

WESTSIDE LONG BEACH ALLIANCE RESOLUTION OPPOSED TO
LOBBYING ORDINANCE AMENDMENT

Whereas, the Long Beach City Ethics Commission has proposed an amendment to the City Council regarding transparency for lobbying activities, which aims to curb politicians' abuse of their relationships with local nonprofits to further their political agendas; and

Whereas, we recognize and support the Ethics Commission's efforts to promote transparency and ethical behavior in city government, but also believe that the proposed amendment may cause unintended harm to nonprofits and neighborhood associations; and

Whereas, we believe that it is important to ensure that nonprofit organizations and community groups can continue to advocate for the needs of their constituents and that they are not unduly burdened by regulations intended to target unethical behavior by elected officials and lobbyists.

Therefore, be it resolved that the Long Beach City Ethics Commission modify their proposal for amendment to the City Council regarding transparency for lobbying activities, to better protect the rights of nonprofits and community groups to participate in the democratic process.

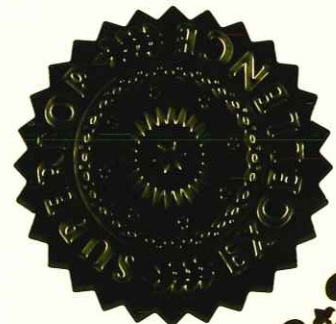
Furthermore, we recommend that the Ethics Commission instead create and offer ethics workshops that would be mandatory for nonprofits and community groups to attend if they would like to do business with the City or advocate with City officials or elected officials.

We believe that providing nonprofits and community groups with the education and resources necessary to comply with ethical guidelines and transparency requirements will help prevent unintended harm to these organizations and ensure that they can continue to effectively advocate for the needs of their constituents.

Finally, we thank the Long Beach City Ethics Commission for their efforts to promote transparency and ethical behavior in city government, and we encourage them to continue to work towards these important goals with the support of the community.

Sincerely,
Westside Long Beach Alliance

Resolution Signing Members:
West Long Beach Advocacy Group
Westside ELEVATE
Long Beach Filipino Festival
Westside Community Gardens





March 6, 2023

Ethics Commission
 City of Long Beach

RE: Comments Re: Proposal to Include Non-profit Organizations in Long Beach’s Lobbying Ordinance, LBMC CH. 2.08

Dear Commissioners,

Please accept these comments regarding the proposal to include non-profit organizations in Long Beach’s Lobbying Ordinance, LBMC CH. 2.08. This letter is submitted by the undersigned non-profit organizations and allies who are extremely concerned about the possibility of eliminating the non-profit exemption from the City’s Lobbying Ordinance and expanding the scope of the Ordinance to include “advocacy.” While we support greater transparency in government, non-profit organizations should continue to be exempted from the City’s Lobbying Ordinance for the following reasons.

1. As 501(c)(3) organizations, we already report our lobbying work to the federal government and we have limits on lobbying imposed by the federal government.

As you likely are aware, 501(c)(3) organizations are unique in that they already have strict lobbying restrictions placed upon them by the federal government. For example, 501(c)(3)’s cannot spend more than approximately 20% of their expenditures on lobbying activities. These organizations are very careful not to exceed the various limitations, as the penalty includes not only fines, but also losing tax exempt status. As it currently stands, many 501(c)(3)’s are already so concerned about violating tax laws, that they severely limit, or even prohibit, their own lobbying activity. This is a disservice to the process of developing public policy and collaborating with trusted messengers who can achieve shared goals. These organizations are often the only voice for marginalized and low-income communities. Making such organizations jump over yet another hurdle, to register and report as local lobbyists, is likely to have a very chilling effect on their participation in public debate and collaboration.

While we understand the Commission’s desire to be fair, treating all organizations the same, irrespective of their legal structure, is not equal or fair in this circumstance. Non-profit 501(c)(3)

organizations are already more transparent than other legal entities. Annual reports, such as the IRS 990 form, include information about lobbying and are publicly available records.

