

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.4002, 27.4007, 27.4009, 27.4010, AND 27.4017, ALL RELATING TO THE CITY OF SAN DIEGO MUNICIPAL LOBBYING ORDINANCE

§27.4002 Definitions

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

Activity Expense 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*, but do not include ~~campaign contributions~~ contributions.

Agent to Candidate [No change in text.]

Chairperson means the compensated individual holding the highest position of authority on an organization's board of directors. A *chairperson* includes an individual occupying that position in an acting or temporary capacity.

City to City Official [No change in text.]

Client means any *person* who provides *compensation* to a *lobbying firm* for the purpose of *influencing a municipal decision*, and any *person* on whose behalf *lobbying activities* ~~are~~ is performed by a *lobbying firm*.

- (a) *Client* includes any *person* that retains a *lobbying firm* to engage in *lobbying activities* pursuant to a contingency agreement.
- (b) If a coalition or membership organization is a *client*, a member of that coalition or organization is not also a *client* unless that member 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*. For purposes of this subsection, if a member is an individual, payments by that individual's *immediate family* are attributable to that individual member.

Compensation to Contact [No change in text.]

Contribution has the same meaning as that term is used in Municipal Code section 27.2903, and includes a *payment* made to a professional expense committee under Municipal Code section 27.2965.

Direct communication to Expenditure lobbyist [No change in text.]

Fundraising activity means soliciting, or directing others to solicit, ~~campaign contributions~~ *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~~ *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~~ *contributions* received as a result of that solicitation.

Gift to Lobbying [No change in text.]

Lobbying activities means 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; ~~and~~ (g) waiting to meet with *City Officials*; and (h) communications with *City employees who are not City Officials*.

Lobbying entity [No change in text.]

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind *compensation* to engage in *lobbying activities* on behalf of any other person, and that has at least one *direct communication* with a *City Official* for the purpose of influencing a municipal decision. A *lobbying firm* includes any entity that engages in *lobbying activities* on behalf of another person pursuant to a contingency fee agreement. Officers of a *lobbying firm* include those individuals charged by the firm with certain powers and duties as designated by the firm, its bylaws or articles of incorporation.

Lobbyist means any individual who engages in *lobbying activities* on behalf of a *client* ~~or~~ and any individual owner, compensated officer, *chairperson*, or employee who engages in lobbying on behalf of an organization lobbyist. *Lobbyist* also means any individual owner, compensated officer, *chairperson*, or employee who has been designated on a *lobbying firm's* or *organization lobbyist's* registration form as being expected or authorized to lobby.

Ministerial action to Municipal decision [No change in text.]

Organization lobbyist means any business or organization, including any non-profit entity, that provides *compensation* to one or more employees for the purpose of *lobbying* on

behalf of the business or organization and who have a total of 10 or more separate *contacts* with one or more *City Officials* for that purpose within 60 consecutive calendar days. An employee of any parent or subsidiary of the business or organization is considered an employee of that entity. “Employees” of an *organization lobbyist* include the owners, *chairpersons, compensated officers, and employees of the business or organization.*

Officers of an *organization lobbyist* include those individuals charged by the organization with certain powers and duties as designated by the organization, its bylaws or articles of incorporation.

Payment to Travel expenses [No change in text.]

§27.4007 Registration Required

(a) through (c) [No change in text.]

(d) An entity that registers as a *lobbying firm* or *organization lobbyist* retains that status through January 5 of the following calendar year unless and until it terminates that status in accordance with section 27.4022. ~~An entity that continues to qualify as a *lobbying firm* or *organization lobbyist* on January 5 shall renew that registration on or before January 15 of each year.~~

(e) An entity that re-qualifies as a *lobbying firm* or *organization lobbyist* on January 5 shall renew its registration on or before January 15. An entity that re-qualifies as a *lobbying firm* or *organization lobbyist* after January 5 shall renew that registration within 10 calendar days after re-qualifying as a *lobbying firm* or *organization lobbyist*.

(f) For purposes of renewing an *organization lobbyist's* registration, an entity with one or more *contacts* in the current calendar year shall count all *contacts* made during the previous 60 days, regardless of calendar year. However, an entity is not required to renew its registration as an *organization lobbyist* if all its *contacts* within the previous

60 days took place during the prior calendar year and were reported on a quarterly disclosure report.

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:
- (1) through (2) [No change in text]
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. ~~Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.~~
 - (4) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. ~~Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report campaign-related services that were rendered prior to January 1, 2007.~~
 - (5) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. ~~Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report compensated services provided prior to January 1, 2007.~~

- (6) for each *client* for whom the *lobbying firm* ~~engages in lobbying activities~~ has had at least one lobbying contact:
- (A) the *client's* name, business or mailing address, and telephone number; in addition, if the *client* is a coalition or membership organization, include the name, business or mailing address, and telephone number of each member who also qualifies as a *client* under section 27.4002.
 - (B) a specific description of each *client* in sufficient detail to inform the public of the nature and purpose of the *client's* business; and,
 - (C) the specific *municipal decision(s)* for which the *lobbying firm* was retained to ~~represent~~ engage in lobbying for the client, or a description of the type(s) of *municipal decision(s)* for which the *lobbying firm* was retained to ~~represent~~ engage in lobbying for the client, and the outcome(s) sought by the *client*;

(7) through (9) [No change in text.]

- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:

(1) through (2) [No change in text.]

