


Date: March 12, 2007

To: Members of the Elections Oversight Committee

From: Heather A. Mahood, Assistant City Attorney 

Subject: **Comparison of Lobbyist Regulations for March 27<sup>th</sup> Elections Oversight Committee Meeting**

Pursuant to your request, I've prepared a chart which compares the lobbyist regulations of California's larger cities. I've also included in this comparison the draft Long Beach lobbyist ordinance recommended by the City's Ethics Task Force.

Of the nine cities surveyed, Anaheim has no lobbyist regulations. Santa Ann has no regulations concerning lobbyist activities, but does restrict gifts from lobbyists to public officials. The other cities, Los Angeles, San Diego, San Jose, San Francisco, Fresno, Sacramento and Oakland have ordinances which regulate lobbyists' activities.

The attached chart compares the major features of these regulations:

- Whether lobbyists are required to register with the city prior to undertaking lobbying activities.
- Whether there is a minimum threshold of compensation before a person or company qualifies as a "lobbyist."
- Whether periodic reports of lobbying activity must be made after registration.
- Whether unions or non-profit organizations are exempt.
- What fees are charged for registration.
- Whether there are any restrictions on gifts from lobbyists to public officials.

Members of the Elections Oversight Committee  
March 12, 2007  
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Also attached to this memorandum is the full text of the proposed Long Beach lobbying regulations. The accompanying appendix contains the full text of the comparison cities' lobbyist regulations.

Please give me a call if you have any questions regarding this matter.

HAM:fl  
Enclosures

cc w/o enc.: Larry Herrera, City Clerk  
cc w/enc.: Gloria Harper, City Clerk Specialist  
#07-00864

City	Registration Required?	Minimum Threshold For Registration	Activity Reports Required?	City Unions Exempt?	Non-Profits Exempt?	Fee Required	Gifts from Lobbyists Restricted or Prohibited?
1. Draft Long Beach Ordinance	No	None	Yes, quarterly	No	No	\$200 per year	No
2. Los Angeles	Yes, 10 days after end of first calendar month, with annual renewal	\$4,000 per quarter, or 30 hours per quarter	Yes, quarterly	No	Only non-profits that serve indigent persons are exempt	\$450 per year, plus \$75 per client	Yes, no gifts permitted
3. San Diego	Yes, within 10 days of employment, with annual renewal	\$2,700 per year	Yes, quarterly. (Additionally, must report to city official within 20 days if expenditure is made on behalf of official)	Yes	No	\$40 per year, plus \$15 per client	No
4. San Jose	Yes, within 10 days of employment, with annual renewal	\$1,000 per quarter, or 20 hours per quarter	Yes, quarterly	Yes	Yes	\$350 per year, plus \$60 per client	No

City	Registration Required	Minimum Threshold For Registration	Activity Reports Required?	City Unions Exempt?	Non-Profits Exempt?	Fee Required	Gifts from Lobbyists Restricted or Prohibited?
5. San Francisco	Yes, prior to employment, with annual renewal	\$3,200 per quarter, or 25 contacts with public officials within 2-month period, or, if regular part of employee's duties	Yes, quarterly. (Additionally, must report to City official within 30 days if gift is made on behalf of official)	No	No	\$500 per year, plus \$75 per client	Yes, restricted to \$50 within 3 months of contact
6. Fresno	Yes, 10 days prior to employment, with annual renewal	No threshold	No	No	Yes, unless is primary occupation of person	\$25 per year	No
7. Sacramento	Yes, 15 days prior to employment, with annual renewal	\$3,200 per quarter, or 100 hours per quarter	Yes, quarterly	Yes	Yes	\$100 per year, plus \$25 per client	No

City	Registration Required?	Minimum Threshold For Registration	Activity Reports Required?	City Unions Exempt?	Non-Profits Exempt?	Fee Required	Gifts from Lobbyists Restricted or Prohibited?
8. Oakland	Yes, prior to employment, with annual renewal	\$1,000 per month, or if salaried employee whose duties include lobbying	Yes, quarterly	No	No	None	No
9. Santa Ana	No	N/A	No	N/A	N/A	N/A	Yes, restricted to \$50 per year
10. Anaheim	No	N/A	No	N/A	N/A	N/A	No



ORDINANCE NO. C-

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

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

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

Chapter 2.08

LOBBYISTS

2.08.010 Definitions.

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

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

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

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  
4 expenses incurred in lobbying. A person receives compensation within  
5 the meaning of this definition whether or not the compensation is received  
6 solely for activities regulated by this article or is received for both lobbying  
7 activities and other activities as well. Compensation which has not yet  
8 been received is considered to be received on the date that it is earned, if  
9 that date is ascertainable; otherwise, it is received on the date on which  
10 the contract or agreement for compensation is made, or on the date  
11 lobbying commences, whichever is first.

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

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

18 2. Communications directed to ministerial actions which do  
19 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 of an agreement, once selected for a job.

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

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

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

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

2.08.020 Persons required to file reports as lobbyists.

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

2.08.030 Quarterly reports.

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

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

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

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

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

2.08.040 Filing fee.

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

2.08.050 Posting of lobbying regulations.

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

2.08.060 Enforcement.

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

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

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

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

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

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

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

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

HAM:fl:trb  
1/15/03;2/5/03  
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**APPENDIX OF CALIFORNIA CITIES'  
LOBBYIST REGULATIONS**

<b>Fresno .....</b>	<b>1</b>
<b>Los Angeles .....</b>	<b>2</b>
<b>Oakland .....</b>	<b>3</b>
<b>Sacramento .....</b>	<b>4</b>
<b>San Diego .....</b>	<b>5</b>
<b>San Francisco .....</b>	<b>6</b>
<b>San Jose .....</b>	<b>7</b>



## **CITY OF FRESNO**

**ARTICLE 23 REGISTRATION OF LOBBYISTS**Sec. 2-2301. Title.Sec. 2-2302. Definitions.Sec. 2-2303. Registration; Time.Sec. 2-2304. Registration Fee.Sec. 2-2305. Registration Requirements.Sec. 2-2306. Renewal of Registration.Sec. 2-2307. Registration Statement; Amendment; Termination.Sec. 2-2308. Exemptions.Sec. 2-2309. Enforcement.Sec. 2-2310. Applicability of Other Laws.Sec. 2-2311. Severability.

**SECTION 2-2301. TITLE.** This article may be cited as the "Registration of Lobbyists Ordinance" of the City of Fresno. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION. 2-2302. DEFINITIONS.**

(a) Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 3 (commencing with Section 1-301) of Chapter 1 of this Code shall govern the construction, meaning, and application of words and phrases used in this article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(b) "Elective Officer" shall mean the Mayor and Councilmembers acting in their capacity as (1) Mayor or Councilmember; or (2) member of the Redevelopment Agency; or (3) member of any board, commission or committee created by the Charter, ordinance or resolution of Council.

(c) "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to perform lobbying services which shall include communicating directly or through his or her agents with any elective officer or staff member for the purpose of influencing, supporting, promoting, modifying, opposing, delaying or advancing any municipal legislation.

(d) "Municipal legislation" means resolutions, motions, appeals, applications, petitions, hearings, nominations, ordinances, amendments, and other matters pending, proposed, or which may eventually come before the Council.

(e) "Person" means an individual, proprietorship, firm, syndicate, committee, labor organization, joint venture, joint stock company, partnership, association, club, company, limited liability company, corporation, business trust, or any other organization or group of persons acting in concert. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2303. REGISTRATION; TIME.** Every lobbyist shall register by filing a registration statement with the City Clerk no later than 10 days after accepting employment or contracting as a lobbyist. (Added Ord. No. 95-73, § 1, eff. 10-20-95).



**SECTION 2-2304. REGISTRATION FEE.**Each lobbyist required to file a registration statement under this article shall be charged a registration fee in the amount specified in the Master Fee Schedule designated in the Master Fee Resolution, as amended by the Council from time to time. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2305. REGISTRATION REQUIREMENTS.**The registration statement of a lobbyist shall include:

(a) If the person is an individual, the full name, business address, telephone number, the name and address of his or her employer, if any, or his or her principal place of business if the person is self employed.

(b) For all those persons other than an individual registering hereunder, the full name, business address and telephone number of each person who will be providing lobbying services on behalf of the lobbyist.

(c) The full name and business address of each and every client for whom the lobbyist is employed or contracts to provide lobbying services.

(d) Any other information required by the Council consistent with the purposes and provisions of this article. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2306. RENEWAL OF REGISTRATION.**Each registered lobbyist which will be conducting activities which require registration shall renew its registration annually by filing a registration statement with the City Clerk on or before April 1st of each year. Such lobbyist shall be charged a renewal of registration fee in the amount specified in the Master Fee Schedule designated in the Master Fee Resolution, as amended by the Council from time to time, except that lobbyists who file their initial registration within thirty days of April 1st shall not be required to renew their registration. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2307. REGISTRATION STATEMENT; AMENDMENT; TERMINATION.**If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed with the City Clerk by the tenth day of the month following the month in which the change occurred. However, if the change includes the addition of the name of a client, the registration statement of the lobbyist shall be amended and filed to show that change prior to the lobbyist engaging in lobbying services as set forth in this article. Lobbyists which cease all activity which required registration shall file a notice of termination within 20 days after such cessation. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2308. EXEMPTIONS.**The provisions of this article are not applicable to:

(a) Any elected public official acting in his or her official capacity, or any governmental or public agency employee acting within the scope of his or her employment or any employee of the City acting upon terms and conditions of his or her employment.

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge action upon municipal legislation.

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public's right to practice the doctrines of such church.

(d) An attorney acting on behalf of others in the performance of a duty or service, which duty or service lawfully can be performed for such other only by an attorney licensed to practice law in the State of California.

(e) A person who is a member or employee of any nonprofit organization when representing such nonprofit organization for the sole purpose of promoting the interest of such nonprofit organization, unless such employee is engaged primarily in lobbying services for such nonprofit organization.

(f) A person who is an employee of any business entity when representing such business entity for the sole purpose of promoting the interest of such business entity unless such employee is engaged primarily in lobbying services for such business entity. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2309. ENFORCEMENT.** The City Attorney may institute such legal action at such time as he or she deems necessary to prosecute, enjoin, or to redress a violation of any of the provisions of this article. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2310. APPLICABILITY OF OTHER LAWS.** Nothing in this article shall exempt any person from, or excuse such person's non-compliance with applicable provisions of any other laws of the State or any other jurisdiction. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**SECTION 2-2311. SEVERABILITY.** If any provision of this article, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this article, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this article are severable. (Added Ord. No. 95-73, § 1, eff. 10-20-95).

**CITY OF LOS ANGELES**

# Municipal Lobbying Ordinance

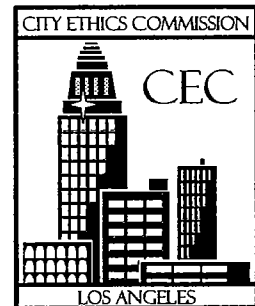
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◆◆◆ Los Angeles Municipal Code Section 48.01 *et seq.*

*Last Revised January 15, 2007*

Prepared by



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**Los Angeles Municipal Lobbying Ordinance**  
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## **Municipal Lobbying Ordinance**

*Los Angeles Municipal Code Chapter IV, Article 8*

Repealed and Re-added by Ordinance No. 169916, effective 8/10/94.

### **SEC. 48.01**

#### **Title and Findings**

*Amended by Ordinance No. 169916, effective 8/10/94.*

- A. **Title.** This Article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.
- B. **Findings.** The following findings are adopted in conjunction with the enactment of this Article:
1. City Government functions to serve the needs of all citizens.
  2. The citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
  3. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
  4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government.
  5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.
  6. It is in the public interest to adopt these amendments to the City's regulations of lobbyists to ensure adequate and effective disclosure of information about efforts to lobby City government.

**SEC. 48.02**

**Definitions**

*Amended by Ordinance No. 169916, effective 8/10/94.*

*Amended by Ordinance No. 172479, effective 4/10/99.*

*Amended by Ordinance No. 175432, effective 9/28/03.*

*Amended by Ordinance No. 178064, operative 1/15/07.*

The following terms used in this Article shall have the meanings set forth below. Other terms used in this Article shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

**"Activity expense"** means any payment, including any gift, made to or directly benefiting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

**"Agency"** means the City of Los Angeles or any department, bureau, office, board, commission, other agency of the City, or any other government agency, required to adopt a conflict of interest code subject to City Council approval, and includes the City's Community Redevelopment Agency and the Los Angeles City Housing Authority.

**"At the behest"** means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of, or with the express prior consent of, any elective City officer or candidate for elective City office.

**"Attempting to influence"** means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision.

**"City official"** means any elective or appointed City officer, member, employee or consultant (who qualifies as a public official within the meaning of the Political Reform Act) of any agency, who, as part of his or her official duties, participates in the consideration of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity.

**"Client"** means both

- (1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and
- (2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation.

However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.



**"Compensated services"** means services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.

**"Controlled committee"** means any committee controlled by an elective City officer or candidate for any elective City office, including any campaign, officeholder, legal defense fund, or ballot measure committee.

**"Direct communication"** means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction.

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

**"Elective city officer"** means the Mayor, City Attorney, Controller and Member of the City Council.

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

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

**"Fundraising activity"** means soliciting a contribution or hosting or sponsoring a fundraising event or hiring a fundraiser or contractor to conduct any event designed primarily for political fundraising at which contributions for an elective City officer, candidate for elective City office, or any of his or her controlled committees are solicited, delivered or made.

**"Host or sponsor"** means to provide the use of a home or business to hold a political fundraising event without charging market value for the use of that location; to ask more than 25 persons to attend the event; to pay for at least a majority of the costs of the event; or to provide the candidate, campaign, committee and/or fundraiser more than 25 names to be used for invitations to the event.

**"Lobbying activities"** includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

- (1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
- (2) drafting ordinances, resolutions or regulations;
- (3) providing advice or recommending strategy to a client or others;

- (4) research, investigation and information gathering;
- (5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and
- (6) attending or monitoring City meetings, hearings or other events.

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

**"Lobbying firm"** means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its agents) during any consecutive three-month period, for the purpose of attempting to influence municipal legislation on behalf of any other person, provided any partner, owner, shareholder, officer or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity **"becomes entitled to receive compensation"** when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes.

**"Lobbyist"** means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person.

Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual **"becomes entitled to receive compensation"** when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

**"Lobbyist employer"** means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

**"Major filer"** means any person who makes payments or incurs expenditures totaling \$5,000 or more during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm quarterly report. A **"major filer"** does not include a lobbyist, lobbyist employer, or lobbying firm. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be counted for the purpose of this definition.

**"Municipal legislation"** means any legislative or administrative matter proposed or pending before any agency (as defined in this Article), including but not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or general manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, **"municipal legislation"** does not include any of the following:

- (1) A request for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding with the City Ethics Commission.
- (2) Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.
- (3) Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and a recognized employee organization, or a proceeding before the Civil Service Commission or the Employee Relations Board. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless, **"municipal legislation"** does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members), or by the Mayor or his or her office.
- (4) Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.

**"Person"** means any individual, business entity, trust corporation association, committee, or any other organization or group of persons acting in concert.

**"Solicit"** means to ask, personally or through an agent, that another person make a contribution to an elective City officer or candidate for City office, or to his or her controlled committee, including allowing one's signature to be used on a written request for funds. For purposes of this article, a lobbying entity solicits a contribution only when the lobbying entity does so

- (i) at the behest of the elective City officer or candidate for elective City office, or his or her campaign treasurer, campaign manager, or member of his or her fundraising committee, or
- (ii) if the lobbying entity has informed the candidate or officer that the person is soliciting the contributions.

