

ORDINANCE NO.

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

NOW, THEREFORE, 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 Interpretation.

Unless the term is specifically defined in this Chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000, et seq., shall govern the interpretation of this Chapter.

2.08.020 Definitions.

For the purposes of this Chapter, the following definitions shall be applicable.

A. "Activity expense" means any payment made by a lobbyist to or directly benefiting any City official, City official-elect or member of his or her immediate family. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

B. "Administrative action" means the proposal, drafting,

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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1 development, consideration, advocacy, or recommendation of any rule,  
2 regulation, agreement or contract, permit, license or hiring action.

3 C. "City official" means any public official, legislative staff member  
4 or City employee who participates in the consideration of any legislative or  
5 administrative action other than in a purely clerical, secretarial or  
6 ministerial capacity. It shall also include any City board or commission  
7 member, or City representative to any joint powers authority to which the  
8 City is a party, and any consultant to the City.

9 D. "Consultant" means an individual who, pursuant to a contract  
10 with the City:

- 11 1. Makes a governmental decision whether to:
- 12 a. Approve a rate, rule, or regulation;
  - 13 b. Adopt or enforce a law;
  - 14 c. Issue, deny, suspend, or revoke any permit,  
15 license, application, certificate, approval, order, or similar authorization or  
16 entitlement;
  - 17 d. Authorize the City to enter into, modify, or renew a  
18 contract provided it is the type of contract which requires City approval;
  - 19 e. Grant City approval to a contract which requires  
20 City approval and in which the City is a party or to the specifications for  
21 such a contract;
  - 22 f. Grant City approval to a plan, design, report, study  
23 or similar item;
  - 24 g. Adopt or grant City approval of policies, standards  
25 or guidelines for the City, or for any subdivision thereof.

26 2. Serves in a staff capacity with the City and in the capacity  
27 performs the same or substantially all the same duties for the City that  
28 would otherwise be performed by an individual holding a position specified

1 in the City's conflict of interest code.

2 E. "Client" means a person who is represented by a lobbyist.

3 F. "Compensation" includes, but is not limited to, money of any  
4 denomination or origin; goods or services or anything of value, delivered  
5 or rendered; or promises to perform or provide services or contractual  
6 arrangements or awards.

7 G. "Gift" means gift as defined in the California Political Reform  
8 Act, Government Code Section § 81000, et seq., as amended from time to  
9 time.

10 H. "Influencing" means the purposeful communication, either  
11 directly or through agents, promoting, supporting, modifying, opposing,  
12 causing the delay or abandonment of conduct, or otherwise intentionally  
13 affecting the behavior of a City official or official-elect, by any means,  
14 including, but not limited to, providing or using persuasion, information,  
15 incentives, statistics, studies or analyses; excepted from this definition is  
16 communication made as a part of a noticed governmental public meeting;

17 I. "Legislative action" means the drafting, introduction,  
18 consideration, modification, enactment or defeat of any resolution,  
19 ordinance, amendment thereto, report, nomination or other action of the  
20 Mayor, City Council, Redevelopment Agency of the City of Long Beach,  
21 Housing Authority of City of Long Beach, any joint powers authority of  
22 which the City is a party, or City board or commission, acting in its official  
23 capacity.

24 J. "Lobbying" is the influencing or attempting to influence a  
25 legislative or administrative action of the City.

26 K. "Lobbyist", unless exempt under subsection 4 hereunder,  
27 means:

28 1. Contract Lobbyist. A person who engages in lobbying on

1       behalf of one or more clients (acting individually or through agents,  
2       associates, employees or contractors) and who has received or has  
3       entered into an agreement for compensation of three thousand two  
4       hundred dollars (\$3,200.00) or more (“threshold compensation”) for  
5       engaging in lobbying during any consecutive three-month period.

