



2.5

DEPARTMENT OF
FINANCE

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 100
915 I STREET
SACRAMENTO, CA
95814-2684

BUDGET AND POLICY REVIEW

PH: 916-264-5845
FAX: 916-264-5755
TDD (ONLY) 916-264-7227

February 8, 2002

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: STAFF REPORT ON LOBBYIST REGISTRATION.

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report is for Law and Legislation Committee discussion and further direction to staff from the Committee.

CONTACT: Aaron B. Chong, Senior Management Analyst, 264-6762

FOR THE COMMITTEE MEETING OF: February 19, 2002

BACKGROUND:

On June 19, 2001, staff provided the committee with an update on the issue of public financing and lobbyist registration. At that meeting, staff informed the committee that staff met with interested parties impacted by these two proposed ordinances.

Councilmember Waters directed staff to set up an additional meeting for interested parties who did not attend the previous meeting on Lobbyist Registration on June 15, 2001.

An additional meeting was held on August 1 to discuss the working draft of the proposed Lobbyist Registration and Regulation Ordinance. At the August 1, 2001 meeting, twelve people attended this meeting representing law firms, labor organizations, trade associations, Common Cause and the League of Women Voters.

At the September 4, 2001 Law and Legislation Committee meeting, the committee reviewed the proposed ordinance and directed staff to redraft the ordinance to specifically address the issue of lobbyist registration.

Attached are two versions of the lobbyist registration ordinances that have been amended to reflect the direction provided by the Law and Legislation Committee and the chair. One version provides the Committee with the additions and deletions identified (**Attachment I**). The second version is the “clean” copy (**Attachment II**).

DISCUSSION:

There are several major changes to the last draft of the lobbyist registration ordinance:

On page 5 of Attachment I, under section 2.15.050-B, the definition of “business or organization lobbyist” has been revised to be limited to those businesses or organizations engaged in lobbying in an amount of 100 hours or more in any three month period, compared with the 30 hours under the original proposal.

On page 6 of Attachment I, under section 2.15.050-D-7, an exemption to the definition of lobbyist has been added that would exempt persons communicating with City officials regarding collective bargaining agreements and MOU’s and proceedings before the Civil Service Board.

The requirements for disclosure of the dollar amounts (or range of dollar amounts) of compensation received by the lobbyist, and the identity of the City officials contacted directly or indirectly by the lobbyist, have been deleted per the direction of the Committee.

The information to be disclosed under this current draft generally includes persons providing lobbyist services, the client on whose behalf lobbyist services are provided and the matter the lobbyists is seeking to influence. This information is detailed under Article IV section 2.15.120 on page 8.

On page 11, under section 2.15.160, language was revised to require lobbyists to identify themselves and their clients and or organization they are representing at a public meeting of the City Council or other board or commission.

On page 12, under section 2.15.170-deleted H, the separate restriction on gifts to a City official, official-elect, City employee or immediate family members or domestic partner has been eliminated. This restriction would have resulted in a prohibition on making gifts of \$50 or more to most of the specified individuals within 3 months of lobbying activities. The Political Reform Act generally prohibits persons from giving gifts in excess of a specified amount per calendar year (currently \$320) to elected officials (and their spouses and dependent children) and many City officials and employees (and their spouses and dependent children).

The prohibition on “caus[ing] or influenc[ing] the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat” has been eliminated. This revision is located on page 12 under “Prohibitions”.

FINANCIAL CONSIDERATIONS:

Depending on the Committee's direction, staff will report back on the cost to implement the recommendations.

ENVIRONMENTAL CONSIDERATIONS:

There are no environmental considerations associated with this report.

POLICY CONSIDERATIONS:

The Committee must consider whether and to what extent lobbyist registration legislation should be enacted in the City of Sacramento.

ESBD CONSIDERATIONS:

There are no ESBD considerations. No goods or services are being purchased at this time.

Respectfully submitted:



Aaron B. Chong
Senior Management Analyst

RECOMMENDATION APPROVED:



BETTY MASUOKA
Assistant City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING TITLE 2 OF THE
SACRAMENTO CITY CODE BY ADDING CHAPTER 2.15
THERETO, RELATING TO LOBBYIST REGISTRATION AND
REPORTING**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Title 2 of Sacramento City Code is amended by adding Chapter 2.15 thereto, to read as follows:

**Chapter 2.15: The City of Sacramento
Lobbyist Registration and Reporting Code**

Article I. Findings and Purpose

2.15.010 Title.

This Chapter shall be known as the City of Sacramento Lobbyist Registration and Reporting Code, hereafter "the Lobbyist Code."

