




**Date:** November 28, 2006  
**To:** Members of the Election Oversight Committee  
**From:** Larry Herrera, City Clerk 

**Subject:** Recommendation to receive a staff report on recent Council standing committee deliberations related to lobbyist regulations in the City of Long Beach and trends in other cities; and to provide direction to staff relative to any potential changes or amendments that may be proposed to the City Council by the Elections Oversight Committee.

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As background information on the above subject topic, please find attached the following materials:

- (1) A copy of the City Attorney's agenda report (February 11, 2003) titled, "Ordinance Regarding Regulation of Persons Who Lobby Public Officials;
- (2) A copy of "Municipal Lobbying Ordinance, prepared by the Los Angeles City Ethics Commission (January 1, 2006);
- (3) A copy of Los Angeles City Ordinance 177773 (August 4, 2006) which contains the "ballot title" for a charter amendment regarding term limits, campaign finance, lobbying and ethics;
- (4) A copy of a Los Angeles City Attorney report (July 28, 2006) regarding ballot alternatives related to term limits and ethics.



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

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LONG BEACH, CALIF.  
03 FEB -6 PM 4:06

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City Attorney

HEATHER A. MAHOOD  
Assistant City Attorney

Barbara D. Arlong  
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Bernice E. Moyes

February 11, 2003

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

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Re: Ordinance Regarding Regulation of Persons Who  
Lobby Public Officials

Pursuant to your request of November 26, 2002, this office has prepared and enclose an ordinance which includes the lobbyist regulations recommended by the Ethics Review Task Force. At that time, the Council further requested that this ordinance be referred to the Economic Development and Finance Committee for review of the costs associated with these regulations.

A copy of the proposed lobbyist reporting form is enclosed, and the City Clerk has recommended that a filing fee of \$200.00 be set by the Council.

Accordingly, this office recommends that this matter be referred to the Economic Development and Finance Committee for review of the costs of enforcement of the proposed regulations.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:   
HEATHER A. MAHOOD  
Assistant City Attorney

HAM:trb

Encl.

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ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 2.08  
REGARDING REGULATION OF PERSONS WHO LOBBY  
PUBLIC OFFICIALS

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 2.08 is hereby added to the Long Beach Municipal  
Code to read in its entirety as follows:

Chapter 2.08  
LOBBYISTS

2.08.010 Definitions.

For the purpose of this Chapter 2.08, the following words and  
phrases shall have the meanings set forth as follows:

A. "City official" means the Mayor, members of the City Council,  
City employees, members of all City boards, commissions and  
committees, and members of the boards of the Redevelopment Agency,  
Housing Authority and Long Beach Housing Development Company.

B. "Client" means any person or entity on whose behalf lobbying is  
conducted. If a person engages in lobbying on that person's own behalf,  
whether directly or through the acts of others, the person is both a client  
and a lobbyist (as defined in Subsection (g)). In the case of a coalition or  
association that employs or retains other persons to conduct lobbying  
activities, the client is the coalition or association and not its individual  
members.



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C. "Compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying. 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. Compensation which has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first.

D. "Lobbying" means any oral or written communication (including an electronic communication) to a City official, made directly or indirectly, in order to influence or persuade legislative or administrative action. The term "lobbying" shall not include the following:

1. Requests for information about municipal matters with no attempt to influence.
2. Communications directed to ministerial actions which do not require a City official to exercise discretion.
3. Communications involving applications for licenses, permits or entitlements for use, where no hearing is involved.
4. The submission of a bid in response to a request for proposal from the City.
5. Communications in response to questions from the City department which issued requests for proposals regarding a bid which has been submitted or participation in an interview in connection with a bid or proposal that has been submitted.

///

1                   6. Communications involving the negotiations of the terms  
2 of an agreement, once selected for a job.

3                   7. Communications by news organization representatives  
4 for the purpose of gathering and disseminating news to the public.

5                   8. Communications made in a speech, article, publication or  
6 other material that is disseminated to the public through a medium of  
7 mass communication.

8                   E. "Lobbyist" means any person or entity who receives or becomes  
9 entitled to receive compensation for lobbying, on behalf of another person  
10 or entity, any City official.

11                   F. "Lobbyist employer" means any person, entity, association or  
12 union who utilizes or engages a lobbyist in house (whether directly  
13 compensated by the lobbyist employer or not) to lobby, on its behalf, any  
14 City official.

15 2.08.020       Persons required to file reports as lobbyists.

16                   A lobbyist or lobbyist employer, as defined in Section 2.08.010  
17 above, must file reports with the City Clerk in accordance with the  
18 requirements of this Chapter.

19 2.08.030       Quarterly reports.

