LOBBYING MANUAL

Information Regarding the
City of San Diego
Lobbying Ordinance

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Introduction

This Lobbying Manual is designed to help lobbyists and prospective lobbyists understand and comply with the City's lobbying laws. Individuals who are paid to communicate with City Officials for the purpose of influencing municipal decisions are responsible for familiarizing themselves with the information in this manual.

This manual is not meant to serve as a substitute for the actual provisions in the City's Lobbying Ordinance (San Diego Municipal Code sections 27.4001, *et seq.*).

WHAT'S NEW IN 2013

The following changes impact lobbying entities in 2013:

- All Lobbying Firms, Organization Lobbyists, and Expenditure Lobbyists must file their lobbying forms electronically using the City Clerk's online filing system.
- There is no need to file paper copies of any lobbying forms with the City Clerk. The electronic filing is the only filing that is required.
- Lobbying Firms and Organization Lobbyists must report contributions made to, and fundraising activities performed for, committees that are "primarily formed" to support or oppose City candidates. (Note that these disclosure requirements do not apply to money raised for the 2012 elections.)

QUESTIONS & ANSWERS

The City Clerk is the filing official for the City of San Diego and is responsible for accepting and filing lobbying reports. Questions concerning filing procedures, accessing the online filing system, and paying registration fees should be directed to the City Clerk as follows:

(619) 533-4025
cityclerk@sandiego.gov

Other requests for advice and assistance concerning lobbying laws should be directed to the Ethics Commission as follows:

(619) 533-3476
ethicscommission@sandiego.gov

Keep in mind that the Ethics Commission can only provide technical assistance to lobbyists and prospective lobbyists in advance of contemplated action. In other words, the Ethics Commission cannot help you after you have violated the City's lobbying laws, so please be sure to contact our office before you take the action in question.

Finally, please remember that your decision to lobby City Officials carries with it certain responsibilities. In particular, you are required to abide by local laws that regulate lobbying activities, which are explained in detail in this manual. The failure to adhere to these laws could result in a variety of penalties, including but not limited to late fees imposed by the City Clerk, and administrative fines imposed by the Ethics Commission in amounts up to $5,000 per violation.

LOBBYING FORMS

The following is a list of lobbying disclosure forms. These forms are located within the City Clerk's electronic filing system and may be printed out at any time from that system. Each form will be discussed in greater detail later in this manual.

Form EC-601
Lobbying Firm Registration Form

This registration form is used by business entities (including individual contract lobbyists) that are paid to engage in lobbying activities on behalf of third parties. "Lobbying Firms" are required to file this form to identify their lobbyists, their clients, the municipal decisions that their clients are seeking to influence, and other relevant information concerning the firms' owners, officers, and lobbyists. See Chapter 3 for assistance completing this form.

Form EC-602
Organization Lobbyist Registration Form

This registration form is used by businesses and organizations (including non-profit organizations) that engage in lobbying activities using their own "in-house" employees and officers. Organization Lobbyists are required to file this form to identify the individuals in the organizations authorized to lobby the City, the number of contacts the organization had with City Officials within the past 60 days, the municipal decisions it sought to influence during the past 60 days, the decisions it is currently seeking to influence, and other relevant information concerning the organizations' owners, compensated officers, and lobbyists. See Chapter 4 for assistance completing this form.

Form EC-603
Lobbying Firm Quarterly Disclosure Report

This report is filed quarterly by Lobbying Firms to disclose information concerning their clients, their lobbying efforts, and their activity expenses, as well as relevant campaign activities and City contract services performed during the reporting period. Individuals employed by the firm do not file this form. Instead, the firm files one form covering all of the owners, officers, and lobbyists in the firm who engaged in reportable activities during the reporting period. See Chapter 5 for assistance completing this form.

Form EC-604
Organization Lobbyist Quarterly Disclosure Report

This report is filed quarterly by Organization Lobbyists to disclose information concerning their lobbying efforts and activity expenses, as well as relevant campaign activities and City contract services performed during the reporting period. Individuals employed by the organization do not file this form. Instead, the organization files one form covering all of the owners, compensated officers, and lobbyists in the organization who engaged in reportable activities during the reporting period. See Chapter 6 for assistance completing this form.

Form EC-605
Expenditure Lobbyist Quarterly Disclosure Report

This report is filed by Expenditure Lobbyists that engaged in indirect lobbying activities during the reporting period. (Note that Expenditure Lobbyists do not file registration forms.) An owner or officer of the Expenditure Lobbyist will complete and file one form identifying each decision the entity sought to influence during the reporting period, the expenditures made, and the outcome sought. See Chapter 7 for assistance completing this form.

Chapter 1
Who Must File

This chapter identifies the types of entities that are required to file lobbying disclosure statements with the City Clerk and disclose information related to lobbying efforts. Note that individual lobbyists have no separate filing requirements; all of their activities should be reported by the entity for which they work.

"Lobbying" means having a direct communication with a "City Official" for the purpose of influencing a municipal decision. If your firm, company, or organization employs one or more individuals to have these kinds of communications, it may be required to register under the City's Lobbying Ordinance.

Not all City employees are "City Officials." If you communicate with a lower level City employee, that communication is not "lobbying" under to the Lobbying Ordinance. In addition, not all decisions are "municipal decisions." Calling a Councilmember to request help filling a pothole on your street is not trying to influence a "municipal decision." See the definitions of "City Official" and "municipal decision" in Chapter 13 for more information.

Generally, when an individual is paid to lobby on behalf of a client, the individual's company becomes a "Lobbying Firm." When an individual is paid to lobby on behalf of his or her employer, that employer may become an "Organization Lobbyist." An entity that lobbies indirectly through public relations and similar methods may become an "Expenditure Lobbyist." This chapter explains the differences between these three different types of lobbying entities.

LOBBYING FIRMS

If you work for a firm that has clients, and you are paid to contact a City Official in an attempt to influence a municipal decision on behalf of a client, then your firm must register with the City Clerk as a "Lobbying Firm" if it has at least one instance of lobbying a City Official. Put another way, a single paid lobbying communication triggers the registration requirement.

Example: *Jepson & Burke is a consulting firm that specializes in environmental issues. On one occasion, it contacts a City Official for the purpose of influencing an upcoming land use matter on behalf of one of its clients. Because Jepson & Burke is paid to influence a City decision on behalf of a client, it must register with the City Clerk as a "Lobbying Firm."*

Note that in the above example, registration would be required even if the client had not yet paid the firm for lobbying. If the firm is entitled to be paid for lobbying, including an entitlement that is contingent on a particular outcome, then that firm is a "Lobbying Firm."

Attorneys are not exempt from the City's Lobbying Ordinance. See the Ethics Commission's Fact Sheet on Attorneys and the Lobbying Ordinance (posted on the Commission's website) for additional information.

Firms must register with the City Clerk within 10 calendar days of qualifying as a "Lobbying Firm." See Chapter 3 for information regarding how to complete a Lobbying Firm Registration Form.

Every Lobbying Firm's registration automatically expires on January 5 of the following year. If the firm continues to qualify as a Lobbying Firm, it must renew its registration.

Example: *Draper & Mackey registered as a Lobbying Firm in 2012. In 2013, it continued to have lobbying contacts with City Officials. It must file a new Registration Form with the City Clerk within 10 calendar days of having a paid lobbying contact on or after January 5, 2013.*

An entity that is registered as a Lobbying Firm must file quarterly reports disclosing lobbying contacts the firm made during the quarter. These Quarterly Disclosure Reports are filed with the City Clerk. See Chapter 5 for information regarding how to complete a Lobbying Firm Quarterly Disclosure Report.

ORGANIZATION LOBBYISTS

If you own or work for a business or organization, including a non-profit or charitable organization, and you lobby on behalf of your business or employer (and not on behalf of outside clients), then that business or employer may be an

"Organization Lobbyist." It will qualify as an "Organization Lobbyist" if its owners, compensated officers, or employees have an aggregate total of 10 or more lobbying contacts with City Officials on behalf of the business or organization within any 60 calendar day period.

Example: *Quality Wireless is a business entity interested in providing cellular telephone service in the City of San Diego. Several of its employees are assigned the task of contacting City Officials to encourage them to support the placement of cellular towers on City property. These employees have a total of 3 meetings with Council staffers, make 6 telephone calls to the Director of Real Estate Assets, and send 1 identical e-mail message to all of the members of the City Council. All of these communications are designed to influence the City's decision on the cellular towers. These contacts take place over the course of several weeks. Because Quality Wireless had 10 lobbying contacts with City Officials within a 60 day period, it must register with the City Clerk as an "Organization Lobbyist."*

For purposes of the contacts rule, parent/subsidiary companies are considered a single entity.

Example: *ABC Development Company is a commercial builder with projects across the country. It creates a subsidiary corporation, Balboa Towers LLC, to oversee a project in San Diego. If an ABC Development employee has 6 lobbying contacts with City Officials, and a Balboa Towers employee has 4 lobbying contacts with City Officials, all within a 60 day period, then the 10-contact threshold has been met. In this situation, the entities must jointly register with the City as an "Organization Lobbyist."*

An Organization Lobbyist can be any type of entity, including a private corporation, a sole-proprietorship, a partnership, a labor organization, a charitable organization, or any other type of non-profit entity. Government agencies, however, are exempt from the Lobbying Ordinance.

See Chapter 8 regarding what is, and is not, a "contact."

Only compensated contacts count toward the 10-contacts registration threshold. In other words, the volunteer members of an organization can have unlimited contacts with City Officials without those contacts counting toward the registration threshold. An organization with no paid officers or employees will never need to register under the Lobbying Ordinance.

Entities must register with the City Clerk within 10 calendar days of qualifying as an "Organization Lobbyist." See Chapter 4 for information regarding how to complete an Organization Lobbyist Registration Form.

Every Organization Lobbyist's registration automatically expires on January 5 of the following year. If the organization continues to qualify as an Organization Lobbyist, it must renew its registration.

Example: *Sky-Net registered as an Organization Lobbyist in 2012. In 2013, its paid owners, officers, and employees continued to lobby City Officials. It must file a new Registration Form with the City Clerk within 10 calendar days of reaching the 10-contacts in 60 days registration threshold.*

An entity that is registered as an Organization Lobbyist must file quarterly reports disclosing lobbying contacts the organization made during the quarter. These Quarterly Disclosure Reports are also filed with the City Clerk. See Chapter 6 for information regarding how to complete an Organization Lobbyist Quarterly Disclosure Report.

EXPENDITURE LOBBYISTS

An "Expenditure Lobbyist" is defined in the City's Lobbying Ordinance as any person or entity that makes expenditures for public relations, media relations, advertising, public outreach, research, investigations, reports, analyses, studies, or similar activities designed to influence one or more municipal decisions, to the extent that such payments total $5,000 or more within a calendar quarter.

Expenditure Lobbyists are persons and entities that use "indirect" methods of influencing municipal decisions rather than having direct communications with City Officials. Activities such as holding a private meeting with a City Official, sending a letter or e-mail to a City Official, and talking with a City Official on the telephone do not count toward the $5,000 calendar quarter threshold. Instead, these types of "direct" lobbying efforts are disclosed as "contacts" by Lobbying Firms and Organization Lobbyists.

An Expenditure Lobbyist is the person or entity that is the actual source of the payment, not the intermediaries or vendors who carry out its instructions or orders.

Example: *Simply Sweepers, Inc. pays $5,000 to public relations firm Greene & Verde to garner public support for an upcoming decision to outsource the City's street cleaning services. Simply Sweepers is the Expenditure Lobbyist, not Greene & Verde. (Note that if Greene & Verde is also retained to directly lobby City Officials, it would become a "Lobbying Firm" and would identify Simply Sweepers as a client on its disclosure forms.)*

Expenditure Lobbyists do not file registration forms. They do, however, file Quarterly Disclosure Reports to disclose their indirect lobbying efforts for the quarters in which they meet the $5,000 threshold. An entity that does not meet the $5,000 threshold in a calendar quarter has no obligation to file a Quarterly Disclosure Report even if it filed one for the previous quarter. See Chapter 7 for information regarding how to complete an Expenditure Lobbyist Quarterly Disclosure Report.

QUESTIONS

My organization has had 7 contacts in the past 40 days. It will probably reach the 10-contacts threshold within the next 20 days. Should we go ahead and register early?

That's entirely up to the organization. Early registration is encouraged, as it will give the public more information regarding lobbying in San Diego than it would otherwise have, but it's not required. Note that an organization may register even before it has a single contact if it is so inclined. Keep in mind, however, that once your organization registers, it is obligating itself to file quarterly reports for the rest of the year regardless of how much lobbying it does.

Are unions and labor organizations exempt from the Lobbying Ordinance?

No. Although such organizations are not exempt, some of their activities may fall within one of several potentially applicable exemptions. Activities that involve establishing a memorandum of understanding [MOU] between the City and an employee organization (i.e., meet and confer negotiations) or the administration of that MOU are exempt, as are Civil Service Commission proceedings and communications regarding working conditions that relate to the MOU. On the other hand, attempts to influence decisions unrelated to the above exemptions (e.g., how to spend TOT funds), would be subject to the Lobbying Ordinance.

Are 501(c)(3) non-profit organizations exempt from the Lobbying Ordinance?

No. Any organization, including a non-profit organization, that pays its officers or employees to have 10 or more lobbying contacts with City Officials within a 60 day period must register as an Organization Lobbyist.

My lobbying efforts only involve the County and the Port. Do I have to register with the City?

No. The City's Lobbying Ordinance is limited to "City" decisions, i.e., it applies only to decisions that concern the City of San Diego and its agencies (Civic San Diego; San Diego Convention Center Corporation; San Diego Data Processing Corporation; and the San Diego Housing Commission). So generally, the Lobbying Ordinance will not apply to County or Port matters. There may be instances, however, where the City or a City agency will make a decision regarding a County or Port matter. Contacts you have with "City Officials" concerning such matters will be subject to the Lobbying Ordinance.

Chapter 2
Where and When to File Reports

WHERE TO FILE

All forms and reports discussed in this manual are filed with the City Clerk. Lobbying entities may file their forms and reports electronically using the City Clerk's online filing system.

WHEN TO FILE REGISTRATION FORMS

Lobbying Firms are required to file a Lobbying Firm Registration Form, Form EC-601. This form must be filed within 10 days of qualifying as a "Lobbying Firm."

Example: *Butler & Cooke is a consulting firm that has been retained by a client interested in amending the City's land use laws. On January 10, one of Butler & Cooke's employees has a lobbying contact with a City Official on behalf of that client. Butler & Cooke must file a Form EC-601 by January 20.*

Organization Lobbyists are required to file an Organization Lobbyist Registration Form, Form EC-602. This form must be filed within 10 days of qualifying as an "Organization Lobbyist."

Example: *The Pacific Club is an environmental organization seeking to block the City Council's approval of a beachfront development. Its paid employees contact District 2 Council staff members over the telephone to voice their opposition. By February 8, these employees have had 10 lobbying contacts with City Officials. The Pacific Club must file a Form EC-602 by February 18.*

Note: An entity can be a Lobbying Firm and an Organization Lobbyist if it lobbies on behalf of clients as well as on behalf of itself.

Expenditure Lobbyists
This type of lobbying entity is not required to file a registration form.

WHEN TO FILE QUARTERLY DISCLOSURE REPORTS

Lobbying Firms are required to file a Lobbying Firm Quarterly Disclosure Report, Form EC-603. This form must be filed no later than the last day of the month following the applicable calendar quarter. Do not file the quarterly report until the reporting period has concluded.

Example: *Higgins & Higgins is a Lobbying Firm. It will file its Quarterly Disclosure Report for the January-March reporting period in April, no later than April 30. It will file three more quarterly reports by July 31, October 31, and January 31.*

Organization Lobbyists are required to file an Organization Lobbyist Quarterly Disclosure Report, Form EC-604. This form must be filed no later than the last day of the month following the applicable calendar quarter.

Example: *MDFC is an Organization Lobbyist. It must file its Quarterly Disclosure Report for the January-March reporting period no later than April 30. MDFC will also file three more quarterly reports before the last day of the months following the remaining quarters.*

Expenditure Lobbyists are required to file an Expenditure Lobbyist Quarterly Disclosure Report, Form EC-605. This form must be filed no later than the last day of the month following any calendar quarter in which the entity reaches the $5,000 expenditure threshold.

Example: *In May, T&AT spends $7,500 for a public relations effort designed to defeat proposed legislation coming before the City Council. As an Expenditure Lobbyist, it must file a Quarterly Disclosure Report for the April-June reporting period no later than July 31. It will not need to file any more quarterly reports unless it continues to engage in expenditure lobbying.*

WHEN TO FILE AMENDMENTS

An amendment to a Registration Form must be filed within 10 calendar days of any change in the information required on the form (e.g., new lobbyist, client, decision, etc.). An amendment to a Quarterly Disclosure Report must be filed within 10 calendar days of discovering any incomplete or inaccurate information on the report.

OTHER FILING RULES

- Lobbying Firms and Organization Lobbyists are required to pay a registration fee at the time of registration. Contact the City Clerk's Office with questions regarding the payment of registration fees. Expenditure Lobbyists have no registration requirement and do not pay a registration fee.
- Registration fees are set by the City Council, based on the recommendations of the City Clerk. Fee amounts are posted online: www.sandiego.gov/city-clerk/pdf/lobbyfees.pdf
- Registration Forms and Quarterly Disclosure Reports must be filed electronically using the City Clerk's online filing system.
- A new electronic filing account may be established through this link to the City Clerk's Office: www.sandiego.gov/city-clerk/elections/lobby/lobbyist.shtml.
- Contact the City Clerk's office for additional assistance obtaining access to the online system.
- An authorized owner or officer of the lobbying entity must review the contents of the Registration Form or Quarterly Disclosure Report and electronically verify 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.
- Lobbying entities are not required to submit paper copies of their Registration Forms or Quarterly Disclosure Reports to the City Clerk.
- All electronic filings are stored in the online system and can be accessed at any time. For recordkeeping or archival purposes, lobbying entities can also use the online system to print a paper copy or download a filing in PDF format.
- Deadlines that fall on a Saturday, Sunday, or an official City holiday are extended to the next business day.
- Forms and reports may not be submitted in person, by mail, or by facsimile transmission. They must be filed electronically.
- Entities that file after a deadline are liable to be fined by the City Clerk in the amount of $10 per day (up to a maximum of $100) until the form or report is filed.
- In addition to the above City Clerk late fee, entities that fail to file a timely or complete lobbying form or report may be subject to an administrative fine imposed by the Ethics Commission, up to $5,000 per violation.
- Forms and reports that are discovered to be incomplete or inaccurate must be amended within ten calendar days.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4007	Registration Required
27.4015	Quarterly Disclosure Report Required
27.4016	Filing Deadline for Quarterly Disclosure Report
27.4045	Online Disclosure of Forms and Reports

Chapter 3
Registration Forms for Lobbying Firms

The Lobbying Ordinance requires a Lobbying Firm to submit a registration form that identifies itself, its lobbyists, its clients, the municipal decisions that it is seeking to influence, and other relevant items of information.

This chapter provides guidance on how to complete this form. Registration forms must be filed with the City Clerk by a particular due date (See Chapter 2.) Completed Registration Forms will be posted on the City Clerk's website.

Lobbying Firms must use the "Lobbying Firm Registration Form" (Form EC-601) to register. They can access the EC-601 through the City Clerk's online filing system.

COMPLETING THE FORM

Cover Sheet - Identification

The Lobbying Ordinance requires the disclosure of the name, address, and telephone number of the Lobbying Firm. Including an e-mail address for a contact person is optional.

Because the electronic filing system will automatically populate fields based on previous filings, make sure that all information displayed is current and correct. When filing an amendment, include details explaining what information is new, corrected, or deleted.

Cover Sheet - Schedules

The individual schedules are discussed later in this chapter. Note, however, that on the cover sheet for the Form EC-601, the electronic filing system will automatically check either a "Yes" or a "No" box to indicate which parts, if any, of Schedule C have been completed by the firm.

Cover Sheet - Verification

A duly authorized owner or officer of the Lobbying Firm must electronically sign the cover sheet under penalty of perjury. This is performed during the process of submitting the form to the online system.

