

**From:** BSRA <[bsramail@shoreresidents.org](mailto:bsramail@shoreresidents.org)>

**Sent:** Wednesday, March 08, 2023 12:22 PM

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>; Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>

**Subject:** Ethics Commission- 3/8/23 Agenda Item #3

**-EXTERNAL-**

Dear Commissioners;

In regard to the Ethics Commission's proposal to require neighborhood organizations to register as advocates, the Belmont Shore Residents Association wishes to express on behalf of its membership and the community an unequivocal opposition to these changes.

The BSRA, a 95-year-old neighborhood organization, is focused, by its bylaws and mandate, on residents' needs and concerns. We unequivocally support greater transparency in government and open communication at all levels.

But in its desire to meaningfully enhance the city's lobbying regulations, the Long Beach Ethics Commission may not have explored the full implications to neighborhood organizations. It is already a hurdle for citizens and community groups to access information about city policies, processes, and decisions.

The reasons for our opposition are extensive, clear and — we hope, upon your review — persuasive:

- Changes would equate neighborhood organizations with professional lobbyists
- Neighborhood organizations already face major hurdles getting info about key issues, upcoming legislation, and policy changes (due to narrow and flawed city outreach surveys, limited communication from councilmembers and city departments, non-responsive officials, and delayed/incomplete/non responses to public records requests)
- Neighborhood organizations are made up of volunteers; requiring them to document and manage their hours and interactions with city officials would create an extra hurdle to civic engagement

- The proposed changes would create undue burdens on both the organizations and city leaders and could deter information requests and outreach on local issues
- The registration and late fees would be an undue burden for neighborhood organizations, most of which operate with minimal budgets drawn from annual dues or low-dollar donations
- Non-profits with annual operating budgets of \$50,000 and less would be exempt from registering and reporting, so why would neighborhood organizations with far smaller operating budgets not be exempt?
- Would the non-profit status of a neighborhood organization with an annual operating budget of \$50,000 or less be exempt from registering and thereby essentially evade the intent of the proposed changes?
- What would qualify as a neighborhood organization under these proposed changes: HOAs? Clubs? Yacht Clubs? The League of Women Voters? Churches? Scottish Rites? Masonic Lodges? Elks? Veterans groups? Neighborhood Watch Groups? Other groups that are not non-profits?
- Why would individual businesses not have parallel registration and reporting requirements, given that they already have the ear of and advocate to city officials for advantages for their operations and profit?





Neighborhood organizations of all types work tirelessly and without pay on behalf of their communities. They advocate for outreach, communication, engagement, information, accessibility, safety, improved property values and, fundamentally, quality of life for all residents.

Neighborhood organizations are inherently limited in their ability to reach all members of their community. But by their essential nature they are more intimately connected to those within their communities on a granular level.

The Belmont Shore Residents Association hopes that the Ethics Commissioners will take to heart the above considerations. We urge you to revise the proposed changes to clearly reflect that issue advocacy is not at all parallel to lobbying, and that community groups ought not be subjected to rules that would unduly burden residents already disadvantaged in civic engagement.

Sincerely,

The Belmont Shore Residents Association

**-EXTERNAL-**

Good Afternoon,

I would like to have my comments in the record and shared with the Ethics Commissioners regarding agenda item #3 on today's agenda, thank you.

Good Afternoon Chair and Commissioners,

My name is Mike Murchison, and I have been a registered lobbyist since the inception of the lobbying ordinance in Long Beach. The primary reason of why I am commenting today is due to the lack of registration by multiple groups/individuals that represent clients that want to have policy changes at the Long Beach City Council level. It doesn't matter whether your clients are poor or wealthy; what matters is that the residents of Long Beach should know who is advocating on behalf of a client/issue to the City Council at any given time. We have all seen over the past ten years policy issues that have two sides to them and each side meets with city council members or the Mayor to try and influence an outcome - that is lobbying pure and simple.

I am not advocating for registration by neighborhood associations or the BIDS, as they are not paid advocates to try and influence city council policy decisions. However, there are 501C3's or 4's or 6's that can be identified easily that have had tremendous access to elected officials in our city. Why not have them register to create a level playing field for all? In addition, registration keeps the community informed on who is advocating for what outcome thus creating transparency for all. Again, not all non-profits lobby to change city policy, so the ones that don't should have no worries about registration or paying any fees or reporting during the year.

All one has to do is look at other major cities in California and see the registration requirements that include the groups I am talking about. Thank you for taking the time today to potentially make recommendations to the Long Beach City Council. I applaud your efforts.

Best Regards,

Mike Murchison - "Mike 24-7"

Murchison Consulting

[Mike@murchisonconsulting.net](mailto:Mike@murchisonconsulting.net)

[www.murchisonconsulting.net](http://www.murchisonconsulting.net)



**From:** Parisa Vinzant <[parisa@vinzantgroup.com](mailto:parisa@vinzantgroup.com)>  
**Sent:** Wednesday, March 08, 2023 2:02 PM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Cc:** Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>  
**Subject:** REV Public Comment - Agenda Item 3 - Ethics Commission meeting

**-EXTERNAL-**

Good Afternoon Ethics Commissioners,  
Until I resigned at the end of February, I served for 5 years as a Technology and Innovation Commissioner. I ask that this written comment be uploaded to legistar agenda item #3 for today's meeting and circulated to commissioners for review.

In light of nonprofit leaders' remarks in recent Long Beach Post news articles and letters already uploaded to legistar from nonprofit leaders, it is clear that there are real concerns and likely inequitable impacts on Long Beach's most marginalized communities if this Commission takes any action to remove exception status of nonprofits today. I realize the Commission's Ad Hoc Subcommittee has likely tried hard to not create new tax burdens, but has this committee or the full Commission taken an equity lens to the suggested recommendations? Has a formal equity analysis been done to assess expected burdens and benefits of this proposed change as it relates to equity and inclusion concerns of our most marginalized community members to participate in local government?

Please consider reviewing and using the City's Equity Toolkit, especially pages 8 and 14: <https://www.longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/city-of-long-beach-office-of-equity-toolkit>. I was the Equity Toolkit Consultant working with the Office of Equity on this amazing resource.

Your Commission updated the City's Ethics Code to embed equity at its core. Please take the opportunity with this agenda item to truly listen to the most impacted community members of the proposed change, conduct an equity analysis, and engage in robust community engagement BEFORE taking action as currently recommended on this agenda item today.

Thank you for your consideration.

Very best wishes,  
Parisa Vinzant  
Equity and Inclusion Consultant & Strategist, Vinzant Group Inc.  
(email: [parisa@vinzantgroup.com](mailto:parisa@vinzantgroup.com))

**From:** Anna Christensen [<mailto:annachristensen259@gmail.com>]  
**Sent:** Wednesday, March 8, 2023 10:28 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Agenda Item 3, Long Beach Ethics Commission Mtg, 3/8/23

**-EXTERNAL-**

Dear Ethics Commission,

Community Groups and Nonprofits are not "Lobbyists." Individuals who form groups with common cause are not Lobbyists. While in pursuit of their goals, Community Groups and Nonprofits may seek to meet with public officials in order to gain and provide information, this does not make them Lobbyists. Categorizing them as such places an undue, and even insurmountable, burden on both organizations and public officials. Advocating for a particular outcome should not require that a community group or Non-profit register as a Lobbyist or be subject to the LBMC CH. 2.08 (Lobbying Ordinance). What evidence does this committee have that Community Groups and Nonprofits meeting with public officials in Long Beach have acted in an unethical and/or illegal manner? Is this not a crime in search of a perpetrator? Who benefits from this onerous and invasive proposal? Only those that would seek to profile Community Groups and Non-profits as bad actors in order to spread doubt and blame and limit the fair exchange of ideas. The Committee must reject this blatantly unfair and unnecessary Amendment.

Respectfully, Anna Christensen, Executive Director, Puvunga Wetlands Protectors

**From:** Annie Greenfeld Flores <[shorti2448@gmail.com](mailto:shorti2448@gmail.com)>

**Date:** March 8, 2023 at 12:33:53 PM PST

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>, Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>

**Cc:** Mary Zendejas <[MZ@maryzendejas.com](mailto:MZ@maryzendejas.com)>, Mayor <[Mayor@longbeach.gov](mailto:Mayor@longbeach.gov)>

**Subject:** Ethics Commission Agenda Item No. 3. 22-043EC

**-EXTERNAL-**

Re: Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.

Attached please find a letter of Magnolia Industrial Group to the Ethics Commission for today's hearing. Please provide all the Commissioners with a copy and place this letter into the record in opposition to Agenda Item No. 3.