2.15.020 Findings and Declarations.

The City Council of the City of Sacramento finds and declares as follows:

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

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them to advance their interests; and

Full disclosure of lobbying activities of such persons, their inducements, and the identity of their employers, will contribute to public confidence in the integrity of local government; and

Full disclosure is also necessary to ensure that City Officials are kept informed about the identity of persons whose interests the lobbyists represent and to ensure that City officials are not improperly influenced by such lobbyists.

2.15.030 Purpose of this Lobbyist Code.

The purpose of this Lobbyist Code 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.

Article II. Definitions and Interpretation of this Lobbyist Code

2.15.040 Interpretation of this Lobbyist Code.

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 Lobbyist Code. Any term herein expressed in the plural may also apply to the singular.

2.15.050 Definitions.

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

"Activity expense" means any payment made by a lobbyist to or directly benefitting 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

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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 agency City to enter into, modify, or renew a contract provided it is the type of contract which requires agency City approval;
 - 5. Grant agency City approval to a contract which requires agency City approval and in which the agency City is a party or to the specifications for such a contract;
 - 6. Grant agency City approval to a plan, design, report, study, or similar item;
 - 7. Adopt, or grant agency City approval of, policies, standards, or guidelines for the agency City, or for any subdivision thereof, ~~or~~.

- B. Serves in a staff capacity with the agency City and in the capacity performs the same or substantially all the same duties for the agency City that would otherwise be performed by an individual holding a position specified in the agency's City's Conflict of Interest Code.

"Client" means a person who is represented by a lobbyist ~~another person~~ engaging in lobbying for compensation, as defined herein, on behalf of such person.

"Compensation" includes, but is not limited to, money of any denomination or ~~of any origin~~; goods or services or anything of value, delivered or

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rendered; ~~as well as~~ 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 (~~Government Code Section §81000, et seq.~~).

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

- A. "Influencing" means the purposeful direct or indirect communication, as herein defined, 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, administrative instruction, agreement or contract, permit, license or hiring action.

"Lobbyist", unless exempt under subsection 4 hereunder, means:

- A. Contract lobbyist: A person who ~~(a)~~ engages in lobbying on behalf of one or more clients (acting individually or through agents, associates, employees or contractors) and ~~(b)~~ who has received or has entered into an agreement for compensation of \$3,200 or more ("threshold compensation") for engaging in lobbying during any consecutive three-month period.
- B. Business or organization lobbyist: Any business or organization, whose

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owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of ~~thirty (30)~~ one hundred (100) hours or more within any three consecutive-month period, whether or not such officers or employees are specifically compensated to engage in lobbying; or

- C. Expenditure lobbyist: ~~These~~ A persons that who makes payments or incurs expenditures of \$5,000 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 \$5,000 threshold shall not include: (a) compensation paid to contract lobbyists or employees for lobbying; or (b) 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/her~~ 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; ~~the~~ "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;
 4. Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meetings 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

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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 (a) pursuant to a subpoena or otherwise compelled by law or regulation, or (b) in response to an official request provided that the request and response thereto are public records available for public review; and
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.

Article III. Registration of Lobbyists

2.15.060 ~~Initial~~ Registration.

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~~Upon either initial registration, or re-registration after termination pursuant to section 2.15.080 below, lobbyists Lobbyists shall are required to file their registration register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.15.050.~~

2.15.070 Annual Registration Renewal.

~~After the initial registration, annual renewal of registration, no later than January 15th, will be required of all registrants who have not formally 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 below, by such date.~~

2.15.080 Termination of Lobbyist Status.

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.

2.15.090 Active Status.

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.

2.15.100 Registration Fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee of \$100. Persons registering for the first time, ~~who are not subject to the provisions of this ordinance until on or after June 30 of a given year shall pay a reduced registration fee of \$50.~~

A. ~~The initial applicable registration fee is due at the time of registration or registration renewal. will be due within fifteen (15) calendar days after qualifying as a lobbyist. Payment will be deemed delinquent thereafter. Delinquency fees may be assessed as specified in subsection C below, if payment occurs after the due date. In subsequent years, annual registration will be due January 1 and delinquent after January 15.~~

B. In addition to the annual fee, each registrant shall pay \$25 per client for whom

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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 (a) pursuant to a subpoena or otherwise compelled by law or regulation, or (b) in response to an official request provided that the request and response thereto are public records available for public review; and
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.

Article III. Registration of Lobbyists

2.15.060 ~~Initial~~ Registration.