A person does not solicit, however, by making a request for funds publicly to at least a majority of persons who attend any public gathering, or by making a request that appears published in a newspaper, on radio or television.

#### **SEC. 48.03 Exemptions**

*Amended by Ordinance No. 169916, effective 8/10/94.*

The following persons are exempt from the requirements of this Article:

- A. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.
- B. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Article.
- C. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.

- D. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by subsections E and F, this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.
- E. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.
- F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.

**SEC. 48.04**

**Prohibitions**

*Amended by Ordinance No. 169916, effective 8/10/94.*

No lobbyist or lobbying firm subject to the requirements of this Article shall:

- A. Do any act with the purpose and intent of placing any City official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.
- B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.
- C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.
- D. Cause any communication to be sent to any City official in the name of any nonexistent person or in the name of any existing person without the consent of such person.
- E. Make or arrange for any payment to a City official, or act as an agent or intermediary in making any such payment by any other person, if the arrangement or the payment would violate any provision of the City's Governmental Ethics Ordinance (Los Angeles Municipal Code Section 49.5.1, et seq.)

**SEC. 48.05**

**Record Keeping Responsibilities**

*Amended by Ordinance No. 175432, effective 9/28/03.*

- A. Lobbying entities and major filers shall prepare and retain detailed records (including all books, papers and other documents) needed to comply with the requirements of this Article. Treasurers and fundraisers for elective City officeholders and City candidates, or for any elective City officer's or City candidate's controlled committees shall prepare and retain detailed contribution activity records for any contributions received as a result of fundraising activity engaged in by a lobbyist, lobbying firm or lobbyist employer, as defined by this article. These records shall be retained for not less than four years.
- B. If a lobbying entity engages in fundraising activities as defined in Section 48.02 of this Code at the behest of a candidate or officeholder running for elective City office, the lobbying entity shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities.
- C. If an officeholder or a candidate running for elective City office contracts with a lobbying entity to engage in fundraising activity as described in Section 48.02 of this Code, the committee treasurer and fundraiser shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities. The treasurer and fundraiser shall make the records available to the lobbying entity upon request of the lobbying entity.
- D. If a lobbying entity delivers or sends written communications to a certified neighborhood council in an attempt to influence municipal legislation as described in Section 48.08.8 of this Article, the lobbying entity shall prepare and maintain detailed records of these written communications for not less than four years.

**SEC. 48.06**

**Registration/Disclosure Forms**

*Amended by Ordinance No. 177105, operative 1/01/06.*

All lobbyist and lobbying firm registrations, and all other statements and reports required by this Article shall be verified under penalty of perjury and shall be filed on forms provided by the City Ethics Commission and as otherwise required by this Article in section 48.06.1.

Any paper report or statement properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

**SEC. 48.06.1      Online Filing of Lobbying Registration and Disclosure Statements**

*Added by Ordinance No. 177105, operative 1/01/06.*

- A. Any person required by this Article to file registration and quarterly report statements with the City Ethics Commission shall file those statements online, using the Commission's Lobbyist Electronic Filing System (LEFS). Once any person is required to file registration and quarterly report statements online, that person shall continue to file statements online until the person's status as a lobbyist, lobbying firm or lobbyist employer has officially terminated. Any person who qualifies as a "Major Filer" as defined in section 48.02 of this Article is not subject to this online filing requirement.
- B. A person required by subsection A to file statements online also shall file a paper copy of each statement required by this Article. Each paper copy of a required statement shall contain an original signature. Paper copies of statements shall continue to be filed until the person's status as a lobbyist, lobbying firm or lobbyist employer has officially terminated. Until otherwise permitted under City law, the signed paper copy shall continue to be the original statement for audit and other legal purposes.
- C. In addition to any late filing penalties that may be imposed for a late filing of a paper copy pursuant to this Article, any person who fails to comply with the online filing requirement of this section will, in addition, be subject to an additional late filing penalty of \$25 per day after the deadline for the filing of the online copy.
- D. The information contained on a statement filed online shall be the same as that contained on the paper copy of the same statement that is filed with the Commission.
- E. The Lobbyist Electronic Filing System (LEFS) is an internet-based, interactive computer program developed by the Los Angeles City Ethics Commission and available on its website and allows persons to file, view and search statements and reports filed with the Commission online.

**SEC. 48.07**

**Registration**

*Amended by Ordinance No. 172479, effective 4/10/99.*

*Amended by Ordinance No. 175028, effective 2/5/03.*

- A. **Requirement.** An individual who qualifies as a lobbyist shall register with the City Ethics Commission within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. A person, including an individual lobbyist, shall register with the City Ethics Commission as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Ethics Commission within 10 days after the person knew or should have known of the obligation to register. A lobbyist or lobbying firm shall register each client on whose behalf or from which the lobbyist or lobbying firm receives or becomes entitled to receive \$250 or more in a calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation.
- B. **Duration of Status.** A person who registers as a lobbyist or lobbying firm shall retain that status through December 31 of that year unless and until that person terminates the status as set forth below.
- C. **Registration Fees.** Every lobbyist shall pay an annual registration fee of \$450 plus \$75 for each client on whose behalf or from which the lobbyist receives or becomes entitled to receive \$250 or more in a calendar quarter. Persons who initially register during the last quarter of a calendar year (October through December) shall pay prorated registration fees of \$337 for each lobbyist plus \$56 for each client.
- D. **Contents of Registration Statements — Lobbyists.** Registration statements of lobbyists shall contain the following:
1. The lobbyist's name, business address, and business telephone number.
  2. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner.
  3. If the lobbyist is not an employee, partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer, together with a letter from the employer authorizing the lobbyist to lobby on behalf of the employer.
  4. Each City agency that the lobbyist has the authority to attempt to influence on behalf of any client or employer.



5. A statement that the lobbyist has reviewed and understands the requirements of this Article.
6. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

**E. Contents of Registration Statements — Lobbying Firms**

Registration statements of lobbying firms (including individual contract lobbyists) shall contain the following:

1. The name, address and telephone number of the firm.
2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm.
3. The registration statement prepared by each lobbyist so identified, appended to the statement.
4. For each client on whose behalf or from which the firm received or became entitled to receive \$250 in compensation during the calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation within the meaning of this Article:
  - (a) The client's name, business or residence address and business or residence telephone number.
  - (b) The period during which the representation will occur.
  - (c) The item or items of municipal legislation for which the firm was retained to represent the client, or, if no specific items of municipal legislation for which the firm was retained to represent the client can be identified, a description of the types of municipal legislation for which the firm was retained to represent the client.
  - (d) Each City agency that the lobbying firm has the authority to attempt to influence on behalf of the client.
  - (e) A letter from the client authorizing the firm to represent the client.
  - (f) In the case of a lobbyist who is an individual contract lobbyist, a statement that he or she has reviewed and understands the requirements of this Article.
  - (g) The name of the person or persons responsible for preparing the statement.

- (h) Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.
- F. **Filing Registration Statements.** Every lobbying firm shall file its registration statement with the City Ethics Commission and shall attach the registration statements of all lobbyists who are partners, owners, shareholders, officers or employees of the firm. Every lobbyist who is not a partner, owner, shareholder, officer or employee of a lobbying firm shall file his or her registration statement with the City Ethics Commission.
- G. **Amendments to Registrations.** Lobbyists and lobbying firms shall file amendments to their registration statements within 10 days of any change in information required to be set forth on the registration statement.
- H. **Termination.** Any person registered under this Article shall file a Registration Termination form with the City Ethics Commission within 20 days after ceasing all activity governed by this Article.
- I. **Education Requirement.** Every individual who is required to register as a lobbyist shall attend a City lobbying information session conducted by the City Ethics Commission no less than once every two calendar years, according to the following schedule:
  - (1) An individual who has not registered as a lobbyist in the immediately preceding two calendar years shall attend a City lobbying information session within six months of his or her registration date as a lobbyist.
  - (2) A registered lobbyist who did not attend a City lobbying information session during the previous calendar year shall attend a City lobbying session by the end of the current calendar year.
  - (3) A registered lobbyist who attends a City lobbying information session during the current calendar year is not required to attend a City lobbying information session during the following calendar year.

**SEC. 48.08**

**Disclosure Reports**

*Amended and renumbered by Ordinance No. 175432, effective 9/28/03.*

- A. **Reporting Requirement.** Every lobbyist, lobbying firm, lobbyist employer and major filer shall file the quarterly disclosure reports required by this section on or before the last day of the month following each calendar quarter. A report properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

1. All lobbyists and lobbying firms shall file quarterly reports for every calendar quarter during which they retain that status. An individual who qualifies both as a lobbyist and lobbying firm shall file only a lobbying firm quarterly report. Lobbyist employers shall file quarterly reports for every calendar quarter during which any individual employed by that employer retains the status as lobbyist. Information required to be disclosed concerning compensation received or expenditures made for lobbying shall be disclosed either by the lobbyist or by his or her lobbying firm or employer.
2. Major filers shall file quarterly reports for every calendar quarter during which they made qualifying payments or incurred qualifying expenditures totaling \$5,000 or more.
3. Quarterly reports shall disclose all required information for the calendar quarter immediately prior to the month in which the report is required to be filed. The reports shall be filed in duplicate (one original and one copy).

**B. Quarterly Reports by Lobbyists — Contents.** Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, business address and business telephone number.
2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, officer or employee.
3. If the lobbyist is not a partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer.
4. The date, amount and description of each activity expense of \$25 or more made by the lobbyist during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence the official on behalf of the client.
5. The total amount of activity expenses made by the lobbyist during the reporting period, whether or not itemized.
6. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist made contributions of \$100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary during the reporting period, and the date and amount of the contribution.

7. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity.
8. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbyist at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.
9. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.
10. If, during the quarterly reporting period, the lobbyist provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services, and a description of the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.
11. If, during the quarterly reporting period, the lobbyist provided compensated services under contract with the City or with any City agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.
12. Each City agency that the lobbyist attempted to influence.

13. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

C. **Quarterly Reports by Lobbying Firms — Contents.** Quarterly reports by lobbying firms, including individual contract lobbyists, shall contain the following information:

1. The name, address and telephone number of the firm.
2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm and whose quarterly report is required to be attached to the report.
3. The original quarterly report of each lobbyist identified pursuant to subdivision 2 above, attached as an exhibit to the report of the lobbying firm.
4. The name, address and telephone number of each client that is required to be registered and was represented by the firm during the reporting period; a description of each item of municipal legislation for which the firm or its lobbyists represented the client during the reporting period; the total amount of payments received by the firm from each client (including all fees, reimbursements for expenses and other payments) during the reporting period for such representation.
5. The total payments received from clients required to be registered by the firm during the reporting period in connection with the firm's representation of clients on municipal legislation.
6. The date, amount and description of each activity expense of \$25 or more made by the lobbying firm during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence the official on behalf of the client.
7. The total amount of activity expenses made by the lobbying firm during the reporting period, whether or not itemized.
8. The total amount of expenses incurred in connection with attempts by the firm to influence municipal legislation. These expenses shall include:
  - (a) total payments to lobbyists employed by the firm;

- (b) total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period; and
  - (c) all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.
- 9. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbying firm made contributions of \$100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary during the reporting period, and the date and amount of the contribution.
- 10. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbying firm engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity.
- 11. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.
- 12. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.
- 13. If, during the quarterly reporting period, the lobbying firm provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services and a description of the services provided.

14. If, during the quarterly reporting period, the lobbying firm provided compensated services under contract with the City or with any agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. For an individual contract lobbyist who qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.
15. For an individual contract lobbyist who qualifies as a lobbying firm, each City agency that the lobbyist attempted to influence.
16. The name, address and telephone number of the person responsible for preparing the report.
17. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

**D. Quarterly Reports by Lobbyist Employers — Contents.** Quarterly reports by lobbyist employers shall contain the following information.

1. The name, address and telephone number of the entity filing the report.
2. The name of each lobbyist who is employed by the entity and whose quarterly report is required to be attached as an exhibit to the report.
3. The original quarterly report of each lobbyist identified pursuant to Subdivision 2 above, attached as an exhibit to the report of the lobbyist employer.
4. Total payments during the reporting period to lobbyists employed by the entity. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence municipal legislation.
5. Total payments to employees of the entity, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence municipal legislation.

6. Total payments for expenses incurred in connection with attempts by the entity during the reporting period to influence municipal legislation. These expenses shall include all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of \$5,000 or more shall be itemized and described.
7. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
8. The date, amount and description of each activity expense of \$25 or more made by the lobbyist employer during the reporting period, the name and title of the City official benefiting from the expense, and the name and address of the payee.
9. The total amount of activity expenses made by the lobbyist employer during the reporting period, whether or not itemized.
10. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist employer made contributions of \$100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary during the reporting period, and the date and amount of the contribution.
11. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist employer engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity.
12. The date and amount of one or more contributions aggregating more than \$1,000 made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.
13. The date, amount and description of one or more donations aggregating \$1,000 or more made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.



14. The name, address and telephone number of the person responsible for preparing the report.
15. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

**E. Quarterly Reports by Major Filers — Contents.** Quarterly reports by major filers shall contain the following information:

1. The name, address and telephone number of the person filing the report.
2. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.
3. The total payments made during the reporting period for the purpose of attempting to influence action on each proposed or pending matter of municipal legislation.
4. The name, address and telephone number of the person responsible for preparing the report.
5. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provision of this Article.

**SEC. 48.08.5 Copies of Solicitations**

*Added by Ordinance No. 175432, effective 9/28/03.*

Each lobbying entity that produces, pays for, mails or distributes more than 50 substantially similar copies of a written political fundraising solicitation for any controlled committee of an elective City officer or candidate relating to seeking or holding City elective office or supporting or opposing a City ballot measure shall send a copy of the solicitation to the City Ethics Commission for public access, at the time the solicitation is sent or otherwise distributed, and shall report on its next quarterly report the date(s) on which it is mailed or distributed and a general description of the content of the solicitation, the number of pieces mailed or distributed, and name of the elective City officer, or candidate or City ballot measure committee for which the funds were solicited.

**SEC. 48.08.6**

**Lobbying Disclosure — Political Contributions**

*Added by Ordinance No. 175432, effective 9/28/03.*

- A. Each lobbying entity, which makes one or more contributions to an elective City officer and/or to any or all of his or her controlled committees, shall file a notice with the City Ethics Commission each time the making of a contribution results in the lobbying entity having made contributions aggregating more than \$7,000 to the officer and/or his or her controlled committees within the past 12 months. The notice shall be filed on a form prescribed by the Commission within one business day after making a contribution that triggers the filing requirement. The notice shall contain the following information:
1. The name, address and telephone number of the filer, the name of the elective City officer, and/or any or all of his or her controlled committees, to which the lobbying entity made contributions aggregating more than \$7,000 during the past twelve months, and the date and amount of each contribution.
  2. For purposes of this section, a “controlled committee” does not include any committee controlled by an elective City officer that is
    - (a) formed to support or oppose a ballot measure or
    - (b) formed to support the election of that officer to other than elective City office.
- B. The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only include information relative to one elective officer.
- C. The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.
- D. The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.
- E. The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.