20                   A lobbyist or lobbyist employer who has undertaken lobbyist  
21 activities in any calendar quarter (commencing January 1, April 1, July 1  
22 or October 1) must file with the City Clerk a report under penalty of perjury  
23 within fifteen (15) days of the end of such calendar quarter. If the lobbyist  
24 or lobbyist employer is not an individual, an authorized officer or agent  
25 shall sign the report. Such reports shall be on a form prescribed by the  
26 City Clerk, and shall include:

27                   1. The full name, telephone number, permanent address  
28 and nature of business of:

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- a. the lobbyist or lobbyist employer; and
- b. the client or clients.

2. A list of the specific issues upon which the lobbyist engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions.

3. A list of the City officials contacted by the lobbyist on behalf of the client or lobbyist employer with regard to such lobbying activity, and the dates upon which such contacts took place.

2.08.040 Filing fee.

No quarterly report of lobbying activity will be accepted for filing without the payment of a fee, in an amount to be determined by the City Council.

2.08.050 Posting of lobbying regulations.

A copy of the requirements set forth in this Chapter shall be posted in the offices of the Mayor, City Councilmembers and appointed officials, and shall further provide a copy of such requirements to all speakers at City Council and commission meetings.

2.08.060 Enforcement.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor. In the sole discretion of the City Prosecutor, any violation of this Code may be prosecuted as either a misdemeanor or an infraction.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2003, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Mayor)

HAM:fl:rb  
1/15/03;2/5/03  
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# CITY OF LONG BEACH

## QUARTERLY LOBBYING ACTIVITY REPORT

(Submit one report for each client)

A registrant is required to file under oath this report concerning the registrant's lobbying activities for each client or lobbyist employer from whom, or with respect to whom, the registrant received compensation of, or expended, monies for lobbying during the prior calendar quarter. **This report for the preceding calendar quarter shall be filed between the first and fifteenth day of April, July, October, or January.** No quarterly activity report is required if there is no activity during the preceding quarter calendar and there are no other changes to items required to be reported.

**This Activity Report Is For The Calendar Quarter Of:**

JAN-MAR     APR-JUN     JUL-SEP     OCT-DEC    YEAR \_\_\_\_\_

L.B.M.C Section 2.08.030 requires that an activity report shall include, with respect to the previous calendar quarter, to the extent applicable, the following information:

(1) The name, telephone number, address and nature of business of the lobbyist and lobbyist employer or client:

Name, telephone number, address and nature of business of lobbyist:

Name, telephone number, address and nature of business of lobbyist employer or client:

(2) A list of the specific issues upon which the lobbyist engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions:

(3) A list of the city officials contacted by the registrant on behalf of the client or lobbyist employer with regard to such proposals or official actions, and the dates upon which such contacts took place:

COMPLETE ALL BLOCKS — ENTER "N/A" IF NOT APPLICABLE. ATTACH ADDITIONAL SHEETS IF NECESSARY

### Oath

Under penalty of perjury, I swear or affirm that the statements contained in this Quarterly Lobbying Activity Report (including any accompanying supplements) are true, correct, and complete.

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE

Please mail or fax this form to: City Clerk's Office, 333 West Ocean Boulevard, Long Beach California 90802, Fax (562) 570-6789



LA office holders  
Muni Code



## Municipal Lobbying Ordinance

◆◆◆ Los Angeles Municipal Code Section 48.01 *et seq.*

*Last Revision Effective January 1, 2006*

Prepared by



200 North Spring Street, 24<sup>th</sup> Floor  
Los Angeles, CA 90012  
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# Los Angeles Municipal Lobbying Ordinance

*Last Revision Effective 1/1/06*

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Repealed and Re-added Article 8 of Chapter IV  
of the Los Angeles Municipal Code  
(Last Amended October 2005, Effective January 1, 2006, by Ordinance No. 177105)

**SEC. 48.01. Title and Findings.**

**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.** (Section amended by Ord. No. 175432; Oper. 1/1/04).

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.

**"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, or at the request or suggestion of, or with the express prior consent of, any elective City officer or candidate for elective City office.

**"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 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.

**"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.

**"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.

**"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.

**"Donation"** means a payment for which full and adequate consideration is not received.

**"Elective Officer"** means any person who is a City Council Member, City Attorney, Controller or Mayor, whether appointed or elected.

**"Fundraiser"** means an individual who receives compensation to engage in fundraising activity as defined in this section.

**"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.

**"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.

**"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 entity"** means a lobbyist, lobbying firm or lobbyist employer, as defined in this article.

**"Lobbying firm"** means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$4,000 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 \$4,000 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 \$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.

**"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, A 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.

**"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.

**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 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 nonexistent 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.** *(Heading and section amended by Ord. No. 175432; 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.

**SEC. 48.06. Registration/Disclosure Forms.** *(Section amended by Ord. No. 177105; 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 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.** *(Section added by Ord. No. 177105; 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.**

**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. 175028; Effective 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.

**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. *(Subdivision amended by Ord. No. 175432; 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.