6               2. Business or Organization Lobbyist. Any business or  
7       organization, whose owner(s), officer(s) or employee(s) carry out lobbying  
8       on its behalf, in an aggregate amount of fifty (50) hours or more within any  
9       three month period, whether or not such officers or employees are  
10      specifically compensated to engage in lobbying; provided that the  
11      activities of officers shall be considered lobbying only if those officers  
12      receive compensation by the business or organization beyond  
13      reimbursement for their reasonable, travel, meals or incidental expenses;  
14      or

15              3. Expenditure Lobbyist. A person who makes payments or  
16      incurs expenditures of five thousand dollars (\$5,000.00) or more during  
17      any calendar year in connection with carrying out public relations,  
18      advertising or similar activities with the intent of soliciting or urging, directly  
19      or indirectly, other persons to communicate directly with any City official in  
20      order to attempt to influence legislative or administrative action. The five  
21      thousand dollars (\$5,000.00) threshold shall not include:

22                      a. Compensation paid to contract lobbyists or  
23      employees for lobbying; or

24                      b. Dues payments, donations, or other economic  
25      consideration paid to an organization, regardless of whether the dues  
26      payments, donations or other economic consideration are used in whole  
27      or in part to lobby.

28              4. Exemptions to “lobbyist” are:

1 a. Any public official acting in his or her official  
2 capacity or acting within the scope of his or her employment or  
3 appointment;

4 b. The media, when limiting its action to the ordinary  
5 course of news gathering or editorial activity, as carried out by members of  
6 the press. "Media" shall mean newspapers or any other regularly  
7 published periodical, radio or television station or network or information  
8 published on the Internet. This exemption shall also apply to neighborhood  
9 newsletters, flyers or gazettes;

10 c. Persons reimbursed for only their reasonable  
11 travel, meals or incidental expenses, including but not limited to,  
12 uncompensated members or directors of non-profit organizations such as  
13 chambers of commerce;

14 d. Persons whose communications regarding any  
15 legislative or administrative action are limited to appearing or submitting  
16 testimony at any public meeting held by the City or any of its agencies,  
17 offices, or departments, as long as the communications thereto are public  
18 records available for public review. Notwithstanding the foregoing, persons  
19 who otherwise qualify as lobbyists must register and disclose their  
20 lobbying activities directed toward City officials, in the same manner and  
21 to the same extent such registration and disclosure is required of all other  
22 lobbyists;

23 e. Persons submitting bids or responding to requests  
24 for proposals, provided the provision of such information is limited to direct  
25 conversation or correspondence with the official or department specifically  
26 designated to receive such information;

27 f. Persons providing oral or written information  
28 pursuant to a subpoena or otherwise compelled by law or regulation, or in

1 response to an official request provided that the request and response  
2 thereto are public records available for public review;

3 g. Persons whose communications relate to:

4 (i) The establishment, amendment,  
5 administration, implementation or interpretation of a collective bargaining  
6 agreement or a memorandum of understanding between the City and a  
7 recognized employee association.

8 (ii) Management decisions as to the working  
9 conditions of represented employees that clearly relate to the terms of a  
10 collective bargaining agreement or memorandum of understanding  
11 between the City and a recognized employee association.

12 (iii) Proceedings before the City's Civil Service  
13 Commission.

14 h. Boardmembers or employees of non-profit 501(c)  
15 (3) corporations.

16 i. Members of neighborhood associations or project  
17 area committees.

18 j. Boardmembers and employees of organizations  
19 representing City business improvement districts.

20 L. "Organization" means any person that is not an individual.

21 M. "Person" means any individual, domestic or foreign corporation,  
22 for-profit or non-profit entity, firm, association, syndicate, union, chamber  
23 of commerce, joint-stock company, partnership of any kind, limited liability  
24 company, common-law trust, society, or any other group of persons acting  
25 in concert.

26 2.08.030 Registration.

27 Lobbyists shall register with the City Clerk within fifteen (15) days  
28 after qualifying as a lobbyist under Section 2.08.020.

1           2.08.040     Annual registration renewal.

2                   A lobbyist shall renew his or her registration by January 15 or each  
3                   year unless he or she has terminated their status as a lobbyist pursuant to  
4                   Section 2.08.050, by such date.

5           2.08.050     Termination of lobbyist status.

6                   After initial registration, annual registration renewal will not be  
7                   required if a declaration attesting to the termination of lobbying services  
8                   within the City has been filed with the City Clerk no later than January 15.

9           2.08.060     Active status.

