



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-32**

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May 22, 2007

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HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Declare ordinance adding Chapter 2.08 to the Long Beach Municipal Code regarding the regulation of lobbyists read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Pursuant to the request of the Elections Oversight Committee, this office has drafted and submits an ordinance which requires annual registration by lobbyists, and quarterly reports disclosing those clients represented in such lobbying and any contacts with City officials.

The City is also contemplating charging a filing fee for such reports. Since such a fee must be approved in a separate resolution at a publicly noticed hearing, our office will work with the office of the City Clerk to bring that resolution back to the City Council at the earliest possible time.


SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:

  
HEATHER A. MAHOOD  
Assistant City Attorney

HAM:fl  
00104058.DOC  
Enclosure

#07-02213

ORDINANCE NO.

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

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

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

Chapter 2.08

LOBBYISTS

2.08.010 Definitions.

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

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

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

1           C.     "Compensation" means money or any other thing of value that  
2     is received, or is to be received, in return for or in connection with lobbying  
3     services rendered, or to be rendered, including reimbursement of expenses  
4     incurred in lobbying. A person receives compensation within the meaning  
5     of this definition whether or not the compensation is received solely for  
6     activities regulated by this article or is received for both lobbying activities  
7     and other activities as well. Compensation which has not yet been received  
8     is considered to be received on the date that it is earned, if that date is  
9     ascertainable; otherwise, it is received on the date on which the contract or  
10    agreement for compensation is made, or on the date lobbying commences,  
11    whichever is first.

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

16               1.     Requests for information about municipal matters with  
17    no attempt to influence.

18               2.     Communications directed to ministerial actions which  
19    do not require a City official to exercise discretion.

20               3.     Communications involving applications for licenses,  
21    permits or entitlements for use, where no hearing is involved.

22               4.     The submission of a bid in response to a request for  
23    proposal from the City.

24               5.     Communications in response to questions from the City  
25    department which issued requests for proposals regarding a bid which has  
26    been submitted or participation in an interview in connection with a bid or  
27    proposal that has been submitted.

28               6.     Communications involving the negotiations of the terms

1 of an agreement, once selected for a job.

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

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

7 E. "Lobbyist" means any person or entity who (1) receives or is  
8 entitled to receive one thousand dollars (\$1,000.00) or more in economic  
9 consideration in a calendar month, other than reimbursement for  
10 reasonable travel services; or (2) whose duties as a salaried employee,  
11 officer or director of any corporation, organization or association include  
12 communication directly or through agents with City official, for the purpose  
13 of lobbying, as that term is defined above.

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

18  
19 2.08.020 Lobbyist registration.

20 A. No person shall act as a lobbyist before registering with the  
21 City Clerk.

22 B. At the time of registering, the lobbyist shall complete and  
23 submit a lobbyist registration form in the format designated by the City  
24 Clerk, including the name, business address of the lobbyist and/or lobbyist  
25 employer.

26 C. The lobbyist shall reregister annually during the month of  
27 January and at that time shall resubmit the required information.

28 ///

1           2.08.030       Persons required to file reports as lobbyists.

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

5  
6           2.08.040       Quarterly reports.

7                   A lobbyist or lobbyist employer who has undertaken lobbyist  
8 activities in any calendar quarter (commencing January 1, April 1, July 1  
9 or October 1) must file with the City Clerk a report under penalty of perjury  
10 within fifteen (15) days of the end of such calendar quarter. If the lobbyist  
11 or lobbyist employer is not an individual, an authorized officer or agent  
12 shall sign the report. Such reports shall be on a form designated by the  
13 City Clerk, and shall include:

14                   1.       The full name, telephone number, permanent address  
15 and nature of business of:

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

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

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

25  
26           2.08.050       Filing fee.

27                   No registration form or quarterly report of lobbying activity will be  
28 accepted for filing without the payment of a fee, in an amount to be

1 determined by the City Council.

2  
3 2.08.060 Posting of lobbying regulations.

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

8  
9 2.08.070 Online access to lobbyist information.

10 All registration forms and reports filed pursuant to this Chapter shall  
11 be made available to the public at the City's Internet website.

12  
13 2.08.080 Prohibited actions.

14 A. No lobbyist shall represent, either directly or indirectly, orally  
15 or in writing that such person can control or obtain the vote or action of any  
16 City official.

17 B. No lobbyist shall deceive or attempt to deceive a City official  
18 as to any material fact pertinent to any pending or proposed governmental  
19 action.

20  
21 2.08.090 Enforcement.

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

26  
27 Section 2. The City Clerk shall certify to the passage of this ordinance by  
28 the City Council and cause it to be posted in three (3) conspicuous places in the City of

Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2007, by the following vote:

Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

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

Mayor

HAM:fl  
5/9/2007; rev. 5/21/07  
#07-02213