



Overview of the New Lobbying Ordinance

Registration Threshold – Contract Lobbyists

- Under the new law, lobbying firms (firms that employ contract lobbyists) are required to register if they earn \$1 for lobbying.
- If someone else pays your company to lobby on a particular issue, your company is considered a lobbying firm.
- A lobbying firm must also have at least one contact with a high-level City Official that is outside of a public meeting or not part of the public record.
- The \$1 threshold includes contingency fee agreements.



Registration Threshold – Organization Lobbyists

Organization lobbyists (companies that employ one or more in-house lobbyists) are required to register if their paid employees have an aggregate total of 10 or more lobbying contacts with high-level City Officials within 60 consecutive calendar days.

The ordinance identifies 32 high-level “City Official” positions. There may be a difference between official titles and working titles.



Any type of entity (other than a government agency) may qualify as an organization lobbyist, including charitable, non-profit, and labor organizations.

Only contacts made for the purpose of influencing a municipal decision will count toward the threshold. Purely social contacts are exempt. Note, however, that lobbying can and does take place at social events.

Definition of “Contact”

A “contact” is a direct communication with a City Official for the purpose of influencing a municipal decision. It can be in the form of a meeting, telephone call, letter, fax, or email.

If you send the same letter, fax, or email to each of the eight Councilmembers, it is considered only one “contact.”

If you have a meeting with a Councilmember and a member of his/her immediate staff, it is considered only one “contact.”

If you have a meeting with a Councilmember and you discuss two municipal decisions, it is considered two “contacts.”

Only organization lobbyists need to keep track of the number of their contacts. (Lobbying firms and organization lobbyists both need to keep track of the names of the City Officials they are lobbying.)



Registration Threshold – Expenditure Lobbyists

The new laws include a third category: expenditure lobbyists (persons or entities that spend money on indirect lobbying efforts such as public outreach, advertising, etc.).

If an individual or entity spends \$5,000 or more in a calendar quarter on efforts designed to indirectly influence a municipal decision, that individual or entity must file a Quarterly Disclosure Report as an expenditure lobbyist.



Expenditure lobbyists do not file Registration Forms.

Payments for communications to an organization's members do not count toward the \$5,000 threshold.

Exceptions

The City's lobbying laws do not apply to:

Lobbying by public officials (e.g., employees of the County, the Unified Port of San Diego, the City of Chula Vista, CCDC, etc.);

Speaking at public meetings, or sending letters that become part of the public record (i.e., the City Clerk's docket files);

Communications with City employees who are not "City Officials" under the ordinance (e.g., plan checkers, engineers, program managers, etc.);

Communications between attorneys concerning pending litigation or administrative enforcement actions;

Communications concerning collective bargaining agreements and memorandums of understanding between the City and an employee union; or,

Bidding on contracts via the competitive bid process if the communications do not extend beyond established bid procedures.



Registration Forms

The old laws required individuals to register as lobbyists. The new laws instead require registration by lobbying firms and organization lobbyists. Consult the City Clerk for information regarding the amount of the registration fee.



Under the old law, any new information (e.g., a new client) had to be disclosed on the next quarterly disclosure report. The new laws require an amendment to the Registration Form to be filed within 10 calendar days.

In addition to identifying the municipal decisions to be influenced, lobbying firms and organization lobbyists are now required to indicate the outcome sought.

Lobbying firms are required to identify all of their clients, including individual members of a coalition or membership organization who pay \$1,000 or more to the firm for lobbying.

Registration Forms (cont.)

Lobbying firms and organization lobbyists are required to disclose if, during the past two years (but not prior to January 1, 2007), any of their owners, officers, or lobbyists:

- ✓ fundraised \$1,000 or more in campaign contributions for current elected officials;
- ✓ provided compensated campaign-related services to a current elected official; or
- ✓ provided compensated services under a contract with the City (including employment by the City).



These disclosures will consist of limited information and will not include dates or specific amounts raised or earned.

These disclosure provisions do not apply to uncompensated officers of organization lobbyists, unless those officers are also “lobbyists.”

