent identified regulation of lobbyists, particularly of their campaign contributions, as a major concern.

Ethics Boards and Enforcement Mechanisms

A study of government ethics agencies in the United States concludes that "...the great weakness in the regulation of ethics in this country is not so much the provisions of the law, but the lack of concern for their administration and enforcement." Independent regulatory agencies are critical to proper administration of ethics laws, but those agencies are generally "...too small, too weak and insufficiently independent."⁴³ Effective ethics agencies exhibit three characteristics:

- independence (insulated from undue political influence; control over staff),
- adequate guaranteed annual budgets, and
- enforcement powers (advisory opinions, investigations, and sanctions).

National data suggest that few ethics agencies meet these criteria. In some states, ethics commissioners are political appointees and may run for office, and agency staff is not independent. Two-thirds of state and local ethics agencies have inadequate resources. Half had their budgets reduced between 1987 and 1992, despite increasing disclosure and enforcement responsibilities. Few agencies have the necessary resources to computerize records. Financial disclosure forms are filed in boxes and not reviewed. Many ethics agencies do not have investigatory powers, lack authority to give advice or hold hearings, and do not have the enforcement power to levy fines or other penalties.⁴⁴

A further complexity occurs at times in California as a result of overlapping jurisdictions between state and local ethics enforcement agencies. For example, the Fair Political Practices Commission and the Los Angeles City Ethics Commission have had several disagreements as to where the primary responsibility lies for specific investigative and enforcement actions.



FACT SHEET ON ATTORNEYS AND THE LOBBYING ORDINANCE

The City's Lobbying Ordinance imposes registration and reporting requirements on Lobbying Firms and Organization Lobbyists. These entities may include firms, companies, and organizations that employ attorneys. This fact sheet is designed to help attorneys determine whether or not they are lobbyists, and whether the firm, company, or organization they work for is required to register with the City Clerk and report lobbying activities. This fact sheet is designed to offer general guidance to prospective lobbyists, but should not be considered a substitute for the actual language contained in the Lobbying Ordinance.

GENERAL INFORMATION

- ❖ Except as described below, attorneys are not exempt from the City's lobbying laws. An attorney who engages in "lobbying," as defined in the City's Lobbying Ordinance, is considered a lobbyist.
- ❖ A "lobbyist" is defined in the City's Lobbying Ordinance as any individual who engages in "lobbying activities" on behalf of a client or on behalf of an Organization Lobbyist. As applied to attorneys, this means that a law firm will qualify as a "Lobbying Firm" if it is paid to lobby on behalf of a client. Or, lobbying by an in-house attorney on behalf of the entity the attorney owns or works for may qualify the entity as an "Organization Lobbyist."
- ❖ Lobbying means having at least one direct communication (e.g., a private meeting, talking on the telephone, sending a letter or e-mail) with a City Official outside of a publicly noticed "Brown Act" meeting (e.g., a meeting of the City Council) for the purpose of influencing a municipal decision on behalf of another person or entity. The term "City Official" is not limited to elected officers; it includes many other City employees, City agency employees, and members of certain boards and commissions. Please refer to the Fact Sheet entitled "Am I a Lobbyist?" for a list of the positions that are considered "City Officials."
- ❖ The term "influencing a municipal decision" is to be broadly construed, and includes providing information, analysis, or studies to a City Official. Accordingly, an attorney is lobbying when he or she provides a City Official with a legal analysis regarding an upcoming municipal decision.
- ❖ Other "lobbying activities" include monitoring municipal decisions, preparing testimony and presentations, engaging in research, performing investigations, gathering facts, attending hearings, communicating with clients, and waiting to meet with City Officials, to the extent that such activities are related to influencing a municipal decision.
- ❖ If you are an attorney at a law firm and you have at least one instance of lobbying a City Official on behalf of a client in exchange for compensation (including a contingency-fee agreement), then your firm must register with the City Clerk as a "Lobbying Firm." For example, McGruder & Sons is a law firm that specializes in land use litigation. On one occasion, it contacts a City Official for the purpose of influencing an upcoming land use matter on behalf of one of its clients. Because McGruder & Sons is paid to influence a municipal decision on behalf of a client, it must register with the City Clerk as a "Lobbying Firm."
- ❖ Note that in the above example registration would be required even if the client had not yet paid McGruder & Sons for its lobbying efforts. If the firm is entitled to be paid for lobbying, including an entitlement that is contingent on a particular outcome, then that firm is a "Lobbying Firm." A sole practitioner will also qualify as a "Lobbying Firm" if he or she is paid to lobby City Officials on behalf of a client.

- ❖ An attorney who accompanies a client to a meeting with a City Official is a lobbyist if the attorney attempts to influence a municipal decision at that meeting. This is true even if the attorney is accompanied by another registered lobbyist.
- ❖ If you are an in-house attorney for a business or organization, including a non-profit or charitable organization, and your lobbying activities are performed on behalf of the business or organization, then that entity may be an "Organization Lobbyist." It will qualify as an "Organization Lobbyist" if its compensated owners, officers, or employees have a total of 10 or more separate lobbying contacts with City Officials on behalf of the business or organization within any 60 calendar day period. For example, a local utility company may qualify as an "Organization Lobbyist" if its General Counsel has a sufficient number of contacts with City Officials regarding a pending municipal decision that could affect the utility company.
- ❖ See the Fact Sheet entitled "Am I a Lobbyist?" for additional information regarding lobbying activities and the various registration thresholds.

LITIGATION EXEMPTION

- ❖ The City's lobbying laws include an exemption for communications by attorneys concerning pending or actual litigation or administrative enforcement actions. For example, an attorney who communicates with a Deputy City Attorney on behalf of a client in a personal injury lawsuit against the City is not engaging in lobbying. Similarly, an attorney is not lobbying when he or she speaks with members of the Civil Service Commission regarding a pending civil service matter.
- ❖ This exemption applies only to "pending or actual" litigation and administrative enforcement actions. Thus, it will apply when a complaint has been filed with a court, when a claim has been filed with the City as a precursor to a court filing, or when a matter has officially come before an administrative enforcement agency, such as the Civil Service Commission or the Ethics Commission.
- ❖ This exemption extends to members of an attorney's "team." In other words, it will cover paralegals, experts, and consultants who are working with the attorney on the matter being litigated.
- ❖ The litigation exemption does not apply to other types of contentious matters, even if it is likely that the parties involved will eventually litigate their dispute. For example, an attorney who contacts a City Official to influence a controversial land use decision is engaging in lobbying even if litigation is inevitable. Similarly, an attorney is lobbying when he or she provides a legal analysis to the City Attorney's Office concerning the wording of a proposed ordinance.
- ❖ See the Fact Sheet on Exceptions to the Lobbying Ordinance for information regarding additional exemptions that may apply.

ATTORNEY-CLIENT PRIVILEGE

- ❖ California Business and Professions Code section 6009 authorizes the City to require attorneys who qualify as lobbyists to register and disclose their lobbying activities in the same manner and to the same extent as non-attorney lobbyists. Any prohibitions against specified activities by lobbyists adopted by the City shall also apply to attorneys who qualify as lobbyists. The attorney-client privilege does not override the application of section 6009.
- ❖ The City's Lobbying Ordinance requires law firms that qualify as "Lobbying Firms" to disclose information about their clients. In particular, they are required to disclose the identity of their clients, the amount of compensation earned for lobbying activities, and the outcome sought by their clients.
- ❖ See the Fact Sheet on Lobbying Disclosure Forms for more information.

DISCLOSURE OF CAMPAIGN-RELATED INFORMATION

- ❖ If a law firm qualifies as a “Lobbying Firm,” it will be required to disclose campaign contributions given by its owners, officers, and lobbyists to City candidates and City candidate-controlled ballot measure committees.
- ❖ A law firm that qualifies as “Lobbying Firm” will also have to disclose campaign fundraising activities and compensated campaign-related services performed by its owners, officers, and lobbyists.
- ❖ The term “owner” includes the equity partners in a law firm, regardless of whether or not such individuals personally engage in lobbying activities. In other words, even if only one attorney in a law firm engages in lobbying, the firm will have to register as a “Lobbying Firm” and disclose the foregoing campaign-related information for all the equity partners in the firm.
- ❖ See the Fact Sheet on Lobbying Disclosure Forms for additional information.

CLIENT CONSIDERATIONS

- ❖ A company or organization that retains an attorney to lobby on its behalf may also become subject to disclosure requirements under the Lobbying Ordinance. As indicated above, if a development company retains an attorney to lobby City Officials, the attorney’s firm will register as a Lobbying Firm. But if the owners, officers, or employees of that development company also lobby City Officials, either independently or in conjunction with the attorney, the company itself may qualify as an “Organization Lobbyist” and have its own reporting obligations.
- ❖ Similarly, a law firm’s client may also become an “Expenditure Lobbyist” if the client spends money to indirectly influence a municipal decision. A company that pays an attorney to lobby for a proposed ordinance while also paying a public relations firm to rally community support for that ordinance could be considered both a client and an “Expenditure Lobbyist.”
- ❖ See the Fact Sheet entitled “Am I a Lobbyist?” for additional information regarding Organization Lobbyists and Expenditure Lobbyists.

Fact Sheets and other educational materials pertaining to the Lobbying Ordinance can be found on the Ethics Commission’s website at www.sandiego.gov/ethics/documents/lobbyists.shtml. If you have any questions concerning the application of the Lobbying Ordinance to attorneys, please contact the Ethics Commission at (619) 533-3476.

Rev. 3/13/08

//San Jose, California/CODE OF ORDINANCES SAN JOSE, CALIFORNIA Codified through Ordinance No. 28206, adopted December 18, 2007 (Supplement No. 11)/Title 12 ETHICS PROVISIONS/Chapter 12.12 SAN JOSE MUNICIPAL LOBBYING*

Chapter 12.12 SAN JOSE MUNICIPAL LOBBYING*

***Editor's note:** Ord. No. 28074, § 2, adopted June 26, 2007, effective August 1, 2007, amended Ch. 12.12, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 12.10 pertained to lobbyist regulations. See also the Code Comparative Table.

Parts:

- 1 Title, Purpose, Application, and Exemptions
- 2 Definitions
- 3 Contingent Compensation to Lobbyists
- 4 Requirements
- 5 Prohibited Activities
- 6 Compliance, Training, and Enforcement
- 7 Prohibition for City Officials
- 8 Disclosure of Communications with Registered Lobbyists

Part 1 TITLE, PURPOSE, APPLICATION, AND EXEMPTIONS

Sections:

- 12.12.010 Title, Purpose, and Application.
- 12.12.020 Exemptions.
- 12.12.030 Severability.

12.12.010 Title, Purpose, and Application.

- A. This Chapter will be known as the San José Municipal Lobbying Ordinance.
- B. The purposes of this Chapter are:
 1. To guarantee to the residents of the City that the City of San José (City) continues the highest ethical work environment for the residents of the City and the City's elected officials and employees.
 2. In the spirit of open and transparent government, to allow the public to know and better understand the relationship between its elected officials, lobbyists, and lobbyist's clients.
 3. To enhance public confidence and trust with respect to lobbyist activities and City practices.
 4. To ensure that the requirements of this Chapter and their implementation are

responsive to the goal of making it easy to do business with the City.

5. To bring about clarity and certainty about applicable provisions among stakeholders.
6. To establish a policy that sets clear standards of conduct.
7. To maintain the citizen's constitutional right to petition government for redress of grievances and not to limit the public's access to their elected officials.

C. Any person who engages in lobbying activity must comply with the provisions of this Chapter.

(Ord. 28074.)

12.12.020 Exemptions.

The following persons are exempt from the requirements of this Chapter unless otherwise specified:

- A. A public official acting in his or her official capacity.
- B. A person engaged solely in publication or broadcasting of news items, editorials, or commentary which directly or indirectly urges governmental action.
- C. A person hired by the City or Agency for work performed on behalf of the City or Agency, or a person who prepares documents for approval by the City under the California Environmental Quality Act of 1970, as amended and Title 21 of the San Jose Municipal Code, or a person who has been specifically invited by the City Council or Redevelopment Agency Board or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City or the Redevelopment Agency charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony in aid of the body or person extending the invitation or invited to attend a meeting such as a City or Agency task force or department committee meeting to provide information or assistance requested by City or Agency staff.
- D. The owner of a business whose attempts to influence governmental action are on behalf of the business and:
 1. The owner or business has not made or solicited contributions for the elected official contacted, or a candidate or independent expenditure committee at the behest of the elected official contacted, in an amount over one thousand dollars (\$1,000.00) within the last twelve (12) months in a City election;
 2. The owner or business has not retained a person to engage in lobbying activity on behalf of the owner or business; or
 3. Officers or employees of the business have not engaged in lobbying activity on behalf of the owner or business.

For the purpose of this Section, an "owner" is any individual with greater than a fifty percent (50%) interest in the business. This exemption applies only to the threshold for becoming an In-House Lobbyist as defined under Section 12.12.180.B. An owner of a business who meets this exemption is subject to the requirements of this Chapter if he or she meets the definition of Contract Lobbyist or Expenditure Lobbyist as defined under Sections 12.12.180.A and 12.12.180.C, respectively.

- E. A person whose attempts to influence governmental action are limited to:
 1. Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; and/or

2. Preparing, processing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public.
- F. Any person whose sole activity includes one or more of the following:
1. to submit a bid on a competitively bid contract;
 2. to submit a written response to a request for proposals or qualifications;
 3. to participate in an oral interview for a request for proposals or qualifications; or
 4. to negotiate the terms of an agreement with the City or Agency Official authorized to negotiate such an agreement.
- G. A person who meets with City Officials solely to lodge "whistleblower" complaints relating to improper governmental activity such as gross mismanagement, waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- H. A person who meets with the City Attorney or City Clerk regarding any claim or litigation matter, negotiation of any agreements where the City is a party or the requirements or interpretation of this Chapter.
- I. Uncompensated members or uncompensated members of the board of directors of non-profit organizations.
- J. Members of neighborhood associations, Neighborhood Advisory Committees or Project Area Committees.
- K. Persons whose communications are solely related to:
1. The establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or a memorandum of agreement between the City and a recognized employee organization.
 2. Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of agreement between the City and a recognized employee organization.
 3. Proceedings before the City of San José Civil Service Commission.
- L. A person whose communications with City Officials are solely in connection with the administration of an existing contract or agreement between the person and the City or Redevelopment Agency.
- M. Compensated officers or employees of a nonprofit organization with tax exempt status under Section 501(c)(3) of the Internal Revenue Code whose attempts to influence governmental action are on behalf of the organization.

(Ord. 28074.)

12.12.030 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter heretofore or hereafter adopted by the City Council of the City of San José is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Chapter. Each and every section, subsection, sentence, clause or phrase of this Chapter is severable from all other sections, subsections, sentences, clauses or

phrases.

(Ord. 28074.)

Part 2 DEFINITIONS

Sections:

- 12.12.100 Definitions.
- 12.12.110 At the Behest.
- 12.12.120 City Official.
- 12.12.130 City Official-Elect.
- 12.12.140 Client.
- 12.12.150 Contact or Contacting.
- 12.12.160 Compensated or Compensation.
- 12.12.170 Lobbying Activity.
- 12.12.180 Lobbyist.
- 12.12.190 Lobbyist Fundraising Activity.
- 12.12.200 Person.

12.12.100 Definitions.

For purposes of this Chapter, the following definitions are applicable. Other terms used and not defined in this Chapter have the meanings set forth in this Title, and terms used and not defined in this Title have the meanings set forth in the California Political Reform Act of 1974, as amended.

(Ord. 28074.)

12.12.110 At the Behest.

"At the behest" means at the specific direction of, or at the personal request or suggestion of, or with the express prior consent of, any elective City Official, City Official-Elect or candidate for elective City office.

(Ord. 28074.)

12.12.120 City Official.

"City Official" includes the Mayor and Members of the City Council; any appointee of the City Council; Mayoral or Council staff member; Redevelopment Agency Board Member; members of the Planning Commission, Appeals Hearing Board, Civil Service Commission; any City representative to any joint powers authority to which the City is a party; the City Manager and his or her Assistant City Manager and Deputy City Managers; the Executive Director of the Agency and his or her Assistant and Deputies; City department heads; and Agency division heads.

(Ord. 28074.)

12.12.130 City Official-Elect.

"City Official-Elect" means a person who has been elected to a City office but has not yet been sworn in to office.

(Ord. 28074.)

12.12.140 Client.

"Client" means the person who compensates a lobbyist for representation.
(Ord. 28074.)

12.12.150 Contact or Contacting.

"Contact or contacting" means attendance at a meeting with a City Official or City Official-Elect, or any direct communication with a City Official or City Official-Elect, whether oral, electronic or in writing, including, but not limited to communication through an agent, associate or employee, for the purpose of engaging in lobbying activity.
(Ord. 28074.)

12.12.160 Compensated or Compensation.

"Compensated or Compensation" means any economic consideration for services rendered or to be rendered in the future, including, without limitation, payment, distribution transfer, loan advance, deposit, other rendering of money, property, services or anything else of value.
(Ord. 28074.)

12.12.170 Lobbying Activity.

"Lobbying Activity" means influencing or attempting to influence a City Official or City Official-Elect with regard to a legislative or administrative action of the City or Redevelopment Agency.

A. "Influencing" means contacting, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions of the City Official or City Official-Elect, by any means, including, but not limited to providing, preparing, processing, or submitting information, incentives, statistics, studies or analyses.

B. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Redevelopment Agency of the City, or City board or commission, or task force or any joint powers authority of which the City is a party.

C. "Administrative action" means the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment or approval of any rule, regulation, agreement, contract, permit, license or hiring action.

(Ord. 28074.)

12.12.180 Lobbyist.

"Lobbyist", unless exempt under Section 12.12.020 means:

A. Contract Lobbyist: Any person, whether an entity or individual, that engages in lobbying activity on behalf of one or more clients (acting individually or through agents,

associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars (\$1,000.00) or more for any services which include engaging in lobbying during any consecutive three (3) month period.

B. In-House Lobbyist: Any person, including a business, corporation, association, political action committee, or any other organization if its owners, officers, or employees have engaged in lobbying activity on its behalf and whose aggregate time engaging in lobbying activity total ten (10) hours or more in a consecutive twelve (12) month period.

C. Expenditure Lobbyist: A person who makes payments or incurs expenditures in the aggregate amount of five thousand dollars (\$5,000.00) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City Official in order to attempt to influence a legislative or administrative action. The five thousand dollars (\$5,000.00) threshold does not include:

1. Compensation paid to Contract Lobbyists or In-House Lobbyists for lobbying activity; or
2. Dues, donations, or other economic consideration paid to an organization, regardless of whether the dues, donations or other economic consideration are used in whole or in part for lobbying activity.

(Ord. 28074.)

12.12.190 Lobbyist Fundraising Activity.

"Lobbyist Fundraising Activity" means soliciting a contribution; hosting or sponsoring a fundraising event; or hiring a fundraiser or contractor to conduct any event designed for political fundraising at which contributions for any City Official, candidate for elective City office or any controlled committee of an elected City Official or candidate for City office or for any political action committee, political party or candidate for elective office of a governmental organization are solicited, delivered or made.

(Ord. 28074.)

12.12.200 Person.

"Person" means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

(Ord. 28074.)

Part 3 CONTINGENT COMPENSATION TO LOBBYISTS

Sections:

- 12.12.300 Contingent Compensation.
- 12.12.310 Disclosure of Contingent Compensation.
- 12.12.320 Separate Written Agreements.
- 12.12.330 Exemptions.

12.12.300 Contingent Compensation.

A. A person may not accept compensation for lobbying activity when the compensation is directly dependent on the result of legislative or administrative action(s) that are the subject of the lobbying activity.

B. A person may not accept compensation for engaging in lobbying activity when the compensation depends on both:

1. The result of legislative or administrative action(s) that are the subject of the lobbying activity; and

2. Additional condition(s) or event(s) that are not the subject of the lobbying activity.

C. A person engaged in lobbying activity may accept compensation for services, other than lobbying activity, when the compensation directly depends on the result of legislative or administrative action(s) that are the subject of the lobbying activity.

D. A person engaged in lobbying activity may accept compensation for services, other than lobbying activity, when the compensation depends on both:

1. The result of legislative or administrative actions that are the subject of the lobbying activity; and

2. Additional condition(s) or event(s) that are not the subject of the lobbying activity.

(Ord. 28074.)

12.12.310 Disclosure of Contingent Compensation.

A. A person engaged in lobbying activity must disclose any agreement, arrangement, or understanding regarding compensation for services set forth in Section 12.12.300.C and D.

B. Except as provided in Subsection C, a person engaged in lobbying activity must file with the City Clerk at least one (1) business day before any lobbying activity, the following information:

1. Name, address, and telephone number of the person engaged in lobbying activity.

2. Name and address of the source of compensation.

3. A brief description of the legislative or administrative action the person engaged in lobbying activity is seeking to influence.

4. If compensation can be calculated at the time of the disclosure, the compensation within the following ranges: (\$0.00--\$500.00), (\$501.00--\$1,000.00), (\$1,001.00--\$10,000.00), (\$10,001.00--\$100,000.00), (\$100,001.00--\$200,000.00), (\$200,001.00--\$300,000.00), (\$300,001.00--\$400,000.00), and (over \$400,000.00).

5. If compensation cannot be calculated at the time of the disclosure, a brief description of the basis for determining the compensation, and any legislative or administrative action(s) and/or additional condition(s) or event(s) that must occur before the person engaged in lobbying activity is entitled to receive compensation.

C. A person engaged in lobbying activity that is not yet required to register as a lobbyist as defined under Section 12.12.180 may file the disclosure form concurrent with the registration report.

(Ord. 28074.)