*(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; Oper. 1/1/04).*

12. Each City agency that the lobbyist attempted to influence. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision amended by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; Oper. 1/1/04).*

16. The name, address and telephone number of the person responsible for preparing the report. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision amended by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; 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. *(Subdivision added by Ord. No. 175432; Oper. 1/1/04).*
14. The name, address and telephone number of the person responsible for preparing the report. *(Subdivision renumbered by Ord. No. 175432; 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. *(Subdivision renumbered by Ord. No. 175432; 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.** *(Section added by Ord. No. 175432; 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.** *(Section added by Ord. No. 175432; 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.** *(Section added by Ord. No. 175432; 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.** *(Section added by Ord. No. 176034; Oper. 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.**

**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 aides 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 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 City Charter Section 600 O.

**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.**

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 600 O, to have violated City Charter Section 312 L 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.
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.

#### **SEC. 48.10. Ethics Commission Reports.**

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.**

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.

*o:\docs\publications\archive\ordinance\lobby\Redlined Lobbying Ordinance January 2006*

LA's new ethics/  
term limits  
proposition -  
ordinance  
(2006)

ORDINANCE NO. 177773

An ordinance calling a Special Election to be held on Tuesday, November 7, 2006, for the purpose of submitting to the qualified voters of the City of Los Angeles a certain proposition, and to consolidate this Special Election with the State General Election to be held on the same date.

THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:

Section 1. A Special Election is hereby called to be held in the City of Los Angeles on November 7, 2006, for the purpose of submitting to the qualified voters of the City a certain proposition ordered submitted by the Council of the City of Los Angeles.

Sec. 2. The ballot title to be used at the Special Election for the proposition to be submitted to the qualified voters of the City of Los Angeles shall be:

COUNCILMEMBER TERM LIMITS OF THREE TERMS;  
CITY LOBBYING, CAMPAIGN FINANCE AND ETHICS  
LAWS. CHARTER AMENDMENT AND ORDINANCE  
PROPOSITION \_\_\_\_

Shall the Charter be amended and ordinance adopted to:  
change Councilmember term limits to three terms;  
→ restrict lobbyists from making campaign contributions,  
gifts and becoming commissioners; revise lobbyist ←  
registration thresholds; require contractors certify  
compliance with lobbying laws; extend elected officials'  
post-employment restrictions; require ethics training;  
and revise requirements for independent expenditures  
and campaign communications?

Sec. 3. The proposition shall be designated on the ballot or ballot pages by a letter or number printed on the left margin of the square containing the description of each proposition in accordance with California Elections Code Section 13116. Upon the designation by the proper County of Los Angeles officials of the letter or number to be assigned to the proposition, that letter or number is hereby adopted and shall be the designation for the ballot title.

Sec. 4. To vote on the proposition, the voter shall mark the ballot next to the word "Yes" or the word "No." A "Yes" vote shall be counted in favor of adoption of the proposition and a "No" vote shall be counted against adoption of the proposition.



Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG 0 2 2006.

FRANK T. MARTINEZ, City Clerk

By   
Deputy

Approved AUG 0 4 2006

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

Date 8-3-06

File No. 06-1800-S1



OFFICE OF THE CITY ATTORNEY  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

*LA's recent prop*

REPORT NO. R 0 6 - 0 2 7 5

JUL 28 2006

REPORT RE:

TRANSMITTAL OF TWO ALTERNATIVES TO LENGTHEN  
TERM LIMITS AND AMEND CITY ETHICS,  
LOBBYING AND CAMPAIGN FINANCE LAWS

Honorable Members of  
the Los Angeles City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

As requested, this Office has reviewed the issues of lengthening term limits and enacting various ethics reform proposals. We transmit herewith the documents needed to place on the ballot the term limit extension and the ethics, lobbying and campaign finance reform proposals.

Having reviewed the various proposals, we have concluded that the ethics, lobbying and campaign finance reform proposals can simply be adopted and implemented in their entirety through an ordinance passed by the City Council. Unlike the lengthening of term limits, these ethics reforms do not require a change of the City Charter or a vote of the people in order to be implemented. Accordingly, if the Council determines that it wishes to proceed with these initiatives, we recommend that the Council place only the lengthening of term limits on the November ballot.

This Office has prepared, and transmits along with this report, resolutions and an ordinance calling and ordering a Special Election solely to amend the Charter to lengthen term limits (Attachment A). We have also included an ordinance which the Council can independently adopt for the remaining ethics reforms (Attachment B). Finally, although we do not recommend that the Council place on the November ballot a single ballot item that both amends the Charter to lengthen term limits and revises the Municipal Code to adopt the City ethics, lobbying and campaign finance reforms (see



## DISCUSSION

The proposed ballot measure consists of Charter amendments on four subject-areas: (1) term limits; (2) Commissioner qualifications; (3) banning lobbyist contributions; and (4) revising independent expenditure disclaimer provisions. The proposed measure also consists of an ordinance which would revise the lobbyist and lobbying firm registration requirements, require proposed contractors to sign an additional certification that they understand the City's lobbying law, extend the City's post-employment lobbying restrictions to two years for City elected officials, ban gifts from lobbyists and lobbying firms when they are a restricted source to a City official (unless an exception applies), require biennial ethics training for all City officials, and revise the notice requirements for persons making independent expenditures or member communications and disclaimer requirements for both candidates and committees making independent expenditures.