Schedule A – Lobbyist Disclosure

On Form EC-601, a Lobbying Firm must identify on Schedule A the names of each individual in the firm who has lobbied City Officials within the past 30 days, or who is expected to lobby City Officials during the year. Including the name of prospective lobbyists on the registration form enables the firm to identify these individuals without having to amend the form each time another person in the firm starts lobbying the City. A person listed on Schedule A is considered a "lobbyist" even if he or she has not yet had a lobbying contact.

Note: The Lobbying Firm must determine whether each individual listed on Schedule A has engaged in fundraising activities or provided campaign or contract services that are reportable on Schedule C.

Schedule B – Client Disclosure

On Schedule B of Form EC-601, the Lobbying Firm must identify each client for whom the firm has had at least one lobbying contact. A Lobbying Firm is not required to list on Schedule B the clients for whom it has not yet lobbied.

Example: *Smithers & Burns is a Lobbying Firm with 10 clients. It plans to eventually lobby City Officials with regard to 5 of these clients, but to date it has only had direct lobbying communications on behalf of Client 1 and Client 2. On Schedule B, Smithers & Burns must disclose Clients 1 and 2; it need not disclose any of its other clients.*

A Lobbying Firm may prospectively list a client before it has lobbied on that client's behalf. If it lists such a client, however, it will have to disclose information regarding that client on its quarterly statements.

Example: *Burns & Smithers, the Lobbying Firm referenced in the preceding example, decides to disclose Client 1, Client 2, Client 3, Client 4, and Client 5 on Schedule B, even though it hasn't yet lobbied on behalf of the latter three clients. When Burns & Smithers files its quarterly report, it will have*

to disclose information regarding all five clients. If it still hasn't had lobbying contacts for the latter three clients, it will state that fact on the quarterly report.

If a Lobbying Firm discloses a client on its Registration Form, it must describe all of the municipal decisions for which it has been retained to lobby the City, even ones where the firm has not yet had a lobbying contact.

Example: *Burns & Smithers represents Client 1 with regard to two municipal decisions, but has only lobbied the City with regard to one of those decisions. Burns & Smithers must identify both municipal decisions on Schedule B.*

The description of the municipal decision that you provide will be automatically entered into your firm's quarterly disclosure reports. If you provide only general information regarding a municipal decision on your Registration Form, more specific information concerning that decision must be added to the applicable Quarterly Disclosure Report.

Client Disclosure - Coalitions

If a client is a coalition or membership organization, state the name, address, and telephone number of each individual member of the coalition who has paid, or agreed to pay, at least $1,000 to the Lobbying Firm for lobbying activities performed on behalf of the coalition or organization with regard to a specific municipal decision.

Example: *Bill is a restaurant owner who organized Citizens for a Brighter Future, a coalition that supports a City Ordinance designed to reduce crime in the Gaslamp Quarter by increasing the number of streetlights. Bill convinces a dozen other restaurant owners to join the coalition, and he takes up a collection to hire a lobbyist. Most of the owners contribute between $100 and $500 to retain the lobbyist. Bill's restaurant kicks in $2,500. When the lobbying firm reports its clients, it will disclose that its client is Citizens for a Brighter Future, and will also identify Bill's restaurant, whose payment for the firm's lobbying services exceeded the $1,000 reporting threshold.*

If a coalition member does not meet the $1,000 threshold when the Registration Form is filed, but later makes, or agrees to make, a payment that would cause the member to reach that threshold, the firm must file an amendment to the form to disclose the identity of that member. (See information later in this chapter regarding amendments.)

Note: For all three parts of Schedule C, any position commonly associated with "officer" status, such as a vice president, will be treated as an "officer" under the Lobbying Ordinance unless the position is officially excluded from "officer" status by way of the firm's bylaws, SEC filings, or other official documentation.

Schedule C (Part 1) - Fundraising Disclosure

Lobbying Firms are required to report on Schedule C - Part 1 basic information regarding the campaign fundraising activities of the firm's owners, compensated officers, and lobbyists over the past two years. See Chapter 10 for a discussion of what constitutes "Fundraising Activities."

The required information is limited to fundraising that took place during the two-year period prior to registering, and applies only to fundraising for a current elected City Official.

Example: *Michael is a partner at a company that is registering as a Lobbying Firm. Michael fundraised for two candidates running for different City Council seats in the election that took place in the preceding November. Candidate Dwight was elected; Candidate Pam lost her race. When the firm discloses fundraising activities, it need only disclose Michael's fundraising for Candidate Dwight. Because Candidate Pam is not an elected officeholder when Michael's firm registers, the firm need not disclose anyone's fundraising for her.*

Note: Registration Forms require only minimal information regarding fundraising activities. Quarterly Disclosure Reports require greater detail, including information regarding fundraising for all City candidates, not just the ones who are elected. See Chapter 5 for more information regarding Quarterly Disclosure Reports.

To complete Schedule C – Part 1, identify each owner, officer, and lobbyist in the firm who engaged in "fundraising activities" and met the fundraising threshold for a current elected City Official within the past two years, along with the name of the applicable City Official.

Do not report fundraising for a candidate who lost or withdrew from the election (unless the candidate is still an elected official, e.g. a councilmember who lost a mayoral election but is still a councilmember).

Individual campaign contributions from the firm's owners, officers, and lobbyists are not reportable on a Registration Form. These contributions may, however, be reportable on the firm's Quarterly Disclosure Reports; see Chapter 5 for more information.

Schedule C (Part 2) - Campaign Services Disclosure

Lobbying Firms are required to report on Schedule C - Part 2 basic information regarding any paid campaign services provided by the firm's owners, officers, and lobbyists to a candidate who is currently an elected City Official.

The required information is limited to paid campaign services provided during the two-year period prior to registering.

Example: *Terry is a lobbyist employed by a company that is registering as a Lobbying Firm. A year ago, he worked as a paid campaign consultant for a candidate who is currently the Mayor. The firm must disclose these services on its Registration Form.*

To complete Schedule C – Part 2, identify each owner, officer, and lobbyist in the firm who received compensation to provide campaign-related services, such as serving as a consultant or treasurer, to a current elected City Official within the past two years, along with the name of the applicable City Official.
Do not report volunteer services provided to a campaign. Do not report services provided to a candidate who lost or withdrew from the election (unless the candidate is still an elected official, e.g. a councilmember who lost a mayoral election but is still a councilmember).

Schedule C (Part 3) - Contract Services Disclosure

Lobbying Firms are required to report on Schedule C – Part 3 basic information regarding any paid contract services provided to the City by the firm's owners, officers, and lobbyists.

The required information is limited to paid contract services provided during the two-year period prior to registering.

To complete Schedule C – Part 3, identify each owner, officer, and lobbyist in the firm who received compensation to provide services to a City department, agency, or board within the past two years, along with the name of the applicable City department, agency, or board.

Report any type of City contract, including a City employee contract, a City consultant contract, and a City independent contractor contract.
Example: *After working as a council staffer, Ed went to work for a lobbying firm. A year later, he is assigned to lobby City Officials. Ed's firm's Registration Form will identify Ed's previous work for the City.*

Example: *Elena owns a company that is registering as a Lobbying Firm. Elena doesn't do any lobbying herself, but she has worked on a number of consulting contracts that the company has with the City's Stormwater Department. When completing her company's Registration Form, Elena will disclose the fact that she worked for this City department.*

Example: *Kurt works for a Lobbying Firm, and his responsibilities include lobbying the state legislature in Sacramento for the City of San Diego. His firm's Registration Form will disclose the fact that Kurt provided compensated services to the City's Intergovernmental Relations Department.*

Do not report volunteer services, such as serving on a City board, commission, or committee.

Schedule D – Deleting Clients and Lobbyists

If a Lobbying Firm wants to remove a client or a lobbyist from its registration, it may do so by filing an amendment and completing Schedule D. See discussion in the following section. Do not use Schedule D when filing the firm's initial registration for the year. If using the online system to copy a previous year's Registration Form for use in a new registration, remove any former clients or former lobbyists from Schedule A or B instead.

AMENDING REGISTRATION

If any information on a Registration Form changes, the Lobbying Firm must file an amendment within 10 calendar days. If a new employee starts lobbying for the firm, the firm must identify that individual on Schedule A (and on Schedule C, if applicable). If the firm starts lobbying for a new client, lobbies on a new decision for an existing client, or changes the outcome sought, it must identify the new information on Schedule B.

When filing an amendment, provide a brief explanation regarding the reason for the amendment in the box marked "Amendment Description" on the Form 601 cover sheet.

Example: *Stanley & Martin is a Lobbying Firm that identified five clients on an EC-601 Registration Form it filed in March. In June, a new client hires the firm. On June 15, the firm starts lobbying City Officials on behalf of the new client. No later than June 25, Stanley & Martin must file an amended EC-601 to disclose information regarding the new client on Schedule B.*

Example: *Keir & Dullea is a Lobbying Firm that identified 2 lobbyists on its EC-601 registration form. Later in the year, it hires a new employee. Within 10 days of the new employee lobbying City Officials, Keir & Dullea must amend its EC-601 form to identify the new lobbyist on Schedule A. It must also fill out Schedule C for the new lobbyist if he or she has any information to report on that schedule.*

If adding a new owner, officer, or lobbyist to the firm, you must determine whether that individual engaged in any fundraising, campaign consulting, or City contracting within the previous two years. Report any such activity on Schedule C. Keep in mind that the two year period for the added individual is based on the date of the amendment, not the date of the firm's original filing.

Note: Even if an amendment makes a change to just one schedule, the City's electronic filing system will create an amendment form that includes all schedules containing current information.

If a Lobbying Firm wants to "unregister" a client because it is no longer performing any lobbying services for that client, it may file an amendment and complete Schedule D. On this schedule, the Lobbying Firm will identify the name of the former client.

A Lobbying Firm is not required to remove a client if it may perform services for that client later in the year.

Note: If a Lobbying Firm deletes a client on Schedule D, and then performs lobbying services for that client later in the year, it will have to file another amendment to the Registration Form, and pay another registration fee for re-registering that client.

If a Lobbying Firm wants to "unregister" a lobbyist because he or she will no longer be lobbying for the firm, it may file an amendment and complete Schedule D. On this schedule, the Lobbying Firm will identify the name of the lobbyist it is deleting from its registration.

Note: If a Lobbying Firm deletes a lobbyist on Schedule D, and that person lobbies for the firm later in the year, the firm will have to file another amendment to re-add the lobbyist, and will be required to pay another fee for re-registering the lobbyist.

In addition to completing a Schedule D to delete a lobbyist or client, provide a short explanation (e.g., "deleting lobbyist," or "deleting client") in

the "Amendment Description" field on the cover sheet.

TERMINATING REGISTRATION

A Lobbying Firm's registration automatically terminates on January 5 of the following calendar year. A firm may, if it wishes, terminate at an earlier time, using the Quarterly Disclosure Report. See Chapter 5 for information regarding using the Quarterly Disclosure Report form to terminate a registration.

RE-REGISTRATION

As stated in the previous paragraph, each Lobbying Firm's registration automatically terminates on January 5 of the year following registration. If a firm is continuing to lobby City Officials after the termination date, it must re-register by filing another EC-601 form. Such a firm must re-register with the City Clerk within 10 days of re-qualifying as a "Lobbying Firm." In other words, as soon as the firm has one paid lobbying contact following the termination of its previous registration, it has 10 days in which to file a new EC-601.

A firm that is re-registering should complete the Registration Form as if it were starting from scratch, not as if it were amending last year's registration. Thus, a firm that is re-registering need not "delete" the names of former lobbyists and clients. Those names were essentially "deleted" when the firm's previous registration automatically terminated on January 5. Instead, the firm will identify on Schedules A and B only its current lobbyists and clients.

The City Clerk's online filing system will allow you to copy a previous year's Registration Form so that you need not re-enter the same information all over again. If you use this feature, you should carefully review all of the information on the cover sheet and each schedule to ensure that the information being reported is still accurate for the current year.

Keep in mind that some re-registration information may duplicate information previously reported. For example, the firm may report identical or similar information regarding past clients on whose behalf it is continuing to lobby. Also, because the Lobbying Ordinance requires the disclosure of fundraising activities, campaign services, and City contract services going back two years, information regarding these activities reported on a Registration Form or Quarterly Disclosure Report in the previous year may need to be re-reported on the current year's Registration Form.

QUESTIONS

I did not disclose a client on my Registration Form because I wasn't planning to lobby the City on its behalf. Months later, I now find that I will be lobbying the City for that client. What should I do?

Your firm must amend its Registration Form within 10 days of making its first lobbying contact on behalf of the new client. Report the required information regarding this client on Schedule B and describe the purpose for the amendment on the cover sheet.

When I originally registered a client, it was with regard to a land use issue. Now, the client also wants me to lobby on living wage issues. Do I need to file an amendment?

Yes. Your firm must amend its Registration Form within 10 days of assuming new duties for a client that weren't previously disclosed. Report the new information regarding this client on Schedule B. When describing the amendment on the cover sheet, note that you are amending information for an existing client; your firm will not be charged a "new client" registration fee.

Does my firm need to report fundraising activities for a lobbyist listed on Schedule A if that person hasn't yet had a lobbying contact?

Yes. Your firm must list on Schedule C all fundraising activities, compensated campaign services, and City contract services for each person listed on Schedule A. All such persons are considered "lobbyists" even if they haven't yet lobbied. Their activities (as well as the

activities of any owners and officers of the firm) must be disclosed on Schedule C.

Do campaign contributions need to be reported on a Registration Form?

No. Campaign contributions are reported only on the Quarterly Disclosure Report, and only if the contributions were made during the quarter covered by that report. This requirement is different from the "fundraising activities" disclosure, for which relevant information must be reported on the Registration Form and the Quarterly Disclosure Report.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4007	Registration Required
27.4009(a)	Contents of Registration Form
27.4012	Amendments to Registration Form

Chapter 4
Registration Forms for Organization Lobbyists

The Lobbying Ordinance requires each Organization Lobbyist to submit a registration form that identifies itself, the individuals in the organization who are authorized to lobby on behalf of the organization, the municipal decisions that it is seeking to influence and that it sought to influence during the 60 days prior to registration, and other relevant items of information.

This chapter provides guidance on how to complete this form. Registration Forms must be filed with the City Clerk by a particular due date (See Chapter 2.) Completed Registration Forms will be posted on the City Clerk's website.

Organization Lobbyists must use the "Organization Lobbyist Registration Form" (Form EC-602) to register. They can access the EC-602 through the City Clerk's online filing system.

COMPLETING THE FORM

Cover Sheet - Identification

The Lobbying Ordinance requires the disclosure of the name, address, and telephone number of the Organization Lobbyist. Including an e-mail address for a contact person is optional.

Because the electronic filing system will automatically populate fields based on previous filings, make sure that all information displayed is current and correct. When filing an amendment, include details explaining what information is new, corrected, or deleted.

Cover Sheet - Schedules

The individual schedules are discussed later in this chapter. Note, however, that on the cover sheet for the Form EC-602, the electronic filing system will automatically check either a "Yes" or a "No" box to indicate which parts, if any, of Schedule C have been completed by the organization.

Cover Sheet - Verification

A duly authorized owner or officer of the Organization Lobbyist must electronically sign the cover sheet under penalty of perjury. This is performed during the process of submitting the form to the online system.

Schedule A (Part 1) – Description of Organization

On Form EC-602, Organization Lobbyists must describe on Schedule A – Part 1 the nature and purpose of the organization. An entity could state, for example, "cable television provider" or "stopping development in the City's beach areas." The description should be sufficient for the public to be reasonably informed with regard to what kind of entity the Organization Lobbyist is.

Schedule A (Part 2) - Lobbyist Disclosure

On Form EC-602, Organization Lobbyists must identify on Schedule A - Part 2 the name of each compensated individual in the organization who is authorized to lobby City Officials on behalf of the organization. Including the name of prospective lobbyists on the registration form will avoid the need for the organization to amend the form each time another person in the organization is authorized to lobby the City. A person listed on Schedule A is considered a "lobbyist" even if he or she has not yet had a lobbying contact.

Example: *TaxRevolt is an Organization Lobbyist with six paid officers and employees. It has authorized all six individuals to lobby City Officials with regard to several issues of interest to the organization. As of the date that it registered, only its Executive Director had a lobbying contact. On Schedule A, Part 2, TaxRevolt will disclose all six individuals because each of them is authorized to lobby the City.*

Do not include the names of any volunteer members of an organization, even if they are communicating with City Officials.

Schedule B (Part 1) – Number of Contacts

On Schedule B, Part 1, the Organization Lobbyist must state the number of contacts (meetings, telephone calls, letters, e-mails, etc.) that the owners, compensated officers, and employees of the organization had with City Officials during the preceding 60 calendar days in attempts to influence City decisions.

Note: If an entity registers prospectively, before having any lobbying contacts (as discussed in Chapter 1), it would put "zero" in this space.

For information regarding what is, and what is not, a "contact," please see Chapter 8.

Do not include contacts made by unpaid members of an organization. These contacts do not count toward the 10-contacts threshold and are not reportable on Schedule B.

When calculating the number of contacts, do not include instances where someone from the organization spoke at a public meeting noticed under the Brown Act, such as a meeting of the City Council.

Also do not include any communications that are subject to one of the exceptions identified in the Lobbying Ordinance. See Chapter 8 for additional information.

Schedule B (Part 2) - Municipal Decisions

On Schedule B, Part 2, describe each municipal decision that the organization is currently seeking to influence, as well as each municipal decision that the organization sought to influence during the previous 60 calendar days. Although the description need not be specific, it must provide the public with some understanding of the issues the organization is trying to, or planning to, influence.

The description of the municipal decision that you provide will be automatically entered into your organization's quarterly disclosure reports. If you provide only general information regarding a municipal decision on your Registration Form, more specific information concerning that decision must be added to the applicable Quarterly Disclosure Report.

An Organization Lobbyist may prospectively identify municipal decisions. If it lobbies on a decision that has not been identified on Schedule B, it will have to amend its registration within 10 days to disclose the new lobbying effort. See "Amending Registration" later in this chapter.

Example: *Strategic Options is an Organization Lobbyist that anticipates lobbying for water conservation measures later in the year. Even if it is not currently lobbying for such measures, it may list "water conservation issues" as a municipal decision on Schedule B. Later in the year when it starts lobbying for water conservation matters, it will not have to amend its Registration Form to add a new decision. On the other hand, Strategic Options may not simply list "assorted City matters" on Schedule B as a means of covering all possible future decisions.*

Identify the outcome the organization sought. For example: "implementation of stronger water conservation measures" or "passage of the Living Wage Ordinance."

Note: For all three parts of Schedule C, any position commonly associated with "officer" status, such as a vice president, will be treated as an "officer" under the Lobbying Ordinance unless the position is officially excluded from "officer" status by way of the firm's bylaws, SEC filings, or other official documentation.

Schedule C (Part 1) - Fundraising Disclosure

Organization Lobbyists are required to report on Schedule C - Part 1 basic information regarding the campaign fundraising activities of the organization's owners, compensated officers, and lobbyists. See Chapter 10 for a discussion of what constitutes "Fundraising Activities."

The required information is limited to fundraising that took place during the two-year period prior to registering, and applies only to fundraising for a current elected City Official.

Example: *Michelle is a lobbyist for a company that is registering as an Organization Lobbyist. She fundraised for two candidates running for different City Council seats in the election that took place the preceding November. Candidate Dwight was elected; Candidate Pam lost her race. When disclosing the organization's fundraising activities, the organization needs only disclose Michelle's fundraising for Candidate Dwight. Because Candidate Pam is not an elected officeholder when Michelle's company registers, the company need not disclose anyone's fundraising for her.*

Note: Registration Forms require only minimal information regarding fundraising activities. Quarterly Disclosure Reports require greater detail, including information regarding fundraising for all City candidates, not just the ones who are elected. See Chapter 6 for more information regarding Quarterly Disclosure Reports.

To complete Schedule C – Part 1, identify each owner, compensated officer, and lobbyist in the organization who engaged in "fundraising activities" for a current elected City Official within the past two years, along with the name of the applicable City Official.

Fundraising by volunteers of an organization is not required to be disclosed.

Do not report fundraising for a candidate who lost or withdrew from the election (unless the candidate is still an elected official, e.g. a councilmember who lost a mayoral election but is still a councilmember).