**SEC. 48.08.7**

**Lobbying Disclosure — Fundraising Activity**

*Added by Ordinance No. 175432, effective 9/28/03.*

- A. Every lobbying entity who within any 12 month period (i) engaged in fundraising activities on behalf of an elective City officer and/or any and all of his or her controlled committees, and which knows or has reason to know that the fundraising activities resulted in contributions, and/or (ii) delivered or acted as an intermediary for one or more contributions to the elective City officer and/or any and all of his or her controlled committees, shall file a notice with the City Ethics Commission any time the activities identified in (i) and/or (ii) aggregate more than \$15,000 in the case of a member of the City Council, or more than \$35,000 in the case of the Mayor, City Attorney, or Controller. The notice shall be filed on a form prescribed by the City Ethics Commission within one business day after any of these thresholds is exceeded. The notice shall contain the following information:
1. The name, address and telephone number of the filer, the name of the elective City officer, and/or any or all of his or her controlled committees, on whose behalf the lobbying entity engaged in fundraising activities, or delivered or acted as intermediary for one or more contributions to the elective City officer and/or any and all of his or her controlled committees, the date of the fundraising activity, and the amount of contributions raised, delivered or in connection with which the lobbying entity acted as an intermediary.
  2. For purposes of this section, a “controlled committee” does not include any committee controlled by an elective City officer that is
    - (a) formed to support or oppose a ballot measure or
    - (b) formed to support the election of that officer to other than elective City office.
  3. For purposes of this notification, if a fundraising event is sponsored or hosted by more than one person, the amount of contributions received at or as a result of the event shall be attributed to each lobbying entity who hosted or sponsored the event according to the amount of the contributions that resulted from that lobbying entity’s fundraising activities. If a contribution results from the fundraising of more than one person and/or lobbying entity, that contribution shall be apportioned equally to each of the persons and/or lobbying entity that engaged in the fundraising activity.
- B. The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only include information relative to one elective officer.
- C. The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.

- D. The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.
- E. The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.

**Sec. 48.08.8      Lobbying Disclosure — Written Communications to  
Neighborhood Councils**

*Added by Ordinance No. 176034, effective 7/26/04.*

- (a) No lobbying entity registered with the City of Los Angeles shall deliver or send to a certified neighborhood council a written communication on behalf of a client, including, but not limited to, letters, faxes, electronic messages, and flyers, without a disclosure indicating that the communication was delivered or sent by that lobbying entity.
- (b) For purposes of subsection (a), the required disclosure shall be printed clearly and legibly in no less than 8-point type in a color or print that contrasts with the background so as to be legible and shall be presented in a clear and conspicuous manner in the written communication. The disclosure shall include all of the following information applicable to the written communication:
  - (1) The name of the lobbyist(s) that prepares, delivers or sends the written communication;
  - (2) The name of the registered lobbying firm(s) or lobbyist employer(s) who employs the lobbyist(s) that prepares, delivers or sends the written communication; and,
  - (3) The name of the client or clients on whose behalf the lobbying entity prepares, delivers, or sends the written communication in an attempt to influence municipal legislation.

**SEC. 48.09      Compliance Measures and Enforcement**

*Amended by Ordinance No. 169916, effective 8/10/94.*

*Amended by Ordinance No. 171142, effective 8/3/96.*

*Amended by Ordinance No. 172942, effective 1/21/00.*

*Section added by Ordinance No. 178064, operative 1/15/07.*

- A. **Audits.** The City Ethics Commission shall have the authority to conduct audits of reports and statements filed pursuant to this Article. Such audits may be conducted on a random basis or when the City Ethics Commission staff has reason to believe that a report or statement may be inaccurate or has not been filed.

**B. Criminal Penalties.**

1. Any person who knowingly or willfully violates any provision of this Article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this article, or who knowingly or willfully aides and abets any other person in violation of any provision of this article, is guilty of a misdemeanor.
2. Prosecution for violation of any provision of this article must be commenced within one year after the date on which the violation occurred.
3. No person convicted of a violation of this Article may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one year after such conviction.

**C. Civil Enforcement.**

1. Any person who knowingly violates any provision of Section 48.04 shall be liable in a civil action brought by the City Attorney. Any person who intentionally or negligently violates any other provisions of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$2,000, whichever is greater. Any other violation may result in civil penalties no greater than \$2,000. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.
2. In determining the amount of liability pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.
3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
4. No civil action alleging a violation of this Article shall be filed more than four years after the date the violation occurred.

**D. Injunction.** The City Attorney on behalf of the people of the City of Los Angeles may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this article.

**E. Administrative Penalties.** The City Ethics Commission may impose penalties and issue orders for violation of this Article pursuant to its authority under Charter Section 706(c).

- F. **Late Filing Penalties.** In addition to any other penalty or remedy available, if any person fails to file any report or statement required by this Article, after any deadline imposed by this Article, such person shall be liable to the City Ethics Commission in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the Commission if its Executive Officer determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this Article. No liability shall be waived if a statement or report is not filed within 10 days after the Commission has sent specific written notice to the filer of the filing requirement.
- G. **Restriction on Person Who Violates Certain Laws.**
1. No person shall act or continue to act as a registered lobbyist or lobbying firm if, within the prior four years, that person has been found by the City Ethics Commission, in a proceeding pursuant to Charter Section 706, to have violated City Charter Section 470(k) on any occasion. That determination shall be based either on a finding of the City Ethics Commission made after an administrative hearing or on a stipulation by the lobbyist or lobbying firm entered into with the City Ethics Commission within the previous four years.
  2. If the City Ethics Commission makes a finding that the person has either
    - (1) accepted responsibility for the violation in the form of having entered into a stipulation with the City Ethics Commission in which the party admits the violation, or otherwise exhibits evidence of having accepted such responsibility, or
    - (2) mitigated the wrongdoing by taking prompt remedial or corrective action, then the City Ethics Commission may reduce the time period during which the above prohibition would apply to a period of not less than one year.
- H. **Contract Bidder Certification of Compliance With Lobbying Laws.** Any bidder for a contract, as those terms are defined under the Contractor Responsibility Program provided for in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, on a form proscribed by the City Ethics Commission, that the bidder acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if the bidder qualifies as a lobbying entity under the Ordinance. The exemptions contained in Los Angeles Administrative Code Section 10.40.4 shall not apply to this subsection. Each City department shall include a copy of the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications or other solicitation related to entering into a contract with the City.

**SEC. 48.10                      Ethics Commission Reports**

*Added by Ordinance No. 169916, effective 8/10/94.*

As soon as practicable after the close of each quarterly reporting period, the City Ethics Commission shall prepare a report to the Mayor and City Council of lobbying activity which occurred during the reporting period. Such report shall be in a form which, in the opinion of the Commission, best describes the activities, receipts and expenditures of persons subject to the requirements of this article.

**SEC. 48.11                      Severability**

*Added by Ordinance No. 169916, effective 8/10/94.*

If any provision of this article, or its application to any person or circumstance, is held invalid by any court, the remainder of this article and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this article are declared to be severable.

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## **CITY OF OAKLAND**

Title 3 MUNICIPAL ELECTIONS

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**Chapter 3.20 THE CITY OF OAKLAND LOBBYIST REGISTRATION ACT**

Article I Findings and Purpose

3.20.010 Title.

Article II Definitions and Interpretation of This Act

3.20.020 Words and phrases.

3.20.030 Definitions.

Article III Registration of Lobbyists

3.20.040 Registration with the public ethics commission.

3.20.050 Cessation of employment.

3.20.060 Exceptions.

3.20.070 Noncompliance--Order to show cause.

3.20.080 Availability of information.

3.20.090 Filing under penalty of perjury.

3.20.100 Records.

Article IV Disclosure of Lobbying Activities

3.20.110 Quarterly disclosure.

Article V Prohibitions

3.20.120 No unregistered employment or activity.

3.20.130 Personal obligation of city officials prohibited.

3.20.140 Deception prohibited.

3.20.150 Improper influence prohibited.

3.20.160 False appearances prohibited.

3.20.170 Prohibited representations.

Article VI Enforcement

3.20.180 Procedures and action.

3.20.190 Civil penalties.**Article I Findings and Purpose****3.20.010 Title.**

This chapter shall be known as the City of Oakland Lobbyist Registration Act, hereafter "the Act." (Ord. 12431 (part), 2002)

**Article II Definitions and Interpretation of This Act****3.20.020 Words and phrases.**

Words and phrases used in this Act shall have the same meanings and be interpreted in the same manner as words and phrases used in the Political Reform Act of 1974 as amended and the regulations issued pursuant thereto, unless otherwise expressly provided or unless the context otherwise requires. (Ord. 12431 (part), 2002)

**3.20.030 Definitions.**

For the purposes of this chapter, the following definitions shall be applicable:

A. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. An individual member of an organization shall not be deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization as long as such member does not pay an amount of money or other consideration in addition to the usual membership fees for such representation.

B. "Contractor" means any party to an agreement in which the value of the consideration exceeds one thousand dollars (\$1,000), and, (1) The city is a party, or (2) the redevelopment agency is a party, or (3) the agreement or its effectiveness is in any way dependent or conditioned upon approval by the city council or redevelopment agency board or any board or commission, officer or employee of the city or the agency.

C. "Designated employees" mean city and redevelopment agency employees who are designated employees within the meaning of the Political Reform Act of 1974, as amended, and who are required by the Political Reform Act or a city or redevelopment agency conflict of interest code to file financial interest disclosure statements.

D. "Local governmental lobbyist" means any individual who: (1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses; or (2) whose duties as a salaried employee, officer or director of any corporation, organization or association include communication directly or through agents with any public official, officer or designated employee, for the purpose of influencing any governmental, legislative or administrative action of the city or the redevelopment agency. No person is a local governmental lobbyist by reason of activities described in Section 3.20.030(A). In case of any ambiguity, the definition of "local governmental lobbyist" shall be interpreted broadly.

E. "Governmental action" means any administrative or legislative action of the city and the redevelopment agency other than an action which is ministerial in nature.

F. "Payment" means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

G. "Person doing business with the city" means any person whose financial interests are materially affected by governmental action as defined by Section 3.20.030(E). It includes persons currently doing business with the city or the redevelopment agency, planning to do business with the city or agency, or having done business with the city or agency within two years. For purposes of this Act a person's financial interests shall not be found to be materially affected by the issuance of any license or permit which does not require the exercise of discretion by city or agency officers or employees.

H. "Public official" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts, or any public corporation, agency or commission. (Ord. 12431 (part), 2002)

**Article III Registration of Lobbyists****3.20.040 Registration with the public ethics commission.**

- A. No person shall act as local governmental lobbyist before registering as a local governmental lobbyist with the City Clerk.
- B. At the time of registering, the local governmental lobbyist shall file with the City Clerk, in writing, his or her name, business and residence addresses.
- C. The lobbyist shall reregister annually within the month preceding the annual registration date and at that time shall resubmit the required information. (Ord. 12431 (part), 2002)

**3.20.050 Cessation of employment.**

A local governmental lobbyist who has terminated all activities requiring registration shall notify the City Clerk of that fact and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration. (Ord. 12431 (part), 2002)

**3.20.060 Exceptions.**

The provisions of this Act shall not apply:

- A. To a public official acting in his or her official capacity.
- B. To the publication or broadcasting of news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge governmental action.
- C. To a person specifically invited by the city council or redevelopment agency or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the city or agency charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.
- D. To a person who, without extra compensation and not as part of, or in the ordinary course of, his or her regular employment, presents the position of his or her organization when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.
- E. Any attorney, architect or civil engineer whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; (2) Preparing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city or redevelopment agency employees or agents working under the direction of the city manager or executive director directly relating to (1) and (2) above. (Ord. 12431 (part), 2002)

**3.20.070 Noncompliance—Order to show cause.**

- A. Upon the request of the council, the mayor, or any board or commission or member thereof, or any officer or designated employee of the city or redevelopment agency, the Public Ethics Commission shall issue an order to show cause to any unregistered person.
- B. Such order shall specify a time and place where such person shall appear to provide evidence satisfactory to the Public Ethics Commission that he or she has complied with the registration requirement or is exempt from registration.
- C. If the Public Ethics Commission determines that such person is subject to registration and he or she fails to register within seven days of that determination, he or she shall be barred from acting as a local governmental lobbyist except when appearing before the city council, redevelopment agency or other board or commission at a noticed public meeting or upon oral petition on his or her own behalf. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later. (Ord. 12431 (part), 2002)

**3.20.080 Availability of information.**

All registration information shall be retained by the City Clerk for a period of five years from the date of filing, shall constitute part of the public records of the city, and shall be open to public inspection. (Ord. 12431 (part), 2002)

### **3.20.090 Filing under penalty of perjury.**

All information required by this Act shall be filed with the City Clerk on forms prescribed by the Public Ethics Commission, and accompanied by a declaration by the local governmental lobbyist that the contents thereof are true and correct under penalty of perjury. (Ord. 12431 (part), 2002)

### **3.20.100 Records.**

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under this chapter. (Ord. 12431 (part), 2002)

## **Article IV Disclosure of Lobbying Activities**

### **3.20.110 Quarterly disclosure.**

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the City Clerk. The reports shall be due no later than thirty (30) days after the end of the calendar quarter. The report shall contain the following information:

A. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.

B. For each item of governmental action sought to be influenced, the individual with whom the lobbyist communicated identified only by the following categories: City officer/City officer-elect; City employee; Member of a City board or commission; or Other.

C. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client. (Ord. 12431 (part), 2002)

## **Article V Prohibitions**

### **3.20.120 No unregistered employment or activity.**

A. A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such lobbyist is registered and has listed such client with the City Clerk.