12.12.320 Separate Written Agreements.

A person engaged in lobbying activity may have separate written agreements for lobbying activity and other services related to the same project or issue.

(Ord. 28074.)

12.12.330 Exemptions.

Sections 12.12.300 and 12.12.310 do not apply to compensation for services by an attorney licensed to practice law in the State of California who represents a party or potential party in pending or actual litigation or administrative enforcement proceeding brought by or against the City.

(Ord. 28074.)

Part 4 REQUIREMENTS

Sections:

- 12.12.400 Registration with City Clerk.
- 12.12.410 Lobbyist Registration Report.
- 12.12.420 Additional Required Information and Disclosures.
- 12.12.430 Quarterly Reports.
- 12.12.440 Fees.

12.12.400 Registration with City Clerk.

A. A Lobbyist is required to register with the City Clerk no later than ten (10) days after qualifying as a lobbyist as defined in this Chapter. A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, or Expenditure Lobbyist) is only required to register once.

B. A Lobbyist must renew the registration by January 15 of each year.

C. The annual registration renewal will not be required if a declaration attesting to the termination of lobbying activity within the City has been filed with the City Clerk no later than January 15.

(Ord. 28074.)

12.12.410 Lobbyist Registration Report.

A. A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, or Expenditure Lobbyist) must fill out one registration report with all the applicable information including the following:

1. Name.
2. Business address.
3. Telephone and fax numbers.
4. Names of all owners if the Lobbyist is a sole proprietorship or partnership of fewer than five (5) persons.
5. Names of the officers and agent for service of process, if any, if the Lobbyist is a corporation.
6. If applicable, a description of the nature of, the business, corporation, association,

committee or any other organization in sufficient detail to inform the reader of its nature and purpose.

- B. All Contract Lobbyists must also provide the following information for each client:
1. Name, business address, telephone number of each client;
 2. Nature of each client's business;
 3. A brief description of the legislative or administrative action(s) the lobbyist seeks to influence on behalf of each client; and
 4. Name of each person employed or retained by the lobbyist to engage in lobbyist activity on behalf of each client.
- C. All In-House Lobbyists must also provide the following information:
1. Names of each owner, officer and employee conducting lobbying activities on its behalf; and
 2. A brief description of the legislative or administrative action(s) the lobbyist seeks to influence.
- D. All Expenditure Lobbyists must also provide the following information:
1. Names of all owners, officers and employees conducting lobbying activities; and
 2. A brief description of the legislative or administrative action(s) the lobbyist seeks to influence.

(Ord. 28074.)

12.12.420 Additional Required Information and Disclosures.

The lobbyist registration report must also contain the following information:

- A. Campaign and officeholder contributions that a lobbyist made, delivered or acted as an intermediary for, to an elected City Official or candidate for City Office made during the preceding calendar quarter. A person is an "intermediary" for a contribution if the recipient of the contribution would consider that person to be the contributor without the disclosure of the identity of the true source of the contribution. Also, a lobbyist acts as an "intermediary" if the lobbyist makes a contribution on behalf of another person, and that other person is acknowledged as the contributor, and the lobbyist is reimbursed for the contribution.
- B. Campaign and officeholder contributions made at the behest of an elected City Official or candidate to any other elected public official or candidate for public office during the preceding calendar quarter.
- C. All Independent Expenditures made for or on behalf of a City Official or candidate for City office made during the preceding calendar quarter.
- D. Fundraising Activity for any City Official, candidate for elective City office or any controlled committee of the elected City Official or candidate for City office or for any political action committee, political party or candidate for elective office of a governmental organization made at the behest of a City Official during the preceding calendar quarter. Required information and disclosures must include the name of the City Official, candidate, committee or party on whose behalf the lobbyist engaged in fundraising activities, or delivered or acted as intermediary for one or more contributions. The information and disclosures must also include the name of the City Official requesting the Fundraising Activity, the date of the Fundraising Activity, the name of the

contributors and the amount of contributions raised, delivered and/or made in connection with which the lobbyist acted as an intermediary.

E. Donations to for profit or nonprofit organizations made at the behest of a City Official or candidate for elective City office of any contribution or payment of more than one thousand dollars (\$1,000.00) in the aggregate made during the preceding calendar quarter.

F. Payments received for services as a consultant or in any other capacity for services rendered to any City department or Redevelopment Agency, City Official, or any City Official-elect, their controlled committees or officeholder committees.

G. Contacts made with City Officials or City Officials-Elect during the preceding calendar quarter for the purpose of influencing or attempting to influence legislative or administrative action. Contact information must include a brief description of the item(s) of legislative or administrative action the lobbyist is seeking to influence and the number of contacts in the following ranges: (1), (2--5), (6--10) or (11 or more).

H. Activity expenses such as payments that directly benefit any City Official, City Official-Elect or member of his or her immediate family or domestic partner made during the preceding calendar quarter. Activity expenses include gifts as defined by Chapter 12.08, honoraria, consulting fees, salaries and other forms of compensation, but do not include campaign contributions.

(Ord. 28074.)

12.12.430 Quarterly Reports.

A. All lobbyists must file a quarterly report for every calendar quarter during which they retain that status with the City Clerk not later than fifteen (15) calendar days after the end of the qualifying quarter, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk.

B. Each quarterly report must contain the same information as required to be disclosed in the registration report, for those activities occurring in that quarter. If a lobbyist has terminated all lobbying activities during such quarter, the lobbyist may file a declaration of termination with the quarterly report. The final quarterly report must include disclosure of any lobbying activities during the quarter of termination.

C. Each quarterly report for Contract Lobbyists must indicate the total compensation promised or received from each client listed during the reporting period for lobbying activity within the following ranges: (\$0.00--500.00), (\$501.00--\$1,000.00), (\$1,001.00--\$10,000.00), (\$10,001.00--\$100,000.00), (\$100,001.00--\$200,000.00), (\$200,001.00--\$300,000.00), (\$300,001.00--\$400,000.00), and (Over \$400,001.00).

D. Each quarterly report must indicate whether the lobbyist has any agreement, arrangement, or understanding regarding compensation for services set forth in Section 12.12.300.C and D for those activities occurring in that quarter and identify the name of the person that filed the disclosure form and the date it was filed with the City Clerk.

E. Quarterly reports must be filed by April 15, July 15, October 15 and January 15 for the prior calendar quarter, and are delinquent thereafter.

F. Records pertaining to the registration and quarterly reports must be preserved by the lobbyist for inspection and audit by the City for a period of five (5) years from the date of production.

(Ord. 28074.)

12.12.440 Fees.

- A. All fees and interest referenced in this Section are set forth in the schedule of fees established by resolution of the City Council.
- B. All lobbyists are required to register, including Expenditure Lobbyists or Contract Lobbyists that work for an In-House Lobbyist, and pay an annual registration fee at the time of registration or registration renewal. If the lobbyist registers for the first time on or after June 30 of a given year, the lobbyist may pay a reduced registration fee. If the fee is not paid at the time of registration or registration renewal, a late registration fee will be assessed on a daily basis until the registration fee is paid in full. In no event will the late registration fee exceed one hundred percent (100%) of the unpaid registration fee.
- C. Every Contract Lobbyist must pay a fee for each client for whom lobbying activity is undertaken for compensation and the compensation is greater than five hundred dollars (\$500.00) per client. The fee for each client must be paid on an annual basis with the registration or registration renewal. After the registration or registration renewal, the fee for any new client must be paid with the quarterly report immediately following the quarter when the lobbyist is compensated and the compensation is greater than five hundred dollars (\$500.00). (Lobbyists for organizations representing a group of organizations or associations such as trade associations will not be assessed a fee for each client if the compensation to the lobbyist is derived from fees or dues members pay for their membership in the organization or association.)
- D. Any lobbyist who fails to file a quarterly report or files a quarterly report after the report is due under Section 12.12.430 will be assessed a late filing fee. Interest calculated on a monthly basis or a fraction thereof will accrue on the late filing fee from the date the fee is due to the date the fee is paid. If more than one fee is due, interest will accrue separately upon each fee.
- E. Failure to pay any fees and interest assessed in this Section may be enforced as a personal obligation of the lobbyist.

(Ord. 28074.)

Part 5 PROHIBITED ACTIVITIES12.12.500 Prohibited Activities.

Sections:

12.12.500 Prohibited Activities.

No person engaged in lobbying activity may commit any of the following acts:

- A. Engage in any activity on behalf of a client or accept compensation for lobbying activity unless such lobbyist is registered and has filed the information required by this Chapter.
- B. Do any act to place any City Official or immediate family member of a City Official under his or her personal or financial obligation.
- C. Intentionally deceive or attempt to deceive a City Official as to any material fact which is pertinent to any pending or proposed legislative or administrative action.
- D. Contact any public official in the name of any non-existent person or in the name of any existing person except with the consent of such existing person.

E. Represent, either directly or indirectly, orally or in writing that he or she can control or obtain the vote or action of any City Official.

F. Perform services for a client on a matter including any legislative action or administrative action for a period of two (2) years after which the lobbyist had performed services on such matter as a consultant for the City of San José or Redevelopment Agency.

G. Contact any City or Agency employee, or members of an evaluation team or panel for a City or Redevelopment Agency Request for Proposal or Request for Qualifications concerning a City or Redevelopment Agency Request for Proposal or Request for Qualifications, other than a City or Agency designated contact person, during the period of time from the release to prospective proposers of the Request for Proposal or Request for Qualification until a recommendation is made public by the City or Agency.

(Ord. 28074.)

Part 6 COMPLIANCE, TRAINING, AND ENFORCEMENT

Sections:

12.12.600 Compliance and Training.

12.12.610 Enforcement.

12.12.620 Noncompliance - Order to Show Cause.

12.12.630 Penalties.

12.12.600 Compliance and Training.

A. The City Clerk oversees compliance with this Chapter, including the creation of all forms and explanatory materials.

B. A training workshop will be established for elected City officers and lobbyists on City ethics ordinances and a code of ethics for lobbyists. The City Clerk establishes a program of required attendance on a regular basis not less than once every three (3) years. Training workshops will be provided to newly elected City Officials.

(Ord. 28074.)

12.12.610 Enforcement.

A. The City Attorney may investigate complaints of violations of this Chapter. The City Attorney may seek judicial or injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this Chapter.

B. Any person may file a complaint with the City Clerk alleging a violation of this Chapter with the Elections Commission.

C. The City Attorney or the City Clerk may put lobbyists on notice of a potential violation of the requirements of this Chapter, whether or not a complaint is filed with the Elections Commission.

(Ord. 28074.)

12.12.620 Noncompliance - Order to Show Cause.

A. Upon the written request of any City Official, the City Clerk will issue an order to show cause

to any unregistered person.

B. Such order must specify a time and place where such person must appear to provide evidence satisfactory to the Elections Commission that he or she has complied with the registration requirement or is exempt from registration.

C. If the Elections Commission determines that such person is subject to registration and he or she fails to register within seven (7) days of that determination, such person will be barred from appearing before City Council or the Redevelopment Agency Board except at a public hearing on his or her own behalf or on oral petition. Such debarment will be in effect for three (3) months from the date of such determination or until registration, whichever is later.

(Ord. 28074.)

12.12.630 Penalties.

Each violation of this Chapter may result in civil penalties of up to five thousand dollars (\$5,000.00) or the amount of the compensation received for the lobbying activity, whichever is greater may be assessed by the Elections Commission or a court of law.

(Ord. 28074.)

Part 7 PROHIBITION FOR CITY OFFICIALS

Sections:

12.12.700 Prohibition for City Officials.

12.12.700 Prohibition for City Officials.

City Officials are prohibited from suggesting, advising or recommending that a person obtain the services of a lobbyist or recommend the name of a particular lobbyist to facilitate favorable legislative or administrative action by the City or Redevelopment Agency with regard to such person's matter pending before the City or Redevelopment Agency.

(Ord. 28074.)

Part 8 DISCLOSURE OF COMMUNICATIONS WITH REGISTERED LOBBYISTS

Sections:

12.12.800 Disclosure of Communications with Registered Lobbyists.

12.12.800 Disclosure of Communications with Registered Lobbyists.

Before taking any legislative or administrative action, the Mayor, each Member of the City Council, the Chair and each member of the San José Redevelopment Agency Board of Directors, and each Member of the Planning Commission, Civil Service Commission, or Appeals Hearing Board must disclose all scheduled meetings and telephone conversations with a registered lobbyist about the action. The disclosure may be made orally at the meeting before discussion of the action on the meeting agenda. The oral disclosure must identify the registered lobbyists, the date(s) of the scheduled meetings and telephone conversations, and the substance of the communication. This section does not limit any disclosure obligations that may be required by this Code or City policy.

(Ord. 28074.)

CITY OF MALIBU MUNICIPAL CODE

Chapter 2.24 REGISTRATION OF LOBBYISTS

2.24.010 Lobbyist defined.

2.24.020 Registration.

2.24.030 Appearance of unregistered lobbyist.

2.24.040 Prohibited acts.

2.24.050 Revolving door prohibition.

2.24.010 Lobbyist defined.

"Lobbyist" means any individual or entity employed, retained or otherwise engaged for compensation to communicate with or appear before any elective or appointive official, any officer or employee or any task force, committee, board, commission or other body of the city for the purpose of influencing any legislative or administrative action. (Ord. 52 § 1 (part), 1992: prior code § 2800)

2.24.020 Registration.

Prior to acting as a lobbyist in the city, any lobbyist shall register with the city clerk by filing a written statement containing the following information:

- A. The lobbyist's full name, business address and telephone number;
- B. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed, retained or engaged for compensation to perform lobbying services in the city;
- C. The legislative or administrative action of the city as to which the lobbyist has been engaged.

The city council may by resolution establish a registration fee which shall be paid concurrently with registration and amendments to registration in order to defray the reasonable cost of regulating lobbying activities in the city.

Registration shall not be complete unless the fee is paid.

In the event any of the information provided above changes in any respect, the lobbyist shall file an amended registration statement reflecting the changed circumstances within ten (10) days of the change. (Ord. 52 § 1 (part), 1992: prior code § 2801)

2.24.030 Appearance of unregistered lobbyist.

If a lobbyist who has not registered pursuant to Section 2.24.020 appears at a public meeting of any elected or appointed body in order to make a presentation on behalf of a client, the lobbyist will be permitted to make the presentation upon stating the required information on the record and paying the registration fee to the city

clerk or secretary of the body, and subsequently filing the written statement required by Section 2.24.020 with the clerk. (Ord. 52 § 1 (part), 1992: prior code § 2802)

2.24.040 Prohibited acts.

It is unlawful for any person or entity to act as a lobbyist in the city without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter. (Ord. 52 § 1 (part), 1992: prior code § 2803)

2.24.050 Revolving door prohibition.

No former member of the city council shall serve as a lobbyist with respect to the city within two years of leaving office. (Ord. 52 § 1 (part), 1992: prior code § 2804)

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Chapter 2.72 Lobbying

2.72.010 Lobbyist – Defined.

“Lobbyist” shall mean any individual who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action.

(Ord. 85-44 (part), 1985: prior code § 21000)

2.72.020 Registration.

Prior to conducting any activities for the purpose of influencing any action by the City of West Hollywood, any lobbyist shall register with the City Clerk by filing a written statement containing:

- a. The lobbyist’s full name, business address and telephone number;
- b. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the city; and
- c. A description of the subject matter of the lobbyist’s engagement.

(Ord. 97-491 § 1, 1997: Ord. 85-44 (part), 1985: prior code § 21001)

2.72.030 Registration Equivalents.

A lobbyist is deemed to be registered with the City Clerk if he or she has otherwise provided the City of West Hollywood in writing with the information required by Section 2.72.020 or has appeared at a public meeting of the City of West Hollywood and has stated the required information for the record.

(Ord. 85-44 (part), 1985: prior code § 21002)

2.72.040 Registration Fee.

The City Clerk may charge a fee for filing, amending and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council.

(Ord. 97-491 § 2 (part), 1997: prior code § 21003)

2.72.050 Registration – Time.

Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than ten days after being engaged as a lobbyist, and shall renew the registration annually as required in Section 2.72.060.

(Ord. 97-491 § 3 (part), 1997: prior code § 21004)

2.72.060 Registration – Duration.

Registration shall be renewed with the City Clerk on an annual basis between May 21st and June 1st of each year. Registration shall be valid for one year.

(Ord. 97-491 § 3 (part), 1997: prior code § 21005)

2.72.070 Amendment of Registration Information.

If any change occurs concerning any of the information required by Section 2.72.020, the lobbyist shall file an amendment reflecting the change within ten days of the change.

(Ord. 97-491 § 2 (part), 1997: Ord. 85-44 (part), 1985: prior code § 21006)

2.72.080 Notice of Termination.

Lobbyists may file a notice of termination with the City Clerk within ten days after ceasing all activity which required registration.

(Ord. 97-491 § 2 (part), 1997: prior code § 21007)

**//Fresno, California/MUNICIPAL CODE AND CHARTER of FRESNO, CALIFORNIA
Codified through Ordinance No. 2007-105, enacted Jan. 28, 2008. (Republication)
(includes OC, Update 1)/CHAPTER 2 CITY GOVERNMENT*/ARTICLE 12 REGISTRATION
OF LOBBYISTS**

ARTICLE 12 REGISTRATION OF LOBBYISTS

- Sec. 2-1201. Title.
- Sec. 2-1202. Definitions.
- Sec. 2-1203. Registration; Time.
- Sec. 2-1204. Registration Fee.
- Sec. 2-1205. Registration Requirements.
- Sec. 2-1206. Renewal of Registration.
- Sec. 2-1207. Registration Statement; Amendment; Termination.
- Sec. 2-1208. Exemptions.
- Sec. 2-1209. Enforcement.
- Sec. 2-1210. Applicability of Other Laws.

SEC. 2-1201. TITLE.

This article may be cited as the "Registration of Lobbyists Ordinance" of the City of Fresno.
(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1202. DEFINITIONS.

(a) Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 2 of Chapter 1 of this Code shall govern the construction, meaning, and application of words and phrases used in this article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(b) "Elective Officer" shall mean the Mayor and councilmembers acting in their capacity as (1) Mayor or councilmember; or (2) member of the Redevelopment Agency; or (3) member of any board, commission or committee created by the Charter, ordinance or resolution of Council.

(c) "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to perform lobbying services which shall include communicating directly or through his or her agents with any elective officer or staff member for the purpose of influencing, supporting, promoting, modifying, opposing, delaying or advancing any municipal legislation.

(d) "Municipal legislation" means resolutions, motions, appeals, applications, petitions, hearings, nominations, ordinances, amendments, and other matters pending, proposed, or which may eventually come before the Council.

(e) "Person" means an individual, proprietorship, firm, syndicate, committee, labor organization, joint venture, joint stock company, partnership, association, club, company, limited liability company, corporation, business trust, or any other organization or group of persons acting in concert.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1203. REGISTRATION; TIME.

Every lobbyist shall register by filing a registration statement with the City Clerk no later than 10 days after accepting employment or contracting as a lobbyist.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1204. REGISTRATION FEE.

Each lobbyist required to file a registration statement under this article shall be charged a registration fee in the amount specified in the Master Fee Schedule designated in the Master Fee Resolution, as amended by the Council from time to time.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1205. REGISTRATION REQUIREMENTS.

The registration statement of a lobbyist shall include:

(a) If the person is an individual, the full name, business address, telephone number, the name and address of his or her employer, if any, or his or her principal place of business if the person is self employed.

(b) For all those persons other than an individual registering hereunder, the full name, business address and telephone number of each person who will be providing lobbying services on behalf of the lobbyist.

(c) The full name and business address of each and every client for whom the lobbyist is employed or contracts to provide lobbying services.

(d) Any other information required by the Council consistent with the purposes and provisions of this article.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1206. RENEWAL OF REGISTRATION.

Each registered lobbyist which will be conducting activities which require registration shall renew its registration annually by filing a registration statement with the City Clerk on or before April 1st of each year. Such lobbyist shall be charged a renewal of registration fee in the amount specified in the Master Fee Schedule except that lobbyists who file their initial registration within thirty days of April 1st shall not be required to renew their registration.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1207. REGISTRATION STATEMENT; AMENDMENT; TERMINATION.

If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed with the City Clerk by the tenth day of the month following the month in which the change occurred. However, if the change includes the addition of the name of a client, the registration statement of the lobbyist shall be amended and filed to show that change prior to the lobbyist engaging in lobbying services as set forth in this article. Lobbyists which cease all activity

which required registration shall file a notice of termination within 20 days after such cessation.
(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1208. EXEMPTIONS.

The provisions of this article are not applicable to:

(a) Any elected public official acting in his or her official capacity, or any governmental or public agency employee acting within the scope of his or her employment or any employee of the city acting upon terms and conditions of his or her employment.

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge action upon municipal legislation.

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public's right to practice the doctrines of such church.

(d) An attorney acting on behalf of others in the performance of a duty or service, which duty or service lawfully can be performed for such other only by an attorney licensed to practice law in the State of California.

(e) A person who is a member or employee of any nonprofit organization when representing such nonprofit organization for the sole purpose of promoting the interest of such nonprofit organization, unless such employee is engaged primarily in lobbying services for such nonprofit organization.

(f) A person who is an employee of any business entity when representing such business entity for the sole purpose of promoting the interest of such business entity unless such employee is engaged primarily in lobbying services for such business entity.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1209. ENFORCEMENT.

The City Attorney may institute such legal action at such time as he or she deems necessary to prosecute, enjoin, or to redress a violation of any of the provisions of this article.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

SEC. 2-1210. APPLICABILITY OF OTHER LAWS.

Nothing in this article shall exempt any person from, or excuse such person's non-compliance with applicable provisions of any other laws of the State or any other jurisdiction.