Individual campaign contributions from the organization's owners, compensated officers, and lobbyists are not reportable on a Registration Form. These contributions are, however, reportable on the organization's Quarterly Disclosure Report; see Chapter 6 for more information.

Schedule C (Part 2) - Campaign Services Disclosure

Organization Lobbyists are required to report on Schedule C - Part 2 basic information regarding any paid campaign services provided by the organization's owners, compensated officers, and lobbyists to a candidate who is currently an elected City Official.

Campaign-related services provided by volunteers of an organization are not required to be disclosed.

The required information is limited to paid campaign services provided during the two-year period prior to registering.

Example: *Terri is a lobbyist employed by a company that is registering as an Organization Lobbyist. A year ago, she worked as a paid campaign consultant for a candidate who is currently the Mayor. The company must disclose these services on its Registration Form.*

To complete Schedule C – Part 2, identify each owner, compensated officer, and lobbyist in the firm who received compensation to provide campaign-related services, such as serving as a consultant or treasurer, to a current elected City Official within the past two years, along with the name of the applicable City Official.

Do not report volunteer services provided to a campaign. Do not report services provided to a candidate who lost or withdrew from the election (unless the candidate is still an elected official, e.g. a councilmember who lost a mayoral election but is still a councilmember).

Schedule C (Part 3) - Contract Services Disclosure

Organization Lobbyists are required to report on Schedule C – Part 3 basic information regarding any paid contract services provided to the City by the firm's owners, compensated officers, and lobbyists.

Contract services provided by volunteers of an organization are not required to be disclosed.

The required information is limited to paid contract services provided during the two-year period prior to registering.

Example: *Paula owns a company that is registering as an Organization Lobbyist. Paula doesn't do any lobbying herself, but she does work on a number of consulting contracts that the company has with the*

City's Stormwater Department. When completing her company's Registration Form, Paula will disclose the fact that she worked for this City department.

To complete Schedule C – Part 3, identify each owner, compensated officer, and lobbyist in the firm who received compensation to provide services to a City department, agency, or board within the past two years, along with the name of the applicable City department, agency, or board.

Report any type of City contract, including a City employee contract, a City consultant contract, and a City independent contractor contract. Do not report volunteer services, such as serving on a City board, commission, or committee.

Schedule D – Deleting Lobbyists

If an Organization Lobbyist wants to remove a lobbyist from its registration, it may do so by filing an amendment and completing Schedule D. See discussion in the following section.

Do not use Schedule D when filing the organization's initial registration for the year. If using the online system to copy a previous year's Registration Form for use in a new registration, remove any former lobbyists from Schedule A instead.

AMENDING REGISTRATION

If any information on a Registration Form changes or if the organization discovers incorrect or incomplete information on the form, the Organization Lobbyist must file an amendment within 10 calendar days. If the organization's nature and purpose changes, or if an employee not previously identified on a Registration Form starts lobbying, it must file an amendment and report the new information on Schedule A. If the organization starts lobbying on a new matter not previously identified on a Registration Form, or if it decides to seek a different outcome for a previously disclosed decision, it must file an amendment and report the new information on Schedule B.

When filing an amendment, provide a brief explanation regarding the reason for the amendment in the box marked "Amendment Description" on the Form 602 cover sheet.

Example: *Bickle Development is an Organization Lobbyist that disclosed 5 lobbyists on its EC-602 registration form. Later in the year, it hires a new employee to lobby on a City decision. Within 10 days of the new employee lobbying City Officials, ABC Development must file an amended EC-602 form to identify the new lobbyist on Schedule A. It must also fill out Schedule C for the new lobbyist if he or she has any information to report on that schedule.*

If adding a new owner, compensated officer, or lobbyist to the organization, you must determine whether that individual engaged in any fundraising, campaign consulting, or City contracting within the previous two years. Report any such activity on Schedule C. Keep in mind that the two year period for the added individual is based on the date of the amendment, not the date of the organization's original filing.

Note: Even if an amendment makes a change to just one schedule, the City's electronic filing system will create an amendment form that includes all schedules containing current information.

If an Organization Lobbyist wants to "unregister" a lobbyist because he or she will no longer be lobbying for the organization, it may file an amendment and complete Schedule D. On this schedule, the organization will identify the name of the lobbyist it is deleting from its registration.

Note: If an Organization Lobbyist deletes a lobbyist on Schedule D, and that person lobbies for the organization later in the year, the organization will have to file another amendment to the Registration Form to re-add the lobbyist.

In addition to completing a Schedule D to delete a lobbyist, provide a short explanation (e.g., "deleting lobbyist") in the "Amendment Description" field on the cover sheet.

TERMINATING REGISTRATION

An Organization Lobbyist's registration automatically terminates on January 5 of the following calendar year. An organization may, if it wishes, terminate at an earlier time, using the Quarterly Disclosure Report. See Chapter 6 for information regarding using the Quarterly Disclosure Report form to terminate a registration.

RE-REGISTRATION

As stated in the previous paragraph, each Organization Lobbyist's registration automatically terminates on January 5 of the year following registration. If an entity is still engaged in lobbying City Officials after the termination date, it may have to re-register by filing another EC-602 form.

As with its initial registration, the entity must determine whether or not it has had 10 compensated lobbying contacts with City Officials within the previous 60 days. Note that in January or February, this could include contacts that took place in November or December of the previous year.

Note: Count the contacts made in the previous calendar year <u>only</u> if the organization is continuing to lobby in the current year. An entity with no lobbying contacts in the current year will not be required to re-register on the basis of having 10 contacts in the previous November or December.

Even if an entity does not meet the 10 contacts threshold in the days immediately following the termination of its previous registration, it should keep in mind that re-registration may be triggered by 10 compensated lobbying contacts during the course of any 60 day period throughout the remainder of the year.

An organization that is re-registering should complete the Registration Form as if it were starting from scratch, not as if it were amending last year's registration. Thus, an entity that is re-registering as an Organization Lobbyist will identify on Schedule A – Part 2 the names of everyone it is authorizing to lobby on its behalf for the current year. It need not "delete" the names of any former lobbyists (those names were essentially deleted when the entity's previous registration terminated on January 5).

The City Clerk's online filing system will allow you to copy a previous year's Registration Form so that you need not re-enter the same information all over again. If you use this feature, you should carefully review all of the information on the cover sheet and each schedule to ensure that the information being reported is still accurate for the current year.

Note: When re-registering, identify on Schedule B – Part 1 the number of contacts made during the previous 60 days, even if they were made prior to January 1. Similarly, identify on Schedule B – Part 2 the municipal decisions lobbied on during the previous 60 days, even if the lobbying took place prior to January 1.

Keep in mind that some re-registration information may duplicate information previously reported. For example, an entity may report identical or similar information regarding past municipal decisions for which it is continuing to lobby. Also, because the Lobbying Ordinance requires the disclosure of fundraising activities, campaign services, and City contract services going back two years, information regarding these activities reported on a Registration Form or Quarterly Disclosure Report in the previous year may need to be re-reported on the current year's Registration Form.

QUESTIONS

How can my organization complete Schedule B prospectively when we don't know what matters it will be lobbying on 6 months from now?

An organization can make reasonable presumptions regarding the kinds of matters in which it has an interest. Keep in mind that for purposes of the Registration Form, the description of a municipal decision can be

general (only the quarterly reports require specificity). If the organization starts lobbying on a matter not previously identified on a Registration Form, it can simply file an amendment to the form.

When identifying my organization's lobbyists on Schedule A, do I have to list everyone in the organization?

No. The organization needs to identify only the compensated individuals in the organization who are authorized to lobby the City on behalf of the organization. If an employee not identified on Schedule A starts to have lobbying contacts on behalf of the organization, the organization must amend its Registration Form to add that person. Because only compensated individuals are subject to the Lobbying Ordinance, do not list any volunteers, including the volunteer members of a board of directors, even if they might communicate with City Officials.

My company was registered as an organization lobbyist last year, and we had more than 10 contacts in December. Before the end of January, we will be reporting those contacts on our 4th quarter report. We haven't done any lobbying in the current year. Does my company need to re-register now?

No. Even though the organization had 10 or more contacts within the previous 60 days, it hasn't done any lobbying in the current year. Under these circumstances, your company will not need to re-register. Note, however, that if your company does begin lobbying in the current year, all lobbying contacts within the previous 60 days will count toward the registration threshold.

Does my organization need to report fundraising activities for a lobbyist listed on Schedule A if that person hasn't yet had a lobbying contact?

Yes. Your organization must list on Schedule C all fundraising activities, compensated campaign services, and City contract services for each person listed on Schedule A. All such persons are considered "lobbyists" even if they haven't yet lobbied. Their activities (as well as the activities of any owners and compensated officers of the organization) must be disclosed on Schedule C.

Do campaign contributions need to be reported on an organization's Registration Form?

No. Campaign contributions are reported only on the Quarterly Disclosure Report, and only if the contributions were made during the quarter covered by that report. This requirement is different from the "fundraising activities" disclosure, for which relevant information must be reported on the Registration Form and the Quarterly Disclosure Report.

After our organization filed its Registration Form, we realized that we forgot to identify a City contract that one of our lobbyists worked on. What should we do?

Whenever an Organization Lobbyist discovers that the information in its Registration Form is incomplete or incorrect, it must file an amendment to fully and accurately disclose the required information. The amendment must be filed within calendar 10 days of discovering the incomplete or incorrect information.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4009(b)	Contents of Registration Form
27.4012	Amendments to Registration Form

Chapter 5
Quarterly Disclosure Reports for Lobbying Firms

The Lobbying Ordinance requires a Lobbying Firm to file quarterly reports that disclose the lobbying activities the firm engaged in during the quarter, as well as other information relating to campaign and contracting activities. This chapter provides guidance on how to complete a quarterly report. All quarterly reports must be filed with the City Clerk no later than the last day of the month following the applicable calendar quarter (See Chapter 2 for more filing information.) Completed reports will be posted on the City Clerk's website.

Lobbying Firms must use the "Lobbying Firm Quarterly Disclosure Report" (Form EC-603) to disclosure its quarterly activities. They can access the EC-603 through the City Clerk's online filing system.

COMPLETING THE FORM

Cover Sheet - Identification

The Lobbying Ordinance requires the disclosure of the name, address, and telephone number of the Lobbying Firm.

Because the electronic filing system will automatically populate fields based on previous filings, make sure that all information displayed is current and correct. When filing an amendment, include details explaining what information is new, corrected, or deleted.

Cover Sheet - Schedules

The individual schedules are discussed later in this chapter. Note, however, that on the cover sheet for the Form EC-603, the Lobbying Firm must check either a "Yes" or a "No" box for each schedule to indicate which schedules are relevant to the firm. One box in each row must be checked. If any rows are left blank, the firm will be required to amend the form.

Cover Sheet - Verification

A duly authorized owner or officer of the Lobbying Firm must electronically sign the cover sheet under penalty of perjury. This is performed during the process of submitting the form to the online system.

Schedules A-1 and A-2 – Client Disclosure

On Form EC-603 - Schedule A-1 or A-2, a Lobbying Firm will identify and provide information regarding every client that the firm has identified on a Registration Form. The firm must fill out at least one Schedule A-1 or A-2 for each registered client

Schedule A-1: use this schedule if the firm lobbied on behalf of the client during the reporting period.

Schedule A-2: use this schedule if the firm did not lobby on behalf of the client during the reporting period.

Example: *Conundrum Consulting is a Lobbying Firm that identified two clients on its Registration Form. The firm lobbied several times on a matter for Client 1, but provided no services to Client 2 during the quarter. When preparing its quarterly report, Conundrum Consulting will complete a Schedule A-1 for Client 1, identifying the compensation earned during the quarter as well as detailed information regarding the lobbying effort. It will also complete a Schedule A-2 for Client 2. Because it did not lobbying on behalf of Client 2 during the quarter, it will report minimal information regarding that client.*

Schedule A-1

Use Schedule A-1 only for clients that the firm has had at least one lobbying contact during the reporting period. On Schedule A-1, the firm will disclose the municipal decisions the firm sought to influence on behalf of the client during the reporting period as well as the compensation it earned for its lobbying efforts.

Client Identification

In the first box on Schedule A, state the name, address, and telephone number of the client. If the client is a coalition or membership organization with members who are also "clients" (i.e., have paid or agreed to pay $1,000 or more lobbying services), such members are not required to be identified on the Quarterly

Disclosure Report. Be sure, however, that these individuals are appropriately identified on the firm's Registration Form. See Chapter 3 for more information.

Compensation Earned – General Rules

Identify the total compensation (to the nearest $1,000) the firm became entitled to receive from the client during the period in connection with its lobbying contacts. Include the amount actually received for lobbying and "lobbying activities" performed during the period, as well as any amounts earned, but not yet received, for lobbying and "lobbying activities" performed during the period.

Note: If you are reporting multiple municipal decisions for a single client, enter the total compensation for all of the decisions, and enter it only once. You may leave the compensation field blank for the remaining municipal decisions.

The term "lobbying activities" includes making a lobbying contact as well as monitoring decisions, preparing documents, attending hearings, conducting research, etc. that are related to the lobbying effort. See the definition of "lobbying activities" in Chapter 13 for more information.

Note: Although a communication with a lower level City Official may not be considered "lobbying," such a contact will be considered a "lobbying activity" if it is related to the lobbying effort. Thus, for purposes of calculating compensation, include lobbying-related contacts with lower level City employees.

Enter "zero" for any *pro bono* clients.

When calculating compensation from a particular client, include the amount earned for activities "related" to a municipal decision, such as research and monitoring, only if the firm had a lobbying contact on that decision during the reporting period. In other words, if a firm did not lobby on a decision during the reporting period, do not report anything regarding that decision on the quarterly report.

Example: *Django & Associates is a Lobbying Firm that identified one client on its Registration Form. The firm was retained to lobby the City on two separate municipal decisions. For Decision 1, the firm monitored the matter and performed some related research, but did not lobby any City Officials. For Decision 2, the firm did some research and lobbied several City Officials. When preparing its quarterly report, Django & Associates will complete one Schedule A-1 for the client. It will not report anything regarding Decision 1. When reporting the compensation earned from the client, it will only include the compensation earned for Decision 2 (the research and lobbying). It will also report other information relating to Decision 2, including identifying the decision, the outcome sought, the lobbyists in the firm who made the lobbying contacts, and the name and department of each City Official lobbied.*

Compensation Earned - Contingency Lobbying

If the firm lobbied on a contingency basis for a client during the reporting period, but did not become entitled to receive the contingent payment during that period, enter any non-contingent payments the firm became entitled to receive from the client, or "zero" if the firm's compensation was entirely contingency based. Check the box immediately below to indicate the contingency lobbying.

Note: If the firm engaged in lobbying on a contingency basis during the reporting period and was paid the contingent amount during the same period, treat the amount as regular compensation (i.e., don't check the contingency box).

Compensation does not generally include income earned for services rendered outside the reporting period. Contingency payments are an exception to this rule. Reportable compensation includes payments earned on a contingency basis during the reporting period for services that were provided prior to the reporting period.

Example: *Garcia & Norris is a Lobbying Firm that provided lobbying services in February and March*

for a client pursuant to a contingency fee agreement. The firm was not entitled to any compensation for its services unless a particular ordinance was adopted by the City Council, at which point it would receive a $7,500 fee. The ordinance in question was adopted in April. When completing its Jan-March quarterly report, Garcia & Norris reported receiving no compensation from the client, but checked the box on Schedule A-1 to disclose that it lobbied for the client on a contingency basis during the Jan-March reporting period. When it completes its April-June quarterly report, it will use Schedule A-2 (it did not lobby for the client in that quarter) to report the $7,500 payment.

Do not include compensation the firm received for "indirect" lobbying efforts, such as public relations and advertising. Such sums, if $5,000 or more in a calendar quarter, should be reported by the client as an "Expenditure Lobbyist." See Chapter 7 for information regarding expenditure lobbying.

Identify Municipal Decisions

Complete the "Municipal Decision" section of Schedule A-1 to identify the specific municipal decision for which the firm lobbied for the client during the reporting period. Providing only a vague description of a decision does not comply with the law.

Note that the descriptions you provided on your Registration Form will be automatically entered into your Quarterly Disclosure Reports. Therefore, if you provided general information regarding a municipal decision on your Registration Form, additional specific information concerning that decision must be added to the Quarterly Disclosure Report. Also supplement the information in the "Outcome Sought" field if necessary to accurately reflect the client's goals with respect to the specific municipal decision.

The following are examples of descriptions that are not specific enough:

"land use issue"
"property acquisition"
"land use entitlement"
"regulatory issue"
"CUP amendment"
"approval of agreement"
"consideration of Mission Hills project"
"site development permit"
"historical designation"
"proposed home in Pacific Beach"
"ordinance support and approval"

The above descriptions do not provide the public with substantive information. Keep in mind that one of the purposes of the Lobbying Ordinance is to provide transparency regarding efforts to influence municipal decisions. If the public cannot ascertain what City decisions a lobbying firm is trying to influence, then the firm is not complying with its disclosure obligations.

Many of the above descriptions would be sufficient if accompanied by a specific location (e.g., "land use entitlement at 527 Broadway") or if supplemented by more detailed information (e.g., "support and approval of Living Wage Ordinance").

List only the municipal decisions for which the firm had lobbying contacts during the reporting period. Do not include any information on Schedule A-1 for matters in which the firm did not engage in any lobbying.

Outcome Sought

For each decision, state the outcome that the client is seeking. It can be as simple as "approving the permit" or "opposing the plan update." When viewed in context with the description of the decision, the public should have a clear idea of the reason why your client has hired you to communicate with City Officials.

Identity of Lobbyists

List the name of each lobbyist in the firm who lobbied City Officials during the reporting period with regard to the identified municipal decision. Only include the names of individuals who made lobbying contacts. Do not list individuals in the firm whose activities were limited to monitoring or researching.

City Officials Lobbied

List the name and department of each City Official that the firm lobbied during the reporting

period with regard to the specific municipal decision you identified on the schedule.

When listing an official's name, do not merely say "Mayor" or "all members of the City Council." The Lobbying Ordinance requires their actual names. Keep in mind that following an election, where one official may be replaced with another, the public would not know which mayor or which councilmembers you were referring to.

Do not include the names of City Officials whom you addressed only at public meetings held in accordance with the Brown Act. Do not include the names of City employees who are not "City Officials" (although the compensation the firm received for communicating with such individuals may be reportable). See Chapter 8 for more information regarding which contacts are not subject to disclosure.

Check the Ethics Commission website for lists of various "City Officials." These lists are only updated quarterly, and may not be accurate on a given date. If you have any doubts concerning whether a person is, or is not, a "City Official" ask the person for their official title and see if it is in the list of "City Officials" contained in the Lobbying Ordinance (and set forth in Chapter 13). Note that some City Officials use a working title that is different from their official title. If still in doubt, please ask for assistance from the Ethics Commission.

Schedule A-2

Use Schedule A-2 to identify the clients the firm has registered, <u>but did not lobby on behalf of</u> during the reporting period. In other words, if a registered client is not reported on Schedule A-1 because the firm did not lobby for that client during the reporting period, then that client must appear on Schedule A-2.

Use the boxes on Schedule A-2 to state the name, address, and telephone number of each registered client not listed on Schedule A-1.

Each box contains space for information relating to the compensation earned in the reporting period. Because the firm did not lobby for any Schedule A-2 clients during the reporting period, the only reportable compensation earned would be for <u>contingency lobbying</u> performed in a prior period. If the firm became entitled to receive compensation during the reporting period for contingency lobbying performed in a prior period, enter the amount of compensation earned. Otherwise, enter "zero" or $0.

Example: *Lynch Consulting is a Lobbying Firm that provided lobbying services to its client, Quantum Parking, from April through June. Lynch Consulting was not entitled to receive any compensation from Quantum Parking unless and until Quantum Parking obtained a particular City contract. [On its second quarter statement, Lynch Consulting used Schedule A-1 to report zero compensation from this client, and checked the "contingency" box.] In July, Quantum Parking was awarded the contract, and Lynch Consulting became entitled to a $20,000 fee. When completing its third quarter statement, Lynch Consulting will use Schedule A-2 (because it didn't lobby in the third quarter) to report the $20,000 in compensation it received for the lobbying performed in the earlier quarter.*

Example: *Romero Solutions is a Lobbying Firm that registered a client, Designs of the Dawn, but did not engage in any lobbying for that client in April, May, or June. It does not have a contingency agreement with this client. When completing its second quarter report, it will identify Designs of the Dawn on Schedule A-2, and write "zero" on the compensation line.*

Schedule B – Activity Expenses

On Schedule B of Form EC-603, the Lobbying Firm must report its activity expenses for the reporting period. If the firm made no activity expenses, it does not need to include a Schedule B in its filing (and should check the applicable "No" box on the cover sheet to indicate this fact).