Should you have any questions or concerns, please do not hesitate to contact me. My cell is

[REDACTED]

Annie Greenfeld

***"Never, never be afraid to do what's right, especially if the well-being of a person or animal is at stake.***

***Society's punishments are small compared to the wounds we inflict on our soul when we look the other way."***



March 8, 2023

City Clerk for the Commissioners  
Long Beach Ethics Commission

Re: Agenda Item #3

- o Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee

Dear Honorable Members of the Ethics Commission:

This correspondence is for the purpose of the above agenda item for today, March 8, 2023 and request that it be entered into the public record opposing the proposed amendments to Long Beach Municipal Code Chapter 2.08 – Lobbyists Ordinance on behalf of Magnolia Industrial Group (MIG), a PBID of the City of Long Beach.

The Property and Business District Law of 1994 ([Streets and Highways Code](#) Section 36600 et seq.), is referred to as the “PBID Law.” In connection with such incorporation, all references in the PBID Law to a “District” or a “Property and Business District” shall be interpreted as references to a Community Benefit District. This law is governed by the State of California. Businesses self-assess (contribute an additional assessment with their property taxes) for a specific purpose. In the case of MIG, we were created to provide extra security because our crime rates were too high. Things have not improved due to today’s climate.

Transparency in government is always a good thing except when you damage or hurt the businesses, neighborhood associations, the BIDS, its business corridors and/or volunteers.

The Property and Business Improvement District Law of 1994 defines “special benefit” to mean, for purposes of a property-based district, a particular and distinct benefit over and

above general benefits conferred on real property located in a district or to the public at large. The removal of the exemption for nonprofits and business improvement districts and considering all nonprofits and business improvement districts would be a grave injustice to all BIDS, nonprofits, and neighborhood associations. Taking a blanket approach for all BIDS, neighborhood associations and nonprofits is a huge mistake and would directly hurt the City, which relies on BIDS to disseminate information and advocate on behalf of the businesses in our districts and would more importantly harm neighborhoods. We serve as the voice of our communities. Considering BIDS as lobbyists would directly harm the very communities we work for and would impact the ability to carry out our purpose for creating a BID. We are already governed by State Law, the California Brown Act and the California Public Records Act and these revisions being considered today would not only be redundant, but would significantly harm these organizations and would stop future growth. It would cut the BIDS off from their City, County or State Representatives, would increase the cost of Administration and take away from the purpose they were created for.

Please accept this letter as opposition to this agenda item and respectfully request that you reconsider your position on BIDS, nonprofits and neighborhood associations to register as lobbyists. We are not lobbyists; we just care about our City of Long Beach neighborhoods and businesses and want to help them succeed.

Sincerely,

MAGNOLIA INDUSTRIAL GROUP

By: Annie Greenfeld, Administrator

Good Afternoon Commissioners, and Staff

The study session leans heavily on alignment and attachment of individuals to BIDs and Non-Profits and in some instances does not apply to bids or advocating for BIDs. I agree that we should seek best practices but Los Angeles is not always the example we should seek when we are a Charter City. The way I see this is that there is a separation on how this may be enacted between neighborhood Non-profits who operate solely for the benefit of the neighborhood or community. The divide is where BIDS are run by Non-profits and they advocate at a percentage that would be greater than 15% of the bid. Reality indicates, "Any Individual" may qualify as a lobbyist, regardless of occupation, education, training, or professional title. This may include the owners' association members, directors, presidents, government liaisons, and other representatives of Business Improvement Districts (BIDs). It includes any individual who is compensated to lobby a City official regarding a City decision. Everyone who meets the qualification criteria must register with the Ethics Commission as a lobbyist. In addition to registering, lobbyists are required to disclose their lobbying activity on a quarterly basis. Lobbying registrations and quarterly reports may be searched and searched online.

It is my brief experience with many of our Neighborhood Associations that are currently a non-profit that works at a park or with a park representing an area on behalf of the community (Community/ Neighborhood Association).

Bids are generally segregated from the neighborhood associations and are already held to a higher standard when reporting federal and becoming a corporation with the state of California. I agree there should be transparency and accountability. You as a body should be asking questions of other positions within the city rather than targeting Business Improvement Districts that already assess themselves. The city of Long Beach already receives licensing fees that are to be spent back in the area and often within the surrounding neighborhood. In most cases, our bids have a leader but that director or individual is not the lobbyist but the employee presenting a position not requesting dollars. Lobbying according to Federal is applying for a grant. That is advocacy but only in meeting the requirements of the 501(c)(3) it does not meet the threshold of getting or asking for something from the City of Long Beach.

We as citizens are allowed to redress our government over an issue but as an individual. When a non-profit is working on behalf of a group then this may be questioned if there is an opportunity for it to be beneficial to that entity without being a gain for the individual. The advocacy may also be community-based which is also advocating on behalf of the entire community. This study session based on experience has the ability to eliminate the funds from grants when individuals are seen as advocates for a business. The idea of all non-profits being involved therefore can and will do damage to the community and local neighborhood associations whose primary purpose may be education and coordination of events in the community. Please review the explanation below regarding BIDS and NON-PROFITS:

=====

## BIDS AND 501(C)3

The emergence of BIDS in cities is one of the most important urban tools that assist businesses in the city. The Long Beach Definition is: Business Improvement Districts (BIDs) offer the chance for property and business owners to join together to pool funds to be used for agreed-upon improvements in their respective business districts.

The City of Long Beach supports a BID as a tool for strengthening small businesses, creating and retaining jobs, attracting new businesses, improving quality of life, and revitalizing commercial corridors across the City.

In other words, BIDs have been controversial, with both supporters and proponents viewing the districts as part of a trend toward the privatization of the public sector. BID formation, functions, finances, and governance, show that BIDs are not private entities but are, instead, a distinctive hybrid of public and private elements. Although this specific type of fusion between the public and private sectors, values and concerns make "BIDS" unique, Bids depart from the norm of democratic governance and bring to the delivery of services for a specific area where certain business entities are located and operating for the common good of the area. They provide a mechanism for providing public services and equity when the city may be strapped so they can survive. Ultimately Bids provide the services, investments, and appropriate oversight. This becomes more cost beneficial to the city when there is monitoring and combing the public and private roles of the area. This hybrid, therefore, represents a significant contribution to the quality of urban and public life.

### Are Bids Lobbyists

The process for creating a BID varies from one jurisdiction to another. In the USA, it generally involves three steps:

1. A certain number of businesses in the area petition the local government to create the BID.

2. The local government determines that a majority of businesses want the BID.

3. The local government (city, municipality) enacts legislation creating the BID.

However, prior to this happening, state legislatures need to grant local units the authority to create BIDs. The operating budgets of BIDs range from a few thousand dollars to tens of millions of dollars.

4. A BID may be operated by a non-profit organization or by a quasi-governing entity. The governance of a BID is the responsibility of a board composed of some combination of property owners, businesses, and government officials. The management of a BID is the job of a paid administrator, usually occupying the position of an executive director of some kind.

The criticism is that some bids are less democratic and do things without contact with all the member businesses who are assessed, or members do not maintain contact with the administrator. Then accountability must play a part of their governance.

#### BIDS and Lobbying

In my opinion many in other cities BIDs have also become a powerful lobby group, lobbying the government for improvements such as new sidewalks, trees, park benches, and other restorations. BIDs can also lobby different levels of government for significant changes to their area if they feel it is necessary to improve the business community.

Lobbyists can include the owners' association members, directors, presidents, government liaisons, and other representatives of Business Improvement Districts (BIDs).

Any individual, including a BID employee, may be a lobbyist. Even though a BID may provide services that benefit the general public, it is not part of the City government. Under state law, a BID owners' association is a private entity that enters into a contract with the City. The association may not be considered a public entity—and its members may not be considered City officials—for any purpose. Therefore, if you meet the definition, you are a lobbyist. If there is a non-profit that advocates and runs a bid they too can be considered a lobbyist. So Long Beach looks and appears to be considering enacting an ordinance similar to our neighbor to the north, Los Angeles.

### 501(c)(3)

In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as lobbying). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks the loss of tax-exempt status.

Tax-exempt 501(c)(3) nonprofits are prohibited from lobbying "except to an insubstantial degree). The general rule looks at the totality of an organization's lobbying activities, whether by paid staff or volunteers, and considers whether those activities are "insubstantial." This test gives the IRS fairly broad discretion; courts have in the past considered expenditures of more than 5% of the organization's budget, time, and effort to be "substantial."