B. No person shall accept compensation for acting as a local government lobbyist except upon condition that he or she forthwith register as required by this Act. (Ord. 12431 (part), 2002)

### **3.20.130 Personal obligation of city officials prohibited.**

Local governmental lobbyists, clients, contractors, and persons doing business with the city or the redevelopment agency shall abstain from doing any act with the express purpose and intent of placing any city or agency officer or designated employee under personal obligation to such lobbyist, client, contractor or person. (Ord. 12431 (part), 2002)

### **3.20.140 Deception prohibited.**

No local governmental lobbyist, client, contractor or person doing business with the city or the redevelopment agency shall deceive or attempt to deceive a city or agency officer or designated employee as to any material fact pertinent to any pending or proposed governmental action. (Ord. 12431 (part), 2002)

### **3.20.150 Improper influence prohibited.**

No local governmental lobbyist shall cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage or defeat. (Ord. 12431 (part), 2002)

#### **3.20.160 False appearances prohibited.**

No local governmental lobbyist, client, contractor, or person doing business with the city or the redevelopment agency shall attempt in any way to create a fictitious appearance of public favor or disfavor of any governmental action or to cause any communication to be sent to a city or agency officer or designated employee in the name of any fictitious person or in the name of any real person, except with the consent of such real person. (Ord. 12431 (part), 2002)

#### **3.20.170 Prohibited representations.**

No local governmental lobbyist, client, contractor, or person doing business with the city or the redevelopment agency shall represent, either directly or indirectly, orally or in writing that such person can control or obtain the vote or action of any city or agency officer or designated employee. (Ord. 12431 (part), 2002)

### **Article VI Enforcement**

#### **3.20.180 Procedures and action.**

- A. Any person who violates this Act is subject to civil enforcement proceedings before the Public Ethics Commission pursuant to the Commission's General Complaint Procedures.
- B. If the Public Ethics Commission finds a violation of this Act, the Commission may: (1) Find mitigating circumstances and take no further action; (2) issue a public statement or reprimand, or (3) impose a civil penalty in accordance with this Act. (Ord. 12431 (part), 2002)

#### **3.20.190 Civil penalties.**

- A. Civil penalties shall be imposed by resolution of the Public Ethics Commission.
- B. Except as otherwise specified in this Act, the Commission may impose penalties of up to one thousand dollars (\$1,000) for each complaint sustained.
- C. If any civil penalty imposed by the Public Ethics Commission is not timely paid, the Commission shall refer the debt to the appropriate city agency or department for collection. (Ord. 12431 (part), 2002)

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## **CITY OF SACRAMENTO**

**Sacramento Municipal Code**

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**Chapter 2.15 THE CITY OF SACRAMENTO LOBBYIST REGISTRATION AND REPORTING CODE**

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**Article I. Findings and Purpose**

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**2.15.010 Title.**

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This chapter shall be known as the city of Sacramento Lobbyist Registration and Reporting Code, hereafter "the lobbyist code." (Ord. 2003-034 § 1 (part))

**2.15.020 Findings and declarations.**

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The city council of the city of Sacramento finds and declares as follows:

- A. The people of Sacramento have the need and right to know the identity of lobbyists who attempt to influence the decisions of city government and the means employed by them to advance their interests; and
- B. Full disclosure of lobbying activities of such persons and the identity of their employers, will contribute to public confidence in the integrity of local government; and
- C. Full disclosure is also necessary to ensure that city officials are kept informed about the identity of persons whose interests the lobbyists represent. (Ord. 2003-034 § 1 (part))

**2.15.030 Purpose.**

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The purpose of this chapter is to maintain a fair and open decision-making process in city government and to ensure that the public and city officials have full knowledge of lobbying activities that have been brought to bear on any legislative or administrative action. (Ord. 2003-034 § 1 (part))

**Article II. Interpretation and Definitions**

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**2.15.040 Interpretation.**

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Unless the term is specifically defined in this lobbyist code or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000, et seq., shall govern the interpretation of this chapter. Any term herein expressed in the plural may also apply to the singular. (Ord. 2003-034 § 1 (part))

**2.15.050 Definitions.**

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

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

"City official" includes, but is not limited to, any public official, legislative staff member or city employee who



participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity. It shall also include any city board or commission member, or city representative to any joint powers authority to which the city is a party, and any consultant to the city.

“Consultant” means an individual who, pursuant to a contract with the city:

- A. Makes a governmental decision whether to:
  - 1. Approve a rate, rule, or regulation;
  - 2. Adopt or enforce a law;
  - 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
  - 4. Authorize the city to enter into, modify, or renew a contract provided it is the type of contract which requires city approval;
  - 5. Grant city approval to a contract which requires city approval and in which the city is a party or to the specifications for such a contract;
  - 6. Grant city approval to a plan, design, report, study or similar item;
  - 7. Adopt or grant city approval of policies, standards or guidelines for the city, or for any subdivision thereof.
- B. Serves in a staff capacity with the city and in the capacity performs the same or substantially all the same duties for the city that would otherwise be performed by an individual holding a position specified in the city’s conflict of interest code.

“Client” means a person who is represented by a lobbyist.

“Compensation” includes, but is not limited to, money of any denomination or origin; goods or services or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

“Gift” means gift as defined in the California Political Reform Act, Government Code Section § 81000, et seq., as amended from time to time.

“Lobbying” is the influencing or attempting to influence a legislative or administrative action of the city of Sacramento.

A. “Influencing” means the purposeful communication, either directly or through agents, promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the behavior of a city of Sacramento official or official-elect, by any means, including, but not limited to, providing or using persuasion, information, incentives, statistics, studies or analyses; excepted from this definition is communication made as a part of a noticed governmental public meeting;

B. “Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the mayor, city council, Redevelopment Agency of the city of Sacramento, Housing Authority of city of Sacramento, any joint powers authority of which the city is a party, or city of Sacramento board or commission, acting in its official capacity.

C. “Administrative action” means the proposal, drafting, development, consideration, advocacy, or recommendation of any rule, regulation, agreement or contract, permit, license or hiring action.

“Lobbyist”, unless exempt under subsection (4) hereunder, means:

A. Contract Lobbyist. A person who engages in lobbying on behalf of one or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an

agreement for compensation of three thousand two hundred dollars (\$3,200.00) or more ("threshold compensation") for engaging in lobbying during any consecutive three-month period.

B. Business or Organization Lobbyist. Any business or organization, whose owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of one hundred (100) hours or more within any three month period, whether or not such officers or employees are specifically compensated to engage in lobbying; provided that the activities of officers shall be considered lobbying only if those officers receive compensation by the business or organization beyond reimbursement for their reasonable, travel, meals or incidental expenses; or

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

1. Compensation paid to contract lobbyists or employees for lobbying; or
2. Dues payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.

D. Exemptions to "lobbyist" are:

1. Any public official acting in his or her official capacity or acting within the scope of his or her employment or appointment;
2. The media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. "Media" shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the Internet. This exemption shall also apply to neighborhood newsletters, flyers or gazettes;
3. Persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated members or directors of non-profit organizations such as chambers of commerce;
4. Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meeting held by the city or any of its agencies, offices, or departments, as long as the communications thereto are public records available for public review. Notwithstanding the foregoing, persons who otherwise qualify as lobbyists must register and disclose their lobbying activities directed toward city officials, in the same manner and to the same extent such registration and disclosure is required of all other lobbyists;
5. Persons submitting bids or responding to requests for proposals, provided the provision of such information is limited to direct conversation or correspondence with the official or department specifically designated to receive such information;
6. Persons providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request provided that the request and response thereto are public records available for public review;
7. Persons whose communications relate to:
  - a. The establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or a memorandum of understanding between the city and a recognized employee association.
  - b. Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of understanding between the city and a recognized employee association.

c. Proceedings before the city of Sacramento Civil Service Board.

“Organization” means any person that is not an individual.

“Person” means any individual, domestic or foreign corporation, for-profit or non-profit entity, firm, association, syndicate, union, chamber of commerce, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert. (Ord. 2003-034 § 1 (part))

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### **Article III Registration of Lobbyists**

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#### **2.15.060 Registration.**

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Lobbyists shall register with the city clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.15.050. (Ord. 2003-034 § 1 (part))

#### **2.15.070 Annual registration renewal.**

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A lobbyist shall renew his or her registration by January 15 or each year unless he or she has terminated their status as a lobbyist pursuant to Section 2.15.080, by such date. (Ord. 2003-034 § 1 (part))

#### **2.15.080 Termination of lobbyist status.**

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After initial registration, annual registration renewal will not be required if a declaration attesting to the termination of lobbying services within the city has been filed with the city clerk no later than January 15. (Ord. 2003-034 § 1 (part))

#### **2.15.090 Active status.**

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All registrations, renewals and terminations will be deemed filed on the date received by the city clerk. A lobbyist shall be deemed active for the duration of the year of registration ending December 31, unless a declaration attesting to termination of lobbying services within the city is filed. (Ord. 2003-034 § 1 (part))

#### **2.15.100 Registration fees.**

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

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

B. In addition to the annual fee, each registrant shall pay twenty-five dollars (\$25.00) per client for whom lobbying is undertaken for compensation in excess of five hundred dollars (\$500.00). The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients will be due and submitted at the time of the submission of the relevant quarterly report as required pursuant to Article IV below.

C. A fine of twenty-five dollars (\$25.00) per day for delinquent fees, up to a maximum of five hundred dollars (\$500.00), will be assessed until compliance with the registration provisions herein. (Ord. 2003-034 § 1

(part))

#### **2.15.110 Required registration information.**

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Registration statements shall contain the information set forth in Section 2.15.120. (Ord. 2003-034 § 1 (part))

### **Article IV Disclosure of Lobbying Activities**

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#### **2.15.120 Disclosure.**

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

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

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

C. Expenditure Lobbyists. The item(s) of municipal legislative or administrative action the lobbyist is seeking to influence.

D. All campaign contributions by a lobbyist or a client at the lobbyist's behest, to any city official or city official-elect, identified by name and by office, to a controlled committee, office holder's fund or legal expense fund, given personally or through an intermediary, totaling one hundred dollars (\$100.00) or more, made during the calendar quarter.

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

F. The name, address, title and telephone number of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted. (Ord. 2003-034 § 1 (part))

#### **2.15.130 Subsequent disclosures.**

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For each calendar quarter following the quarter in which the lobbyist was required to register, the lobbyist must file a quarterly report in duplicate with the city clerk not later than fifteen (15) calendar days after the end of the qualifying quarter whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the city clerk. Each quarterly report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that quarter. If a lobbyist has terminated all lobbying activities during such quarter, the lobbyist may file a declaration of termination with the quarterly report. The final quarterly report shall include disclosure of any lobbying activities during the quarter of termination. (Ord. 2003-034 § 1 (part))

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**2.15.140 Quarterly reports.**

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Quarterly reports are to be filed in duplicate by April 15, July 15, October 15 and January 15, for the prior calendar quarter, and are delinquent thereafter. Electronic reporting may also be permitted by the city clerk. (Ord. 2003-034 § 1 (part))

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**2.15.150 Records retention.**

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Copies of the records pertaining to the above-required reports shall be preserved by the lobbyist for inspection and audit for a period of four years from date of production. (Ord. 2003-034 § 1 (part))

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**2.15.160 Lobbyist identification.**

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When appearing in a lobbying capacity at a public meeting of the city council or other city board or commission, a contract lobbyist shall identify himself/herself and the client(s) on whose behalf he/she is appearing, and a business or organization lobbyist shall identify himself/herself and the business or organization he/she represents. (Ord. 2003-034 § 1 (part))

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**Article V Prohibitions**

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**2.15.170 Prohibitions.**

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

- A. Deception. Deceiving or attempting to deceive any city official with regard to any material fact pertaining to any pending or proposed legislative or administrative action.
- B. Unauthorized Communications. Sending or causing any communication to be sent to any city official in the name of any non-existent person or in the name of an existing person without the express or implied consent of such person.
- C. Fictitious Persons. Contacting any officer of the city in the name of any non-existent person or in the name of any existing person, except with the consent of such existing person.
- D. Indirect Violations. Attempting to evade the requirements of this ordinance through indirect efforts or through the use of agents, associates, intermediaries or employees.
- E. Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any city official under personal obligation to the lobbyist. (Ord. 2003-034 § 1 (part))

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**Article VI Responsibility**

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**2.15.180 The city clerk.**

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The city clerk shall:

- A. Oversee compliance with this chapter including creation of all forms and explanatory materials.
- B. Provide quarterly reports to the mayor and city council on lobbyist activities, and pending complaints and enforcement proceedings and provide an annual report to the mayor and city council including a description of educational programs and materials that have been produced regarding this chapter and providing any recommendations for amendment of this chapter. Press releases summarizing the contents of the reports shall be prepared and distributed with the respective reports.

- C. Accept all required filings under Articles III and IV of this chapter. (Ord. 2003-034 § 1 (part))

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## **Article VII Enforcement**

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### **2.15.190 Criminal penalties.**

Any person who knowingly or willfully violates or causes any other person to violate any provision of Article III, IV or V of this chapter is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this chapter is guilty of a misdemeanor. (Ord. 2003-034 § 1 (part))

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### **2.15.200 Injunction.**

The city attorney may seek injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this chapter. (Ord. 2003-034 § 1 (part))

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### **2.15.210 Practice restrictions.**

No person convicted of a violation of this chapter may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one year after such conviction. (Ord. 2003-034 § 1 (part))

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### **2.15.220 Limitation of actions.**

Prosecution for violation of any provision of this chapter shall be commenced within four years after the date on which the violation occurred. (Ord. 2003-034 § 1 (part))

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### **2.15.230 Cost of litigation.**

The court may award costs of litigation including reasonable attorney's fees to the prevailing party in any action to compel compliance with the provisions of this chapter. (Ord. 2003-034 § 1 (part))

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## **Article VIII Effective Date**

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### **2.15.240 Effective date.**

The registration, reporting and other requirements of this chapter shall apply to lobbying occurring on or after October 1, 2003. Lobbying that occurs prior to October 1, 2003, and payment for lobbying services rendered prior to October 1, 2003, whether made prior to or after October 1, 2003, shall not be considered for purposes of the registration, reporting and other requirements of this chapter. (Ord. 2003-034 § 1 (part))

## **CITY OF SAN DIEGO**

**Article 7: Elections, Campaign Finance and Lobbying**

**Division 40: Municipal Lobbying**

*("Municipal Lobbying" added 5-18-1998 by O-18511 N.S.)*

**§27.4001 Purpose**

The purpose of this division is to provide registration and disclosure requirements whereby individuals acting as *Municipal Lobbyists* are required to register with the *City*. The purpose of registration is to require *Lobbyists* to provide sufficient information so that complete disclosure of principals and *Clients* they represent may become public information for the benefit of the *City Council* and the general public. This division is not intended to discourage or prohibit the exercise of constitutional rights.

*(Amended 12-7-1998 by O-18606 N.S.)*

**§27.4002 Definitions**

All defined terms in this Division appear in italics. The first letter of each term defined in this Division is capitalized. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

*"Activity Expense"* means any *Payment* made to, or benefiting, any *City Official* made by a *Lobbyist*. An *Activity Expense* benefits a *City Official* if it is made to, or on behalf of, the *City Official*. An *Activity Expense* includes gifts provided to the *City Official's* spouse or dependent child if the *City Official* receives benefits from the gift or exercises control or discretion over the use or disposal of the gift. *"Activity Expenses"* include gifts, meals, honoraria, consulting fees, salaries and any other form of *Compensation*, but do not include campaign contributions.

*"Agent"* means a *Person* who acts on behalf of any other *Person*. *"Agent"* includes a *Person* who acts on behalf of a *Lobbyist*.

*"City"* means the City of San Diego or any organizational subdivision, office, or board of the *City*.

*"City Board"* includes the boards of directors of all *City* agencies, and any board, commission, committee, or task force of the *City* established by action of the *City Council* under authority of the *City Charter*, *Municipal Code* or *Council resolution*.



“*City Official*” includes:

- (a) any elected or appointed *City* officeholder, including any *City* officeholder elected but not yet sworn in, *City Board* member, or employee of the *City* or any *City* agency, who, as part of his or her official duties, participates in the consideration of any *Municipal Decision* other than in a purely clerical, secretarial or ministerial capacity;
- (b) *City Council* members acting in their capacity as Housing Authority and Redevelopment Agency officers; and
- (c) any consultants of this *City* who are required to file a statement of economic interest pursuant to any conflict of interest code adopted by the *City Council*.

“*Client*” means

- (a) a *Person* who compensates a *Lobbyist*, including an *In-House Lobbyist*, for the purpose of *Influencing a Municipal Decision*; or
- (b) a *Person* on whose behalf a *Lobbyist* makes attempts at *Influencing a Municipal Decision*.

“*Committee*” has the same meaning as that set forth in California Government Code Section 82013.

“*Compensated Services*” means *Lobbying* activities for which *Compensation* was paid during a reporting period or for which the *Lobbyist* became entitled to *Compensation* during that period.

“*Compensation*” means any economic consideration for services rendered, other than reimbursement for *Travel Expenses*.

“*Contract*” includes but is not limited to written contracts, agreements, memoranda of understanding, and similar writings that set forth transactions involving personal property, real property, intellectual property, personal services, consultant services, public works, or insurance. For purposes of this division, “*contract*” and “*agreement*” are synonymous. The definition of “*contract*” is intended to be broadly construed.