An "activity expense" means any payment made to, or on behalf of, any City Official or any member of a City Official's immediate family, by a lobbyist, lobbying firm, or organization lobbyist. Activity expenses include gifts, meals, consulting fees, salaries, and any other form of compensation to a City Official or a City Official's immediate family (other than campaign contributions).

A consulting fee paid to a City Official's spouse, for example, is a reportable activity expense. If a lobbying firm hires a City Official or a member of his or her immediate family, the approximate total amount of compensation provided to, or on behalf of, that individual during the reporting period, including bonuses and benefits, must be disclosed.

Example: *Halo Consulting is a Lobbying Firm that hires a Councilmember's spouse. Even though the spouse will not be lobbying or engaging in any lobbying activities, Halo must report information regarding the payments it made to the spouse during the reporting period.*

City law limits gifts (e.g., meals, tickets to events) from lobbying firms and its lobbyists to $10 per City Official within a calendar month. This means that if a lobbyist in your firm purchases an $8 lunch for a particular City Official, neither the firm nor any of its lobbyists may purchase a $3 beverage for that official in the same calendar month. Because the Activity Expenses schedule only requires the reporting of activity expenses that exceed $10, your firm should have no gifts to report.

Tickets and invitations to events held for non-profit entities (e.g., the Chamber of Commerce, Father Joe's Villages) are not considered gifts for purposes of the Lobbying Ordinance. Accordingly, they are not subject to the $10 limit and need not be reported on the Quarterly Report Form. Note, however, that such tickets and invitations may be considered gifts under the City's Ethics Ordinance and could subject a City Official to that Ordinance's gift limits, reporting requirements, and disqualification rules. See Chapter 9 for more information regarding gifts.

Note: The non-profit entity exception is intended to apply to a non-profit organization's formal events, such as an annual dinner, installation ceremony, fundraising event, awards ceremony, or similar occasion. The exception does not apply to informal gatherings. It does not, for example, permit a lobbyist to pay $25 for a City Official's lunch even if the lobbyist and the official are dining with members of a non-profit organization and they are discussing the organization's business.

To complete Schedule B, identify each activity expense made during the reporting period that exceeds $10 on any single occasion. For each activity expense identified, disclose:

- the date of the expense;
- a description of the expense (e.g., "consulting fees paid to John Smith");
- the name, title, and department of the City Official who benefited (or whose immediate family benefited) from the activity expense;
- the name of each lobbyist in the firm who participated in making the activity expense;
- the name and address of the payee of the activity expense;
- the amount of the expense; and,
- the name of any client on whose behalf the activity expense was made.

An activity expense is made on behalf of a client if the client requests, authorizes, or reimburses the expense.

Remember that a Lobbying Firm is not required to attach Schedule B if it has no activity expenses to disclose for the reporting period.

Note: For Schedules C, D, E, F, and G, any position commonly associated with "officer" status, such as a vice president, will be treated as an "officer" under the Lobbying Ordinance unless the position is officially excluded from "officer" status by way of the firm's bylaws, SEC filings, or other official documentation.

Schedule C – Campaign Disclosures – Contributions to City Candidates

On Schedule C of Form EC-603, the Lobbying Firm must disclose contributions totaling $100 or more made by the firm's owners, compensated officers, and lobbyists during the

reporting period to a City candidate or to a primarily formed committee that supports or opposes one or more City candidates. Include contributions made to a candidate's "professional expense committee" (i.e., legal defense funds).

Campaign contributions from owners and officers of the Lobbying Firm must be disclosed, even if they never engaged in lobbying.

Example: *Jane is one of the lobbying firm's partners. In October, she writes a personal check for $500 and gives it to a candidate seeking office in an upcoming City election. When the lobbying firm prepares its October-December disclosure report, it must identify Jane's $500 contribution. It is not relevant that Jane did not have any lobbying contacts during the quarter.*

An elected officeholder remains a "candidate" throughout his or her entire term of office. Accordingly, contributions made to someone after he or she assumes office are reportable.

Example: *After Councilmember Lopez is sworn into office, she sends out mailers soliciting contributions to retire her campaign debt. Reginald, one of the firm's lobbyists, sends a personal check for $150 to Councilmember Lopez. Even though the Councilmember is now an officeholder, she is also still a "candidate," and Reginald's firm must disclose the $150 contribution on its next quarterly report.*

Note: A contribution to the Mayor, City Attorney, or a Councilmember is reportable even if that person is running for a non-City office (e.g., running for State Assembly).

Committees that are primarily formed to support or oppose City candidates can be identified by their name. All such committees must include in their name the name of the candidate being supported or opposed, the office sought, and the year of the election.

Example: *Vernon, a lobbyist in a lobbying firm, contributes $300 to a committee named "Save San Diego, a committee to oppose Brady Sanchez for Mayor in 2012." Vernon's firm must report this contribution on its next quarterly report.*

For each contribution made by an owner, officer, or lobbyist of the firm during the reporting period, state:

- the name of the applicable owner, officer, or lobbyist;
- the name of the committee that received the contribution;
- the date of the contribution; and,
- the amount of the contribution.

If you are not sure of the full name of a candidate committee or a primarily formed committee, you can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). For contributions made to candidates, do not disclose only the candidate's name; make sure you disclose the full name of the candidate's committee. Contact the City Clerk's Office or Ethics Commission if you need further assistance identifying a committee.

Note: Only contributions totaling $100 or more in the quarter must be disclosed. A lobbyist who made only a single $75 contribution to a candidate or committee during the quarter does not need to disclose that contribution.

Note: The $100 threshold applies to each individual donor and each individual candidate or committee. In other words, if three owners of a Lobbying Firm each make a $50 contribution to a candidate or committee during the quarter, none of the contributions will need to be reported on Schedule C. Similarly, if one owner makes $50 contributions to three City candidates or committees, none of the contributions will need to be reported.

Note: If an individual made multiple contributions to a City candidate or committee during the quarter that cumulatively reached the $100 threshold, report each contribution separately on Schedule C.

Do not use Schedule C to report contributions made to ballot measure committees, even if the committee is candidate-controlled; use Schedule D instead.

Some committees that make independent expenditures to support candidates aren't "primarily formed," but are instead considered "general purpose" committees. These committees typically don't include a candidate's name or office sought in their name. There is no need to disclose contributions made to a "general purpose" committee for the purpose of supporting a candidate.

Schedule D – Campaign Disclosures – Contributions to Candidate-Controlled Ballot Measure Committees

On Schedule D of Form EC-603, the Lobbying Firm must disclose contributions totaling $100 or more made by the firm as well as its owners, compensated officers, and lobbyists during the reporting period to a City candidate-controlled ballot measure committee.

It is not difficult to determine if a candidate "controls" a ballot measure committee. Under the City's campaign laws, when a candidate "controls" a committee, that candidate's name must appear in a "paid for by" disclosure on all of the committee's mass-distributed campaign literature, including its door hangers, mailers, and yard signs. In addition, the name of the candidate controlling the committee must be disclosed on statements filed with the City Clerk. You can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). Contact the City Clerk's Office or Ethics Commission if you need further assistance determining whether a ballot measure committee is candidate-controlled.

Campaign contributions from owners and officers of the Lobbying Firm must be disclosed, even if they never engaged in lobbying.

Example: *Robert is a partner in a lobbying firm. In May, he writes a personal check for $5,000 and gives it to Citizens Revolting Against Progress, a ballot measure committee controlled by a Councilmember. When the lobbying firm prepares its April-June disclosure report, it must identify Robert's contribution. It is not relevant that Robert did not have any lobbying contacts during the quarter.*

An elected officeholder remains a "candidate" throughout his or her entire term of office. Accordingly, contributions made to a ballot measure committee controlled by an elected officeholder are reportable.

Example: *During Councilmember Loyo's term in office, he sends out mailers asking for contributions to a committee he created to support a ballot measure that will increase taxes. Zach, a lobbyist, sends a personal check for $200 to Councilmember Loyo's committee. Zach's firm must disclose the $200 contribution on its next quarterly disclosure report.*

If a Lobbying Firm (rather than an individual in the firm) makes a contribution to a ballot measure committee, the Lobbying Firm must identify itself as the source of the contribution.

Example: *Bateman & Associates is a Lobbying Firm that sends a $5,000 check to support a ballot measure committee controlled by Councilmember Fueyo. Because the contribution came from the firm's funds, Bateman & Associates will identify itself as the contributor on Schedule D.*

For each contribution made by the firm or its owners, officers, or lobbyists during the reporting period, state:

- the name of the firm (if the contribution was made in the firm's name) or the name of the applicable owner, officer, or lobbyist;
- the date of the contribution;
- the amount of the contribution;
- the name of the committee; and,
- the name of the candidate controlling the committee.

Note: Only contributions totaling $100 or more in the quarter must be disclosed. A lobbyist who made only a single $75 contribution to a candidate-controlled committee during the quarter does not need to disclose that contribution.

Note: The $100 threshold applies to each individual donor and each committee. In other words, if three owners of a Lobbying Firm each made a $50 contribution to a candidate-controlled committee during the quarter, none of the contributions will need to be reported on Schedule D. Similarly, if one owner makes $50 contributions to three different candidate-controlled committees, none of the contributions will need to be reported.

Note: If the firm or individual made multiple contributions to a candidate-controlled committee during the quarter that cumulatively reached the $100 threshold, report each contribution separately on Schedule D.

Schedule E – Fundraising Activities

On Schedule E of Form EC-603, the Lobbying Firm must disclose the fundraising activities by the firm's owners, compensated officers, and lobbyists during the reporting period that resulted in a candidate or a primarily formed candidate committee receiving $2,000 or more in contributions.

Note: The $2,000 fundraising disclosure threshold applies to each owner, officer, and lobbyist, and to each candidate or committee benefitting from the fundraising. In other words, amounts fundraised by different owners, officers, and lobbyists are not aggregated for purposes of the $2,000 threshold. Similarly, amounts fundraised for different City candidates are not aggregated.

See Chapter 10 for a detailed discussion of what constitutes "fundraising activity."

Fundraising by the owners and officers of a Lobbying Firm must be disclosed, even if they never engaged in lobbying.

When completing Schedule E, disclose all of the fundraising efforts for each person who reached the $2,000 threshold in the quarter, even if a specific instance of fundraising was less than $2,000 or if different dates or events were involved. For example, report both an April fundraiser that raised $900 and a June fundraiser that raised $1,100 for the same candidate.

Note: Unlike the Registration Form, the Quarterly Disclosure Statement requires fundraising information for all City candidates, regardless of whether they are elected officeholders.

For each instance of fundraising activity, state:

- a brief description of the fundraising activity (e.g., "hosted a fundraiser" or "mailed solicitations to 20 business associates");
- the name of the owner, officer, or lobbyist who engaged in the fundraising activity;
- the name of the <u>committee (not just the name of the candidate)</u> that benefited from the fundraising activity;
- a description of any applicable ballot measure;
- the date(s) of the fundraising activity (e.g., the date a fundraiser was held, the week that contribution solicitations were mailed); and,
- the <u>total</u> amount of contributions raised through the fundraising effort. Identify the <u>total</u> amount that an owner, officer, or lobbyist of the firm helped raise, even if they were one of several persons involved in the fundraising effort. Do not reduce this amount on the basis of anyone's proportionate involvement.

Example: *Mary is a partner in a lobbying firm. John and Bill are two of the firm's lobbyists. Candidate Smith asks Mary, John, and Bill to help raise money for his City Council election campaign. Candidate Smith gives each of them a stack of remittance envelopes and asks them to distribute the envelopes to their friends and associates for contributions to his campaign.*

- *Mary hosts a fundraiser at her house, collects $5,500 in contribution checks, and delivers them to Candidate Smith.*
- *John writes his name on a corner of each envelope and mails them to a dozen of his associates, asking them to place a contribution in the envelope and send it to the candidate. John later finds out (through his associates or the candidate) that those associates contributed a total of $2,300 to Candidate Smith.*
- *Bill calls 10 of his friends and encourages them to go to Mary's fundraiser. He takes no further action.*

When the firm prepares its quarterly disclosure report, it must identify Mary's and John's fundraising activities. Both solicited campaign contributions, and both made sure the candidate knew they were responsible for more than $2,000 in contributions. Bill's fundraising activities do not need to be disclosed – even though he solicited his friends on behalf of Candidate Smith, he never obtained any credit for contributions that might have resulted from his solicitations.

Example: *Harold and Maude are two lobbyists working for a Lobbying Firm. Both want to support Candidate Hernandez, who is seeking a Council office, as well as Candidate O'Reilly, who is running for Mayor. Harold collects $1,500 from his friends for Candidate Hernandez, and another $800 for Candidate O'Reilly. Maude raises $1,750 for Candidate Hernandez. None of these fundraising efforts are required to be disclosed. Even though Harold and Maude work for the same firm, their fundraising efforts are not aggregated, and neither independently reached the $2,000 per candidate threshold.*

If you are not sure of the full name of a candidate committee or a primarily formed committee, you can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). For fundraising performed directly for a candidate, do not disclose only the candidate's name; make sure you disclose the full name of the candidate's committee. Contact the City Clerk's Office or Ethics Commission if you need further assistance identifying a committee.

Some committees that make independent expenditures to support candidates aren't "primarily formed," but are instead considered "general purpose" committees. These committees typically don't include a candidate's name or office sought in their name. There is no need to disclose fundraising activities performed for a "general purpose" committee.

Schedule F – Campaign Services

On Schedule F of Form EC-603, the Lobbying Firm must disclose the compensated campaign services provided by the firm's owners, compensated officers, and lobbyists during the reporting period. Such services could be related to the candidate seeking office, or to a ballot measure committee controlled by the candidate. The services must be performed in exchange for a salary, bonus, or some other form of economic consideration, including an agreement for payment pursuant to a contingency fee agreement (e.g., a "win bonus"). Do not disclose volunteer work performed for a candidate.

Compensated campaign services are reportable regardless of whether they are provided by the firm.

Example: *Tim is a lobbyist for a Lobbying Firm, but during campaign season he has a side business where he works as a professional campaign consultant. In November, he starts working on a campaign for a candidate seeking elective City office. When his Lobbying Firm is preparing its October-December disclosure report, it must identify Tim's campaign activities on Schedule F. (Note that the firm will not need to disclose on Schedule E any of Tim's fundraising efforts if he was compensated by the candidate for this work.)*

For each owner, officer, or lobbyist in the firm who provided compensated campaign services to a City candidate during the reporting period:

- If the services were provided to a candidate for elective City office, identify the name of the candidate and the office sought.

- If the services were provided to a candidate-controlled ballot measure committee, identify the name of the committee, the name of the candidate controlling the committee, and a brief description of the ballot measure (e.g., "increase transient occupancy taxes").
- Identify the approximate amount of compensation that the owner, officer, or lobbyist earned for campaign services during the reporting period. If the individual has not yet been paid, but may be entitled to a contingency-based form of compensation (e.g., a "win bonus"), state "contingency" on the form.

Example: *Olivia is a lobbyist who earned $1,000 per month for treasurer services she provided to a City Council candidate. When completing its quarterly report, Olivia's firm will disclose her treasurer services and report the $3,000 she earned in the quarter.*

Example: *Aidan is a lobbyist who worked on a Mayoral candidate's campaign under an agreement that he would volunteer his services, but be entitled to a $2,500 "win bonus" if the candidate won the election. The candidate won the election in November and paid Aidan the $2,500 in January of the following year. When completing its fourth quarter report, the firm will report the $2,500 that Aidan earned in the quarter, even though the actual payment wasn't made until the first quarter of the following year. The firm will not report the payment on its first quarter report for the following year.*

Example: *Maria is a lobbyist who is working as a consultant for a City Council candidate under a contract that will pay her $10,000 if the candidate wins the election. During the months leading up to the election, Maria's firm will disclose the campaign services on Schedule F, and state "contingency" on the compensation line because Maria has not yet earned any compensation. It will disclose the $10,000 if and when Maria becomes entitled to it.*

- Provide a brief description of the services rendered (e.g., "served as campaign consultant for Candidate A").

Schedule G – City Contract Services

On Schedule G of Form EC-603, the Lobbying Firm must disclose the compensated City contract services provided by the firm's owners, officers, and lobbyists during the reporting period. This disclosure is required when one of the firm's owners, officers, or lobbyists contracted with the City as an employee, consultant, or independent contractor.
Note that "City" includes all of the City's departments, agencies (such as CCDC and the Housing Commission), boards, and commissions.
Compensated City contract services are reportable regardless of whether they are provided by the firm.

Example: *Isabel is a lobbyist in a Lobbying Firm. She specializes in environmental matters. Because of her expertise, the City's Environmental Services Department retains her as a consultant to evaluate the impact of a proposed hazardous waste program. (It is of no consequence whether the contract is through the Lobbying Firm.) Isabel starts and completes the contract in March. She submits a bill for $2,500 and she's paid in April. When her firm prepares its January-March quarterly disclosure report, it must report Isabel's services to the City and the $2,500 earned. Note: when the firm prepares its April-June quarterly disclosure report, it need not disclose this consulting contract even though the payment was received in April because the payment was "earned" in, and reported for, the prior quarter.*

For each owner, officer, or lobbyist in the firm who personally provided compensated services under a contract with the City during the reporting period:

- Identify the name of the person in the firm who provided the services.
- Identify the name of the applicable City department, agency, or board.
- State the approximate amount of compensation that person earned during the reporting period (regardless of whether the compensation was actually received).
- Provide a brief description of the services that were rendered (e.g., "consulting services pertaining to outsourcing computer services").

AMENDING QUARTERLY REPORT

If any information on a Quarterly Disclosure Report is incomplete or inaccurate, the Lobbying Firm must file an amendment within 10 calendar days.

When filing an amendment, check the "amendment" box on the Form EC-603 cover sheet and provide a brief explanation regarding the reason for the amendment.

Note: Even if an amendment makes a change to just one schedule, the City's electronic filing system will create an amendment form that includes all schedules that contain information.

Example: *On Schedule C of its Quarterly Disclosure Report, Lobbying Firm Heer & Thayer identified campaign contributions made by three individuals. Shortly after filing the Report, it discovers that a fourth individual also gave a contribution during the quarter and should have been included in the report. Within 10 days of that discovery, Heer & Thayer must file an EC-603 amendment. It must briefly describe the purpose for the amendment on the cover sheet and update Schedule C to list the fourth individual.*

If a Lobbying Firm wants to "unreport" a person or activity that it was never required to report, it may amend its Quarterly Disclosure Report to remove the information.

Example: *On Schedule C of its Quarterly Disclosure Report, Lobbying Firm Tew & Frowe identified campaign contributions made by three individuals. Shortly after filing the Report, it discovered that one of those individuals, Edgar Tew, never actually made any contributions during the quarter and never should have been included on Schedule C of the Report. Within 10 days of that discovery, Tew & Frowe should file an EC-603 amendment and describe on the cover sheet the reason for amending. It should delete Edgar Tew's name from Schedule C; only the other two individuals' names should show up on Schedule C.*

New circumstances involving who is, or is not, a lobbyist for the Lobbying Firm, must be disclosed by amending the firm's Registration Form, not the firm's Quarterly Disclosure Report. Similarly, if the firm is retained by a new client or starts lobbying on a new municipal decision, those changes must be reflected in an amendment to the Registration Form. See Chapter 3 (Amending Registration) for more information.

TERMINATING REGISTRATION

A Lobbying Firm's registration automatically terminates on January 5 of the following calendar year. A firm may, if it wishes, terminate at an earlier time. This would be the case, for example, when a firm's practice no longer involves lobbying City Officials and it no longer wishes to file quarterly statements.

A Lobbying Firm must use the Quarterly Disclosure Report to terminate registration. To terminate, the firm must check the "termination" box at the top of the Report's cover sheet. In addition, the firm must complete the Quarterly Disclosure Report, and provide any information applicable to the firm up to the date of termination.