(Added Ord. No. 95-73, § 1, eff. 10-20-95; Am. Ord. 2007-55, § 4, eff. 9-4-07).

- C. Current data on the number of Residential Units eliminated due to demolition as a result of major fires, natural causes or accidents;
- D. Current data on the number of Residential Units illegally converted;
- E. Current data on the number of replacement housing units rehabilitated or constructed;
- F. A summary of the enforcement efforts by all City agencies responsible for the administration of this article; and
- G. A report on expenditures of monies in the Affordable Housing Trust Fund received pursuant to the provisions of this article.

ARTICLE 8

MUNICIPAL LOBBYING

(Repealed and Re-added by Ord. No. 169,916, Eff. 8/10/94.)

Section

- 48.01 Title and Findings.
- 48.02 Definitions.
- 48.03 Exemptions.
- 48.04 Prohibitions.
- 48.05 Record-keeping Responsibilities.
- 48.06 Registration / Disclosure Forms.
 - 48.06.1 Online Filing of Lobbying Registration and Disclosure Statements.
- 48.07 Registration.
- 48.08 Disclosure Reports.
 - 48.08.5 Copies of Solicitations.
 - 48.08.6 Lobbying Disclosure – Political Contributions.
 - 48.08.7 Lobbying Disclosure – Fundraising Activity.
 - 48.08.8 Lobbying Disclosure – Written Communications to Neighborhood Councils.
- 48.09 Compliance Measures and Enforcement.

48.10 Ethics Commission Reports.

48.11 Severability.

SEC. 48.01. TITLE AND FINDINGS.

(Title and Section Amended by Ord. No. 169,916, Eff. 8/10/94.)

A. Title. This article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.

B. Findings. The following findings are adopted in conjunction with the enactment of this article:

1. City government functions to serve the needs of all citizens.
2. The citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
3. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government.
5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.
6. It is in the public interest to adopt these amendments to the City's regulations of lobbyists to ensure adequate and effective disclosure of information about efforts to lobby City government.

SEC. 48.02. DEFINITIONS.

(Title and Section Amended by Ord. No. 169,916, Eff. 8/10/94.)

The following terms used in this article shall have the meanings set forth below. Other terms used in this article shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

"Activity expense" means any payment, including any gift, made to or directly benefiting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

"Administrative proceeding" (Deleted by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

"Agency" means the City of Los Angeles or any department, bureau, office, board, commission,

other agency of the City, or any other government agency, required to adopt a conflict of interest code subject to City Council approval, and includes the City's Community Redevelopment Agency and the Los Angeles City Housing Authority.

“At the behest” means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of any elective City officer or candidate for elective City office. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elective City officer or candidate if the donation is solicited through a newspaper publication, through radio, television, or other mass media, or through a suggestion made to the entire audience at a public gathering. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elective City officer or candidate solely because the name of the officer or candidate is listed with other names on written materials used to request donations or the officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization. (Amended by Ord. No. 178,356, Eff. 3/12/07.)

“Attempting to influence” means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision. (Amended by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

“City official” means any elective or appointed City officer, member, employee or consultant (who qualifies as a public official within the meaning of the Political Reform Act) of any agency, who, as part of his or her official duties, participates in the consideration of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity. (Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Client” means both (1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and (2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation. However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.

“Client, Administrative” (Deleted by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

“Compensated Services” means services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.

“Controlled committee” means any committee controlled by an elective City officer or candidate for any elective City office, including any campaign, officeholder, legal defense fund, or ballot measure committee. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Direct communication” means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction. (Added by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

“Donation” means a payment for which full and adequate consideration is not received. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Elective City officer” means the Mayor, City Attorney, Controller and Member of the City Council. (Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Elective Officer” means any person who is a City Council Member, City Attorney, Controller or Mayor, whether appointed or elected. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Fundraiser” means an individual who receives compensation to engage in fundraising activity as defined in this section. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Fundraising activity” means soliciting a contribution or hosting or sponsoring a fundraising event or hiring a fundraiser or contractor to conduct any event designed primarily for political fundraising at which contributions for an elective City officer, candidate for elective City office, or any of his or her controlled committees are solicited, delivered or made. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Host or sponsor” means to provide the use of a home or business to hold a political fundraising event without charging market value for the use of that location; to ask more than 25 persons to attend the event; to pay for at least a majority of the costs of the event; or to provide the candidate, campaign, committee and/or fundraiser more than 25 names to be used for invitations to the event. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Lobbying activities” includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

- (1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
- (2) drafting ordinances, resolutions or regulations;
- (3) providing advice or recommending strategy to a client or others;
- (4) research, investigation and information gathering;
- (5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and
- (6) attending or monitoring City meetings, hearings or other events.

(Added by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

“Lobbying entity” means a lobbyist, lobbying firm or lobbyist employer, as defined in this article. (Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

“Lobbying firm” means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its agents) during any consecutive three-month period, for the

purpose of attempting to influence municipal legislation on behalf of any other person, provided any partner, owner, shareholder, officer or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity "**becomes entitled to receive compensation**" when the entity agrees to provide services regulated by this article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes. (Amended by Ord. No. 178,064, Eff. 1/15/07.)

"**Lobbyist**" (Amended by Ord. No. 178,064, Eff. 1/15/07.) means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any person.

Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual "**becomes entitled to receive compensation**" when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes.

A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

"**Lobbyist employer**" means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

"**Major filer**" means any person who makes payments or incurs expenditures totaling \$5,000 or more during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm quarterly report. A "**major filer**" does not include a lobbyist, lobbyist employer, or lobbying firm. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be counted for the purpose of this definition. (Amended by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

"**Municipal legislation**" means any legislative or administrative matter proposed or pending before any agency (as defined in this article), including but not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or general manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, "**municipal legislation**" does not include any of the following:

- (1) A request for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding with the City Ethics Commission.
- (2) Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.
- (3) Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and a recognized employee organization, or a proceeding before the Civil Service Commission or the Employee Relations Board. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless, “**municipal legislation**” does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members), or by the Mayor or his or her office.
- (4) Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.

(Amended by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

“**Person**” means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

“**Solicit**” means to ask, personally or through an agent, that another person make a contribution to an elective City officer or candidate for City office, or to his or her controlled committee, including allowing one's signature to be used on a written request for funds. For purposes of this article, a lobbying entity solicits a contribution only when the lobbying entity does so (i) at the behest of the elective City officer or candidate for elective City office, or his or her campaign treasurer, campaign manager, or member of his or her fundraising committee, or (ii) if the lobbying entity has informed the candidate or officer that the person is soliciting the contributions. A person does not solicit, however, by making a request for funds publicly to at least a majority of persons who attend any public gathering, or by making a request that appears published in a newspaper, on radio or television. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

SEC. 48.03. EXEMPTIONS.

(Title and Section Amended by Ord. No. 169,916, Eff. 8/10/94.)

The following persons are exempt from the requirements of this article:

- A.** Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.
- B.** A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if

such activity is otherwise regulated by this article.

C. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.

D. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by Subsections E and F, this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.

E. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contacts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.

F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.

SEC. 48.04. PROHIBITIONS.

(Title and Section Amended by Ord. No. 169,916, Eff. 8/10/94.)

No lobbyist or lobbying firm subject to the requirements of this article shall:

A. Do any act with the purpose and intent of placing any City official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.

B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.

C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.

D. Cause any communication to be sent to any City official in the name of any non-existent person or in the name of any existing person without the consent of such person.

E. Make or arrange for any payment to a City official, or act as an agent or intermediary in making any such payment by any other person, if the arrangement or the payment would violate any provision of the City's Governmental Ethics Ordinance (Los Angeles Municipal Code Section 49.5.1, et seq.).

SEC. 48.05. RECORD-KEEPING RESPONSIBILITIES.

(Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

A. Lobbying entities and major filers shall prepare and retain detailed records (including all books, papers and other documents) needed to comply with the requirements of this article. Treasurers and fundraisers for elective City officeholders and City candidates, or for any elective City officer's or City candidate's controlled committees shall prepare and retain detailed contribution activity records for any contributions received as a result of fundraising activity engaged in by a lobbyist, lobbying firm or lobbyist employer, as defined by this article. These records shall be retained for not less than four years.

B. If a lobbying entity engages in fundraising activities as defined in Section 48.02 of this Code at the behest of a candidate or officeholder running for elective City office, the lobbying entity shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities.

C. If an officeholder or a candidate running for elective City office contracts with a lobbying entity to engage in fundraising activity as described in Section 48.02 of this Code, the committee treasurer and fundraiser shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities. The treasurer and fundraiser shall make the records available to the lobbying entity upon request of the lobbying entity.

D. If a lobbying entity delivers or sends written communications to a certified neighborhood council in an attempt to influence municipal legislation as described in Section 48.08.8 of this Article, the lobbying entity shall prepare and maintain detailed records of these written communications for not less than four years. **(Added by Ord. No. 176,034, Eff. 7/26/04.)**

SEC. 48.06. REGISTRATION/DISCLOSURE FORMS.

(Amended by Ord. No. 177,105, Eff. 12/18/05, Oper. 1/1/06.)

All lobbyist and lobbying firm registrations, and all other statements and reports required by this article shall be verified under penalty of perjury and shall be filed on forms as provided by the City Ethics Commission and as otherwise required by this Article in section 48.06.1.

Any paper report or statement properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

SEC. 48.06.1. ONLINE FILING OF LOBBYING REGISTRATION AND DISCLOSURE STATEMENTS.

(Added by Ord. No. 177,105, Eff. 12/18/05, Oper. 1/1/06.)

A. Any person required by this Article to file registration and quarterly report statements with the City Ethics Commission shall file those statements online, using the Commission's Lobbyist Electronic Filing System (LEFS). Once any person is required to file registration and quarterly report statements online, that person shall continue to file statements online until the person's status as a lobbyist, lobbying firm or lobbyist employer has officially terminated. Any person who qualifies as a "Major Filer" as defined in section 48.02 of this Article is not subject to this online filing requirement.

B. A person required by subsection A. to file statements online also shall file a paper copy of each statement required by this Article. Each paper copy of a required statement shall contain an original signature. Paper copies of statements shall continue to be filed until the person's status as a lobbyist, lobbying firm or lobbyist employer has officially terminated. Until otherwise permitted under City law,

the signed paper copy shall continue to be the original statement for audit and other legal purposes.

C. In addition to any late filing penalties that may be imposed for a late filing of a paper copy pursuant to this Article, any person who fails to comply with the online filing requirement of this section will, in addition, be subject to an additional late filing penalty of \$25 per day after the deadline for the filing of the online copy.

D. The information contained on a statement filed online shall be the same as that contained on the paper copy of the same statement that is filed with the Commission.

E. The Lobbyist Electronic Filing System (LEFS) is an internet-based, interactive computer program developed by the Los Angeles City Ethics Commission and available on its website and allows persons to file, view and search statements and reports filed with the Commission online.

SEC. 48.07. REGISTRATION.

(Amended by Ord. No. 172,479, Eff. 4/10/99, Oper. 4/1/99.)

A. Requirement. An individual who qualifies as a lobbyist shall register with the City Ethics Commission within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. A person, including an individual lobbyist, shall register with the City Ethics Commission as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Ethics Commission within 10 days after the person knew or should have known of the obligation to register. A lobbyist or lobbying firm shall register each client on whose behalf or from which the lobbyist or lobbying firm receives or becomes entitled to receive \$250 or more in a calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation.

B. Duration of Status. A person who registers as a lobbyist or lobbying firm shall retain that status through December 31 of that year unless and until that person terminates the status as set forth below.

C. Registration Fees. Every lobbyist shall pay an annual registration fee of \$450 plus \$75 for each client on whose behalf or from which the lobbyist receives or becomes entitled to receive \$250 or more in a calendar quarter. Persons who initially register during the last quarter of a calendar year (October through December) shall pay prorated registration fees of \$337 for each lobbyist plus \$56 for each client. **(Amended by Ord. No. 175,028, Eff. 2/5/03.)**

D. Contents of Registration Statements - Lobbyists. Registration statements of lobbyists shall contain the following:

1. The lobbyist's name, business address, and business telephone number.
2. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner.
3. If the lobbyist is not an employee, partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer, together with a letter from the employer authorizing the lobbyist to lobby on behalf of the employer.

4. Each City agency that the lobbyist has the authority to attempt to influence on behalf of any client or employer.

5. A statement that the lobbyist has reviewed and understands the requirements of this article.

6. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this article.

E. Contents of Registration Statements - Lobbying Firms. Registration statements of lobbying firms (including individual contract lobbyists) shall contain the following:

1. The name, address and telephone number of the firm.

2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm.

3. The registration statement prepared by each lobbyist so identified, appended to the statement.

4. For each client on whose behalf or from which the firm received or became entitled to receive \$250 in compensation during the calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation within the meaning of this article:

(a) The client's name, business or residence address and business or residence telephone number.

(b) The period during which the representation will occur.

(c) The item or items of municipal legislation for which the firm was retained to represent the client, or, if no specific items of municipal legislation for which the firm was retained to represent the client can be identified, a description of the types of municipal legislation for which the firm was retained to represent the client.

(d) Each City agency that the lobbying firm has the authority to attempt to influence on behalf of the client.

(e) A letter from the client authorizing the firm to represent the client.

(f) In the case of a lobbyist who is an individual contract lobbyist, a statement that he or she has reviewed and understands the requirements of this article.

(g) The name of the person or persons responsible for preparing the statement.

(h) Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this article.

F. Filing Registration Statements. Every lobbying firm shall file its registration statement with the City Ethics Commission and shall attach the registration statements of all lobbyists who are partners, owners, shareholders, officers or employees of the firm. Every lobbyist who is not a partner, owner, shareholder, officer or employee of a lobbying firm shall file his or her registration statement with the City Ethics Commission.

G. Amendments to Registrations. Lobbyists and lobbying firms shall file amendments to their

registration statements within 10 days of any change in information required to be set forth on the registration statement.

H. Termination. Any person registered under this article shall file a Registration Termination form with the City Ethics Commission within 20 days after ceasing all activity governed by this article.

I. Education Requirement. Every individual who is required to register as a lobbyist shall attend a City lobbying information session conducted by the City Ethics Commission no less than once every two calendar years, according to the following schedule:

(1) An individual who has not registered as a lobbyist in the immediately preceding two calendar years shall attend a City lobbying information session within six months of his or her registration date as a lobbyist.

(2) A registered lobbyist who did not attend a City lobbying information session during the previous calendar year shall attend a City lobbying session by the end of the current calendar year.

(3) A registered lobbyist who attends a City lobbying information session during the current calendar year is not required to attend a City lobbying information session during the following calendar year.

SEC. 48.08. DISCLOSURE REPORTS.

(Section Heading Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

A. Reporting Requirement. Every lobbyist, lobbying firm, lobbyist employer and major filer shall file the quarterly disclosure reports required by this section on or before the last day of the month following each calendar quarter. A report properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

1. All lobbyists and lobbying firms shall file quarterly reports for every calendar quarter during which they retain that status. An individual who qualifies both as a lobbyist and lobbying firm shall file only a lobbying firm quarterly report. Lobbyist employers shall file quarterly reports for every calendar quarter during which any individual employed by that employer retains the status as lobbyist. Information required to be disclosed concerning compensation received or expenditures made for lobbying shall be disclosed either by the lobbyist or by his or her lobbying firm or employer.

2. Major filers shall file quarterly reports for every calendar quarter during which they made qualifying payments or incurred qualifying expenditures totaling \$5,000 or more.

3. Quarterly reports shall disclose all required information for the calendar quarter immediately prior to the month in which the report is required to be filed. The reports shall be filed in duplicate (one original and one copy).

B. Quarterly Reports by Lobbyists - Contents. Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, business address and business telephone number.

2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, officer or employee.
3. If the lobbyist is not a partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer.
4. The date, amount and description of each activity expense of \$25 or more made by the lobbyist during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence the official on behalf of the client.
5. The total amount of activity expenses made by the lobbyist during the reporting period, whether or not itemized.
6. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist made contributions of \$100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary during the reporting period, and the date and amount of the contribution. **(Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**
7. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**
8. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbyist at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**
9. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**
10. If, during the quarterly reporting period, the lobbyist provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services, and a description of the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity. **(Former Subdivision B.7. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

11. If, during the quarterly reporting period, the lobbyist provided compensated services under contract with the City or with any City agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity. **(Former Subdivision B.8. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

12. Each City agency that the lobbyist attempted to influence. **(Former Subdivision B.9. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

13. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this article. **(Former Subdivision B.10. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

C. Quarterly Reports by Lobbying Firms - Contents. Quarterly reports by lobbying firms, including individual contract lobbyists, shall contain the following information:

1. The name, address and telephone number of the firm.
2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm and whose quarterly report is required to be attached to the report.
3. The original quarterly report of each lobbyist identified pursuant to Subdivision 2 above, attached as an exhibit to the report of the lobbying firm.
4. The name, address and telephone number of each client that is required to be registered and was represented by the firm during the reporting period; a description of each item of municipal legislation for which the firm or its lobbyists represented the client during the reporting period; the total amount of payments received by the firm from each client (including all fees, reimbursements for expenses and other payments) during the reporting period for such representation.
5. The total payments received from clients required to be registered by the firm during the reporting period in connection with the firm's representation of clients on municipal legislation.
6. The date, amount and description of each activity expense of \$25 or more made by the lobbying firm during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence the official on behalf of the client.
7. The total amount of activity expenses made by the lobbying firm during the reporting period, whether or not itemized.
8. The total amount of expenses incurred in connection with attempts by the firm to influence municipal legislation. These expenses shall include:
 - (a) total payments to lobbyists employed by the firm;

(b) total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period; and

(c) all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.

9. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbying firm made contributions of \$100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary during the reporting period, and the date and amount of the contribution. **(Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

10. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbying firm engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

11. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

12. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

13. If, during the quarterly reporting period, the lobbying firm provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services and a description of the services provided. **(Former Subdivision C.10. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

14. If, during the quarterly reporting period, the lobbying firm provided compensated services under contract with the City or with any agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. For an individual contract lobbyist who qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, regardless of whether the compensation was provided directly to the lobbyist or to such business entity. **(Former Subdivision C.11. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

15. For an individual contract lobbyist who qualifies as a lobbying firm, each City agency that the

lobbyist attempted to influence. **(Former Subdivision C.12. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

16. The name, address and telephone number of the person responsible for preparing the report. **(Former Subdivision C.13. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

17. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this article. **(Former Subdivision C.14. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

D. Quarterly Reports by Lobbyist Employers - Contents. Quarterly reports by lobbyist employers shall contain the following information.

1. The name, address and telephone number of the entity filing the report.
2. The name of each lobbyist who is employed by the entity and whose quarterly report is required to be attached as an exhibit to the report.
3. The original quarterly report of each lobbyist identified pursuant to Subdivision 2 above, attached as an exhibit to the report of the lobbyist employer.
4. Total payments during the reporting period to lobbyists employed by the entity. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists attempts to influence municipal legislation.
5. Total payments to employees of the entity, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons attempts to influence municipal legislation.
6. Total payments for expenses incurred in connection with attempts by the entity during the reporting period to influence municipal legislation. These expenses shall include all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.
7. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
8. The date, amount and description of each activity expense of \$25 or more made by the lobbyist employer during the reporting period, the name and title of the City official benefiting from the expense, and the name and address of the payee.
9. The total amount of activity expenses made by the lobbyist employer during the reporting period, whether or not itemized.
10. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist employer made contributions of \$100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary during the reporting period, and the date and amount of the

contribution. **(Amended by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

11. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist employer engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

12. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

13. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest. **(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

14. The name, address and telephone number of the person responsible for preparing the report. **(Former Subdivision D.11. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

15. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this article. **(Former Subdivision D.12. redesignated by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)**

E. Quarterly Reports by Major Filers - Contents. Quarterly reports by major filers shall contain the following information:

1. The name, address and telephone number of the person filing the report.
2. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
3. The total payments made during the reporting period for the purpose of attempting to influence action on each proposed or pending matter of municipal legislation.
4. The name, address and telephone number of the person responsible for preparing the report.
5. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provision of this article.

SEC. 48.08.5. COPIES OF SOLICITATIONS.

(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

Each lobbying entity that produces, pays for, mails or distributes more than 50 substantially similar copies of a written political fundraising solicitation for any controlled committee of an elective City

officer or candidate relating to seeking or holding City elective office or supporting or opposing a City ballot measure shall send a copy of the solicitation to the City Ethics Commission for public access, at the time the solicitation is sent or otherwise distributed, and shall report on its next quarterly report the date(s) on which it is mailed or distributed and a general description of the content of the solicitation, the number of pieces mailed or distributed, and name of the elective City officer, or candidate or City ballot measure committee for which the funds were solicited.

SEC. 48.08.6. LOBBYING DISCLOSURE – POLITICAL CONTRIBUTIONS.

(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

A. Each lobbying entity, which makes one or more contributions to an elective City officer and/or to any or all of his or her controlled committees, shall file a notice with the City Ethics Commission each time the making of a contribution results in the lobbying entity having made contributions aggregating more than \$7,000 to the officer and/or his or her controlled committees within the past 12 months. The notice shall be filed on a form prescribed by the Commission within one business day after making a contribution that triggers the filing requirement. The notice shall contain the following information:

1. The name, address and telephone number of the filer, the name of the elective City officer, and/or any or all of his or her controlled committees, to which the lobbying entity made contributions aggregating more than \$7,000 during the past twelve months, and the date and amount of each contribution.

2. For purposes of this section, a “controlled committee” does not include any committee controlled by an elective City officer that is (a) formed to support or oppose a ballot measure or (b) formed to support the election of that officer to other than elective City office.

B. The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only include information relative to one elective officer.

C. The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

D. The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.

E. The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.

SEC. 48.08.7. LOBBYING DISCLOSURE – FUNDRAISING ACTIVITY.