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lobbying is undertaken for compensation in excess of \$500. 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 \$25 per day for delinquent fees, up to a maximum of \$500, will be assessed pursuant to ~~Article VII~~ until compliance with the registration provisions herein.

2.15.110 Required Registration Information.

Registration filing statements shall contain the following information set forth in Section 2.15.120 below:

- ~~A. The name, business address, telephone and fax numbers of all persons required to register including the names of all owners of sole proprietorships and partnerships of fewer than ten 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.~~
- ~~B. Identification of all clients for whom lobbying is undertaken nature of clients' business and general description of lobbying activity on behalf of each client. Contract lobbyists shall also disclose the range of compensation for any lobbying activities undertaken for each client during the reporting period as follows: less than \$5,000; \$5,000 to \$25,000; \$25,001 to \$50,000; over \$50,000. Business or organization lobbyists shall similarly disclose the range of compensation paid and the name of each employee or compensated member of the business or organization who engaged in lobbying and the estimated total number of hours spent by the employees or members in lobbying activities.~~
- ~~C. The name, address, title and telephone number of the individual completing the registration, together with that individual's signature attesting to the authority of the signatory and accuracy and truthfulness of the information submitted.~~

Article IV. Disclosure of Lobbying Activities

2.15.120 Initial Disclosure.

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or administrative action and a description of each service received in exchange for payment.

D. For each client, ~~the items~~ each item of municipal legislative or administrative action the lobbyist is seeking to influence.

~~E. Identity of any City official whom the lobbyist contacted directly or indirectly.~~

~~F. Activity expenses in excess of \$20 per individual benefitted per occasion. This disclosure shall include:~~

~~1. The identity of the benefitted City official, City official-elect, immediate family members or domestic partner, the amount, date and description of the benefit and the names of the donors providing the benefit; and~~

~~2. The identity, including name, address and telephone number, of vendors who were or are entitled to be a paid by a lobbyist or client.~~

G E. 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 \$100 or more, made during the calendar quarter.

H 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 ~~should~~ shall be included.

I G. 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.

2.15.130 Subsequent Disclosures.

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

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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 report 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.

2.15. 140 **Quarterly Reports.**

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.

2.15.150 **Records Retention.**

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.

2.15.160 **Lobbyist Identification**

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.

~~————— **Speaker's Card.**~~

~~A. In addition to the name, address, and telephone number of the person speaking, the following information shall be provided on speaker cards for all City of Sacramento public meetings:~~

~~————— Are you representing any person or organization? ————— Yes__ No__~~

~~————— Whom are you representing?~~

~~————— Are you being compensated for such representation? ————— Yes__ No__~~

~~————— The speaker shall also identify at the microphone whom s/he is representing.~~

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~~B. One copy of each speaker's card shall be retained by the speaker, one copy shall be made part of the record of the public meeting and one copy shall thereafter be placed on file with the agenda at the City Clerk's office and made available for public inspection.~~

Article V. Prohibitions

2.15.170 Prohibitions.

- A. It shall be unlawful for a lobbyist any person to commit any one of the following acts:
- A. 1. 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. 2. Improper manipulation of municipal legislation. Causing or influencing 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, repeal resection, passage or defeat.~~
 - E. 2. 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.
 - D. 3. Fictitious Persons. No lobbyist person shall contact any officer of the City in the name of any fictitious non-existent person or in the name of any real existing person, except with the consent of such real existing person.
 - E. 4. Indirect violations. Attempting to evade the requirements of this ordinance through indirect efforts or through the use of agents, associates, intermediaries or employees.
 - F. 5. Creation of obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

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G. 6. ~~Impermissible payments. Making or arranging for any payment to a City official, City official-elect, City employee or immediate family members or domestic partner or acting as an agent or intermediary in making such payment by any other person, if such conduct would violate any provision of this ordinance.~~

H. ~~Prohibited Gifts. Making or arranging for the presentation of any gifts to a City official, City official-elect, or City employee or immediate family members or domestic partner aggregating more than \$50 within three months of lobbying the officer or employee. No lobbyist shall act as an agent or intermediary in making such gifts, or arrange for the making of such gift by a third party within three months of lobbying the official or employee. In the event the lobbyist terminates his or her registration, the prohibition shall remain in effect for 3 months from the date of termination.~~

B. ~~It shall be unlawful for a lobbyist to I. Acceptance of undisclosed consideration. Accepting or agreeing accept or agree to accept undisclosed economic consideration required to be reported under this Act.~~

Article VI. Responsibility

2.15.180 The City Clerk.

The City Clerk shall:

1. Oversee compliance with this Chapter Including creation of all forms and explanatory materials.
2. 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.
3. Accept all required filings under Articles III & and IV of this Chapter.