“*Day*” means calendar day unless otherwise specified.

*"Direct Communication"* means:

- (a) talking to (either by telephone or in person); or
- (b) corresponding with (either in writing or by electronic transmission or facsimile machine).

*"Direct Communication"* does not include:

- (a) solely responding to questions from any *City Official*; or
- (b) appearing as a speaker at, or providing written statements which become part of the record of, a *Public Hearing*, so long as the *Lobbyist* identifies the *Clients(s)* represented; or
- (c) a direct response to an enforcement proceeding with the *City*.

*"Enforcement Authority"* has the same meaning as that term is defined in Section 27.2903.

*"Gift"* has the same meaning as that set forth in California Government Code section 82028.

*"Influencing a Municipal Decision"* means affecting or attempting to affect any action by a *City Official* on one or more *Municipal Decisions* by any method, including promoting, supporting, opposing or seeking to modify or delay such action. *"Influencing a Municipal Decision"* also includes providing information, statistics, analysis or studies to a *City Official*.

*"In-House Lobbyist"* means an individual who engages in *Lobbying* solely on behalf of his or her business or employer. *"In-House Lobbyist"* includes, but is not limited to, owners, officers, and salaried employees of a business.

*"Lobbying"* means *Direct Communication* with a *City Official* for the purpose of *Influencing a Municipal Decision* on behalf of any other *Person*.

*"Lobbyist"* means an individual who receives or becomes entitled to receive the threshold *Compensation* amount during any calendar quarter for *Lobbying*, and who has had at least one *Direct Communication* with a *City Official* in that calendar quarter. *Lobbyist* includes:

- (a) *In-House Lobbyists* who engage in *Lobbying*;

- (b) individuals under contract to engage in *Lobbying*; and
- (c) individuals employed by a firm under contract to provide *Lobbying* services, whose pro-rated salary for *Lobbying* activities meets the threshold *Compensation* during any calendar quarter.

“*Municipal Decision*” includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council* or a *City Council Committee*; and
- (d) contracts; and
- (e) quasi-judicial decisions, including:
  - (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; and
  - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
  - (3) any declaration of debarment as described in Chapter 2, Article 2, Division 8, of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

“*Municipal Decision*” does not include any of the following:

- (a) any request for advice regarding, or for an interpretation of laws, regulations, *City* approvals or policies; or
- (b) any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the *City*, or *City* agent, officer or employee; or
- (c) any ministerial action such as decisions on private land development made

pursuant to Process 1 as described in Chapter 11 of this Municipal Code; or

- (d) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or a proceeding before the Civil Service Commission; or
- (e) any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (d) above.

"*Payment*" has the same meaning as that set forth in California Government Code section 82044.

"*Person*" means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *Persons* acting in concert.

"*Public Hearing*" means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a *Lobbyist* testifying at that hearing.

"*Public Official*" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency or commission.

"*Travel Expenses*" means reasonable expenses for transportation plus a reasonable sum for food and lodging.

(Amended 4-29-2002 by O-19055 N.S.)

#### §27.4004 Exceptions

The following *Persons* are exempt from the requirements of this division:

- (a) a *Public Official* acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes or is employed by any such newspaper, periodical, radio or television station) that in the ordinary course of business publishes news items, editorials or other comments or paid advertisements which directly or indirectly urge action on a Municipal

Decision, if such newspaper, periodical, radio or television station, or individual engages in no other activities to Influence a *Municipal Decision*; and

- (c) any *Person* whose sole activity includes one or more of the following:
- (1) to submit a bid on a competitively bid *contract*;
  - (2) to submit a written response to a request for proposals or qualifications;
  - (3) to participate in an oral interview for a request for proposals or qualifications; or,
  - (4) to negotiate the terms of a *contract* or agreement with the City, once the City has authorized either by action of the City Council, City Manager, or voters, entering an agreement with that *Person*, whether that *Person* has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.

(Amended 11-8-1999 by O-18705 N.S.)

**§27.4005 Threshold Determination**

- (a) For the purpose of determining whether a *Lobbyist* has met the threshold for Compensation registration required by Section 27.4007, time spent on the following activities shall be included:
- (1) monitoring a *Municipal Decision* the *Lobbyist* is seeking to influence;
  - (2) preparing testimony and presentations;
  - (3) attending hearings on a *Municipal Decision* the *Lobbyist* is seeking to influence;
  - (4) communicating with the *Lobbyist's Client* or the *Lobbyist's* employer on a *Municipal Decision* the *Lobbyist* is seeking to influence; and
  - (5) waiting to meet with *City Officials*. These and similar activities are an integral part of *Influencing a Municipal Decision*.
- (b) The threshold *Compensation* shall be calculated as follows:

- (1) In 1999 it is \$2,000.
- (2) It will be adjusted each year thereafter, based on the San Diego Consumer Price Index percentage change.
- (c) The *City Clerk* shall publish the threshold *Compensation* amount on or before January 10 of each year.  
(Amended 12-7-1998 by O-18606 N.S.)

**§27.4006 Activity Expense on Behalf of Client**

An *Activity Expense* shall be considered to be made on behalf of a *Client* if the *Client* requires, authorizes, or reimburses the expense.  
(“Registration Required” added 5-18-1998 by O-18511 N.S.)

**§27.4007 Registration Required**

- (a) A *Lobbyist* is required to register with the *City Clerk* no later than ten (10) Days after qualifying as a *Lobbyist*.
- (b) Within ten (10) Days after qualifying as a *Lobbyist*, a *Lobbyist* shall report the information required by Section 27.4017 for any *Compensated Services* the *Lobbyist* provided in the three (3) months prior to the date of qualification as a *Lobbyist*.
- (c) *Lobbyists* shall file with the *City Clerk* the registration form with the *Lobbyists’* original signature.
- (d) Nothing in this division precludes an individual from registering as a *Lobbyist* prior to qualifying.  
(Amended 12-7-1998 by O-18606 N.S.)

**§27.4009 Contents of Lobbyist’s Registration**

*Lobbyists* shall file with the *City Clerk* the registration form which contains the following:

- (a) the *Lobbyist’s* full name, business address, and business telephone number;
- (b) the name, business address, and business telephone number of the *Lobbyist’s* employer, if any;

- (c) a specific description of the *Lobbyist's* employer, if any, in sufficient detail to inform the reader of the nature and purpose of the employer's business;
- (d) for each *Client* for which the *Lobbyist* provides *Lobbying Activities*:
  - (1) the *Client's* name, business or mailing address and business or message telephone number;
  - (2) a specific description of each *Client* in sufficient detail to inform the reader of the nature and purpose of the *Client's* business;
  - (3) the specific *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*, or a description of the type(s) of *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*;
- (e) a statement that the *Lobbyist* has reviewed and understands the requirements of Division 40 governing municipal lobbying; and
- (f) any other information required by the *City Clerk* consistent with the purposes and provisions of this division.  
(Amended 12-7-1998 by O-18606 N.S.)

**§27.4010 Lobbyist and Client Registration Fees**

- (a) At the time the *Lobbyist* registers pursuant to Section 27.4007, the *Lobbyist* shall pay:
  - (1) an annual *Lobbyist* registration fee of forty dollars (\$40); plus
  - (2) an annual *Client* registration fee of fifteen dollars (\$15) for each *Client* identified on the registration form.
- (b) A *Lobbyist* who initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to Section 27.4007 shall pay:
  - (1) a prorated *Lobbyist* registration fee of twenty dollars (\$20); plus
  - (2) a prorated *Client* registration fee of ten dollars (\$10) for each *Client* identified on the registration form.

- (c) When a *Client* is acquired subsequent to the initial registration, the *Lobbyist* shall pay the *Client* registration fee when filing the information required by Section 27.4009.
- (d) For the purpose of determining *Client* registration fees, a trade association or business organization qualified under Internal Revenue Code 501(c)(6) shall consider its members as one *Client*.
- (e) For the purpose of determining *Client* registration fees, a single *Client* registration fee shall be paid for a *Person*, other than an individual, that employs more than one *In-House Lobbyist*.
- (f) Fees may be paid or reimbursed by the *Person*, if any, who employs the *Lobbyist*.

(Amended 12-7-1998 by O-18606 N.S.)

**§27.4012 Amendments to Registration Form**

Except as provided in Section 27.4015(b), *Lobbyists* shall file amendments to their registration form with the next quarterly disclosure report, and shall disclose any change in information required on the registration form as set forth in Section 27.4009.

(Amended 11-8-1999 by O-18705 N.S.)

**§27.4013 Duration of Status**

An individual who registers as a *Lobbyist* retains that status through January 5 of the following calendar year unless and until he or she terminates that status in accordance with Section 27.4022. An individual who continues to qualify as a *Lobbyist* on January 5 shall renew that registration on or before January 15 of each year.

(Amended 12-7-1998 by O-18606 N.S.)

**§27.4014 Notification of Activity Expense Paid to or Benefiting a City Official**

- (a) Any *Lobbyist* required to file a disclosure report under the provisions of this division shall provide the following information to each *City Official* who is the beneficiary of an *Activity Expense* from the *Lobbyist*.
  - (1) the date and amount of the *Activity Expense*;
  - (2) a description of the *Activity Expense* provided to the *City Official*; and



(3) the client, if any, on whose behalf the expenditure was made.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the *City Official* who is the beneficiary within twenty business days after the date of the expenditure.

(“Notification of Activity Expense Paid to or Benefiting a City Official” added 5–30–2000 by O–18807 N.S.)

#### **§27.4015 Quarterly Disclosure Report Required**

(a) *Lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *Lobbyist*.

(b) In lieu of amending the registration form, a *Lobbyist* may use the quarterly report to disclose any change in information required on the registration form as set forth in Section 27.4009.

(c) The *Lobbyist* shall file with the *City Clerk* the report with an original signature.

(Amended 11-8-1999 by O-18705 N.S.)

#### **§27.4016 Filing Deadline for Quarterly Disclosure Report**

*Lobbyists* shall file quarterly disclosure reports with the *City Clerk*, with the *Lobbyist's* original signature, no later than the last *Day* of the months of April, July, October and January. *Lobbyists* shall disclose the information required by Section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

(“Filing Deadline for Quarterly Disclosure Report” added 5–18–1998 by O–18511 N.S.)

#### **§27.4017 Contents of Lobbyist’s Quarterly Disclosure Report**

A *Lobbyist's* quarterly disclosure report shall contain the following information:

(a) the *Lobbyist's* full name, business address and business telephone number;

(b) the name, business address and business telephone number of the *Lobbyist's* employer, if any;

(c) the name, business or mailing address and business or message telephone number of each *Client* represented by the *Lobbyist* during the reporting period;

and the specific *Municipal Decision(s)* for which the *Lobbyist* represented the *Client* during the reporting period;

- (d) total *Compensation* received during the reporting period in connection with *Lobbying*, itemized by *Client*. For Lobbyists employed by an entity that provides *Lobbying* services by contract with *Clients*, the individual *Lobbyist* shall report his or her pro-rata share of *Compensation* received by, or entitled to be received by, the entity for *Lobbying* services provided to those *Clients*. Such *Compensation* shall be disclosed using the following ranges:  
[ ] \$0-\$5,000; [ ] \$5,000-\$25,000; [ ] \$25,000-\$50,000; and [ ] Over \$50,000;
- (e) an itemization, which includes the date, amount and description of any *Activity Expenses* made by the *Lobbyist* during the reporting period of \$10 or more on any one occasion; or *Activity Expenses* made by the *Lobbyist* during the reporting period aggregating \$50 or more during the quarter, to benefit any single *City Official* on behalf of any one *Client*;
- (f) the name and title of the *City Official* benefiting from each itemized *Activity Expense*;
- (g) the name and address of the payee of each itemized *Activity Expense*;
- (h) the name of the vendor if different from that of the payee of each itemized *Activity Expense*;
- (i) the name of the *Client*, if any, on whose behalf each itemized *Activity Expense* was made;
- (j) the total amount of all *Activity Expenses*, whether itemized or not, made by the *Lobbyist* during the reporting period; and
- (k) any other information required by the *City Clerk* consistent with the purposes and provisions of this division.

(Amended 12-7-1998 by O-18606 N.S.)

#### §27.4018 Accountability

In addition to any other requirement of this division, every *Lobbyist* shall retain for a period of five years all books, papers and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

(“Accountability” added 12-7-1998 by O-18606 N.S.)

**§27.4020 Forms to be Provided by the City Clerk**

*Lobbyists* shall file registration forms and quarterly disclosure reports required by this division on forms provided by the *City Clerk*.

*("Forms to be Provided by the City Clerk" added 5-18-1998 by O-18511 N.S.)*

**§27.4021 Verification of Registration Form and Quarterly Disclosure Report**

*Lobbyists* shall sign and verify registration forms and quarterly disclosure reports required by this division under penalty of California perjury laws.

*("Verification of Registration Form and Quarterly Disclosure Report" added 5-18-1998 by O-18511 N.S.)*

**§27.4022 Termination of Lobbyist Status**

An individual who ceases being a *Lobbyist* shall notify the *City Clerk* of this status upon the quarterly disclosure report form provided by the *City Clerk*. Upon terminating, the individual shall report the information required in Section 27.4017 that remains unreported since the last quarterly disclosure report.

*(Amended 12-7-1998 by O-18606 N.S.)*

**§27.4023 Other Obligations of a Lobbyist**

Any individual who is required to register as a *Lobbyist* under the provisions of this division shall:

- (a) disclose his or her status as a *Lobbyist* to a *City Official* before providing anything of value to that individual which would require disclosure as an *Activity Expense* to the *City Official* pursuant to Section 27.4014.
- (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *Lobbyist*, or to the *Lobbyist's* employer or *Client*;
- (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;
- (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *Municipal Decision*;

- (e) not cause any communication to be sent to a *City Official* in the name of any fictitious *Person* or in the name of any real *Person*, except with the consent of such real *Person*; and
- (f) not attempt to evade the obligations in this section through indirect efforts or through the use of *Agents*, associates or employees.  
(Amended 5-30-2000 by O-18807 N.S.)

**§27.4024 Employment of City Employees by Lobbyist**

If any *Lobbyist* registered or required to be registered under Section 27.4007:

- (a) employs, in any capacity whatsoever, or
- (b) requests, recommends, or causes the *Lobbyist's* employer to employ any individual known to be a *City Official*, the *Lobbyist* shall file a written statement with the *City Clerk* within ten (10) *Days* after such employment. This statement shall set forth the name of the individual employed, the date first employed by the *Lobbyist* or the *Lobbyist's* employer, and that individual's position, title, and department in the *City*.  
(Amended 12-7-1998 by O-18606 N.S.)

**§27.4025 Powers and Duties of the City Clerk**

- (a) Upon receipt of a written request, the *City Clerk* may issue a notice of registration requirements to any *Person* whom a *City Official* or any other *Person* has reason to believe should be registered under this division. Before sending the notice, the Clerk:
  - (1) shall require the *Person* making the request to provide a written statement of the factual basis for the belief; and,
  - (2) shall determine whether sufficient facts exist to warrant sending the notice.
- (b) Any individual who in good faith and on reasonable grounds believes that he or she is not required to comply with the provisions of Section 27.4007 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of Section 27.4007 if, within ten (10) *Days* after the *City Clerk* has sent specific written notice, the individual either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he or she is exempt from registration.

- (c) As soon as practicable after the close of each quarter, the *City Clerk* shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor and *City Council*.
- (d) The *City Clerk* shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.
- (e) The *City Clerk* shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City Clerk* shall have the power to adopt all reasonable and necessary procedures to implement this division.  
(Amended 11-8-1999 by O-18705 N.S.)