Note: When filing any Quarterly Disclosure Report, a firm must enter a "From" date and a "To" date on the cover sheet to establish the reporting period covered by the report. For purposes of terminating a registration, the "To" date on the report establishes the date that the firm has terminated its registration.

Example: *When Lobbying Firm Miles Communications files its regular Quarterly Disclosure Report covering the 2nd calendar quarter (4/1/13 through 6/30/13), it checks the termination box on the cover sheet. Miles Communications has terminated its registration as of June 30, 2013.*

Example: *Lobbying Firm Davis Strategies decides to terminate its registration in the middle of a calendar quarter. It files a Quarterly Disclosure Report and indicates that the report is covering the period from 4/1/13 through 5/15/13. It checks the termination box on the cover sheet. Davis Strategies has terminated its registration as of May 15, 2013.*

Note: Any lobbying by a firm after the date of termination (the "To" date on its terminating quarterly report) will obligate the firm to re-register as a Lobbying Firm.

If a terminated firm starts lobbying again later in the year, it will have to pay another registration fee to the City Clerk.

As indicated above, all registrations terminate automatically on the following January 5. If a firm continues to have paid lobbying contacts after that time, it will have to register for the new year by filing another Form EC-601. See Chapters 1 and 3 for more information.

QUESTIONS

My firm has offices throughout California and in several other states. Do I have to keep track of the campaign activities of all of the firm's partners?

Yes. The Lobbying Ordinance requires the disclosure of fundraising activities and contributions by each owner, officer, and lobbyist of a Lobbying Firm. This requirement applies to the firm's equity partners regardless of where they are located. In the event that an out-of-town equity partner engages in fundraising activities for a San Diego candidate or makes a campaign contribution to a San Diego candidate, such activities will have to be reported on the firm's disclosure statements.

A lobbyist in my firm contributed $250 to a County of San Diego candidate. Is that contribution reportable by my firm?

Probably not. Your firm is generally not required to report contributions made for candidate races outside the City of San Diego, Note, however, that if the candidate seeking the County office is an elected City of San Diego official (i.e., Mayor, City Attorney, or Councilmember), then the contribution would be reportable. For example, a contribution made to a City Council-member running for County Supervisor would be reportable.

A lobbyist in my firm contributed $500 to a San Diego ballot measure committee that was not controlled by a City candidate. Is that contribution reportable by my firm?

No. Your firm is not required to report contributions to a ballot measure committee that is not controlled by a City candidate.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4006	Activity Expense on Behalf of Client
27.4017(a)	Quarterly Disclosure Required
27.4018	Amendments to Quarterly Disclosure Reports
27.4022	Termination of Status as Lobbying Firm or Organization Lobbyist

Chapter 6
Quarterly Disclosure Reports for Organization Lobbyists

The Lobbying Ordinance requires Organization Lobbyists to file quarterly reports that disclose the lobbying the organization engaged in during the quarter, as well as other information relating to campaign and contracting activities. This chapter provides guidance on how to complete a quarterly report. All quarterly reports must be filed with the City Clerk no later than the last day of the month following the applicable quarter (See Chapter 2 for more filing information.) Completed reports will be posted on the City Clerk's website.

Organization Lobbyists must use the "Organization Lobbyist Quarterly Disclosure Report" (Form EC-604) to disclosure its quarterly activities. They can access the EC-604 through the City Clerk's online filing system.

COMPLETING THE FORM

Cover Sheet - Identification

The Lobbying Ordinance requires the disclosure of the name, address, and telephone number of the Organization Lobbyist.

Because the electronic filing system will automatically populate fields based on previous filings, make sure that all information displayed is current and correct. When filing an amendment, include details explaining what information is new, corrected, or deleted.

Cover Sheet - Schedules

The individual schedules are discussed later in this chapter. Note, however, that on the cover sheet for the Form EC-604, the Organization Lobbyists must check either a "Yes" or a "No" box for each schedule to indicate which schedules are relevant to the organization. One box in each row must be checked. If any rows are left blank, the organization will be required to amend the form.

Cover Sheet - Verification

A duly authorized owner or officer of the Organization Lobbyist must electronically sign the cover sheet under penalty of perjury. This is performed during the process of submitting the form to the online system.

Schedule A – City Decisions

On Form EC-604, an Organization Lobbyist must identify on Schedule A the municipal decisions the organization sought to influence during the quarter, and provide details regarding those lobbying attempts. File a separate Schedule A for each decision.

Example: *Global Solutions is an Organization Lobbyist that lobbied City Officials with regard to two separate municipal decisions during the reporting period. When preparing its quarterly report, Global Solutions will complete two Schedule As, one for each municipal decision.*

If the organization engaged in no lobbying during the reporting period, it should not include a Schedule A in its filing (and should check the applicable "No" box on the cover sheet to indicate this fact).

Identify Municipal Decisions

At the top of a Schedule A box, identify the specific municipal decision for which the organization engaged in lobbying during the reporting period. Providing only a vague description of a decision does not comply with the law.

Note that the descriptions you provided on your Registration Form will be automatically entered into your Quarterly Disclosure Reports. Therefore, if you provided general information regarding a municipal decision on your Registration Form, additional specific information concerning that decision must be added to the Quarterly Disclosure Report. Also supplement the information in the "Outcome Sought" field if necessary to accurately reflect the organization's goals with respect to the specific municipal decision.

The following are examples of descriptions that are not specific enough:

"land use issue"
"property land acquisition"
"land use entitlement"
"regulatory issue"
"CUP amendment"
"approval of agreement"
"consideration of Mission Hills project"
"site development permit"
"historical designation"
"proposed home in Pacific Beach"
"ordinance support and approval"

The above descriptions do not provide the public with substantive information. Keep in mind that one of the purposes of the Lobbying Ordinance is to provide transparency regarding efforts to influence municipal decisions. If the public cannot ascertain what City decisions an organization is trying to influence, then the organization is not complying with its disclosure obligations.

Many of the above descriptions would be sufficient if accompanied by a specific location (e.g., "land use entitlement at 527 Broadway") or if supplemented by more detailed information (e.g., "support and approval of Living Wage Ordinance").

Outcome Sought

For each identified decision, state the outcome that the organization is seeking. It can be as simple as "approving the permit" or "opposing the plan update." When viewed in context with the description of the decision, the public should have a clear idea of the reason why your organization is trying to influence City Officials.

Identity of Lobbyists

Below the outcome sought, list the name of each owner, compensated officer, and employee of the organization who lobbied City Officials during the reporting period with regard to the decision identified in Schedule A. Do not include volunteer "rank and file" members of the organization. Do not include unpaid members of the organization's board or directors or any other volunteers.

City Officials Lobbied

Below the list of lobbyists, list the name and department of each City Official that the organization lobbied during the reporting period with regard to the specific municipal decision identified on the Schedule.

When listing an official's name, do not merely say "Mayor" or "all members of the City Council." The Lobbying Ordinance requires their actual names. Keep in mind that following an election, where one official may be replaced with another within a single reporting period, the public would not know which mayor or which councilmembers you were referring to.

Do not include the names of City Officials whom you addressed only at public meetings held in accordance with the Brown Act. Do not include the names of City employees who are not "City Officials." See Chapter 8 for more information regarding contacts that are, and are not, subject to disclosure.

Check the Ethics Commission website for lists of various "City Officials." These lists are only updated quarterly, and may not be accurate on a given date. If you have any doubts concerning whether a person is, or is not, a "City Official" ask the person if their title is included in the list of "City Officials" contained in the Lobbying Ordinance (and set forth in Chapter 13). Note that some City Officials use a working title that is different from their official title.

Number of Contacts

Identify the total number of lobbying contacts that the organization's owners, officers, and employees had during the quarter with regard to the specific decision identified on the Schedule. Do not include the contacts made by volunteers.

Schedule B – Activity Expenses

On Schedule B of Form EC-604, the Organization Lobbyist must report its activity expenses for the reporting period. If the organization made no activity expenses, it should not include a Schedule B in its filing (but

should instead check the applicable "No" box on the cover sheet to indicate this fact).

An "activity expense" means any payment made to, or on behalf of, any City Official or any member of a City Official's immediate family, by a lobbyist, lobbying firm, or organization lobbyist. Activity expenses include gifts, meals, consulting fees, salaries, and any other form of compensation to a City Official or a City Official's immediate family (other than campaign contributions).

A consulting fee paid to a City Official's spouse, for example, is a reportable activity expense. If a lobbying firm hires a City Official or a member of his or her immediate family, the approximate total amount of compensation provided to, or on behalf of, that individual during the reporting period, including bonuses and benefits, must be disclosed.

Example: *The Association of Industry Associates is an Organization Lobbyist that hires a Council-member's spouse to prepare its tax returns. Even though the spouse will not be lobbying, the Association of Industry Associates must report information regarding the payments it made to the spouse during the reporting period.*

City law limits gifts (e.g., meals, tickets to events) from an Organization Lobbyist and its lobbyists to $10 per City Official within a calendar month. This means that if a lobbyist in your organization purchases an $8 lunch for a particular City Official, neither the organization nor any of its lobbyists may purchase a $3 beverage for that official in the same calendar month. Because the Activity Expenses schedule only requires the reporting of activity expenses that exceed $10, your organization should have no gifts to report.

Tickets and invitations to events held for non-profit entities (e.g., the Chamber of Commerce, Father Joe's Villages) are not considered gifts for purposes of the Lobbying Ordinance. Accordingly, they are not subject to the $10 limit and need not be reported on the Quarterly Report Form. Note, however, that such tickets and invitations may be considered gifts under the City's Ethics Ordinance and could subject to a City Official to that Ordinance's gift limits, reporting requirements, and disqualification rules. See Chapter 9 for more information regarding gifts.

Note: The non-profit entity exception is intended to apply to a non-profit organization's formal events, such as an annual dinner, installation ceremony, fundraising event, awards ceremony, or similar occasion. The exception does not apply to informal gatherings. It does not, for example, permit a non-profit organization to pay $25 for a City Official's lunch even if the official is dining with some of the organization's members and they discuss organization business.

To complete Schedule B, identify each activity expense made during the reporting period that exceeds $10 on any single occasion. For each activity expense identified, disclose:

- the date of the expense;
- the amount of the expense;
- a description of the expense (e.g., "consulting fees paid to John Smith");
- the name, title, and department of the City Official who benefited (or whose immediate family benefited) from the activity expense;
- the name of each lobbyist in the organization who participated in making the activity expense; and,
- the name and address of the payee of the activity expense;

Remember that an Organization Lobbyist is not required to attach Schedule B if it has no activity expenses to disclose for the reporting period.

Note: For Schedules C, D, E, F, and G, any position commonly associated with "officer" status, such as a vice president, will be treated as an "officer" under the Lobbying Ordinance unless the position is officially excluded from "officer" status by way of the firm's bylaws, SEC filings, or other official documentation.

Schedule C – Campaign Disclosures – Contributions to City Candidates

On Schedule C of Form EC-604, the Organization Lobbyist must disclose contributions totaling $100 or more made by the organization's owners, compensated officers, and lobbyists during the reporting period to a City candidate or to a primarily formed committee that supports or opposes one or more City candidates. Include contributions made to a candidate's "professional expense committee" (i.e., legal defense funds). Campaign contributions from owners and compensated officers of the Organization Lobbyist must be disclosed, even if they never engaged in lobbying.

The volunteer members of an organization, including unpaid members of the board of directors, need not disclose their contributions, even if they engaged in lobbying.

An elected officeholder remains a "candidate" throughout his or her entire term of office. Accordingly, contributions made to someone after he or she assumes office are reportable.

Example: *After Councilmember Lopez is sworn into office, she sends out mailers soliciting contributions to retire her campaign debt. Rick is a lobbyist for a cable company, which has registered as an Organization Lobbyist. Rick sends a personal check for $150 to Councilmember Lopez. Even though the Councilmember is now an officeholder, she is also still a "candidate," and the cable company must disclose Rick's $150 contribution on its next quarterly disclosure report.*

Note: A contribution to the Mayor, City Attorney, or a Councilmember is reportable even if that person is running for a non-City office (e.g., running for State Assembly).

Committees that are primarily formed to support or oppose City candidates can be identified by their name. All such committees must include in their name the name of the candidate being supported or opposed, the office sought, and the year of the election.

Example: *Cameron is the CEO of an organization lobbyist. He contributes $500 to a committee named "Friends of Progress supporting Barbara Dobbs for Mayor in 2012." Cameron's company must report this contribution on its next quarterly report.*

For each contribution made by an owner, compensated officer, or lobbyist of the organization during the reporting period, state:

- the name of the applicable owner, compensated officer, or lobbyist;
- the name of the committee that received the contribution;
- the date of the contribution; and,
- the amount of the contribution.

If you are not sure of the full name of a candidate committee or a primarily formed committee, you can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). For contributions made to candidates, do not disclose only the candidate's name; make sure you disclose the full name of the candidate's committee. Contact the City Clerk's Office or Ethics Commission if you need further assistance identifying a committee.

Note: Only contributions totaling $100 or more in the quarter must be disclosed. A lobbyist who made only a single $75 contribution to a candidate or committee during the quarter does not need to disclose that contribution.

Note: The $100 threshold applies to each individual donor and each individual candidate or committee. In other words, if three owners of an Organization Lobbyist each made a $50 contribution to a candidate or committee during the quarter, none of the contributions will need to be reported on Schedule C. Similarly, if one owner made $50 contributions to three City candidates or committees, none of the contributions will need to be reported.

Note: If an individual made multiple contributions to a City candidate or committee during the quarter that cumulatively reached the $100 threshold, report each contribution separately on Schedule C.

Do not use Schedule C to report contributions made to ballot measure committees, even if the committee is candidate-controlled; use Schedule D instead.

Some committees that make independent expenditures to support candidates aren't "primarily formed," but are instead considered "general purpose" committees. These committees typically don't include a candidate's name or office sought in their name. There is no need to disclose contributions made to a "general purpose" committee for the purpose of supporting a candidate.

Schedule D – Campaign Disclosures – Contributions to Candidate-Controlled Ballot Measure Committees

On Schedule D of Form EC-604, the Organization Lobbyist must disclose contributions totaling $100 or more made by the organization as well as its owners, compensated officers, and lobbyists during the reporting period to a City candidate-controlled ballot measure committee.

It is not difficult to determine if a candidate "controls" a ballot measure committee. Under the City's campaign laws, when a candidate "controls" a committee, that candidate's name must appear in a "paid for by" disclosure on all of the committee's mass-distributed campaign literature, including its door hangers, mailers, and yard signs. In addition, the name of the candidate controlling the committee must be disclosed on statements filed with the City Clerk. You can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). Contact the City Clerk's Office or Ethics Commission if you need further assistance determining whether a ballot measure committee is candidate-controlled.

Campaign contributions from owners and compensated officers of the Organization Lobbyist must be disclosed, even if they never engaged in lobbying.

Example: *Sigmund owns Synergistic Anomalies, which has registered as an Organization Lobbyist. In May, he writes a personal check for $5,000 and gives it to Friends of Outdoor Lighting, a ballot measure committee controlled by a Councilmember. When Synergistic Anomalies prepares its April-June disclosure report, it must identify Sigmund's contribution. It does not matter whether Sigmund had any lobbying contacts during the quarter.*

If an Organization Lobbyist (rather than an individual in the organization) makes a contribution to a ballot measure committee, the Organization Lobbyist must identify itself as the source of the contribution.

Example: *ANDORIF is an Organization Lobbyist that sends a $10,000 check to support a ballot measure committee controlled by Mayor Fox. Because the contribution came from the organization's funds, ANDORIF will identify itself as the contributor on Schedule D.*

The volunteer members of an organization, including unpaid members of the board of directors, need not disclose their contributions, even if they have engaged in lobbying.

For each contribution made by the organization or its owners, compensated officers, or lobbyists during the reporting period, state:

- the name of the organization (if the contribution was made in the organization's name) or the name of the applicable owner, compensated officer, or lobbyist;
- the date of the contribution;
- the amount of the contribution;
- the name of the committee; and,
- the name of the candidate controlling the committee.

Note: Only contributions totaling $100 or more in the quarter must be disclosed. A lobbyist who made only a single $75 contribution to a candidate-controlled committee during the quarter does not need to disclose that contribution.

Note: The $100 threshold applies to each individual donor and each committee. In other words, if three owners of an Organization Lobbyist each made a $50 contribution to a candidate-controlled during the quarter, none of the contributions will need to be reported on Schedule D. Similarly, if one owner made $50 contributions to three different candidate-controlled committees, none of the contributions will need to be reported.

Note: If the organization or individual made multiple contributions to a candidate-controlled committee during the quarter that cumulatively reached the $100 threshold, report each contribution separately on Schedule D.

Schedule E – Fundraising Activities

On Schedule E of Form EC-604, the Organization Lobbyist must disclose the fundraising activities by the organization's owners, compensated officers, and lobbyists during the reporting period that resulted in a candidate or a primarily formed candidate committee receiving $2,000 or more in contributions.

Note: the $2,000 fundraising disclosure threshold applies to each owner, compensated officer, and lobbyist, and to each candidate or committee supported. In other words, amounts fundraised by different owners, officers, and lobbyists are not aggregated for purposes of the $2,000 threshold. Similarly, amounts fundraised for different City candidates are not aggregated.

See Chapter 10 for a detailed discussion of what constitutes "fundraising activity."

Fundraising by the owners and compensated officers of an Organization Lobbyist must be disclosed, even if they never engaged in lobbying.

The volunteer members of an organization, including unpaid members of the board of directors, need not disclose their fundraising even if they have engaged in lobbying.

When completing Schedule E, disclose all of the fundraising efforts for each person who reached the $2,000 threshold in the quarter, even if a specific instance of fundraising was less than $2,000 or if different dates or events were involved. For example, report both an April fundraiser that raised $900 and a June fundraiser that raised $1,100 for the same candidate.

Note: unlike the Registration Form, the Quarterly Disclosure Statement requires fundraising information regarding all City candidates, regardless of whether they are elected officeholders.

For each instance of fundraising activity, state:

- a brief description of the fundraising activity (e.g., "hosted a fundraiser" or "mailed solicitations to 20 business associates");

- the name of the owner, compensated officer, or lobbyist who engaged in the fundraising activity;
- the name of the committee (not just the name of the candidate) that benefited from the fundraising activity;
- a description of any applicable ballot measure;
- the date(s) of the fundraising activity (e.g., the date a fundraiser was held, the week that contribution solicitations were mailed); and,
- the total amount of contributions raised through the fundraising effort. Identify the total amount that an owner, compensated officer, or lobbyist of the organization helped raise, even if they were one of several persons involved in the fundraising effort. Do not reduce this amount on the basis of anyone's proportionate involvement.

Example: *Mary, John, and Bill are lobbyists for an Organization Lobbyist. Candidate Smith asks each of them to help raise money for his City Council election campaign. Candidate Smith gives each of them a stack of remittance envelopes and asks them to distribute the envelopes to their friends and associates for contributions to his campaign.*

- *Mary hosts a fundraiser at her house, collects $5,500 in contribution checks, and delivers them to Candidate Smith.*
- *John writes his name on a corner of each envelope and mails them to a dozen of his associates, asking them to place a contribution in the envelope and send it to the candidate. John later finds out (through his associates or the candidate) that those associates contributed a total of $2,300 to Candidate Smith.*
- *Bill calls 10 of his friends and encourages them to go to Mary's fundraiser. He takes no further action.*

When the organization prepares its quarterly disclosure report, it must identify Mary's and John's fundraising activities. Both solicited campaign contributions, and both made sure the candidate knew they were responsible for more than $2,000 in contributions. Bill's fundraising activities do not need to be disclosed – even though he solicited his friends on behalf of Candidate Smith, he never obtained any credit for contributions that might have resulted from his solicitations.

Example: *Harold and Maude are two lobbyists working for an Organization Lobbyist. Both want to support Candidate Hernandez, who is seeking a Council office, as well as Candidate O'Reilly, who is running for Mayor. Harold collects $1,500 from his friends for Candidate Hernandez, and another $800 for Candidate O'Reilly. Maude raises $1,750 for Candidate Hernandez. None of these fundraising efforts are required to be disclosed. Even though Harold and Maude work for the same organization, their fundraising efforts are not aggregated, and neither independently reached the $2,000 per candidate threshold.*

If you are not sure of the full name of a candidate committee or a primarily formed committee, you can search or browse for committee names in the City Clerk's electronic filing system (http://tinyurl.com/FileSanDiego). For fundraising performed directly for a candidate, do not disclose only the candidate's name; make sure you disclose the full name of the candidate's committee. Contact the City Clerk's Office or Ethics Commission if you need further assistance identifying a committee.

