

SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S
Municipal Lobbying Ordinance

PROPOSED AMENDMENTS

Rev. June 30, 2015

Chapter 2: Government
Article 7: Elections, Campaign Finance and Lobbying
Division 40: Municipal Lobbying

§27.4002 Definitions

All defined terms in this division appear in italics. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

Activity Expense to City Board [No change in text.]

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Council Representative; Assistant City Attorney; Deputy City Attorney; General Counsel; Assistant General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; ~~City Manager; Assistant City Manager; Deputy City Manager; Management Assistant to City Manager;~~ City Treasurer; City Auditor; Assistant City Auditor; and City Comptroller; Independent Budget Analyst; Budget/Legislative Analyst; Financial Operations Manager; City Clerk; Labor Relations Manager; Facility Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; Chief Investment Officer; Assistant Investment Officer; President; ~~and Vice-President; and Assistant Vice President.~~ *City Official* also means any member of a *City Board* and any candidate who has been elected to office but not yet sworn in. For purposes of this definition, a candidate is considered elected to office on the date the Council adopts its resolution declaring the results of the election.

Client to Expenditure lobbyist [No change in text.]

Fundraising activity means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either: ~~(a) personally delivering \$2,000 or more in contributions to a candidate, a candidate's controlled committee, or a committee primarily formed to support or oppose one or more candidates, or (b) identifying oneself to a candidate, a candidate's controlled committee, or a committee primarily formed to support or oppose one or more candidates as having any degree of responsibility for \$2,000 or more in contributions received as a result of that solicitation.~~

- (a) personally delivering \$2,000 or more in *contributions* to:
 - (1) a candidate's election committee;
 - (2) a candidate-controlled ballot measure committee;
 - (3) a candidate's (including an elected City Official's) professional expense committee; or,
 - (4) a committee primarily formed to support or oppose one or more candidates, or,
- (b) identifying oneself to a *candidate* or a committee identified in subsection (a) as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

Gift to Person [No change in text.]

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 to Travel expenses [No change in text.]

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the City Clerk a registration form that contains the following information:
 - (1) through (2) [No change in text.]
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected ~~City Official~~ Official's election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected City Official, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (4) through (9) [No change in text.]
- (b) Every *organization lobbyist* shall file with the City Clerk a registration form that contains the following information:
 - (1) through (5) [No change in text.]
 - (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected ~~City Official~~ Official's election committee, controlled ballot measure committee, or

professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.

(7) through (11) [No change in text.]

§27.4017 Contents of Quarterly Disclosure Report

(a) Each *lobbying firm*'s quarterly disclosure report shall contain the following information:

(1) [No change in text.]

(2) the name, business or mailing address, and telephone number of each *client* registered by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:

(A) the total *compensation*, rounded to the nearest \$1,000, that the *lobbying firm* became entitled to receive from that *client* during the reporting period for *lobbying activities* related to *lobbying* contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The *lobbying firm* shall also state whether it *lobbied* on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the *client*.

(B)-(E) [No change in text.]

(3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to ~~a *candidate's* election committee or to a committee primarily formed to support or oppose one or more *candidates*, including the date and amount of each *contribution* and the name of the applicable committee.~~ any of the following committees:

(A) a *candidate's* election committee;

(B) a *candidate*-controlled ballot measure committee;

(C) a *candidate's* (including an elected *City Official's*) professional expense committee; or,

(D) a committee primarily formed to support or oppose one or more *candidates*.

The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.

- ~~(5)~~ an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the *contributions*, and the name of the ballot measure committee.
- ~~(6)~~(5) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) through (E) [No change in text.]
- (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or ~~campaign~~ committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or ~~campaign~~ committee as having some degree of responsibility for raising.
- ~~(7)~~(6) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:
- (A) through (E) [No change in text.]
- ~~(8)~~(7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) through (D) [No change in text.]
- ~~(9)~~(8) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- ~~(10)~~(9) the printed name, title, and original signature of the individual making the statement required by subsection ~~(a)(9)~~ (a)(8).
- ~~(11)~~(10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:

(1)-(3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* or by any of its sponsored committees, during the reporting period to a ~~*candidate's* election committee or to a committee primarily formed to support or oppose one or more *candidates*, including the date and amount of each *contribution* and the name of the applicable committee.~~ any of the following committees:

(A) a *candidate's* election committee;

(B) a *candidate*-controlled ballot measure committee;

(C) a *candidate's* (including an elected *City Official's*) professional expense committee; or,

(D) a committee primarily formed to support or oppose one or more *candidates*.

The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.

~~(5)~~ an itemization of any *contributions* totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* during the reporting period to a *candidate* controlled committee that is organized to support or oppose a ballot measure, including the date and amount of the *contributions* and the name of the ballot measure committee.

~~(6)~~(5) for each fundraising effort by any of the *organization lobbyist's* owners, compensated officers, or *lobbyists* who engaged in *fundraising activities* during the reporting period:

(A) through (E) [No change in text.]

(F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or ~~campaign~~ committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or ~~campaign~~ committee as having some degree of responsibility for raising.

~~(7)~~(6) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided campaign-related services to a *candidate* or

a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:

(A) through (E) [No change in text.]

~~(8)~~(7) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided compensated services under a contract with the *City* during the reporting period:

(A) through (D) [No change in text.]

~~(9)~~(8) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

~~(10)~~(9) the printed name, title, and original signature of the individual making the statement required by subsection ~~(b)(9)~~ (b)(8).

~~(11)~~(10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(c) [No change in text.]