The other more defined test is the 501(h) expenditure test, named after the bright line rule set forth in Section 501(h) of the Internal Revenue Code. This test sets specific dollar limits on a nonprofit's lobbying activities. The 501(h) test not only sets clear limits, it also only includes lobbying expenditures (money and staff time) toward those limits; the work of volunteers is not counted against the limits, as it would be under the "insubstantial" test. In order to be governed by the 501(h) test, an organization must file a form electing to be evaluated under the rule (IRS Form 5768). The disclosures required under the 501(h) test are essentially the same as that required for the annual informational return (IRS Form 990).

## Conflict of interest

Members of the board of directors are usually chosen based on their experience, connections, and resources. Some of the connections that make board members valuable can lead to a breach of ethical conduct.

A common example is when a non-profit organization utilizes the products or services of a company that the board member is tied with when the same product or service could be purchased at lower costs or higher quality from other sources.

Conflict of interest also arises when nonprofits end up operating according to the desires of the most valuable donors or board members. Large donors can easily change how the organization spends its money, funneling it into the donor's projects or associates when the money could be used for better purposes elsewhere.

Board members or managers receiving personal gifts from donors can also influence important decisions such as spending. And this creates a breach of ethics.

## What Is Lobbying

1. A Communication! To legislators! To electeds Intended to influence specific legislation or sway something beneficial in the Bids favor.

(pending or proposed)

## "Direct" & "Grassroots" Lobbying

1. "Direct lobbying" is: A communication with a legislator or their staff!

2. It is a view that view expresses a point of view regarding specific legislation.

3. It also can and does urge the community to contact their legislator.

Most Advocacy Is Not Lobbying • Executive, judicial, and administrative agencies (including school and zoning boards and other special purpose bodies) are not legislative bodies and do not create legislation when they act. • Urging an agency such as the Department of Children and Family Services to change its policies, therefore, would not be considered lobbying yet you would consider creating a fee that may penalize and harm the community.

Non-profit organizations are businesses or groups with philanthropic missions. They are usually private; meaning that they are not connected to governmental entities. Unlike profit organizations, non-profit organizations don't pay out their earnings to investors in the form of dividends or profits. Instead, they funnel their earnings back into the operations of the organization. In short, money is used to support the mission of the organization and parts of the mission that may support the community if it is a 501(c)3.

Board members and executives have the responsibility of keeping the organization focused on its missions to achieve the highest impact possible in its area of specialization. Due to factors such as market expansion, organizational goals, and revenue growth, the mission of the organization can become blurred thus making it harder to make a meaningful impact.

Since nonprofit organizations don't pay taxes, they usually carry a fiduciary duty not only to the donors but also to the taxpayers to keep their focus on helping the groups and neighborhoods they serve.

**From:** RAE GABELICH <[hoorae1@aol.com](mailto:hoorae1@aol.com)>

**Sent:** Tuesday, March 7, 2023 7:50 PM

**To:** [cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov) <[cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov)>

**Cc:** [jweins123@hotmail.com](mailto:jweins123@hotmail.com) <[jweins123@hotmail.com](mailto:jweins123@hotmail.com)>; [corlisslee@aol.com](mailto:corlisslee@aol.com) <[corlisslee@aol.com](mailto:corlisslee@aol.com)>; [mbcotton@hotmail.com](mailto:mbcotton@hotmail.com) <[mbcotton@hotmail.com](mailto:mbcotton@hotmail.com)>; [glennisd@mac.com](mailto:glennisd@mac.com) <[glennisd@mac.com](mailto:glennisd@mac.com)>; RAE GABELICH <[hoorae1@aol.com](mailto:hoorae1@aol.com)>; [lmiller853@aol.com](mailto:lmiller853@aol.com) <[lmiller853@aol.com](mailto:lmiller853@aol.com)>; [lamiller@pacbell.net](mailto:lamiller@pacbell.net) <[lamiller@pacbell.net](mailto:lamiller@pacbell.net)>

**Subject:** Ethics Commission #3 - 2nd comment from Rae Gabelich

FOR THE PUBLIC RECORD

TO: Ethics Commission, City of Long Beach  
c/o City Clerk, City of Long Beach

March 7, 2023

RE: March 8, 2023 Ethics Commission Agenda item 3: Proposed Amendments to Lobbying ordinance

*AGENDA ITEM 3. 22-043EC Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.*

March 7, 2023

I ask that you **DO** remove neighborhood associations, LB business districts and LB **non-compensated** non-profits from your upgraded LB Lobbyist Ordinance. We added this ordinance when I served on the LB city council, to give greater transparency to the public, on who was gaining favoritism on items that came before the council . The airlines. The trucking industry. the developers, of all things great and small. Quite frankly, at the time, we had 2-3 lobbyists in town. Their careers were successful **ONLY** if their clients won the deal! So, how many lobbyists are registered in our city today? **SB1439 was to assure the public that the lobbyists were not able to control the local elected officials through their campaign donations or "good" deeds. It is not to further restrict the public, the constituents, from voicing their concerns because their organizations have been created around a 501c3 or c4 to be able to raise**

**necessary funds to defend themselves. It is for the BIG lobbyist that has infiltrated our communities to influence the outcome of the elected officials votes.**

By adding the three entities listed above you will be eliminating the "Voices of Long Beach residents". I do not believe that is what you are trying to achieve. You will make it even more difficult to build a vibrant, involved community. The neighborhood leaders, who do this work for zero compensation, want to make their neighborhoods better. Not to overbuild, not to burden specific areas of our city and not to negatively impact our quality of life. Please do the right thing!?

Respectfully, Rae Gabelich

**From:** Christina Hall <[chall@tnpsocal.org](mailto:chall@tnpsocal.org)>  
**Sent:** Tuesday, March 07, 2023 11:18 AM  
**To:** Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>  
**Subject:** Letter in Regards to Meeting 3/8/23 Agenda Item 22-043EC

**-EXTERNAL-**

Hello Heather,  
Please find attached a letter of concern regarding tomorrow's meeting agenda item 22-043EC to be submitted into public comment.

Thank you,  
Christina

**Christina Hall**  
Program Manager

**The Nonprofit Partnership**

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March 7, 2023

City of Long Beach Ethics Commission  
411 W Ocean Blvd, 10th Floor  
Long Beach, CA 90802

**Public Comment: Ethics Commission Meeting March 8, 2023, Item 3- 22-043EC  
RE: Proposal to Include Nonprofit Organizations in Long Beach's Lobbying Ordinance, LBMC CH. 2.08**

Dear Commissioners,

Please accept these comments regarding the proposal to include nonprofit organizations in Long Beach's Lobbying Ordinance, LBMC CH. 2.08. As a nonprofit organization supporting over 500 nonprofits in the region annually, we are extremely concerned about the possibility of eliminating the nonprofit exemption from the City's Lobbying Ordinance and expanding the scope of the Ordinance to include "advocacy."

While we support greater transparency in government, we believe that including ALL nonprofit organizations with a blanket ordinance places a significant burden on nonprofits in lieu of City Leaders, and creates substantial barriers and hesitancy for nonprofits operating for the public good. Nonprofits should continue to be exempt from the City's Lobbying Ordinance. We are concerned that the Commission has not fully researched the potential impact of the proposed ordinance on local, 501 (c)(3) organizations, or made an attempt to reach out to the nonprofit community to understand the full implications of making such sweeping and extreme changes to the lobbying ordinance.

There are over 600 nonprofit (501(c)(3)) organizations with locations in Long Beach, and many more serving Long Beach from neighboring cities. We are also fortunate in Long Beach to have over 75 private operating foundations, providing resources and funding to nonprofits for community impact. Most of these nonprofits operate on a very limited budget, bringing in funding for community needs through grants, donors, and reduced fee-for-service. The new requirements in the proposed Ordinance are asking nonprofits to focus on reporting daily and required activity of advocating for those they serve, instead of focusing on impacting the people they serve.

In addition to the points uplifted in the letter we signed onto with our nonprofit partners advocating for maintaining the current regulations and requirements, we also want to remind the commission that 501(c)(3) organizations receive tax exempt status because they exist for the public good, and we are highly regulated by the CA Attorney General, Secretary of State, and IRS. We believe we are, first and foremost, advocates for the needs of the community. Without advocacy from our local organizations, we would not have the dynamic, diverse, and vibrant community in Long Beach that exists today.

If the City of Long Beach desires more levels of transparency, which we fully support, placing the burden on nonprofit organizations to report the activities of elected officials and other city leaders is not the answer.