(Added by Ord. No. 175,432, Eff. 9/28/03, Oper. 1/1/04.)

A. Every lobbying entity who within any 12 month period (i) engaged in fundraising activities on behalf of an elective City officer and/or any and all of his or her controlled committees, and which knows or has reason to know that the fundraising activities resulted in contributions, and/or (ii) delivered or acted as an intermediary for one or more contributions to the elective City officer and/or

any and all of his or her controlled committees, shall file a notice with the City Ethics Commission any time the activities identified in (i) and/or (ii) aggregate more than \$15,000 in the case of a member of the City Council, or more than \$35,000 in the case of the Mayor, City Attorney, or Controller. The notice shall be filed on a form prescribed by the City Ethics Commission within one business day after any of these thresholds is exceeded. The notice shall contain the following information:

1. The name, address and telephone number of the filer, the name of the elective City officer, and/or any or all of his or her controlled committees, on whose behalf the lobbying entity engaged in fundraising activities, or delivered or acted as intermediary for one or more contributions to the elective City officer and/or any and all of his or her controlled committees, the date of the fundraising activity, and the amount of contributions raised, delivered or in connection with which the lobbying entity acted as an intermediary.

2. For purposes of this section, a "controlled committee" does not include any committee controlled by an elective City officer that is (a) formed to support or oppose a ballot measure or (b) formed to support the election of that officer to other than elective City office.

3. For purposes of this notification, if a fundraising event is sponsored or hosted by more than one person, the amount of contributions received at or as a result of the event shall be attributed to each lobbying entity who hosted or sponsored the event according to the amount of the contributions that resulted from that lobbying entity's fundraising activities. If a contribution results from the fundraising of more than one person and/or lobbying entity, that contribution shall be apportioned equally to each of the persons and/or lobbying entity that engaged in the fundraising activity.

B. The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only include information relative to one elective officer.

C. The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

D. The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.

E. The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.

SEC. 48.08.8. LOBBYING DISCLOSURE – WRITTEN COMMUNICATIONS TO NEIGHBORHOOD COUNCILS.

(Added by Ord. No. 176,034, Eff. 7/26/04.)

(a) No lobbying entity registered with the City of Los Angeles shall deliver or send to a certified neighborhood council a written communication on behalf of a client, including, but not limited to, letters, faxes, electronic messages, and flyers, without a disclosure indicating that the communication was delivered or sent by that lobbying entity.

(b) For purposes of subsection (a), the required disclosure shall be printed clearly and legibly in no less than 8-point type in a color or print that contrasts with the background so as to be legible and shall

be presented in a clear and conspicuous manner in the written communication. The disclosure shall include all of the following information applicable to the written communication:

- (1) The name of the lobbyist(s) that prepares, delivers or sends the written communication;
- (2) The name of the registered lobbying firm(s) or lobbyist employer(s) who employs the lobbyist (s) that prepares, delivers or sends the written communication; and,
- (3) The name of the client or clients on whose behalf the lobbying entity prepares, delivers, or sends the written communication in an attempt to influence municipal legislation.

SEC. 48.09. COMPLIANCE MEASURES AND ENFORCEMENT.

(Title and Section Amended by Ord. No. 169,916, Eff. 8/10/94.)

A. Audits. The City Ethics Commission shall have the authority to conduct audits of reports and statements filed pursuant to this article. Such audits may be conducted on a random basis or when the City Ethics Commission staff has reason to believe that a report or statement may be inaccurate or has not been filed.

B. Criminal Penalties.

1. Any person who knowingly or willfully violates any provision of this article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this article, or who knowingly or willfully aids and abets any other person in the violation of any provision of this article, is guilty of a misdemeanor.

2. Prosecution for violation of any provision of this article must be commenced within one year after the date on which the violation occurred.

3. No person convicted of a violation of this article may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one year after such conviction.

C. Civil Enforcement.

1. Any person who knowingly violates any provision of Section 48.04 shall be liable in a civil action brought by the City Attorney. Any person who intentionally or negligently violates any other provisions of this article shall be liable in a civil action brought by the City Attorney. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$2,000, whichever is greater. Any other violation may result in civil penalties no greater than \$2,000. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.

2. In determining the amount of liability pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.

3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

4. No civil action alleging a violation of this article shall be filed more than four years after the date the violation occurred.

D. Injunction. The City Attorney on behalf of the people of the City of Los Angeles may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this article.

E. Administrative Penalties. The City Ethics Commission may impose penalties and issue orders for violation of this article pursuant to its authority under Charter Section 706(c). (**Charter Section No. Amended by Ord. No. 172,942, Eff. 1/21/00, Oper. 7/1/00.**)

F. Late Filing Penalties. In addition to any other penalty or remedy available, if any person fails to file any report or statement required by this article, after any deadline imposed by this article, such person shall be liable to the City Ethics Commission in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the Commission if its Executive Officer determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this article. No liability shall be waived if a statement or report is not filed within 10 days after the Commission has sent specific written notice to the filer of the filing requirement.

G. Restriction on Person Who Violates Certain Laws. (Added by Ord. No. 171,142, Eff. 8/3/96.)

1. No person shall act or continue to act as a registered lobbyist or lobbying firm if, within the prior four years, that person has been found by the City Ethics Commission, in a proceeding pursuant to Charter Section 706, to have violated Charter Section 470(k) on any occasion. That determination shall be based either on a finding of the City Ethics Commission made after an administrative hearing or on a stipulation by the lobbyist or lobbying firm entered into with the City Ethics Commission within the previous four years. (**Charter Section Nos. Amended by Ord. No. 172,942, Eff. 1/21/00, Oper. 7/1/00.**)

2. If the City Ethics Commission makes a finding that the person has either (1) accepted responsibility for the violation in the form of having entered into a stipulation with the City Ethics Commission in which the party admits the violation, or otherwise exhibits evidence of having accepted such responsibility, or (2) mitigated the wrongdoing by taking prompt remedial or corrective action, then the City Ethics Commission may reduce the time period during which the above prohibition would apply to a period of not less than one year.

H. Contract Bidder Certification of Compliance With Lobbying Laws. (Amended by Ord. No. 179,934, Eff. 7/21/08.)

1. Any bidder for a contract, as those terms are defined in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, on a form prescribed by the City Ethics Commission, that the bidder acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if the bidder qualifies as a lobbying entity under Section 48.02 of this article. The exemptions contained in Section 48.03 of this article and Los Angeles Administrative Code Section 10.40.4 do not apply to this subsection.

2. Each agency shall include the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications, or other solicitation related to entering into a contract with the City. The ordinance must be provided in at least 10-point font and may be provided on paper, in an

electronic format, or through a link to an online version of the ordinance. The ordinance is not required to be printed in a newspaper notice of the solicitation.

3. This subsection does not apply to the renewal, extension, or amendment of an existing contract, as long as the solicitation for the original contract met the requirements in Paragraphs 1. and 2. above and the renewal, extension, or amendment does not involve a new solicitation.

4. For purposes of this subsection, "agency" does not include a state agency operating solely within the City such as the Community Redevelopment Agency or Los Angeles City Housing Authority.

SEC. 48.10. ETHICS COMMISSION REPORTS.

(Added by Ord. No. 169,916, Eff. 8/10/94.)

As soon as practicable after the close of each quarterly reporting period, the City Ethics Commission shall prepare a report to the Mayor and City Council of lobbying activity which occurred during the reporting period. Such report shall be in a form which, in the opinion of the Commission, best describes the activities, receipts and expenditures of persons subject to the requirements of this article.

SEC. 48.11. SEVERABILITY.

(Added by Ord. No. 169,916, Eff. 8/10/94.)

If any provision of this article, or its application to any person or circumstance, is held invalid by any court, the remainder of this article and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this article are declared to be severable.

ARTICLE 9 STATEMENTS OF CITY RELATED BUSINESS

(Repealed by Ord. No. 177,190, Eff. 1/23/06.)

ARTICLE 9.5 MUNICIPAL ETHICS AND CONFLICTS OF INTEREST

(Repealed and New Article 9.5 added by Ord. No. 165,618, Eff. 4/21/90, Oper. 1/1/91.)

Section

49.5.1 Title, Findings and Purposes.

49.5.2 Definitions.

49.5.3 Confidential Information.

49.5.4 Protection of Employees Against Retaliation for Reporting Fraud, Waste or Misuse of Office.

SF Ethics Commission

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4.04 Lobbyist Ordinance

S.F. CAMPAIGN AND GOVERNMENTAL CONDUCT CODE

SEC. 2.100 ET SEQ.

LOBBYIST ORDINANCE

2.100. FINDINGS.

(a) The Board of Supervisors finds that public disclosure of the identity and extent of efforts of lobbyists to influence decision-making regarding local legislative and administrative matters is essential to protect public confidence in the responsiveness and representative nature of government officials and institutions. It is the purpose and intent of the Board of Supervisors to impose on lobbyists reasonable registration and disclosure requirements to reveal information about lobbyists' efforts to influence decision-making regarding local legislative administrative matters.

(b) Corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions. The City and County of San Francisco has a paramount interest in preventing corruption or the appearance of corruption which could result in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and former clients will protect public confidence in the electoral and governmental processes. It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000 ; amended by Ord. 28-04, File No. 031656, App. 2/20/2004) (Derivation: Former Administrative Code Section 16.520; added by Ord. 19-99, App. 2/19/99)

SEC. 2.105. DEFINITIONS.

Whenever used in this Chapter, the following words and phrases shall have the definitions provided in this Section:

(a) "Activity expenses" means any expense incurred or payment made by a lobbyist or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City and County; candidate for City and County office; aide to a member of the Board of Supervisors; or member of the immediate family or the registered domestic partner of an officer, candidate, or aide to a member of the Board of

Supervisors. An expense or payment is not an "activity expense" unless it is incurred or made within three months of a contact with the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or whose immediate family member or registered domestic partner benefits from the expense or payment. "Activity expenses" include gifts, honoraria, consulting fees, salaries, and any other form of economic consideration totaling more than \$30 in value in a consecutive three-month period, but do not include political contributions.

(b) "Candidate" means a person who has taken affirmative action to seek nomination or election to local office, a local officeholder who has taken affirmative action to seek nomination or election to any elective office, or a local officeholder who is the subject of a recall election.

(c) "Client" means the person for whose benefit lobbyist services are performed by a contract lobbyist.

(d) "Contact" means communicate, orally or in writing, including communication through an agent, associate or employee, for the purpose of influencing or attempting to influence local legislative or administrative action.

(1) The following activities are not "contacts" within the meaning of this Chapter.

(A) A public official acting in the public official's official capacity. For purposes of this subsection, "public official" includes an elected or appointed official or employee, or officially designated representative of the United States, the State of California, or any political subdivision thereof. For purposes of this subsection, "public official" also includes persons appointed to serve on City and County advisory committees and City and County task forces;

(B) A representative of a news media organization gathering news and information or disseminating the same to the public, even if the organization, in the ordinary course of business, publishes news items, editorials or other commentary, or paid advertisements, that urge action upon local legislative or administrative matters;

(C) A person providing oral or written testimony that becomes part of the record of a public hearing; provided, however, that if the person making the appearance or providing testimony has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or testifying;

(D) A person acting on behalf of others in the performance of a duty or service, which duty or service lawfully can be performed for such other only by an attorney or an architect licensed to practice in the State of California, and including any communication by an attorney in connection with litigation involving the City and County or a claim filed pursuant to Administrative Code Section 10.20-1 *et seq.*;

(E) A person making a speech or producing any Chapter, publication or other material that is distributed and made available to the public, through radio, television, cable television, or other medium of mass communication;

(F) A person providing written information in response to an oral or written request made by an officer of the City and County, provided that the written information is a public record available for public review;

(G) A person providing oral or written information pursuant to a subpoena, or

otherwise compelled by law or regulation;

(H) A person providing oral or written information in response to a request for proposals, request for qualifications, or other similar request, provided that the information is directed to the department or official specifically designated in the request to receive such information;

(I) A person submitting a written petition for local legislative or administrative action, provided that the petition is a public record available for public review;

(J) A person making an oral or written request for a meeting, for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence local legislative or administrative action;

(K) A person appearing before an officer of the City and County pursuant to any procedure established by law or regulation for levying an assessment against real property for the construction or maintenance of an improvement;

(L) An expert employed or retained by a lobbyist registered under this Chapter to provide information to an officer of the City and County;

(M) A person distributing to any officer of the City and County any regularly published newsletter or other periodical which is not primarily directed at influencing local legislative or administrative action;

(N) A person disseminating information or material to all or a significant segment of the person's employees or members;

(O) A person communicating in connection with the administration of an existing contract between the person and the City and County of San Francisco . For purposes of this Subsection, communication, "in connection with the administration of an existing contract" includes, but is not limited to, communication regarding: insurance and bonding; contract performance and/or default; requests for in-scope change orders; legislative mandates imposed on contractors by the City and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated damages and other penalties for breach of contract; audits; assignments; and subcontracting. Communication "in connection with the administration of an existing contract" does not include communication regarding new contracts, or out-of-scope change orders; and

(P) A person applying for, opposing or otherwise taking any position on a grading permit or a permit relating to the construction, alteration, demolition or moving of a building or to a person filing, opposing or otherwise taking a position on a parcel map or subdivision tract map; provided, however, that if a person qualifies as a lobbyist and that person takes or opposes an appeal or represents a person taking or opposing an appeal, pursuant to any procedure or authority provided by law from an administrative determination made with respect to such an application or map, that person shall be required to register as provided in Section 2.110 upon taking the appeal or filing opposition to it.

(e) "Economic consideration" means any payments, fees, reimbursement for expenses, gifts, or anything else of value.

(f) "Ethics Commission" means the San Francisco Ethics Commissioner or its designee.

(g) "Filer" means a person who qualifies as a lobbyist under Subsection (i) of this Section.

(h) "Gift" shall be defined as set forth in the Political Reform Act, Government Code Section 81000 *et seq.*, and the regulations adopted thereunder.

(i) "Lobbyist" means the following:

(1) Contract Lobbyist.

(A) "Contract lobbyist" means any person who contracts for economic consideration to contact any officer of the City and County of San Francisco on behalf of any other person, and who:

(i) Receives or becomes entitled to receive at least \$3,200 in economic consideration within any three consecutive calendar months in exchange for lobbyist services; or

(ii) Has at least 25 separate contacts with officers of the City and County within any two consecutive calendar months.

(B) For purposes of calculating whether a person has reached the income threshold set forth in (1)(A)(i) of this subsection, all economic consideration the person has received or become entitled to receive, during the three consecutive calendar months, from all clients in exchange for lobbyist services shall be combined.

(C) For purposes of calculating whether a person has reached the contacts threshold set forth in (1)(A)(ii) of this subsection, all contacts with officers of the City and County that were made by the person during the two preceding calendar months on behalf of all clients shall be combined.

(2) Business and Organization Lobbyist.

(A) "Business and organization lobbyist" means any business or organization any of whose employees or members, as a regular part of their employment or duties, contact officers of the City and County of San Francisco on behalf of that business or organization, provided:

(i) The business or organization compensates its employees or members, at any amount, for their lobbyist services on its behalf; and

(ii) The compensated employees or members have a total of at least 25 separate contacts with officers of the City and County within any two consecutive calendar months. Contacts made by an employee or member who merely indicates his or her affiliation or identification with the business or organization, but who does not represent the official position of the business or organization shall not be included in this calculation.

(3) Expenditure Lobbyist.

(A) "Expenditure lobbyist" means any person who makes payments to influence local legislative or administrative action totaling \$3,200 or more in value within any three consecutive calendar months.

(B) The following shall not be included in calculating payments under (3)(A) of this Subsection: economic consideration paid to any person in exchange for lobbyist services; and dues payments, donations, and other economic consideration paid to any business and organization lobbyist or expenditure lobbyist, regardless of whether the economic consideration is used in whole or in part to influence local legislative or

administrative action.

(4) Exemptions. No person shall qualify as a "lobbyist" within the meaning of this Chapter by reason of activities described in Subsection (d)(1) of Section 2.105.

(j) "Lobbyist services" means services rendered for the purpose of influencing or attempting to influence local legislative or administrative action, including but not limited to contacts with officers of the City and County of San Francisco. "Lobbyist services" shall not include activities described in Subsection (d)(1) of Section 2.105, other than Subsection (d)(1)(C) of Section 2.105.

(k) "Local legislative or administrative action" includes, but is not limited to, the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City and County of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license or entitlement to use. "Local legislative or administrative action" does not include by any officer of the City and County which adjudicates the rights and/or duties of a single person or group of persons, other than a proceeding described in Subsection (d)(1)(K) of Section 2.105.

(l) "Measure" means a local referendum or local ballot measure, whether or not it qualifies for the ballot.

(m) "Officer of the City and County" means any officer identified in San Francisco Administrative Code Section 1.50, as well as any official body composed of such officers. In addition, for purposes of this Chapter, "officer of the City and County" includes members of the Board of Education, Community College Board, Housing Authority, Redevelopment Agency, and Transportation Authority, as well as any official body composed of such officers.

(n) "Payments to influence local legislative or administrative action" include actual or promised payments of anything of value, whether or not legally enforceable, made in consideration for influencing or attempting to influence local legislative or administrative action. Such payments include payments for contacts with officers of the City and County as well as other lobbyist services. Such payments shall not include the following:

(1) Payments for services that are solely secretarial, clerical, or manual, or are limited solely to the compilation of data and statistics;

(2) Payments for any regular, ongoing business overhead that would continue to be incurred in substantially similar amounts regardless of the filer's activities to influence local legislative or administrative action, other than payments to lobbyists, employees or members for lobbyist services;

(3) Payments for soliciting or urging the filer or the filer's employees or members to contact officers of the City and County;

(4) Payments for the settlement or resolution of litigation or claims filed pursuant to Administrative Code Section 10.20-1 *et seq.*; or

(5) Payments for activities described in Subsection (d)(1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

(o) "Person" means an individual, partnership, corporation, association, firm or other organization or entity, however organized.

(p) "Public hearing" means any open, noticed proceeding. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.521; added by Ord. 19-99, App. 2/19/99)

SEC. 2.110. REGISTRATION OF LOBBYISTS REQUIRED; REGISTRATION, REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION; TERMINATION.

(a) REGISTRATION OF LOBBYISTS REQUIRED. No person who qualifies as a contract or business or organization lobbyist shall contact any officer of the City and County, and no person who qualifies as an expenditure lobbyist shall make payments to influence local legislative or administrative action, without first registering with the Ethics Commission and complying with the disclosure requirements imposed by this Chapter.

(b) REGISTRATION REPORTS. At the time of initial registration each filer shall report to the Ethics Commission the following information:

- (1) The name, business address and business phone number of the filer;
- (2) If the filer is a contract lobbyist, the filer shall also report the following:
 - (A) If the filer is an entity, the name of each individual who is an owner, partner or officer of the filer as follows:
 - (i) If the filer is a sole proprietorship, list the name of the sole proprietor;
 - (ii) If the filer is a corporation, however organized, list the name of each officer;
 - (iii) If the filer is a partnership, however organized, and if the partnership has 10 or more partners, list the name of the partnership; or
 - (iv) If the filer is a partnership, however organized, and if the partnership has fewer than 10 partners, list the name of each partner.
 - (B) If the filer is an individual, the name of the filer's employer and a description of the employer's business activity;
 - (C) The name of each person employed or retained by the filer, at the time of filing or at any time during the two months immediately preceding filing, to contact officers of the City and County;
 - (D) The name, address, and telephone number of each current client and each client on whose behalf the filer provided lobbyist services during the preceding two months;
 - (E) The total economic consideration promised by or received from clients during the preceding two months in exchange for lobbyist services;
 - (F) The total number of contacts with officers of the City and County made during the preceding two months; and
 - (G) For each current client, and each client on whose behalf the filer provided lobbyist services during the preceding two months, describe the local legislative or administrative action the filer was retained to influence, and the outcome sought by the filer.
- (3) If the filer is a business or organization lobbyist, the filer shall also report the following:

(A) A description of the nature and purpose of the business or organization, including a statement indicating whether the filer is an industry, trade or professional association;

(B) The name of each employee or member of the business or organization authorized to contact officers of the City and County on behalf of the business or organization;

(C) The total amount of payments to influence local legislative or administrative action made by the filer during the preceding two months;

(D) The total number of contacts with officers of the City and County, made on behalf of the filer by the filer's employees or members during the preceding two months; and

(E) A description of each local legislative or administrative action the filer seeks to influence or sought to influence during the preceding two months; and the outcome sought by the filer.

(4) If the filer is an expenditure lobbyist, the filer shall also report the following:

(A) If the filer is an entity, a description of the nature and purpose of the entity, and the name of each individual who is an owner, partner or officer of the filer as follows:

(i) If the filer is a sole proprietorship, list the name of the sole proprietor;

(ii) If the filer is a corporation, however organized, list the name of each officer;

(iii) If the filer is a partnership, however organized, and if the partnership has 10 or more partners, list the name of the partnership; or

(iv) If the filer is a partnership, however organized, and if the partnership has fewer than 10 partners, list the name of each partner.

(B) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged;

(C) The total amount of payments to influence local legislative or administrative action made during the preceding two months; and

(D) A description of each local legislative or administrative action the filer seeks to influence or sought to influence during the preceding two months, and the outcome sought by the filer.

(5) All political contributions of \$100 or more made or delivered by the filer, or made by a client at the behest of the filer, during the preceding two months in support of or in opposition to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco. This report shall include all political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

(6) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

(7) No lobbyist shall be required to report activities described in Subsection (d) (1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

(c) REREGISTRATION REPORTS. Each lobbyist shall reregister annually no later than January 15. The reregistration report must include the date of the most recent lobbyist workshop (as described in Section 2.140(j) of this Chapter) attended by the lobbyist.