The enclosed ordinances and associated resolutions substantially reflect language presented to the Council by the League of Women Voters and the Chamber of Commerce. We, however, have revised the language as necessary for clarity and to conform with City standards. In addition, more substantive revisions have been made to language regarding campaign disclosure and independent expenditures. Finally, certain policy issues, discussed below, are presented for Council consideration.

### *Charter Amendment and Ordinance Changes in One Ballot Measure*

There is some question as to whether it is permissible to include Charter amendments and an ordinance in the same measure. Charter section 460 authorizes the Council to submit to a vote of the people ". . . any proposed ordinance, order or resolution, that the Council itself might adopt." State law contains a separate provision authorizing the governing body to place a proposed Charter amendment on the ballot. California Constitution Article XI, Section 3(b). Because the two authorities are presented separately, the combination of charter amendment and ordinance change in one measure could be subject to legal challenge. The proponents seem to have contemplated this concern by the inclusion of section 12 in their proposal. The proposed amendments to the Municipal Code, however, do not relate to or implement the proposed Charter amendments as the Charter provisions are self-executing.

We believe that this would be the first instance in which the City included a combination of a Charter amendment and an ordinance in the same ballot measure. Although the 1990 Proposition H ballot measure did not combine a Charter amendment and an ordinance in a single ballot item, it was the most closely related example of which we are aware. Proposition H was a comprehensive reform measure that created the Ethics Commission, created the current system of public matching funds and other campaign finance restrictions, prohibited outside income for elected City officials, reformed the Board of Referred Powers and set the compensation rate for elected officials at the rate



Moreover, we note that except for the lengthening of term limits, the remaining three proposed Charter amendments may either be adopted by ordinance or are unnecessary. The ban on lobbyist contributions is more appropriately placed in the lobbying or campaign finance ordinance. The additional qualification that persons appointed as commissioners may not be registered lobbyists on the day they are appointed adds only a slight revision to the stricter ethics provision adopted by the Council and Mayor last year which prohibits commissioners, after they are appointed, from engaging in attempts to influence City decisions regardless of whether or not they are required to register as a lobbyist. LAMC § 49.5.11J. The Charter revision to the independent expenditure disclosure section is also not required.

Finally, some of the proposed ordinance reforms either restate existing law or create ambiguities or possible issues of enforceability as discussed below. Further study of these issues by the Ethics Commission and the Council through the traditional legislative process could address these issues.

#### *Issues Involving Independent Expenditures*

The proposed reforms revise the reporting requirements for independent expenditures, and, in one important way, roll back current City law. As written, the disclosure requirements would apply only to City general purpose recipient committees.<sup>2</sup> Few committees active in City elections are City general purpose recipient committees, and most committees are active beyond the City. Accordingly, the City currently requires that any person report at least \$10,000 in independent expenditures or member communications which require, *inter alia*, the reporting of contributions. See LAMC § 49.5.26D.

In 2001, Lance Olson, Counsel for the California Democratic Party, requested advice from the Fair Political Practices Commission (FPPC) as to whether either the Republican Party or the Democratic Party are subject to the City's ordinance requiring, *inter alia*, additional disclosures by persons making \$10,000 in independent expenditures and member communications. The City argued that the City's filing requirements were within the City's authority to impose as a charter city and that the FPPC was without authority to opine on the validity of the City's requirement. See City Attorney Letters dated June 1, 2001 and July 5, 2001; City Ethics Commission Letter dated July 1, 2006. The FPPC disagreed, opining that the City was preempted from imposing these additional or different filing requirements on state party committees by virtue of a provision of California Government Code section 81013. See FPPC Opinion No. O-01-112 (July 9, 2001). Nonetheless, the City Ethics Commission continues to

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<sup>2</sup> A "city general purpose committee" is "a committee to support or oppose candidates or measures voted on in only one city." Cal. Gov't Code § 82027.5(d).

language utilizes some of the state law language, the proposal contains several differences from state law or weakens existing City law. Although the stated purpose was to decrease confusion between state law provisions and City law provisions, it appears that the amendment will not address that perceived issue. See Cal. Gov't Code §§ 84501-84510; 2 Cal. Code Regs. §§ 18450.1, 18450.3, 18450.4.