10                  All registrations, renewals and terminations will be deemed filed on  
11                  the date received by the City Clerk. A lobbyist shall be deemed active for  
12                  the duration of the year of registration ending December 31, unless a  
13                  declaration attesting to termination of lobbying services within the City is  
14                  filed.

15           2.08.070     Registration fees.

16                  Persons subject to the registration requirements of this ordinance  
17                  shall pay an annual fee of one hundred dollars (\$100.00). Persons  
18                  registering for the first time on or after June 30 of a given year shall pay a  
19                  reduced registration fee of fifty dollars (\$50.00).

20                  A. The applicable registration fee is due at the time of registration  
21                  or registration renewal. Payment will be deemed delinquent thereafter.  
22                  Delinquency fees may be assessed as specified in subsection (C) below,  
23                  if payment occurs after the due date.

24                  B. In addition to the annual fee, each registrant shall pay twenty-  
25                  five dollars (\$25.00) per client for whom lobbying is undertaken for  
26                  compensation in excess of five hundred dollars (\$500.00). The fees for  
27                  clients as of the date of initial registration shall be submitted with the  
28                  registration. The fees for subsequent clients will be due and submitted at

1 the time of the submission of the relevant quarterly report as required  
2 pursuant to Section 2.08.110 below.

3 C. A fine of twenty-five dollars (\$25.00) per day for delinquent fees,  
4 up to a maximum of five hundred dollars (\$500.00), will be assessed until  
5 compliance with the registration provisions herein.

6 2.08.080 Required registration information.

7 Registration statements shall contain the information set forth in  
8 Section 2.08.090.

9 2.08.090 Disclosure.

10 The initial registration shall contain the name, business address,  
11 telephone and fax numbers of all persons required to register pursuant to  
12 this Chapter, including the names of all owners of sole proprietorships and  
13 partnerships of fewer than ten (10) persons. If the registrant is a  
14 corporation, it shall also include the names of the president, secretary,  
15 chief financial officer, and agent for service of process, if any. Any  
16 business or organization registering under this act shall also briefly  
17 describe the nature of its business or organization and contacted  
18 individual. In addition to this information, the report shall contain the  
19 following:

20 A. Contract Lobbyist. The name, business address, telephone  
21 number of each client, the nature of each client's business and the item(s)  
22 of legislative or administrative action the lobbyist is seeking to influence on  
23 behalf of the client; and the name of each person employed or retained by  
24 the lobbyist to lobby on behalf of each client.

25 B. Business or Organization Lobbyist. The names of owners,  
26 officers or employees conducting lobbying activities and the item(s) of  
27 legislative or administrative action the lobbyist is seeking to influence.

28 C. Expenditure Lobbyists. The item(s) of municipal legislative or



1 administrative action the lobbyist is seeking to influence.

2 D. Payment received by the reporting lobbyist for services as a  
3 consultant or in any other capacity for services rendered to a City agency,  
4 any City official or any City official-elect or their controlled committees, any  
5 officeholder committee, or ballot measure committee. The dates of  
6 payment and name of each payer shall be included.

7 E. The name, address, title and telephone number of the person  
8 responsible for preparing the report, together with that individual's  
9 signature attesting to the authority of the signatory and the accuracy and  
10 truthfulness of the information submitted.

11 2.08.100 Subsequent disclosures.

12 For each calendar quarter following the quarter in which the  
13 lobbyist was required to register, the lobbyist must file a quarterly report in  
14 duplicate with the City Clerk not later than fifteen (15) calendar days after  
15 the end of the qualifying quarter whether or not any lobbying activities  
16 have occurred during such period. Electronic reporting may also be  
17 permitted by the City Clerk. Each quarterly report shall contain the same  
18 information as required to be disclosed in the initial registration, for those  
19 activities occurring in that quarter. If a lobbyist has terminated all lobbying  
20 activities during such quarter, the lobbyist may file a declaration of  
21 termination with the quarterly report. The final quarterly report shall  
22 include disclosure of any lobbying activities during the quarter of  
23 termination.

24 2.08.110 Quarterly reports.

25 Quarterly reports are to be filed in duplicate by April 15, July 15,  
26 October 15 and January 15, for the prior calendar quarter, and are  
27 delinquent thereafter. Electronic reporting may also be permitted by the  
28 City Clerk.