562.888.6530

4900 E. Conant Street  
Long Beach, CA 90808

[tnpsocal.org](http://tnpsocal.org) [f](#) [t](#) [i](#) [in](#)

We want to highlight the following considerations regarding the proposed changes:

1. As 501(c)(3) organizations, we already report our lobbying work to the federal government and 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. Many funding sources prohibit lobbying activities, leaving limited resources for these activities overall. Redefining advocacy as lobbying only works to create an obstacle for nonprofits to fulfill their mission. In addition, making such organizations jump over yet another hurdle, to register and report as local lobbyists, is likely to cause concern, hesitancy, and potentially a full stop to the current collaborative partnership that nonprofits currently have with the City.

While we understand the Commission's desire to be transparent, treating all corporations the same, irrespective of their legal structure or designation, 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.

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. Nonprofits do not have capacity to juggle multiple and conflicting reporting requirements, and the proposed changes effectively place an undue burden and cost on nonprofits to ensure city leadership accountability.

Nonprofit organizations are mission driven and must provide detailed documentation, tax filings, and registrations to ensure they meet the requirements of their tax exempt status, and that they continue to operate in service to the community. Additionally, all nonprofits are required to have a board of directors to ensure that they stay true to the mission. A large majority of organizations are understaffed and overburdened; many utilize a workforce of volunteers. Nonprofits simply do not have the capacity to comply with multiple and conflicting lobbying requirements. If forced to comply, many nonprofits would have to remove staff or volunteers from providing critical services to the community, resulting in possible loss of funding, and limiting their ability to deliver on their mission. Including advocacy activities and new reporting requirements for lobbying for nonprofit would drive a majority of nonprofits away from partnering with the City and cause them to withdraw from local lobbying, advocacy, and collaborative efforts, over concerns of losing their tax-exempt status, and other sources of funding. The City would therefore no longer benefit from our voices in the public arena.

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 is also punitive for nonprofits, as we do not have the resources and systems in

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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 nonprofits, we do not have any financial incentive or gain when we lobby, as we are lobbying to benefit the communities we serve, and our mission for the public good as required by our tax exempt status.

Nonprofits are distinct from special interest paid lobbyists because our mission is to serve the public good, not to turn a profit. Specifically stated by the California Attorney General, 501(c)(3) organizations are "required to serve public, rather than private interests; generally, this means that its activities benefit a large and indefinite class of individuals, as opposed to a small, identifiable group. In particular, the organization may not be organized or operated for impermissible private interests, such as those of specifically designated individuals, the founder of the organization, the founder's family, or persons or companies controlled by such private interests." In short, no one person may benefit financially from the work of a nonprofit. To require nonprofits, advocating for the community in fulfillment of their legally binding agreement with the state and federal government, to meet the same requirement as a lobbyist working for a private entity, or small groups of individuals who stand to financially benefit from the outcome of such activities, is punitive and a misguided attempt to silence the community voice under the guise of "transparency."

4. We encourage use of the City of Long Beach's Equity Toolkit to examine implications of the proposed changes.

We ask that the Ethics Commission review The Long Beach Office of Equity Toolkit for City Leaders and Staff. This toolkit was created "to make positive changes through our policies, programs, and services." The Equity Toolkit includes an overview of what equity means and provides specific strategies for staff and leaders to apply to their work. The Toolkit outlines the first priority in the Equity Toolkit as "Engaging community voices to inform the design of policy and system change." The Toolkit provides a guide for community engagement, policy development, and basic questions for using an equity lens - all of which would benefit the Commission in designing the proposed Ordinance. The first question in the guide focuses on burdens and benefits: "Who would benefit or be burdened by this proposal? Would low-income households or communities of color experience a disproportionate burden?" We believe the burden of the proposed changes apply directly to the nonprofit organizations in the City, and question who is the beneficiary. Nonprofits are not benefiting from the advocacy they do in line with their mission - it is 100% for the public benefit. The proposed changes are a misguided attempt to provide a higher level of transparency, and will only end up driving out already under-resourced nonprofits who care deeply about the communities they serve.

### Conclusion

Long Beach is a well resourced city, with an abundance of nonprofits who care about the individuals and the community, as a whole. In addition to over 600 501(c)(3) organizations, there are membership organizations, business improvement districts, cultural centers, neighborhood associations, and 50+ foundations providing financial resources to the community. It is what makes Long Beach an amazing and vibrant community. The proposal to remove the nonprofit exemption from the ordinance will

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have a direct impact on the relationships nonprofit organizations have with the City of Long Beach. Nonprofits would halt interactions with the City, to avoid risking their tax exempt status. Even more troubling, without proper support and resources, nonprofits would risk being in violation of the new proposed sweeping changes, and be burdened with penalties up to being barred from City interactions and resources. Nonprofit 501(c)(3) organizations would immediately limit participation in local government because we do not have the staff, capacity, or time to juggle another reporting requirement

The proposed changes do not demonstrate the City's commitment to equity, inclusivity, and innovation. Instead, the changes place a burden of cost onto critically-needed and under-resourced nonprofits. We participate in advocacy to uplift the voices of the community and provide the services that the general private sector community does not prioritize. We provide art experiences, services to seniors, basic needs, education, child care, recreation, neighborhood community building, advocacy for marginalized communities, and more. Nonprofits in Long Beach are amazing, passionate, and tireless organizations who work hard, each day, for the community. We ask that you fully consider the implications before changing requirements to our work that would take us away from serving our communities. 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.

We are not opposed to transparency. We welcome the increased opportunity for transparency, but in no way should the responsibility of reporting become the requirement and financial burden of the nonprofit. I know that Long Beach can do better. There are more innovative ways to ensure transparency outside of asking for nonprofit organizations, who rely on donations, grants, and volunteers to spend additional time reporting on activities that are a basic part of their every day work. I would be surprised if the City Council and City Staff leadership are interested in creating such a deep divide, when so many hard working City departments are working to bridge gaps, decrease barriers, and be true partners to the community. Nonprofits make up 10% of the workforce in Long Beach, we are the 4th largest industry in CA, and we are dedicated to working for the public good. Please reconsider the implications of your proposed changes and show nonprofits how Long Beach values their commitment to working together for the good of the community.

Long Beach should continue to exempt nonprofits 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,



Michelle Byerly  
Executive Director  
The Nonprofit Partnership



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Long Beach, CA 90808

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**From:** Candy Islander [<mailto:candiceislander@gmail.com>]  
**Sent:** Wednesday, March 8, 2023 8:02 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Public comment for the Ethics Commission on ordinance: 22-043EC

**-EXTERNAL-**

Dear Ethics Commission,

I want my comment added to the public comment for the Ethics Commission on the following ordinance: 22-043EC Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.

In reading the Long Beach Post article about the proposed ordinance, I read that "those who spend 10 hours or more contacting city officials during a three-month period in person, by phone or through electronic means like email, are subject to it. It would include the time taken to prepare any communication, something that is not part of the current law but is being proposed for all groups of lobbyists." If this is true, it is a burden and yet another obstacle for advocates for many disenfranchised and marginalized communities. This is unacceptable.

I am asking the Ethics Commission to vote NO on this ordinance.

**Candice Islander**



**P.S.**

Just in case you haven't Seen and Heard about the article, I'm cutting and pasting it here: As the Long Beach Ethics Commission readies its recommendations for changes to the city's lobbying ordinance, community groups, nonprofits and others are apprehensive over what it could mean for the future of their ability to engage with city officials. Long Beach's lobbying rules were adopted in February 2010 in an attempt to offer transparency on who was getting paid to help shepherd their clients' projects and permits through the city process by talking to city decision-makers. The 13-year-old law has exempted nonprofits, neighborhood organizations and business improvement districts. But that could soon change, according to proposed amendments that could be sent to the City Council on Wednesday. "All points of view should be subject to the sunlight of disclosure under the ordinance," a draft proposal of the changes said. Those groups have expressed concern about the paperwork required to comply with the city's law, which could drive away

members or even create a chilling effect for some groups who don't want to risk running afoul of the law, which could lead to a misdemeanor charge in addition to fines and a temporary ban for those who break it. Nonprofits say that they already file disclosures with the IRS, which is required to maintain their tax-exempt status, while neighborhood groups are worried that bringing up concerns over things like oval-shaped roundabouts, permanent parklets and other worries in their communities could require them to register as lobbyists.