(d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY. Each lobbyist shall file with the Ethics Commission quarterly reports containing the information specified in this subsection. The quarterly report for the period starting January 1st and ending March 31st shall be filed no later than April 15th; the quarterly report for the period starting April 1st and ending June 30th shall be filed no later than July 15th; the quarterly report for the period starting July 1st and ending September 30th shall be filed no later than October 15th; and the quarterly report for the period starting October 1st and ending December 31st shall be filed no later than January 15th. Quarterly reports shall include the following information:

(1) All activity expenses incurred by the filer during the reporting period, including the following information:

(A) The date and amount of each activity expense;

(B) The full name and official position, if any, of the beneficiary of each activity expense, a description of the benefit, and the amount of the benefit;

(C) The full name of the payee of each activity expense if other than the beneficiary;

(D) Whenever a filer is required to report a salary of an individual pursuant to this subsection, the filer need only disclose whether the total salary payments made to the individual during the reporting period was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

(2) All political contributions of \$100 or more made or delivered by the filer, or made by a client at the behest of the filer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco. This report shall include all political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

(3) If the filer is a contract lobbyist, the filer shall also report the following:

(A) The name of each person employed or retained by the filer during the reporting period to contract officers of the City and County;

(B) The name, address, and telephone number of each client on whose behalf the filer provided lobbyist service during the reporting period;

(C) The total economic consideration promised by or received from clients during the reporting period in exchange for lobbyist services;

(D) The name and title, if applicable, of each officer and department of the City and County contacted by the filer during the reporting period;

(E) For each client, describe the local legislative or administrative action the filer was retained to influence and the outcome sought by the filer; and

(F) For each client, describe the lobbyist services provided for which economic

consideration was received from or promised by the client.

(4) If the filer is a business or organization lobbyist, the filer shall also report the following:

(A) The name of each employee or member of the business or organization authorized to contact officers of the City and County, during the reporting period, on behalf of the business or organization;

(B) The total amount of payments to influence local legislative or administrative action made by the filer during the reporting period;

(C) The name and title, if applicable, of each officer and department of the City and County contacted by the filer's employees or members during the reporting period; and

(D) A description of each local legislative or administrative action the filer sought to influence during the reporting period, and the outcome sought by the filer.

(5) If the filer is an expenditure lobbyist, the filer shall also report the following:

(A) The total amount of payments to influence local legislative or administrative action made during the reporting period; and

(B) A description of each local legislative or administrative action the filer sought to influence during the reporting period, and the outcome sought by the filer.

(6) Each City and County contract awarded to the filer during the reporting period. For purposes of this subsection, the term "contract" means a contract for: the rendition of personal services; the furnishing of any material, supplies or equipment to or from the City, whether by purchase or lease; the sale or lease of land or buildings to or by the City, or the financing of the same.

(7) Payments made by City and County officers to the filer during the reporting period, provided that the payment is made in exchange for "campaign consulting services," as defined in Section 1.505 of this Code, and provided that the filer contacted the officer within one year of the date of payment. The required disclosure of payments under this Subsection shall not apply to information that is privileged under State law.

(8) The name of each officer of the City and County who is employed or retained by the filer, or by a client of the filer at the behest of the filer, at any time during the reporting period.

(9) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

(10) No lobbyist shall be required to report activities described in Subsection (d) (1) of Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.

(e) FEES.

(1) At the time of registration or reregistration; each lobbyist shall pay a fee of \$500. The Ethics Commission shall prorate the fee by calendar quarter.

(2) In addition, at the time of registration and reregistration, contract lobbyists shall pay a fee of \$75 for each current client. When a contract lobbyist is retained by a client subsequent to registration, payment of the \$75 fee shall accompany the filing of the information required in Subsection (f) of this Section. The Ethics Commission shall prorate these fees by calendar quarter.

(3) The Ethics Commission shall waive all registration and client fees for any organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

(4) The Ethics Commission shall deposit all fees collected pursuant to this Section in the General Fund of the City and County of San Francisco .

(f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, each contract lobbyist shall submit to the Ethics Commission a written authorization from each client. The client authorization statement shall be signed by both the contract lobbyist and the client.

If the lobbyist is retained by a client after the date of initial registration, the lobbyist shall file a client authorization statement before providing any lobbyist services to the client, and before receiving any economic consideration from the client in exchange for such lobbyist services, and in any event no later than 15 days after being retained by the client. The lobbyist is not required to amend previously filed registration, reregistration or quarterly reports to include a client who retains the services of the lobbyist after the time the report was filed.

If the lobbyist is retained by a client after the date of initial registration, the lobbyist may submit a copy of the client authorization statement by facsimile machine. The client authorization statement shall be deemed to be timely filed only if the facsimile copy is received no later than the filing deadline, and within 15 days of the filing deadline the original document is received by the Ethics Commission, and the original document is identical in all respects to the facsimile copy.

The lobbyist is not required to resubmit client authorization statements at the time of reregistration.

(g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client terminates the services of a contract lobbyist, the lobbyist shall submit to the Ethics Commission a statement that the client has terminated the services of the lobbyist. The client termination statement shall be signed by the contract lobbyist. A contract lobbyist may not provide lobbyist services to a client after a client termination statement is filed, until a new client authorization statement has been filed pursuant to Subsection (f) of this Section.

(h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a "lobbyist" under this Chapter, the person shall be subject to all registration, reporting and other requirements and prohibitions imposed by this Chapter until the person ceases all lobbyist activity and files a lobbyist termination statement with the Ethics Commission pursuant to this subsection, regardless of whether the person continues to meet the activity thresholds established in Section 2.105(i). A lobbyist termination statement shall include all information required by Subsection (d) of this Section for the period starting with the first day of the calendar quarter and ending with the date of termination. A lobbyist termination statement shall be filed no later than 30 days after the date the lobbyist ceased all lobbyist activity. (Added by Ord. 71-00, File No. 000358, App.

4/28/2000) (Derivation: Former Administrative Code Section 16.522; added by Ord.

40-88, App. 2/18/88 ; amended by Ord. 386-95, App. 12/14/95 ; Ord. 390-97, App. 10/17/97 ; Ord. 19-99, App. 2/19/99 ; Ord. 129-03, File No. 030250, App. 5/30/2003)

SEC. 2.115. PROHIBITIONS.

(a) **GIFT LIMIT.** No lobbyist shall make gifts to an officer of the City and County aggregating more than \$50 within three months of contacting the officer. No lobbyist shall act as an agent or intermediary in the making of any gift to an officer of the City and County, or arrange for the making of any gift to an officer of the City and County by a third party, within three months of contacting the officer.

(b) **FUTURE EMPLOYMENT.** No lobbyist shall cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

(c) **FICTITIOUS PERSONS.** No lobbyist shall contact any officer of the City and County in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(d) **EVASION OF OBLIGATIONS.** No lobbyist shall attempt to evade the obligations imposed by this Chapter through indirect efforts or through the use of agents, associates or employees. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.523; added by Ord. 19-99, App. 2/19/99)

SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.

(a) **Prohibition.** No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

(b) **Exceptions.**

(1) This prohibition shall not apply to:

(A) an employee of a campaign consultant whose sole duties are clerical; or

(B) an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the City and County with whom the employee seeks to communicate in order to influence local legislative or administrative action.

(2) The exceptions in subsection (b)(1) shall not apply to any person who communicates with an officer of the City and County in his or her capacity as an employee of the campaign consultant who is prohibited by subsection (a) from making the communication.

(c) **Definitions.** Whenever the following words or phrases are used in this section, they shall mean:

(1) "Campaign Consultant" shall have the same meaning as in Article I, Chapter

5, section 1.505 of this Code.

(2) "Campaign consultant services" shall have the same meaning as in Article I, Chapter 5, section 1.505 of this Code.

(3) "Current client" shall mean a person for whom the campaign consultant has filed a client authorization statement pursuant to Article I, Chapter 5, section 1.515(d) of this Code and not filed a client termination statement pursuant to Article I, Chapter 5, section 1.515(f) of this Code. If such person is a committee as defined by section 82013 of the California Government Code, the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose. March 2004 S-5237 Lobbying - Regulation of Lobbyists Sec. 2.135.

(4) "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.

(5) "Former client" shall mean a person for whom the campaign consultant has filed a client termination statement pursuant to Article I, Chapter 5, section 1.515(f) of this Code within the 48 months prior to communicating with the person. (Added by Ord. 28-04, File No. 031656, App. 2/20/2004)

SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES; APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE .

(a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and such client does employ, any officer of the City and County, any immediate family member or registered domestic partner of an officer of the City and County, or any person known by such lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the lobbyist shall file within 10 days after such employment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(b) APPOINTMENT OF EMPLOYEE TO CITY OFFICE. If an employee of a lobbyist is appointed to City or County office, the lobbyist shall file within 10 days after such appointment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(c) REPORT OF SALARY. Whenever a filer is required to report the salary of an employee who is also an officer or employee of the City and County pursuant to this Section, the filer need only disclose whether the total salary payments made to the employee are less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000. (Added by Ord. 71-00, File No. 000358, App.

4/28/2000) (Derivation: Former Administrative Code Section 16.524; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 386-95, App. 12/14/95 ; Ord. 19-99, App. 2/19/99)

SEC. 2.125. NOTIFICATION OF BENEFICIARIES OF GIFTS.

Each lobbyist shall provide each officer of the City and County who is the beneficiary of a gift made by the lobbyist a written statement including the date, value and description of the gift. The lobbyist shall provide this information to the officer within 30 days following the end of the reporting period in which the gift was made. A lobbyist may satisfy this notification requirement by providing a copy of the lobbyist's quarterly report of lobbyist activity to the officer. (Added by Ord. 71-00, File No. 000358, App.

4/28/2000) (Derivation: Former Administrative Code Section 16.525; added by Ord. 19-99, App. 2/19/99)

SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.

It shall be unlawful knowingly to pay any contract lobbyist to contact any officer of the City and

County of San Francisco , if said contract lobbyist is required to register under this Chapter and has not done so. (Added by Ord. 71-00, File No. 000358, App.

4/28/2000) (Derivation: Former Administrative Code Section 16.526; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS.

All information required under this Chapter shall be filed with the Ethics Commission, on forms provided by the Commission. The filer shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this Chapter. The filer shall retain for a period of five years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter. (Added by Ord. 71-00, File No. 000358, App.

4/28/2000) (Derivation: Former Administrative Code Section 16.527; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 386-95, App. 12/14/95 ; Ord. 19-99, App. 2/19/99)

SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.

(a) The Ethics Commission shall provide forms for the reporting of all information required by this Chapter.

(b) The Ethics Commission shall issue a registration number to each registered lobbyist.

(c) At the time of initial registration and reregistration, the Ethics Commission shall provide the lobbyist with a copy of the City's lobbyist law, and any related material which the Commission determines will serve the purposes of this Chapter. Each lobbyist shall sign a statement acknowledging receipt of these materials.

(d) The Ethics Commission shall issue a "Notice of Registration Required" upon the written request of any officer of the City and County. Any person who in good faith and on reasonable grounds believes that compliance with this Chapter is not required by reason of being exempt under Section 2.105(i) shall not be deemed to have violated this Chapter if, within 15 days after notice from the Ethics Commission, that person either complies or furnishes satisfactory evidence to the Ethics Commission evidencing that said person is exempt from registration.

(e) The Ethics Commission shall compile the information provided in registration and quarterly reports filed pursuant to this Chapter as soon as practicable after the close of each quarter and shall forward a report of the compiled information to the Board of Supervisors and the Mayor.

(f) In July of each year, the Ethics Commission shall file a report with the Board of Supervisors on the implementation of this Chapter.

(g) The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection.

(h) The Ethics Commission shall provide formal and informal advice regarding the duties under this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12.

(i) The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Chapter pursuant to Charter Section C3.699-9.

(j) The Ethics Commission shall conduct quarterly workshops concerning the laws relating to lobbying. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.528; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 386-95, App. 12/14/95 ; Ord. 19-99, App. 2/19/99)

SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

(a) If any lobbyist files an original statement or report after any deadline imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the lobbyist \$50 per day after the deadline until the statement or report is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco .

(b) Any person who believes that the provisions of this Chapter have been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Commission may investigate alleged violations of this Chapter and may enforce the provisions of this Chapter pursuant to Charter Section C3.699-13 and to the Commissioner's rules and regulations adopted pursuant to

Charter Section C3.699-9.

(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a civil action brought by the City Attorney for an amount up to \$1,000 per violation, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.

(d) In investigating any alleged violation of this Chapter the Ethics Commission and City Attorney shall have the power to inspect, upon reasonable notice, all documents required to be maintained under this Chapter. This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance, including the power of subpoena.

(e) Should two or more persons be responsible for any violation under this Chapter, they shall be jointly and severally liable.

(f) The City Attorney may also bring an action to revoke for up to one year the registration of any lobbyist who has knowingly violated this Chapter. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.529; added by Ord. 40-88, App. 2/18/88; amended by Ord. 399-94, App. 11/23/94; Ord. 386-95, App. 12/14/95; Ord. 390-97, App. 10/17/97; Ord. 19-99, App. 2/19/99; Ord. 129-03, File No. 030250, App. 5/30/2003)

SEC. 2.150. LIMITATION OF ACTIONS.

No administrative or civil action shall be maintained to enforce this Chapter unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the Ethics Commission or City Attorney, whichever is later. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.530; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.155. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or its application to other persons. The Board of Supervisors hereby declares that it would have adopted this Chapter, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, to be declared invalid or unconstitutional. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.531; added by Ord. 40-88, App. 2/18/88 ; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.160. ELECTRONIC FILING OF STATEMENTS AND REPORTS.

(a) ELECTRONIC FILLING REQUIRED. Whenever lobbyists are required by this Chapter to file an original statement or report, the Ethics Commission may require the

lobbyists to file an electronic copy of the statement or report. The electronic copy shall be due no later than the deadline imposed by this Chapter for filing the original statement or report.

(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.

(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall adopt regulations specifying the electronic filing requirements applicable to campaign lobbyists. The Ethics Commission shall adopt these regulations no fewer than 120 days before the electronic filing requirements are effective.

(ii) The Ethics Commission shall prescribe the format for electronic copies of statements and reports no fewer than 90 days before the statements and reports are due to be filed.

(c) PENALTIES. If any lobbyist files an electronic copy of a statement or report after the deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the lobbyist \$10 per day after the deadline until the electronic copy is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and

County of San Francisco . (Added by Ord. 222-00, File No. 000741, App. 9/29/2000)

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ORDINANCE No. _____ C.M.S.

**ORDINANCE ESTABLISHING REGULATION OF
LOBBYISTS IN OAKLAND
MUNICIPAL CODE CHAPTER 3.20**

Oakland Municipal Code is amended to add Chapter 3.20 as follows:

Chapter 3. 20

THE CITY OF OAKLAND LOBBYIST REGISTRATION ACT

Article I. Findings and Purpose

3.20.010 Title

This ordinance shall be known as the City of Oakland Lobbyist Registration Act, hereafter "the Act."

Article II. Definitions and Interpretation of This Act

3.20.020 Words And Phrases

Words and phrases used in this Act shall have the same meanings and be interpreted in the same manner as words and phrases used in the Political Reform Act of 1974 as amended and the regulations issued pursuant thereto, unless otherwise expressly provided or unless the context otherwise requires.

3.20.030 Definitions

For the purposes of this ordinance, the following definitions shall be applicable:

- A. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. An individual member of an organization shall not be deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization as long as such member does not pay an amount of money or other consideration in addition to the usual membership fees for such representation.
- B. "Contractor" means any party to an agreement in which the value of the consideration exceeds one thousand dollars, and, (1) The city is a party, or (2) the redevelopment

agency is a party, or (3) the agreement or its effectiveness is in any way dependent or conditioned upon approval by the city council or redevelopment agency board or any board or commission, officer or employee of the city or the agency.

- C. "Designated employees" mean city and redevelopment agency employees who are designated employees within the meaning of the Political Reform Act of 1974, as amended, and who are required by the Political Reform Act or a city or redevelopment agency conflict of interest code to file financial interest disclosure statements.
- D. "Local governmental lobbyist" means any individual who: 1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or 2) whose duties as a salaried employee, officer or director of any corporation, organization or association include communication directly or through agents with any public official, officer or designated employee, for the purpose of influencing any governmental, legislative or administrative action of the city or the redevelopment agency. No person is a local governmental lobbyist by reason of activities described in Section 3.20.030(A). In case of any ambiguity, the definition of "local governmental lobbyist" shall be interpreted broadly.
- E. "Governmental action" means any administrative or legislative action of the city and the redevelopment agency other than an action which is ministerial in nature.
- F. "Payment" means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.
- G. "Person doing business with the city" means any person whose financial interests are materially affected by governmental action as defined by Section 3.20.030(E). It includes persons currently doing business with the city or the redevelopment agency, planning to do business with the city or agency, or having done business with the city or agency within two years. For purposes of this Act a person's financial interests shall not be found to be materially affected by the issuance of any license or permit which does not require the exercise of discretion by city or agency officers or employees.
- H. "Public official" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts, or any public corporation, agency or commission.

Article III. Registration of Lobbyists

3.20.040 Registration With The Public Ethics Commission

- A. No person shall act as local governmental lobbyist before registering as a local governmental lobbyist with the City Clerk.

- B. At the time of registering, the local governmental lobbyist shall file with the City Clerk, in writing, his or her name, business and residence addresses.
- C. The lobbyist shall reregister annually within the month preceding the annual registration date and at that time shall resubmit the required information.

3.20.050 Cessation of Employment.

A local governmental lobbyist who has terminated all activities requiring registration shall notify the City Clerk of that fact and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration.

3.20.060 Exceptions

The provisions of this Act shall not apply:

- A. To a public official acting in his or her official capacity.
- B. To the publication or broadcasting of news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge governmental action.
- C. To a person specifically invited by the city council or redevelopment agency or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the city or agency charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.
- D. To a person who, without extra compensation and not as part of, or in the ordinary course of, his or her regular employment, presents the position of his or her organization when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.
- E. Any attorney, architect or civil engineer whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; (2) Preparing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city or redevelopment agency employees or agents working under the direction of the city manager or executive director directly relating to 1. and 2. above.

3.20.070 Noncompliance - Order to Show Cause

- A. Upon the request of the council, the mayor, or any board or commission or member thereof, or any officer or designated employee of the city or redevelopment agency, the Public Ethics Commission shall issue an order to show cause to any unregistered person.

- B. Such order shall specify a time and place where such person shall appear to provide evidence satisfactory to the Public Ethics Commission that he or she has complied with the registration requirement or is exempt from registration.
- C. If the Public Ethics Commission determines that such person is subject to registration and he or she fails to register within seven days of that determination, he or she shall be barred from acting as a local governmental lobbyist except when appearing before the city council, redevelopment agency or other board or commission at a noticed public meeting or upon oral petition on his or her own behalf. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later.

3.20.080 Availability of Information.

All registration information shall be retained by the City Clerk for a period of five years from the date of filing, shall constitute part of the public records of the City, and shall be open to public inspection.

3.20.090 Filing Under Penalty of Perjury

All information required by this Act shall be filed with the City Clerk on forms prescribed by the Public Ethics Commission, and accompanied by a declaration by the local governmental lobbyist that the contents thereof are true and correct under penalty of perjury.

3.20.100 Records

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under this chapter.

Article IV. Disclosure Of Lobbying Activities

3.20.110 Quarterly Disclosure

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the City Clerk. The reports shall be due no later than 30 days after the end of the calendar quarter. The report shall contain the following information:

- A. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.
- B. For each item of governmental action sought to be influenced, the individual with whom the lobbyist communicated identified only by the following categories: City officer/City officer-elect; City employee; Member of a City board or commission; or Other.
- C. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

Article V. Prohibitions

3.20.120 No Unregistered Employment or Activity

- A. A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such lobbyist is registered and has listed such client with the City Clerk.
- B. No person shall accept compensation for acting as a local government lobbyist except upon condition that he or she forthwith register as required by this Act.

3.20.130 Personal Obligation of City Officials Prohibited

Local governmental lobbyists, clients, contractors, and persons doing business with the city or the redevelopment agency shall abstain from doing any act with the express purpose and intent of placing any city or agency officer or designated employee under personal obligation to such lobbyist, client, contractor or person.

3.20.140 Deception Prohibited

No local governmental lobbyist, client, contractor or person doing business with the city or the redevelopment agency shall deceive or attempt to deceive a city or agency officer or designated employee as to any material fact pertinent to any pending or proposed governmental action.

3.20.150 Improper Influence Prohibited.

No local governmental lobbyist shall cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage or defeat.

3.20.160 False Appearances Prohibited.

No local governmental lobbyist, client, contractor, or person doing business with the city or the redevelopment agency shall attempt in any way to create a fictitious appearance of public favor or disfavor of any governmental action or to cause any communication to be sent to a city or agency officer or designated employee in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

3.20.170 Prohibited Representations.

No local governmental lobbyist, client, contractor, or person doing business with the city or the redevelopment agency shall represent, either directly or indirectly, orally or in writing that such person can control or obtain the vote or action of any city or agency officer or designated employee.

Article VI. Enforcement

3.20.180 Procedures and Action

- A. Any person who violates this Act is subject to civil enforcement proceedings before the Public Ethics Commission pursuant to the Commission's General Complaint Procedures.
- B. If the Public Ethics Commission finds a violation of this Act, the Commission may (1) Find mitigating circumstances and take no further action, (2) issue a public statement or reprimand, or (3) impose a civil penalty in accordance with this Act.