1           2.08.120     Records retention.

2                     Copies of the records pertaining to the above-required reports shall  
3                     be preserved by the lobbyist for inspection and audit for a period of four  
4                     years from date of production.

5           2.08.130     Lobbyist identification.

6                     When appearing in a lobbying capacity at a public meeting of the  
7                     City Council or other City board or commission, a contract lobbyist shall  
8                     identify himself/herself and the client(s) on whose behalf he/she is  
9                     appearing, and a business or organization lobbyist shall identify  
10                    himself/herself and the business or organization he/she represents.

11          2.08.140     Prohibitions.

12                    It shall be unlawful for any lobbyist to commit any one of the  
13                    following acts:

14                    A. Unauthorized Communications. Sending or causing any  
15                    communication to be sent to any City official in the name of any non-  
16                    existent person or in the name of an existing person without the express  
17                    or implied consent of such person.

18                    B. Fictitious Persons. Contacting any officer of the City in the name  
19                    of any non-existent person or in the name of any existing person, except  
20                    with the consent of such existing person.

21                    C. Indirect Violations. Attempting to evade the requirements of this  
22                    ordinance through indirect efforts or through the use of agents, associates,  
23                    intermediaries or employees.

24                    D. Creation of Obligations. Performing or sponsoring any act with  
25                    the purpose and intent of placing any City official under personal  
26                    obligation to the lobbyist.

27          2.08.150     Gifts.

28                    It shall be unlawful for any lobbyist to deliver or cause to be

1 delivered any gift to any City official, and for any City official to accept any  
2 gift from a lobbyist.

3 2.08.160 The City Clerk.

4 The City Clerk shall:

5 A. Oversee compliance with this Chapter including creation of all  
6 forms and explanatory materials.

7 B. Provide quarterly reports to the Mayor and City Council on  
8 lobbyist activities, and pending complaints and enforcement proceedings  
9 and provide an annual report to the Mayor and City Council including a  
10 description of educational programs and materials that have been  
11 produced regarding this Chapter and providing any recommendations for  
12 amendment of this Chapter. Press releases summarizing the contents of  
13 the reports shall be prepared and distributed with the respective reports.

14 C. Accept all required filings under this Chapter.

15 2.08.170 Criminal penalties.

16 Any person who knowingly or willfully violates or causes any other  
17 person to violate any provision of this Chapter is guilty of a misdemeanor.

18 2.08.180 Injunction.

19 The City Attorney may seek injunctive relief in the courts to enjoin  
20 violations of or to compel compliance with the provisions of this Chapter.

21 2.08.190 Practice restrictions.

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

25 2.08.200 Limitation of actions.

26 Prosecution for violation of any provision of this Chapter shall be  
27 commenced within four (4) years after the date on which the violation  
28 occurred.

1           2.08.210     Cost of litigation.

2                     The court may award costs of litigation including reasonable  
3 attorney's fees to the prevailing party in any action to compel compliance  
4 with the provisions of this Chapter.

5           2.08.220     Review of regulations.

6                     On or before the first anniversary of the effective date of this Chapter, the  
7 City Council shall review the effectiveness of these regulations, and shall enact  
8 modifications, if necessary.

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10                    Section 2. The City Clerk shall certify to the passage of this ordinance by  
11 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
12 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
13 Mayor.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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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 \_\_\_\_\_, 20\_\_, by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

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\_\_\_\_\_

City Clerk

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

\_\_\_\_\_  
Mayor



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** March 5, 2010  
**To:** Larry Herrera, City Clerk  
**From:** Larry Herrera, City Clerk  
**Subject:** Request to Add Agenda Item to Council Agenda of March 9, 2010

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 2.08 regarding Regulation of Persons who Lobby Public Officials, read and adopted as read.  
(Citywide)

Council District	Authorizing Councilmember	Signed by
4	<i>David Donald</i>	<i>(Signature)</i>
1	<i>Robert Garcia</i>	<i>(Signature)</i>
3	<i>Gray Delany</i>	<i>(Signature)</i>

Attachment: Staff Report

CC: Office of the Mayor