READ THE REST OF THE ARTICLE AT THE LINK BELOW:

<https://lbpost.com/news/nonprofits-neighborhood-groups-push-back-against-rule-that-would-regulate-them-as-lobbyists>



**Nonprofits, neighborhood groups push back against rule that**

**From:** Alexandra Lakatos [<mailto:alexandra@edmondgroupllc.com>]  
**Sent:** Wednesday, March 8, 2023 9:41 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Cc:** John Edmond <[john@edmondgroupllc.com](mailto:john@edmondgroupllc.com)>  
**Subject:** Letter of Support: Item 23-0043 Ethics Commission Lobbying

**-EXTERNAL-**

Hello Honorable City Clerk,

Please accept the attached letter of support for the upcoming meeting at 3 pm. The Apartment Association of California Southern Cities supports the proposed discussion and recommendations of the Ethics Commission regarding the Lobbyist Ordinance in Long Beach.

I hope you will take our words into consideration, and I hope you have a wonderful day.

Best,

--

Alexandra Lakatos  
Vice President  
Edmond Group LLC  
503-961-4783



**March 8, 2023**

Chair Margo Morales and Ethics Commissioners  
City of Long Beach  
411 W. Ocean Blvd.  
Long Beach, CA 90802

**Subject: Item 3 22-043EC on the 3/8/2023 Ethics Commission Agenda  
Regarding the Lobbyist Ordinance – SUPPORT**

Dear Honorable Chair Morales and Honorable Ethics Commissioners,

On behalf of our thousands of members across the greater Long Beach area, we want to offer our SUPPORT regarding the March 7, 2023 item at the Long Beach Ethics Commission concerning updates to the Lobbyists Ordinance.

The Apartment Association of California Southern Cities is an organization of property owners, managers and advocates who stand up for property rights in Long Beach and the greater Los Angeles area. The policies proposed will lead to a greater number of advocacy organizations and individuals registering as lobbyists at the City of Long Beach - this leads directly to more transparency in who is influencing the elected officials and city staff in Long Beach, and help us all in our advocacy efforts.

“The Apartment Association of California Southern Cities believes that transparency and these policy efforts by the Long Beach Ethics Commission are paramount to giving Long Beach the government processes that it needs to advocate for the property rights we believe in, and allow others to advocate on the same playing field.” - Board President Elaine Hutchison

By supporting this initiative, you are contributing to community inclusivity and bringing the city closer to achieving short-term and long-term advocacy goals. Thank you in advance for your consideration of our comments.

Sincerely,

A handwritten signature in dark ink, appearing to be "Elaine Hutchison". The signature is fluid and cursive, written over a light blue horizontal line.

Elaine Hutchison  
President,  
Apartment Association, California Southern Cities

**From:** Austin Metoyer <[austinm@dlba.org](mailto:austinm@dlba.org)>

**Date:** March 8, 2023 at 11:27:33 AM PST

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>

**Cc:** James Ahumada <[jamesa@dlba.org](mailto:jamesa@dlba.org)>, Council District 1 <[District1@longbeach.gov](mailto:District1@longbeach.gov)>, Mayor <[Mayor@longbeach.gov](mailto:Mayor@longbeach.gov)>, Council District 2 <[District2@longbeach.gov](mailto:District2@longbeach.gov)>, Council District 3 <[District3@longbeach.gov](mailto:District3@longbeach.gov)>, Council District 4 <[District4@longbeach.gov](mailto:District4@longbeach.gov)>, Council District 5 <[District5@longbeach.gov](mailto:District5@longbeach.gov)>, Council District 6 <[District6@longbeach.gov](mailto:District6@longbeach.gov)>, Council District 7 <[District7@longbeach.gov](mailto:District7@longbeach.gov)>, Council District 8 <[District8@longbeach.gov](mailto:District8@longbeach.gov)>, Council District 9 <[District9@longbeach.gov](mailto:District9@longbeach.gov)>, Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>

**Subject:** COBA's Letter re: Ethic's Commission Agenda Item #3

**-EXTERNAL-**

Morning,

On behalf of the Council of Business Associations, I'm attaching a letter expressing the concerns of the City of Long Beach's Business Improvement Districts regarding the Ethics Commissions revision to the Lobby Ordinance.

Please file this letter into the public record for today's meeting (3/8) under Agenda Item #3.

Thank you.

**AUSTIN METOYER**

*Pronouns: He/Him/His*

President & CEO

100 W. Broadway, Ste. 120

Long Beach, CA 90802



March 8, 2023

Long Beach Ethics Commission

**RE: Proposed Changes to Long Beach Lobbyist Ordinance (LBMC Ch. 2.08)**

Dear Chair Morales and Honorable Members of the Ethics Commission,

Please accept this correspondence on behalf of the Council of Business Associations (COBA) and enter it into the public record for the Ethics Commission meeting scheduled for March 8, 2023, opposing the proposed amendments to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyists Ordinance.

For decades, COBA, a coalition of associations and organizations representing the well-being of Long Beach's Business Improvement Districts (BIDs) and its business corridors, has partnered to communicate and coordinate our efforts to enhance our respective districts.

While we support greater transparency in government, we have grave concerns regarding the Ad Hoc Committee's recommendations to remove the exemption for nonprofits and business improvement districts and take a blanket approach for all organizations regarding the registration as a lobbyist organization.

Business Improvements Districts are special assessment districts within the City of Long Beach. The City enters into an agreement with a nonprofit organization that utilizes assessment revenues to provide services and improvements in each designated district. The Long Beach City Council approves the BID, and the designated BID association is responsible for delivering the annual program and services in their respective districts. The City of Long Beach has ten established business improvement districts operated by nine nonprofits that manage their operations, services, and programs.

The BIDs across the City serve as the leading voice for their respective communities and act as the primary ombudsman between the City of Long Beach and area business and property owners. BIDs routinely distributes

information from the City Economic Department regarding funding opportunities, partners with Public Works to maintain municipal infrastructure, and coordinate with Special Events & Filming to organize community events. While COBA recognizes the impetus behind the Ad Hoc proposed amendment, we feel the additional burden placed on BIDs would significantly impact the ability to carry out our daily operations.

Under the California Brown Act and the California Public Records Act, BIDs are already required to hold open meetings and supply information upon request, including financial documents -- the revisions considered by the Ethics Commission would be redundant considering existing regulations. Furthermore, the additional time and money required to adhere to the proposed amendments would place a disproportionate burden on BIDs, which already operate with a small staff and network of volunteers. Time devoted to code conformance detracts from time spent helping business and property owners whose assessment dollars directly fund BID activities. This unnecessary inefficiency would most certainly prevent the future growth and establishment of new BIDs in the City. It would harm other nonprofits' ability to execute their missions in improving Long Beach.

Ensuring a fair voice for all Long Beach citizens is rightfully a top priority for the Ethics Commission, and lobbying reform is an integral part of the democratic process at all levels of government. However, the City of Long Beach must refine its criteria for lobbying amendments to ensure continued economic growth for businesses and residents.

Thank you for your consideration of our comments.

Sincerely,

Long Beach Council of Business Associations (COBA)  
Belmont Shore Business Association  
Bixby Knolls Business Improvement Association  
Downtown Long Beach Alliance  
Fourth Street Business Improvement Association  
Long Beach Convention & Visitors Bureau  
Magnolia Industrial Group  
Midtown Property & Business Improvement District  
Uptown Business District  
Westside Business Association of Long Beach  
Zaferia Business Association

**From:** LaVonne Miller [<mailto:lmiller853@aol.com>]  
**Sent:** Tuesday, March 7, 2023 10:19 PM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Ethics Commission, Lobbyist Ordinance

**-EXTERNAL-**

FOR THE PUBLIC RECORD

TO: Ethics Commission, City of Long Beach  
c/o City Clerk, City of Long Beach

March 8, 2023

RE: March 8, 2023 Ethics Commission Agenda item 3: Proposed Amendments to Lobbying ordinance

*AGENDA ITEM 3. 22-043EC Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.*

I have served on the board of the Los Cerritos Neighborhood Association for several years. My fellow board members and I are dedicated to the preservation and improvement of all aspects of the neighborhood and we work diligently to that end. We are often the link between residents and our elected representatives. Why would the city want to sever that link and/or put yet another barrier between the elected officials and their constituents?

I sincerely hope you decide against treating those voluntarily working for their neighborhoods as lobbyists.