3.20.190 Civil Penalties

- A. Civil penalties shall be imposed by resolution of the Public Ethics Commission.
- B. Except as otherwise specified in this Act, the Commission may impose penalties of up to one thousand dollars (\$1,000) for each complaint sustained.
- C. If any civil penalty imposed by the Public Ethics Commission is not timely paid, the Commission shall refer the debt to the appropriate city agency or department for collection.

3.20.200 Effective Date

The effective date of this Act shall be September 1, 2002.

In Council, Oakland, California, _____, 2002.

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, WAN, SPEES, AND
PRESIDENT DE LA FUENTE

NOES-
ABSENT-
ABSTENTION-

ATTEST: _____
Ceda Floyd

CITY CLERK AND CLERK OF THE COUNCIL OF
THE CITY OF OAKLAND, CALIFORNIA

Article 7: Elections, Campaign Finance and Lobbying

Division 40: Municipal Lobbying

*(“Municipal Lobbying” added 5-18-1998 by O-18511 N.S.)
(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)*

§27.4001 Purpose and Intent

It is the purpose and intent of the City Council of the City of San Diego in enacting this division to: ensure that the citizens of the City of San Diego have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists; establish clear and unambiguous registration and disclosure requirements for lobbyists in order to provide the public with relevant information regarding the financing of lobbyists and the full range of lobbying activities; prohibit registered lobbyists from exerting improper influence over City Officials or from placing City Officials under personal obligation to lobbyists or their clients; promote transparency concerning attempts to influence municipal decisions; avoid corruption and the appearance of corruption in the City’s decision-making processes; regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights; reinforce public trust in the integrity of local government; and ensure that this division is vigorously enforced.

*(Amended 12-7-1998 by O-18606 N.S.)
(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008)*

§27.4002 Definitions

All defined terms in this division appear in italics. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

Activity Expense means any payment made to, or on behalf of, any City Official or any member of a City Official’s immediate family, by a lobbyist, lobbying firm, or organization lobbyist. Activity expenses include gifts, meals, consulting fees, salaries, and any other form of compensation to a City Official or a City Official’s immediate family, but do not include campaign contributions.

Agent means a person who acts on behalf of any other person. Agent includes a person who acts on behalf of a lobbyist.

Candidate means any individual who is holding elective City office or otherwise meets the definition of “candidate” under section 27.2903.

City means the City of San Diego or any of its organizational subdivisions, agencies, offices, or boards.

City Board includes the boards of directors of all *City* agencies, and any board, commission, committee, or task force of the *City* established by action of the *City* Council under authority of the *City* Charter, Municipal Code, or Council resolution, whose members are required to file a statement of economic interests pursuant to the California Political Reform Act of 1974, as amended.

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Council Representative; Assistant City Attorney; Deputy City Attorney; General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; City Manager; Assistant City Manager; Deputy City Manager; Management Assistant to City Manager; Treasurer; Auditor and Comptroller; Independent Budget Analyst; Budget/Legislative Analyst; Financial Operations Manager; City Clerk; Labor Relations Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; President; and Vice-President. *City Official* also means any member of a *City Board*.

Client means any *person* who provides *compensation* to a *lobbying firm* for the purpose of *influencing a municipal decision*, and any *person* on whose behalf *lobbying activities* are performed by a *lobbying firm*.

- (a) *Client* includes any *person* that retains a *lobbying firm* to engage in *lobbying activities* pursuant to a contingency agreement.
- (b) If a coalition or membership organization is a *client*, a member of that coalition or organization is not also a *client* unless that member paid, or agreed to pay, at least \$1,000 to the *lobbying firm* for *lobbying activities* performed on behalf of the coalition or organization with regard to a specific *municipal decision*. For purposes of this subsection, if a member is an individual, payments by that individual's *immediate family* are attributable to that individual member.

Compensation means any economic consideration for services rendered or to be rendered. *Compensation* does not include reimbursement for *travel expenses*.

Contact means the act of engaging in a *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. For purposes of this definition:

- (a) each discussion with a *City Official* regarding a different *municipal decision* is considered a separate *contact*;
- (b) each discussion regarding a *municipal decision* with a *City Official* and members of that official's immediate staff, or with multiple immediate staff members of the same *City Official*, is considered a separate *contact*;

- (c) multiple identical or substantially similar written communications made by letter, facsimile or electronic mail to one or more *City Officials* pertaining to a single *municipal decision* may be considered a single *contact* for that *municipal decision*.

Direct communication means:

- (a) talking to (either by telephone or in person); or
- (b) corresponding with (either in writing or by electronic transmission or facsimile machine).

Enforcement Authority means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

Expenditure lobbyist means any *person* who makes expenditures for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities designed to influence one or more *municipal decisions*, to the extent that such *payments* total \$5,000 or more within a calendar quarter. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. Expenditures for *lobbying activities* reported by a *lobbying firm* or *organization lobbyist* on a quarterly disclosure report shall not be considered for purposes of calculating the \$5,000 threshold.

Fundraising activity means soliciting, or directing others to solicit, campaign contributions from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either (a) personally delivering \$1,000 or more in contributions to a *candidate* or to a *candidate's* controlled committee, or (b) identifying oneself to a *candidate* or a *candidate's* controlled committee as having any degree of responsibility for \$1,000 or more in contributions received as a result of that solicitation.

Gift means any *payment* that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any *person*, other than a defendant in a criminal action, who claims that a *payment* is not a *gift* by reason of receipt of consideration has the burden of proving that the consideration received, is of equal or greater value. *Gifts* are subject to the exceptions set forth in Municipal Code section 27.3525. *Gifts* do not include a ticket, invitation, or other admission privilege to an event held for a non-profit entity.

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

Influencing a municipal decision means affecting or attempting to affect any action by a *City Official* on one or more *municipal decisions* by any method, including promoting, supporting, opposing, or seeking to modify or delay such action.

Influencing a municipal decision also includes providing information, statistics, analysis, or studies to a *City Official*.

Lobbying means *direct communication* with a *City Official* for the purpose of *influencing a municipal decision* on behalf of any other *person*.

Lobbying activities means the following and similar activities that are related to an attempt to *influence a municipal decision*: (a) *lobbying*; (b) monitoring *municipal decisions*; (c) preparing testimony and presentations; (d) engaging in research, investigation, and fact-gathering; (e) attending hearings; (f) communicating with clients; and (g) waiting to meet with *City Officials*.

Lobbying entity means any *lobbying firm*, *organization lobbyist*, or *expenditure lobbyist*.

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind *compensation* to engage in *lobbying activities* on behalf of any other *person*, and that has at least one *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. A *lobbying firm* includes any entity that engages in *lobbying activities* on behalf of another *person* pursuant to a contingency fee agreement.

Lobbyist means any individual who engages in *lobbying activities* on behalf of a *client* or an *organization lobbyist*.

Ministerial action means any action that does not require a *City Official* to exercise discretion concerning any outcome or course of action. A *ministerial action* includes, but is not limited to, decisions on private land development made pursuant to Process 1 as described in Chapter 11 of the Municipal Code.

Municipal decision includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, repeal, or veto of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council*, a *City Council Committee*, or to the Mayor; and

- (d) contracts; and
- (e) quasi-judicial decisions, including:
 - (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; and
 - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
 - (3) any declaration of debarment as described in Chapter 2, Article 2, Division 8, of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

Organization lobbyist means any business or organization, including any non-profit entity, that provides *compensation* to one or more employees for the purpose of *lobbying* on behalf of the business or organization and who have a total of 10 or more separate *contacts* with one or more *City Officials* for that purpose within 60 consecutive calendar days. An employee of any parent or subsidiary of the business or organization is considered an employee of that entity. "Employees" of an *organization lobbyist* include the owners, officers, and employees of the business or organization.

Payment means a payment, distribution, transfer, loan, advance, deposit, *gift* or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

Person means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *persons* acting in concert.

Public hearing means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a *lobbyist* testifying at that hearing.

Public official means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

Travel expenses means reasonable expenses for transportation plus a reasonable sum for food and lodging.

(Amended 4-29-2002 by O-19055 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4004 Exceptions

The following *persons* and activities are exempt from the requirements of this division:

- (a) a *public official* acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio station, or television station (including any individual who owns, publishes, or is employed by any such newspaper, periodical, radio station, or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisements that directly or indirectly urge action on a *municipal decision*, if such newspaper, periodical, radio station, television station, or individual engages in no other activities to *influence a municipal decision*;
- (c) any *person* whose sole activity includes one or more of the following:
 - (1) to submit a bid on a competitively bid contract;
 - (2) to submit a written response to a request for proposals or qualifications;
 - (3) to participate in an oral interview for a request for proposals or qualifications; or,
 - (4) to negotiate the terms of a contract or agreement with the *City*, once the *City* has authorized either by action of the *City Council*, *City Manager*, or voters, entering an agreement with that *person* whether that *person* has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.
 - (5) to communicate in connection with the administration of an existing contract between the *person* and the *City*.
- (d) any request for advice regarding, or for an interpretation of, laws, regulations, *City* approvals, or policies;
- (e) any communication by an attorney with regard to his or her representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the *City*, or *City* agent, officer, or employee;
- (f) any communication concerning a *ministerial action*;

- (g) any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or concerning a proceeding before the Civil Service Commission;
- (h) any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (g) above;
- (i) solely responding to questions from any *City Official*, or providing oral or written information in response to a subpoena or as otherwise compelled by law;
- (j) solely appearing as a speaker at, or providing written statements that become part of the record of, a *public hearing*;
- (k) any direct response to an enforcement proceeding with the *City*.
- (l) the provision of purely technical data or analysis to a *City Official* by an expert, so long as the expert does not otherwise engage in *direct communication* for the purpose of *influencing a municipal decision*. This subsection is intended to be interpreted in a manner consistent with title 2, section 18239(d)(3)(A) of the California Code of Regulations.
- (m) the publishing of any information on an Internet website that is accessible to the general public.

(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4006 Activity Expense on Behalf of Client

An *activity expense* shall be considered to be made on behalf of a *client* if the *client* requests, authorizes, or reimburses the expense.

(“Registration Required” added 5-18-1998 by O-18511 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4007 Registration Required

- (a) Every *lobbying firm* and *organization lobbyist* is required to register with the *City Clerk* no later than ten calendar days after qualifying as a *lobbying firm* or *organization lobbyist*.

- (b) *Lobbying firms* and *organization lobbyists* shall file their registration forms with the *City Clerk*, using forms provided by the *City Clerk*.
- (c) Nothing in this division precludes an entity from registering as a *lobbying firm* or *organization lobbyist* prior to qualifying as such.
- (d) An entity that registers as a *lobbying firm* or *organization lobbyist* retains that status through January 5 of the following calendar year unless and until it terminates that status in accordance with section 27.4022. An entity that continues to qualify as a *lobbying firm* or *organization lobbyist* on January 5 shall renew that registration on or before January 15 of each year.

(Amended 12-7-1998 by O-18606 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:
 - (1) the *lobbying firm's* name, address, and telephone number.
 - (2) the name of each individual employed by the *lobbying firm*:
 - (A) who has engaged in *lobbying* the *City* within the previous 30 calendar days, or
 - (B) who the *lobbying firm* reasonably anticipates will engage in *lobbying* the *City* in the future.
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.
 - (4) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report campaign-related services that were rendered prior to January 1, 2007.

- (5) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report compensated services provided prior to January 1, 2007.
- (6) for each *client* for whom the *lobbying firm* engages in *lobbying activities*:
 - (A) the *client's* name, business or mailing address, and telephone number; in addition, if the *client* is a coalition or membership organization, include the name, business or mailing address, and telephone number of each member who also qualifies as a *client* under section 27.4002.
 - (B) a specific description of each *client* in sufficient detail to inform the public of the nature and purpose of the *client's* business; and,
 - (C) the specific *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, or a description of the type(s) of *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, and the outcome(s) sought by the *client*;
- (7) statements by a duly authorized owner or officer of the *lobbying firm* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief that he or she believes such contents to be true, correct, and complete.
- (8) the printed name, title, and original signature of the individual making the statements required by subsection (a)(7).
- (9) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:
- (1) the *organization lobbyist's* name, address, and telephone number.
 - (2) a specific description of the *organization lobbyist* in sufficient detail to inform the public of the nature and purpose of its business.
 - (3) the name of each owner, officer, and employee of the *organization lobbyist* who is authorized to *lobby City Officials* on behalf of the *organization lobbyist*.
 - (4) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees during the 60 calendar days preceding the filing date.
 - (5) a description of each *municipal decision* the *organization lobbyist* has sought to influence during the 60 calendar days preceding the filing date; and the outcome sought by the *organization lobbyist*.
 - (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.
 - (7) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report campaign-related services that were rendered prior to January 1, 2007.
 - (8) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report compensated services provided prior to January 1, 2007.

- (9) statements by a duly authorized owner or officer of the *organization lobbyist* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief that he or she believes such contents to be true, correct, and complete.
- (10) the printed name, title, and original signature of the individual making the statements required by subsection (b)(9).
- (11) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4010 Registration Fees

- (a) At the time a *lobbying firm* registers pursuant to section 27.4007, the *lobbying firm* shall pay an annual registration fee based on the number of *lobbyists* identified on its registration form, plus an annual *client* registration fee for each *client* identified on the registration form.
 - (1) A *lobbying firm* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay prorated registration fees.
 - (2) When a *lobbying firm* adds a *lobbyist* subsequent to the *lobbying firm's* initial registration, the *lobbying firm* shall pay an additional *lobbyist* registration fee when filing its amended registration form as required by section 27.4012.
 - (3) When a *lobbying firm* acquires a *client* subsequent to the *lobbying firm's* initial registration, the *lobbying firm* shall pay an additional *client* registration fee when filing its amended registration form as required by section 27.4012.
 - (4) For the purpose of determining *client* registration fees, a coalition or membership organization shall be considered a single *client*, even if one or more of its members also qualify as *clients* under section 27.4002.

- (5) Registration fees may be paid or reimbursed by a *client*.
- (b) At the time an *organization lobbyist* registers pursuant to section 27.4007, the *organization lobbyist* shall pay an annual *organization lobbyist* registration fee.
 - (1) An *organization lobbyist* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay a prorated registration fee.
 - (2) An *organization lobbyist* shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in *lobbying activities*.
- (c) All registration fees shall be set by the *City Council* based upon the recommendation of the *City Clerk*. The *City Clerk* shall from time to time recommend fee amounts to the *City Council* that reflect, but do not exceed, the *City's* costs of administering the filing requirements set forth in this division. A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the *City Clerk*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4012 Amendments to Registration Form

Within ten calendar days of any change in the information required on their registration forms, *lobbying firms* and *organization lobbyists* shall file amendments to their registration forms, disclosing the change in information.

(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4015 Quarterly Disclosure Report Required

- (a) *Lobbying firms* and *organization lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *lobbying firm* or *organization lobbyist*.
- (b) *Expenditure lobbyists* shall file quarterly disclosure reports for every calendar quarter in which they qualify as *expenditure lobbyists*. An entity has no filing obligations as an *expenditure lobbyist* for any calendar quarter in which it does not meet the definition of an *expenditure lobbyist*.
- (c) Each *lobbying entity* shall file its quarterly disclosure report with the *City Clerk*, using forms provided by the *City Clerk*.

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(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4016 Filing Deadline for Quarterly Disclosure Report

Lobbying entities shall file quarterly disclosure reports no later than the last day of the months of April, July, October, and January. *Lobbying entities* shall disclose the information required by section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

(“Filing Deadline for Quarterly Disclosure Report” added 5-18-1998 by O-18511 N.S.)
(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4017 Contents of Quarterly Disclosure Report

(a) Each *lobbying firm*'s quarterly disclosure report shall contain the following information:

- (1) the *lobbying firm*'s name, address, and telephone number.
- (2) the name, business or mailing address, and telephone number of each *client* represented by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:
 - (A) the specific *municipal decision(s)* for which the *lobbying firm* represented the *client* during the reporting period, and the outcome(s) sought by the *client*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *lobbying firm* with regard to that specific *municipal decision*;
 - (C) the name of each *lobbyist* employed by the *lobbying firm* who engaged in *lobbying activities* with regard to that specific *municipal decision*; and,
 - (D) the total *compensation* that the *lobbying firm* became entitled to receive for engaging in *lobbying activities* during the reporting period on behalf of that *client*. Such *compensation* shall be disclosed to the nearest thousand dollars.

- (3) an itemization of *activity expenses* that includes the following:
 - (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *lobbying firm* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
 - (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
 - (C) the name of each *lobbyist* who participated in making the *activity expense*;
 - (D) the name and address of the payee of each itemized *activity expense*; and,
 - (E) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, officers, or *lobbyists* of the *lobbying firm* to a *candidate* or a *candidate-controlled* committee during the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.
- (5) an itemization of any campaign contributions of \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate-controlled* committee that is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the contribution, and the name of the ballot measure committee.
- (6) for each instance of *fundraising activity* by an owner, officer, or *lobbyist* of the *lobbying firm* during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;

- (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated campaign-related services to a *candidate* or a *candidate-controlled* committee during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the *candidate's* name, and the office sought by that *candidate*;
 - (C) the name of the *candidate-controlled* ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate-controlled* committee; and,
 - (E) a description of the services provided.
- (8) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.

- (9) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
 - (10) the printed name, title, and original signature of the individual making the statement required by subsection (a)(9).
 - (11) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.
- (b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:
- (1) the *organization lobbyist's* full name, address, and telephone number.
 - (2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying activities* during the reporting period:
 - (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
 - (C) the name of each owner, officer, or employee of the *organization lobbyist* who engaged in *lobbying activities* on behalf of the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
 - (D) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees with regard to that specific *municipal decision* during the reporting period.
 - (3) an itemization of *activity expenses* that includes the following:
 - (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *organization lobbyist* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;

- (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
 - (C) the name of each *lobbyist* who participated in making the *activity expense*; and,
 - (D) the name and address of the payee of each itemized *activity expense*.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, compensated officers, or *lobbyists* of the *organization lobbyist* to a *candidate* or a *candidate*-controlled committee during the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.
- (5) an itemization of any campaign contributions of \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the date and amount of the contribution and the name of the ballot measure committee.
- (6) for each instance of *fundraising activity* by an owner, compensated officer, or *lobbyist* of the *organization lobbyist* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate*'s controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate*'s controlled committee as having some degree of responsibility for raising.

- (7) for each owner, compensated officer, and *lobbyist* of the *organization lobbyist* who personally provided compensated campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the *candidate's* name, and the office sought by that *candidate*;
 - (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
 - (E) a description of the services provided.
- (8) for each owner, compensated officer, and *lobbyist* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.
- (9) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (10) the printed name, title, and original signature of the individual making the statement required by subsection (b)(9).
- (11) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

- (c) An *expenditure lobbyist's* quarterly disclosure report shall contain the following information:
- (1) The name, address, and telephone number of the *expenditure lobbyist*.
 - (2) The name, title, address, and telephone number of the individual responsible for preparing the report.
 - (3) A description of each *municipal decision* that the *expenditure lobbyist* attempted to influence during the reporting period, and for each such *municipal decision*:
 - (A) The total expenditures the *expenditure lobbyist* made during the reporting period for the purpose of attempting to influence that *municipal decision*. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. An *expenditure lobbyist* need not disclose expenditures for *lobbying activities* reported by a *lobbying firm* or *organization lobbyist* on a quarterly disclosure report.
 - (B) The name, address, telephone number, and amount of *payment* for each *person* who made a *payment*, or the promise of a *payment*, of \$100 or more to the *expenditure lobbyist* for the express purpose of funding any expenditure identified in subsection (c)(3)(A).
 - (C) The outcome sought by the *expenditure lobbyist*.
 - (4) a statement by a duly authorized owner or officer of the *expenditure lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
 - (5) the printed name, title, and original signature of the individual making the statement required by subsection (c)(4).
 - (6) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4018 Amendments to Quarterly Disclosure Reports

Any *lobbying entity* that discovers incomplete or inaccurate information in a quarterly disclosure report that it filed with the *City Clerk* shall, within ten calendar days of the discovery, file an amended quarterly disclosure report with the *City Clerk* disclosing all information necessary to make the report complete and accurate.

(“Amendments to Quarterly Disclosure Reports” added 8-3-2007 by O-19656 N.S.; effective 1-1-2008. Formerly Section 27.4018 “Accountability,” retitled, amended and renumbered to 27.4019 on 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4019 Retention of Records

In addition to any other requirement of this division, every *lobbying entity* shall retain for a period of five years all books, papers, and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

*(“Accountability” added 12-7-1998 by O-18606 N.S.)
(Retitled and renumbered from Section 27.4018 to Section 27.4019 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)*

§27.4022 Termination of Status as Lobbying Firm or Organization Lobbyist

A *lobbying firm* or *organization lobbyist* that ceases being a *lobbying entity* shall notify the *City Clerk* of this status upon the quarterly disclosure report form provided by the *City Clerk*. Upon terminating, the *lobbying firm* or *organization lobbyist* shall report any information required by section 27.4017 that has not been reported since its last quarterly disclosure report.

*(Amended 12-7-1998 by O-18606 N.S.)
(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)*

§27.4023 Obligations of Individual Lobbyists

Every *lobbyist* shall:

- (a) disclose his or her status as a *lobbyist* to a *City Official* before making any *activity expense* to, or for the benefit of, that *City Official* or that *City Official’s immediate family*;
- (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *lobbyist*, or to the *lobbyist’s employer* or *client*;

- (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;
- (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *municipal decision*;
- (e) not cause any communication to be sent to a *City Official* in the name of any fictitious *person*, or in the name of any real *person* without the consent of such real *person*; and,
- (f) not attempt to evade the obligations in this section through indirect efforts or through the use of *agents*, associates, or employees.