The proposed language expands the City's requirements to other campaign material such as posters and campaign phone calls, all of which already were subject to state requirements. However, the language proposed is ambiguous and in some cases inconsistent with state law. For example, the proposed language does not provide for a requirement for minimum font size or that there is a minimum 12-point font even for materials such as billboards, lawn signs, television, or Internet advertisements.<sup>3</sup> Under state law, advertisements that are oversize or that cannot be individually distributed have a separate requirement that the disclaimers be 5% of the height of the material.<sup>4</sup> 2 Cal. Code Regs. § 18950.4. Nor are there any audible disclaimer provisions for television, cable or satellite broadcasts, which is required under state law. Additionally, the proposed language appears to apply to campaign materials such as Web banner advertisements and Internet communications that currently are not subject to state law disclaimer rules nor has this issue ever been discussed in the City. Moreover, state law contains additional provisions that ensure that the provision is enforceable. In order to alleviate the potential for confusion, we have added to the proposed language so that it is consistent with state law and does not weaken existing City law.<sup>5</sup> However, we have retained the requirement that Internet banner or similar ads contain the disclaimer requirement, but believe that this particular requirement will likely lead to confusion

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<sup>3</sup> The provision also requires committees making independent expenditures supporting or opposing City candidates to include the language "not authorized by the candidate" currently required by the Charter, but proposed to be deleted from the Charter. As is required by existing law, independent expenditure committees are also required to include the names of any contributor of \$25,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment under the heading "Major Funding Provided By."

<sup>4</sup> On a temporary basis for the General Municipal Election of 2001, the Council adopted an ordinance requiring the name of the committee on a campaign sign, including a supergraphic sign such that the identification occupied "no less than three percent of the overall advertising space on the sign." Ordinance No. 714008. Also, the Federal Election Commission also has a different standard for campaign material of more than 24 inches by 36 inches in federal election campaigns. 11 CFR 110.11(c)(2)(i). Because the state law is not clear on the definition of oversize material, we have incorporated the federal election standard in the draft language.

<sup>5</sup> We note that the Federal Communications Commission regulations also provides rules regarding disclaimers for broadcasting that are in addition to the provisions provided by City and state law. For instance, the federally required disclaimers must be "four percent of the vertical picture height that air for not less than four seconds." See 47 CFR §73.1212(a)(2)(ii).



controlled committees supporting or opposing city candidates nor to candidates who currently are Neighborhood Council Boardmembers if the lobbyist is only registered to lobby that Neighborhood Council. The ban also does not apply to controlled committees of current City elected officers running for state office. This is similar to existing state and City law provisions: LAMC § 49.78; Cal. Gov't Code 85702; 2 Cal. Code Regs. 18572. As drafted, we believe that the proposed ban is legally permissible. However, during the Ethics Commission's consideration of the former Mayoral administration's ethics proposals, the Commission considered both the proposal to ban lobbyists, lobbying firms and lobbyist employers from fundraising for City candidates and a separate proposal to bar contractor's lobbyists from contributing. Council Files 03-2741-S2; 03-2741-S3. We advised the Ethics Commission, on a preliminary basis, that there may be legal risks with banning both contributions and fundraising by lobbyists for an extended period of time. The Ethics Commission recommended to the Council that it adopt a ban on fundraising by lobbyists, lobbying firms and lobbyist employers. The Rules and Elections Committee has had a discussion on this issue and we are in the process of preparing reports for the Committee on the legal issues involved with both the fundraising proposal as well as the contractor contribution ban.

#### *Ethics Training*

The biennial ethics training requirement contained in the provision is a requirement that currently exists for all City elected officials and board and commission members authorized to receive reimbursement by virtue of the addition of a state law requirement, AB 1234, codified at Government Code section 53234. Although the state law is somewhat unclear, we have interpreted the provision to apply to elected officials, almost all boards and commission members including neighborhood councils, and even some strictly advisory boards. Consequently, state law is somewhat broader in terms of the commissions to which it applies. We note that all covered officials who held office on January 1, 2006, must complete the required ethics training by December 31, 2006. We, together with the Ethics Commission and the Information Technology Agency, have developed a training module, including on-line training that meets the requirements of the state law and includes the additional City law provisions. We understand that Mayoral Executive Directive No. 7 makes this requirement applicable to all City officials including employees who are subject to the Political Reform Act.

#### *Other Language and Ordinance Revisions*

Per the Council's instruction, the draft language extends the post-City service restriction to two-years for elected City officers and retains the one-year restriction for other City officials. We have also included language to ensure that the extension applies only to those elected City officers that leave City service after the effective date of the ordinance.



RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place a Charter Amendment on the ballot at the November 7, 2006 Special Election to be consolidated with the State General Election, to be held on the same date, for the purpose of placing a proposed Charter amendment before the qualified voters of the City of Los Angeles; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title for the proposed Charter Amendment:

LENGTHENING COUNCILMEMBER TERM LIMITS.  
CHARTER AMENDMENT \_\_\_\_.

Shall the Charter be amended to lengthen term limits to three terms of office for City Councilmembers?