Thank you,  
LaVonne Miller

|

**From:** juan ovalle <[jeovallec@gmail.com](mailto:jeovallec@gmail.com)>  
**Date:** March 8, 2023 at 12:40:38 PM PST  
**To:** Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>  
**Cc:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>, Tom Modica <[Tom.Modica@longbeach.gov](mailto:Tom.Modica@longbeach.gov)>, CityAttorney <[CityAttorney@longbeach.gov](mailto:CityAttorney@longbeach.gov)>, Mayor <[Mayor@longbeach.gov](mailto:Mayor@longbeach.gov)>, Council District 1 <[District1@longbeach.gov](mailto:District1@longbeach.gov)>, Council District 2 <[District2@longbeach.gov](mailto:District2@longbeach.gov)>, Council District 3 <[District3@longbeach.gov](mailto:District3@longbeach.gov)>, Council District 4 <[District4@longbeach.gov](mailto:District4@longbeach.gov)>, Council District 5 <[District5@longbeach.gov](mailto:District5@longbeach.gov)>, [district6@cityoflongbeach.org](mailto:district6@cityoflongbeach.org), Council District 7 <[District7@longbeach.gov](mailto:District7@longbeach.gov)>, Council District 8 <[District8@longbeach.gov](mailto:District8@longbeach.gov)>, Council District 9 <[District9@longbeach.gov](mailto:District9@longbeach.gov)>, [contact@riverparkcoalition.org](mailto:contact@riverparkcoalition.org)  
**Subject:** Riverpark Coalition Letter to Ethics Commission

**-EXTERNAL-**

Greetings Ms. Van Wijk,

Attached, please find our letter concerning the March 8th Commission Agenda Item #3 Relating to Revising the Long Beach Municipal Code's Lobbyist Ordinance.

Thank you for your consideration,

Juan E. Ovalle

President, [Riverpark Coalition](#)

**CONFIDENTIALITY NOTE:** This e-mail, and any attachment to it, contains privileged and/or confidential information intended only for the use of the intended recipient of this e-mail. If the reader of this e-mail is not the intended recipient, you are hereby notified that reading, using, or disseminating this e-mail, or any attachment to it, is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and then delete the original and any copies of this e-mail, and any attachments to it, from your system. Thank you



Riverpark Coalition  
4000 Long Beach Blvd, #301  
Long Beach, CA 90807  
contact@riverparkcoalition.org  
[www.riverparkcoalition.org](http://www.riverparkcoalition.org)  
Ph: 562-479-7176

March 8, 2023

Ethics Commission of the City of Long Beach  
411 W Ocean Blvd, 10th Floor  
Long Beach, CA 90802

Re: March 8th Commission Agenda Item #3 Relating to Revising the Long Beach Municipal Code's Lobbyist Ordinance

Dear Chair Morales and Commissioners,

Riverpark Coalition (RPC) is a non-profit organization 501(c)(3) made up of an alliance of Long Beach residents, all of whom are unpaid volunteers. The organization's mission is to promote park equity and environmental justice, and to work toward the achievement of that mission.

We urge the committee to remove non-profits and neighborhood groups from consideration of requiring them to register as lobbyists, to list and report contacts with city leaders or their staff, and to recount topics and discussions. Proposed changes would equate, burden, and regulate ordinary residents and organized community members in the same fashion as paid lobbyists, jeopardizing their most basic rights of participation in the democratic process.

Under the First Amendment to the United States Constitution, citizens have not only the right to free speech, they have the express right to communicate freely with their elected representatives: "...the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (US Constitution, 1<sup>st</sup> Amendment)

While it is reasonable to review the current ordinance to strengthen the lobbying ordinance in favor of fair play, the act of lobbying is only conducted by paid professionals who ultimately receive payment from the special interest entity that has employed them directly or as a consultant in order to advocate in that entity's interest and/or on their behalf. The process must not be used as a tool to silence and intimidate community advocates. To do so would be the most fundamental violation of democratic principles. According to California Gov. Code § 82039 the term "Lobbyist" is defined as a paid consultant. The basic fact that these rules exist proves that nonprofits and lobbyists are viewed as two separate types of organizations and therefore, are held to different standards, rules and regulations.

We residents are involved with typical neighborhood concerns, such as the lack of park space or policing issues or traffic safety or any of the other matters of everyday anxiety to those who live and raise families here. Making the ordinary homeowner or aggrieved renter or concerned environmentalist or justice advocate or corruption watchdog or city council watcher have to *register* prior to having contact with *their own* elected officials or *their own* city staff would be, on its face, a violation of constitutional rights and highly inappropriate in a democracy.

Neighborhood groups, community activists and nonprofit organizations (whether 501c3-established, as we are, or not) that are comprised of tax paying residents of the City of Long Beach, burdened to register as "lobbyists" in order to gain access to their own elected representatives and tax-payer funded city staff is unjust at best and may infringe on civil liberties, at worst. In fact, it would be a complete reversal and perversion of the intention of such an ordinance, which is to reduce the unseen influence of the powerful, in the halls of government, versus the people.

We do not oppose transparency. In fact, we applaud the proposal to count lobbyists' preparation time toward the minimum threshold that triggers when they have to register with the City Clerk's office. However, if there is to be a burden of disclosure placed on nonprofits and neighborhood organizations, it should fall on elected officials and their staffs and/or city staff. Elected officials and staff are free to keep accurate calendars for the offices and basic records of who they meet with and what about (and perhaps that could and should be mandated).

The notion that active residents as part of a nonprofit organization or neighborhood group would have to register—as if they are akin to actual paid lobbyists—seems to us, like a means for lobbyists and private, special interest groups to further discourage and subvert local participation in the democratic process. We are concerned that being required to register as a lobbyist may have a chilling effect on resident participation of advocacy for their neighborhoods via organized groups and by extension, its effect on local policies at large. We urge you to consider the downside of this proposal, as well as the potential to undermine our shared democratic values, and remove nonprofits and neighborhood groups from the proposed amendments to the ordinance.

Thank you for your time and consideration of our views on this important matter,



Juan E. Ovalle,  
President Riverpark Coalition a 501(c)(3)  
Long Beach resident

**From:** Diana Perkins [<mailto:musictodifor@yahoo.com>]  
**Sent:** Tuesday, March 7, 2023 11:15 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** RE: Lobbyists Ordinance 22-043EC

**-EXTERNAL-**

I want my comment added to the public comment for the Ethics Commission on the following ordinance:

22-043EC

Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.

Dear Ethics Commission,

My name is Diana Perkins, and I am a Long Beach resident.

In reading the Long Beach Post article about the proposed ordinance, I read "that those who spend 10 hours or more contacting city officials during a three-month period in person, by phone or through electronic means like email, are subject to it. It would include the time taken to prepare any communication, something that is not part of the current law but is being proposed for all groups of lobbyists."

I am asking the Ethics Commission to vote NO on this ordinance.

Thank you for taking the time to read my comment.

Diana Perkins

[Sent from Yahoo Mail on Android](#)

**From:** Dan Pressburg [<mailto:dpressburg@gmail.com>]

**Sent:** Tuesday, March 7, 2023 2:01 AM

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>; Jeff Williams <[Jeff.Williams@longbeach.gov](mailto:Jeff.Williams@longbeach.gov)>; Parker Houston <[Parker.Houston@longbeach.gov](mailto:Parker.Houston@longbeach.gov)>; Rex Richardson <[Rex.Richardson@longbeach.gov](mailto:Rex.Richardson@longbeach.gov)>; [Council.District9@longbeach.gov](mailto:Council.District9@longbeach.gov); Cindy Allen <[Cindy.Allen@longbeach.gov](mailto:Cindy.Allen@longbeach.gov)>

**Subject:**

**-EXTERNAL-**

Good Afternoon Commissioners, and Staff

The study session leans heavily on alignment and attachment of individuals to BIDs and Non-Profits and in some instances does not apply to bids or advocating for BIDs. I agree that we should seek best practices but Los Angeles is not always the example we should seek when we are a Charter City. The way I see this is that there is a separation on how this may be enacted between neighborhood Non-profits who operate solely for the benefit of the neighborhood or community. The divide is where BIDS are run by Non-profits and they advocate at a percentage that would be greater than 15% of the bid. Reality indicates, "Any Individual" may qualify as a lobbyist, regardless of occupation, education, training, or professional title. This may include the owners' association members, directors, presidents, government liaisons, and other representatives of Business Improvement Districts (BIDs). It includes any individual who is compensated to lobby a City official regarding a City decision. Everyone who meets the qualification criteria must register with the Ethics Commission as a lobbyist. In addition to registering, lobbyists are required to disclose their lobbying activity on a quarterly basis. Lobbying registrations and quarterly reports may be searched and searched online.

It is my brief experience with many of our Neighborhood Associations that are currently a non-profit that works at a park or with a park representing an area on behalf of the community (Community/ Neighborhood Association).

Bids are generally segregated from the neighborhood associations and are already held to a higher standard when reporting federal and becoming a corporation with the state of California. I agree there should be transparency and accountability. You as a body should be asking questions of other positions within the city rather than targeting Business Improvement Districts that already assess themselves. The city of Long Beach already receives licensing fees that are to be spent back in the area and often within the surrounding neighborhood. In most cases, our bids have a leader but that director or individual is not the lobbyist but the employee presenting a position not requesting dollars. Lobbying according to Federal is applying for a grant. That is advocacy but only in meeting the requirements of the 501(c)(3) it does not meet the threshold of getting or asking for something from the City of Long Beach.