Some committees that make independent expenditures to support candidates aren't "primarily formed," but are instead considered "general purpose" committees. These committees typically don't include a candidate's name or office sought in their name. There is no need to disclose fundraising activities performed for a "general purpose" committee.

Schedule F – Campaign Services

On Schedule F of Form EC-604, the Organization Lobbyist must disclose the compensated campaign services provided by the organization's owners, compensated officers, and lobbyists during the reporting period.

Such services could be related to the candidate seeking office, or to a ballot measure committee controlled by the candidate. The services must be performed in exchange for a salary, bonus, or some other form of economic consideration,

including an agreement for payment pursuant to a contingency fee agreement (e.g., a "win bonus"). Do not disclose volunteer work performed for a candidate.

Campaign services provided by the owners and compensated officers of an Organization Lobbyist must be disclosed, even if they never engaged in lobbying.

Example: *Lester is the paid Executive Director for the United Whey, a dairy coalition that has registered as an Organization Lobbyist. During campaign season, Lester has a side business where he works as a professional campaign consultant. In November, he starts working on a campaign for a candidate seeking elective City office. When the United Whey is preparing its October-December disclosure report, it must disclose Lester's campaign activities on Schedule F. (Note that the organization will not need to disclose on Schedule E any of Lester's fundraising efforts if he was compensated by the candidate for this work.)*

The volunteer members of an organization, including unpaid members of the board of directors, need not disclose their campaign services even if they have engaged in lobbying.

For each owner, compensated officer, or lobbyist in the organization who provided compensated campaign services to a City candidate during the reporting period:

- If the services were provided to a candidate for elective City office, identify the name of the candidate and the office sought.
- If the services were provided to a candidate-controlled ballot measure committee, identify the name of the committee, the name of the candidate controlling the committee, and a brief description of the ballot measure (e.g., "increase transient occupancy taxes").
- Identify the approximate amount of compensation that the owner, compensated officer, or lobbyist earned for campaign services during the reporting period. If the individual has not yet earned any compensation, but may be entitled to a contingency-based form of compensation (e.g., a "win bonus"), state "contingency" on the form.

Example: *Olivia is a lobbyist who earned $1,000 per month for treasurer services she provided to a City Council candidate. When completing its quarterly report, Olivia's organization will disclose her treasurer services and report the $3,000 she earned in the quarter.*

Example: *Aidan is a lobbyist who worked on a Mayoral candidate's campaign under an agreement that he would volunteer his services, but be entitled to a $2,500 "win bonus" if the candidate won the election. The candidate won the election in November and paid Aidan the $2,500 in January of the following year. When completing its fourth quarter report, the organization will report the $2,500 that Aidan earned in the quarter, even though the actual payment wasn't made until the first quarter of the following year. The organization will not report the payment on its first quarter report for the following year.*

Example: *Maria is a lobbyist who is working as a consultant for a City Council candidate under a contract that will pay her $10,000 if the candidate wins the election. During the months leading up to the election, Maria's organization will disclose the campaign services on Schedule F, and state "contingency" on the compensation line because Maria has not yet earned any compensation. It will disclose the $10,000 if and when Maria becomes entitled to it.*

- Provide a brief description of the services provided (e.g., "served as campaign consultant for Candidate A").

Schedule G – City Contract Services

On Schedule G of Form EC-604, the Organization Lobbyist must disclose the compensated City contract services provided by the organization's owners, compensated officers, and lobbyists during the reporting period. This disclosure is required when one of the organization's owners, compensated officers, or lobbyists contracted with the City as an employee, consultant, or independent contractor.

Note that "City" includes all of the City's departments, agencies (such as CCDC and the Housing Commission), boards, and commissions.

Compensated City contract services are reportable regardless of whether they are provided by the organization.

Example: *Malcom is a lobbyist for an Organization Lobbyist, and he specializes in environmental matters. Because of his expertise, the City's Environmental Services Department retains him as a consultant to evaluate the impact of a proposed hazardous waste program. (It is of no consequence whether the contract is made by the organization lobbyist or by Malcom as an individual.) Malcom starts and completes the contract in March. He submits a bill for $2,500 and he's paid in April. When the organization Malcom works for prepares its January-March Quarterly Disclosure Report, it must report Malcom's services to the City. Note: when the organization prepares its April-June Quarterly Disclosure Report, it need not disclose this consulting contract even though the payment was received in April because the payment was "earned" in, and reported for, the prior quarter.*

The volunteer members of an organization, including unpaid members of the board of directors, need not disclose their contract services, even if they have engaged in lobbying.

For each owner, compensated officer, or lobbyist in the organization who personally provided compensated services under a contract with the City during the reporting period:

- Identify the name of the person in the organization who provided the services.
- Identify the name of the applicable City department, agency, or board.
- State the approximate amount of compensation that person earned during the reporting period (regardless of whether the compensation was actually received).
- Provide a brief description of the services that were rendered (e.g., "consulting services pertaining to outsourcing computer services").

AMENDING QUARTERLY REPORT

If any information on a Quarterly Disclosure Report is incomplete or inaccurate, the Organization Lobbyist must file an amendment within 10 calendar days.

When filing an amendment, check the "amendment" box on the Form EC-604 cover sheet and provide a brief explanation regarding the reason for the amendment.

Note: Even if an amendment makes a change to just one schedule, the City's electronic filing system will create an amendment form that includes all schedules that contain information.

Example: *On Schedule A of its Quarterly Disclosure Report, Organization Lobbyist Promote South Bay identified two employees who lobbied on a particular municipal decision. Shortly after filing the Report, it discovers that a third employee also lobbied on that matter during the quarter and should have been included in the report. Within 10 days of that discovery, Promote South Bay must file an EC-604 amendment. It must briefly describe the purpose for the amendment on the cover sheet and update Schedule A to disclose the name of the third employee who lobbied on the decision.*

If an Organization Lobbyist wants to "unreport" a person or activity that it was never required to report, it may amend its Quarterly Disclosure Report to remove the information.

Example: *On Schedule A of its Quarterly Disclosure Report, Organization Lobbyist BioCube identified two employees who lobbied on a particular municipal decision. Shortly after filing the Report, it discovered that one of those employees, Sara Saosin, never actually lobbied on that matter during the quarter and never should have been included on Schedule A. Within 10 days of that discovery, BioCube should file an EC-604 amendment and describe on the cover sheet the reason for amending (e.g., "Sara Soasin did not lobby on decision; removing from Schedule A.") It should then delete Sara Saosin's name from Schedule A; only the other employee's name should show up on Schedule A.*

New circumstances involving who is, or is not, authorized to lobby for the Organization Lobbyist, must be disclosed by amending the organization's Registration Form, not the organization's Quarterly Disclosure Report. Similarly, if the organization starts lobbying on a new municipal decision, that fact must be reflected in an amendment to the Registration Form. See Chapter 4 (Amending Registration) for more information.

TERMINATING REGISTRATION

An Organization Lobbyist's registration automatically terminates on January 5 of the following calendar year. An organization may, if it wishes, terminate at an earlier time. This would be the case, for example, when an organization no longer has any need to lobby City Officials and no longer wishes to file quarterly statements.

An Organization Lobbyist must use the Quarterly Disclosure Report to terminate registration. To terminate, the organization must check the "termination" box at the top of the Report's cover sheet. In addition, the organization must complete the Quarterly Disclosure Report and provide any information applicable to the organization up to the date of termination.

Note: When filing any Quarterly Disclosure Report, an organization must enter a "From" date and a "To" date on the cover sheet to establish the reporting period covered by the report. For purposes of terminating a registration, the "To" date on the report establishes the date that the organization has terminated its registration.

Example: *When the California Sewage Association files its regular Quarterly Disclosure Report covering the 2nd calendar quarter (4/1/13 through 6/30/13), it checks the termination box on the cover sheet. The California Sewage Association has terminated its registration as of June 30, 2013.*

Example: *Independent Collectives of San Diego decides to terminate its registration in the middle of a calendar quarter. It files a Quarterly Disclosure Report and indicates that the report is covering the period from 4/1/13 through 5/15/13. It checks the termination box on the cover sheet. Independent Collectives has terminated its registration as of May 15, 2013.*

Note: Lobbying by an organization after the date of termination (the "To" date on its terminating quarterly report) may obligate the organization to re-register as an Organization Lobbyist.

If a terminated organization starts lobbying again later in the year and once again reaches the 10-contacts registration threshold, it will have to re-register as an Organization Lobbyist and pay another registration fee to the City Clerk.
As indicated above, all registrations terminate automatically on the following January 5. If an organization continues to have paid lobbying contacts in the new year and once again reaches the 10 contacts in 60 days threshold, it will have to register for the new year by filing another Form EC-602. See Chapters 1 and 4 for more information.

QUESTIONS

My company is an Organization Lobbyist, but I also hired a firm to lobby the City. Do I report that firm on my disclosure statements?

In such a situation, your company is both an Organization Lobbyist and the "client" of a Lobbying Firm. Your company does not need to report anything in its capacity as a "client." The firm your company hired will be required to register as a Lobbying Firm and will report on its disclosure statements the lobbying that it does on behalf of your company.

In my organization, some of the lobbying is performed by members of the organization's board of directors, all of whom are uncompensated. Does my organization have to report the lobbying contacts by these uncompensated officers?

No. The Lobbying Ordinance does not apply to volunteers.

A lobbyist in my organization contributed $250 to a County of San Diego candidate. Is that contribution reportable by my firm?

Probably not. Your organization is generally not required to report contributions made for candidate races outside the City of San Diego, Note, however, that if the candidate seeking the County office is an elected City of San Diego official (i.e., Mayor, City Attorney, or Councilmember), then the contribution would be reportable. For example, a contribution made to a City Councilmember running for County Supervisor would be reportable.

A lobbyist in my organization contributed $500 to a San Diego ballot measure committee that was not controlled by a City candidate. Is that contribution reportable by my organization?

No. Your organization is not required to report contributions to a ballot measure committee that is not controlled by a City candidate.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4017(b)	Quarterly Disclosure Required
27.4018	Amendments to Quarterly Disclosure Reports
27.4022	Termination of Status as Lobbying Firm or Organization Lobbyist

Chapter 7
Quarterly Disclosure Reports for Expenditure Lobbyists

Although Expenditure Lobbyists do not register with the City Clerk on an annual basis, they are still required to file Quarterly Disclosure Reports with the City Clerk if they have reached the $5,000 threshold for a calendar quarter. This chapter provides guidance on how to complete the quarterly report.

All quarterly reports are filed with the City Clerk by the last day of the month following the applicable quarter. For example, a person or entity that reaches the $5,000 threshold during the January through March quarter must file the report no later than the last day of April. Completed Quarterly Disclosure Reports will be posted on the City Clerk's website. See Chapter 2 for additional filing information.

Expenditure Lobbyists must use the "Expenditure Lobbyist Quarterly Disclosure Report" (Form EC-605). This report form is available on the City Clerk's website and through a link on the Ethics Commission's website.

An Expenditure Lobbyist is any person or entity that makes expenditures for public relations, media relations, advertising, public outreach, research, investigations, reports, analyses, studies, or similar activities designed to indirectly influence one or more municipal decisions, to the extent that such payments total $5,000 or more within a calendar quarter.

Expenditure Lobbyists are persons and entities that use indirect methods of influencing municipal decisions rather than having direct communications with City Officials. Activities such as holding a private meeting with a City Official, sending a letter or e-mail to a City Official, and talking with a City Official on the telephone do not count toward the $5,000 calendar quarter threshold. Instead, these types of "direct" lobbying efforts are disclosed by Lobbying Firms and Organization Lobbyists (see Chapters 5 and 6).

The $5,000 threshold applies to all municipal decisions a person or entity has sought to influence in a calendar quarter. It is not a "$5,000 per-decision" threshold. For example, a person could meet the $5,000 threshold by spending $2,500 to influence the adoption of a City ordinance in January and spending $2,500 to influence the approval of a land development permit in February.

Expenditures do not carry over to the following quarter. In other words, a person or entity that spends $3,000 in March and $2,000 in April does not meet the $5,000 threshold.

When determining whether a payment is "made" within a particular calendar quarter, keep in mind that an expenditure is "made" on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. For example, an entity that arranges for a newspaper advertisement to run on September 5, but doesn't pay the $750 cost of the advertisement until October 15 has "made" a $750 expenditure on September 5 (during the July-September quarter).

The payments an organization makes to communicate with its own members do not count toward the $5,000 threshold. For example, an organization that hosts a breakfast meeting for its members is not making an "expenditure" even if that organization uses the meeting as an opportunity to encourage its members to support or oppose a particular municipal decision. Similarly, payments for a newsletter sent to an organization's members would not count toward the $5,000 threshold.

COMPLETING THE FORM

Cover Sheet - Identification

The Lobbying Ordinance requires the disclosure of the name, address, and telephone number of the Expenditure Lobbyist.

Cover Sheet – Responsible Person

In addition to the above, the Lobbying Ordinance requires that the person completing the form identify himself or herself, along with the applicable address and telephone number.

Cover Sheet - Verification

A duly authorized owner or officer of the Expenditure Lobbyist must sign the cover sheet under penalty of perjury.

Schedule A – City Decisions

On Form EC-605, an Expenditure Lobbyist must identify on Schedule A each municipal decision the entity sought to influence during the quarter, the outcome sought, and the total payments made during the reporting period with regard to influencing that decision.

If another person or entity helped fund an expenditure by giving $100 or more to an Expenditure Lobbyist, the Quarterly Disclosure Report must also include the name, address, and telephone number of that person or entity.

Example: *Calamity Construction spends $7,500 for a public relations firm to conduct community meetings in neighborhoods affected by a controversial development project that is awaiting approval by the City Council. The meetings are designed to show residents the benefits of the project moving forward and to encourage them to support the project. A local union whose members would benefit from the project gives Calamity Construction a $1,000 check to help cover the costs of retaining the public relations firm. When Calamity Construction files its Quarterly Disclosure Report as an Expenditure Lobbyist, it will disclose the $7,500 payment, and will also identify the union and the $1,000 payment it received from the union.*

Note: In the example above, the public relations firm is not the source of the payment, so it is not an Expenditure Lobbyist. Calamity Construction needs to file a disclosure report, not the public relations firm.

An Expenditure Lobbyist is only required to report the expenditures it made during the calendar quarter in which it reached the $5,000 threshold. There is no need to report payments made in previous quarters where the threshold was not met, even if those earlier payments were intended to influence the same municipal decisions that are being disclosed.

Example: *Vroom is a business entity that rents motorized scooters. The City Council is considering an ordinance that would ban these scooters in the City's beach areas. Vroom opposes the ordinance and spends $3,000 in June on polling to gauge community support for the ordinance. In July and August, it spends $7,500 on newspaper advertisements urging people to contact their Councilmembers to oppose the ordinance. Vroom need not file a Quarterly Disclosure Report for the April-June quarter because it didn't reach the $5,000 threshold for that quarter. In other words, it does not need to report the $3,000 it spent on polling. Vroom must, however, file a Quarterly Disclosure Report for the July-September quarter, and disclose that it spent $7,500 on the newspaper advertisements designed to defeat the ordinance.*

Payments to a Lobbying Firm for direct lobbying activities that are reported by the Lobbying Firm on its Quarterly Disclosure Report should not be included for purposes of calculating the $5,000 threshold.

Example: *Floor-Mart pays a lobbying firm to communicate directly with City Officials regarding an ordinance that would limit the ability of the company to expand its presence in the City. Floor-Mart also purchases more than $5,000 worth of advertisements on the radio and in the newspaper urging the public to oppose the ordinance. Floor-Mart does not need to disclose the payments to the lobbying firm on its quarterly report; those payments will be reported by the lobbying firm when it files its own Quarterly Disclosure Report. Floor-Mart needs only to disclose the payments it made for the radio and newspaper advertisements.*

Similarly, the salary an Organization Lobbyist pays an employee to communicate directly with a City Official (direct lobbying) does not count toward the $5,000 threshold. Note that an entity can be both an Expenditure Lobbyist and an Organization Lobbyist if its employees have a

total of 10 or more lobbying contacts within 60 days and it also spends $5,000 or more in a calendar quarter on community outreach.

Example: *Lo-Def Cable wants to provide cable television service in San Diego. Its in-house lobbyist meets with City Officials dozens of times to encourage them to adopt an ordinance that will make it easier for the company to obtain a franchise agreement. When the ordinance is due to come before the City Council, Lo-Def spends $10,000 on advertisements in the Union-Tribune, urging the public to attend the Council meeting. Because Lo-Def has qualified as an Organization Lobbyist and as an Expenditure Lobbyist, it must file disclosure statements in both capacities.*

AMENDING QUARTERLY REPORT

If any information on a Quarterly Disclosure Report is incomplete or inaccurate, the Expenditure Lobbyist must file an amendment within 10 calendar days. Only new information needs to be disclosed on an amendment; there is no need to re-report information on a schedule that is still accurate.

Example: *On Schedule A of its Quarterly Disclosure Report, Expenditure Lobbyist Mitosis Cellular identified a municipal decision for which it spent $10,000 to influence using radio advertising. After filing the Report, it realized that it should also have reported the $500 it received from FiberOptic Wireless to assist with the advertising campaign. Within 10 days of that discovery, Mitosis Cellular must file a new EC-605, check the "Amendment" box on the form, and attach a new Schedule A. On the Schedule A, it needs to identify the municipal decision and report FiberOptic Wireless' name, address, and telephone number, along with the $500 it received from that entity.*

If an Organization Lobbyist wants to "unreport" information that it was never required to report, it may amend its Quarterly Disclosure Report to remove the information.

Example: *On Schedule C of its Quarterly Disclosure Report, Expenditure Lobbyist Solvency Bank incorrectly reported that it had spent $5,000 on expenditure lobbying when it had actually paid that sum to a lobbying firm. After filing its Report, it discovered the error. Within 10 days, Solvency Bank should file a new EC-605, check the "Amendment" box on the form, and attach a new Schedule A. Its new Schedule A should identify the municipal decision reported in its original filing and correct the error with a statement such as: "No expenditure lobbying performed with regard to this decision during the reporting period."*

QUESTIONS

My organization has some research materials from a past project. If I use this research for a public outreach effort, do I include the past costs of the research when determining if we meet the $5,000 threshold?

No. Past research and associated work product originally created for purposes unrelated to the current public outreach effort do not count toward the $5,000 threshold. If, however, your organization incurs new expenses related to that research (e.g., updating the research) and the new costs are related to the effort to indirectly influence a municipal decision, then the new costs would count toward the $5,000 threshold.

My organization is researching issues related to an upcoming municipal decision, and we gave some of our findings to a media outlet for a story it is doing on the subject. Do our research costs count toward the $5,000 threshold?

No. Merely providing information to the media for a news story is not considered expenditure lobbying. On the other hand, if you purchase an advertisement in the newspaper to influence the public regarding the decision, then the research costs associated with the advertisement would count towards the $5,000 threshold.

An employee of my organization has been spending about half of her work hours on public relations efforts associated with an upcoming City Council decision. Does the cost of this employee's salary count toward the $5,000 threshold?

Yes. All payments made by the organization that are related to the effort to indirectly

influence one or more municipal decisions count toward the $5,000 threshold. It is necessary, therefore, for in-house employees to keep track of the time they spend on activities associated with expenditure lobbying, so that the organization can estimate the associated cost.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4017(c)	Quarterly Disclosure Required
27.4018	Amendments to Quarterly Disclosure Reports

Chapter 8
Contacts

Lobbying Firms and Organization Lobbyists must keep track of their "lobbying" contacts.

A Lobbying Firm needs to register a client when it has had a lobbying contact on behalf of that client. In addition, a Lobbying Firm must report on its Quarterly Disclosure Reports the names of City Officials who were the subject of lobbying contacts.