**§27.4026 Inspection of Forms and Reports**

- (a) The *City Clerk* shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within twenty (20) working *Days* after the filing deadline. The Clerk shall notify an individual to file a registration form or quarterly disclosure report under this division if it appears that the individual has failed to file as required by law or that the registration form or quarterly disclosure report filed by the individual does not conform to law.
- (b) Any individual notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.  
(Amended 12-7-1998 by O-18606 N.S.)

**§27.4027 Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers**

- (a) Any *Person* who believes that violation of any portion of this Division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this Division. The *Enforcement Authority* may demand and shall be furnished records of

*Lobbying Activity Expenses* at any time.

- (c) The *Enforcement Authority* shall determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirements of this Division.
- (d) The *Enforcement Authority* may elect to enforce the provision of this Division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

(Amended 2-11-2002 by O-19034 N.S.)

**§27.4028 Violations, Penalties and Defenses**

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy set forth in Chapter I of this Code.
- (b) In addition to any other penalty or remedy available, if any individual fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that individual shall be liable to the *City* of San Diego in the amount of ten dollars (\$10) per *Day* after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.
- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.

(Amended 7-18-2000 by O-18826 N.S.)

## **CITY OF SAN FRANCISCO**

**CHAPTER 1: REGULATION OF LOBBYISTS**Sec. 2.100. Findings.Sec. 2.105. Definitions.Sec. 2.110. Registration of Lobbyists Required: Registration, Reregistration, Quarterly Reports, Fees, Client Authorization, Termination.Sec. 2.115. Prohibitions.Sec. 2.117. Lobbying by Campaign Consultants.Sec. 2.120. Employment of City and County Officers or Employees; Appointment of Employee to City and County Office.Sec. 2.125. Notification of Beneficiaries of Gifts.Sec. 2.130. Employment of Unregistered Persons.Sec. 2.135. Filing Under Penalty of Perjury; Retention of Documents.Sec. 2.140. Powers and Duties of the Ethics Commission.Sec. 2.145. Administrative and Civil Enforcement and Penalties.Sec. 2.150. Limitation of Actions.Sec. 2.155. Severability.Sec. 2.160. Electronic Filing of Statements and Reports.**SEC. 2.100. FINDINGS.**

(a) The Board of Supervisors finds that public disclosure of the identity and extent of efforts of lobbyists to influence decision-making regarding local legislative and administrative matters is essential to protect public confidence in the responsiveness and representative nature of government officials and institutions. It is the purpose and intent of the Board of Supervisors to impose on lobbyists reasonable registration and disclosure requirements to reveal information about lobbyists' efforts to influence decision-making regarding local legislative administrative matters.

(b) Corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions. The City and County of San Francisco has a paramount interest in preventing corruption or the appearance of corruption which could result in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and former clients will protect public confidence in the electoral and governmental processes. It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 28-04, File No. 031656, App. 2/20/2004) (Derivation: Former Administrative Code Section 16.520; added by Ord. 19-99, App. 2/19/99)

**SEC. 2.105. DEFINITIONS.**

Whenever used in this Chapter, the following words and phrases shall have the definitions provided in this Section:

(a) "Activity expenses" means any expense incurred or payment made by a lobbyist or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City and County; candidate for City and County office; aide to a member of the Board of Supervisors; or member of the immediate family or the registered domestic partner of an officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is not an "activity expense" unless it is incurred or made within three months of



a contact with the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or whose immediate family member or registered domestic partner benefits from the expense or payment. "Activity expenses" include gifts, honoraria, consulting fees, salaries, and any other form of economic consideration totaling more than \$30 in value in a consecutive three-month period, but do not include political contributions.

(b) "Candidate" means a person who has taken affirmative action to seek nomination or election to local office, a local officeholder who has taken affirmative action to seek nomination or election to any elective office, or a local officeholder who is the subject of a recall election.

(c) "Client" means the person for whose benefit lobbyist services are performed by a contract lobbyist.

(d) "Contact" means communicate, orally or in writing, including communication through an agent, associate or employee, for the purpose of influencing or attempting to influence local legislative or administrative action.

(1) The following activities are not "contracts" within the meaning of this Chapter.

(A) A public official acting in the public official's official capacity. For purposes of this Subsection, "public official" includes an elected or appointed official or employee, or officially designated representative of the United States, the State of California, or any political subdivision thereof. For purposes of this Subsection, "public official" also includes persons appointed to serve on City and County advisory committees and City and County task forces;

(B) A representative of a news media organization gathering news and information or disseminating the same to the public, even if the organization, in the ordinary course of business, publishes news items, editorials or other commentary, or paid advertisements, that urge action upon local legislative or administrative matters;

(C) A person providing oral or written testimony that becomes part of the record of a public hearing; provided, however, that if the person making the appearance or providing testimony has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or testifying;

(D) A person acting on behalf of others in the performance of a duty or service, which duty or service lawfully can be performed for such other only by an attorney or an architect licensed to practice in the State of California, and including any communication by an attorney in connection with litigation involving the City and County or a claim filed pursuant to Administrative Code Section 10.20-1 et seq.;

(E) A person making a speech or producing any Chapter, publication or other material that is distributed and made available to the public, through radio, television, cable television, or other medium of mass communication;

(F) A person providing written information in response to an oral or written request made by an officer of the City and County, provided that the written information is a public record available for public review;

(G) A person providing oral or written information pursuant to a subpoena, or otherwise compelled by law or regulation;

(H) A person providing oral or written information in response to a request for proposals, request for qualifications, or other similar request, provided that the information is directed to the department or official specifically designated in the request to receive such information;

(I) A person submitting a written petition for local legislative or administrative action, provided that the petition is a public record available for public review;

(J) A person making an oral or written request for a meeting, for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence local legislative or administrative action;

(K) A person appearing before an officer of the City and County pursuant to any procedure established by law or regulation for levying an assessment against real property for the construction or maintenance of an improvement;

(L) An expert employed or retained by a lobbyist registered under this Chapter to provide information to an officer of the City and County;

(M) A person distributing to any officer of the City and County any regularly published newsletter or other periodical which is not primarily directed at influencing local legislative or administrative action;

(N) A person disseminating information or material to all or a significant segment of the person's employees or members;

(O) A person communicating in connection with the administration of an existing contract between the person and the City and County of San Francisco. For purposes of this Subsection, communication, "in connection with the administration of an existing contract" includes, but is not limited to, communication regarding: insurance and bonding; contract performance and/or default; requests for in-scope change orders; legislative mandates imposed on contractors by the City and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated damages and other penalties for breach of contract; audits; assignments; and subcontracting. Communication "in connection with the administration of an existing contract" does not include communication regarding new contracts, or out-of-scope change orders; and

(P) A person applying for, opposing or otherwise taking any position on a grading permit or a permit relating to the construction, alteration, demolition or moving of a building or to a person filing, opposing or otherwise taking a position on a parcel map or subdivision tract map; provided, however, that if a person qualifies as a lobbyist and that person takes or opposes an appeal or represents a person taking or opposing an appeal, pursuant to any procedure or authority provided by law from an administrative determination made with respect to such an application or map, that person shall be required to register as provided in Section 2.110 upon taking the appeal or filing opposition to it.

(e) "Economic consideration" means any payments, fees, reimbursement for expenses, gifts, or anything else of value.

(f) "Ethics Commission" means the San Francisco Ethics Commissioner or its designee.

(g) "Filer" means a person who qualifies as a lobbyist under Subsection (i) of this

## Section.

(h) "Gift" shall be defined as set forth in the Political Reform Act, Government Code Section 81000 et seq., and the regulations adopted thereunder.

(i) "Lobbyist" means the following:

(1) Contract Lobbyist.

(A) "Contract lobbyist" means any person who contracts for economic consideration to contact any officer of the City and County of San Francisco on behalf of any other person, and who:

(i) Receives or becomes entitled to receive at least \$3,200 in economic consideration within any three consecutive calendar months in exchange for lobbyist services; or

(ii) Has at least 25 separate contacts with officers of the City and County within any two consecutive calendar months.

(B) For purposes of calculating whether a person has reached the income threshold set forth in (1)(A)(i) of this Subsection, all economic consideration the person has received or become entitled to receive, during the three consecutive calendar months, from all clients in exchange for lobbyist services shall be combined.

(C) For purposes of calculating whether a person has reached the contacts threshold set forth in (1)(A)(ii) of this Subsection, all contacts with officers of the City and County that were made by the person during the two preceding calendar months on behalf of all clients shall be combined.

(2) Business and Organization Lobbyist.

(A) "Business and organization lobbyist" means any business or organization any of whose employees or members, as a regular part of their employment or duties, contact officers of the City and County of San Francisco on behalf of that business or organization, provided:

(i) The business or organization compensates its employees or members, at any amount, for their lobbyist services on its behalf; and

(ii) The compensated employees or members have a total of at least 25 separate contacts with officers of the City and County within any two consecutive calendar months. Contacts made by an employee or member who merely indicates his or her affiliation or identification with the business or organization, but who does not represent the official position of the business or organization shall not be included in this calculation.

(3) Expenditure Lobbyist.

(A) "Expenditure lobbyist" means any person who makes payments to influence local legislative or administrative action totaling \$3,200 or more in value within any three consecutive calendar months.

(B) The following shall not be included in calculating payments under (3)(A) of this Subsection: economic consideration paid to any person in exchange for lobbyist services; and dues payments, donations, and other economic consideration paid to any business and organization lobbyist or expenditure lobbyist, regardless of whether the economic consideration is

used in whole or in part to influence local legislative or administrative action.

(4) Exemptions. No person shall qualify as a "lobbyist" within the meaning of this Chapter by reason of activities described in Subsection (d)(1) of Section 2.105.

(j) "Lobbyist services" means services rendered for the purpose of influencing or attempting to influence local legislative or administrative action, including but not limited to contacts with officers of the City and County of San Francisco. "Lobbyist services" shall not include activities described in Subsection (d)(1) of Section 2.105, other than Subsection (d)(1)(C) of Section 2.105.

(k) "Local legislative or administrative action" includes, but is not limited to, the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City and County of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license or entitlement to use. "Local legislative or administrative action" does not include by any officer of the City and County which adjudicates the rights and/or duties of a single person or group of persons, other than a proceeding described in Subsection (d)(1)(K) of Section 2.105.

(l) "Measure" means a local referendum or local ballot measure, whether or not it qualifies for the ballot.

(m) "Officer of the City and County" means any officer identified in San Francisco Administrative Code Section 1.50, as well as any official body composed of such officers. In addition, for purposes of this Chapter, "officer of the City and County" includes members of the Board of Education, Community College Board, Housing Authority, Redevelopment Agency, and Transportation Authority, as well as any official body composed of such officers.

(n) "Payments to influence local legislative or administrative action" include actual or promised payments of anything of value, whether or not legally enforceable, made in consideration for influencing or attempting to influence local legislative or administrative action. Such payments include payments for contacts with officers of the City and County as well as other lobbyist services. Such payments shall not include the following:

(1) Payments for services that are solely secretarial, clerical, or manual, or are limited solely to the compilation of data and statistics;

(2) Payments for any regular, ongoing business overhead that would continue to be incurred in substantially similar amounts regardless of the filer's activities to influence local legislative or administrative action, other than payments to lobbyists, employees or members for lobbyist services;

(3) Payments for soliciting or urging the filer or the filer's employees or members to contact officers of the City and County;

(4) Payments for the settlement or resolution of litigation or claims filed pursuant to Administrative Code Section 10.20-1 et seq.; or

(5) Payments for activities described in Subsection (d)(1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

(o) "Person" means an individual, partnership, corporation, association, firm or other organization or entity, however organized.

(p) "Public hearing" means any open, noticed proceeding.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code

Section 16.521; added by Ord. 19-99, App. 2/19/99)

**SEC. 2.110. REGISTRATION OF LOBBYISTS REQUIRED; REGISTRATION, REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION; TERMINATION.**

(a) **REGISTRATION OF LOBBYISTS REQUIRED.** No person who qualifies as a contract or business or organization lobbyist shall contact any officer of the City and County, and no person who qualifies as an expenditure lobbyist shall make payments to influence local legislative or administrative action, without first registering with the Ethics Commission and complying with the disclosure requirements imposed by this Chapter.

(b) **REGISTRATION REPORTS.** At the time of initial registration each filer shall report to the Ethics Commission the following information:

- (1) The name, business address and business phone number of the filer;
- (2) If the filer is a contract lobbyist, the filer shall also report the following:
  - (A) If the filer is an entity, the name of each individual who is an owner, partner or officer of the filer as follows:
    - (i) If the filer is a sole proprietorship, list the name of the sole proprietor;
    - (ii) If the filer is a corporation, however organized, list the name of each officer;
    - (iii) If the filer is a partnership, however organized, and if the partnership has 10 or more partners, list the name of the partnership; or
    - (iv) If the filer is a partnership, however organized, and if the partnership has fewer than 10 partners, list the name of each partner.
  - (B) If the filer is an individual, the name of the filer's employer and a description of the employer's business activity;
  - (C) The name of each person employed or retained by the filer, at the time of filing or at any time during the two months immediately preceding filing, to contact officers of the City and County;
  - (D) The name, address, and telephone number of each current client and each client on whose behalf the filer provided lobbyist services during the preceding two months;
  - (E) The total economic consideration promised by or received from clients during the preceding two months in exchange for lobbyist services;
  - (F) The total number of contacts with officers of the City and County made during the preceding two months; and
  - (G) For each current client, and each client on whose behalf the filer provided lobbyist services during the preceding two months, describe the local legislative or administrative action the filer was retained to influence, and the outcome sought by the filer.
- (3) If the filer is a business or organization lobbyist, the filer shall also report the following:
  - (A) A description of the nature and purpose of the business or organization, including a statement indicating whether the filer is an industry, trade or professional association;

(B) The name of each employee or member of the business or organization authorized to contact officers of the City and County on behalf of the business or organization;

(C) The total amount of payments to influence local legislative or administrative action made by the filer during the preceding two months;

(D) The total number of contacts with officers of the City and County, made on behalf of the filer by the filer's employees or members during the preceding two months; and

(E) A description of each local legislative or administrative action the filer seeks to influence or sought to influence during the preceding two months; and the outcome sought by the filer.

(4) If the filer is an expenditure lobbyist, the filer shall also report the following:

(A) If the filer is an entity, a description of the nature and purpose of the entity, and the name of each individual who is an owner, partner or officer of the filer as follows:

(i) If the filer is a sole proprietorship, list the name of the sole proprietor;

(ii) If the filer is a corporation, however organized, list the name of each officer;

(iii) If the filer is a partnership, however organized, and if the partnership has 10 or more partners, list the name of the partnership; or

(iv) If the filer is a partnership, however organized, and if the partnership has fewer than 10 partners, list the name of each partner.

(B) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged;

(C) The total amount of payments to influence local legislative or administrative action made during the preceding two months; and

(D) A description of each local legislative or administrative action the filer seeks to influence or sought to influence during the preceding two months, and the outcome sought by the filer.

(5) All political contributions of \$100 or more made or delivered by the filer, or made by a client at the behest of the filer, during the preceding two months in support of or in opposition to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco. This report shall include all political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

(6) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

(7) No lobbyist shall be required to report activities described in Subsection (d)(1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

(c) **REREGISTRATION REPORTS.** Each lobbyist shall reregister annually no later than January 15. The reregistration report must include the date of the most recent lobbyist workshop (as described in Section 2.140(j) of this Chapter) attended by the lobbyist.