NOW, THEREFORE, BE IT RESOLVED that the ballot title presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

C.F. No. 06-1800-S1

with the initial date of publication of the proposed measure and ending on November 7, 2006, that copies of voter information pamphlets containing the proposed measure may be obtained upon request in the City Clerk's office in City Hall in the City of Los Angeles.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

I hereby certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_ Deputy

Approved as to Form and Legality

ROCKARD J. BELGADILLO, City Attorney

By  \_\_\_\_\_  
DAVID MICHAELSON  
Chief Assistant City Attorney

Date 7-28-06

C.F. No. 06-1800-S1

and the election shall be held in all respects as if there were only one election. Furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the State General Election.

Sec. 8. In all other particulars, the Special Election shall be held and conducted as provided by law for holding of the State General Election in the City of Los Angeles. The Board of Supervisors of the County of Los Angeles shall have authority to canvass the returns of the Special Election, and the City Council of the City of Los Angeles upon receipt of the certified results of the canvass of election returns shall declare the results thereof.



## ORDINANCE NO. \_\_\_\_\_

An ordinance amending the Los Angeles Municipal Code to revise lobbyist registration thresholds, restrict lobbyists from making campaign contributions to City candidates and officers, prohibit lobbyists from being on certain City commissions, require contractors to certify compliance with the City's lobbying laws, restrict registered lobbyists from making gifts to City officials, extend post-employment lobbying restrictions for elected City officers, require ethics training for City officials, prohibit City candidates and officers from accepting campaign contributions from registered lobbyists, and revise regulations regarding independent expenditures and campaign communication disclaimers.

THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:

Section 1. Section 48.02 of the Los Angeles Municipal Code is amended to revise the definition of "Lobbying firm" to read:

**"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.

Sec. 2. Section 48.02 of the Los Angeles Municipal Code is amended to revise the definition of "Lobbyist" to read:

**"Lobbyist"** 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.

name of any existing person without the consent of that 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.*).

F. Make any contribution to an elective City officer or candidate for elective City office, or to any of his or her City controlled committees, if the lobbyist or lobbying firm is required to be registered to lobby the City office for which the candidate is seeking election, or the current City office, commission, department, bureau or agency of the candidate or officer.

Sec. 4. A new Subsection H is added to Section 48.09 of the Los Angeles Municipal Code to read:

**H. Contract Bidder Certification of Compliance With Lobbying Laws.**

Any bidder for a contract, as those terms are defined under the Contractor Responsibility Program provided for in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, on a form proscribed 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 the Ordinance. The exemptions contained in Los Angeles Administrative Code Section 10.40.4 shall not apply to this subsection. Each City department shall include a copy of 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.

Sec. 5. Subdivision 4 of Subsection A of Section 49.5.10 of the Los Angeles Municipal Code is amended to read:

4. No lobbyist or lobbying firm shall make, and no City official shall accept, any gift from a lobbyist or lobbying firm which is a restricted source as to that official.

Sec. 9. Section 49.7.26 of Article 9.7 of the Los Angeles Municipal Code is amended to read:

**Sec. 49.7.26. Notice of Payments for Independent Expenditures and Non-Behested Member Communications.**

**A. Disclosure of Payments.** Any person, including any committee, that makes or incurs independent expenditures of \$1,000 or more in support of or in opposition to any City measure or candidate for elective City office, or one or more payments for member communications, as defined by this article, totaling \$1,000 or more in support of or in opposition to a candidate for elective City office or City measure, shall notify the City Ethics Commission within 24 hours by certified mail or fax or e-mail each time one or more payments, which meet this threshold, are made.

**B. Contents of Notice.** The notification shall consist of a declaration specifying each candidate or measure supported or opposed by the expenditure, the amount spent to support or oppose each candidate or measure, whether the candidate or measure was supported or opposed, and that the expenditure was not behested by the candidate or candidates who benefited from the expenditure. This declaration shall be made under penalty of perjury and signed by the person or officer and the treasurer of the group making the expenditure. In addition, the date and amount of the payment, a description of the type of communication for which the payment was made or incurred, the name and address of the person making the payment, the name and address of the payee, and a copy of the mailing or advertisement, or a copy of the script or recording of the call, transmission, or advertisement, shall also be provided to the Commission. The notification also shall include disclosure of contributions of \$100 or more received by the committee since the day after the closing date of the committee's last campaign disclosure report filed with the Commission or since the first day of the current calendar year, whichever date occurs later; however, contributions that are received, but earmarked for any other candidate or ballot measure outside the City of Los Angeles need not be disclosed. The notification also shall include disclosure of contributions of \$100 or more made in the current calendar year by the person to City candidates, their controlled committees, committees primarily formed to support or oppose City measures, and City general purpose recipient committees.