A prospective Organization Lobbyist must keep track of its lobbying contacts to determine whether or not it has met the 10-contacts threshold. As explained more fully in Chapter 1, an entity with 10 or more lobbying contacts within a 60 day period must register as an Organization Lobbyist. Once an entity becomes an Organization Lobbyist, it must still keep track of its number of contacts for purpose of disclosing that information on its Quarterly Disclosure Reports.

GENERAL RULES

Under the Lobbying Ordinance's "contacts" rules:

- Each meeting with a City Official regarding a single municipal decision counts as 1 contact; a meeting regarding 2 municipal decisions counts as 2 contacts.
- A meeting with a City Official and a member of that official's immediate staff regarding a single municipal decision counts as 1 contact, even if the staff member is also a "City Official."

  Example: *Eric meets with a Councilmember and her Chief of Staff to discuss an upcoming land use decision. Although he is meeting with two City Officials, he is only making one contact because one City Official is the immediate staff member of the other.*

Note: The Mayor's immediate staff consists of only the officials who report directly to the Mayor. Department Directors, for example, report to an intermediary and are not the immediate staff of the Mayor.

- A meeting with 2 City Officials regarding a single municipal decision counts as 2 contacts (unless one of the officials is the immediate staff member of the other official).
- When multiple individuals from the same organization meet with a City Official regarding a single municipal decision, that meeting counts as a single contact.

  Example: *Jeff and Susan both work for a company interested in amending business regulations in the Municipal Code. They meet with a Deputy City Attorney to urge particular amendments. Although the company is sending two employees to meet with a City Officials, the company is making only one contact.*

- A meeting with a City Official attended by an Organization Lobbyist's owner and a lobbyist from a Lobbying Firm hired by the Organization Lobbyist will count as a contact for each entity. In other words, both the Organization Lobbyist and Lobbying Firm will report the lobbying contact with the City Official on their respective Quarterly Disclosure Reports.
- Meeting multiple times in the same day, to discuss the same municipal decision discussed earlier in the day, counts as 1 contact.
- A meeting that starts one day and finishes the next day, pertaining to the same municipal decision, counts as 1 contact.
- A meeting does not have to take place in a City Official's office to count as a contact. A contact includes any social or political occasion, such as a lunch engagement, cocktail party, reception, fundraiser, or similar event where an individual has direct communication with a City Official regarding a municipal decision. A contact also includes a chance encounter on the street if it involves an attempt to influence a municipal decision.

Example: *Stanley is a good friend of a Council Representative. While both are attending a Padres game, Stanley mentions that his company will be hurt if a proposed zoning decision is adopted by the City Council. By making this comment, Stanley is attempting to influence a municipal decision on behalf of his company and is making a lobbying contact.*

- Identical or substantially similar letters, faxes, and e-mails count as 1 contact for each municipal decision discussed, regardless of the number of City Officials to whom they are sent.

  Example: *Vic sends the same e-mail message to 8 Councilmembers. He then copies the contents of the e-mail and pastes it into a letter to 3 Department Directors. Vic has made only 1 contact. Note that using a different argument or making a different point in any of the e-mails or letters would result in a separate contact for each unique communication.*

- Different letters, faxes, and e-mails sent to different City Officials regarding a single municipal decision count as 1 contact for each different letter, fax, or e-mail.

  Example: *Holly sends a letter to 4 Councilmembers that emphasizes a project's financial concerns, and sends a different letter to 3 Councilmembers emphasizing the project's environmental issues. She has made 2 separate contacts (1 contact for each different letter).*

Note: The above rules for identical or "substantially similar" communications pertain solely to written contacts; they do not apply to meetings or telephone calls.

- A communication is attributable to an organization only if the communication is made on behalf of that organization.

  Example: *Patricia is employed by PBJ Construction. In addition, she serves on the Board of Directors for EarthSavers. Both entities are Organization Lobbyists. She meets with a Department Director regarding a Municipal Code amendment that will impact PBJ Construction, but is of no interest to EarthSavers. Because she is meeting with the Department Director only on behalf of PBJ Construction, there is no lobbying contact attributable to EarthSavers.*

EXCEPTIONS TO THE LOBBYING ORDINANCE

The following are not lobbying contacts:

- Speaking at City Council meetings, Council Committee meetings, and any public meetings of a City board or commission. This exception only applies to meetings that are noticed and conducted pursuant to the Ralph M. Brown Act. It does not apply to neighborhood group meetings that may be open to the public.

- Submitting documents that become part of the record of a public hearing. Note that you do not obtain this exemption simply by sending a document to a Councilmember or the City Clerk. For City Council meetings; the exemption applies only to documents that become part of the official public record for the meeting. It is the lobbyist's responsibility to ensure that a document becomes part of the record.

- A contact between two governmental officials. When a government (e.g., state, county, Port, etc.) employee communicates with a City employee on behalf of his or her agency, that contact is not a "lobbying" contact. This exemption also applies to a Lobbying Firm retained to represent a government agency.

- Submitting a question to a City Official so long as the question is not designed to influence a decision.

  Example: *Delores sends an e-mail to a Councilmember asking "Why would you support a needle exchange program that does nothing but attract crime to the businesses in your district?" Although this is indeed a question, it is not entitled to the exception because it is clearly intended to influence the Councilmember regarding a municipal decision.*

- Communications pertaining to bidding on contracts through the City's established competitive bid process do not generally fall within the scope of the Lobbying Ordinance. In other words, bids and responses to requests for proposals or qualifications are not lobbying contacts. Note, however, that this exception does not exempt

communications that are outside of the City's established bid procedures.

- Negotiating the terms of an officially authorized City contract.

  Example: *M&D Consulting is awarded a contract through the request for proposal process. Negotiating the terms of that contract is not lobbying. Keep in mind, however, that attempting to influence a City Official to extend the length of that contract would fall outside of the exception.*

- Requesting advice or an interpretation of a City law, regulation, or policy from a City Official.

  Example: *Lawrence contacts the City Attorney's Office for an interpretation of a City law. Merely asking for that information is not lobbying. Providing the City Attorney's Office with reasons to change the language of an ordinance being submitted to the City Council, however, would be considered lobbying.*

- Communications by attorneys and their staffs concerning pending or actual litigation or administrative enforcement actions.

  Example: *Simon is an attorney who communicates with the Ethics Commission's Executive Director regarding a pending administrative complaint. Simon's communications are exempt from the Lobbying Ordinance. Note that this exception is narrow and applies only to "pending or actual" litigation. It does not apply to other types of contentious matters, even if it is likely that the parties involved in a particular matter will eventually litigate their disputes. An attorney who contacts a City Official to influence a controversial land use decision is making a lobbying contact.*

- Communications regarding purely ministerial actions (i.e., actions that do not require a City Official to exercise discretion concerning an outcome).

  Example: *Greg makes arrangements to meet with a Department Director. The mere act of setting up the meeting would be considered "ministerial," although the meeting itself could involve "lobbying".*

- Meetings with, and letters, faxes, and e-mails to, a non-City Official. See Chapter 13 for additional information regarding who is a "City Official."

  Example: *George sends a letter to a Program Manager in the Development Services Department in an attempt to influence a land use decision. Because Program Managers are not "City Officials" under the Lobbying Ordinance, George has not made a lobbying contact.*

- Communications concerning collective bargaining agreements [CBA] and memorandums of understanding [MOU] between the City and a labor union. Note, however, that if a union representative seeks to influence a municipal decision not directly related to the applicable CBA or MOU, then "lobbying" is taking place.

  Example: *Mary is a union employee who meets with the City's negotiating team to discuss the terms of a new MOU. Her communications are exempt from the Lobbying Ordinance. Months later, Mary meets with the Independent Budget Analyst to influence a Municipal Code amendment related to outsourcing of City services. Mary has now made a lobbying contact.*

- A person who is responding to a subpoena or other legal request to provide information to the City.

- A person who is directly responding to an enforcement proceeding with the City.

  Example: *The City initiates a code enforcement action against House of Rock for a noise violation. The owner of House of Rock is not making a lobbying contact when he files a response to a notice of violation. On the other hand, he would be making a lobbying contact if he goes outside the scope of the code enforcement process by meeting with a City Councilmember to try to convince the Councilmember to pull strings to have the matter dismissed.*

- Providing purely technical data or analysis to a City Official. This exception is limited to communications that employ objective methodologies, principles, techniques, standards, or specialized knowledge within a particular scientific field.

  Example: *Kelly is a soils engineer who prepares a report detailing an inspection of property that is the subject of a municipal decision. She would not be "lobbying" simply by providing that report to a City Official. Kelly would, however, be making a lobbying contact if*

she communicates with the City Official beyond the technical scope of the document. If, for example, she tells a City Official of community opposition to a project, she is "lobbying."

- News items, editorials, and comments made in the ordinary course of business by a newspaper, magazine, radio station, or television station.
- Communicating through an Internet website that is accessible to the general public.

CONTACTS BY VOLUNTEERS

The Lobbying Ordinance does not regulate the activities of uncompensated individuals.

"Rank and File" Volunteers

Communications by the unpaid "rank and file" members of an organization are not subject to the City's Lobbying Ordinance. Such communications, even if expressly made for the purpose of influencing a municipal decision on behalf of an organization, are not considered contacts for the "10-contacts" registration threshold. As stated in Chapter 1, the 10-contact threshold applies only to communications by individuals who are paid by the organization for the purpose of lobbying on behalf of the organization. Unpaid communications will not count as contacts even if the organization becomes an Organization Lobbyist and has reporting obligations.

Volunteer Officers

Volunteer officers are treated no differently than the volunteer rank and file members of an organization. Communications by unpaid officers, including the contacts made by the volunteer members of an organization's board of directors, do not count as contacts for the "10-contact" registration threshold or for any other purpose.

QUESTIONS

If 5 employees of my organization meet with 1 City Official for lobbying purposes, is that 1 contact or 5?

It is 1 contact. Each meeting to lobby 1 City Official with regard to 1 municipal decision counts as 1 contact regardless of the number of individuals from your organization who are present at the meeting. Note, however, that if your organization has become an Organization Lobbyist and all 5 employees are lobbying the City Official, then the identities of all 5 employees must be listed on the organization's Registration Form as well as on the applicable Quarterly Disclosure Report.

I sent an e-mail to 1 City Official, who forwarded it to another City Official. How many contacts did I make?

You made only 1 contact. The fact that a City Official forwarded it to other City Officials does not alter the fact that you were engaging in a direct communication with only 1 City Official. The first City Official could have forwarded the e-mail to 20 other City Officials and it still would be only 1 contact.

I provided a City Official with a policy analysis that does not take a specific stance (support or opposition) to a municipal decision. Did I make a lobbying contact?

Providing that information to a City Official is a lobbying contact if it is for the purpose of influencing a municipal decision. You needn't advocate for one side or another to influence a decision. Providing information, statistics, analysis, or studies to a City Official is considered a lobbying contact if it could affect the decision.

Several volunteer workers for my organization contacted members of the City Council to voice support for a prospective change to the Municipal Code. Do I need to keep track of those contacts?

No. The actions of unpaid members of an organization are not subject to the Lobbying Ordinance.

I am employed by an Organization Lobbyist. In addition, I serve as a volunteer member of the Board of Directors of a different entity, which is also an Organization Lobbyist. If I have a meeting with a City Official, do both organizations have to report my lobbying contacts?

No. The entity for which you provide volunteer services does not need to report such a meeting. On the other hand, if you are employed by an Organization Lobbyist and lobbying on behalf of that employer, then the employer must report the meeting as a lobbying contact.

My company was just awarded a City contract, and we are now going to work out the details of that contract. Will those discussions be considered "lobbying" contacts?

No. Those discussions are exempt. The municipal decision – who should get the contract – has already been made. Note, however, that if you later have communications with the City regarding extending the current contract, then those communications would be subject to disclosure under the Lobbying Ordinance. For purposes of the Lobbying Ordinance, extending an existing contract is no different than entering into a new contract.

I plan to contact a City Official to schedule a meeting. Would that count as a "lobbying" contact?

A conversation with a City Official solely for the purpose of scheduling a meeting is not a lobbying contact. It only becomes a lobbying contact if the conversation switches from a scheduling discussion to a discussion in which you are attempting to influence a City decision. Keep in mind that the meeting itself will constitute a lobbying contact if at that meeting you attempt to influence a municipal decision.

If I contact a City Official to inquire about the status of a project, am I making a lobbying contact?

Merely seeking information is not a contact (unless the request for information is a disguised attempt to influence a decision). For example, asking a City Official this question is not a lobbying contact: "Has the City Council voted yet on the Sunstreet project?" On the other hand, this question is a lobbying contact: "Has the City Council voted yet on the Sunstreet project that will displace 100 low-income residents?"

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4002 Definitions

27.4004 Exceptions

Chapter 9
Gifts

The Lobbying Ordinance prohibits Lobbying Firms and Organization Lobbyists, and their lobbyists, from giving gifts to a City Official with an aggregate value of more than $10 in a single month.

These gift limits are intentionally low in order to discourage lobbyists from giving gifts to City Officials, but are not so low as to make a violation out of an isolated incident where a lobbyist provides someone with a cup of coffee or other item of nominal value.

GENERAL RULES

The $10 limit applies to the aggregate value of gifts.

Example: *Calvin is a lobbyist who runs into Councilmember Hobbes at a Starbucks. While discussing last night's Padres game, Calvin offers to pay $4 for the official's coffee. Hobbes accepts the offer. Later in the same month, Calvin is at a sandwich shop standing in line next to Hobbes. When it is time for the City Official to pay for his $7 sandwich, Calvin tells the cashier to put Hobbes' sandwich on his bill. If Hobbes lets Calvin pay for his sandwich, Calvin will have violated the Lobbying Ordinance's gift limits.*

This limitation also applies to the aggregate activities of the lobbying entity and its lobbyists.

Example: *Erica works as a lobbyist for Make A Dish, a local catering company that has registered as an Organization Lobbyist. Make a Dish sends a small box of candy, valued at $10, to each member of the City Council. Later in that same month, after a meeting with one of the Councilmembers, Erica offers to buy the Councilmember a glass of wine. Because Erica's company has already reached the $10 gift limit, Erica may not give anything of value to the Councilmember for the remainder of the month.*

The limitation applies not only to gifts that a lobbyist gives directly to a City Official, but also to gifts that are given indirectly or where the lobbyist or lobbying entity acts as an intermediary. The following are examples of gifts that are subject to the $10 gift limit:

- an organization hosting a gala event gives invitations to a lobbyist and asks the lobbyist to deliver them to City Officials;
- a Lobbying Firm authorizes an employee to bill a client's account to purchase a meal for a City Official; and,
- the client of a Lobbying Firm gives a lobbyist tickets to a ballgame with the understanding that the lobbyist will deliver the tickets to a City Official.

Note: Because of the $10 gift limit, and because lobbying entities are only required to report activity expenses that exceed $10, <u>lobbying entities should have no gifts to report on their Quarterly Disclosure Reports</u>.

EXCEPTIONS

The gift exceptions contained in the City's Ethics Ordinance apply to the Lobbying Ordinance's gift rules. For example, the following would not be subject to the $10 limit:

- a gift from lobbyist who is a family member of the City Official who received the gift;
- a personalized plaque with a value of less than $250;
- hospitality in a lobbyist's home; and
- free or discounted admission to a seminar or conference that will assist the Official in the performance of his or her official duties.

Note that one of the gift exemptions in the Ethics Ordinance does not apply to lobbyists; the exemption for gifts exchanged on holidays and birthdays expressly excludes lobbyists.

In addition to the above exemptions, the $10 gift limit does not apply to tickets or invitations to events held for non-profit entities. For example, because the Chamber of Commerce is a non-profit entity, a lobbyist may give an invitation valued at $150 to the Chamber of Commerce's annual dinner without exceeding

the $10 limit. This exception applies to any event held for a non-profit entity, including events that are not considered fundraisers.

The non-profit entity exception is intended to apply to a non-profit organization's formal events, such as an annual dinner, installation ceremony, fundraising event, awards ceremony, or similar occasion. The exception does not apply to informal gatherings. It does not, for example, permit a non-profit organization to pay $25 for a City Official's lunch even if the official is dining with some of the organization's members and they discuss organization business.

Keep in mind that the non-profit event exception is specific to the Lobbying Ordinance and does not apply to a City Official's duties and obligations under the City's Ethics Ordinance. A City Official will have to report gifts of tickets and invitations to events held for non-profit entities unless a specific exception exists in the Ethics Ordinance. If such gifts exceed the Ethics Ordinance's gift limit (currently $420 in a calendar year), they could cause the official to violate the law and trigger disqualification concerns.

Example: *Ted is a lobbyist who invites Alice, a City Official, to an event hosted by a local non-profit organization. Tickets to the event cost $100. The "non-profit entity" exemption in the Lobbying Ordinance permits Ted to give the $100 ticket to Alice. Moreover, Ted's firm will not have to report the ticket as an activity expense on its Quarterly Disclosure Report. There is, however, no exemption for Alice under the Ethics Ordinance. Alice will have to report the $100 ticket from Ted when she fills out her Statement of Economic Interests.*

If a lobbyist or lobbying entity gives a City Official a gift in excess of the $10 limit, but the official reimburses the source of the gift within 30 calendar days, no violation will occur.

Example: *Bob is a lobbyist who invites Carol, a City Official, to a seminar that Bill's firm is hosting. Because the information provided at the seminar will help Carol in the performance of her City duties, Carol's attendance at that seminar is not a gift. Carol received a meal at the seminar, however, and the meal, which had a $25 value, is not exempt from the gift limits. When Carol realizes this, she writes a $25 check to Bob's firm, and does so within 30 days of the seminar. Under this scenario, Carol has not received a gift from Bob or Bob's firm. Bob's firm will not need to report the lunch on its quarterly disclosure report.*

QUESTIONS

I am a lobbyist and have weekly lunch meetings with a City Official. We have a custom where I pay for lunch one week and she pays for lunch the next time. Over time, it all evens out, so I never gave her a gift, right?

Wrong. There is no exemption in the Lobbying Ordinance or the Ethics Ordinance for "trading lunches." If you buy the City Official a lunch that exceeds the $10 threshold with the understanding that she will reciprocate sometime in the future, you have violated the Lobbying Ordinance. (This is different than the Official reimbursing you within 30 days.)

My company has not yet reached the contacts threshold for Organization Lobbyists, but it probably will later in the year. Does the gift limit apply to my company yet?

No. The gift limits only apply to entities that are registered (or legally required to be registered) as a Lobbying Firm or an Organization Lobbyist.

My company is a non-profit organization and is registered as an Organization Lobbyist. We recently held our annual dinner and gave invitations valued at $150 to several City Officials. I know these invitations aren't subject to gift limits, but are they reportable on my Quarterly Disclosure Report?

No. The tickets are exempt from the $10 gift limits and don't need to be reported under the Lobbying Ordinance. (Note that under the Ethics Ordinance, the City Officials may be required to disclose the gifts from your company on their Statements of Economic Interests.)

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4002 Definitions

27.4030 Gifts from Lobbying Entities and Lobbyists

Chapter 10
Fundraising Activities

Lobbying Firms must keep track of the fundraising activities engaged in by its owners, officers, and lobbyists. Organization Lobbyists must keep track of the fundraising activities engaged in by its owners, compensated officers, and lobbyists. The fundraising activity need not be sponsored or encouraged by the firm or organization to be subject to these disclosure rules.

WHAT IS "FUNDRAISING ACTIVITY"?

Whether or not a person is engaging in "fundraising activity" is determined by a two-part test. To engage in "fundraising activity," you must:

(1) SOLICIT A CONTRIBUTION: you solicit, or direct others to solicit, campaign contributions from one or more contributors; and,

(2) TAKE CREDIT FOR THE CONTRIBUTION: you either (a) personally deliver $2,000 or more in contributions to a City candidate or a City primarily formed candidate committee (b) identify oneself to a City candidate or a City primarily formed candidate committee as having any degree of responsibility for $2,000 or more in contributions received as a result of that solicitation.

The information required on a Registration Form is limited to fundraising that took place during the two-year period prior to registering, and only applies to fundraising for a current elected City Official. See Chapters 3 and 4 for more information regarding the Registration Form.

Note: Fundraising for a current elected official includes raising money that is given directly to a candidate or his or her committee as well as money that is given to an independent committee "primarily formed" to support that candidate.