(d) **QUARTERLY REPORTS OF LOBBYIST ACTIVITY.** Each lobbyist shall file with the Ethics Commission quarterly reports containing the information specified in this Subsection. The quarterly report for the period starting January 1st and ending March 31st shall be filed no later than April 15th; the quarterly report for the period starting April 1st and ending June 30th shall be filed no later than July 15th; the quarterly report for the period starting July 1st and ending September 30th shall be filed no later than October 15th; and the quarterly report for the period starting October 1st and ending December 31st shall be filed no later than January 15th. Quarterly reports shall include the following information:

(1) All activity expenses incurred by the filer during the reporting period, including the following information:

(A) The date and amount of each activity expense;

(B) The full name and official position, if any, of the beneficiary of each activity expense, a description of the benefit, and the amount of the benefit;

(C) The full name of the payee of each activity expense if other than the beneficiary;

(D) Whenever a filer is required to report a salary of an individual pursuant to this Subsection, the filer need only disclose whether the total salary payments made to the individual during the reporting period was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

(2) All political contributions of \$100 or more made or delivered by the filer, or made by a client at the behest of the filer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco. This report shall include all political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

(3) If the filer is a contract lobbyist, the filer shall also report the following:

(A) The name of each person employed or retained by the filer during the reporting period to contract officers of the City and County;

(B) The name, address, and telephone number of each client on whose behalf the filer provided lobbyist service during the reporting period;

(C) The total economic consideration promised by or received from clients during the reporting period in exchange for lobbyist services;

(D) The name and title, if applicable, of each officer and department of the City and County contacted by the filer during the reporting period;

(E) For each client, describe the local legislative or administrative action the filer was retained to influence and the outcome sought by the filer; and

(F) For each client, describe the lobbyist services provided for which economic consideration was received from or promised by the client.

(4) If the filer is a business or organization lobbyist, the filer shall also report the following:

(A) The name of each employee or member of the business or organization authorized to contact officers of the City and County, during the reporting period, on behalf of the business or organization;

(B) The total amount of payments to influence local legislative or administrative

action made by the filer during the reporting period;

(C) The name and title, if applicable, of each officer and department of the City and County contacted by the filer's employees or members during the reporting period; and

(D) A description of each local legislative or administrative action the filer sought to influence during the reporting period, and the outcome sought by the filer.

(5) If the filer is an expenditure lobbyist, the filer shall also report the following:

(A) The total amount of payments to influence local legislative or administrative action made during the reporting period; and

(B) A description of each local legislative or administrative action the filer sought to influence during the reporting period, and the outcome sought by the filer.

(6) Each City and County contract awarded to the filer during the reporting period. For purposes of this Subsection, the term "contract" means a contract for: the rendition of personal services; the furnishing of any material, supplies or equipment to or from the City, whether by purchase or lease; the sale or lease of land or buildings to or by the City, or the financing of the same.

(7) Payments made by City and County officers to the filer during the reporting period, provided that the payment is made in exchange for "campaign consulting services," as defined in Section 1.505 of this Code, and provided that the filer contacted the officer within one year of the date of payment. The required disclosure of payments under this Subsection shall not apply to information that is privileged under State law.

(8) The name of each officer of the City and County who is employed or retained by the filer, or by a client of the filer at the behest of the filer, at any time during the reporting period.

(9) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

(10) No lobbyist shall be required to report activities described in Subsection (d)(1) of Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.

(e) FEES.

(1) At the time of registration or reregistration; each lobbyist shall pay a fee of \$500. The Ethics Commission shall prorate the fee by calendar quarter.

(2) In addition, at the time of registration and reregistration, contract lobbyists shall pay a fee of \$75 for each current client. When a contract lobbyist is retained by a client subsequent to registration, payment of the \$75 fee shall accompany the filing of the information required in Subsection (f) of this Section. The Ethics Commission shall prorate these fees by calendar quarter.

(3) The Ethics Commission shall waive all registration and client fees for any organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

(4) The Ethics Commission shall deposit all fees collected pursuant to this Section in the General Fund of the City and County of San Francisco.

(f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, each contract lobbyist shall submit to the Ethics Commission a written authorization from each client. The client authorization statement shall be signed by both the contract lobbyist and the client.

If the lobbyist is retained by a client after the date of initial registration, the lobbyist shall file a client authorization statement before providing any lobbyist services to the client, and before receiving



any economic consideration from the client in exchange for such lobbyist services, and in any event no later than 15 days after being retained by the client. The lobbyist is not required to amend previously filed registration, reregistration or quarterly reports to include a client who retains the services of the lobbyist after the time the report was filed.

If the lobbyist is retained by a client after the date of initial registration, the lobbyist may submit a copy of the client authorization statement by facsimile machine. The client authorization statement shall be deemed to be timely filed only if the facsimile copy is received no later than the filing deadline, and within 15 days of the filing deadline the original document is received by the Ethics Commission, and the original document is identical in all respects to the facsimile copy.

The lobbyist is not required to resubmit client authorization statements at the time of reregistration.

(g) **CLIENT TERMINATION STATEMENTS.** Within 15 days after a client terminates the services of a contract lobbyist, the lobbyist shall submit to the Ethics Commission a statement that the client has terminated the services of the lobbyist. The client termination statement shall be signed by the contract lobbyist. A contract lobbyist may not provide lobbyist services to a client after a client termination statement is filed, until a new client authorization statement has been filed pursuant to Subsection (f) of this Section.

(h) **LOBBYIST TERMINATION STATEMENTS.** Once a person qualifies as a "lobbyist" under this Chapter, the person shall be subject to all registration, reporting and other requirements and prohibitions imposed by this Chapter until the person ceases all lobbyist activity and files a lobbyist termination statement with the Ethics Commission pursuant to this Subsection, regardless of whether the person continues to meet the activity thresholds established in Section 2.105(i). A lobbyist termination statement shall include all information required by Subsection (d) of this Section for the period starting with the first day of the calendar quarter and ending with the date of termination. A lobbyist termination statement shall be filed no later than 30 days after the date the lobbyist ceased all lobbyist activity.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003) (Derivation: Former Administrative Code Section 16.522; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 390-97, App. 10/17/97; Ord. 19-99, App. 2/19/99; Ord. 129-03, File No. 030250, App. 5/30/2003)

## **SEC. 2.115. PROHIBITIONS.**

(a) **GIFT LIMIT.** No lobbyist shall make gifts to an officer of the City and County aggregating more than \$50 within three months of contacting the officer. No lobbyist shall act as an agent or intermediary in the making of any gift to an officer of the City and County, or arrange for the making of any gift to an officer of the City and County by a third party, within three months of contacting the officer.

(b) **FUTURE EMPLOYMENT.** No lobbyist shall cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

(c) **FICTITIOUS PERSONS.** No lobbyist shall contact any officer of the City and County in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(d) **EVASION OF OBLIGATIONS.** No lobbyist shall attempt to evade the obligations imposed by this Chapter through indirect efforts or through the use of agents, associates or employees.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.523; added by Ord. 19-99, App. 2/19/99)

**SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.**

(a) PROHIBITION. No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

(b) EXCEPTIONS.

(1) This prohibition shall not apply to:

(A) an employee of a campaign consultant whose sole duties are clerical; or

(B) an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the City and County with whom the employee seeks to communicate in order to influence local legislative or administrative action.

(2) The exceptions in Subsection (b)(1) shall not apply to any person who communicates with an officer of the City and County in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (a) from making the communication.

(c) DEFINITIONS. Whenever the following words or phrases are used in this Section, they shall mean:

(1) "Campaign Consultant" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code.

(2) "Campaign consultant services" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code.

(3) "Current client" shall mean a person for whom the campaign consultant has filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d) of this Code and not filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code. If such person is a committee as defined by Section 82013 of the California Government Code, the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.

(4) "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.

(5) "Former client" shall mean a person for whom the campaign consultant has filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code within the 48 months prior to communicating with the person.

(Added by Ord. 28-04, File No. 031656, App. 2/20/2004)

**SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;  
APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.**

(a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and such client

does employ, any officer of the City and County, any immediate family member or registered domestic partner of an officer of the City and County, or any person known by such lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the lobbyist shall file within 10 days after such employment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(b) **APPOINTMENT OF EMPLOYEE TO CITY OFFICE.** If an employee of a lobbyist is appointed to City or County office, the lobbyist shall file within 10 days after such appointment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(c) **REPORT OF SALARY.** Whenever a filer is required to report the salary of an employee who is also an officer or employee of the City and County pursuant to this Section, the filer need only disclose whether the total salary payments made to the employee are less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.524; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

## **SEC. 2.125. NOTIFICATION OF BENEFICIARIES OF GIFTS.**

Each lobbyist shall provide each officer of the City and County who is the beneficiary of a gift made by the lobbyist a written statement including the date, value and description of the gift. The lobbyist shall provide this information to the officer within 30 days following the end of the reporting period in which the gift was made. A lobbyist may satisfy this notification requirement by providing a copy of the lobbyist's quarterly report of lobbyist activity to the officer.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.525; added by Ord. 19-99, App. 2/19/99)

## **SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.**

It shall be unlawful knowingly to pay any contract lobbyist to contact any officer of the City and County of San Francisco, if said contract lobbyist is required to register under this Chapter and has not done so.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.526; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

## **SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS.**

All information required under this Chapter shall be filed with the Ethics Commission, on forms provided by the Commission. The filer shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this Chapter. The filer shall retain for a period of five years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.527; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

**SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.**

- (a) The Ethics Commission shall provide forms for the reporting of all information required by this Chapter.
- (b) The Ethics Commission shall issue a registration number to each registered lobbyist.
- (c) At the time of initial registration and reregistration, the Ethics Commission shall provide the lobbyist with a copy of the City's lobbyist law, and any related material which the Commission determines will serve the purposes of this Chapter. Each lobbyist shall sign a statement acknowledging receipt of these materials.
- (d) The Ethics Commission shall issue a "Notice of Registration Required" upon the written request of any officer of the City and County. Any person who in good faith and on reasonable grounds believes that compliance with this Chapter is not required by reason of being exempt under Section 2.105(i) shall not be deemed to have violated this Chapter if, within 15 days after notice from the Ethics Commission, that person either complies or furnishes satisfactory evidence to the Ethics Commission evidencing that said person is exempt from registration.
- (e) The Ethics Commission shall compile the information provided in registration and quarterly reports filed pursuant to this Chapter as soon as practicable after the close of each quarter and shall forward a report of the compiled information to the Board of Supervisors and the Mayor.
- (f) In July of each year, the Ethics Commission shall file a report with the Board of Supervisors on the implementation of this Chapter.
- (g) The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection.
- (h) The Ethics Commission shall provide formal and informal advice regarding the duties under this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12.
- (i) The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Chapter pursuant to Charter Section C3.699-9.
- (j) The Ethics Commission shall conduct quarterly workshops concerning the laws relating to lobbying.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.528; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

**SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

- (a) If any lobbyist files an original statement or report after any deadline imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the lobbyist \$50 per day after the deadline until the statement or report is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.
- (b) Any person who believes that the provisions of this Chapter have been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative,

the Commission may investigate alleged violations of this Chapter and may enforce the provisions of this Chapter pursuant to Charter Section C3.699-13 and to the Commissioner's rules and regulations adopted pursuant to Charter Section C3.699-9.

(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a civil action brought by the City Attorney for an amount up to \$1,000 per violation, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.

(d) In investigating any alleged violation of this Chapter the Ethics Commission and City Attorney shall have the power to inspect, upon reasonable notice, all documents required to be maintained under this Chapter. This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance, including the power of subpoena.

(e) Should two or more persons be responsible for any violation under this Chapter, they shall be jointly and severally liable.

(f) The City Attorney may also bring an action to revoke for up to one year the registration of any lobbyist who has knowingly violated this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003) (Derivation: Former Administrative Code Section 16.529; added by Ord. 40-88, App. 2/18/88; amended by Ord. 399-94, App. 11/23/94; Ord. 386-95, App. 12/14/95; Ord. 390-97, App. 10/17/97; Ord. 19-99, App. 2/19/99; Ord. 129-03, File No. 030250, App. 5/30/2003)

## **SEC. 2.150. LIMITATION OF ACTIONS.**

No administrative or civil action shall be maintained to enforce this Chapter unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the Ethics Commission or City Attorney, whichever is later.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.530; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

## **SEC. 2.155. SEVERABILITY.**

If any Section, Subsection, subdivision, sentence, clause, phrase or portion of this Chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or its application to other persons. The Board of Supervisors hereby declares that it would have adopted this Chapter, and each Section, Subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, to be declared invalid or unconstitutional.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.531; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

## **SEC. 2.160. ELECTRONIC FILING OF STATEMENTS AND REPORTS.**

(a) **ELECTRONIC FILLING REQUIRED.** Whenever lobbyists are required by this Chapter to file an original statement or report, the Ethics Commission may require the lobbyists to file an electronic copy of the statement or report. The electronic copy shall be due no later than the deadline imposed by this Chapter for filing the original statement or report.

(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.

(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall adopt regulations specifying the electronic filing requirements applicable to campaign lobbyists. The Ethics Commission shall adopt these regulations no fewer than 120 days before the electronic filing requirements are effective.

(ii) The Ethics Commission shall prescribe the format for electronic copies of statements and reports no fewer than 90 days before the statements and reports are due to be filed.

(c) PENALTIES. If any lobbyist files an electronic copy of a statement or report after the deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the lobbyist \$10 per day after the deadline until the electronic copy is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

(Added by Ord. 222-00, File No. 000741, App. 9/29/2000)

## **CITY OF SAN JOSE**

## **Chapter 12.12**

# **SAN JOSÉ MUNICIPAL LOBBYING**

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### **Parts:**

- 1 Title and Purpose**
- 2 Definitions**
- 3 Exceptions**
- 4 Requirements**
- 5 Enforcement and Prohibitions**



## **PART 1 TITLE AND PURPOSE**

### **Sections:**

#### **12.12.010 Title and purpose.**

##### **12.12.010 Title and purpose.**

- A. This chapter shall be known as the San José Municipal Lobbying Ordinance.
- B. Purpose and goals: This chapter is intended to achieve the following purposes and goals:
  - 1. To guarantee to the residents of the city that the city of San José (city) continues the highest ethical work environment for the residents of the city and the city's elected officials and employees.
  - 2. In the spirit of open and transparent government, to allow the public to know and better understand the relationship between its elected officials and lobbyist's clients.
  - 3. To enhance public confidence and trust with respect to lobbyist activities and city practices.
  - 4. To ensure that the requirements of this chapter and their implementation are responsive to the goal of making it easy to do business with the city.
  - 5. To bring about clarity and certainty about applicable provisions among stakeholders.
  - 6. To establish a policy that sets clear standards of conduct.
  - 7. To maintain the citizen's constitutional right to petition government for redress of grievances and not to limit the public's access to their elected officials.

(Ord. 27221.)

## **PART 2 DEFINITIONS**

### **Sections:**

**12.12.100 Definitions.**

**12.12.110 Activity expense.**

**12.12.120 At the behest.**

**12.12.130 City official.**

**12.12.140 City official-elect.**

**12.12.150 Client.**

**12.12.160 Contact.**

**12.12.170 Compensated or compensation.**

**12.12.180 Lobbying.**

**12.12.190 Lobbyist.**

**12.12.210 Person.**

### **12.12.100 Definitions.**

For purposes of this chapter, the following definitions shall be applicable. Other terms used in this chapter shall have the meanings set forth in the California Political Reform Act of 1974, as amended. (Ord. 27221.)