We as citizens are allowed to redress our government over an issue but as an individual. When a non-profit is working on behalf of a group then this may be questioned if there is an opportunity for it to be beneficial to that entity without being a gain for the individual. The advocacy may also be community-based which is also advocating on behalf of the entire community. This study session based on experience has the ability to eliminate the funds from grants when individuals are seen as advocates for a business. The idea of all non-profits being involved therefore can and will do damage to the community and local neighborhood associations whose primary purpose may be education and

coordination of events in the community. Please review the explanation below regarding BIDS and NON-PROFITS:

=====

### **BIDS AND 501(C)3**

The emergence of BIDS in cities is one of the most important urban tools that assist businesses in the city. The Long Beach Definition is: Business Improvement Districts (BIDs) offer the chance for property and business owners to join together to pool funds to be used for agreed-upon improvements in their respective business districts.

The City of Long Beach supports a BID as a tool for strengthening small businesses, creating and retaining jobs, attracting new businesses, improving quality of life, and revitalizing commercial corridors across the City.

In other words, BIDs have been controversial, with both supporters and proponents viewing the districts as part of a trend toward the privatization of the public sector. BID formation, functions, finances, and governance, show that BIDs are not private entities but are, instead, a distinctive hybrid of public and private elements. Although this specific type of fusion between the public and private sectors, values and concerns make "BIDS" unique, Bids depart from the norm of democratic governance and bring to the delivery of services for a specific area where certain business entities are located and operating for the common good of the area. They provide a mechanism for providing public services and equity when the city may be strapped so they can survive. Ultimately Bids provide the services, investments, and appropriate oversight. This becomes more cost beneficial to the city when there is monitoring and combining the public and private roles of the area. This hybrid, therefore, represents a significant contribution to the quality of urban and public life.

### **Are Bids Lobbyists**

The process for creating a BID varies from one jurisdiction to another. In the USA, it generally involves three steps:

1. A certain number of businesses in the area petition the local government to create the BID.

2. The local government determines that a majority of businesses want the BID.

3. The local government (city, municipality) enacts legislation creating the BID.

However, prior to this happening, state legislatures need to grant local units the authority to create BIDs. The operating budgets of BIDs range from a few thousand dollars to tens of millions of dollars.

4. A BID may be operated by a non-profit organization or by a quasi-governing entity. The governance of a BID is the responsibility of a board composed of some combination of property owners, businesses, and government officials. The management of a BID is the job of a paid administrator, usually occupying the position of an executive director of some kind.

The criticism is that some bids are less democratic and do things without contact with all the member businesses who are assessed, or members do not maintain contact with the administrator. Then accountability must play a part of their governance.

## **BIDS and Lobbying**

In my opinion many in other cities BIDs have also become a powerful [lobby](#) group, lobbying the government for improvements such as new sidewalks, trees, park benches, and other restorations. BIDs can also lobby different levels of government for significant changes to their area if they feel it is necessary to improve the business community.



## **Conflict of interest**

Members of the board of directors are usually chosen based on their experience, connections, and resources. Some of the connections that make board members valuable can lead to a breach of ethical conduct.

A common example is when a non-profit organization utilizes the products or services of a company that the board member is tied with when the same product or service could be purchased at lower costs or higher quality from other sources.

Conflict of interest also arises when nonprofits end up operating according to the desires of the most valuable donors or board members. Large donors can easily change how the organization spends its money, funneling it into the donor's projects or associates when the money could be used for better purposes elsewhere.

Board members or managers receiving personal gifts from donors can also influence important decisions such as spending. And this creates a breach of ethics.

## **What Is Lobbying**

1. A Communication! To legislators! To electeds Intended to influence specific legislation or sway something beneficial in the Bids favor.

(pending or proposed)

### **“Direct” & “Grassroots” Lobbying**

1. “Direct lobbying” is: A communication with a legislator or their staff!
2. It is a view that view expresses a point of view regarding specific legislation.
3. It also can and does urge the community to contact their legislator.

Most Advocacy Is Not Lobbying • Executive, judicial, and administrative agencies (including school and zoning boards and other special purpose bodies) are not legislative bodies and do not create legislation when they act.

- Urging an agency such as the Department of Children and Family Services to change its policies, therefore, would not be considered lobbying yet you would consider creating a fee that may penalize and harm the community.

Non-profit organizations are businesses or groups with philanthropic missions. They are usually private; meaning that they are not connected to governmental entities. Unlike profit organizations, non-profit organizations don't pay out their earnings to investors in the form of dividends or profits. Instead, they funnel their earnings back into the operations of the organization. In short, money is used to support the mission of the organization and parts of the mission that may support the community if it is a 501(c)3.

Board members and executives have the responsibility of keeping the organization focused on its missions to achieve the highest impact possible in its area of specialization. Due to factors such as market expansion, organizational goals, and revenue growth, the mission of the organization can become blurred thus making it harder to make a meaningful impact.

Since nonprofit organizations don't pay taxes, they usually carry a fiduciary duty not only to the donors but also to the taxpayers to keep their focus on helping the groups and neighborhoods they serve.

Thank you for your consideration,

Dan Pressburg

**From:** James Suazo <[james@lbforward.org](mailto:james@lbforward.org)>

**Sent:** Monday, March 6, 2023 12:54 PM

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>; Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>; Julian Cernuda <[Julian.Cernuda@longbeach.gov](mailto:Julian.Cernuda@longbeach.gov)>

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

**-EXTERNAL-**

Hello-

On behalf of the undersigned community organizations, please see the attached public comment letter regarding Item #3 "Recommendation to discuss amendments proposed to the Lobbyists Ordinance" on the agenda for the Ethics Commission meeting scheduled for Wednesday, March 8th, 2023. We request this letter be shared with members of the commission for their review and consideration.

In solidarity,  
James

**James Suazo** (He/Him/His)

*Executive Director*

Long Beach Forward

[www.lbforward.org](http://www.lbforward.org) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Give](#)



March 6, 2023

Ethics Commission  
City of Long Beach

Sent Via Electronic Mail

**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 Nurses Association  
Filipino Migrant Center  
Khmer Girls in Action  
LA Voice  
Long Beach Area Peace Network  
Long Beach Forward  
Long Beach Immigrant Rights Coalition  
Long Beach Residents Empowered  
North Pine Neighborhood Association  
Teachers Association of Long Beach  
The Nonprofit Partnership  
Walk Long Beach

**From:** Fred Sutton [<mailto:FSutton@caanet.org>]  
**Sent:** Wednesday, March 8, 2023 10:01 AM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Ethics Commission: Item 3- Support

**-EXTERNAL-**

Hello Long Beach City Clerk,

Attached, please find a letter from the California Apartment Association regarding item 3 on the 3/8/23 ethics commission agenda.

Please advance a copy of this letter to the commissioners for their consideration.

Thank you.

[Iuhg#xwrc#Vhqlru#lfn#unvghw#i#Sxedf#iidlw#](#)  
[Fddiru#b#sdwp hqw#Dvvr#f#wlrq#](#)  
[ivxwrcC fddghwruj#757 #63 : 046 : ;](#)  
#  
*CAA is your partner in the rental housing industry.*  
[Find out how we're working for you.](#)



**California Apartment Association**  
4401 Atlantic Ave. Suite 200  
Long Beach, CA 90807

March 8<sup>th</sup>, 2023

**Via Electronic Mail Only**

Long Beach Ethics Commission  
411 W. Ocean Boulevard  
Long Beach, CA 90802

**RE: Lobbying Ordinance Updates- Support**

The California Apartment Association (CAA) represents local housing providers, operators and suppliers along with business owners and real estate industry experts who are involved with a range of rental properties from those that offer single-family residences to large apartment communities. Our members help house Long Beach.

The association is supportive of expanding the applicability of the City's Lobbying Ordinance to include interest groups which are currently exempt from registering. Groups that are actively working to effect legislative outcomes, have organizational structure, paid employees, and funding to support their respective objectives should register their activities. This is particularly true when the desired legislation has potentially negative impacts to other constituencies.

The city should do everything to minimize administrative burden, maintain common sense exemptions and encourage organic civic engagement while ensuring registration requirements are not selective. Transparency and equal rules are important to foster faith in local lawmaking. More refinement is needed but the spirit of the recommendations should be supported, particularly expansion of registration requirements.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Fred Sutton".