**C. Notification to Candidates of Expenditures.** City Ethics Commission staff will notify all candidates by phone, fax or



**B. Additional Requirements For Campaign Communications Funded By Independent Expenditures.**

1. Campaign communications funded by an independent expenditure supporting or opposing City candidates shall include the phrase "Not authorized by a City candidate," and shall also include the name of any contributor of \$25,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided By [Name of Contributor(s)]." Payments of \$25,000 or more that are earmarked for any other candidate or ballot measure outside of the City of Los Angeles need not be disclosed.

2. Campaign communications funded by an independent expenditure supporting or opposing City measures shall include the name of any contributor of \$25,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided by [Name of Contributor(s)]." Payments of \$25,000 or more that are earmarked for any other candidate or ballot measure outside of the City of Los Angeles need not be disclosed.

C. The disclosures required by this section shall be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice, as specified below:

1. For printed campaign communications that measure no more than twenty-four inches by thirty-six inches, all disclosure statements required by this section shall be printed using a typeface that is easily legible to an average reader or viewer, but is not less than 12-point type in contrasting color to the background on which it appears. For oversize printed campaign communications, all disclosure statements shall constitute at least five percent of the height of the material and printed in contrasting color.

2. For video broadcasts including television, satellite and cable campaign communications, the information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of thirty seconds or less or ten seconds of a sixty second broadcast, a spoken disclosure statement is not required.

F. Campaign communications must be amended when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies as a disclosable contributor or a committee's name changes. A committee shall be deemed to have complied with this section if the amended advertisement is mailed, containing a request that the advertisement immediately be replaced, to all affected broadcast stations by overnight mail no later than the fifth day. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed.

Sec. 11. Severability. If any provision of this measure or its application to any person, property or circumstances, is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this measure or the application of those provisions to other persons, property or circumstances, which can be implemented without the invalid provisions and to this end, the provisions of this measure are declared to be severable.

**RESOLUTION**

**WHEREAS**, the Council of the City of Los Angeles has adopted a resolution to place a Charter Amendment and Ordinance Proposition on the ballot at the November 7, 2006 Special Election to be consolidated with the State General Election, to be held on the same date, for the purpose of placing a proposed Charter amendment and ordinance before the qualified voters of the City of Los Angeles; and

**WHEREAS**, the City Election Code requires the City Attorney to prepare and present a ballot title consisting of an impartial statement of the measure; and

**WHEREAS**, the City Attorney has presented the following ballot title for the proposed Charter Amendment and Ordinance Proposition:

LENGTHENING COUNCILMEMBER TERM LIMITS;  
REVISING CITY LOBBYING, CAMPAIGN FINANCE AND  
ETHICS LAWS. CHARTER AMENDMENT AND  
ORDINANCE PROPOSITION \_\_\_\_.

Shall the Charter be amended and ordinance adopted to:  
lengthen Councilmember term limits to three terms; restrict  
lobbyists from making campaign contributions and gifts and  
from being commissioners; revise lobbyist registration  
thresholds; require contractors certify compliance with  
lobbying laws; extend elected officials' post-employment  
restrictions; require ethics training; and revise requirements  
for independent expenditures and campaign  
communications?

**NOW, THEREFORE, BE IT RESOLVED** that the ballot title presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

C.F. No. 06-1800-S1



lobbying firm shall make any contribution to an elective City officer or candidate for elective City office, or to any of his or her City controlled committees, if the lobbyist or lobbying firm is required by ordinance to be registered to lobby the City office for which the candidate is seeking election, or the current City office, commission, department, bureau or agency of the candidate or officer.

Sec. 3. Subsection (l) of Section 470 of the Los Angeles City Charter is amended to read:

**(l) Campaign Expenditures – Uncontrolled by Candidate or Committee.** Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall comply with the applicable disclaimer requirements established by ordinance.

Sec. 4. Subsection (d) of Section 501 of the Los Angeles City Charter is amended to read:

**(d) Qualifications.**

(1) No person shall be appointed to a Charter created commission who is not a registered voter of the City. This requirement shall also apply to standing commissions created by ordinance that are advisory to, or manage, a department or office, or perform regulatory functions. This requirement does not apply to commissioners who are elected or who serve *ex officio*.

(2) No person who is required by ordinance to be registered as a lobbyist shall be appointed to a commission whose members are required to file financial disclosure statements pursuant to the California Political Reform Act.

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.

Sec. 3. A new Subsection H is added to Section 48.09 of the Los Angeles Municipal Code to read:

**H. Contract Bidder Certification of Compliance With Lobbying Laws.**

Any bidder for a contract, as those terms are defined under the Contractor Responsibility Program provided for in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, on a form proscribed 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 the Ordinance. The exemptions contained in Los Angeles Administrative Code Section 10.40.4 shall not apply to this subsection. Each City department shall include a copy of 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.