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4. Disseminate speaker cards in compliance with this Chapter and retain copies of completed cards for public inspection together with the agendas to which they relate.

Article VII. Enforcement

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.

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.

2.15.210 Administrative Penalties.

[RESERVED]

2.15.220 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.

2.15.230 Limitation of Actions.

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

2.15.240 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.

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SECTION 2. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid by the final decision of any court of competent jurisdiction, the remainder of this ordinance and its application to other persons and circumstances, other than that which is held invalid, shall not be affected by such invalidity.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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Full disclosure of lobbying activities of such persons, their inducements, and the identity of their employers, will contribute to public confidence in the integrity of local government; and

Full disclosure is also necessary to ensure that City Officials are kept informed about the identity of persons whose interests the lobbyists represent and to ensure that City officials are not improperly influenced by such lobbyists.

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 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;
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 7. Adopt, or grant City approval of, policies, standards, or guidelines for the City, or for any subdivision thereof.
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- A. "Influencing" means the purposeful direct or indirect communication, as herein defined, 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;
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"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 \$3,200 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; or
- C. Expenditure lobbyist: A person who makes payments or incurs expenditures of \$5,000 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

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action. The \$5,000 threshold shall not include: (a) compensation paid to contract lobbyists or employees for lobbying; or (b) 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;
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

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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.

Article III. Registration of Lobbyists

2.15.060 Registration.

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.15.050.

2.15.070 Annual Registration Renewal.

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 below, by such date.

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.

2.15.090 Active Status.

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.

2.15.100 Registration Fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee of \$100. Persons registering for the first time on or after June 30 of a given year shall pay a reduced registration fee of \$50.

- 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 \$25 per client for whom lobbying is undertaken for compensation in excess of \$500. 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 \$25 per day for delinquent fees, up to a maximum of \$500, will be assessed until compliance with the registration provisions herein.

2.15.110 Required Registration Information.

Registration statements shall contain the information set forth in Section 2.15.120 below.

Article IV. Disclosure of Lobbying Activities

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 under this Code, including the names of all owners of sole proprietorships and partnerships of fewer than ten 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 lobbyists: The name, business address, telephone number of each client, the nature of each client's business, and the dates on which the lobbying services occurred; 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 or employees conducting lobbying activities.
- C. Expenditure lobbyists. The total of all payments made with the intent of soliciting or urging others to communicate with any City official in order to influence legislative or administrative action and a description of each service received in exchange for payment.
- D. For each client, each item of municipal legislative or administrative action the lobbyist is seeking to influence.
- E. 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 \$100 or more, made during the calendar quarter.
- F. 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.
- G. 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.

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2.15.130 **Subsequent Disclosures.**

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.

2.15.140 **Quarterly Reports.**

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.

2.15.150 **Records Retention.**

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.

2.15.160 **Lobbyist Identification**

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.

Article V. Prohibitions

2.15.170 **Prohibitions.**

- A. It shall be unlawful for any person to commit any one of the following acts:
1. Deception. Deceiving or attempting to deceive any City official with regard to any material fact pertaining to any pending or proposed legislative or

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administrative action.

2. 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.
3. Fictitious Persons. No person shall contact 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.
4. Indirect violations. Attempting to evade the requirements of this ordinance through indirect efforts or through the use of agents, associates, intermediaries or employees.
5. Creation of obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

Article VI. Responsibility

2.15.180 The City Clerk.

The City Clerk shall:

1. Oversee compliance with this Chapter including creation of all forms and explanatory materials.
2. 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.
3. Accept all required filings under Articles III and IV of this Chapter.
4. Disseminate speaker cards in compliance with this Chapter and retain copies of completed cards for public inspection together with the agendas to which they

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relate.

Article VII. Enforcement

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.

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.

2.15.210 Administrative Penalties.

[RESERVED]

2.15.220 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.

2.15.230 Limitation of Actions.

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

2.15.240 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.

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SECTION 2. SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid by the final decision of any court of competent jurisdiction, the remainder of this ordinance and its application to other persons and circumstances, other than that which is held invalid, shall not be affected by such invalidity.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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DATE ADOPTED: _____

From: Lina Resurreccion
To: Nancy Allen
Date: 2/15/02 12:22PM
Subject: video Tape

12-9-97

and 9-1-98 video tape please.....Thanks