- (3) the name of each owner, compensated officer, chairperson, and employee of the *organization lobbyist* who is authorized to *lobby City Officials* on behalf of the *organization lobbyist*.
- (4) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, compensated officers, chairperson, or employees during the 60 calendar days preceding the filing date, even if such contacts were made prior to January 1.

- (5) a description of each ~~municipal decision the organization lobbyist has sought to influence during the 60 calendar days preceding the filing date; and the outcome sought by the organization lobbyist.~~ and the outcome sought for each *municipal decision* that the *organization lobbyist*:
- (A) is currently seeking to influence; and
- (B) lobbied on during the 60 calendar days preceding the filing date, even if such lobbying took place prior to January 1.
- (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. ~~Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.~~
- (7) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. ~~Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report campaign related services that were rendered prior to January 1, 2007.~~
- (8) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. ~~Notwithstanding the requirements of this subsection, *organization*~~

~~lobbyists have no obligation to report compensated services provided prior to January 1, 2007.~~

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

§27.4010 Registration Fees

- (a) [No change in text.]
- (b) At the time an *organization lobbyist* registers pursuant to section 27.4007, the *organization lobbyist* shall pay an annual *organization lobbyist* registration fee.
 - (1) [No change in text.]
 - (2) An *organization lobbyist* shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in *lobbying activities*.
- (c) [No change in text.]

§27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:
 - (1) [No change in text.]
 - (2) the name, business or mailing address, and telephone number of each *client* ~~represented~~ registered by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:
 - (A) the total compensation that the *lobbying firm* became entitled to receive from that *client* during the reporting period for *lobbying activities* related

to lobbying contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The lobbying firm shall also state whether it lobbied on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the client.

~~(A)~~(B) the specific *municipal decision(s)* for which the *lobbying firm* ~~represented~~ lobbied on behalf of the client during the reporting period, and the outcome(s) sought by the *client*;

~~(B)~~(C) the name and department of each *City Official* who was subject to *lobbying* by the *lobbying firm* with regard to that specific *municipal decision*;

~~(C)~~(D) the name of each *lobbyist* employed by the *lobbying firm* who engaged in *lobbying activities* with regard to that specific *municipal decision*; and,

~~(D)~~ the total *compensation* that the *lobbying firm* became entitled to receive for engaging in *lobbying activities* during the reporting period on behalf of that *client*. Such *compensation* shall be disclosed to the nearest thousand dollars.

(E) if the lobbying firm did not engage in any lobbying for the client during the reporting period, a statement to that effect shall be made instead of providing the information required by subsections (a)(2)(B) through (a)(2)(D).

(3) [No change in text.]

(4) an itemization of any ~~campaign contributions~~ contributions of totaling \$100 or more made by owners, officers, or *lobbyists* of the *lobbying firm* to a *candidate* or a *candidate-controlled* committee during the reporting period, including the

date and amount of the ~~contribution~~ contributions and the name of the *candidate* supported.

- (5) an itemization of any ~~campaign contributions~~ contributions of totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the ~~contribution~~ contributions, and the name of the ballot measure committee.
- (6) for each ~~instance of fundraising activity~~ fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in fundraising activities during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided ~~compensated~~ campaign-related services to a *candidate* or a *candidate-*

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

- (A) the name of the owner, officer, or *lobbyist* who provided the services;
- (B) the *candidate's* name, and the office sought by that *candidate*;
- (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
- (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
- (E) a description of the services provided.

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

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

(1) [No change in text.]

(2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying activities* during the reporting period:

- (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
- (B) the name and department of each *City Official* who was subject to *lobbying* by the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
- (C) the name of each owner, compensated officer, chairperson, or employee of the *organization lobbyist* who engaged in *lobbying activities* on behalf of the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,

- (D) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, compensated officers, chairperson, or employees with regard to that specific *municipal decision* during the reporting period.
- (3) [No change in text.]
- (4) an itemization of any ~~campaign contributions~~ contributions of totaling \$100 or more made by owners, compensated officers, or *lobbyists* of the *organization lobbyist* to a *candidate* or a *candidate*-controlled committee during the reporting period, including the date and amount of the ~~contribution~~ contributions and the name of the *candidate* supported.
- (5) an itemization of any ~~campaign contributions~~ contributions of totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the date and amount of the ~~contribution~~ contributions and the name of the ballot measure committee.
- (6) for each ~~instance of fundraising activity~~ fundraising effort by an ~~owner, compensated officer, or lobbyist~~ any of the *organization lobbyist* lobbyist's owners, compensated officers, or lobbyists who engaged in fundraising activities during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
- (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
- (C) a description of the ballot measure, if any;

- (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all ~~contributions~~ contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all ~~contributions~~ contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.
- (7) for each ~~owner, compensated officer, and lobbyist of the organization lobbyist of the organization lobbyist's owners, compensated officers, and lobbyists~~ who personally provided ~~compensated~~ campaign-related services to a *candidate* or a *candidate-controlled* committee during the reporting period in exchange for compensation or pursuant to a contingency fee agreement:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the *candidate's* name, and the office sought by that *candidate*;
 - (C) the name of the *candidate-controlled* ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate-controlled* committee; and,
 - (E) a description of the services provided.
- (8) for each ~~owner, compensated officer, and lobbyist of the organization lobbyist of the organization lobbyist's owners, compensated officers, and lobbyists~~ who personally provided compensated services under a contract with the *City* during the reporting period:

- (A) the name of the owner, officer, or *lobbyist* who provided the services;
- (B) the name of the department, agency, or board for which the services were provided;
- (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
- (D) a description of the services provided.

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

(c) [No change in text.]

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