Sec. 7. Section 49.7.26 of Article 9.7 of the Los Angeles Municipal Code is amended to read:

**Sec. 49.7.26. Notice of Payments for Independent Expenditures and Non-Behested Member Communications.**

**A. Disclosure of Payments.** Any person, including any committee, that makes or incurs independent expenditures of \$1,000 or more in support of or in opposition to any City measure or candidate for elective City office, or one or more payments for member communications, as defined by this article, totaling \$1,000 or more in support of or in opposition to a candidate for elective City office or City measure, shall notify the City Ethics Commission within 24 hours by certified mail or fax or e-mail each time one or more payments, which meet this threshold, are made.

**B. Contents of Notice.** The notification shall consist of a declaration specifying each candidate or measure supported or opposed by the expenditure, the amount spent to support or oppose each candidate or measure, whether the candidate or measure was supported or opposed, and that the expenditure was not behested by the candidate or candidates who benefited from the expenditure. This declaration shall be made under penalty of perjury and signed by the person or officer and the treasurer of the group making the expenditure. In addition, the date and amount of the payment, a description of the type of communication for which the payment was made or incurred, the name and address of the person making the payment, the name and address of the payee, and a copy of the mailing or advertisement, or a copy of the script or recording of the call, transmission, or advertisement, shall also be provided to the Commission. The notification also shall include disclosure of contributions of \$100 or more received by the committee since the day after the closing date of the committee's last campaign disclosure report filed with the Commission or since the first day of the current calendar year, whichever date occurs later; however, contributions that are received, but earmarked for any other candidate or ballot measure outside the City of Los Angeles need not be disclosed. The notification also shall include disclosure of contributions of \$100 or more made in the current calendar year by the person to City candidates, their controlled committees,



Sec. 8. Section 49.7.26.3 of Article 9.7 of the Los Angeles Municipal Code is amended to read:

**Sec. 49.7.26.3. Disclaimers on Campaign Communications.**

A. Any candidate or committee that pays for a campaign communication shall print, display or incorporate the following words anywhere within the communication: "Paid for by" immediately followed by the name, address and city of that candidate or committee. If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall also be included. If an acronym is used to specify a committee name, the full name of any sponsoring organization of the committee shall be included in the campaign communication disclaimer required by this section.

**B. Additional Requirements For Campaign Communications Funded By Independent Expenditures.**

1. Campaign communications funded by an independent expenditure supporting or opposing City candidates shall include the phrase "Not authorized by a City candidate," and shall also include the name of any contributor of \$25,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided By [Name of Contributor(s)]." Payments of \$25,000 or more that are earmarked for any other candidate or ballot measure outside of the City of Los Angeles need not be disclosed.

2. Campaign communications funded by an independent expenditure supporting or opposing City measures shall include the name of any contributor of \$25,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided by [Name of Contributor(s)]." Payments of \$25,000 or more that are earmarked for any other candidate or ballot measure outside of the City of Los Angeles need not be disclosed.

month, including but not limited to mailers, fliers, facsimiles, pamphlets, door hangers, e-mails, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger;

2. Posters, yard or street signs, billboards, supergraphic signs and similar items;

3. Television, cable, satellite and radio broadcasts;

4. Newspaper, magazine, internet website banners and similar advertisements;

5. 200 or more substantially similar live or recorded telephone calls made within a calendar month.

E. For purposes of this section, "campaign communication" does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section can not be reasonably printed or displayed in an easily legible typeface; communications paid for by a newspaper, radio station, television station or other recognized news medium; and communications from an organization to its members other than a communication from a political party to its members.

F. Campaign communications must be amended when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies as a disclosable contributor or a committee's name changes. A committee shall be deemed to have complied with this section if the amended advertisement is mailed, containing a request that the advertisement immediately be replaced, to all affected broadcast stations by overnight mail no later than the fifth day. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.


I hereby certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  \_\_\_\_\_  
DAVID MICHAELSON  
Chief Assistant City Attorney

Date 7-28-06

C.F. No. 06-1800-S1



Sec. 5. The Special Election hereby called shall be, and the same is hereby ordered consolidated with, the State General Election to be held in the City of Los Angeles on Tuesday, November 7, 2006.

Sec. 6. The voting polls on election day shall open at 7:00 a.m., November 7, 2006, and shall remain open until 8:00 p.m. of the same day when the voting polls shall be closed, except as provided in California Elections Code Section 14401.

Sec. 7. The election precincts, polling places, and officers of election for the Special Election hereby called and ordered to be held on November 7, 2006, shall be the same as those provided in the City of Los Angeles for the State General Election, and the election shall be held in all respects as if there were only one election. Furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the State General Election.

Sec. 8. In all other particulars, the Special Election shall be held and conducted as provided by law for holding of the State General Election in the City of Los Angeles. The Board of Supervisors of the County of Los Angeles shall have authority to canvass the returns of the Special Election, and the City Council of the City of Los Angeles upon receipt of the certified results of the canvass of election returns shall declare the results thereof.