The larger issue at play in this debate should be who influences public policy via access to public officials. It is systematically difficult for low income and marginalized communities to have their voices heard, and eliminating the non-profit exemption will further tie the hands of the organizations that help make that possible. Therefore, we urge you to maintain the existing non-profit exemption.

2. The City of Long Beach's reporting requirements (both the existing requirements and the proposed amendments) are different from the federal government's reporting requirements. Non-profits do not have capacity to juggle multiple and conflicting reporting requirements.

Non-profit organizations are understaffed, overburdened, and simply do not have the capacity to comply with multiple and conflicting lobbying requirements. The impact of the proposed amendments would be that non-profits withdraw from local lobbying, advocacy, and collaborative efforts because they are worried about losing their tax-exempt status. The City would therefore no longer benefit from our voices in the public arena, in which we help to lift up the voices of disenfranchised and marginalized residents.

The proposed amendments to add advocacy and preparation time into the City's Lobbying Ordinance, for example, are in direct conflict with our federal reporting requirements. Including preparation time in the City's ordinance also seems punitive for non-profits, as we do not have the resources and systems in place that paid lobbyists have and preparation takes significant time for us. Moreover, preparation work with community members, many of whom are limited English speakers, takes a significant amount of time as well.

3. As non-profits, we do not have any financial incentive or gain when we lobby, as we are lobbying alongside and on behalf of marginalized communities.

Non-profits are distinct from special interest paid lobbyists because our mission is to serve communities in need, not to turn a profit. For example, our work includes advocacy and lobbying relating to improving the City's Language Access Policy, so that Limited English Proficient (LEP) residents have greater access to the City's meetings, vital documents, and services. Our work includes advocacy and lobbying relating to housing policies, to help ensure that low-income renters live in habitable housing and that they do not become displaced and unhoused. And, our work includes budget advocacy to ensure that City funds are allocated in an equitable manner, to reflect the needs of Long Beach residents left out of previous budget decisions. Unlike paid lobbyists, non-profits do not engage in lobbying to make money, further corporate interests, or further their own individual profiles, but to serve their missions of helping people regardless of the immediate outcome. Creating more barriers and intimidation for organized groups of low-income and marginalized communities to be part of the democratic process is a direct effort to keep the voices of people who are historically left out and often overlooked out of decision making.

Conclusion

The proposal to remove the non-profit exemption from the ordinance will have a chilling impact on 501(c)(3) participation in local government because we do not have the staff, capacity, or time to juggle another reporting requirement. While the COVID-19 state of emergencies have expired within government, the needs within low-income and marginalized communities have not. On the heels of this devastating global pandemic, which hit our staff, community members, and organizations in a disproportionate manner, the City should not saddle us with another bureaucratic and confusing reporting requirement that will stifle our participation in government. We participate in lobbying to help underserved and under-represented communities have a voice in government. We do not participate for personal gain or to turn a profit, therefore we should not be treated the same as the paid lobbyists hired by special interest.

Long Beach should continue to exempt non-profits from its Lobbying Ordinance, just as the following other cities in California currently do: San Jose; San Francisco; Carson; Clovis; Desert Hot Springs; Fresno; Gardena; Lancaster; Manhattan Beach; Santa Clara City; Santa Clara County; San Joaquin County; Santa Rosa City; and Los Angeles, which has a limited exception for certain 501(c)(3)s.

Thank you for your consideration of our comments.

Sincerely,

AOC7 Neighborhood Association
California Conference for Equality and Justice
California Nurses Association
Clergy and Laity United for Economic Justice
Filipino Migrant Center
Khmer Girls in Action
LA Voice
Latinos in Action California
Long Beach Area Peace Network
Long Beach Forward
Long Beach Immigrant Rights Coalition
Long Beach Residents Empowered
North Pine Neighborhood Association
Rose Park Neighborhood Association
Teachers Association of Long Beach
The Nonprofit Partnership
United Cambodian Community
Walk Long Beach