Quarterly Disclosure Reports

The new laws require lobbying firms and organization lobbyists to disclose the following information with regard to each municipal decision on which they lobbied:

- ✓ a description of the decision and the outcome sought;
- ✓ the name and department of the high-level City Official lobbied; and,
- ✓ the name of each owner, officer, or employee who engaged in lobbying.

In addition:

- ✓ lobbying firms must disclose the amount of compensation they became entitled to receive for lobbying (rounded to the nearest \$1,000); and,
- ✓ organization lobbyists must disclose the number of their lobbying contacts.



Quarterly Disclosure Reports (cont.)

Because organization lobbyists will disclose the number of their lobbying contacts, they must keep track of all such contacts with City Officials, including the contacts made by their uncompensated officers.

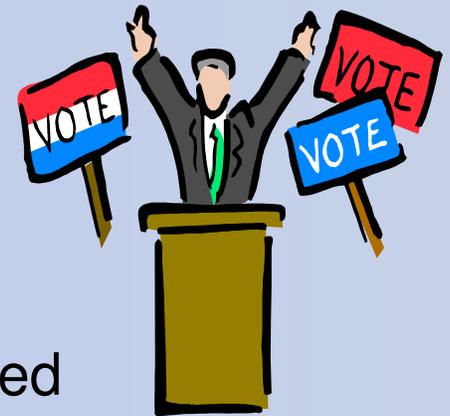
Although contacts by uncompensated officers do not count toward the “10 contact” registration threshold, they are still “contacts” that must be disclosed on the quarterly disclosure report.



Quarterly Disclosure Reports (cont.)

Lobbying firms and organization lobbyists are required to disclose whether any of their owners, officers, or lobbyists engaged in the following activities during the reporting period:

- ✓ making campaign contributions of \$100 or more;
- ✓ fundraising \$1,000 or more for any candidate or candidate-controlled ballot measure committee;
- ✓ providing compensated campaign-related services to a candidate or candidate-controlled ballot measure committee; or,
- ✓ providing compensated services under a City contract.

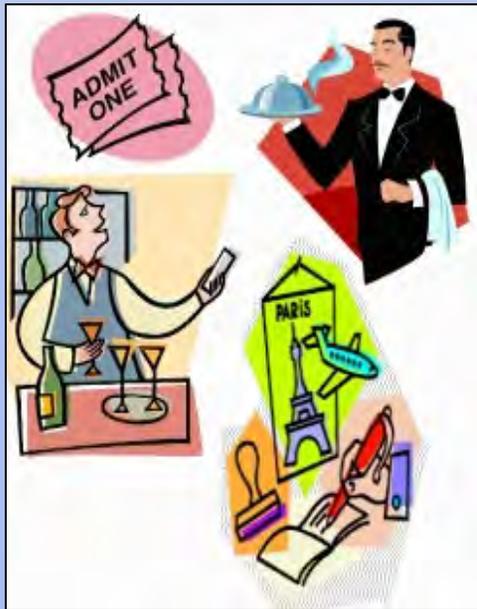


These disclosure provisions do not apply to uncompensated officers of organization lobbyists, unless those officers are also “lobbyists.”

Gifts from Lobbyists

Gifts from lobbying firms and organization lobbyists (including gifts from one or more of their lobbyists) to City Officials are limited to a total of \$10 in a calendar month.

The limit includes gifts delivered by a lobbyist (acting as an intermediary).



Exemptions in the gift laws contained in the Ethics Ordinance will apply (e.g., gifts from family members, tickets to 501(c)(3) fundraisers, etc.).

In addition, tickets to any events for non-profit organizations are exempt (although they will be disclosed as gifts by the City Officials who receive them if required under the Ethics Ordinance).

Additional Information

Visit the Ethics Commission website at www.sandiego.gov/ethics to view the Lobbying Ordinance, relevant Fact Sheets, FAQs, Registration Forms, and Quarterly Disclosure Reports.



To receive updates and notices regarding the Lobbying Ordinance (e.g., new fact sheets, upcoming training sessions, changes in the law), visit our website and add your email address to the Lobbying “Interested Persons” email list.

Contact the Ethics Commission staff at ethicscommission@sandiego.gov or (619) 533-3476 with any questions.