### **12.12.110 Activity expense.**

“Activity expense” means any payment made by a lobbyist to or directly benefitting any city official, city official-elect or member of such official's or official-elect's immediate family and domestic partners. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

(Ord. 27221.)

**12.12.120 At the behest.**

“At the behest” means at the specific direction of, or at the personal request or suggestion of, or with the express prior consent of, any elective city official, city official-elect or candidate for elective city office.

(Ord. 27221.)

**12.12.130 City official.**

“City official” includes the mayor and members of the city council, any appointee of the city council, mayoral or council staff member, redevelopment agency board member, members of the planning commission, appeals hearing board, civil service commission, any city representative to any joint powers authority to which the city is a party, the city manager and his or her assistant city manager and deputy city managers and the executive director of the agency and his or her assistant and deputies and city and agency department heads.

(Ord. 27221.)

**12.12.140 City official-elect.**

“City official-elect” means a person who has been elected to a city office but has not yet been sworn in to office.

(Ord. 27221.)

**12.12.150 Client.**

“Client” means a person who compensates a lobbyist for representation.

(Ord. 27221.)

**12.12.160 Contact.**

“Contact” means any direct communication, whether orally, electronically or in writing, including, without limitation, communication through an agent, associate or employee, for the purpose of influencing or attempting to influence legislative or administrative action.

(Ord. 27221.)

**12.12.170 Compensated or compensation.**

“Compensated or compensation” means any economic consideration for services rendered or to be

rendered in the future, including, without limitation, promises to perform or provide services, contractual arrangements, contingency fees, success fees, bonuses or awards.

(Ord. 27221.)

### **12.12.180 Lobbying.**

“Lobbying” means influencing or attempting to influence a city official or city official-elect with regard to a legislative or administrative action of the city or redevelopment agency.

- A. “Influencing” means the purposeful communication, either directly or through agents, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions of a city official or city official-elect, by any means, including, but not limited to providing or using persuasion, information, incentives, statistics, studies or analyses.
- B. “Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the mayor, city council, redevelopment agency of the city, or city board or commission, or task force or any joint powers authority of which the city is a party.
- C. “Administrative action” means the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment or approval of any rule, regulation, agreement or contract, permit, license or hiring action.

(Ord. 27221.)

### **12.12.190 Lobbyist.**

“Lobbyist”, unless exempt under Section 12.12.300 means:

- A. “Lobbyist (contract).” An individual who engages in lobbying on behalf of one or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars or more (“threshold compensation”) for any services which includes engaging in lobbying during any consecutive three-month period.
- B. “In-house lobbyist”:
  - 1. An individual who is an officer or employee of an organization or association which has a membership and for which the officer or employee is compensated for purposes of advancing the goals or mission of the umbrella organization or association, such as a trade association, and who engages in lobbying on its behalf in an aggregate amount of twenty hours or more within any three-month period; or
  - 2. An individual who is an owner of a business or employed by a business or organization and who is compensated more than one thousand dollars in a month beyond reimbursement for their reasonable travel, meals or incidental expenses for engaging specifically in lobbying, and

whose duties as an employee include lobbying on behalf of his or her employer, and who engages in lobbying on its behalf in an aggregate amount of twenty hours or more within any three-month period.

C. "Expenditure lobbyist." A person who makes payments or incurs expenditures of five thousand dollars or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any city official in order to attempt to influence a legislative or administrative action. The five- thousand-dollar threshold shall not include:

1. Compensation paid to contract lobbyists or employees for lobbying; or
2. Dues payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.

(Ord. 27221.)

#### **12.12.210 Person.**

"Person" means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

(Ord. 27221.)

## **PART 3 EXCEPTIONS**

### **Sections:**

#### **12.12.300 Exceptions.**

#### **12.12.300 Exceptions.**

The following persons are exempt from the requirements of this chapter:

- A. A public official acting in his or her official capacity.
- B. A person engaged solely in publication or broadcasting of news items, editorials, or commentary which directly or indirectly urges governmental action.
- C. A person hired by the city or agency for work performed on behalf of the city or agency, or a person who prepares documents for approval by the city under the California Environmental Quality Act of 1970, as amended, and Title 21 of the San José Municipal Code, or a person who has been specifically invited by the city council or redevelopment agency or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the city or the redevelopment agency charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony in aid of the body or person extending the invitation or invited to attend a meeting, such as a city or agency task force or department committee meeting, to provide information or assistance requested by city or agency staff.
- D. A person who, without additional compensation and not as part of, or in the ordinary course of his or her regular employment, appears to present the position of an employer or organization, such as a taxpayers' association or trade association, when that employer, association or organization has one or more of its officers, employees or representatives already registered as a lobbyist under the provisions of this chapter.
- E. A person whose attempts to influence governmental action are limited to:
  - 1. Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public;
  - 2. Preparing, processing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public.
- F. Any person whose sole activity includes one or more of the following:

1. To submit a bid on a competitively bid contract;
  2. To submit a written response to a request for proposals or qualifications;
  3. To participate in an oral interview for a request for proposals or qualifications; or
  4. To negotiate the terms of a contract or agreement with the city, once the city has authorized either by action of the city council, city manager, or voters, entering an agreement with that person, whether that person has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.
- G. A person who meets with city officials solely to lodge “whistleblower” complaints relating to improper governmental activity such as gross mismanagement, waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- H. A person who meets with the city attorney or city clerk regarding any claim or litigation matter, negotiation of any agreements where the city is a party or the requirements or interpretation of this chapter.
- I. Uncompensated members or uncompensated members of the board of directors of nonprofit organizations.
- J. Members of neighborhood associations, neighborhood advisory committees or project area committees.
- K. Persons whose communications are solely related to:
1. The establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or a memorandum of agreement between the city and a recognized employee organization.
  2. Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of agreement between the city and a recognized employee organization.
  3. Proceedings before the city of San José civil service commission.
- L. A person whose communications with city officials are solely in connection with the administration of an existing contract or agreement between the person and the city or redevelopment agency.

(Ords. 24499, 27221.)

## **PART 4 REQUIREMENTS**

### **Sections:**

**12.12.400 Registration with city clerk.**

**12.12.410 Required registration information.**

**12.12.420 Additional required information and disclosures.**

**12.12.430 Quarterly reports.**

**12.12.440 Registration fees.**

### **12.12.400 Registration with city clerk.**

- A. A lobbyist is required to register with the city clerk no later than ten days after qualifying as a lobbyist as defined in this chapter.
- B. A lobbyist shall renew his or her registration by January 15 of each year unless status as a lobbyist has terminated.
- C. After initial registration, annual registration renewal shall not be required if a declaration attesting to the termination of lobbying services within the city has been filed with the city clerk no later than January 15.

(Ords. 24499, 27221.)

### **12.12.410 Required registration information.**

- A. The initial registration report for lobbyists shall contain the name, business address, telephone and fax numbers of all persons required to register under this chapter, including the names of all owners of sole proprietorships and partnerships of fewer than five persons.
- B. If the registrant is a corporation, it shall also include the names of the officers and agent for service of process, if any.
- C. Any business or organization registering under this chapter shall also describe the nature of its business or organization in sufficient detail to inform the reader of the nature and purpose of the business.



D. The registration report shall contain the following:

1. The name, business address, telephone number of each client, the nature of each client's business and a brief description of the item(s) of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.
2. Lobbyist information shall also include the names of all owners, officers and employees conducting lobbying activities and a brief description of the item(s) of legislative or administrative action the lobbyist is seeking to influence.
3. Expenditure lobbyist information shall also include a brief description of the legislative or administrative action the lobbyist is seeking to influence.
4. Lobbyists who are individuals, including in-house lobbyists, shall also describe the nature of the business, organization or association which employs or compensates the lobbyist and include a brief description of the legislative or administrative action the lobbyist is seeking to influence.

(Ord. 27221.)

#### **12.12.420 Additional required information and disclosures.**

The initial lobbyist registration shall also contain the following information:

- A. Campaign and officeholder contributions to an elected city official or candidate for city office made during the preceding calendar quarter.
- B. Campaign and officeholder contributions made at the behest of an elected city official or candidate to any other elected public official or candidate for public office during the preceding calendar quarter.
- C. All independent expenditures made for or on behalf of a city official or candidate for city office made during the preceding calendar quarter.
- D. Fund-raising activity for any city official, candidate for elective city office or any controlled committee of the elected city official or candidate for city office or for any political action committee, political party or candidate for elective office of a governmental organization made at the behest of a city official during the preceding calendar quarter.
- E. Donations to for-profit or nonprofit organizations made at the behest of a city official or candidate for elective city office of any contribution or payment of more than one thousand dollars in the aggregate, made during the preceding calendar quarter.
- F. Payments received for services as a consultant or in any other capacity for services rendered to any city department or redevelopment agency, city official, or any city official-elect, their controlled committees or officeholder committees.

- G. Contacts made with city officials or city officials-elect during the preceding calendar quarter for the purpose of influencing or attempting to influence legislative or administrative action. Contact information shall include a brief description of the item(s) of legislative or administrative action the lobbyist is seeking to influence and the number of contacts in the following ranges: (1), (2-5), (6-10) or (11 or more).
- H. Activity expenses such as payments that directly benefits any city official, city official-elect or member of his or her immediate family or domestic partner made during the preceding calendar quarter.

(Ord. 27221.)

#### **12.12.430 Quarterly reports.**

- A. For each calendar quarter following the quarter in which the lobbyist was required to register, the lobbyist must file a quarterly report with the city clerk not later than fifteen calendar days after the end of the qualifying quarter on March 31, June 30, September 30 and December 31, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the city clerk.
- B. Each quarterly report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that quarter. If a lobbyist has terminated all lobbying activities during such quarter, the lobbyist may file a declaration of termination with the quarterly report. The final quarterly report shall include disclosure of any lobbying activities during the quarter of termination.
- C. Each quarterly report for lobbyists (contract) shall indicate the total economic compensation promised or received from each client listed during the reporting period for lobbyist services in accordance with the following ranges: (\$500 - \$1,000), (\$1,001 - \$10,000), (\$10,001 - \$100,000), and (over \$100,000).
- D. Quarterly reports shall be filed by April 15, July 15, October 15 and January 15 for the prior calendar quarter, and are delinquent thereafter.
- E. Records pertaining to the registration and quarterly reports shall be preserved by the lobbyist for inspection and audit by the city for a period of five years from the date of production.

(Ord. 27221.)

#### **12.12.440 Registration fees.**

Persons subject to the registration requirements of this chapter shall pay an annual fee as set forth in the schedule of fees, established by resolution of the city council. Individuals within the same business entity who qualify as lobbyists under the provisions of Section 12.12.190 are each subject to this fee. Persons, or individuals within the same business entity, registering for the first time on or after June 30 of a given year, shall pay a reduced registration as set forth in the schedule of fees.

- A. The applicable registration fee is due at the time of registration or registration renewal. Payment will

be deemed delinquent thereafter. Delinquency fees as set forth in the schedule of fees may be assessed as specified in Subsection C. below, if payment occurs after the due date.

- B. In addition to the annual fee, each registrant shall pay a fee per client for whom lobbying is undertaken for compensation in excess of five hundred dollars as set forth in the schedule of fees. The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients will be due and submitted at the time of submission of the relevant quarterly report as required in this chapter. Lobbyists for umbrella organizations or associations such as a trade association will not be assessed a client fee based solely on compensation derived from fees paid by members based on their membership with such organization or association.
- C. A fine as set forth in the schedule of fees for delinquent fees, up to a maximum of one hundred percent of the unpaid fees, will be assessed until the registration fees and the fines are paid in full.
- D. A fine for delinquent quarterly reports, as set forth in the schedule of fees, will be assessed until the quarterly reports are filed with the city clerk.

(Ord. 27221.)

## **PART 5 ENFORCEMENT AND PROHIBITIONS**

### **Sections:**

**12.12.500 Noncompliance - order to show cause.**

**12.12.510 Prohibitions.**

**12.12.520 Lobbyist recommendation prohibition.**

**12.12.530 Compliance and training.**

**12.12.540 Enforcement.**

**12.12.550 Penalties.**

### **12.12.500 Noncompliance - order to show cause.**

- A. Upon the written request of any city official, the city clerk shall issue an order to show cause to any unregistered person.
- B. Such order shall specify a time and place where such person shall appear to provide evidence satisfactory to the elections commission that he or she has complied with the registration requirement or is exempt from registration.
- C. If the elections commission determines that such person is subject to registration and he or she fails to register within seven days of that determination, such person shall be barred from appearing before city council or the redevelopment agency board, except at a public hearing on his or her own behalf or on oral petition. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later.

(Ords. 24499, 27221.)

### **12.12.510 Prohibitions.**

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

- A. Engage in any activity on behalf of a client as a lobbyist or accept compensation as a lobbyist unless such lobbyist is registered and has filed the information required by this chapter.
- B. Doing any act with the express purpose and intent of placing any city official or immediate family

member of a city official under personal or financial obligation, such as a loan or similar obligation, to such lobbyist.

- C. Intentionally deceive or attempt to deceive a city official as to any material fact which is pertinent to any pending or proposed legislative or administrative action.
- D. Contact any public official in the name of any non-existent person or in the name of any existing person, except with the consent of such existing person.
- E. Represent, either directly or indirectly, orally or in writing that the lobbyist can control or obtain the vote or action of any city official.
- F. Perform services for a client on a matter, including any legislative action or administrative action for a period of one year after which the lobbyist had performed services on such matter as a consultant for the city of San José or redevelopment agency.
- G. Contact members of an evaluation team or panel for a city or redevelopment agency request for proposal or request for qualifications concerning a city or redevelopment agency request for proposal or request for qualifications, other than a city or agency designated contact person, during the period of time from the release to prospective proposers of the request for proposal or request for qualification until a recommendation is made public by the city or agency.

(Ord. 27221.)

#### **12.12.520 Lobbyist recommendation prohibition.**

City officials are prohibited from suggesting, advising or recommending that a person obtain the services of a lobbyist or recommend the name of a particular lobbyist to facilitate favorable legislative or administrative action by the city or redevelopment agency with regard to such person's matter pending before the city or redevelopment agency.

(Ord. 27221.)

#### **12.12.530 Compliance and training.**

- A. The city clerk shall oversee compliance with this chapter, including the creation of all forms and explanatory materials.
- B. A training workshop shall be established for elected city officers and lobbyists on city ethics ordinances and a code of ethics for lobbyists. The city clerk shall establish a program of required attendance on a regular basis not less than once every three years. Training workshops shall be provided to newly elected city officials.

(Ord. 27221.)

#### **12.12.540 Enforcement.**

- A. The city attorney may investigate complaints of violations of this chapter. The city attorney may seek judicial or injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this chapter.
- B. Any person may file a complaint with the city clerk alleging a violation of this chapter with the elections commission.
- C. The city attorney or the city clerk may put lobbyists on notice of a potential violation of the requirements of this chapter, whether or not a complaint is filed with the elections commission.

(Ord. 27221.)

#### **12.12.550 Penalties.**

In addition to the fines which may be assessed pursuant to Section 12.12.440, violations of this chapter may result in civil penalties of up to five thousand dollars for each violation, or the amount of the compensation received for the lobbying activity, whichever is greater, may be assessed by the elections commission or a court of law.

(Ord. 27221.)