(Amended 5-30-2000 by O-18807 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4024 Employment of City Official by Lobbying Entity

If any *lobbying entity* employs or retains a current *City Official*, or any member of that official's *immediate family*, that *lobbying entity* shall file a written statement with the *City Clerk* within ten calendar days after such employment commences. This statement shall set forth the name of the individual employed, the date the individual was first employed by the *lobbying entity*, and the individual's position, title, and department in the *City*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4030 Gifts from Lobbying Entities and Lobbyists

- (a) It is unlawful for a *lobbying firm* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *lobbying firm* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (b) It is unlawful for a *organization lobbyist* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and

- (2) the aggregate value of all *gifts* from the *organization lobbyist* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (c) For purposes of this section, an entity or individual “arranges for the making of a *gift*” if the entity or individual, either directly or through an *agent*, does any of the following:
- (1) delivers a *gift* to the recipient;
 - (2) acts as the representative of the donor, if the donor is not present at the occasion of a *gift*, except when accompanying the recipient to an event where the donor will be present;
 - (3) invites or sends an invitation to an intended recipient regarding the occasion of a *gift*;
 - (4) solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*;
 - (5) is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*; or,
 - (6) acts as an intermediary in connection with the reimbursement of a recipient's expenses.

(Added 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4040 Powers and Duties of the City Clerk

- (a) Upon receipt of a written request, the *City Clerk* may issue a notice of filing obligations to any *person* whom a *City Official* or any other *person* has reason to believe should file a registration form or quarterly disclosure report under this division. Before sending the notice, the Clerk:
- (1) shall require the *City Official* or *person* making the request to provide a written statement of the factual basis for the belief; and,
 - (2) shall determine whether sufficient facts exist to warrant sending the notice.

- (b) Any *person* who in good faith and on reasonable grounds believes that he, she, or it is not required to comply with the provisions of sections 27.4007 or 27.4015 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of these sections if, within ten calendar days after the *City Clerk* has sent specific written notice, the *person* either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he, she, or it is exempt from filing obligations.
- (c) As soon as practicable after the close of each quarter, the *City Clerk* shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor, City Council, and the *Enforcement Authority*.
- (d) The *City Clerk* shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.
- (e) The *City Clerk* shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City Clerk* shall have the power to adopt all reasonable and necessary procedures to implement this division.

(Amended 11-8-1999 by O-18705 N.S.)

(Renumbered from Section 27.4025 to Section 27.4040 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4041 Inspection of Forms and Reports

- (a) The *City Clerk* shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within thirty calendar days after the filing deadline. The Clerk shall notify an entity to file a registration form or quarterly disclosure report under this division if it appears that the entity has failed to file as required by law or that the registration form or quarterly disclosure report filed by the entity does not conform to law.

- (b) Any entity notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

(Amended 12-7-1998 by O-18606 N.S.)

(Renumbered from Section 27.4026 to Section 27.4041 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4045 Online Disclosure of Forms and Reports

- (a) It is the intent of the *City* to implement an electronic filing system that facilitates the disclosure of *lobbying activities* engaged in by *lobbying entities*. When a practical and financially feasible electronic filing system has been implemented by the *City Clerk*, the provisions of this section shall be in effect.
- (b) Every *lobbying entity* required to file a registration form or quarterly disclosure report pursuant to this division shall use the *City Clerk's* electronic filing system to file online such forms or reports.
- (c) Every *lobbying entity* shall continue to file a paper copy of each form or report with the *City Clerk*. The paper copy shall continue to be the original form or report for audit and other legal purposes.
- (d) The information contained on a form or report filed online shall be the same as that contained on the paper copy of the same form or report that is filed with the *City Clerk*.

(Added 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4050 Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers

- (a) Any *person* who believes that violation of any portion of this division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this division. The *Enforcement Authority* may demand and shall be furnished any records that may prove or disprove the accuracy of information contained in a registration form or quarterly disclosure report. In the event that there is a claim that any such records are entitled to protection from disclosure under the attorney-client privilege, the *Enforcement Authority* shall be provided with sufficient documentation to verify the information to which the *City* is entitled under California Business and Professions Code section 6009.

- (c) The *Enforcement Authority* shall determine whether forms and reports have been filed as required and, if so, whether they conform to the requirements of this division.
- (d) The *Enforcement Authority* may elect to enforce the provision of this division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

*(Amended 2-11-2002 by O-19034 N.S.)
(Renumbered from Section 27.4027 to Section 27.4050 and amended 8-3-2007
by O-19656 N.S.; effective 1-1-2008.)*

§27.4055 Violations, Penalties and Defenses

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202. In addition, if the matter is pursued by the *Enforcement Authority* as an administrative matter, any *person* found in violation is subject to the administrative penalties provided for in Chapter 2, Article 6, Division 4.
- (b) In addition to any other penalty or remedy available, if any lobbying entity fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that lobbying entity shall be liable to the *City* of San Diego in the amount of \$10 per calendar day after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.
- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.

*(Amended 7-18-2000 by O-18826 N.S.)
(Renumbered from Section 27.4028 to Section 27.4055 and amended 8-3-2007
by O-19656 N.S.; effective 1-1-2008.)*

//Santa Ana, California/SANTA ANA MUNICIPAL CODE City of SANTA ANA, CALIFORNIA Codified through Ordinance No. 2763, adopted March 3, 2008. (Included in the Charter is Resolution No. 2007-057-S1, adopted November 5, 2007.) (Supplement No. 2)/Chapter 2 ADMINISTRATION*/ARTICLE IX. GIFTS TO PUBLIC OFFICIALS

ARTICLE IX. GIFTS TO PUBLIC OFFICIALS

Sec. 2-851. Purpose; meaning of terms; interpretation; citation.

(a) The city council finds that the receipt of gifts by public officials from persons who do business with the city erodes public confidence in the impartiality of decisions made by those officials. The purpose of this article is to prohibit the donation and receipt of specified gifts, thereby eliminating, to the extent possible, such loss of confidence.

(b) Unless otherwise expressly defined, the terms used in this article shall have the same meaning as defined in the California Political Reform Act (Title 9 of the California Government Code) and regulations issued by the Fair Political Practices Commission pursuant to the authority of the political reform act, as the act and regulations shall be, from time to time, amended.

(c) This article shall be known as, and may be cited as, the "City of Santa Ana Gift Ban Ordinance."

(Ord. No. NS-2201, § 1, 7-19-93)

Sec. 2-852. Definitions.

For the purposes of this article:

(a) *City* shall mean the City of Santa Ana.

(b) *City officer* shall mean every person who is elected or appointed to an office of the city which is specified in Section 87200 of the California Government Code.

(c) Designated employee shall mean every employee of the city who is designated in the city's conflict of interest codes to file a statement of economic interests and every member of a city board or commission required to file such a statement.

(d) Doing business with the city shall mean:

(1) Seeking the award of a contract or grant from the city; or

(2) Having sought the award of a contract or grant from the city in the past twelve (12) months; or

(3) Being engaged as a lobbyist or lobbyist firm, as defined in this article, from the time of such engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement; or

(4) Having an existing contractual relationship with the city, until twelve (12) months after the contractual obligations of all parties have been completed; or

(5) Seeking, actively supporting, or actively opposing the issuance, by the city, of a license, permit, or other entitlement for use, or having done any of these things within

the past twelve (12) months.

(e) *Gift* shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act, except that the following shall not be deemed to be gifts:

(1) Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and commemorative gifts from such organizations with a cumulative value, from any single source, of fifty dollars (\$50.00) or less during any 12-month period.

(2) Flowers, plants, balloons, or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate special occasions, provided that gifts made or received under this exemption shall not exceed a value of fifty dollars (\$50.00) from any single source in any calendar year.

(3) A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.

(4) Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the city within forty-five (45) days of receipt, and the public official does not claim any tax deduction by virtue of such donation.

(5) Food and beverages consumed by a public official that total less than five (\$5.00) per occasion.

(f) *Lobbyist* shall mean any individual, including an attorney, who is employed or contracts for consideration, other than reimbursement of reasonable travel expenses, to communicate directly with any city officer for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use. An attorney shall not be considered a lobbyist when performing activities which can only be performed by a person admitted to the practice of law.

(g) *Lobbyist firm* shall mean:

(1) Any business entity, which is employed or contracts for consideration, other than reimbursement of travel expenses, to communicate directly with a city officer for the purpose of seeking, actively supporting or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use, or

(2) Any business entity of which any member or employee is a lobbyist.

(h) *Principal* shall mean any individual or business entity which employs or contracts with a lobbyist or lobbyist firm for any of the purposes stated in subsections (f) or (g).

(1) An individual or business entity shall be deemed to be employed or contracting to communicate directly with a city officer if it is reasonably foreseeable that in the course of employment or in the course of performing the contract the individual or an employee of the entity will have a telephone conversation or a discussion with any city officer, outside of any meeting governed by the Ralph M. Brown Act (which is codified in the California Government Code commencing with Section 54950), for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use.

(2) An individual lobbyist who is an officer, partner or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section on the first occasion on which he or she engages in a telephone conversation or discussion described in subsection (h)(1). A lobbyist firm, or an individual lobbyist who is not an officer, partner, or employee of his or her principal shall be deemed to be "engaged" within the meaning

of this section upon the completion of an agreement, oral or written, to provide the services specified in subsection (f) or (g).

(i) *Public official* means every city officer and every designated employee.

(Ord. No. NS-2201, § 1, 7-19-93; Ord. No. NS-2472, § 2, 6-4-01)

Sec. 2-853. Prohibitions.

(a) No person who is doing business with the city shall make any gift to any city officer.

(b) No person who is doing business with the city shall make any gift to any designated employee, who, by virtue of his or her city employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.

(c) No city officer shall solicit or accept any gift from any person whom he or she knows, or has reason to know, is doing business with the city.

(d) No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the city, when such employee by virtue of his city employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.

(e) No public official shall accept any gift when the identity of the donor is not known to the public official.

(Ord. No. NS-2201, § 1, 7-19-93)

Sec. 2-854. Violations and enforcement.

(a) Any city officer who violates section 2-853 shall be guilty of a misdemeanor.

(b) Any designated employee who violates section 2-853 shall be subject to discipline for such violation, including, in appropriate cases, termination of employment.

(c) Any member of any city board or commission, other than a board or commission established by the constitution or a statute of the State of California, who violates section 2-853, shall be subject to removal from office.

(d) Any person who violates subsection (a) or (b) of section 2-853 shall be guilty of a misdemeanor.

(e) These enforcement provisions are in lieu of the penalty provided in section 1-8 of this Code, are cumulative, and are not mutually exclusive.

(Ord. No. NS-2201, § 1, 7-19-93)

Secs. 2-855--2-900. Reserved.

CITY OF RICHMOND MUNICIPAL CODE

Chapter 2.54 REGULATION OF *LOBBYISTS*

2.54.010 Lobbyist defined.

2.54.020 Thresholds.

2.54.030 Exemptions.

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2.54.120 Powers and duties of the City Clerk.

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2.54.010 Lobbyist defined.

The following persons are deemed to be *lobbyists* and shall be subject to the provisions of this chapter:

- (1) Any person, business entity or other organization, including an individual contract lobbyist, which contracts for economic consideration to communicate with any officer of the City of Richmond ("City") for the purpose of influencing local legislative or administrative action on behalf of any other person.
- (2) Any business or organization any of whose employees or members as a regular part of

their duties or employment, communicate with any officer of the City for the purpose of influencing local legislative or administrative action on behalf of that business or organization. The requirements of this chapter shall not apply where employees or members indicate affiliation or identification with a business or organization, but do not represent the official position of the business or organization.

(3) Any person who directly or indirectly expends \$3,000 or more in any calendar year to influence local legislative or administrative action. Payments made to any person as consideration for communicating with an officer of the City for the purpose of influencing local legislative or administrative action shall not be included in calculating expenditures for the purposes of this subsection.

2.54.020 Thresholds.

(a) No person shall be deemed a lobbyist under Section 2.54.010 (1), unless that person receives or becomes entitled to receive at least \$1,000 total compensation in any month or more than \$3,000 in any calendar year for influencing local legislative or administrative action or has at least ten separate contacts for the purpose of influencing local administrative or legislative action within any two consecutive months.

(b) No business or organization shall be deemed a lobbyist under Section 2.54.010(2) unless it compensates its employees or members for their lobbying activities on behalf of the business or organization, and the compensated employees or members have at least ten separate contacts with officers of the City for the purpose of influencing local legislative or administrative action within any two consecutive months.

(c) Total compensation shall be calculated by combining all compensation received during the month from all clients for all lobbying activities on all targeted local legislative and administrative actions. Total number of contacts shall be calculated by combining all contacts made during the two-month period on behalf of all clients for all lobbying activities on all targeted local legislative and administrative actions.

2.54.030 Exemptions.

The term lobbyist shall not include:

- (1) A public official acting in an official capacity;
- (2) A newspaper or other regularly published periodical, radio or television station (including any individual who owns, published or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge action upon local legislative or administration action;
- (3) Any communication by an attorney concerning the settlement of a claim or lawsuit involving the City and that attorney's client;
- (4) A person invited by or on behalf of any officer of the City to confer, consult or give testimony in aid of the officer extending the invitation;
- (5) A person appearing with respect to local legislative or administrative action pursuant to a procedure established by State or Federal law, or pursuant to any procedure established by this chapter for levying an assessment against real property for the construction or maintenance of an improvement;

(6) A person applying for, opposing or otherwise taking any position on a grading permit or a permit relating to the construction, alteration, demolition or moving of a building or to a person filing, opposing or otherwise taking a position of a parcel map or subdivision tract map; provided, however, that if a person qualifies as a lobbyist and that person makes or opposes an appeal or represents a person making or opposing an appeal, pursuant to any procedure or authority provided by law from an administrative determination made with respect to such an application or map, that person shall be required to register as provided in Section 2.54.050 of this chapter upon making the appeal or filing opposition to it;

(7) A person employed by a lobbyist registered under this chapter to provide expert testimony before an officer of the City;

(8) A Richmond neighborhood council, or any officer or member of a neighborhood council acting, in accordance with the bylaws of the neighborhood council and on behalf of the neighborhood council, on an issue or performing a task which the neighborhood council has authorized or endorsed by majority vote. To qualify for this exemption, a neighborhood council shall be duly organized with a majority of its members being residents of Richmond, have defined geographic boundaries, conduct regular meetings, keep written minutes, and have bylaws and a list of current officers on file with the City Clerk.

2.54.040 Definitions.

Whenever used in this chapter, the following words and phrases shall be as defined in this section:

(1) "Economic consideration" means reimbursement for expenses incurred. A person shall be deemed to be employed as a lobbyist whether consideration is paid specifically for activity regulated by this chapter or other activity as well.

(2) "Communicate" means to communicate directly or through an agent, associate or employee, but shall not include (A) appearing as a witness in, or providing written statements which become a part of the record of a public hearing, so long as the lobbyist identifies the client or clients on whose behalf the lobbyist is speaking or writing; or (B) the distribution to any officer of the City of any regularly published newsletter or other periodical which is not primarily directed at influencing local legislative or administrative action. A public hearing shall include any open noticed proceeding where public record is kept of who testified and who was represented by a lobbyist testifying at that hearing.

(3) "Officer of the City" means a member of the City Council, the Mayor, the City Manager, the City Attorney, a member of a board or commission, and any other City officer or employee whose duties are not primarily clerical or manual.

(4) "Expend" means to pay, distribute, loan, advance, deposit or give money or anything of value, whether directly or indirectly, for the purpose of influencing local legislative or administrative action, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(5) "Local legislative or administrative action" means the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City of any resolution, motion, appeal, application, petition, nomination, Article, amendment, approval, referral, permit, license or entitlement to use. Local

legislative or administrative action does not include any action by any officer of the City which adjudicates the rights and/or duties of a single individual (or group of individual proceedings are consolidated) other than a proceeding described in Section 2.54.030(6) of this chapter.

(6) "Quarterly" or "quarter" or "calendar quarter" mean the annual calendar quarters of the year, namely, the time periods encompassed by January 1 -- March 31, April 1 -- June 30, July 1 -- September 30, and October 1 -- December 31, respectively. The term semiannual means two periods each year, the first comprising the first and second quarters, and the second comprising the third and fourth quarters.

(7) "Public official" as used in Section 2.54.030 of this chapter means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the State, including cities, counties, districts, or any public body corporate and politic agency or commission.

(8) "Client" means the real party in interest for whose benefit the services are actually performed. The client of a lobbyist qualified under Section 2.54.010(2) of this chapter, shall be the business or organization; the client of a lobbyist qualified under Section 2.54.010(3) of this chapter shall be the individual. An individual member of an organization shall not be deemed to be a client solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization and so long as such member does not pay an amount of money or other consideration for such representation in addition to the usual membership fees.

(9) "Activity expenses" means any expense incurred or payment made by a lobbyist or lobbyist's client, or arranged by a lobbyist or a lobbyist's client, which benefits in whole or in part any officer of the City, candidate for municipal office, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of economic compensation totaling more than \$50 in value in a calendar month, but do not include political contributions.

(10) Payments, when required to be reported under Section 2.54.070 of this chapter, shall be reported in \$5,000 bracketed increments. For example, a computed amount of \$3,172 shall be reported as "between \$1 and \$5,000," and a computed amount of \$13,378 shall be reported as "between \$10,001 and \$15,000."

2.54.050 Registration of *lobbyists*.

(a) No lobbyist shall communicate with an officer of the City for the purpose of influencing local legislative or administrative action without first registering with the City Clerk. The City Clerk shall issue a registration number to each lobbyist and indicate thereon the expiration date of the registration, which shall be one year after the last day of the calendar quarter in which registration occurs.

(b) At the time of registration or re-registration, each lobbyist shall pay an initial fee of \$35 and an additional fee of \$15 for each client identified by the lobbyist at said time. When a client is acquired subsequent to registration or re-registration, a \$15 fee shall accompany the filing of the information required herein. The City Clerk shall waive these fees for any organization presenting proof of its tax exempt status under 26 U.S.C.

501(c)(3) or 501(c)(4).

(c) In order to maintain an active registration, a lobbyist shall re-register between the first and last day of the month in which the registration expired.

2.54.060 Registration of reports.

(a) At the time of registration or re-registration, and between the first and 15th day of the first month of the first and third quarter so long as that person's registration continues, each lobbyist shall file with the City Clerk a report of:

- (1) The name, address and phone number of the lobbyist;
- (2) If the filer is a business or organization qualifying under Section 2.54.010(2) of this chapter, a specific description of the business or organization in sufficient detail to inform the reader of the name and purpose of the business or organization;
- (3) If the filer is an individual qualifying under Section 2.54.010(3) of this chapter, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged;
- (4) The name and address of each current client;
- (5) The proposed local legislative or administrative action the lobbyist is employed to support or oppose, and the client on whose behalf the lobbyist is employed for each proposed local legislative or administrative action;
- (6) The names of all individual communicating with any officer of the City on behalf of the lobbyist; and
- (7) Any other information required by the City Clerk consistent with the purposes and provisions of this chapter.

(b) The lobbyist shall also, within 30 days after initially registering or after first registering on behalf of a particular client, submit to the City Clerk a written authorization from each client by whom the lobbyist is employed to act in furtherance of such object, including the local legislative or administrative action the lobbyist has been employed to support or oppose. Client authorizations need not be resubmitted at the time of re-registering.

(c) Should services be engaged or terminated by any client subsequent to registering or re-registering, the same information with respect to that client shall be filed by the lobbyist before acting on behalf of that client and no later than 15 days after the change in status. A person who ceases all activity as a lobbyist may notify the City Clerk of that fact and, upon reporting the information required by subsection (a) of this section, occurring since the lobbyist's last semiannual statement or since the commencement of the subject employment, whichever is applicable, shall be relieved of the obligation of making future reports required by this chapter until again acting as a lobbyist.

2.54.070 Activity reports.

At the time of registration or re-registration, and between the first and 15th day of the first and third calendar quarter so long as that person's registration continues, each lobbyist shall file with the City Clerk a detailed report of:

- (1) All activity expenses incurred by the lobbyist firm during the preceding two quarters,

including the following information:

- (A) The date and amount of each activity expense;
 - (B) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of the benefit;
 - (C) The full name of the payee of each expense if other than the beneficiary;
- (2) A report of all political contributions of \$100 or more made by the lobbyist during the preceding two quarters to an officer of the City, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support such officer or candidate, or any committee primarily formed to oppose a candidate for City office. This report shall include all political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.
- (3) With respect to *lobbyists* as defined in Section 2.54.010(1) of this chapter:
- (A) The full name, business address and telephone number of each client, a description of the specific local legislative or administrative action regarding which the lobbyist communicated with any officer of the City on behalf of that client, and the total payments, including fees and the reimbursement of expenses, received from that client for such communication on behalf of the client; and
 - (B) The total amount of payments received from all clients for such communications.
- (4) With respect to *lobbyists* as defined in Section 2.54.010(2) of this chapter:
- (A) A description of the specific local legislative or administrative action regarding which an employee or member of the lobbyist communicated with any officer of the City on behalf of the lobbyist;
 - (B) Payments to influence local legislative or administrative action, specifically, payments for or in connection with:
 - (i) Support or assistance of *lobbyists*,
 - (ii) Direct communications with a City officer for the primary purpose of influencing local legislative or administrative action,
 - (iii) Soliciting or urging persons other than the filer or the filer's employees to enter into communications with a City officer for the primary purpose of influencing local legislative or administrative action.
- (5) With respect to *lobbyists* as defined in Section 2.54.010(3) of this chapter:
- (A) Any payment to a lobbyist as defined in Section 2.54.010(1) of this chapter for communicating with any City officer for the primary purpose of influencing local legislative or administrative action; and
 - (B) Payments to influence local legislative or administration action, specifically, payments for or in connection with:
 - (i) Support or assistance of *lobbyists*,
 - (ii) Direct communications with a City officer for the primary purpose of influencing local legislative or administrative action, in which case a description of the specific local legislative or administrative action that is the subject of the communication shall be included,
 - (iii) Soliciting or urging persons other than the filer or the filer's employees to enter into communications with a City officer for the primary purpose of influencing local legislative or administrative action that is the subject of the proposed communication shall be included.
- (6) As used in subsections (4)(B) and (5)(B) of this section, payments to influence local

legislative or administrative action shall not include payments for either of the following:
(A) Compensation or other payments for services which are solely secretarial, clerical, or manual, or are limited solely to the compilation of data and statistics; or
(B) Except for payments to *lobbyists* and to employees who perform services other than those described in subsection (6)(A) of this section, the costs of any regular, ongoing business overhead which would continue to be incurred in substantially similar amounts regardless of the filer's activities to influence local legislative or administrative action.
(7) Any other information required by the City Clerk consistent with the purposes and provisions of this chapter.