Fred Sutton  
California Apartment Association

**Sent:** Tuesday, March 7, 2023 3:04 PM  
**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>  
**Subject:** Re Ethics Commission 3/8/2023 Agenda Item 3

**-EXTERNAL-**

FOR THE PUBLIC RECORD

TO: Ethics Commission, City of Long Beach  
c/o City Clerk, City of Long Beach

March 7, 2023

FROM: Citizens About Responsible Planning (CARP)

RE: March 8, 2023 Ethics Commission Agenda item 3: Proposed Amendments to Lobbying ordinance

*AGENDA ITEM 3. 22-043EC Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.*

Citizens About Responsible Planning (CARP) is a non-profit 501c4 social welfare organization made up of City of Long Beach residents whose goal is to: "...promote the quality of life in the City of Long Beach through involvement and education in the greater Long Beach area". CARP is composed of unpaid volunteers.

The California State Fair Political Practices Commission (FPPC) defines a lobbyist as a person or firm which is compensated:

### **Lobbyist/Lobbying Firm**

A **lobbyist** is an individual who is compensated to communicate directly with any state, legislative or agency official to influence legislative or administrative action on behalf of his or her employer or client. An individual who receives reimbursement only for reasonable travel expenses is not a lobbyist.

A **lobbying firm** is a business that is compensated to communicate directly with any state, legislative or agency official to influence legislative or administrative action on behalf of a client.

[\[https://www.fppc.ca.gov/learn/lobbyist-rules.html\]](https://www.fppc.ca.gov/learn/lobbyist-rules.html)

Non-profits such as CARP and neighborhood organizations are generally composed of unpaid, uncompensated volunteers.

We respect the Ethics Commission's efforts to improve oversight of persons and firms which are well-paid and compensated as defined by the FPPC. We urge the Commission to remove uncompensated non-profits and neighborhood organizations from treatment as 'lobbyists', in requiring them to register as lobbyists and list and report contacts with city leaders or their staff, and to recount topics and discussions.

It would be a hardship for volunteers and their organizations, both financially and in terms of time spent tracking contact, for which they are not compensated.

We are deeply concerned that being required to register as lobbyists would have a chilling effect on residents joining neighborhood groups, or for that matter on simply speaking to public officials or in public meetings, so as to provide useful insights and prospectives.

Please consider the downsides of this proposal. Please remove non-profits and resident associations from the proposed amendments to the ordinance.

Respectfully submitted,

JOSEPH\*M\*WEINSTEIN

---

Joseph M. (Joe) Weinstein  
President (and Long Beach resident)  
Citizens About Responsible Planning (CARP)  
4000 Linden Ave., Long Beach CA 90807

**From:** Melinda Cotton <[mbcotton@hotmail.com](mailto:mbcotton@hotmail.com)>

**Sent:** Tuesday, March 07, 2023 9:25 AM

**To:** Heather Van Wijk <[Heather.VanWijk@longbeach.gov](mailto:Heather.VanWijk@longbeach.gov)>

**Cc:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>

**Subject:** Concerns re Proposed Amendments to Lobbying ordinance March 8, 2023 Ethics Commission Agenda item 3

**-EXTERNAL-**

To: Long Beach, CA Ethics Commission  
for distribution to Ethics Commissioners

c/o Ethics Officer Heather Van Wijk

I have serious concerns about the Proposed Amendments to the City's Lobbying Ordinance (Item 3 on your March 8th, 2023 Agenda), and ask that the Commission reconsider imposing a Lobbyist designation on any unpaid volunteer or any non-profit which is composed of uncompensated individuals (i.e. unpaid volunteers).

My husband and I have lived in Belmont Shore for forty years. Just briefly, I studied Political Science at UC Berkeley and Barnard College, graduating from UC Berkeley with a B.A. Degree. I worked for CBS and the Ford Foundation in New York City. After moving to Los Angeles, I spent 17 years with KCBS (formerly KNXT) as a News Producer and Writer and News Magazine and Documentary Producer. I created a News Department for KOCE-TV in Orange County, which won an Emmy and numerous Golden Mikes Awards. My last position before retiring in 2003 was as a Field Representative for then Assemblymember Alan Lowenthal.

My husband I became active in Long Beach and Belmont Shore planning, zoning and environmental issues soon after we moved here in 1983. We are longtime members of the Belmont Shore Residents Association, I served as President for a time, my husband as Secretary. We are also members of the League of Women Voters, Sierra Club, Surfriders, the Health Departments "Smokefree Long Beach" group, and many more local, statewide and national organizations.

We have NEVER received pay or compensation for any of our work with any of these groups, issues or causes, either in Long Beach, the state or nationwide. I've been involved with dozens if not hundreds of community members....all of them Volunteers who receive No Pay for their thousands of hours of effort.

The California State "Fair Political Practices Commission" (FPPC) defines a Lobbyist as an individual or firm which is compensated:

### **Lobbyist/Lobbying Firm**

A **lobbyist** is an individual who is compensated to communicate directly with any state, legislative or agency official to influence legislative or administrative action on behalf of his or her employer or client. An individual who receives reimbursement only for reasonable travel expenses is not a lobbyist.

A **lobbying firm** is a business that is compensated to communicate directly with any state, legislative or agency official to influence legislative or administrative action on behalf of a client.

<https://www.fppc.ca.gov/learn/lobbyist-rules.html>

I certainly agree with and respect the Commission's efforts to improve oversight of governmental ethics in the City of Long Beach. I realize it can be a difficult task.

But it would be an infringement on the free speech and a hardship to impose "Lobbyist" requirements on uncompensated individuals, volunteers and organizations. It would be invasive and a hardship both financially and in terms of time spent to disclose, track and account for the activities of and by unpaid volunteers.

I am deeply concerned that being required to register as lobbyists would have a chilling effect on individuals and residents who simply want to be involved in improving their neighborhoods and City, and have a say in the future of our Climate changing world..

Please consider the "downside" of this proposal and remove uncompensated non-profits and resident associations from the proposed amendments to the proposed Lobbying ordinance.

Respectfully submitted,

Melinda Cotton

**From:** Adreana Langston [<mailto:AdreanaLangston@calalum.org>]

**Sent:** Tuesday, March 7, 2023 9:03 AM

**To:** CityClerk <[CityClerk@longbeach.gov](mailto:CityClerk@longbeach.gov)>

**Subject:** Please add my comment to public for Ethics Committee meeting for Wed 03/08

**-EXTERNAL-**

I want my comment added to the public comment for the Ethics Commission on the following ordinance:

22-043EC

Recommendation to discuss amendments proposed to the Lobbyists Ordinance (Long Beach Municipal Code Chapter 2.08) by the Ad Hoc Committee on the Lobbyist Ordinance, including, community outreach options; and if appropriate, provide a recommendation to the City Council regarding the same and dissolve the Lobbyist Ordinance Ad Hoc Committee.

Dear Ethics Commission,

My name is Adreana Langston and I am a Long Beach residence since Longfellow Elementary school, Hughes Junior High and Long Beach Poly. I am also a 20+ year member of First Congregational Church of Long Beach. FCCLB is a social justice church that advocates for many disenfranchised and marginalized communities. That advocacy includes the following:

A) Members of church committees writing articles for the church newsletter asking congregants to contact or write Long Beach City Council about an issue

B) Members of church committees creating marketing material such as fliers to educate congregants about a certain issue coming before the Long Beach City Council and asking congregants to pressure Long Beach City Council to vote a certain way on this issue.

I would venture to guess that during certain three month periods of the year the time church committees spend doing what the ordinance considers "advocacy" exceeds 10 hours.

In reading the Long Beach Post article about the proposed ordinance, I read that "that those who spend 10 hours or more contacting city officials during a three-month period in person, by phone or through electronic means like email, are subject to it. **It would include the time taken to prepare any communication, something that is not part of the current law but is being proposed for all groups of lobbyists."**

If this is true, the committees of First Congregational Church would have to register as lobbying groups just to the social justice aspect that is an integral part of their faith. I'm no lawyer but I think this is a freedom of religion violation. But even if it is not a violation, it is a burden. Congregants volunteer their time to the committees and can ill afford to dedicate precious resources to making sure every i is dotted and every t is crossed on paperwork for the city that could lead to fines if it is not filled out properly.

I am asking the Ethics Commission to vote NO on this ordinance.

Thank you for taking the time to read my comment - Adreana Langston

Adreana Langston

[AdreanaLangston@CalAlum.Org](mailto:AdreanaLangston@CalAlum.Org)

Phone: [REDACTED]

Fax: [REDACTED]