Quarterly Disclosure Statements, on the other hand, require more detailed information than a Registration Form, and seek information related to fundraising activity for or against any City candidate that took place during the reporting period. See Chapters 5 and 6 for more information regarding completing a Quarterly Disclosure Report.

Note: Fundraising for a City candidate includes raising money that is given directly to a candidate or his or her committee as well as money that is given to an independent committee "primarily formed" to support or oppose that candidate.

The amount of contributions attributable to an individual at a particular event is the total amount raised at the event, even if that individual was one of several persons involved in the fundraising effort. When reporting the amount raised on Schedule E of a quarterly disclosure report, do not divide the total amount raised by the number of persons involved in the fundraising activities.

Note: If you are one of multiple persons hosting an event or listed as a member of a host committee, you can indicate that fact by checking a box on Schedule E. You can also supplement your disclosure by adding information to the Schedule E comment line (e.g., "was one of 20 members of a host committee.")

Keep in mind that you are engaging in fundraising activities only if your solicitations are successful in providing the candidate with at least $2,000 in contributions. If your fundraising attempts are limited to soliciting contributions from a dozen friends, but none of them gives the candidate a contribution, or if only a few hundred dollars is collected, then you have not reached the "fundraising activities" threshold.

SOLICITING A CONTRIBUTION

Soliciting a campaign contribution means to either (1) personally ask someone to give a contribution to a candidate, a candidate's controlled committee, or a committee primarily formed to support or oppose one or more candidates, or (2) host or sponsor a campaign fundraising event.

Hosting a campaign event includes the following activities, even if you are only one member of a host committee for an event:

- providing your home or office for a fundraising event (without charging market value);
- providing goods or services at a fundraising event (without charging market value);
- inviting people to attend a fundraising event or giving a list of invitees to the candidate or committee.

Hosting a campaign event does not include solely supplying your name to be used on the invitation to an event. This is commonly referred to as an "honorary" host.

TAKING CREDIT FOR A CONTRIBUTION

An essential part of engaging in fundraising activities is the act of identifying yourself to a candidate or committee as having some responsibility for that candidate receiving $2,000 or more in contributions.

The following are examples of scenarios in which John Smith would be identifying himself as having some degree of responsibility for raising campaign contributions:

- John identifies himself to the candidate as being the host of an event that results in contributions to the candidate.
- John identifies himself to the candidate's committee as providing the home or office where the fundraiser takes place.
- John codes contribution envelopes in some manner that lets the candidate know that John was involved with obtaining the contributions inside the envelopes.
- John provides a primarily formed candidate committee with a list of individuals whom John solicited for contributions.
- John has a messenger deliver to the candidate a bundle of contributions accompanied by some indication that the bundle is from John.

QUESTIONS

I did some fundraising in 2012 for a candidate who won the election. How long do I have to disclose those fundraising activities?

If you are an owner, compensated officer, or lobbyist of a Lobbying Firm or Organization Lobbyist, then basic information regarding your 2012 fundraising activities must be provided on your firm's or organization's 2013 Registration Form. That fundraising information must also be reported on the 2014 Registration Form if the fundraising took place within two years of the date the Registration Form is filed. For example, if you engaged in fundraising activity in June of 2012, and your firm or organization registers in January of 2014, then your 2012 fundraising will have to be reported on the 2014 Registration Form.

I am an uncompensated member of the board of directors for an Organization Lobbyist. I also lobby City Officials on behalf of the organization. Are my fundraising activities reportable?

No. All volunteers are exempt from the Lobbying Ordinance, including the provisions applicable to the disclosure of campaign-related activities.

I am a partner in a Lobbying Firm. I also have my own business providing professional fundraising services directly to candidate committees. Does the Lobbying Firm need to disclose my professional fundraising services?

Yes, but keep in mind that the disclosure will be made as "campaign services," not "fundraising activities." In other words, the Lobbying Firm will disclose on its Registration Form (Schedule C - Part 2) the compensated campaign services you provided to elected City Officials within the previous two years, and disclose on its Quarterly Disclosure Report (Schedule F) the compensated campaign services you provided to candidate-controlled committees during the quarter.

Because you were paid by candidate committees for your fundraising efforts, your activities are not considered "fundraising activities" for purposes of the Lobbying Ordinance. The Lobbying Firm, therefore, is not required to disclose your professional fundraising services on Schedule C - Part 1 of its Registration Form or on Schedule E of its Quarterly Disclosure Report.

I sent out e-mails to all my friends and associates asking them to write checks supporting a particular candidate. That e-mail went out just before the end of September. I collected a dozen contribution checks, but didn't deliver them to the candidate until sometime in October. When do I report my fundraising activities?

"Fundraising activities" has two parts: (1) soliciting contributions and (2) taking credit for the contributions collected. You didn't complete both parts until October, which falls within the year's fourth quarter. Therefore, even though you began your fundraising efforts in the third quarter, your "fundraising activities" must be reported on the Quarterly Disclosure Report that you file for the fourth quarter.

I collected just over $2,000 in contributions and delivered them to the candidate. Of that amount, $300 was my own personal contribution to the candidate. Are my fundraising efforts reportable?

Yes. Because you identified yourself to the candidate as having some responsibility for $2,000 or more in contributions, you have reached the reporting threshold. The fact that some of those funds were from you personally does not change the fact that you took credit for at least $2,000 in contributions.

I'm a lobbyist who was responsible for raising $1,200 for a candidate in July, and then another $1,500 for that same candidate in August. Do these efforts have to be reported on the quarterly report filed by my Lobbying Firm or Organization Lobbyist employer?

Yes. Although neither effort reached the $2,000 threshold on its own, your efforts were collectively responsible for raising more than $2,000 for a candidate within the same quarter. When completing Schedule E for the firm's or organization's July-September quarterly statement, fill out a separate entry for each fundraising effort.

I held a fundraiser in my home in April and raised $1,500 for a City candidate. I held another fundraiser in my home in May and raised $1,000 for a different City candidate. Do these efforts have to be reported on my firm's or organization's quarterly report?

No. The $2,000 fundraising threshold applies to funds raised per candidate in a calendar quarter. In other words, funds raised for different City candidates are not aggregated for purposes of the $2,000 threshold.

If my law firm and another law firm (both of which are registered as Lobbying Firms), coordinate an event that raises $10,000 for a City candidate, what should each firm disclose on its quarterly report?

Each firm must attribute the total amount raised by the fundraising effort ($10,000) to each owner, officer, and lobbyist who engaged in "fundraising activities" even though no one person (and no one firm) was solely responsible for the event. When reporting the $10,000 on

Schedule E, each firm may check a box to indicate that the fundraising effort was made with other individuals. They can also use the Schedule E comment line to disclose additional information regarding the shared fundraising effort.

I'm a lobbyist employed by an Organization Lobbyist, and I was responsible for raising $1,200 for a City candidate in July. In August, the owner of the Organization Lobbyist held a fundraiser for the same candidate and raised $1,500. Does the Organization Lobbyist have to disclose our efforts on its quarterly report?

No. The $2,000 fundraising threshold applies to funds raised by each individual in the organization in a calendar quarter. In other words, funds raised by different individuals at an organization or firm are not aggregated for purposes of the $2,000 threshold.

I engaged in fundraising activity for a committee, but it wasn't the candidate's own committee. It was for a committee that was making independent expenditures supporting the candidate. Is this fundraising reportable?

Yes, if you raised at least $2,000, and the committee was "primarily formed" to support the City candidate. You can determine that a committee is "primarily formed" if the name of the committee includes the candidate's name, office sought, and year of election. Note that some committees that make independent expenditures aren't "primarily formed," but are instead considered "general purpose" committees; these committees typically don't include a candidate's name or office sought in their name. You do not need to disclose fundraising for a "general purpose" committee.

I'm a lobbyist who fundraised $4,500 for a candidate, and fundraised another $12,000 for a committee that was primarily formed to support the same candidate. Both efforts took place in the same quarter. Do I combine these efforts on Schedule E?

No. These are two separate instances of fundraising for two separate committees. Report them separately on Schedule E.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4002	Definitions
27.4009	Contents of Registration Form
27.4017	Contents of Quarterly Disclosure Report

Chapter 11
Restrictions and Prohibitions

The City's Lobbying Ordinance contains a number of restrictions and prohibitions applicable to lobbyists.

PERSONAL OBLIGATION

The Lobbying Ordinance requires individual lobbyists to 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.

Example: *Shady Shadigan works as a lobbyist for a Lobbying Firm. He desperately wants one of the Councilmembers to vote against an upcoming ordinance. Shady knows that the Councilmember is having difficulty with his mortgage payments, so he tells the Councilmember that he will use his contacts in the lending industry to help the Councilmember refinance his mortgage if, in exchange, the Councilmember promises to vote against the ordinance. Shady has violated the Lobbying Ordinance by attempting to make the Councilmember feel obligated to him.*

DECEPTION

An individual lobbyist may not deceive or attempt to deceive a City Official as to any material fact pertaining to a pending or proposed municipal decision. In other words, a lobbyist may not lie to a City Official as a means of influencing that City Official.

Example: *Sly Swindell works as a lobbyist for an Organization Lobbyist. He wants the Planning Commission to approve a development permit for his company. During the Planning Commission meeting where the permit is being discussed, Sly tells the Commissioners that residents in the affected neighborhoods have enthusiastically supported his development project, when in fact he has received nothing but negative feedback from the community. Sly has violated the Lobbying Ordinance by attempting to deceive the City Officials who are considering his permit.*

MISREPRESENTION

An individual lobbyist may 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 without the consent of such real person.

Example: *Phineas Fibber works as a lobbyist for an Organization Lobbyist that wants to relax the regulatory rules applicable to pawnshops. He asks one of his friends to speak on this issue during the public comment portion of a Council committee meeting. He tells his friend to pretend to be a former law enforcement officer with experience regulating pawnshops. Phineas has violated the Lobbying Ordinance by causing his friend to misrepresent himself before the City Officials who are considering the matter.*

USE OF AGENTS

An individual lobbyist may not attempt to evade the obligations in this section through indirect efforts or through the use of agents, associates, or employees.

Example: *Connie Conivin works as a lobbyist for a Lobbying Firm, and has a client who does not want to be associated with a controversial project. The client wants to get some information to a Councilmember that could sway the Councilmember's vote on the project, but the client doesn't want his name listed in a lobbying report. Connie assures the client that this will not be a problem. Connie prepares a letter with the information but asks an associate with another firm to send it to the Councilmember (and tells the associate that since the associate is not getting paid he won't have to register as a Lobbying Firm.) Connie chooses not to disclose the client on her firm's Registration Form and Quarterly Disclosure Report. Connie has violated the Lobbying Ordinance by using an agent in order to avoid reporting her lobbying efforts (and by failing to file accurate and complete lobbying statements).*

GIFTS

The Lobbying Ordinance restricts Lobbying Firms and Organization Lobbyists, and their individual lobbyists, from giving gifts valued in excess of $10 to a City Official within a single month. See Chapter 9 for more information regarding gifts.

EMPLOYMENT CONCERNS

If any Lobbying Firm, Organization Lobbyist, or Expenditure Lobbyist employs or retains a current City Official, or any member of that official's immediate family, that lobbying entity must file a written statement with the City Clerk within 10 calendar days after such employment commences. This statement must set forth the name of the individual employed, the date the individual was first employed by the lobbying entity, and the individual's position, title, and department in the City.

Example: *Jackie is a Department Director (a "City Official" under the Lobbying Ordinance). A local utility company that has registered as an Organization Lobbyist hires Jackie's husband. Within 10 days of the husband starting work, the utility company must send a letter or memo to the City Clerk advising the City of the hiring.*

TRAVEL EXPENSES, HONORARIA, AND LOANS UNDER THE ETHICS ORDINANCE

In addition to the Lobbying Ordinance, the City's Ethics Ordinance contains several provisions applicable to lobbyists. In particular, the Ethics Ordinance makes it unlawful for a lobbyist to offer to pay travel expenses for any City Official or City employee who files a Statement of Economic Interests (FPPC Form 700).

In addition, the Ethics Ordinance makes it unlawful for a lobbyist to give an honorarium to any City Official or City employee who files a Statement of Economic Interests (FPPC Form 700).

Finally, the Ethics Ordinance makes it unlawful for a "High Level Filer" (which includes elected officials and other high-ranking officials) to accept a loan from a lobbyist that exceeds $250 at any given time.

AUTHORITY

The following San Diego Municipal Code sections provide authority for the preceding information in this chapter:

27.4023	Obligations of Individual Lobbyists
27.4024	Employment of City Officials by Lobbying Entity
27.3520	Restrictions on Benefits to Filers

Chapter 12
Recordkeeping

The Lobbying Ordinance requires Lobbying Firms, Organization Lobbyists, and Expenditure Lobbyists to retain for a period of five years all documentation necessary to substantiate their required disclosures. In other words, each lobbying entity must keep records pertaining to the identity of its clients, if any; the decisions it has sought to influence; the outcome sought; the names of the individual lobbyists in the firm or organization; the identify of the City Officials lobbied; the amounts spent on expenditure lobbying; as well as other information concerning campaign-related activities and City contracts.

Organization Lobbyists are encouraged to implement a tracking system to monitor the lobbying contacts made by its owners, officers, and employees (it is assumed that Lobbying Firms typically have such systems in place for billing purposes). A simple chart or table, broken down by quarter, with spaces for dates; City Official/department lobbied; person lobbying; and municipal decision at issue can help an Organization Lobbyist track most of the information that is required on a quarterly report.

Entities that have occasional lobbying contacts, but have not yet reached the 10-contacts threshold, should also keep track of their lobbying efforts. Even though such entities may never reach the registration threshold, the implementation of a tracking system will alert the entity when it is close to reaching the threshold. And if it does reach the threshold, it will be better prepared to complete the required disclosure reports.

AUTHORITY

The following San Diego Municipal Code section provides authority for the preceding information in this chapter:

27.4019 Retention of Records

Chapter 13
Definitions

GENERAL DEFINITIONS

The following definitions provide guidance concerning some of the terms used in the Lobbying Ordinance. Please refer to the Ordinance itself for the full definitions.

Activity Expense

This term refers to any payment made to, or on behalf of, any City Official or any member of a City Official's immediate family, by a lobbyist, lobbying firm, or organization lobbyist. Activity expenses include gifts, meals, consulting fees, salaries, and any other form of compensation to a City Official or a City Official's immediate family. This term does not include campaign contributions.

City Official

For purposes of the Lobbying Ordinance, the term "City Official" refers to City officers and employees who hold one the following positions:

Mayor
City Attorney
City Councilmember
Council staff member
Council Committee Consultant
Council Representative
Assistant City Attorney
Deputy City Attorney
General Counsel
Chief
Assistant Chief
Deputy Chief
Assistant Deputy Chief
City Manager
Assistant City Manager
Deputy City Manager
Management Assistant to City Manager
Treasurer
Auditor
Comptroller
Independent Budget Analyst
Budget/Legislative Analyst
Financial Operations Manager
City Clerk
Labor Relations Manager
Retirement Administrator
Director
Assistant Director
Deputy Director
Assistant Deputy Director
Chief Executive Officer
Chief Operating Officer
Chief Financial Officer
President
Vice-President

"City Officials" include individuals holding the above positions with any of the City's agencies:

Civic San Diego
San Diego Convention Center Corporation
San Diego Data Processing
San Diego Housing Commission

The term "City Official" also means any member of a "City Board." This includes all of the members of City boards and commissions (e.g., Planning Commission, Civil Service Commission, Historical Resources Board, CCDC Board, Retirement Board) who file Statements of Economic Interests (FPPC Form 700). A list of these boards is posted on the Ethics Commission's website.

The term "City Officials" does not include candidates for elective City office (unless they are otherwise holding one of the above-listed positions).

Client

A client is any person who provides compensation to a lobbying firm for the purpose of influencing a municipal decision. It also means any person on whose behalf lobbying activities are performed by a lobbying firm (even without compensation, or pursuant to a contingency fee agreement).

Contact

Contact means the act of engaging in a direct communication with a City Official for the purpose of influencing a municipal decision. See Chapter 8 for a discussion of what is, and is not, a "contact."

Contribution

A contribution is any monetary or non-monetary payment made to support or oppose a candidate or a ballot measure. A candidate includes any elected City officer, even if that person is not running for re-election or is running for office in a difference jurisdiction. A contribution includes a payment made for a candidate's or officeholder's legal defense fund committee.

Direct Communication

This means (a) talking to one the telephone or in person, or (b) corresponding through letter, e-mail, or facsimile, or any other electronic means.

Fundraising Activity

This term means soliciting, or directing others to solicit, campaign 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 or to a candidate's controlled committee, or (b) identifying oneself to a candidate or a candidate's controlled committee as having any degree of responsibility for $2,000 or more in contributions received as a result of that solicitation. Note that prior to January 1, 2009, the reporting threshold for fundraising activities was $1,000. See Chapter 10 for more information regarding this term.

Gift

A gift is any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public.

Gifts are subject to the exceptions set forth in Municipal Code section 27.3525. Gifts do not include a ticket, invitation, or other admission privilege to an event held for a non-profit entity.

Influencing a Municipal Decision

This term 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.

Lobbying

Lobbying means direct communication with a City Official for the purpose of influencing a municipal decision on behalf of any other person.

Lobbying Activities

This term refers to the following and similar activities that are related to an attempt to influence a municipal decision:

(a) lobbying;

(b) monitoring municipal decisions;

(c) preparing testimony and presentations;

(d) engaging in research, investigation, and fact-gathering;

(e) attending hearings;

(f) communicating with clients;

(g) waiting to meet with City Officials; and

(h) communications with lower level City employees that don't meet the definition of a lobbying "contact."

When a Lobbying Firm is determining how much compensation to report on a Quarterly Disclosure Report, it will include all of the payments it earned for the activities related to lobbying contacts, not just the payments it earned for the actual contacts.

The term "lobbying activities" is relevant only with regard to a Lobbying Firm's reportable compensation; the term has no relevance to an Organization Lobbyist.

Lobbyist

A lobbyist is any individual who engages in lobbying on behalf of a client or and any individual owner, compensated officer, or employee who engages in lobbying on behalf of an Organization Lobbyist. A lobbyist also includes any individual owner, compensated officer, or employee who has been designated on a Lobbying Firm's or Organization Lobbyist's registration form as being expected or authorized to lobby. In other words, everyone listed on Schedule A of a Lobbying Firm's or Organization Lobbyist's Registration Form is a "lobbyist."

Municipal Decision

This term means any ordinance or resolution; any report by a City Official to the City Council, a City Council Committee, or the Mayor; any contract; quasi-judicial decisions (including land development permits, maps, Process 2 through 5 land development matters, other types of permits and licenses, and debarment decisions); and any other decision by the City Council or a decisionmaking City commission, board, or committee. For a list of the City's decisionmaking commissions, boards, and committees, check the list of these bodies posted on the Ethics Commission's website.

If a decision is not a "municipal decision," it is not subject to the Lobbying Ordinance. For example, if the owner of a restaurant calls his Councilmember every day for a month demanding that the City fill the potholes on the street in front of the restaurant, he or she is not calling regarding a ""municipal decision."

Officer

Although not defined in the Lobbying Ordinance, this term is intended to refer to the compensated decision-making individuals at the top of an entity's organizational structure. It includes a CEO, CFO, COO, Executive Director, President, and similar high-ranking positions.

Other positions commonly associated with "officer" status, such as a vice president, will also be treated as an "officer" under the Lobbying Ordinance unless the position is officially excluded from "officer" status by way of the firm's bylaws, SEC filings, or other official documentation.

Public Hearing

This term is limited to meetings that are conducted pursuant to the open meeting laws contained in the state's Ralph M. Brown Act. Just because a meeting is open to the public does not make it a "public hearing." Examples of a "public hearing" include meetings of the City Council, meetings of Council committees (e.g., Rules Committee, Land Use & Housing Committee), and meetings of the Planning Commission.

Appendix 1

Fact Sheets regarding various provisions of the City's Lobbying Ordinance

These documents are available on the Ethics Commission's website:
www.sandiego.gov/ethics/sheets/index.shtml

Appendix 2

Lobbying Ordinance
(San Diego Municipal Code section 27.4001, *et seq.*)

The Lobbying Ordinance is available on the City of San Diego website:

http://docs.sandiego.gov/municode/MuniCodeChapter02/Ch02Art07Division40.pdf