2.54.080 Obligations of *lobbyists*.

Any person who qualifies as a lobbyist under Section 2.54.010 of this chapter shall have the following obligations:

- (1) Not to act as a lobbyist unless registered pursuant to this chapter, and not to accept any economic consideration for acting as a lobbyist except upon condition that the lobbyist forthwith register in accordance with this chapter;
- (2) Not to cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed to secure its granting, denial, confirmation, rejection, passage or defeat;
- (3) Not to communicate with any officer of the City in the name of any fictitious person or in the name of any real person, except with the consent of such real person;
- (4) To retain all books, papers and documents necessary to substantiate the financial reports required to be made under this chapter for a period of five years.

A lobbyist shall not attempt to evade these obligations through indirect efforts or through the use of agents, associates or employees.

2.54.090 Employment of City officers or employees.

If any lobbyist employs or requests, recommends or causes such lobbyist's client to employ, and such client does employ, any officer of the City, or any person known by such lobbyist to be a full-time employee of the City, in any capacity whatsoever, the lobbyist shall file within 10 days after such employment a statement with the City Clerk setting out the nature of the employment, the name of the person to be paid thereunder, the amount of pay or consideration to be paid thereunder and the date first employed.

2.54.100 Employment of unregistered persons.

It is unlawful knowingly to pay any person to communicate with any officer of the City for the purpose of influencing local legislative or administrative action, if said person is required to register under this chapter and has not done so.

2.54.110 Filing under penalty of perjury.

All information required under this chapter shall be filed with the City Clerk, on forms provided by the City Clerk. The individual filing shall swear to the accuracy and completeness of the information under penalty of perjury.

2.54.120 Powers and duties of the City Clerk.

(a) The City Clerk shall issue a notice of registration required upon the written request of any officer of the City. Any person who in good faith and on reasonable grounds believes that compliance with this chapter is not required by reason of being exempt under this Section 2.54.020 or 2.54.030 shall not be deemed to have violated this chapter if, within 15 days after notice from the City Clerk that person either complies or furnish satisfactory evidence to the City Clerk evidencing that said person is exempt from registration.

(b) The information provided in registration and activity reports filed pursuant to this chapter shall be compiled by the City Clerk as soon as practicable after the close of each quarter with respect to which such information is filed and shall be forwarded to the City Council.

(c) In January of each year, the City Clerk shall file a report with the City Council on the implementation of this chapter.

(d) All reports and statements filed with the City Clerk under this chapter shall be preserved by the City Clerk for a period of five years from the date of filing. Such reports and statements shall constitute a part of the public records of the City Clerk's Office and shall be open to public inspection.

(e) The City Clerk shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this chapter.

(f) To assist in the interpretation and implementation of this chapter, the City Clerk shall prepare and make available a "Lobbyist Manual" which shall, in its initial form (except as required to conform to differences between this chapter and San Francisco Administrative Code Article XIIA, Sections 16.520 to 16.532), be similar to and utilize the same interpretations and reporting forms as found in the "City and County of San Francisco Lobbyist Manual dated May 29, 1996."

(g) The first period for which registration and filing of reports shall be required shall be the second quarter of 1997, beginning April 1, 1997. Although *lobbyists* may register prior to April 1, 1997, registration shall not be required until the end of the first reporting period; thereafter it shall be required as stated in Section 2.54.050 of this chapter.

2.54.130 Violations.

(a) Any person who knowingly violates any provision of this chapter is liable in a civil action brought by the City Attorney for an amount up to \$1,000 per violation.

(b) Should two or more persons be responsible for any violation under this chapter, they shall be jointly and severally liable.

(c) If any person files an original statement or report after any deadline imposed by this chapter, he or she shall, in addition to any other penalties or remedies established in this section, be liable in an amount of \$10 per day after the deadline until the statement or report is filed, to the City Clerk. Liability need not be enforced if on an impartial basis

the City Attorney determines that the late filing was not wilful and that enforcement of the liability will not further the purposes of this chapter. The City Clerk shall deposit any funds received under this section into the general fund of the City.

(d) The City Attorney may also bring an action to revoke for up to one year at the registration of any lobbyist who has knowingly violated this chapter.

2.54.140 Limitation of actions.

No civil action alleging a violation of this chapter, as provided in Section 2.54.130 of this chapter, shall be filed more than four years after the date the violation occurred.

2.54.150 Severability.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this chapter, or the application thereof to any person, is for any reason held be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or its application of other persons. The City Council declares that it would have adopted this chapter, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions, or the application thereof to any person, to be declared invalid or unconstitutional.

(Source: Ordinance No. 1-97 N.S.)

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DRAFT 1/19/00
City of Sacramento
Municipal Lobbying Ordinance

SEC. 48.01. Title and Findings.

A. Title. This Article shall be known and may be cited as the Sacramento Municipal Lobbying Ordinance.

B. Findings. The following findings are adopted in conjunction with the enactment of this Article:

1. City Government functions to serve the needs of all citizens.
 2. The citizens of the City of Sacramento have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
 3. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
 4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government.
 5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.
 6. It is in the public interest to adopt these amendments to the City's regulations of lobbyists to ensure adequate and effective disclosure of information about efforts to lobby City government.
- SEC. 48.02 Definitions.

The following terms used in this Article shall have the meanings set forth below. Other terms used in this Article shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

"Activity expense" means any payment, including any gift, made to or directly benefitting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

"Agency" means the City of Sacramento or any department, bureau, office, board, commission, other agency of the City, or any other government agency, required to adopt a conflict of interest code subject to City Council approval, and includes the Sacramento Housing and Redevelopment Commission.

"Attempting to influence" means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision.

"City official" means any elected or appointed City officer, member, employee or consultant (who qualifies as a

public official within the meaning of the Political Reform Act) of any agency, who, as part of his or her official duties, participates in the consideration of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity.

"Client" means both (1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and (2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation. However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.

"Compensated Services" means services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.

"Direct communication" means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction.

"Elected City officer" means the Mayor, and Member of the City Council.

"Lobbying activities" includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

- (1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
- (2) drafting ordinances, resolutions or regulations;
- (3) providing advice or recommending strategy to a client or others;
- (4) research, investigation and information gathering;
- (5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and
- (6) attending or monitoring City meetings, hearings or other events.

"Lobbying firm" means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its agents) during a calendar quarter, for the purpose of attempting to influence municipal legislation on behalf of any other person, provided any partner, owner, shareholder, officer or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity "becomes entitled to receive compensation" when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes.

"Lobbyist" means any individual who receives or becomes entitled to receive at least \$1,000 in monetary or in-kind compensation for engaging in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person, during any calendar quarter.

Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual "becomes entitled to receive compensation" when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes.

A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services. "Lobbyist employer" means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

"Major filer" means any person who makes payments or incurs expenditures totaling \$2,000 or more during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm quarterly report. A "major filer" does not include a lobbyist, lobbyist employer, or lobbying firm. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be counted for the purpose of this definition.

"Municipal legislation" means any legislative or administrative matter proposed or pending before any agency (as defined in this Article), including but not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, "municipal legislation" does not include any of the following:

- (1) A request to the City Clerk for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding.
- (2) Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.
- (3) Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and a recognized employee organization, or a proceeding before the Civil Service Commission. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless, "municipal legislation" does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members), or by the Mayor or his or her office.
- (4) Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.

"Person" means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

SEC. 48.03. Exemptions.

The following persons are exempt from the requirements of this Article:

A. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.

B. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise is regulated by this Article.

C. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.

D. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by subsections E and F, this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.

E. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.

F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.

SEC. 48.04. Prohibitions.

No lobbyist or lobbying firm subject to the requirements of this Article shall:

A. Do any act with the purpose and intent of placing any City official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.

B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.

C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.

D. Cause any communication to be sent to any City official in the name of any non-existent person or in the name of any existing person without the consent of such person.

E. Make or arrange for any payment to a City official, or act as an agent or intermediary in making any such payment by any other person, if the arrangement or the payment would violate any provision of the City's campaign finance ordinance, if adopted. (Or the CA. Fair Political Practices Law)

SEC. 48.05. Record-keeping Responsibilities of Related Persons.

Lobbyists, lobbying firms, lobbyist employers and major filers shall prepare and retain detailed records (including all books, papers and other documents) needed to comply with the requirements of this Article. Such records shall be retained for not less than four years.

SEC. 48.06. Registration Disclosure Forms.

All lobbyist and lobbying firm registrations, and all other statements and reports required by this Article shall be verified under penalty of perjury and shall be filed in duplicate (original and copy) on forms provided by the City Clerk.

A report or statement properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Clerk, whichever is earlier.

SEC. 48.07. Registration.

A. Requirement. An individual who qualifies as a lobbyist shall register with the City Clerk's Office within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. A person, including an individual lobbyist, shall register with the City Clerk as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Clerk within 10 days after the person knew or should have known of the obligation to register. A lobbyist or lobbying firm shall register each client on whose behalf or from which the lobbyist or lobbying firm receives or becomes entitled to receive \$250 or more in a calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation.

B. Duration of Status. A person who registers as a lobbyist or lobbying firm shall retain that status through December 31 of that year unless and until that person terminates the status as set forth below.

C. Registration Fees. Every lobbyist shall pay an annual registration fee of \$125 plus \$25 for each client on whose behalf or from which the lobbyist receives or becomes entitled to receive \$250 or more in a calendar quarter. Persons who initially register during the last quarter of a calendar year (October through December) shall pay prorated registration fees of \$75 for each lobbyist plus \$17 for each such client.

D. Contents of Registration Statements - Lobbyists. Registration statements of lobbyists shall contain the following:

1. The lobbyist's name, business address, and business telephone number.
2. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner.
3. If the lobbyist is not an employee, partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer, together with a letter from the employer authorizing the lobbyist to lobby on behalf of the employer.
4. Each City agency that the lobbyist has the authority to attempt to influence on behalf of any client or employer.
5. A statement that the lobbyist has reviewed and understands the requirements of this Article.

6. Any other information required by the City Clerk, consistent with the purposes and provisions of this Article.

E. Contents of Registration Statements - Lobbying Firms.

Registration statements of lobbying firms (including individual contract lobbyists) shall contain the following:

1. The name, address and telephone number of the firm.
2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm.
3. The registration statement prepared by each lobbyist so identified, appended to the statement.
4. For each client on whose behalf or from which the firm received or became entitled to receive \$250 in compensation during the calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation within the meaning of this Article:
 - (a) The client's name, business or residence address and business or residence telephone number.
 - (b) The period during which the representation will occur.
 - (c) The item or items of municipal legislation for which the firm was retained to represent the client, or, if no specific items of municipal legislation for which the firm was retained to represent the client can be identified, a description of the types of municipal legislation for which the firm was retained to represent the client.
 - (d) Each City agency that the lobbying firm has the authority to attempt to influence on behalf of the client.
 - (e) A letter from the client authorizing the firm to represent the client.
 - (f) In the case of a lobbyist who is an individual contract lobbyist, a statement that he or she has reviewed and understands the requirements of this Article.
 - (g) The name of the person or persons responsible for preparing the statement.
 - (h) Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

F. Filing Registration Statements. Every lobbying firm shall file its registration statement with the City Clerk shall attach the registration statements of all lobbyists who are partners, owners, shareholders, officers or employees of the firm. Every lobbyist who is not a partner, owner, shareholder, officer or employee of a lobbying firm shall file his or her registration statement with the City Clerk.

G. Amendments to Registrations. Lobbyists and lobbying firms shall file amendments to their registration statements within 10 days of any change in information required to be set forth on the registration statement.

H. Termination. Any person registered under this Article shall file a Registration Termination form

with the City Clerk within 20 days after ceasing all activity governed by this Article.

I. Education Requirement.

Every individual who is required to register as a lobbyist shall attend a City lobbying information session conducted by the City Clerk no less than once every two calendar years, according to the following schedule:

1. An individual who has not registered as a lobbyist in the immediately preceding two calendar years shall attend a City lobbying information session within six months of his or her registration date as a lobbyist.
2. A registered lobbyist who did not attend a City lobbying information session during the previous calendar year shall attend a City lobbying session by the end of the current calendar year.
3. A registered lobbyist who attends a City lobbying information session during the current calendar year is not required to attend a City lobbying information session during the following calendar year.

SEC. 48.08. Quarterly Disclosure Reports.

A. Reporting Requirement. Every lobbyist, lobbying firm, lobbyist employer and major filer shall file the quarterly disclosure reports required by this section on or before the last day of the month following each calendar quarter. A report properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Clerk, whichever is earlier.

1. All lobbyists and lobbying firms shall file quarterly reports for every calendar quarter during which they retain that status. An individual who qualifies both as a lobbyist and lobbying firm shall file only a lobbying firm quarterly report. Lobbyist employers shall file quarterly reports for every calendar quarter during which any individual employed by that employer retains the status as Lobbyist. Information required to be disclosed concerning compensation received or expenditures made for lobbying shall be disclosed either by the lobbyist or by his or her lobbying firm or employer.
2. Major filers shall file quarterly reports for every calendar quarter during which they made qualifying payments or incurred qualifying expenditures totaling \$2,000 or more.
3. Quarterly reports shall disclose all required information for the calendar quarter immediately prior to the month in which the report is required to be filed. The reports shall be filed in duplicate (one original and one copy).

B. Quarterly Reports by Lobbyists - Contents. Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, business address and business telephone number.
2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, officer or employee.
3. If the lobbyist is not a partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer.
4. The date, amount and description of each activity expense of \$25 or more made by the lobbyist during the reporting period, the name and title of the City official

benefitting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence the official on behalf of the client.

5. The total amount of activity expenses made by the lobbyist during the reporting period, whether or not itemized.

6. The name of any elected City officer, candidate for elective City office, or his or her controlled committee who received any contribution of \$100 or more made or delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary, during the reporting period and the date and amount of the contribution.

7. If, during the quarterly reporting period, the lobbyist provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services, and a description of the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.

8. If, during the quarterly reporting period, the lobbyist provided compensated services under contract with the City or with any City agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.

9. Each City agency that the lobbyist attempted to influence.

10. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

C. Quarterly Reports by Lobbying Firms - Contents. Quarterly reports by lobbying firms, including individual contract lobbyists, shall contain the following information:

1. The name, address and telephone number of the firm.

2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm and whose quarterly report is required to be attached to the report.

3. The original quarterly report of each lobbyist identified pursuant to subdivision 2 above attached as an exhibit to the report of the lobbying firm.

4. The name, address and telephone number of each client that is required to be registered and was represented by the firm during the reporting period; a description of each item of municipal legislation for which the firm or its lobbyists represented the client during the reporting period; the total amount of payments received by the firm from each client (including all fees, reimbursements for expenses and other payments) during the reporting period for such representation.

5. The total payments received from clients required to be registered by the firm during the reporting period in connection with the firm's representation of clients on municipal legislation.

6. The date, amount and description of each activity expense of \$25 or more made by the lobbying firm during the reporting period, the name and title of the City official benefitting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence the official on behalf of the client.

7. The total amount of activity expenses made by the lobbying firm during the reporting period, whether or not itemized.

8. The total amount of expenses incurred in connection with attempts by the firm to influence municipal legislation. These expenses shall include:

(a) total payments to lobbyists employed by the firm;

(b) total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period; and

(c) all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.

9. The name of any elected City officer, candidate for elective City office, or his or her controlled committee who received any contribution of \$100 or more made or delivered by the lobbying firm, or in connection with which the firm acted as an intermediary, during the reporting period and the date and amount of the contribution. For the purpose of this subdivision, "contribution" includes a campaign contribution made in connection with election to any federal, state or local office and to a contribution to an officeholder committee.

10. If, during the quarterly reporting period, the lobbying firm provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services and a description of the services provided.

11. If, during the quarterly reporting period, the lobbying firm provided compensated services under contract with the City or with any agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. For an individual contract lobbyist who qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.

12. For an individual contract lobbyist who qualifies as a lobbying firm, each City agency that the lobbyist attempted to influence.

13. The name, address and telephone number of the person responsible for

preparing the report.

14. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

D. Quarterly Reports by Lobbyist Employers - Contents. Quarterly reports by lobbyist employers shall contain the following information:

1. The name, address and telephone number of the entity filing the report.
2. The name of each lobbyist who is employed by the entity and whose quarterly report is required to be attached as an exhibit to the report.
3. The original quarterly report of each lobbyist identified pursuant to subdivision 2 above, attached as an exhibit to the report of the lobbyist employer.
4. Total payments during the reporting period to lobbyists employed by the entity. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence municipal legislation.
5. Total payments to employees of the entity, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence municipal legislation.
6. Total payments for expenses incurred in connection with attempts by the entity during the reporting period to influence municipal legislation. These expenses shall include all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.
7. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
8. The date, amount and description of each activity expense of \$25 or more made by the lobbyist employer during the reporting period, the name and title of the City official benefitting from the expense, and the name and address of the payee.
9. The total amount of activity expenses made by the lobbyist employer during the reporting period, whether or not itemized.
10. The name of any elected City officer, candidate for elective City office, or his or her controlled committee who received any contribution of \$100 or more made or delivered by the lobbyist employer, or in connection with which the entity acted as intermediary, during the reporting period and the date and amount of the contribution. For the purpose of this subdivision, "contribution" includes a campaign contribution made in connection with election to any federal, state or local office and to a contribution to an officeholder committee.
11. The name, address and telephone number of the person responsible for preparing the report.
12. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

E. Quarterly Reports by Major Filers - Contents. Quarterly reports by major filers shall contain the following information.

1. The name, address and telephone number of the person filing the report.
2. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
3. The total payments made during the reporting period for the purpose of attempting to influence action on each proposed or pending matter of municipal legislation.
4. The name, address and telephone number of the person responsible for preparing the report.
5. Any other information required by regulation of the City Clerk, consistent with the purposes and provision of this Article.

SEC. 48.09. Compliance Measures and Enforcement.

A. Audits. The City Clerk shall have the authority to conduct audits of reports and statements filed pursuant to this Article. Such audits may be conducted on a random basis or when the City Clerk staff has reason to believe that a report or statement may be inaccurate or has not been filed.

B. Criminal Penalties.

1. Any person who knowingly or willfully violates any provision of this Article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this Article, or who knowingly or willfully aids and abets any other person in violation of any provision of this article, is guilty of a misdemeanor.
2. The prosecution for violation of any provision of this Article must be commenced within one year after the date on which the violation occurred.
3. No person convicted of a violation of this Article may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one year after such conviction.

C. Civil Enforcement.

1. Any person who knowingly violates any provision of Section 48.04 shall be liable in a civil action brought by the City Attorney. Any person who intentionally or negligently violates any other provisions of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$2,000, whichever is greater. Any other violation may result in civil penalties no greater than \$2,000. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.
2. In determining the amount of liability pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.
3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
4. No civil action alleging a violation of this Article shall be filed more than four

years after the date the violation occurred.

D. Injunction. The City Attorney on behalf of the people of the City of Sacramento may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this Article.

E. Administrative Penalties. The City Clerk may impose penalties and issue orders for violation of this Article pursuant to its authority under _____. (appropriate provision of law.)

F. Late Filing Penalties. In addition to any other penalty or remedy available, if any person fails to file any report or statement required by this Article, after any deadline imposed by this Article, such person shall be liable to the City Clerk in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the City Clerk if the Clerk determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this Article. No liability shall be waived if a statement or report is not filed within 10 days after the Commission has sent specific written notice to the filer of the filing requirement.

G. Restriction on Person Who Violates Certain Laws |

1. No person shall act or continue to act as a registered lobbyist or lobbying firm if, within the prior four years, that person has been found by the City Clerk, in a proceeding adopted by the City Council to have violated this Article on any occasion. That determination shall be based either on a finding of the City Clerk made after an administrative hearing or on a stipulation by the lobbyist or lobbying firm entered into with the City Clerk within the previous four years.

2. If the City Clerk makes a finding that the person has either (1) accepted responsibility for the violation in the form of having entered into a stipulation with the City Clerk in which the party admits the violation, or otherwise exhibits evidence of having accepted such responsibility, or (2) mitigated the wrongdoing by taking prompt remedial or corrective action, then the City Clerk may reduce the time period during which the above prohibition would apply to a period of not less than one year.

SEC. 48.10. City Clerk Reports.

As soon as practicable after the close of each quarterly reporting period, the City Clerk shall prepare a report to the Mayor and City Council of lobbying activity which occurred during the reporting period. Such report shall be in a form which, in the opinion of the Clerk, best describes the activities, receipts and expenditures of persons subject to the requirements of this article.

SEC. 48.11. Severability.

If any provision of this article, or its application to any person or circumstance, is held invalid by any court, the remainder of this article and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this article are declared to be severable.

DRAFT 1/19/00

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